

Michigan Constitutional Convention of 1961

Committee Proposal 15–16

Const 1963, Art 1, § 17

Relevant Material From the Constitutional Convention Record

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First Reading	pp. 448, 464-471, 545-553, 556, 687-688, 955
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Draft Constitution (Art 1, § 17)	pp. 3047-3075 (p. 3048)
Third Reading, Article-by-Article	pp. 3097-3098
Draft Constitution (Art 1, § 17)	pp. 3215-3237 (p. 3216)
Third Reading, Full Constitution	pp. 3300-3301
Adopted Constitution (Art 1, § 17)	pp. 3319-3353 (p. 3320)
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Overview of the Constitutional Convention Process

Provisions generally began as Committee Proposals and were then brought to the convention floor for first reading. The majority of debate on the substance of provisions occurred during the first and second readings. There were two third readings; the first on an article-by-article basis and the second reviewing the Constitution as a whole. Following the third readings the entire Constitution was voted on by the delegates. The delegates then created the Notice of Address to the People, summarizing the Constitution on a provision-by-provision basis, which was distributed so that the people could be informed when making their ratification votes.

The convention used ALL CAPS to denote added material and [brackets] to denote removed material.

State of Michigan
CONSTITUTIONAL CONVENTION
1961 - 1962
OFFICIAL RECORD



FRED I. CHASE
Secretary of the Convention

AUSTIN C. KNAPP
Editor
LYNN M. NETHAWAY
Associate Editor

TABLE III—ARTICLES AND SECTIONS OF 1963 CONSTITUTION TO 1908 CONSTITUTION WITH COMMITTEE PROPOSAL REFERENCE

The Committee Proposal number and section are as re-referred to the committee on style and drafting.

* Created by the committee on style and drafting.

1963		1908		Committee Proposal	1963		1908		Committee Proposal	1963		1908		Committee Proposal
Preamble		Preamble		14	Art.	Sec.	Art.	Sec.		Art.	Sec.	Art.	Sec.	
Art.	Sec.	Art.	Sec.											
I	1	II	1	15-1	IV	24	V	21	121	VI	11	VII	8	93a
I	2	none		26	IV	25	V	22	105	VI	12	VII	9,23	93b
I	3	II	2	15-2	IV	26	V	21	121	VI	13	VII	10	93c
I	4	II	3	15-3	IV	27	V	22	105	VI	14	VII	11	93d
I	5	II	4	15-4	IV	28	V	23	104	VI	15	VII	13	94a
I	6	II	5	15-5	IV	29	V	21	121	VI	16	VII	14,23	94b
I	7	II	6	15-6	IV	30	V	22	105	VI	17	none		96a ¹
I	8	II	7	15-7	IV	31	none		41	VI	18	VII	12	96g
I	9	II	8	15-8	IV	32	X	6	46b	VI	19	VII	17	96a
I	10	II	9	15-9	IV	33	V	36	53	VI	20	VII	19	96b
I	11	II	10	15-10	IV	34	V	38	70	VI	21	VII	9	96c
I	12	II	11	15-11	IV	35	V	39	113	VI	22	none		96l
I	13	II	12	15-12	IV	36	V	40	24	VI	23	VII	20	96d
I	14	II	13	15-13	IV	37	none		108	VI	24	VII	23	96e
I	15	II	14	15-14	IV	38	XVI	5	123	VI	25	IX	6	96h
I	16	II	15	15-15	IV	39	XVI	5	122	VI	26	VII	15,16, 21	96i
I	17	II	16	15-16	IV	40	XVI	11	122	VI	27	VII	6,11	96n
I	18	II	17	15-17	IV	41	V	33	27	VI	28	none		95
I	19	II	18	15-18	IV	42	VIII	30	100	VI	29	VII	18	96o
I	20	II	19	15-19	IV	43	XII	9	87					
I	21	II	20	15-20	IV	44	V	27	5	VII	1	VIII	1	81a
I	22	II	21	15-21	IV	45	V	28	99	VII	2	none		89
I	23	none		15-1	IV	46	none		106	VII	3	VIII	2	81b
II	1	III	1,2,3	58a	IV	47	V	26	111	VII	4	VIII	3	81c
II	2	none		58b	IV	48	XVI	7	109	VII	5	VIII	4	81d
II	3	none		58c	IV	49	V	29	110	VII	6	VIII	5	81e
II	4	III	1,8	58d	IV	50	none		127	VII	7	VIII	7	81f
II	5	V	12	58e	IV	51	none		126	VII	8	VIII	8	81g
		VI	1		IV	52	none		125	VII	9	VIII	9	81h
		VII	2,9,14		IV	53	VI	1	78	VII	10	VIII	13	81j
		VIII	3,18							VII	11	VIII	12	81i
		XI	2,3,6, 7, 16							VII	12	VIII	14	81k
II	6	III	4	58f	V	1	VI	2	2	VII	13	none		81n
II	7	III	9	58h	V	2	none		71b	VII	14	VIII	15	81l
II	8	III	8	58g	V	3	none		71b	VII	15	none		85c
II	9(12*)	V	1	118b	V	4	none		71b	VII	16	VIII	26	86a
					V	5	none		71b	VII	17	VIII	16	82a
					V	6	none		71g	VII	18	VIII	17,18	82b,c
III	1	I	2	10	V	7	VI	10	71e	VII	19	VIII	19	82e
III	2	IV	1,2	21	V	8	VI	3	71d	VII	20	none		82d
III	3	VI	11,12	18	V	9	VI	1	71c	VII	21	VIII	20	83a
III	4	XV	1,2,3	19	V	10	IX	7	71g	VII	22	VIII	21	83b
III	5	none		128	V	11	IX	5	71f	VII	23	VIII	22	83c
III	6	X	14	101	V	12	VI	4	3	VII	24	VIII	23	83e
III	7	S	1	44a	V	13	VI	6	7	VII	25	VIII	25	83f
III	8	none		96k	V	14	VI	9	16	VII	26	VIII	25	83d
IV	1	V	1	118a	V	15	VI	7	8	VII	27	VIII	31	88a
IV	2	V	2	80a	V	16	VI	8	9	VII	28	VIII	31	88b
IV	3	V	3	80b	V	17	VI	5	4	VII	29	VIII	28	85a
IV	4	none		80c	V	18	none		46a	VII	30	VIII	29	85b
IV	5*	none			V	19	V	37	46c	VII	31	VIII	27	86b
IV	6	V	4	79	V	20	none		46d	VII	32	none		57
IV	7	V	5	32	V	21(13*)	VI	1	71a	VII	33	IX	8	42e
IV	8	V	6	112	V	22	VI	13	17	VII	34	none		84
IV	9	V	7	120	V	23	VI	21	75					
IV	10	V	7	115	V	24	none		77	VIII	1	XI	1	1
IV	11	V	25	33	V	25	VI	19	71b	VIII	2	XI	9	30
IV	12	V	9,10	28	V	26	VI	16,17	59,60	VIII	3	XI	2,6	47
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IV	15	none		102c	V	29	none		71i-71A					
IV	16	V	15	102a	VI	1	VII	1	90	VIII	6	none		98c
IV	17	none		102b	VI	2	VII	2,23	91a	VIII	7	none		98d
IV	18	V	16	114	VI	3	VII	2	91b	VIII	8	XI	15	13
IV	19	V	17	117	VI	4	VII	4	91c	VIII	9	XI	14	31
IV	20	V	18	103	VI	5	VII	5	91d					
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IV	23	V	20	29	VI	8	none		92a	IX	3	X	3,4,7,8	51
					VI	9	none		92b	IX	4	none		51
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Dec. 19, reported by legislative powers; referred to committee of the whole	408
Jan. 3, considered, passed by committee of the whole	433-434
Jan. 3, reported by committee of the whole without amendment; referred to style and drafting	446
Mar. 12, reported by style and drafting (Report 31); placed on order of second reading	1568
Apr. 24, read second time; passed; rereferred to style and drafting	2739-2740
9. A proposal to provide that the governor may convene the legislature at other places when the seat of government becomes dangerous. Amends article VI, section 8.	
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Dec. 7, reported by executive branch; referred to committee of the whole	356
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Dec. 11, reported by committee of the whole without amendment; referred to style and drafting	378
Mar. 12, reported by style and drafting (Report 32); placed on order of second reading	1568
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10. A proposal to amend article I, section 2, of the present constitution pertaining to the seat of government at Lansing.	
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As referred to style and drafting	416
As reported by style and drafting	2995
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Dec. 14, reported by miscellaneous provisions and schedule; referred to committee of the whole ...	394
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Dec. 21, read first time; considered, passed by committee of the whole	416
Dec. 21, reported by committee of the whole without amendment; referred to style and drafting	431
Mar. 1, reported by style and drafting (Report 7); placed on order of second reading	1373
Apr. 30, read second time; passed; rereferred to style and drafting	2995
11. A proposal to provide for care and control of state funds, accounting for public moneys, audits, and publication of reports, and covering the general subject matter found in sections 15, 16, 17, 18 and 13 of article X of the 1908 constitution.	
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Dec. 18, reported by finance and taxation; referred to committee of the whole	404
Dec. 21, read first time; considered, amended by committee of the whole	416-430
Dec. 21, reported by committee of the whole; rereferred, with amendments, to finance and taxation	431
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12. A proposal pertaining to exemptions as a substitute for all of article XIV.	
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As reported by style and drafting	2973
As rereferred to style and drafting	2973
Dec. 21, reported by legislative powers; referred to committee of the whole	413
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14. A proposal pertaining to the preamble to the constitution.	
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Jan. 15, section 4 considered, amended, passed; further consideration postponed to Jan. 18 by committee of the whole	576-579
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Jan. 22, reported by committee of the whole with 4 amendments; amendments concurred in; referred to style and drafting	674-688
Feb. 12, reported by style and drafting (Report 4); placed on order of second reading	955

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Apr. 26, read second time; amended, passed; re-referred to style and drafting	2852-2887	A proposal to provide that no law shall be enacted providing for the penalty of death. Amends article V by adding a new section.	
Apr. 27, reconsidered vote on passage; reconsidered vote on amendment, amendment not adopted; passed; rereferred to style and drafting	2918-2925	For text as offered and reasons	595
16. A proposal to permit the governor to grant reprieves, commutations and pardons and to delegate this power according to law. Amends article VI, section 9.		As referred to style and drafting	595
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Jan. 10, reported by executive branch; referred to committee of the whole	505	Jan. 16, reported by committee of the whole without amendment; referred to style and drafting	611
Jan. 15, read first time; considered, amended, passed by committee of the whole	579-588	Mar. 1, reported by style and drafting (Report 10); placed on order of second reading	1373
Jan. 15, reported by committee of the whole with 1 amendment; amendment concurred in; referred to style and drafting	588	Apr. 30, read second time; passed; rereferred to style and drafting	2968
Mar. 5, reported by style and drafting (Report 19); placed on order of second reading	1429	21. A proposal pertaining to the division of the powers of government. Amends article IV.	
Apr. 24, read second time; passed; rereferred to style and drafting	2740-2741	For text as offered and reasons	600
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Jan. 10, reported by executive branch; referred to committee of the whole	505	Jan. 16, reported by committee of the whole without amendment; referred to style and drafting	611
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Jan. 16, reported by committee of the whole with 1 amendment; amendment concurred in; referred to style and drafting	611	Apr. 30, read second time; passed; rereferred to style and drafting	2995-2996
Mar. 5, reported by style and drafting (Report 20); placed on order of second reading	1429	22. A proposal pertaining to state civil service. Amends article VI, section 22.	
Apr. 24, read second time; amended, passed; rereferred to style and drafting	2741-2743	For text as offered and reasons	637
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For text as offered and reasons	593	As referred to style and drafting	715
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Jan. 16, reported by committee of the whole without amendment; referred to style and drafting	611	Jan. 19, considered, amended by committee of the whole	658-670
Mar. 1, reported by style and drafting (Report 9); placed on order of second reading	1373	Jan. 29, considered, amended, passed by committee of the whole	701-707
Apr. 24, read second time; passed; rereferred to style and drafting	2741	Jan. 29, reported by committee of the whole with 5 amendments; amendments concurred in; referred to style and drafting	713-715
19. A proposal to provide for a state militia. A substitute for all of article XV.		Mar. 22, reported by style and drafting (Report 38); placed on order of second reading	1815
For text as offered and reasons	593	Apr. 25, read second time; amended, passed; rereferred to style and drafting	2780-2796
As referred to style and drafting	593	Apr. 26, motion to reconsider vote on passage; motion postponed	2899-2900
As reported by style and drafting	2996	Apr. 27, motion to reconsider vote on passage defeated	2909-2911
As rereferred to style and drafting	2996	23. A proposal to prohibit the issuance of evidences of state indebtedness, except as authorized by the constitution, to authorize state borrowing and prescribe the method therefor, to limit the use of state credit and to permit the loaning of state funds to school districts under certain conditions, and covering the general subject matter found in sections 11, 10, 12 and 28 of article X of the 1908 constitution.	
Jan. 10, reported by miscellaneous provisions and schedule; referred to committee of the whole	506	For text as offered and reasons	602
Jan. 16, read first time; considered, passed by committee of the whole	593-594	As referred to style and drafting	632
Jan. 16, reported by committee of the whole without amendment; referred to style and drafting	611	As reported by style and drafting	2622
Feb. 12, reported by style and drafting (Report 5); placed on order of second reading	955	As rereferred to style and drafting	2627
Apr. 30, read second time; passed; rereferred to style and drafting	2996-2997	Jan. 12, reported by finance and taxation; referred to committee of the whole	558
		Jan. 16, read first time; sections a, b considered; section a amended, passed by committee of the whole	602-611

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May 11, reported, placed on order of third reading, considered read third time; passed	3213-3275
Aug. 1, considered; adopted	3291-3301
For text as adopted	3320
For text, and comments in address to the people ...	3364

Section 12. Habeas corpus. (Committee Proposal 15, section 11)

May 7, reported, placed on order of third reading ..	3045
May 7, read third time; passed	3088-3098
May 9, referred to committee on style and drafting ..	3210
May 11, reported, placed on order of third reading, considered read third time; passed	3213-3275
Aug. 1, considered; adopted	3291-3301
For text as adopted	3320
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Section 13. Conduct of suits in person or by counsel. (Committee Proposal 15, section 12)

May 7, reported, placed on order of third reading ..	3045
May 7, read third time; passed	3088-3098
May 9, referred to committee on style and drafting ..	3210
May 11, reported, placed on order of third reading, considered read third time; passed	3213-3275
Aug. 1, considered; adopted	3291-3301
For text as adopted	3320
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Section 14. Jury trials. (Committee Proposal 15, section 13)

May 7, reported, placed on order of third reading ..	3045
May 7, read third time; passed	3088-3098
May 9, referred to committee on style and drafting ..	3210
May 11, reported, placed on order of third reading, considered read third time; passed	3213-3275
Aug. 1, considered; adopted	3291-3301
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Section 15. Double jeopardy; bailable offenses. (Committee Proposal 15, section 14)

May 7, reported, placed on order of third reading ..	3045
May 7, read third time; passed	3088-3098
May 9, referred to committee on style and drafting ..	3210
May 11, reported, placed on order of third reading, considered read third time; passed	3213-3275
Aug. 1, considered; adopted	3291-3301
For text as adopted	3320
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Section 16. Bail; fines; punishments; detention of witnesses. (Committee Proposal 15, section 15)

May 7, reported, placed on order of third reading ..	3045
May 7, read third time; passed	3088-3098
May 9, referred to committee on style and drafting ..	3210
May 11, reported, placed on order of third reading, considered read third time; passed	3213-3275
Aug. 1, considered; adopted	3291-3301
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Section 17. Self-incrimination; due process of law; fair treatment at investigations. (Committee Proposal 15, section 16)

May 7, reported, placed on order of third reading ..	3045
May 7, read third time; passed	3088-3098
May 9, referred to committee on style and drafting ..	3210
May 11, reported, placed on order of third reading, considered read third time; passed	3213-3275
Aug. 1, considered adopted	3291-3301
For text as adopted	3320
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Section 18. Witnesses; competency, religious beliefs. (Committee Proposal 15, section 17)

May 7, reported, placed on order of third reading ..	3045
May 7, read third time; passed	3088-3098
May 9, referred to committee on style and drafting ..	3210
May 11, reported, placed on order of third reading, considered read third time; passed	3213-3275
Aug. 1, considered; adopted	3291-3301
For text as adopted	3320
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Section 19. Libels, truth as defense. (Committee Proposal 15, section 18)

May 7, reported, placed on order of third reading ..	3045
May 7, read third time; passed	3088-3098
May 9, referred to committee on style and drafting ..	3210
May 11, reported, placed on order of third reading, considered read third time; passed	3213-3275
Aug. 1, considered; adopted	3291-3301
For text as adopted	3320
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Section 20. Accused, rights in criminal prosecutions. (Committee Proposal 15, section 19)

May 7, reported, placed on order of third reading ..	3045
May 7, read third time; passed	3088-3098
May 9, referred to committee on style and drafting ..	3210
May 11, reported, placed on order of third reading, considered read third time; passed	3213-3275
Aug. 1, considered; adopted	3291-3301
For text as adopted	3320
For text, and comments in address to the people ...	3365

Section 21. Imprisonment for debt. (Committee Proposal 15, section 20)

May 7, reported, placed on order of third reading ..	3045
May 7, read third time; passed	3088-3098
May 9, referred to committee on style and drafting ..	3210
May 11, reported, placed on order of third reading, considered read third time; passed	3213-3275
Aug. 1, considered; adopted	3291-3301
For text as adopted	3320
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Section 22. Treason; definition, evidence. (Committee Proposal 15, section 21)

May 7, reported, placed on order of third reading ..	3045
May 7, read third time; passed	3088-3098
May 9, referred to committee on style and drafting ..	3210
May 11, reported, placed on order of third reading, considered read third time; passed	3213-3275
Aug. 1, considered; adopted	3291-3301
For text as adopted	3321
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Section 23. Enumeration of rights not to deny others. (Committee Proposal 15, section 1)

May 7, reported, placed on order of third reading ..	3045
May 7, read third time; passed	3088-3098
May 9, referred to committee on style and drafting ..	3210
May 11, reported, placed on order of third reading, considered read third time; passed	3213-3275
Aug. 1, considered; adopted	3291-3301
For text as adopted	3321
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ARTICLE II. Elections. (Committee Proposals 58a, b, c, d, e, f, g, h, 118b)

May 7, reported; placed on order of third reading ..	3045
May 7, read third time, sections 6 and 9 amended; passed	3076-3087
May 9, referred to committee on style and drafting ..	3210
May 11, reported; placed on order of third reading; considered read third time; passed	3213-3275
Aug. 1, considered; adopted	3291-3301
For text as adopted	3321-3322
For text, and comments in address to the people ...	3365-3367

Section 1. Qualifications of electors; residence. (Committee Proposal 58a)

May 7, reported, placed on order of third reading ..	3045
May 7, read third time; passed	3076-3087
May 9, referred to committee on style and drafting ..	3210
May 11, reported; placed on order of third reading; considered read third time; passed	3213-3275
Aug. 1, considered; adopted	3291-3301
For text as adopted	3321
For text, and comments in address to the people ...	3365

Section 2. Mental incompetence; imprisonment. (Committee Proposal 58b)

May 7, reported, placed on order of third reading ..	3045
May 7, read third time; passed	3077-3087
May 9, referred to committee on style and drafting ..	3210
May 11, reported; placed on order of third reading; considered read third time; passed	3213-3275
Aug. 1, considered; adopted	3291-3301

FIFTIETH DAY

Thursday, January 4, 1962, 2:00 o'clock p.m.

PROCEEDINGS

PRESIDENT NISBET: The convention will please **come to order.**

Our **invocation** today is to be given by the Reverend M. Schuurmans of the Delta Center Methodist Church of Lansing.

REVEREND SCHUURMANS: Shall we stand, please. Let us pray. We bow before Thee, our heavenly Father, as the creator and sustainer of the universe, to whom we as Thy children are responsible and obligated.

We thank Thee for the revelation that Thou art concerned and interested in the concerns of men and that through Thy holy spirit Thou canst help us in our need. We thank Thee for our blessed country and pray Thy blessing and guidance upon President Kennedy, the congress, and all those who lead us during these trying and difficult times. We thank Thee, too, for our great state of Michigan with all its beauty and its unexcelled opportunities for attaining the good life. Bless our governor, the legislature, and all those officials who direct the affairs of this state. Above all we thank Thee that we are free men who live in a democracy where we establish our own government, where the best interest of the majority is our ideal, but also where the rights of the individual are held sacred.

We thank Thee for this constitutional convention and we invoke Thy blessing and guidance upon each of its members. We pray for inspiration and vision and wisdom that the deliberations now under way may provide for our people a state constitution that will promote the public welfare for many, many years to come. May posterity be able to look back upon this body and call it blessed because of what it has accomplished. Keep us in Thy favor and look upon us in Thy mercy. Forgive us, Lord, wherein we fail Thee and fall short of Thine expectations of us. We pray, Lord, in our Master's name and for His sake. Amen.

PRESIDENT NISBET: The **roll call** will be taken by the secretary. Those present please vote aye.

SECRETARY CHASE: Has everyone voted? The machine is now locked and the attendance will be recorded.

Mr. President, a quorum of the convention is present.

Prior to today's session, the secretary received the following requests for leave:

Mr. G. E. Brown, from today's session to be a pallbearer at a funeral in Kalamazoo; and Mr. Van Dusen from today's session as he must attend a board of directors meeting.

PRESIDENT NISBET: Without objection, the requests are granted.

SECRETARY CHASE: Absent with leave: Messrs. G. E. Brown, J. A. Hannah, Fellow, Perlich, Thomson, Van Dusen, Wood and Young.

Absent without leave: None.

PRESIDENT NISBET: **Reports of standing committees.**

SECRETARY CHASE: The committee on declaration of rights, suffrage and elections, by Mr. Pollock, chairman, reports back to the convention **Delegate Proposal 1018**, A proposal to clarify legislator's immunity from arrest; with the recommendation that the proposal be referred to the committee on legislative powers.

James K. Pollock, chairman.

PRESIDENT NISBET: Without objection it will be so referred. Hearing none, it is referred to the committee on legislative powers.

SECRETARY CHASE: The committee on declaration of rights, suffrage and elections, by Mr. Pollock, chairman, reports back to the convention **Delegate Proposal 1022**, A proposal to provide 4 year terms for members of the legislature; with

the recommendation that the proposal be referred to the committee on legislative powers.

James K. Pollock, chairman.

PRESIDENT NISBET: Without objection the recommendation will be approved. Hearing none, it is referred to the committee on legislative powers.

SECRETARY CHASE: The committee on declaration of rights, suffrage and elections, by Mr. Pollock, chairman, reports back **Delegate Proposal 1047**, A proposal to provide a 4 year term of office for legislators, the governor, lieutenant governor, secretary of state, state treasurer, auditor general, and attorney general, and to fix the time of such elections; with the recommendation that this proposal be referred to the committee on legislative powers.

James K. Pollock, chairman.

PRESIDENT NISBET: Without objection the report will be accepted and the proposal referred. Hearing none, it is referred to the committee on legislative powers.

SECRETARY CHASE: The committee on declaration of rights, suffrage and elections, by Mr. Pollock, chairman, also reports back **Delegate Proposal 1067**, A proposal to divide the state into 8 territorial districts for nonpartisan election of certain state officials; with the recommendation that the proposal be referred concurrently to the committees on education and judicial branch.

James K. Pollock, chairman.

PRESIDENT NISBET: Without objection the referral will be made as recommended. Hearing none, it is concurrently referred to the committees on education and judicial branch.

SECRETARY CHASE: The committee on declaration of rights, suffrage and elections, by Mr. Pollock, chairman, also reports back **Delegate Proposal 1232**, A proposal to guarantee to every citizen of Michigan an equal opportunity to vote and to have his vote counted equally, regardless of race, creed, color, national origin, or geographical location; with the recommendation that the proposal be referred to the committee on legislative organization.

James K. Pollock, chairman.

PRESIDENT NISBET: Without objection, the report of the committee will be accepted and it will be so referred. Hearing none, it is referred to the committee on legislative organization.

SECRETARY CHASE: Mr. Erickson, for the committee on miscellaneous provisions and schedule, introduces **Committee Proposal 14**, A proposal pertaining to the preamble to the constitution; with the recommendation that it pass.

Claud Erickson, chairman.

For Committee Proposal 14 and the reasons submitted in support thereof, see below, page 464.

PRESIDENT NISBET: Referred to the committee of the whole and placed on the general orders calendar.

SECRETARY CHASE: Mr. Pollock, for the committee on declaration of rights, suffrage and elections, introduces **Committee Proposal 15**, A proposal to amend article II pertaining to the declaration of rights; with the recommendation that it pass.

James K. Pollock, chairman.

For Committee Proposal 15 and the reasons submitted in support thereof, see below, page 464.

PRESIDENT NISBET: Referred to the committee of the whole and placed on the general orders calendar.

before graduation. The appalling fact is that unemployment among the nongraduates is 8.5 million. Among graduates the number of unemployed is about $\frac{1}{2}$ of that number.

What the education committee asks is that this convention make it possible for the state of Michigan to invest in the future, in the lives of our most important possession, the future citizens of our state.

MR. BENTLEY: Thank you, Miss Andrus, Miss Hart. I will be glad to yield to any questions from any member of the committee of the whole at this time. If there are no questions, I shall be glad to yield the floor for any possible amendments.

CHAIRMAN BAGINSKI: Are there any questions of Mr. Bentley?

Mrs. Butler.

MRS. BUTLER: Mr. Chairman, I wanted to ask a question of Mr. Bentley. I should like to know what word you said, first, to underline. I did not fully understand what you said in that regard.

MR. BENTLEY: For the information of the lady from Houghton, if you will start on line 7, Mrs. Butler, with the word "programs"—the first word that is not stricken—and go down to the word "handicapped" on line 9, those are all the new words added by the committee on education.

CHAIRMAN BAGINSKI: Are there any amendments?

Mr. Farnsworth.

MR. FARNSWORTH: Mr. Chairman, I have no amendment but I do have a question to put to Mr. Bentley or Miss Hart.

MR. BENTLEY: I will gladly yield, Mr. Chairman.

CHAIRMAN BAGINSKI: Do you care to answer it?

MR. BENTLEY: Surely.

MR. FARNSWORTH: Mr. Bentley, Miss Hart, is it your idea that this will pretty much put the state in the business of completely supporting the child guidance clinics and the schools for mentally retarded children who are trainable?

CHAIRMAN BAGINSKI: Do you care to answer, Miss Hart?

MISS HART: I would hope it would have this effect.

MR. FARNSWORTH: That answers my question. Thank you.

CHAIRMAN BAGINSKI: Are there any further questions? Are there any amendments to the proposal?

If not, it will pass.

Committee Proposal 13 is passed.

Committee Proposal 14. The secretary will read.

SECRETARY CHASE: Item 2 on the calendar, from the committee on miscellaneous provisions and schedule, by Mr. Erickson, chairman, Committee Proposal 14, A proposal pertaining to the preamble to the constitution.

Following is Committee Proposal 14 as read by the secretary, and the reasons submitted in support thereof:

The committee recommends that the following be included in the constitution:

We, the people of the state of Michigan, grateful to Almighty God for the blessings of freedom, and earnestly desiring to secure these blessings undiminished to ourselves and our posterity, do ordain and establish this constitution.

Mr. Erickson, chairman of the committee on miscellaneous provisions and schedule, submits the following reasons in support of Committee Proposal 14:

After consideration of the various delegate proposals and hearing of witnesses, the committee recommends the following:

That the preamble in the present constitution is fitting and proper and is sufficient for all purposes.

The preamble should be retained without change.

CHAIRMAN BAGINSKI: Are there any amendments to Committee Proposal 14?

Mr. Erickson.

MR. ERICKSON: Mr. Chairman and members of the committee of the whole, the work on this preamble, although it is

suggested and recommended that it be the same as in our present constitution, was done by Mr. Leppien as subcommittee chairman, Mr. Bledsoe as vice chairman, Mr. Durst, Mr. Seyferth and Mr. Binkowski.

Of course, we see that this preamble is part of the constitution and it is not part of the constitution, and perhaps we should take a moment in which to explain that seemingly contradictory statement. In *Jacobson v. Massachusetts*, 197 U.S. 11, 1905, the Supreme Court of the United States said of the preamble of the United States constitution that it was, strictly speaking, not a part of the constitution at all, but "walks before" it. The court held further that it, the preamble, can support, by itself alone, no basis of a claim either of governmental power or of private right. Rather it is declamatory of the great ends for which the constitution was written, and in addition it indicates the contractual character of the constitution. The language "We the people of the United States . . ." is quite clearly a reflection of the Lockean concept of the compact theory of the state, under which all American governments, since the time of the revolution, both state and federal, are derived from the compact of the people setting up the government. By analogy, sound certainly in this instance, these ideas would apply to the preamble of the Constitution of the State of Michigan. That is, it is declaratory of general intent, but it is not law in the sense that it can establish any basis for a claim, right, title, privilege, immunity, et cetera, in a court of law.

The language of the Michigan preamble, as standing in the Constitution of 1908, clearly reflects the Lockean compact theory of the state. It employs this language, "We, the people of the state of Michigan . . ." and it ends up with, "do ordain and establish this constitution." Its concluding words are "do ordain and establish this constitution."

On the other hand, the preamble of the 1850 constitution said simply, "The people of the state of Michigan do ordain this constitution." That is ample. At that time the change was made to give recognition in the constitution to the Supreme Being. Similar recognition is found in many other constitutions.

This committee did considerable work and they have asked me to make this report. The United States and 48 state constitutions have a preamble as a matter of form. The constitutions of the states of Vermont and West Virginia do not have a preamble. Presently the preambles of the constitutions of the states of New Hampshire, Oregon and Tennessee do not mention God. The preambles of 31 states give recognition to Almighty God. The references vary. Six states refer to God, 3 states refer to the Supreme Ruler of the Universe. Others refer to the Creator, the Supreme Being, Divine Guidance, Great Legislator of the Universe or Sovereign Ruler of the Universe. The wording in each case is similar.

The other principal reference in preambles is to either liberty or freedom. Twenty-nine states use the term "liberty" and 8 use the term "freedom". Michigan uses the word "freedom". Thank you, Mr. Chairman.

CHAIRMAN BAGINSKI: Are there any amendments to the proposal? If not, it will pass.

Committee Proposal 14 is passed.

The secretary will read.

SECRETARY CHASE: From the committee on declaration of rights, suffrage and elections, by Mr. Pollock, chairman, Committee Proposal 15, A proposal to amend article II pertaining to the declaration of rights.

Following is Committee Proposal 15 as read by the secretary, and the reasons submitted in support thereof:

The committee recommends that the following be included in the constitution:

Article I [II]

Declaration of rights

Political power

Sec. 1. All political power is inherent in the people. Government is instituted for their equal benefit, security and protection.

Right of assembly and petition

Sec. 2. The people have the right peaceably to assemble, to consult for the common good, to instruct their representatives and to petition the [legislature] GOVERNMENT for redress of grievances.

Freedom of worship; disabilities

Sec. 3. Every person shall be at liberty to worship God according to the dictates of his own conscience. No person shall be compelled to attend, or, against his consent, to contribute to the erection or support of any place of religious worship, or to pay tithes, taxes or other rates for the support of any minister of the gospel or teacher of religion. No money shall be appropriated or drawn from the treasury for the benefit of any religious sect or society, theological or religious seminary; nor shall property belonging to the state be appropriated for any such purpose. The civil and political rights, privileges and capacities of no person shall be diminished on account of his religious belief.

Liberty of speech and press

Sec. 4. Every person may freely speak, write, EXPRESS, and publish his [sentiments] VIEWS on all subjects, being responsible for the abuse of such right; and no law shall be passed to restrain or abridge the liberty of speech or of the press.

Right to bear arms

Sec. 5. Every person has a right to bear arms for the defense of himself and the state.

Civil power supreme

Sec. 6. The military shall in all cases and at all times be in strict subordination to the civil power.

Quartering of soldiers

Sec. 7. No soldier shall, in time of peace, be quartered in any house without the consent of the owner or occupant, nor in time of war, except in a manner prescribed by law.

Slavery prohibited

Sec. 8. Neither slavery, nor involuntary servitude[,] unless for the punishment of crime, shall ever be tolerated in this state.

Attainder; ex post facto laws; impairment of contracts

Sec. 9. No bill of attainder, ex post facto law or law impairing the obligation of contracts shall be passed.

Searches and seizures

Sec. 10. 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, supported by oath or affirmation[: Provided, however, That the provisions of this section shall not be construed to bar from evidence in any court of criminal jurisdiction, or in any criminal proceeding held before any magistrate or justice of the peace, any narcotic drug or drugs, any firearm, rifle, pistol, revolver, automatic pistol, machine gun, bomb, shell, explosive, blackjack, slungshot, billy, metallic knuckles, gas ejecting device, or any other dangerous weapon or thing, seized by any peace officer outside the curtilage of any dwelling house in this state]. EVIDENCE OBTAINED IN VIOLATION OF THIS SECTION SHALL NOT BE USED EXCEPT AS AUTHORIZED BY LAW.

Habeas corpus

Sec. 11. The privilege of the writ of habeas corpus shall not be suspended unless in case of rebellion, INSURRECTION or invasion the public safety may require it.

Appearance in person or by counsel

Sec. 12. Any suitor in any court of this state shall have the right to prosecute or defend his suit, either in his own proper person or by an attorney [or agent of his choice].

Jury trial

Sec. 13. The right of trial by jury shall remain, but shall be deemed to be waived in all civil cases unless de-

manded by one of the parties in such manner as shall be prescribed by law.

Former jeopardy; bailable offenses

Sec. 14. [No person, after acquittal upon the merits, shall be tried for the same offense] NO PERSON SHALL BE SUBJECT FOR THE SAME OFFENSE TO BE TWICE PUT IN JEOPARDY. All persons shall, before conviction, be bailable by sufficient sureties, except for murder and treason when the proof is evident or the presumption great.

Bail, fines; punishment; detention of witnesses

Sec. 15. Excessive bail shall not be required; excessive fines shall not be imposed; cruel or unusual punishment shall not be inflicted; nor shall witnesses be unreasonably detained.

Self incrimination; due process of law

Sec. 16. No person shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property, without due process of law. THE RIGHT OF ALL PERSONS TO FAIR AND JUST TREATMENT IN THE COURSE OF LEGISLATIVE AND EXECUTIVE PROCEEDINGS, INVESTIGATIONS, AND HEARINGS SHALL NOT BE INFRINGED.

Competency of witnesses

Sec. 17. No person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief.

Libels; truth as defense

Sec. 18. In all prosecutions for libels the truth may be given in evidence to the jury; and, if it shall appear to the jury that the matter charged as libelous is true and was published with good motives and for justifiable ends, the accused shall be acquitted.

Rights of accused

Sec. 19. In every criminal prosecution, the accused shall have the right to a speedy and public trial by an impartial jury, which may consist of less than 12 [men] JURORS in all courts not of record; to be informed of the nature of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to have the assistance of counsel for his defense; TO HAVE AN APPEAL AS A MATTER OF RIGHT; and in courts of record, when the trial court shall so order, to have such reasonable assistance as may be necessary to perfect and prosecute an appeal.

Imprisonment for debt or military fine

Sec. 20. No person shall be imprisoned for debt arising out of, or founded on a TORT OR A contract, express or implied, except in cases of fraud or breach of trust, or of moneys collected by public officers or in any professional employment. [No person shall be imprisoned for military fine in time of peace.]

Treason; definition, evidence

Sec. 21. Treason against the state shall consist only in levying war against it or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless upon the testimony of 2 witnesses to the same overt act, or on confession in open court.

[Subversion; definition, penalty; rights not valid as defense.]

[Sec. 22. Subversion shall consist of any act, or advocacy of any act, intended to overthrow the form of government of the United States or the form of government of this state, as established by this constitution and as guaranteed by section 4 of article 4 of the Constitution of the United States of America, by force or violence or by any unlawful means.]

[Subversion is declared to be a crime against the state, punishable by any penalty provided by law.]

[Subversion shall constitute an abuse of the rights secured by section 4 of this article, and the rights secured

Explanation—Matter within [] is stricken, matter in capitals is new.

thereby shall not be valid as a defense in any trial for subversion.]

SEC. — THE ENUMERATION IN THIS CONSTITUTION OF CERTAIN RIGHTS SHALL NOT BE CONSTRUED TO DENY OR DISPARAGE OTHERS RETAINED BY THE PEOPLE.

Mr. Pollock, chairman of the committee on declaration of rights, suffrage and elections, submits the following reasons in support of Committee Proposal 15:

Article II—Proposed Article I

The committee recommends herewith to the convention that the declaration of rights, which is now article II of the present constitution, become article I of the new constitution. In the committee's opinion the liberties of the people are so fundamental to the Michigan constitution and to free representative government generally that the declaration of rights which establishes the fundamental principles of liberty and sets up the basic legal guideposts for their implementation and enforcement, should appear as the first article in the new constitution. In retaining or altering any present provisions, the committee has carefully considered the exact language in question, as well as committee intent, with the purpose of reducing as far as possible the necessity of judicial construction.

Sec. 1. "All political power is inherent in the people. Government is instituted for their equal benefit, security and protection."

Comment: This section is declaratory of the basic idea of free government. The committee recommends that it be retained without change. Delegate Proposal 1408, submitted by Mr. Wanger, would add to this "The enumeration in this constitution of certain rights shall not be construed to deny or disparage others retained by the people." The committee, it will be observed from the report, believes this section, which is modeled upon the ninth amendment of the federal constitution, is appropriate to a declaration of rights, but it recommends its inclusion in the constitution as a separate section.

Sec. 2. "The people have the right peaceably to assemble, to consult for the common good, to instruct their representatives and to petition the [legislature] GOVERNMENT for redress of grievances."

Comment: This section embodying the historic rights of freedom of assembly and petition has been retained intact except for the substitution in the text of the word "government" for "legislature." This change reflects recognition by the committee that whether one likes it or not other agencies of the government than merely the legislature today exercise actual policy making functions and so ought to be subject to the right of petition. This is undoubtedly true, for example, of the governor and the executive establishment. The committee considered various possible formulas for expanding the right of petition but came to the conclusion that the word "government" was best calculated to accomplish its intention and that the attempt at more precise definition encountered some difficulties. The word "government," it may be observed, has good precedent for it occurs in this usage in the first amendment to the Constitution of the United States.

Sec. 3. "Every person shall be at liberty to worship God according to the dictates of his own conscience. No person shall be compelled to attend, or, against his consent, to contribute to the erection or support of any place of religious worship, or to pay tithes, taxes or other rates for the support of any minister of the gospel or teacher of religion. No money shall be appropriated or drawn from the treasury for the benefit of any religious sect or society, theological or religious seminary; nor shall property belonging to the state be appropriated for any such purpose. The civil and political rights, privileges and capacities of no person shall be diminished or enlarged on account of his religious belief."

Comment: This section incorporates in some detail the traditional American guarantees of individual religious

liberty and the separation of church and state. From one point of view, this section may now be unnecessary, in that the supreme court of the United States beginning with the New Jersey Bus Case (1946) has gone to great lengths to incorporate a like series of guarantees against the states within the content of the fourteenth amendment. However, the committee has acted consistently on the basis of the belief that long established and traditional guarantees within the Michigan constitution ought to be retained intact. The committee also believes that it is good constitutional practice for the Michigan constitution to continue the incorporation of the fundamental guarantees of liberty in our declaration of rights even when the federal government appears to have gone very far in guaranteeing the rights in question against state action.

The committee also has considered carefully Mr. Nord's proposal, Delegate Proposal 1092, which would have added to the section the words "nor shall sectarian instruction be allowed in any school supported by the state." Though there was some sentiment for the amendment, the majority in the committee voted not to include it, principally on the ground that it was unnecessary.

The committee on education concurs in the language of the section as submitted.

Sec. 4. "Every person may freely speak, write, EX-PRESS, and publish his [sentiments] VIEWS on all subjects, being responsible for the abuse of such rights; and no law shall be passed to restrain or abridge the liberty of speech or of the press."

Comment: Here again is a traditional guarantee of American liberty, now covered largely by the extension of federal constitutional guarantees against the states, which the committee nonetheless believes it wise to continue to incorporate in Michigan's fundamental law.

The incorporation of the word "express" and the substitution of the word "views" for "sentiments" both taken from an amendment submitted in committee by Mr. Norris were done on the unanimous vote of the committee. The committee believes that the multiplicity of contemporary means of expression (as over and against the traditional means of speaking and writing) justifies the first change, while the word "views" seems to have a sharper and more specific meaning than the former word "sentiments."

The committee carefully considered but unanimously decided against the incorporation, after the phrase "liberty of speech," additional wordage which would have read "by whatever means communicated." The committee believes that this phrase raises potential difficulty with respect to the federal government's exclusive sovereignty in the area of radio and television communication particularly in the light of certain concepts in the federal communications act of 1934, as amended, which make it clear that radio and television communication are subject to a wide sweep of control in the public interest.

Sec. 5. "Every person has a right to bear arms for the defense of himself and the state."

Sec. 6. "The military shall in all cases and at all times be in strict subordination to the civil power."

Sec. 7. "No soldier shall, in time of peace, be quartered in any house without the consent of the owner or occupant, nor in time of war, except in a manner prescribed by law."

Sec. 8. "Neither slavery, nor involuntary servitude unless for the punishment of crime, shall ever be tolerated in this state."

Sec. 9. "No bill of attainder, ex post facto law or law impairing the obligation of contracts shall be passed."

Comment: These sections all incorporate traditional guarantees of American liberty. In part they may be obsolete (for example, the guarantee against quartering of soldiers in time of peace), and in part they may have become so self evident that their affirmation may appear to be superfluous; i.e., the guarantee against slavery and involuntary servitude. In addition, several of the guarantees

Explanation—Matter within [] is stricken, matter in capitals is new.

in question (the prohibition upon slavery, and those against bills of attainder, ex post facto laws and the impairment of the obligations of contracts) appear in the federal constitution as against the states so that their inclusion in the state constitution as guarantees of liberty is in a certain technical sense superfluous. However, the committee believes strongly that the preservation of liberty and its affirmation is as much a function of the several states and their respective governments as it is of the federal government. Accordingly, it believes that the retention of the enumeration of the liberties in question in a state constitution is proper in all the aforementioned instances.

The delegates will observe that one very minor substantive change has been made in section 8. The comma which formerly appeared after the word "servitude" has been eliminated and a new comma inserted after the word "slavery." The old punctuation conceivably made slavery permissible as a punishment for crime. The new punctuation forbids slavery categorically and makes involuntary servitude alone permissible as a punishment for crime.

Sec. 10. "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, supported by oath or affirmation: Provided, however, That the provisions of this section shall not be construed to bar from evidence in any court of criminal jurisdiction, or in any criminal proceeding held before any magistrate or justice of the peace, any narcotic drug or drugs, any firearm, rifle, pistol, revolver, automatic pistol, machine gun, bomb, bomb shell, explosive, blackjack, slungshot, billy, metallic knuckles, gas ejecting device, or any other dangerous weapon or thing, seized by any peace officer outside the curtilage of any dwelling house in this state]. EVIDENCE OBTAINED IN VIOLATION OF THIS SECTION SHALL NOT BE USED EXCEPT AS AUTHORIZED BY LAW."

Comment: As the foregoing text makes evident, the committee after very careful consideration decided to drop the proviso with respect to the admissibility into evidence of certain weapons, arms, narcotics and other articles, which had been adopted by constitutional referendum in 1952. The committee's decision rests principally upon its recognition of the apparent sweeping impact of the opinion of the United States supreme court in *Mapp v. Ohio* (June, 1961) in which the court, in a 5 to 3 opinion, appears to have asserted categorically in very broad language that hereafter evidence obtained in violation of the guarantees of the fourth amendment to the federal constitution will be inadmissible in both state and federal courts.

There was some considerable difference of opinion among the legal experts in the committee as to the force of the *Mapp* case for Michigan constitutional law. Certain of the judges and lawyers on the committee believed that the impact of the *Mapp* case on state law is so categorical that it leaves no possible constitutional grounds whatsoever for the inclusion of the 1952 proviso, which according to this interpretation now is null and void under the doctrine of federal supremacy.

Other legal experts on the committee pointed out, however, that the *Mapp* case may very well be construed more narrowly than the foregoing argument implies. In the first place, the *Mapp* case dealt with a seizure within the curtilage, whereas the 1952 proviso specifically is limited to seizures outside the curtilage. In addition, the *Mapp* case dealt also with the seizure of printed materials and it thus has first amendment implications about which the supreme court of the United States has traditionally entertained a specially tender regard. In short, this argument runs, the *Mapp* case may very well be limited in the future by the process of redefinition, exclusion, and limitation so as to establish the constitutionality of state provisions similar to that in the 1952 Michigan proviso.

It should be observed, also, that there was a genuine difference in the committee with respect to the wisdom of

the policy incorporated in the 1952 proviso. Certain members of the committee believed that the proviso incorporated legal guarantees essential to the maintenance of public order and safety and that it did not infringe in any fundamental way upon the traditional constitutional limits against arbitrary search and seizure. The opposite point of view also found expression: that the proviso constituted a serious impairment of the traditional guarantees of American liberty and, as such, ought to be eliminated.

The committee finally resolved these differences of opinion both with respect to constitutional law and good constitutional policy by the adoption of a new provision stipulating that "evidence obtained in violation of this section shall not be used except as authorized by law." This language, in the committee's belief, will have the following constitutional and legal consequences: first, it recognizes the supremacy of federal constitutional law with respect to search and seizure as defined in the *Mapp* case and other opinions. This is the implication in part of the new phrase, "as authorized by law." Thus, if the *Mapp* case turns out to have the all inclusive sweep that some observers believe it will, the wording of the Michigan constitution will remain consistent with supreme federal law.

At the same time, the new provision recognizes that the sweep of the *Mapp* case ultimately may not be as all inclusive as it now appears to some to be. Should the definition of the federal limits imposed on the states with respect to the admissibility of evidence change in the future, the Michigan legislature and the Michigan courts could incorporate, in statute and court decisions, those rules with respect to the admissibility of evidence which reflect the opinion of the legislature and the Michigan courts as to what ought to constitute sound practice in this state, subject only to the continuing recognition of the limits set by federal constitutional supremacy.

The new provision also obviously has the effect of restoring to the legislature of the state of Michigan a very large degree of discretion in what constitutes good policy on rules of evidence in relation to search and seizure. The committee believes that the restoration of legislative flexibility in this matter is consistent with generally sound constitutional practice.

Sec. 11. "The privilege of the writ of habeas corpus shall not be suspended unless in case of rebellion, INSURRECTION or invasion the public safety may require it."

Comment: This section has been carried over intact from the old declaration of rights with the important addition of the word "insurrection." On a roll call vote, the committee voted 13 to 2 in favor of the addition of this word. It was the belief of the committee that there have been historical situations in which uprisings against the government so wide spread, well organized and effective as to close the civil courts and require suppression by military force which nonetheless cannot properly be described technically as rebellion. Technically in law "rebellion" implies a state of belligerency and public war such as that alluded to by the supreme court in the *Prize Cases* (1863) and in *Texas v. White* (1866). Disturbances which close the courts and require suppression by military force may require suspension of the writ of habeas corpus and yet not be rebellion in the sense that the confederacy constituted such. See, for example, ex parte Merryman, 9 Fed. Cases, 487 (1861).

Sec. 12. "Any suitor in any court of this state shall have the right to prosecute or defend his suit, either in his own proper person or by an attorney [or agent of his choice]."

Comment: This section as now worded deletes the word "agent" to clarify the meaning and reconcile its provisions with current practice, so that no one may contend that a litigant is empowered by constitutional law to engage a person to represent him in a court of record unless said

Explanation—Matter within [] is stricken, matter in capitals is new.

person is licensed to practice law. This is consistent with a supreme court decision which holds that the word "agent" as used in the 1908 constitution was in substance synonymous with "attorney." Thus this change is in conformity with the court's recognition that the public interest is best protected by those who are subject to the superintending power of the courts. This, of course, does not preclude any person from arguing his own case in court if he so desires. The new wording also allows the legislature, at its discretion, to broaden the right of persons to representation in court by counsel or persons not attorneys.

Sec. 13. "The right of trial by jury shall remain, but shall be deemed to be waived in all civil cases unless demanded by one of the parties in such manner as shall be prescribed by law."

Comment: This provision guarantees the right to a jury trial but requires that the right is deemed to be waived in a civil suit unless one of the parties demands it, whereas, in a criminal case a jury must be affirmatively waived by the defendant (in practice in writing).

The committee recommends the retention of this section.

Sec. 14. "[No person, after acquittal upon the merits, shall be tried for the same offense] NO PERSON SHALL BE SUBJECT FOR THE SAME OFFENSE TO BE TWICE PUT IN JEOPARDY. All persons shall, before conviction, be bailable by sufficient sureties, except for murder and treason, when the proof is evident or the presumption great."

[The comment regarding section 14 immediately following is the comment as originally submitted by the committee. This was ordered revised on January 11 (see below, page 544). The revised comment appears following this original comment.]

Comment: The foregoing change in section 14 involves the substitution of the double jeopardy provision from the Constitution of the United States (except for the deletion of the obsolete words of "life or limb") in place of the original provision which merely prohibits retrial after "acquittal upon the merits." The former language, the committee points out, has been consistently construed by the Michigan supreme court to mean something quite different than the words on the surface appear to connote. Taken literally, the words appear to say that there is no double jeopardy until a trial has run its course complete to acquittal. In fact, however, the Michigan courts have followed the federal rule on double jeopardy and have construed the provision to mean that an accused person is put in jeopardy as soon as a jury is empanelled. This is the same rule with respect to jeopardy as is followed by the federal courts. The new language thus appears to be more consistent with the actual practice of the courts in Michigan.

The committee also believes that the new provision will permit the courts an appropriate degree of latitude in defining and restricting the concept of jeopardy so as to permit retrial of a defendant in certain instances in which some minor mechanical legal flaw in indictment or procedure permits a guilty person to escape without punishment.

Following is the comment regarding section 14 as revised on January 12 (see below, page 559) by the committee on declaration of rights, suffrage and elections:

Comment: The foregoing change in section 14 involves the substitution of the double jeopardy provision from the Constitution of the United States (except for the deletion of the obsolete words of "life or limb") in place of the original provision which merely prohibits retrial after "acquittal upon the merits." The former language, the committee points out, has been consistently construed by the Michigan supreme court to mean something quite different than the words on the surface appear to connote. Taken literally, the words appear to say that there is no double jeopardy until a trial has run its course complete

to acquittal. In fact, however, the Michigan courts have followed the federal rule on double jeopardy. The new language thus appears to be consistent with the actual practice of the courts in Michigan.

Sec. 15. "Excessive bail shall not be required; excessive fines shall not be imposed; cruel or unusual punishment shall not be inflicted; nor shall witnesses be unreasonably detained."

Comment: The committee believes that these guarantees against a requirement of excessive bail, excessive fines, cruel or unusual punishment, and the unreasonable detention of witnesses are satisfactory as now stated and require no change from the present constitution.

Sec. 16. "No person shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property, without due process of law. THE RIGHT OF ALL PERSONS TO FAIR AND JUST TREATMENT IN THE COURSE OF LEGISLATIVE AND EXECUTIVE PROCEEDINGS, INVESTIGATIONS, AND HEARINGS SHALL NOT BE INFRINGED."

Comment: This section, as amended, incorporates a new guarantee of fair and just treatment in legislative and executive investigations. This recognizes the extent to which legislative and executive investigations, both on the state and federal level, lately have tended to assume a quasi judicial character. The language proposed is similar to that contained in a comparable section of the recent Constitution of the state of Alaska. The language proposed by the committee does not in any sense impose categorically the guarantees of procedural due process upon such investigations. Instead, it leaves to the legislature, the executive and finally to the courts, the task of developing fair rules of procedure appropriate to such investigations and hearings. It may be observed that a considerable body of federal constitutional law with respect to federal investigations both by executive bodies and by congress has evolved in the last 10 years. This section as drafted by the committee would make Michigan practice consistent with this development.

Sec. 17. "No person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief."

Comment: The committee believes this provision should be retained intact. At first glance it might be supposed that it should be incorporated in section 3, which guarantees freedom of worship and religious liberty. Actually, however, section 17 deals with court procedure rather than with religious liberty as such, and for this reason the committee has suggested retaining it intact, as a separate section.

Sec. 18. "In all prosecutions for libels the truth may be given in evidence to the jury; and, if it shall appear to the jury that the matter charged as libelous is true and was published with good motives and for justifiable ends, the accused shall be acquitted."

Comment: The committee recommends the continuation unchanged of this provision in the present constitution. It considered carefully an amendment which would have modified the section to eliminate criminal prosecutions for malicious libel against private individuals. But it believes that the defenses of truth, good motives and justifiable ends constitute an adequate protection, both for individuals and for the press, and that the provision accordingly ought to remain unchanged.

The language of the section also apparently deals with the traditional right of the state to prosecute the offense originally known as seditious libel, which today probably could be comprised merely within the phrase "sedition"; i.e., language intended to damage or destroy the government or to overthrow it by unlawful means. Again, the guarantees of the section with respect to defenses of truth,

Explanation—Matter within [] is stricken, matter in capitals is new.

motives and justifiable ends appear to be adequate for this purpose also.

Sec. 19. "In every criminal prosecution the accused shall have the right to a speedy and public trial by an impartial jury, which may consist of less than 12 [men] JURORS in all courts not of record; to be informed of the nature of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to have the assistance of counsel for his defense; TO HAVE AN APPEAL AS A MATTER OF RIGHT; and in courts of record, when the trial court shall so order, to have such reasonable assistance as may be necessary to perfect and prosecute an appeal."

Comment: This section deals with the traditional guarantees of a fair trial for an accused person in criminal cases. It needs little change. The substitution of the word "jurors" for "men" in the 12 person jury guarantee takes recognition of the modern fact that women as well as men now are electors and eligible to serve on juries.

The guarantee of a categorical right of appeal in criminal cases the committee believes to be consistent with the recent trend of opinion in the federal courts and, in any event, to be sound and fair procedural practice. As one of the members of the committee said, "It is not merely the consequence or inconsequence of the punishment which may be imposed upon a defendant upon conviction; there is also the fact that a conviction for any offense, no matter how trivial it may be, nowadays constitutes a blot upon an individual's record which may be of subsequent significance with respect to employment, government service, or merely a person's standing and reputation in the community at large." We desire to grant the status of a categorical constitutional right to at least one appeal in a criminal case. We do not intend to restrict the legislature in its power to provide by law for additional appeals.

Sec. 20. "No person shall be imprisoned for debt arising out of, or founded on a TORT OR A contract, express or implied, except in cases of fraud or breach of trust, or of moneys collected by public officers or in any professional employment. [No person shall be imprisoned for military fine in time of peace.]"

Comment: The addition of a prohibition on imprisonment for debt for torts where there is no fraud or breach of trust is intended to eliminate a practice still moderately common in the Michigan courts, whereby a plaintiff who gets a judgment in a tort case may under some circumstances secure an order for the imprisonment of a defendant where the judgment remains unsatisfied. The committee believes that this remnant of imprisonment for debt is inconsistent with modern conceptions of liberty and ought to be eliminated. It points out that imprisonment as a remedy for the nonpayment of alimony is not affected by the new language, since imprisonment in alimony cases is technically in pursuance of a finding that a defendant is in contempt of court.

The committee recommends striking the language guaranteeing against imprisonment for military fine in time of peace. The language in question appears in part to be too narrow a guarantee against the abuse of military authority in peace time. (If a guarantee of this kind were to be incorporated it ought to prohibit categorically the jurisdiction of military courts over civil persons except in cases of rebellion, insurrection, or invasion.) The provision is also apparently unnecessary, since the more general guarantees in the constitution with respect to the supremacy of the civil over the military power and the writ of habeas corpus appear adequate to take care of the matter of the jurisdiction of military courts.

Sec. 21. "Treason against the state shall consist only in levying war against it or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless upon the testimony of 2 witnesses to the same overt act, or on confession in open court."

Comment: The committee recommends the retention of this section intact from the present constitution. It may

well be that the federal government's virtually complete preemption of the subject of treason and sedition has made this section so much surplusage, see *Pennsylvania vs. Nelson* (1956). However, it is quite conceivable that congress and the federal courts may, at least in part, in the future return jurisdiction over treason to the states, in which case the Michigan treason provision would take on renewed meaning as a guarantee against broad prosecutions for this offense. Conceivably, also, the state of Michigan, in a modern war, might find itself isolated from control by the central government; again, the treason provision would become significant.

"[Sec. 22. Subversion shall consist of any act, or advocacy of any act, intended to overthrow the form of government of the United States or the form of government of this state, as established by this constitution and as guaranteed by section 4 of article 4 of the Constitution of the United States of America, by force or violence or by any unlawful means.]

[Subversion is declared to be a crime against the state, punishable by any penalty provided by law.]

[Subversion shall constitute an abuse of the rights secured by section 4 of this article, and the rights secured thereby shall not be valid as a defense in any trial for subversion.]"

Comment: The committee recommends the deletion of section 22 of the present constitution. This section as at present constituted deals with the crime of subversion which it defines as "any act, or advocacy of any act, intended to overthrow the form of government of the United States or the form of government of this state, as established by this constitution and as guaranteed by section 4 of article 4 of the Constitution of the United States of America, by force or violence or by any unlawful means." This section in its second paragraph declares subversion "to be a crime against the state, punishable by any penalty provided by law." And in the third paragraph it declares that subversion "shall constitute an abuse of the rights secured by section 4 of this article, and the rights secured thereby shall not be valid as a defense in any trial for subversion."

After considering section 22 with very great care and after inquiring carefully into the section's origins, the committee believes it has no place in a declaration of rights; its reasoning may be briefly summarized as follows:

1. In the first place, bills of rights historically guarantee the rights of the people by imposing limits upon the power of the state whereas this section defines and provides for the punishment of a new crime. Its provisions thus are at odds with the historic function of a declaration of rights in that they restrict liberty rather than guarantee it.

It is true that certain criminal acts traditionally have been recognized in bills of rights. For example, section 21 of the present constitution deals with treason, while section 18 deals with libel prosecutions. But in both of these cases the language of the section is couched as a limitation on the power of the state to prosecute the crime in question and not as an affirmation of the right of the state to punish. Section 22, on the contrary, as at present constituted, defines a new crime hitherto unknown to common law or constitutional law. It thus appears to place new limits upon the liberties of the people rather than to guarantee the liberties of the people against their abuse by the power of the state. It is therefore technically at odds with the proper subject matter of a bill of rights and ought to be eliminated from the Michigan declaration of rights for this reason, if for no other.

2. A second serious objection to the section is to be found in the vague and confusing language of paragraph 3. This paragraph, if read literally, seems to be radically at odds with the guarantee of freedom of speech set forth in section 4 of the declaration of rights. Read in this fashion,

Explanation—Matter within [] is stricken, matter in capitals is new.

it constitutes an outright denial of the right of freedom of speech and of press as a defense whenever the state might choose to undertake a prosecution for the crime in question. Such a construction, if correct, renders the paragraph radically unconstitutional as a violation of the elementary guarantees of freedom of speech and freedom of the press as incorporated in the first amendment to the Constitution of the United States, and imposed upon the states through the inclusion of first amendment guarantees in the content of the first section of the fourteenth amendment.

3. Finally, the committee believes that this section was added to the constitution at a time when the people of the state of Michigan, very properly concerned with the threat to freedom and liberty posed by the communist menace, were momentarily diverted from their historic recognition of the necessity of preserving constitutional rights even for those persons who may be accused quite properly of the most despicable crimes against the public security and safety.

In recommending the elimination of section 22 in the present constitution, the committee wishes to make clear that it is in no sense advocating any diminution of the power of the state, the courts and the legislature, to define and punish, within proper constitutional limits, the crime of subversion or like offenses against the public safety and security of the state (acts of criminal syndicalism, sedition, and the like). To emphasize this point, it submits herewith, in an accompanying report, the text of a proposed resolution memorializing the legislature to this effect so that its position with respect to the elimination of section 22 shall be completely clear.

"SEC. —. THE ENUMERATION IN THIS CONSTITUTION OF CERTAIN RIGHTS SHALL NOT BE CONSTRUED TO DENY OR DISPARAGE OTHERS RETAINED BY THE PEOPLE."

Comment: This language is taken from the ninth amendment to the Constitution of the United States. The committee believes that its incorporation in the Michigan constitution will set up a sound state parallel. The language recognizes that no bill of rights can ever enumerate or guarantee all the rights of the people and that liberty under law is an ever growing and ever changing conception of a living society developing in a system of ordered liberty.

Footnote: The committee report, as presented, comprises only the portions of the declaration of rights which appear in the 1908 constitution, together with such changes, deletions, and additions as the committee has deemed it advisable to make. The committee has under consideration a number of proposals, the substance of which in the opinion of the committee may properly be dealt within separate additional sections.

Appendix

The following are the recommendations and decisions of the committee on judicial branch with reference to sections 11 through 19 of article II:

Sec. 11. That this section should remain as it is now constituted in the 1908 constitution and that the word "INSURRECTION" not be included.

Sec. 12. That a period be inserted after the word "attorney", and that all language appearing thereafter in the present section be deleted and the additions made by the committee on declaration of rights, suffrage and elections not be included.

Sec. 13. Concurs unanimously with the committee on declaration of rights, suffrage and elections.

Sec. 14. That the first sentence of the section be changed so as to read, "NO PERSON SHALL BE PUT IN JEOPARDY TWICE FOR THE SAME OFFENSE." It is pointed out that this is a change from the present section and is a change in the wording of the recommenda-

tion of the committee on declaration of rights but is, in essence, only the deletion of the words "life or limb", as found in the U.S. constitution, which this committee believes to be obsolete. This committee concurs in the intent expressed by the committee on declaration of rights in the change made from the present section. This committee concurs unanimously in the recommendation of the declaration of rights committee in the remaining portion of this section.

Sec. 15. Concurs unanimously with recommendation of the declaration of rights committee.

[The statement regarding section 16 immediately following is in the form originally submitted. This was ordered revised on January 12 (see below, page 560). The revised statement appears following this original statement.]

Sec. 16. Concurs in principle with declaration of rights committee recommendation; words "proceedings" and "hearings" added at judiciary's recommendation.

Following is the statement as revised on January 12 (see below, page 560) by the committee on judicial branch:

Sec. 16. This committee concurs with the recommendation of the rights committee as they are contained in sentence 1 of said section.

The judicial committee concurs, in principle, with the recommendations set forth in the second sentence of this section but recommends that, in addition to the word "INVESTIGATIONS", there should be included the words "proceedings and hearings". The committee was of the opinion, also, that the word "persons" might be expanded to include corporations and business entities in addition to natural persons.

Sec. 17. Concurs unanimously with recommendations of the declaration of rights committee.

Sec. 18. Concurs with recommendations of the declaration of rights committee.

[The statement regarding section 19 immediately following is in the form originally submitted. This was ordered revised on January 12 (see below, page 560). The revised statement and a motion appears following this original statement.]

Sec. 19. Concurs with the recommendation of declaration of rights committee, but not necessarily for the reasons given in that committee's report.

Following is the statement as revised on January 12 (see below, page 560) by the committee on judicial branch and a motion of that committee:

Sec. 19. This committee concurs in the recommendations contained in this section and approves of the word "JURORS" in place of the word "CITIZENS" which latter word was the original choice of the committee on rights prior to consultation with the committee on judicial branch. It was the considered opinion of the committee that this would eliminate any confusion and would leave to the legislature the manner of determining the qualifications of jurors.

The following motion was likewise passed by the committee on judicial branch:

That, by approving or concurring in the recommendations, or any part thereof, of the committee on rights, suffrage and elections, the committee on judicial branch does not necessarily concur in, or agree to, all of the reasons and grounds contained in the report of the committee on rights, suffrage and elections.

Explanation—Matter within [] is stricken, matter in capitals is new.

[The following is the resolution, in its corrected form, referred to in the above supporting reasons submitted by the committee on declaration of rights, suffrage and elections. This became Resolution 64.]

A resolution to memorialize the legislature in the matter of the deletion of section 22 of article II of the 1908 constitution.

Resolved, That the legislature be informed that the deletion of section 22 of article II is not to be construed as opposing the definition of subversion by the legislature, or providing a statutory crime of subversion; and be it further

Resolved, That the last paragraph is held to be of extremely doubtful constitutionality as a denial of due process of law and that such a provision would not, in any case, be within the powers of the legislature; and be it further

Resolved, That the provision is held to be so poorly drafted that its exact meaning cannot be determined; and be it further

Resolved, That copies of this resolution be transmitted to the legislature.

CHAIRMAN BAGINSKI: The committee will be in order. It is very difficult to read or to be heard.

Dr. Pollock.

MR. POLLOCK: Mr. Chairman, members of the committee, on behalf of the committee on declaration of rights, suffrage and elections, I am now pleased to present to you article II of the present constitution as we have proposed to amend it.

Because of my earlier remarks on the declaration of rights, dated December 15, I think it is not necessary for me to emphasize again this evening the basic importance of the matters dealt with in the declaration of rights. This is the keystone in our governmental arch. And if ever we deserve wisdom, or rather if ever we deserve to use wisdom, we deserve to use it in connection with this article of the constitution. Organs of government may change. Procedures may change. These inalienable rights must be very carefully weighed and understood. I say, therefore, that I welcome not only the criticisms but the careful analyses of all the delegates in the discussion of these some 23 sections of the constitution which we have proposed for your consideration.

Since the matter involves so many questions of law, court decision and practice, being a mere political scientist and not a lawyer, I yield now to my colleague, the first vice chairman of my committee, Mr. Harold Stevens, of Detroit, who will present the matters as they come along, with the assistance of the second vice chairman, Mr. Norris, and Judge Gadola, a distinguished member of our committee. May I say that we had the benefit of lawyers both inside, therefore, as well as outside the committee. And now we hope to have the benefit of discussion on the floor.

I suggest, Mr. Chairman, that this is a matter of great importance, and perhaps will require considerable discussion. I hope, therefore, that you will permit me to move that the committee rise when I think the moment for termination has come, so that we can carry over to another session this matter if we are not able to finish it this evening. I now yield to my colleague, Mr. Stevens, and I suggest, Mr. Chairman, that we take this matter up section by section.

CHAIRMAN BAGINSKI: Mr. Stevens.

MR. STEVENS: Mr. Chairman, fellow delegates, taking this section by section, section 1 reads:

[Section 1 was read by Mr. Stevens. For text, see above, page 464.]

If you have done your homework, I am sure you understand this quite well. This section is declaratory of the basic idea of free government. The committee recommends that it be retained without change.

Delegate Proposal 1408, submitted by Mr. Wanger, would add to this, "The enumeration in this constitution of certain rights shall not be construed to deny or disparage others re-

tained by the people." The committee, it will be observed from the report, believes this section which is modeled upon the ninth amendment of the federal constitution is appropriate to a declaration of rights, but it recommends its inclusion in the constitution as a separate section. This will be suggested later. The purpose of this, of course, is to indicate that the government stems from the people. The government is the government of the people. The people are sovereign in the government. Beyond that, there is little more to say.

Mr. Chairman, are you going to take these up one at a time?

CHAIRMAN BAGINSKI: The Chair wishes to advise, unless there is objection, that we go through this proposal by sections and that, as we pass each section, the secretary will read the next section, and then the proponents will take the floor.

Is there any further discussion on section 1? If not, it will pass.

Section 1 is passed.

The secretary will read section 2.

SECRETARY CHASE: Section 2 reads:

[Section 2 was read by the secretary. For text, see above, page 465.]

MR. STEVENS: That section, Mr. Chairman, it will be noticed, is changed in only one respect. I should like to yield to Second Vice Chairman Norris to explain the change in the wording.

CHAIRMAN BAGINSKI: Dr. Norris.

MR. NORRIS: Mr. Chairman, I am very happy to represent the committee on declaration of rights, suffrage and elections with regard to this and some of the other matters which will come before the convention. I want to, if I may, express a personal debt of gratitude to the members of this committee who have deliberated with great intensity and with great quality to bring before you the changes which we now recommend. I wish personally to acknowledge a debt of gratitude to Dr. Alfred Kelly who was with us during the entire proceedings to this date and we look forward to his recommendations and thinking in the future. I also wish to name for you the members of this committee. I have not been asked to do so, but I feel moved to do so because they have worked hard and long and I think they have produced a set of constructive recommendations for this convention. In addition to the chairman, Dr. Pollock, and first vice chairman, Mr. Harold Stevens, of Detroit, and myself, there are on this committee Mr. Beaman, Mr. Buback, Mrs. Butler, Father Dade, Judge Gadola, Mrs. Lillian Hatcher, Mr. Robert Hodges, Mr. Hubbs, Mr. Leppien, Mr. Shaffer, Mr. Shanahan and Mr. White. I personally have been much moved by the conscientious spirit which has animated this group of men and women and I wanted to say that on the record of this convention.

Secondly, I should like to say that there is a bit of human interest involved in that some time back in the early '30s, Mr. Harold Stevens taught my wife and me civics and economics as high school students in the city of Detroit, and so it is with a great deal of pleasure and inspiration that I now find myself as a vice chairman of this committee working with him and Dr. Pollock and members of this committee, some 30 years later. This, it seems to me, is some kind of true sentiment which ought to be recognized and I wish to recognize it.

With regard to the very fundamental matter that is now before us, the question of to whom the right of petition might be addressed, I think the committee wishes to incorporate in the record of this convention the comment which has been stated before you in the journal of January 4. In addition to that, I should like to make these observations. Under the United States constitution, the people have the right to petition the government for the redress of grievances, not merely the legislature. This is in article I, section 1 of the federal constitution. Similar wording is recommended by the model state constitution of the national municipal league. The New York constitution adopted in 1938 contains a formulation that includes, "government or any department thereof." The opinion

a new comment in front of you and then I hope it can be speedily disposed of.

CHAIRMAN BAGINSKI: Unless there are objections, we will pass temporarily section 14 and proceed with section 15.

The secretary will read section 15.

SECRETARY CHASE: Section 15.

[Sec. 15 was read by the secretary. For text, see above, page 465.]

CHAIRMAN BAGINSKI: Mr. Stevens.

MR. STEVENS: Mr. Chairman and fellow delegates, I am going to read the comment here in order that I may not say something that I did not intend to say. I don't expect any controversy here. We have not changed this. We simply say:

The committee believes that these guarantees against a requirement of excessive bail, excessive fine, cruel or unusual punishment, and the unreasonable detention of witnesses are satisfactory as now stated and require no change from the present constitution.

The judiciary committee concurred in this.

CHAIRMAN BAGINSKI: Are there any amendments to section 15? If not, it will be passed.

Section 15 is passed.

Section 16.

Dr. Pollock.

MR. POLLOCK: Mr. Chairman, I move that the committee do now rise and report to the convention.

CHAIRMAN BAGINSKI: It has been moved that the committee do now rise. As many as are in favor of the motion will signify by saying aye. Opposed, no.

The motion does not prevail.

The secretary will read.

SECRETARY CHASE: Section 16.

[Sec. 16 was read by the secretary. For text, see above, page 465.]

CHAIRMAN BAGINSKI: Mr. Stevens.

MR. STEVENS: Mr. Chairman, if you will look at your section 16 in the journal, please, I would like to yield to Professor Norris to explain the change which we made, the addition which we have made to this provision.

CHAIRMAN BAGINSKI: Mr. Norris.

MR. NORRIS: Mr. Chairman and ladies and gentlemen of the committee of the whole, with regard to the recommended change of the committee on declaration of rights, suffrage and elections, I'd like to make these observations: first of all, the proposed language is a very slight modification of a comparable provision in the recently adopted Alaska constitution. The judiciary committee concurred in principle and added 2 words which were incorporated in the language which is now before the house. Secondly, I'd like to say that this morning we were notified by the civil liberties committee of the state bar of Michigan that they also concurred with the principle of this particular proposition now before us.

May I say by way of elucidation — because I suspect that if this should meet with the favorable consideration of this body the courts might construe this — I have given this considerable attention. I want to read this very brief statement with regard to this proposal.

It is the purpose of this additional language to facilitate the important and valuable function of legislative and executive investigations by protecting the right of all persons to fair and just treatment in the course of such investigations. It is through procedural rules that the individual is protected against arbitrary governmental action. The quintessence of liberty is the protection of the individual against arbitrary application of the collective powers of the state. It is submitted that there is need for such fair and just treatment and, when fair and just treatment is accorded to all persons, there is a greater disposition to assist such legislative and executive investigations in the discharge of their lawful duties. Dean Griswold of the Harvard law school has placed the problem in these terms:

Now let us turn to the question which has been constantly recurring in recent days. Does this basic idea have any application to legislative investigations? Do these investigations always measure up to our ideal of due process of law? I think it fair to say that a large section of the public has from time to time felt a sense of injustice with respect to some of these hearings; and if they have, then there is a situation where the ancient ideal of due process is involved.

A failure to appreciate the intimate relation between sound procedure and the preservation of liberty is implicit, may I say, in that saddest and most short sighted remark of our times, "I don't like the methods, but . . ." For methods and procedures are the essence of due process and are of vital importance to liberty. As Mr. Justice Brandeis wrote some 30 years ago, ". . . in the development of our liberty insistence on procedural regularity has been a large factor." More recently Mr. Justice Frankfurter has put the same truth in these words, "The history of liberty has largely been the history of observance of procedural safeguards."

Fair and just procedures are the basis for effective investigations. Chief Justice Warren has summarized the basic policy considerations on this relationship in the Watkins Case, 354 U.S. 178 (1957). He said:

The power of the congress to conduct investigations is inherent in the legislative process. That power is broad. It encompasses inquiries concerning the administration of existing laws as well as proposed or possibly needed statutes. It includes surveys of defects in our social, economic or political system for the purpose of enabling the congress to remedy them. It comprehends probes into departments of the federal government to expose corruption, inefficiency or waste. But, broad as is this power of inquiry, it is not unlimited.

There is no general authority to expose the private affairs of individuals without justification in terms of the function of the congress. This was freely conceded by the solicitor general in his argument of the Watkins Case. Nor is the congress a law enforcement or trial agency. These are functions of the executive and judicial departments of government. No inquiry is an end in itself; it must be related to, and in furtherance of, a legitimate task of the congress. Investigations conducted solely for the personal aggrandizement of the investigators or to punish those investigated are indefensible.

Moreover, Justice Warren points out that it is unquestionably the duty of citizens

. . . to cooperate with the congress in its efforts to obtain the facts needed for intelligent legislative action. It is their unremitting obligation to respond to subpoenas, to respect the dignity of the congress and its committees and to testify fully with respect to matters within the province of proper investigation.

But, Justice Warren points out that the investigations and the duty of citizens to cooperate

. . . assumes that the constitutional rights of witnesses will be respected by the congress as they are in a court of justice. The bill of rights is applicable to investigations as to all forms of government action. Witnesses cannot be compelled, for example, to give evidence against themselves. They cannot be subjected to unreasonable search and seizure. Nor can the first amendment freedoms of speech, press, religion, or political belief and associations be abridged, . . .

by such investigations. Justice Warren continues:

But the power to investigate, broad as it may be, is also subject to recognized limitations. It cannot be used to inquire into private affairs unrelated to a valid legislative purpose. Nor does it extend to an area in which congress is forbidden to legislate. Similarly, the power to investigate must not be confused with any of the powers of law enforcement; those powers are assigned under our constitution to the executive and the judiciary. Still further limitations on the power to investigate are found in

the specific individual guarantees of the bill of rights, such as the fifth amendment's privilege against self incrimination which is in issue here.

In short, Chief Justice Warren declares that some "specific individual guarantees" of the bill of rights apply to the investigative process. Hence, it is germane that in the bill of rights of the Michigan constitution the people may properly seek to protect the individual against unfair and unjust conduct by legislative and judicial investigations.

It may be asked, does not the due process clause protect the individual against unfair and unjust treatment? Yes, but not in executive or legislative investigations. The fact is that the due process safeguards of a criminal trial have not been interpreted to apply to legislative or executive investigations. While many investigations have unfairly and unjustly assumed the character of a criminal trial and abused the prestige of government, the rights of individuals, and our concept of separation of powers in so doing, the normal rights of an accused have not been judicially accorded to a witness in an investigation. In a criminal trial a defendant has at least the following rights:

The right to notice of the nature of the accusation; the right to confront and question witnesses; the right to counsel; the right to subpoena witnesses; the right to take the stand in one's own defense; the right not to take the stand, or decline to answer incriminating questions, without adverse comment; the right to rules of evidence; and the right to a prompt public and fair trial.

But the courts have held that only some specific guarantees of the bill of rights apply to legislative hearings. The specific guarantees protected in legislative hearings have been the right of a witness not to answer self incriminating questions, the right not to be subject to unreasonable search and seizure, and the right not to answer questions invading first amendment freedoms of speech and association. The courts have also held that questions propounded in such hearings must be pertinent to the mandate of the inquiry. While there has been language in some decisions that go beyond these protections the specific holdings have been confined, in the main, to the specific guarantees outlined above. The court has not held that the due process clause applies to legislative or executive investigations.

The need for fair and just treatment may be summarized as follows: while due process generally means simply fairness, experience with many legislative and executive investigations—federal and state—across the land in recent years, amply indicate that even the fairness in elemental due process has been wanting. The privilege against self incrimination protects only against punishment; it does not protect against defamation of character—and such defamation, imputations and charges have been made under the auspices of such investigations—nor does it protect against the imputation of unfair business practices or, indeed, a charge of treason.

The court decisions to date have not protected individuals against being charged with innumerable offenses, offenses not proved nor intended to be proved. Investigators have assumed a right to ridicule, expose, demean, deprecate and intimidate witnesses with impunity. The witness usually has only a limited right to counsel, no right to submit a prepared statement, does not have a clear right to a clear definition of the scope of each inquiry, no right to a transcript of the proceedings, no influence on executive or open sessions, no opportunity to restrain the issuance of public statements by committee members, no right to confront witnesses, cross-examine witnesses, or call rebuttal witnesses, no right to decline appearances on radio or television, and no right to appear before subcommittees composed of more than one person.

Moreover, nonwitnesses, who are the subject of adverse hearsay comment, identification or charges at such hearings, with great resultant irreparable damage to their reputation and livelihood, are usually not permitted the right to appear, answer or rebut.

Mr. William T. Gossett, vice president and general counsel, Ford motor company, arrived at conclusions precisely pertinent

here in an address delivered before the Michigan judges' association meeting at the Dearborn inn on September 4, 1952. Mr. Gossett said—and I quote:

... We should be the first to recognize that there is a proposition at the heart of American life which is the constant and overriding preoccupation of the people; and that the people seem to give their confidence and praise to those who endeavor to protect this proposition from substantial impairment.

The proposition is that, no matter how complex society may be or become, the individual must be the focus of all public and private efforts. It is the belief that the human being has that divine spark which alone insures progress toward a better world. It is the belief that because of this divine spark, every individual, however cantankerous or sinful he may be, has basic rights which the self interest of society demands be protected and expanded, consistent, of course, with the rights of the group of which he is a part. Consider, for example—

Mr. Gossett continued

—current developments in the conduct of congressional investigations and similar quasi judicial processes. They have proliferated in recent years and, like the printing of cheap money, have debased the original coin. This once honorable device is today being used in ways that cannot fail to provoke deep concern about maintaining the rights of the individual.

Congressional investigation is essential, of course, to the proper functioning of our government machinery. It has been sanctioned by usage and upheld by judicial decision. No thoughtful person would withhold from lawmakers their right, indeed their duty, to investigate. Public airing of matters relevant to the creation of new law and enforcement of existing law is vital to democracy.

But manifestly it is not essential to the investigative process that a person summoned before a legislative committee be denied constitutional rights: the right to cross examine those who have testified against him; the right to call witnesses in his own behalf; and the right to answer them and there the accusations made against him.

It is not essential, moreover, that individuals whose beliefs or conduct are under scrutiny be subjected to public pillory or be slandered with impunity by investigators who are secure in the knowledge that there can be no retaliation in court. And last, but by no means least, there is no need to compound the inherent invasion of individual privacy or the damage to reputation by televising the proceedings. In the light of the abuses which have sprung up in the investigative process, the possible injury to the individual is multiplied many times when his ordeal is projected into the homes of millions of his fellow citizens.

End of Mr. Gossett's quote.

It is not suggested that all of the abuses of executive and legislative hearings can be corrected, or be corrected completely, by any one branch of government. Varied and delicate problems are presented and each coordinate branch does not have the sole responsibility for the proper conduct of government. But each branch—the courts, the legislature, and the executive—should have a duty to protect and promote fair and just procedures in investigations. The urge for reform of past and current procedures cannot be denied. There is nationwide interest. What then can move each to assume its proper and unique function in protecting the rights of every person to fair and just executive or legislative hearing?

I conclude that it is submitted that each branch can evolve within its own proper sphere appropriate measures to deal with this problem. But the absent impulse and incentive must be provided. This incentive can best be provided by a constitutional mandate. While Michigan has not had an objectively measurable record of the abuses in legislative and executive hearings, the power and capability exist.

Parenthetically I might refer to several proceedings. I had my attention brought in the judiciary committee by Delegate

Ford, for example, to the investigation of the J.P.s, a situation where in the morning an investigation was conducted of an individual and in the afternoon the gentleman committed suicide. There has been the Callahan committee; there has been the Francis committee; there have been a whole host of committees in which there have been abuses. My attention was invited by one delegate to this convention to the fact that he resigned from one of our own committees because of the conduct of the chairman. I am sure that we could recite instances which would indicate that this is a Michigan concern as well as a federal concern.

Such was the view indeed of the people of our newest state, Alaska, in adopting the language of this particular submission. Alaska's experience in this regard, like that of Michigan, was limited. But Alaska realized that the way to such abuses exists, and hence the will to such abuses must be denied. The experience of the nation, of other states, indeed, of other nations, can and should be taken into account by delegates drawing up a new Michigan constitution.

Justice Cardozo said that a constitution must be based on principles, not only for the passing hour but for the future. Both the passing hour and the future require that the right of all persons to fair and just treatment in the course of legislative and executive investigation shall not be infringed. It is the precise purpose of a bill of rights to foresee and forestall arbitrary, unfair and unjust conduct of government against all persons.

And for these reasons we respectfully recommend that you favorably consider the recommendations of the committee.

CHAIRMAN BAGINSKI: Mr. Leibrand.

MR. LEIBRAND: Mr. Chairman, may I address a question to Delegate Stevens? Delegate Stevens, you yielded to Delegate Norris. I am wondering if we are to consider the statement or report made by Delegate Norris just completed as part of the official report of the committee on rights, suffrage and elections, or is it merely his individual statement?

MR. STEVENS: Judge Leibrand, the official report of the committee is contained in the journal. The statements recently made by Professor Norris are those that he used before the committee in introducing and sponsoring this proposal. Am I not right, Professor Norris?

MR. NORRIS: That's right, Mr. Stevens. However, I don't feel there is anything inconsistent between what I said and what is in the comment that is appended to this section of the report.

MR. STEVENS: That was not the question. Judge Leibrand asked me a question. I want to be sure I answered it correctly.

MR. NORRIS: I think it is an appropriate elucidation of the reasons which motivated the submission, sir.

MR. STEVENS: Have I answered your question, Judge Leibrand?

MR. LEIBRAND: I was very happy to have you do so.

CHAIRMAN BAGINSKI: Mr. Heideman.

MR. HEIDEMAN: Mr. Chairman and fellow delegates, I'd just like to read something and pose a question. The proposed language, or additional language, reads, "The right of all persons to fair and just treatment in the course of legislative and executive proceedings, investigations, and hearings shall not be infringed." The committee comment reads like this:

... The language proposed by the committee does not in any sense impose categorically the guarantees of procedural due process upon such investigations. Instead, it leaves to the legislature, the executive and finally to the courts, the task of developing fair rules of procedure appropriate to such investigations and hearings. ...

Well, it's like starting to take a hot bath and you turn on so much cold water you end up in a cold bath. I mean, what does this mean? It says "... shall not be infringed." And the committee comment says, "Well, after all, we don't mean what we said we meant. This is the constitutional language."

MR. STEVENS: I think I can speak for the committee as a whole. We were convinced that it was well to put into the

constitution a provision which might guide the courts, the legislature, the governor, the administrative board in these hearings where they bring in witnesses or in some cases defendants. All we want to do to put it as simply as possible is try and guarantee fairness in the hearing. Does that answer your question?

MR. HEIDEMAN: No, Delegate Stevens, it doesn't because now you use the term "guarantee" and the language says that it does not in any sense "impose categorically the guarantees of procedural due process investigations." Instead, it leaves it to the legislature. Why put it in? The executive, in particular. We don't generally think of the executive as laying down the rules of fair procedure.

MR. STEVENS: Probably I didn't make myself clear on that, Dr. Heideman. I meant to say we hoped that the constitution, as we changed it, would be a guide not only to the courts but to the legislature and administrative bodies to be fair and just. It is not expected that due process of law in the sense which it would apply in a court would necessarily apply in an administrative hearing or in a legislative hearing. It never has and it isn't intended that it should.

MR. HEIDEMAN: Then shouldn't the language be modified?

MR. STEVENS: Which language are you talking about?

MR. HEIDEMAN: "Infringed."

MR. STEVENS: No. I think all it says is "The right . . . to fair and just treatment . . . shall not be infringed." It doesn't say that due process of law is required or shall not be infringed.

CHAIRMAN BAGINSKI: Are there any amendments to section 16?

SECRETARY CHASE: Mr. Cudlip has offered the following amendment:

1. Amend page 4, line 4, after "all" by striking out "persons" and inserting "individuals, firms and corporations"; so the language will then read:

The right of all individuals, firms and corporations to fair and just treatment in the course of legislative and executive proceedings, investigations, and hearings shall not be infringed.

CHAIRMAN BAGINSKI: Mr. Cudlip.

MR. CUDLIP: Mr. Chairman and members, I think the committee is to be praised for its insight and perception in proposing this change and making it a part of Michigan constitutional architecture. As Member Norris has said, these hearings at all levels of government are increasing and sometimes seem to be oppressive.

It is true in my experience that the people that appear before these hearings appear in large measure as representatives of groups and not in their individual capacities. The purpose of my amendment, if this section 16 is adopted, is to make it very clear that persons not only means individuals but also means firms and corporations, such as universities, private business corporations, labor unions and all other artificial persons.

Now, why the suggestion? Simply to avoid future argument, litigation, expense and nuisances. The first sentence of section 16, which is unchanged and which provides all of us with ancient rights, uses the word "person." This sentence contains a mixture of rights which we are entitled to constitutionally. "Person" in that sentence has been defined by our supreme court in the case of the privilege against self incrimination to include only the individual. That was recently established in the case of St. John vs. General Motors, 308 Michigan Reports, 333, where the corporation was not entitled to invoke that privilege, but only the individual working for the corporation if he were guilty.

Now, on the other hand, the same first sentence, in speaking about due process of law, which Mr. Norris carefully defined for us again, does apply to corporations, cities, labor unions, charitable organizations, universities, firms, etc. Therefore, I say that I think if the section is to be adopted, we can avoid lots of expense and lots of argument if we make it clear that we intend that individuals, firms and corpora-

tions covering all the entities I have mentioned, are to be protected and not simply the individual who appears in his own right. Thank you, Mr. Chairman.

CHAIRMAN BAGINSKI: Mr. Danhof.

MR. DANHOF: Mr. Chairman, in order to clear up a slight matter of confusion, I would like to have the delegates turn to page 283 of the Journal 50 in the appendix wherein there is contained a report of recommendations and decisions of the judiciary committee. At the time we considered this matter we were passing it along to the rights committee practically as fast as we voted on it. The section marked section 16 should read as follows:

This committee concurs with the recommendations of the rights committee as they are contained in sentence 1 of said section. The judicial committee concurs, in principle, with the recommendations set forth in the second sentence of this section but recommends that, in addition to the word "investigations", there should be included the words "proceedings and hearings".

This was in fact done after the report back and the rights committee corrected it. Further —

The committee was of the opinion also that the word "persons" might be expanded to include corporations and business entities in addition to natural persons.

This now deals with the amendment that Mr. Cudlip, who is a member of my committee, made.

If I might go on further, since the idea in section 19 was brought up. As I transmitted it back to Dr. Pollock — and I say that it is not his fault or anybody's fault; he was in there when we took the vote and they went out and the official written report arrived later — the report should read this way, and I would ask that it be printed in the journal tomorrow to correct any misapprehension:

This committee concurs in the recommendations contained in this section and approves of the word "jurors" in place of the word "citizens" which latter word was the original choice of the committee on rights prior to consultation with the committee on judicial branch.

This has been done.

It was the considered opinion of the committee that this would eliminate any confusion and would leave to the legislature the manner of determining the qualifications of jurors.

This suggestion was likewise incorporated in the final report and the final committee proposal that we are now considering. And further, the following motion was likewise passed —

CHAIRMAN BAGINSKI: Mr. Danhof, the Chair would like to suggest that you wait until the committee rises and then submit that statement and it will appear in the journal tomorrow.

MR. DANHOF: I wanted in particular — since we are discussing section 16 — to bring out what we had there.

CHAIRMAN BAGINSKI: That will be done. But you see, you are in section 16.

MR. DANHOF: I went over to 19. But go ahead. That's all right.

CHAIRMAN BAGINSKI: Mr. Stevens.

MR. STEVENS: Mr. Chairman, the rights and suffrage committee has no objection to the amendment.

CHAIRMAN BAGINSKI: Mr. Higgs.

MR. HIGGS: Mr. Chairman and fellow delegates, I also am on the judiciary committee and it is true that the committee concurred after a very brief consideration of this matter in principle. Now I think there are some very serious questions that should be asked of the committee in this particular connection and perhaps Delegate Norris would be kind enough to answer some of these.

The first question I have deals with that part of the comment that reads — and I am reading from page 280 of the journal —:

Instead, it leaves to the legislature, the executive and finally to the courts, the task of developing fair rules of procedure appropriate to such investigations and hearings. . . .

Now, would I be correct in assuming, in view of the comment,

that all legislative and executive proceedings, investigations and hearings then would be subject in the final determination as to the rules of procedure where the rights of persons are involved to the rules of the court? That would be the Michigan supreme court, would it, Mr. Norris?

CHAIRMAN BAGINSKI: Mr. Norris.

MR. NORRIS: The thinking behind the proposal and the submission before you was that there was, if you will, a concurrent jurisdiction on the part of the coordinate branches of government to evolve such just and fair rules as would reach that objective for all people coming before such investigations or proceedings or hearings. And, if this were passed, it would be a duty in the first instance upon the legislature to evolve codes and statutes, it would be a duty on the part of the executive department to promulgate such rules for the conduct of executive investigations as would comport with fair and just treatment and also the court would review this and evolve the fair and just rules.

Now, we have to understand that we are not talking about due process for a very important reason. We do not wish to encourage the trend of regarding legislative hearings as quasi criminal trials. We want to get away from that and get them to think in terms of the purpose of the investigation or the hearing, which is to get facts upon which to predicate remedial legislation. That's why we do not use the words due process. We're talking in terms of fair and just treatment and we recognize a rather tender and sensitive area in the separation of powers doctrine.

That's why we were thinking in type of language.

MR. HIGGS: I'm very interested in that feature of it. When you mention separation, I presume you are speaking of separation of the executive, legislative and judicial branches of government. When you use the words here, "Instead, it leaves to the legislature, the executive and finally to the courts, the task of developing fair rules of procedure appropriate. . . ." we are speaking of all legislative and executive proceedings — all of them, all investigations and all hearings. We're going to leave it to the courts to determine how these branches of government are going to do business; is that correct?

MR. NORRIS: I think the intent is to relate what we are thinking about to the investigative hearings and proceedings.

MR. HIGGS: That's not what is said here.

MR. NORRIS: I appreciate the point that you are making. There is a question there. I don't think it is the intent of this language to say the courts would review the rules by which the legislature conducts itself in its own proceedings. I think that what it is related to is with reference to the public in its investigative operations, particularly with regard to hearings before committees and executive hearings brought to the public.

MR. HIGGS: Mr. Chairman and fellow delegates, I would like to speak, then, in opposition to both the Cudlip amendment and the committee report inasmuch as in the first place the language covers every possible kind of proceeding of the coordinate branches of government. We are not talking about concurrent jurisdiction; we are talking about finally leaving to the courts how they are going to do business.

Now, I'd like to call to your attention in this connection the fact that on the Supreme Court of Michigan, which theoretically is an elective body, 5 of the members of our supreme court were appointed and placed on that court solely by appointment of the governor and the sixth member of the court also came to the court by appointment. Now, this is reaching a long way from the electorate. It says "finally to the court." If we are going to place finally in the courts the very broad and uncertain idea of what is fair and just in the conduct of their proceedings, investigations and hearings, I think that's going too far.

We've seen, I think yesterday, how a court divided 5 to 4, with one man swinging one way or the other can determine ultimately the final disposition of a matter in the face of the electorate of Michigan; and I think that this is a very dangerous doctrine to put in our constitution. Especially you

will note that under section 16 the first sentence is dealing with an entirely different matter and I don't understand and you might answer, Mr. Norris, why this is incorporated in that particular section. What is the effect of it? How far will this go?

MR. NORRIS: First of all, may I make this observation. The words "... and finally to the courts ..." are an interpretation in the comment and are not in the language of section 16. The idea here is to create a constitutional duty upon each of the coordinate branches of government to deal fairly and justly as far as investigative hearings of proceedings are concerned and I don't see that there is that confusion.

With regard to the proposition that this particular proposed language in its relation to the due process law and self incrimination laws, I think these are all elements of fairness and justness in proceedings. To be sure, the first 2 relate principally to criminal matters, but not only to criminal matters, and similarly with regard to the investigations. I think it is indigenous and I think our sister state, Alaska, recognized that when they put this particular provision in similar form in this particular area of concern. I think it is germane and related and serves a useful purpose in that juncture. I don't know what your point is with regard to the courts involved.

MR. HIGGS: Let me ask this further question then, if what you mean is concurrent jurisdiction, doesn't the legislature now have the power to establish rules for fair and just treatment and doesn't the executive have power to establish such rules? And if you leave it finally to the courts, aren't you placing the ultimate responsibility there?

MR. NORRIS: I'm sure they have the power but we here, as a declaration of rights, are declaring the right of the persons not to have fair and just treatment infringed. So that when you speak of power, I think that's unrelated to what we are talking about. If the legislature had exercised this power to promulgate rules for fair hearings and things of that kind, both on a statewide and federal basis, perhaps there would be less need for this particular proposal. But the fact is that you have found the use of the collective power of the state to abuse witnesses and nonwitnesses, which has created the need for a declaration of the right, which is promulgated in this particular recommended language.

MR. HIGGS: Mr. Chairman and fellow delegates, I am not going to presume any further upon the time of this committee to express my particular viewpoints, but I do urge you to examine this very carefully. I'd like to hear from other delegates on it but it seems to me that Delegate Norris is aiming at a national and federal situation rather than at our problem in Michigan.

CHAIRMAN BAGINSKI: Mr. Stevens.

MR. STEVENS: Mr. Chairman, the committee did not intend and does not think it said anything which would mean necessarily a court review of all these things that you seem to have in mind.

It is true the committee recognized that the problem with which this deals is mostly a federal problem but wanted to make the application to the state if the matter should appear. It is also true that the committee recognized the fact that the consequent witnesses sometimes irritate members of committees and commissions and perhaps lead them to actions which are not proper and right but we didn't feel there was much we could do about that. We simply thought a person called by subpoena or certainly one who appears voluntarily should be treated with courtesy and fairness, that his personal reputation should not be impugned if he is there merely to make statements to the committee—certainly so long as he voluntarily cooperates with the committee. I don't follow your construction which you give on this. Certainly the committee had no intention of that.

CHAIRMAN BAGINSKI: The question now is on the Cudlip amendment and the Chair will recognize Mr. Lundgren, if he would care to speak.

MR. LUNDGREN: Thank you. I rise in objection to the committee report and I'd rather see the original language of

the section here retained as is because I believe and concur with my friend here that we are going beyond the state of Michigan and getting involved in federal processes. I do not think we are here to do our business in that position. I hate to be in objection to Mr. Cudlip's amendment but if we adopt the committee's report, then I'd support the amendment. But I do object to our getting into fields of national legislation, which I think the federal government should take care of properly. We should stick to the business of this section as it was originally intended and take care of the state of Michigan.

I would ask this question of the committee and Mr. Stevens, just how many problems has Michigan had in this particular condition that made you change the language of the original section?

MR. STEVENS: We didn't change any language except we added to it.

MR. LUNDGREN: Your additions, that's right.

MR. STEVENS: We had no intention to try to control practices in the federal government, Delegate Lundgren. Our only purpose was to guide us if it should be necessary 20 or 25 years from now or any other time in the state of Michigan. It would have no effect whatever on anything of that sort in the federal government. We have no jurisdiction over the federal government.

MR. LUNDGREN: I realize that, but all through the comment you allude to the problems of the quasi judicial hearings at the federal level and things like that. I believe we should stick to the state problem.

MR. STEVENS: The allusion to the federal government is one of comparison. I was a little bit reluctant to put them in myself for fear somebody would object, just as you have. We used them only as a matter of comparison. We do not feel that there has been any very great abuse in Michigan; however, we do not feel that if the matter should come up in the future we are doing anybody any harm by asking that a witness be entitled to fair and just treatment.

MR. LUNDGREN: Thank you very much. Then you achieve by your statement just what I am objecting to.

CHAIRMAN BAGINSKI: The question is on the Cudlip amendment. The Chair will ask Mr. Gover and future speakers to confine themselves to the amendment.

MR. GOVER: Mr. Chairman, mine isn't entirely on the Cudlip amendment. I was on my feet when Mr. Stevens made some statements a few minutes ago in his preliminary statements and I wanted to question him in regard to that. May I proceed?

CHAIRMAN BAGINSKI: Proceed.

MR. GOVER: Mr. Stevens, in your preliminary remarks you referred to administrative boards and administrative bodies and yet in your new wording you do not have those mentioned. Where do they come in with regard to the legislative or executive proceedings?

MR. STEVENS: The purpose was to try to give any person called as a witness to give information, whether before a board, commission, legislative committee, any state organization of that sort—not a court—fair and just treatment. That was all.

MR. GOVER: Then Mr. Stevens, shouldn't we have an amendment in your wording there, "The right of all persons to fair and just treatment in the course of ..." and insert in there "administrative, legislative and executive proceedings"? Shouldn't the word "administrative" be in there in that case as you use the words "administrative boards and administrative bodies" in your statements?

MR. STEVENS: We understand that the judiciary committee has a provision at the present time that it is considering to deal with administrative boards.

MR. GOVER: O.K., thank you.

CHAIRMAN BAGINSKI: Dr. Nord.

MR. NORD: I have some comments to make. One of them has been partly anticipated by Mr. Gover and I'm not certain whether it's been cleared up entirely. There is nothing about administrative law in the language that I see here in this section. However, it has been mentioned a few times that this

is intended to cover administrative law and I would like to ask Mr. Stevens a question on that. I note that it was mentioned and it is mentioned in the report that due process is not intended to be guaranteed in the cases listed in the new language. As I understand it—and I'm not an expert on administrative law—but I believe I am correct in saying that in administrative law there is due process. Do you happen to know the answer to that, sir?

MR. STEVENS: My answer would be our purpose is to provide for just and fair treatment by any executive organization. We do not by this intend to take away the right of due process where it exists.

MR. NORD: Thank you very much. That satisfies me entirely on that point.

The only other point was raised, I believe, when Mr. Higgs raised a worthwhile problem that we ought to consider further. I might add that Mr. Cudlip's amendment is a point well taken and the committee report as a whole is good, but nevertheless, there is this problem raised by Mr. Higgs.

The problem has to do, I believe, with the word "proceedings." I note in the first part of the report it talks about investigations and towards the end of the report it says "investigations and hearings." But in the body of the section it says 3 things, "investigations, hearings and proceedings" in different order. I also note that the word "proceedings" was not originally in the proposal as the committee on rights drafted it and I gather the word "proceedings" was put in by the judiciary committee and has apparently caused some problem. But the problem that was pointed out by Mr. Higgs is that if you read this extremely broadly, you'll get into that question of whether the judiciary could possibly tell the legislature how to conduct its hearings. I really don't think it's a terrible problem because it states in the beginning, "The right of all persons to fair and just treatment in the course of . . . proceedings." Of course, in the ordinary proceedings of the legislature, individual persons would not be involved.

Nevertheless, I wonder whether you think, Mr. Stevens, that there would be any advantage in taking the word "proceedings" out in order to satisfy any objections that have been raised.

MR. STEVENS: As you have indicated, Dr. Nord, that was suggested by the judiciary committee. We acceded to their request. I think I would like to yield to Delegate Danhof on the matter. Our committee accepted the suggestion of the judiciary committee in this matter.

CHAIRMAN BAGINSKI: Mr. Danhof.

MR. DANHOF: I might state that I think, as I recall the discussion—and I do not have the transcript, although we have it on tape—that investigations could be interpreted to be extremely narrow and might be limited to prehearing activity on the part of any particular committee in the legislature or as they have it, in the executive, and that adding the words "proceedings and hearings" broadens the activity from not only the investigating stage, but through the actual public hearings and the proceedings before some legislative committee. As I recall, Brother Cudlip of the committee also had some comments on this. I am trying to reconstruct in my mind specifically who talked on this point and proposed the recommendation. I know that he also raised the problem of "persons", which he has raised today and it seems to me that if Delegate Cudlip can recall, maybe he can enlighten us further. Excuse me, I guess it was Mr. Cudlip on the "persons" and Mr. Ostrow on "proceedings and hearings". Mr. Ostrow can proceed.

CHAIRMAN BAGINSKI: Mr. Ostrow.

MR. OSTROW: All the discussion so far has been about legislative investigations. My understanding of this article and the reason I voted for it in the judiciary committee was that it was much broader than that. It is not just a hope; it is a guarantee, or at least that is my understanding.

Now, the principal idea in back of this "proceeding" was that anybody that has to submit to a proceeding, investigation or hearing, regardless of what you call it—and they'll call it different things in different departments—is entitled to fair

and just treatment. Everybody is entitled to fair and just treatment, no matter what business they have with government. It's a rule of ordinary decent human conduct and there is no reason why people in government shouldn't be ordinary decent human beings. Now, the legal distinction between "fair and just treatment" and your present rule making power is this: on review of a rule of any administrative agency—and they are part of the executive department—the only question is whether that department has the authority to make the rules and, if they have the authority to make the rules, the court can't do anything about it if the rules aren't fair and just.

With the growth of all the administrative agencies and with the growth of proceedings—some formal and some just by a letter calling you in to the office—they can do you more damage than the most formal investigation. People are entitled to ordinary decent, fair and just treatment. And this was intended—at least on my part—to cover the whole gamut of both the legislative and executive departments.

You can be called in to one department by a simple letter. If you come there with an attorney and the attorney begins to say, "Now what is he charged with and who are the witnesses?" they say, "Well, this is not a formal hearing." But when they get through with this thing that they don't call a formal hearing or an investigation—and that's why we used the word "proceeding"—the end result is that somebody's license is cancelled or something is done to him.

Now, fair and just treatment is an ordinary rule of decent human conduct and there is no reason why the government and all its agencies shouldn't be subjected to the same rules. (applause)

CHAIRMAN BAGINSKI: Mr. Stevens.

MR. STEVENS: I would like to thank Delegate Ostrow for his very fine presentation of this matter. In substance, at least, it agrees entirely with the idea our committee had in mind in proposing this addition to this section.

CHAIRMAN BAGINSKI: Mr. Hutchinson.

MR. HUTCHINSON: Mr. Chairman, I do not desire to speak to the Cudlip amendment which is on the floor and I will yield until we get to the main question.

CHAIRMAN BAGINSKI: Mr. Pellow.

MR. PELLOW: Mr. Chairman and delegates, I concur in the remarks of Delegate Ostrow and the only question in my mind is whether or not this language is mandatory and binding on the legislature. From reading the language that is the way that I interpret it and that is the reason that I am standing so that the record will show that this language is mandatory on the legislature to act.

CHAIRMAN BAGINSKI: The question is on the Cudlip amendment.

Mr. King.

MR. KING: I will yield until we vote on the Cudlip amendment. I want to speak on the general question.

CHAIRMAN BAGINSKI: Mr. Austin.

MR. AUSTIN: I would like to ask Mr. Cudlip, in proposing the inclusion of the language "individuals, firms and corporations," whether it is his intention to include only legally constituted entities or other entities such as civic organizations, clubs, political organizations, and then there are trusts and estates that might be covered too.

CHAIRMAN BAGINSKI: Would you care to answer, Mr. Cudlip?

MR. CUDLIP: Mr. Chairman and Member Austin, I was using words that in legal phraseology are supposed to cover the orbit which I described. But certainly, I have no objection if you want to put in "voluntary associations, joint stock companies, partnerships" and all the rest. I think myself that these 3 words are generally regarded by lawyers and courts as covering about all the entities you can think of. There are voluntary associations which aren't even profit or nonprofit corporations, such as the chamber of commerce, as it was pointed out. That's all I can say to the matter. Thank you.

CHAIRMAN BAGINSKI: The question is on the Cudlip amendment.

Mr. Habermehl.

MR. HABERMEHL: Mr. Chairman, as Mr. Cudlip stated, I don't believe that he has any objection to the addition of the words voluntary associations and I think it might well take away any doubt about their right or their standing before such an investigative body. I believe Mr. Austin's point was well taken. "Voluntary associations" would cover fraternal or civic groups, or anything that has not been incorporated as a nonprofit corporation. I would move to amend the amendment by adding the 2 words voluntary associations.

CHAIRMAN BAGINSKI: The Chair would like to know where you want to put them, Mr. Habermehl. (laughter)

MR. HABERMEHL: I don't care.

CHAIRMAN BAGINSKI: Would you advise the Chair just about where you want to place the words?

MR. HABERMEHL: After the word "corporations".

SECRETARY CHASE: Mr. Habermehl offers the following amendment to the Cudlip amendment:

1. Amend the amendment after "corporations" by inserting "and voluntary associations".

CHAIRMAN BAGINSKI: The question now is on the Habermehl amendment to the amendment.

Mr. Hutchinson.

MR. HUTCHINSON: Mr. Chairman, I'd like to speak to that. It seems to me, ladies and gentlemen of the committee, that one of the things we have to be careful about in writing a constitutional provision is that we don't try—by spelling out a long list of things—to make it look and read just like a statute.

I think we go a long way when we add firms and corporations but when you begin to talk about voluntary associations, which are not legal entities in and of themselves, it seems to me as though that, for all practical purposes, reverts back to "persons." All you are talking about here anyway is the right of fair and just treatment. Really, neither a corporation nor a firm or any other kind of a group can appear or act or anything of the sort except through persons. Really, it's the rights of persons that we are concerned with here.

I wouldn't want to raise objection to Mr. Cudlip's original amendment, although I disagreed with it, but I didn't think there was any point in splitting hairs. But when you add voluntary associations, then somebody else will think up some other kind of entity and after you get all through you'll have the thing reading just like a statute, and that is not good constitutional practice, nor is there any need for it for the reason, as I say, that basically this thing has to do with the right of persons to fair and just treatment. And I say, any other kind of entity can act only through persons.

CHAIRMAN BAGINSKI: Mr. Cudlip.

MR. CUDLIP: Mr. Chairman, I disagree with Member Hutchinson. I don't know whether he was in the hall when I spoke. We are concerned here with the careful use of language to avoid a lot of litigation and I repeat that in the first unchanged sentence of this section, the word "persons" is used and it has different meaning, depending upon the application of the mixture of rights in that first sentence. And if the committee wishes to adopt the proposed change, I simply was pointing out that there was no use in the same section in putting on our courts the problem of interpretation. If we mean these things, let's say them. Because if I were a judge I'd be a bit confused if a body—a legislature or a convention such as this—gave me in 50 words the use of the word "persons" twice when they meant different things in the use of the word "persons".

CHAIRMAN BAGINSKI: Mr. Hutchinson.

MR. HUTCHINSON: Mr. Chairman, I'd like to point out again that obviously the courts came to the right decision in interpreting the old original language in referring to a person as being an individual in the first right guaranteed the witness against himself. And it came to the right conclusion with regard to the second right, referring to life, liberty and property without due process of law, because it is true that an entity can hold property, but an entity doesn't have life and I don't think it has liberty. It has property.

But now, then, we are talking about the treatment before investigations, proceedings and hearings. And I say to you again, a fair expectation is that in interpreting the words "persons" there, the courts would revert to the concept of the individual again because it is only the individual that this sentence can actually apply to.

CHAIRMAN BAGINSKI: The Chair recognizes Mr. Austin on the Habermehl amendment to the Cudlip amendment.

MR. AUSTIN: I am inclined to agree with Delegate Hutchinson and I am wondering if the language of the Cudlip amendment is necessary inasmuch as these entities are represented by individuals or persons. So I am wondering if Mr. Hutchinson would like to suggest along with me that perhaps we ought to get along without this additional language.

MR. HUTCHINSON: Yes.

MR. AUSTIN: I would be inclined then to oppose the Cudlip amendment.

CHAIRMAN BAGINSKI: The question is on the Habermehl amendment to the Cudlip amendment.

The Chair recognizes Mr. Ford.

MR. FORD: If it is in order, I want to support the Cudlip amendment and disagree respectfully with Senator Hutchinson on the question that he raises about a corporation or legal entity not being subject to the same sort of abuses we are talking about here.

I don't want to appear to be pleading the case of corporations but I can visualize situations—and I think this is one of the things that came to light while we were talking about the word "proceedings"—when, for example, a state agency is establishing rates for utilities and, although the individuals representing the utility company appearing before the agency may themselves be treated fairly, it's entirely possible that the proceedings might take a turn where the business reputation of the corporation is affected in a way that cannot be successfully defended against.

And when you get to the unincorporated associations and the others—I remember not so long ago in this state when we were reading a lot of stories about our state university that were disturbing to us and arose out of hearings that were being held over here in the legislature. And I don't know what the rights of the university as an entity might be in that case, but if there is a way that we can be sure that when the reputation of something such as one of our universities or a corporation, if you please, for private profit is impaired by the nature of the proceedings and we can do something here to prevent this as indicated by the Cudlip amendment, I think we should support it.

CHAIRMAN BAGINSKI: The Chair recognizes Mr. Ostrow for the purpose of discussing the Habermehl amendment to the Cudlip amendment.

MR. OSTROW: I disagree with Mr. Hutchinson because a corporation can be unjustly treated by any one of a dozen different administrative departments in the matter of issuing licenses or cancelling licenses or assessing penalties in this day and age when so many small businesses are incorporated. We're not just talking about large corporations. We're talking about the little ones too. They can be pushed around. It's just as important that they receive fair and just treatment.

CHAIRMAN BAGINSKI: Mr. Habermehl.

MR. HABERMEHL: I just wanted to ask Delegate Hutchinson a question as to whether or not he didn't believe that a witness before such a body could be treated with the utmost courtesy but be required to do an act that would be grossly unfair to the organization that he represents.

MR. HUTCHINSON: Will you give me a hypothetical illustration?

MR. HABERMEHL: I will. I can recall a certain organization that was asked to submit the entire list of its membership. Certainly, that could not have been—had it been done politely—an unfair treatment of the individual that was appearing. But I believe the courts held it was unfair to the organization.

MR. HUTCHINSON: Mr. Chairman, I'd like to reply that apparently that matter was something that was taken care of

without this additional language in the constitution. The courts found an unfairness, even though we didn't spell it out in the constitution. Then maybe it's not necessary to spell it out in the constitution.

CHAIRMAN BAGINSKI: Mr. Wanger.

MR. WANGER: Mr. Chairman and members of the committee, I wish to ask a question of Mr. Habermehl regarding his amendment, and that is this: as I understand it, a voluntary association is never a legal entity; it's merely a descriptive phrase used to define an association of individuals, and as such, no voluntary association can sue or be sued except by listing all of the names of the individuals. I raise that question with the thought in mind that perhaps the word "persons" alone is sufficient to cover voluntary associations.

MR. HABERMEHL: Technically, Mr. Wanger, a voluntary association is a partnership. You are right in that it couldn't sue or be sued but I assume that it could be called before one of these investigatory bodies and be asked questions concerning the entire organization.

MR. WANGER: If they are a partnership, then would not the word firm be sufficient to cover that?

MR. HABERMEHL: I don't know the legal definition of the word firm.

MR. WANGER: I remain at the microphone merely for the purpose, Mr. Chairman, of raising a point of order should any subsequent speaker fail to confine himself to the Habermehl amendment before it is acted on.

CHAIRMAN BAGINSKI: The Chair will try to accede to that request.

Mr. Allen.

MR. ALLEN: Mr. Chairman, it seems to me what we are bogged down here with is choosing the right words after we have a pretty well understood idea of what the consensus of the committee is, and I take it that the consensus of the committee is that the protection afforded should go not only to individuals but to all types of business entities. The only problem is we don't know how to describe them. Perhaps if we did try to describe them, we start running into too many words and we start reading like a statute rather than a constitution.

Now, I know when we try and work these things out immediately on the floor—we had this problem before, last week, when we tried to do this—we just don't have enough time or enough immediate knowledge. And I am wondering, as a practical matter, when the style and drafting committee knows what the intent of the group is—and it is only a case of putting in the right words—if we can't save a lot of time in this kind of situation, both right here today and on ones we will have in the future, if we could pass the proposal and allow style and drafting, which has to come back to us, to make the necessary corrections and rely upon the judgment of style and drafting that if they feel that the words as passed don't represent the feeling of the committee, to call it to our attention, because under the rules it may do so. Because I fear that as this committee goes along, if we don't do something like this, we are going to have many cases where we know what we want but we don't how to say it. And if we try to work it out on the floor, we will be here for a long, long time.

Now, I might also say that a similar problem came up on the construction of the fourteenth amendment to the federal constitution where the word "citizens" as referring to equal protection of the laws and the word "persons" as referring to due process were used. And I know that the courts have construed a person as a corporation under the due process and I am inclined to feel that Senator Hutchinson is right in this case but since we don't really know, I think we ought to refer this matter to the style and drafting committee.

MR. WANGER: Point of order, Mr. Chairman.

CHAIRMAN BAGINSKI: What is your point?

MR. WANGER: I respectfully raise the point of order that the delegate is not speaking now on the subject of the Habermehl amendment but rather on the Cudlip amendment.

CHAIRMAN BAGINSKI: Have you any comment to make?

MR. ALLEN: I think it applies to both. In other words, I think we are working out words here.

CHAIRMAN BAGINSKI: Continue, Mr. Allen.

MR. ALLEN: That was all I had anyway. (laughter)

CHAIRMAN BAGINSKI: The Chair will recognize Miss Donnelly on the Habermehl amendment.

MISS DONNELLY: Well, I would like to first support the Habermehl amendment but more substantially to support the Cudlip amendment, and I must take exception with our good senator because I do feel that corporations may be substantially injured and that it is—

MR. WANGER: Point of order.

CHAIRMAN BAGINSKI: What is your point?

MR. WANGER: The speaker is not confining herself to the Habermehl amendment, which is the subject before the committee.

CHAIRMAN BAGINSKI: The point is well taken. The question is on the Habermehl amendment. Miss Donnelly, do you care to continue on the Habermehl amendment?

MISS DONNELLY: I yield to Mr. Cudlip.

CHAIRMAN BAGINSKI: Mr. Cudlip.

MR. CUDLIP: I wish to speak to the Habermehl amendment because I think I know what I want to say in the amendment. Mr. Habermehl wants to say something else and that's fine with me. But I do want to point out that these voluntary associations which he refers to are common law associations; they have no corporate status. Most of our trade associations are not incorporated; they are voluntary common law associations. They can sue and be sued as such without listing all the members. I just want to make that observation. It is my opinion as a lawyer, pertinent to the point raised by Mr. Habermehl.

CHAIRMAN BAGINSKI: The Chair recognizes Mr. Tubbs on the Habermehl amendment.

MR. TUBBS: Mr. Chairman, I want to speak to all amendments. It seems to me that this is a pioneering piece of constitutional literature. We are trying to throw a cloak around the shoulders of witnesses. If we can't throw a cloak, let's at least give them a fig leaf. After all, that's the pioneering piece of protective clothing, isn't it? (laughter)

CHAIRMAN BAGINSKI: The Chair recognizes Mr. Mahinske on the Habermehl amendment.

MR. MAHINSKE: As I understand the remarks just made by Mr. Cudlip, he has no objection to the Habermehl amendment and I have no objections to the Habermehl amendment. It seems to me we are all talking about the same thing. I was wondering if Mr. Habermehl would yield to a substitution of his amendment and include the words after "person", "natural or otherwise," which would be all inclusive, and go on from this point.

CHAIRMAN BAGINSKI: Do you care to answer, Mr. Habermehl?

MR. HABERMEHL: Mr. Mahinske, probably you can inform me on this. Would that cover anything but persons and corporations who would be covered under your language? Would it cover voluntary associations?

MR. MAHINSKE: I think it would because we had the argument from Mr. Ostrow and Senator Hutchinson here where we talk about the voluntary associations that have no legal identity as such. We are still talking about persons, whether they are called in as persons or as a natural person or otherwise, and they are covered under any construction of what their entity amounts to here.

MR. HABERMEHL: If that is so, I have no particular pride of authorship in the words "voluntary associations". I would yield, however, to Mr. Cudlip. Of course, this would affect his amendment too.

CHAIRMAN BAGINSKI: Mr. Cudlip.

MR. CUDLIP: I don't believe you are talking about my matter now. (laughter)

CHAIRMAN BAGINSKI: The question is on the Habermehl amendment to the Cudlip amendment.

Mr. Austin.

MR. AUSTIN: Mr. Chairman, I am in favor of the Habermehl amendment because the subject matter was something that I raised. The only reason why I suggested that perhaps

we might avoid all of this language is that it does appear that it is persons who do appear before these organizations, that is, these governmental organizations representing other organizations. But if we are going to have the Cudlip amendment, I certainly feel that the Habermehl amendment is appropriate.

I would like also to address just a few remarks to the remarks made by Mr. Cudlip in regard to the right of unincorporated groups to sue and be sued and so on. We are not talking about the courts now, as I understand it. We are talking about appearances before governmental agencies and it is not just a matter of whether they can be sued or not be sued. I believe that these voluntary organizations or associations do need to be included. Just as an example, I would like to remind you that there are such things as neighborhood clubs that may want to appear before zoning boards and so on and they are certainly entitled to proper consideration.

CHAIRMAN BAGINSKI: The question is on the Habermehl amendment to the Cudlip amendment.

As many as are in favor of the Habermehl amendment to the Cudlip amendment will signify by saying aye. Opposed, no.

The amendment to the amendment is adopted.

The question now is on the Cudlip amendment as amended. As many as are in favor of the Cudlip amendment will signify by saying aye. Those opposed, no.

The amendment, as amended, is adopted.

SECRETARY CHASE: Mr. Lundgren offers the following amendment to section 16:

1. Amend page 4, line 4, after "law.", by striking out the balance of the section.

CHAIRMAN BAGINSKI: The question is on the Lundgren amendment.

Mr. Lundgren.

MR. LUNDGREN: Mr. Chairman, I offer that as a substitute for the following purpose; with all the discussion we've had here this afternoon, I feel that the language of the original section should be carried forward and the new language deleted that the committee has brought forth. So far this afternoon, I've heard no substantial argument that changes my opinion that the old section was proper. The courts have interpreted it many times, they have found favor with it. Therefore, I just ask that we delete the new language and revert back to the old section. Thank you.

CHAIRMAN BAGINSKI: The question is on the Lundgren amendment.

As many as are in favor of the amendment will signify by saying aye. Opposed, no.

The amendment is not adopted.

Are there any further amendments?

SECRETARY CHASE: That is all of the amendments on file to section 16, Mr. Chairman.

CHAIRMAN BAGINSKI: If not, section 16 will be passed. Section 16, as amended, is passed.

MR. HUTCHINSON: Mr. Chairman, I do not wish to interpose any will of mine here but it is obvious that we are not going to be able to complete all of the consideration of the bill of rights at this sitting. I was wondering if, in view of the hour, the chairman of the committee might not think that it was time that the committee did rise. (laughter)

CHAIRMAN BAGINSKI: Dr. Pollock.

MR. POLLOCK: Mr. Chairman, I was hoping that we could finish 2 more sections before we adjourned. I see no reason to be in any hurry. (laughter and applause)

CHAIRMAN BAGINSKI: The secretary will read section 17.

SECRETARY CHASE: Section 17.

[Sec. 17 was read by the secretary. For text, see above, page 465.]

CHAIRMAN BAGINSKI: Mr. Stevens.

MR. STEVENS: Mr. Chairman and fellow delegates, here is one in which we do not anticipate any amount of argument. (laughter) We feel that it is purely noncontroversial. The purpose of this provision is merely to provide that no person shall be disqualified to testify in court because of any religious

belief or lack of belief. A person who cannot take an oath because of his religion or lack of religion is of course permitted to testify after an affirmation. This has been in a long time. We think it is sufficient. It has nothing to do with religious liberty and so forth. That is why we did not see fit to attach it to section 3. This has to do with witnesses in court, their qualifications, nothing else. With those few remarks, I think the matter should be settled.

CHAIRMAN BAGINSKI: Are there any amendments to Section 17?

SECRETARY CHASE: None on file, Mr. Chairman.

CHAIRMAN BAGINSKI: If not, it will be passed. Section 17 is passed.

SECRETARY CHASE: Section 18.

[Sec. 18 was read by the secretary. For text, see above, page 465.]

CHAIRMAN BAGINSKI: Mr. Stevens.

MR. STEVENS: Mr. Chairman and fellow delegates, in this case we did have suggestions of amendments. If you will read your comment there:

[The comment to Sec. 18 was read by Mr. Stevens. For text see above, page 465.]

In other words, we recommend the retention of the present provision of the 1908 Constitution.

CHAIRMAN BAGINSKI: Are there any amendments to section 18?

SECRETARY CHASE: Mr. Nord has the following amendment:

1. Amend page 4, line 14, after "true" by striking out "and" and inserting "or"; so the language will then read, ". . . and, if it shall appear to the jury that the matter charged as libelous is true or was published with good motives. . . ."

CHAIRMAN BAGINSKI: Dr. Nord.

MR. NORD: Mr. Chairman, the suggestion I have to make here is not a change in language, really, even though it has been performed in one word. It is a substantive matter and I might say that it has been called to the attention of all the delegates by virtue of the Comparative Analysis of the Michigan Constitution put out by the citizens research council, which in volume 1, part 2, on page 4, makes this comment:

Probably no change is necessary although there are good reasons for eliminating the requirement that the jury must find in truth that it was published with good motives and justifiable ends before acquitting the accused.

The question is, why require more burdensome defense in a criminal libel case than in a civil libel case? That is the exact question I would like to address myself to.

First of all, I would like to point out that in the committee report there seems to be an unquestioning assumption which on the other hand is unquestionably not so. It is made twice and is incorrect. The 2 points in the comment—first of all it is stated that the committee carefully considered removing the entire subject of criminal libel. Now, I did not make that motion. I don't know who did. But I notice right after that it says this, "But it believes that the defenses of truth, good motives and justifiable ends constitute an adequate protection . . ." and it goes on. The point is that it says "the defenses", in the plural. It lists 3 defenses: truth is a defense, good motives is a defense, and justifiable ends is a defense. And it is made perfectly clear that they mean them, they assume them to be 3 separate defenses because not only is the word defenses used, which is the plural, but then they say constitute, which is also the plural form of the verb.

Finally, in the last paragraph of the comment we again have similar language:

"Again, the guarantees of the section with respect to defenses of truth, motives and justifiable ends appear to be adequate for this purpose also."

My comment is this, if there were defenses of that type, there is no question in my mind that the language would be

way I do, you could decide the opposite way. But the issue does boil down to that. If you have a wrongful motive and tell the truth, should you be put in prison or should you be subject to be put in prison?

CHAIRMAN BAGINSKI: Mr. Higgs.

MR. HIGGS: Mr. Chairman, since Delegate Everett rose here it gave me a little courage because I raised this point in the judicial committee and was asked where I went to law school. I am in agreement with Delegate Nord. It seems to me inconsistent to have a higher burden of proof on the defense in a criminal proceeding than it is in a civil. The real question here is where the burden of proof is and the degree to which it is required.

CHAIRMAN BAGINSKI: Mr. Norris.

MR. NORRIS: Mr. Chairman, I rise to oppose the proposition advanced by Mr. Nord. (laughter) You know, we live across the street and we share a community of interest and geographical proximity in this convention and I can only say we have been very objective with each other all through the convention and we are trying to do so now.

The main idea, as I see it, is the area in which this particular problem most frequently arises, namely in relation to newspaper attacks upon individuals. It seems to me that newspapers could publish a list of those who commit a felony and then say, "Well, we were able to prove that the man committed a felony," and therefore they don't have to be put in a position of proving they did it with good motives and justifiable ends. And I think this is the main area in which we ought to appraise this particular problem, in the light of experience, and not merely the precise laudable logic that Mr. Nord has on this and many other matters.

I think that I would support the propositions that were advanced by Delegates Ford and Brown and urge that the committee recommendation be accepted in this connection.

CHAIRMAN BAGINSKI: Mr. Brown.

MR. G. E. BROWN: Mr. Chairman, just a point of information advanced by Mr. Nord, and of Mr. Van Dusen insofar as he spoke on the subject. Would the change in the language that you have talked to, change the burden of proof in a sense from "... and was published without malicious motive or intent, the accused shall be acquitted?"

MR. NORD: In my opinion, the burden of proof is still on the prosecution in any event. It has been stated here that the burden of proof is greater on the defense. There is no real burden of proof on the defense in a criminal case. The point is, though, that in order to succeed, the defendant will have to turn out, even though the prosecution has the burden of proof beyond a reasonable doubt, and the prosecution will not have to negative as many things.

In the present law the prosecution only has to negative one thing, any one of those 3 things. It has to negative that the statement was true or that it was made with fair motives, or whatever the third thing is—justifiable purpose. It only has to negative any one of those beyond a reasonable doubt. Under the provision as we have it before us now, it would have to make it a negative one, one specific one, not any other one. True. So it is not a question of shifting the burden of proof.

I would say further in connection with the remarks of Mr. Norris, whom I was expecting to have dinner with this evening before he spoke (laughter) — that there is protection for people who are in the position that he mentioned. If a newspaper should make a list of persons who previously committed felonies with no reason whatever, Mr. Justice Brandeis has solved the problem, I believe, a long time ago. He invented a tort special for that kind of a case—the invasion of privacy—so the individual will have recourse in civil law. I think what we have to take into account is that there is a menace here with the state acting against an individual just because they don't like him when he has told the truth. I don't think we should ignore that.

CHAIRMAN BAGINSKI: Dr. Pollock.

MR. POLLOCK: I am prepared to offer a motion, Mr. Chairman, if there is some chance of disposing of this briefly but I won't make the motion until I am satisfied that this section can be disposed of.

CHAIRMAN BAGINSKI: Three more delegates have requested to speak on the Nord amendment.

MR. POLLOCK: Briefly? (laughter)

CHAIRMAN BAGINSKI: The Chair hopes.

Mr. King.

MR. KING: Mr. Chairman and fellow delegates, I'll try to be brief. I'm inclined to agree with Professor Nord except that it seems to me that there is a definite inconsistency between the laws of criminal libel and civil libel and specifically I think that the area where the correction is needed is in the area of civil libel. Now, he has mentioned this right of privacy, which is an emerging field of law and I don't think it has emerged very far in the state of Michigan but perhaps there is hope in that area. My other comment was with regard to the burden of proof; of course, in a criminal case this is entirely different and negates much of what Dr. Nord said, but it was also brought to our attention by Dr. Nord. Beyond that, I don't think I'll prolong the debate. Thank you.

CHAIRMAN BAGINSKI: The question now is on the Nord amendment. As many as are in favor of the amendment will signify by saying aye. Opposed?

The amendment is not adopted.

Dr. Pollock.

MR. POLLOCK: What about the motion now on the section?

CHAIRMAN BAGINSKI: Will you wait just a minute, please? Are there any further amendments to section 18? If not, it will be passed.

Section 18 is passed.

Dr. Pollock.

MR. POLLOCK: Mr. Chairman, would you correct me if I am wrong? I did not hear you put the final question on section 16 as amended. Do you have a record at the desk there of having done that? We adopted the Cudlip amendment and I didn't hear you put the final motion on section 16.

CHAIRMAN BAGINSKI: Section 16, as amended, has been passed.

MR. POLLOCK: Thank you. That means then that we have passed everything up to section 19.

DELEGATES: No.

MR. POLLOCK: Yes, we passed over one, I understand. And since section 19 is likely to be another field day for the legal profession, (laughter) I move, Mr. Chairman, that the committee do now rise and report to the convention.

CHAIRMAN BAGINSKI: Mr. Pollock, before we put the motion, are you going to prepare the revised comments for section 14?

MR. POLLOCK: Yes. That is in process now.

CHAIRMAN BAGINSKI: As many as are in favor of the motion that the committee do now rise, signify by saying aye. Opposed?

The motion prevails.

[Whereupon, the committee of the whole having risen, Vice President Hutchinson assumed the Chair.]

VICE PRESIDENT HUTCHINSON: Mr. Baginski.

MR. BAGINSKI: Mr. President, the committee of the whole has had under consideration a certain proposal. They made several amendments thereto and the secretary will make a detailed report.

SECRETARY CHASE: Mr. President, the committee of the whole has had under consideration **Committee Proposal 15**, made several amendments thereto, and come to no final resolution thereon.

The committee of the whole recommends that the reasons supporting Committee Proposal 15, relative to section 14 of article II, be revised by the committee on declaration of rights, suffrage and elections.

This completes the report of the committee of the whole.

VICE PRESIDENT HUTCHINSON: Without objection, the recommendation is concurred in and the revision so ordered.

The Chair would like to make one announcement. The Chair would like to announce that today our secretary resigned as

Faxon Follo	Lawrence Lesinski	Young Youngblood	Everett Figy Finch Goebel Gover Haskill Higgs Howes	Perras Plank Powell Prettie Pugsley Radka Rajkovich	Upton Van Dusen Wanger Wilkowski Wood Woolfenden Yeager
Nays — 81					
Allen Anspach Batchelor Beaman Bentley Blandford Bonisteel Boothby Brake Butler, Mrs. Conklin, Mrs. Cudlip Danhof Davis Dehnke Dell Doty, Dean Doty, Donald Elliott, A. G. Erickson Everett Farnsworth Figy Finch Goebel Gover Haskill	Higgs Howes Hoxie Hubbs Iverson Karn Kirk, S. Knirk, B. Koeze, Mrs. Kuhn Lebrand Leppien Lundgren Mahinske Martin McAllister McCauley McGowan, Miss McLogan Millard Perras Plank Pollock Powell Prettie Pugsley Radka	Rajkovich Richards, J. B. Richards, L. W. Romney Rood Rush Seyferth Shackleton Shaffer Shanahan Sharpe Sleder Spitler Stafseth Stamm Sterrett Stevens Tubbs Turner Tweedie Upton Van Dusen Wanger White Wood Woolfenden Yeager	Allen Andrus, Miss Austin Baginski Balcer Barthwell Binkowski Bledsoe Bonisteel Brown, T. S. Buback Cushman, Mrs. Dade DeVries Donnelly, Miss Douglas Downs Durst Elliott, Mrs. Daisy Farnsworth Faxon	Nays — 61 Follo Ford Gadola Garvin Greene Gust Habermehl Hannah, J. A. Hart, Miss Hatch Hatcher, Mrs. Heideman Hodges Hood Judd, Mrs. King Krolikowski Lawrence Lesinski Madar	Marshall McLogan Millard Mosler Murphy Nord Norris Pellow Perlich Pollock Sablich Snyder Staiger Stamm Stopczynski Suzore Walker White Young Youngblood

SECRETARY CHASE: On the adoption of the Bledsoe-Donnelly substitute, the yeas are 54; the nays 81.

VICE PRESIDENT HUTCHINSON: The amendment in the form of a substitute is not adopted. The question now is upon concurring in the amendment recommended by the committee of the whole. And the Chair wants to make this very clear: the question is upon concurring. In other words, those delegates who are in favor of the Prettie amendment would vote yes; those opposed would vote no; because the question is upon concurring in the recommendation made by the committee of the whole. All those in favor will say aye. Mr. Boothby?

MR. BOOTHBY: Mr. President, I'd like to request a roll call vote on this question, please.

VICE PRESIDENT HUTCHINSON: Mr. Boothby demands the yeas and nays. Is the demand supported? All those in favor will rise. A sufficient number up.

Mr. Pollock.

MR. POLLOCK: Mr. President, would you please repeat your instructions? Some of us are a little bit confused. My motion was not to concur.

VICE PRESIDENT HUTCHINSON: Mr. Pollock, your motion was not in order. The question is upon concurring. The Chair never recognized your motion because your motion is not in order.

Those delegates who are in favor of the Prettie amendment will vote yes; those who are opposed will vote no. Have you all voted? If so, the secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas — 76

Anspach Batchelor Beaman Bentley Blandford Boothby Brake Butler, Mrs. Conklin, Mrs. Cudlip Danhof Davis Dehnke Dell Doty, Dean Doty, Donald Elliott, A. G. Erickson	Hoxie Hubbs Iverson Karn Kelsey Kirk, S. Knirk, B. Koeze, Mrs. Kuhn Lebrand Leppien Liberato Lundgren Mahinske Martin McAllister McCauley McGowan, Miss	Richards, J. B. Richards, L. W. Romney Rood Rush Seyferth Shackleton Shaffer Shanahan Sharpe Sleder Spitler Stafseth Sterrett Stevens Tubbs Turner Tweedie
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SECRETARY CHASE: On the question of concurring in the remaining recommendation of the committee of the whole, namely, the Prettie amendment, the yeas are 76; the nays are 61.

VICE PRESIDENT HUTCHINSON: The recommendation of the committee of the whole is concurred in and **Committee Proposal 15**, A proposal to amend article II pertaining to the declaration of rights, as amended, is referred to the committee on style and drafting.

Following is Committee Proposal 15 as amended and referred to the committee on style and drafting:

The committee recommends that the following be included in the constitution:

Article I

Declaration of rights

Political power

Sec. 1. All political power is inherent in the people. Government is instituted for their equal benefit, security and protection.

Right of assembly and petition

Sec. 2. The people have the right peaceably to assemble, to consult for the common good, to instruct their representatives and to petition the government for redress of grievances.

Freedom of worship; disabilities

Sec. 3. Every person shall be at liberty to worship God according to the dictates of his own conscience. No person shall be compelled to attend, or, against his consent, to contribute to the erection or support of any place of religious worship; or to pay tithes, taxes or other rates for the support of any minister of the gospel or teacher of religion. No money shall be appropriated or drawn from the treasury for the benefit of any religious sect or society, theological or religious seminary; nor shall property belonging to the state be appropriated for any such purpose. The civil and political rights, privileges and capacities of no person shall be diminished or enlarged on account of his religious belief.

Liberty of speech and press

Sec. 4. Every person may freely speak, write, express, and publish his views on all subjects, being responsible for the abuse of such right; and no law shall be passed to restrain or abridge the liberty of speech or of the press.

Right to bear arms

Sec. 5. Every person has a right to bear arms for the defense of himself and the state.

Civil power supreme

Sec. 6. The military shall in all cases and at all times be in strict subordination to the civil power.

Quartering of soldiers

Sec. 7. No soldier shall, in time of peace, be quartered in any house without the consent of the owner or occupant, nor in time of war, except in a manner prescribed by law.

Slavery prohibited

Sec. 8. Neither slavery, nor involuntary servitude unless for the punishment of crime, shall ever be tolerated in this state.

Attainder; ex post facto laws; impairment of contracts

Sec. 9. No bill of attainder, ex post facto law or law impairing the obligation of contracts shall be passed.

Searches and seizures

Sec. 10. 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, supported by oath or affirmation: Provided however, That the provisions of this section shall not be construed to bar from evidence in any court of criminal jurisdiction, in any criminal proceeding or preliminary examination any narcotic drug or drugs, any firearm, bomb, explosive, or any other dangerous weapon, seized by any peace officer outside the curtilage of any dwelling house in this state.

Habeas corpus

Sec. 11. The privilege of the writ of habeas corpus shall not be suspended unless in case of rebellion or invasion the public safety may require it.

Appearance in person or by counsel

Sec. 12. Any suitor in any court of this state shall have the right to prosecute or defend his suit, either in his own proper person or by an attorney.

Jury trial

Sec. 13. The right of trial by jury shall remain, but shall be deemed to be waived in all civil cases unless demanded by one of the parties in such manner as shall be prescribed by law.

Former jeopardy; bailable offenses

Sec. 14. No person shall be subject for the same offense to be twice put in jeopardy. All persons shall, before conviction, be bailable by sufficient sureties, except for murder and treason when the proof is evident or the presumption great.

Bail; fines; punishment; detention of witnesses

Sec. 15. Excessive bail shall not be required; excessive fines shall not be imposed; cruel or unusual punishment shall not be inflicted; nor shall witnesses be unreasonably detained.

Self incrimination; due process of law

Sec. 16. No person shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property, without due process of law. The right of all individuals, firms and corporations and voluntary associations to fair and just treatment in the course of legislative and executive proceedings, investigations, and hearings shall not be infringed.

Competency of witnesses

Sec. 17. No person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief.

Libels; truth as defense

Sec. 18. In all prosecutions for libels the truth may be given in evidence to the jury; and, if it shall appear to the jury that the matter charged as libelous is true and

was published with good motives and for justifiable ends, the accused shall be acquitted.

Rights of accused

Sec. 19. In every criminal prosecution, the accused shall have the right to a speedy and public trial by an impartial jury, which may consist of less than 12 jurors in all courts not of record; to be informed of the nature of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to have the assistance of counsel for his defense; to have an appeal as a matter of right; and in courts of record, when the trial court shall so order, to have such reasonable assistance as may be necessary to perfect and prosecute an appeal.

Imprisonment for debt or military fine

Sec. 20. No person shall be imprisoned for debt arising out of, or founded on a tort or a contract, express or implied, except in cases of fraud or breach of trust, or of moneys collected by public officers or in any professional employment.

Treason; definition, evidence

Sec. 21. Treason against the state shall consist only in levying war against it or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless upon the testimony of 2 witnesses to the same overt act, or on confession in open court.

Subversion; definition, penalty; rights not valid as defense

Sec. ... The enumeration in this constitution of certain rights shall not be construed to deny or disparage others retained by the people.

VICE PRESIDENT HUTCHINSON (continuing): General orders of the day. Dr. Pollock.

MR. POLLOCK: Mr. President, a parliamentary inquiry. Would you please inform me about the status of all of the recommendations of the committee of the whole on article II. Are they all referred to the committee on style?

VICE PRESIDENT HUTCHINSON: The recommendations of the committee of the whole as to article II, that is to say everything that is in Committee Proposal 15, have now been referred to the committee on style and drafting.

MR. POLLOCK: Thank you.

VICE PRESIDENT HUTCHINSON: Mr. DeVries.

MR. DeVRIES: Mr. President I move that the order of general orders be passed for the day.

VICE PRESIDENT HUTCHINSON: The delegate moves that the order of general orders be now passed for the day. All those in favor will say aye. Those opposed will say no.

The motion prevails and it is so ordered.

Announcements.

SECRETARY CHASE: We have the following announcements of committee meetings in addition to the announcements that are on the composite calendar —

VICE PRESIDENT HUTCHINSON: May we have order, please.

SECRETARY CHASE: The committee on education will meet Wednesday after the session in room J, also Thursday at 10:30 a.m. in room J.

The committee on emerging problems will meet in room I Wednesday at 1:00 o'clock p.m. Frank Millard, chairman.

The committee on legislative powers will meet in room H tomorrow, Tuesday, immediately after the session. T. Jefferson Hoxie, chairman.

The committee on finance and taxation will meet in room E tomorrow at 8:30 a.m. D. Hale Brake, chairman.

The committee on administration will meet Wednesday at 1:15 p.m. Walter DeVries, chairman.

The following announcement, the rapid reading course has slowed down. (laughter) The last class will be next Monday evening instead of this Wednesday.

Apples tonight were furnished by Delegate J. Burton Richards. (applause)

VICE PRESIDENT HUTCHINSON: Further announcements? Mr. Elliott.

he left footprints wherever he went, and they were too deep or too large to fill or disappear". That opportunity is ours in this convention if we will but accept that responsibility.

Third, I came to this convention to write a constitution that would include that material that would be acceptable to our Michigan citizens and on which we could get a favorable vote. Friday, I began to wonder; maybe, I thought, our duty is to write a document that is best for our people; that we definitely put principles of good government ahead of appeasement; that we put the right above the acceptable; that we put the long range good above the immediate advantages, so that even if the people of our state are not ready to accept this, it will set the standard for future progress. We have already seen some evidences that this is good.

This is, has been, and must continue to be a deliberative body. We can only accomplish as we are willing to compromise. Do any of us doubt that the problems brought to this convention by Mrs. Butler or Mr. Leslie Richards are different than those presented by Mr. Ford or Mr. Norris? That the problem of sections of our state are different in kind and amount? And the problems of both areas are very real; and the same solution is not sufficient for them. Both are honest in their thinking and right in their efforts to find a solution. But our problem is to find an answer for each.

We must find that answer of what is best for Michigan, not for the Democrats or the Republicans, not for Fremont or Detroit, not for education, labor, industry or agriculture, but what is best for our almost 8 million Michigan citizens. Our dedication must be to a larger thing. We must be able to find it and to see it. Someone has written:

To every man there openeth
A way and ways and a way
And the high soul climbs the high way
And the low soul gropes the low
And in between on the misty flats
The rest drift to and fro.
But to every man there openeth
A high way and a low,
And every man decideth
The way his soul shall go.

Which way will we choose for the rest of this convention?

To me Friday was a "change day". In the vernacular of the advertising slogan, now is the time for us "to come up, to come all the way up" to writing a document that will be a monumental one, one that will be a credit to the great people of this convention, one that will stand in our Michigan history as the foundation stone of a great state. Will you pray with me for guidance as we say:

Our kind and gracious heavenly Father, as we approach the critical time of this convention, give us wisdom to see our duty; give us knowledge to perform our tasks; give us confidence to think constructively; and give us the courage to do what is right. Give us guidance as we make the supreme effort to travel the high road of citizenship responsibility so that our state and its citizens will be forever grateful and appreciative of the work we do here. We have come near to the end of our own strength. From here on we need and ask for Thy guiding hand so that our duty and obligation will be adequately filled for our great state of Michigan.

Ladies and gentlemen of this constitutional convention, I urge that as Lincoln, whose birthday we celebrate today, said, "Let us take increased devotion" to this task before us.

That job can be done and we can do it if we only keep our mind and our effort on our real obligation, the welfare of Michigan and all of its citizens. Thank you very much. (applause)

The Chair recognizes Mr. Bonisteel.

MR. BONISTEEL: Mr. President and fellow delegates, as president of and on behalf of the historical society of Michigan, I have the honor to present this little booklet which has been placed on the desk of each one of the delegates. The title is, *The Abiding Lincoln*. It is appropriate to do this on this February 12, 1962. It is an address, in fact, the last major

address of one of the great orators of America, Dr. Edgar DeWitt Jones, beloved by the people of Michigan in his lifetime and remembered by thousands today. It would please Dr. Jones to know that this address has been placed with each delegate of this convention and I am sure that somehow he will know. The little booklet is a collector's item and if you do not wish to keep it, I am sure that your local library will be pleased to add it to its collection. This address, *The Abiding Lincoln*, will fit in well with the splendid remarks made by our president just now.

PRESIDENT NISBET: Thank you very much, Mr. Bonisteel.

Returning to our order of business, **reports of standing committees.**

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 2 of that committee, reporting back to the convention **Committee Proposal 1**, A proposal pertaining to the inclusion of section 1 of article XI in the constitution;

with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

For Committee Proposal 1 as reported by the committee on style and drafting, see below under date of April 18.

PRESIDENT NISBET: The committee proposal is placed on the order of second reading of proposals.

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 3 of that committee, reporting back to the convention **Committee Proposal 12**, A proposal pertaining to exemptions as a substitute for all of article XIV;

with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

For Committee Proposal 12 as reported by the committee on style and drafting, see below under date of April 30.

PRESIDENT NISBET: The committee proposal is placed on the order of second reading of proposals.

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 4 of that committee, reporting back to the convention **Committee Proposal 15**, A proposal to amend article II pertaining to the declaration of rights;

with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

For Committee Proposal 15 as reported by the committee on style and drafting, see below under date of April 26.

PRESIDENT NISBET: The committee proposal is placed on the order of second reading of proposals.

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 5 of that committee, reporting back to the convention **Committee Proposal 19**, A proposal to provide for a state militia;

with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

For Committee Proposal 19 as reported by the committee on style and drafting, see below under date of April 30.

PRESIDENT NISBET: The committee proposal is placed on the order of second reading of proposals.

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 6 of that committee, reporting back to the convention **Committee Proposal 26**, A proposal for a section in the declaration of rights incorporating in the declaration of rights an "equal protection" clause and a guarantee against discrimination in civil and political rights because of race, religion, sex or national origin;

with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

For Committee Proposal 61 as reported by the committee on style and drafting, see below, page 2998.

PRESIDENT NISBET: Referred to the order of second reading of proposals.

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 110 of that committee, reporting back to the convention **Committee Proposal 62**, A proposal pertaining to grants of extra compensation;

with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

For Committee Proposal 62 as reported by the committee on style and drafting, see below, page 2999.

PRESIDENT NISBET: Referred to the order of second reading of proposals.

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 111 of that committee, reporting back to the convention **Committee Proposal 63**, A proposal pertaining to estates of married women; with the recommendation that the style and form be approved.

William B. Cudlip, chairman.

For Committee Proposal 63 as reported by the committee on style and drafting, see below, page 3001.

PRESIDENT NISBET: Referred to the order of second reading of proposals.

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 112 of that committee, reporting back to the convention **Committee Proposal 64**, A proposal to amend article XVII, section 1 of the present constitution pertaining to amendment to the constitution; proposal by legislature and submission to electors; with the recommendation that the style and form be approved.

William B. Cudlip, chairman.

For Committee Proposal 64 as reported by the committee on style and drafting, see below, page 3003.

PRESIDENT NISBET: Referred to the order of second reading of proposals.

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 113 of that committee, reporting back to the convention **Committee Proposal 65**, A proposal to amend article XVII, sections 2 and 3, pertaining to amendment and revision of the constitution; with the recommendation that the style and form be approved.

William B. Cudlip, chairman.

For Committee Proposal 65 as reported by the committee on style and drafting, see below, page 3004.

PRESIDENT NISBET: Referred to the order of second reading of proposals.

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 114 of that committee, reporting back to the convention **Committee Proposal 66**, A proposal relative to amendment and revision; with the recommendation that the style and form be approved.

William B. Cudlip, chairman.

For Committee Proposal 66 as reported by the committee on style and drafting, see below, page 3006.

PRESIDENT NISBET: Referred to the order of second reading of proposals.

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 115 of that committee, reporting back to the convention **Committee Proposal 68**, A proposal pertaining to the schedule;

with the recommendation that the style and form be approved.

William B. Cudlip, chairman.

For Committee Proposal 68 as reported by the committee on style and drafting, see below, page 3031.

PRESIDENT NISBET: Referred to the order of second reading of proposals.

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 116 of that committee, reporting back to the convention **Committee Proposal 125**, A proposed constitutional provision with respect to the conservation of the state's paramount interest in the air, waters and other natural resources of the state;

with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

For Committee Proposal 125 as reported by the committee on style and drafting, see below, page 2900.

PRESIDENT NISBET: Referred to the order of second reading of proposals.

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 117 of that committee, reporting back to the convention **Committee Proposal 126**, A proposal to affirm the state's primary concern in public health;

with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

For Committee Proposal 126 as reported by the committee on style and drafting, see below, page 2901.

PRESIDENT NISBET: Referred to the order of second reading of proposals.

Communications.

SECRETARY CHASE: None.

PRESIDENT NISBET: **Second reading.** We are on the proposals of the committee on declaration of rights, suffrage and elections. The secretary will read.

SECRETARY CHASE: Item 1 on the calendar, **Committee Proposal 15**, A proposal to amend article II pertaining to the declaration of rights. It reads as follows—

MR. POLLOCK: Mr. President.

PRESIDENT NISBET: Mr. Pollock.

MR. POLLOCK: If it's in order, I suggest that we do not read this whole proposal.

PRESIDENT NISBET: The question is on the motion of Dr. Pollock that the proposal be considered read. Those in favor will say aye.

The motion prevails.

Following is Committee Proposal 15 as reported by the committee on style and drafting and considered read. (For full text as referred to said committee, see above, page 687.):

Sec. 1. All political power is inherent in the people. Government is instituted for their equal benefit, security and protection.

Sec. 2. The people have the right peaceably to assemble, to consult for the common good, to instruct their representatives and to petition the government for redress of grievances.

Sec. 3. Every person shall be at liberty to worship God according to the dictates of his own conscience. No person shall be compelled to attend, or, against his consent, to contribute to the erection or support of any place of religious worship[]; or to pay tithes, taxes or other rates for the support of any minister of the gospel or teacher of religion. No money shall be appropriated or drawn from the treasury for the benefit of any religious sect or society, theological or religious seminary; nor shall property belonging to the state be appropriated for any such purpose. The civil and political rights, privileges and capacities of no person shall be diminished or enlarged on account of his religious belief.

Sec. 4. Every person may freely speak, write, express, and publish his views on all subjects, being responsible for

the abuse of such right; and no law shall be passed to restrain or abridge the liberty of speech or of the press.

Sec. 5. Every person has a right to bear arms for the defense of himself and the state.

Sec. 6. The military shall in all cases and at all times be in strict subordination to the civil power.

Sec. 7. No soldier shall, in time of peace, be quartered in any house without the consent of the owner or occupant, nor in time of war, except in a manner prescribed by law.

Sec. 8. Neither slavery, nor involuntary servitude unless for the punishment of crime, shall ever be tolerated in this state.

Sec. 9. No bill of attainder, ex post facto law or law impairing the obligation of contract[s] shall be passed.

Sec. 10. 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, supported by oath or affirmation: Provided however, That the provisions of this section shall not be construed to bar from evidence [in any court of criminal jurisdiction,] in any criminal proceeding [or preliminary examination], any narcotic drug [or drugs], any firearm, bomb, explosive, or any other dangerous weapon, seized by any peace officer outside the curtilage of any dwelling house in this state.

Sec. 11. The privilege of the writ of habeas corpus shall not be suspended unless in case of rebellion or invasion the public safety may require it.

Sec. 12. Any suitor in any court of this state shall have the right to prosecute or defend his suit, either in his own proper person or by an attorney.

Sec. 13. The right of trial by jury shall remain, but shall be deemed to be waived in all civil cases unless demanded by one of the parties in such manner as shall be prescribed by law.

Sec. 14. No person shall be subject for the same offense to be twice put in jeopardy. All persons shall, before conviction, be bailable by sufficient sureties, except for murder and treason when the proof is evident or the presumption great.

Sec. 15. Excessive bail shall not be required; excessive fines shall not be imposed; cruel or unusual punishment shall not be inflicted; nor shall witnesses be unreasonably detained.

Sec. 16. No person shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property, without due process of law. The right of all individuals, firms [and], corporations and voluntary associations to fair and just treatment in the course of legislative and executive [proceedings,] investigations[,] and hearings shall not be infringed.

Sec. 17. No person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief.

Sec. 18. In all prosecutions for libels the truth may be given in evidence to the jury; and, if it [shall appear] APPEARS to the jury that the matter charged as libelous is true and was published with good motives and for justifiable ends, the accused shall be acquitted.

Sec. 19. In every criminal prosecution, the accused shall have the right to a speedy and public trial by an impartial jury, which may consist of less than 12 jurors in all courts not of record; to be informed of the nature of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to have the assistance of counsel for his defense; to have an appeal as a matter of right; and in courts of record, when the trial court [shall so order] SO ORDERS, to have such reasonable assistance as may be necessary to perfect and prosecute an appeal.

Sec. 20. No person shall be imprisoned for debt arising out of, or founded on [a tort or a] contract, express or implied, OR TORT, except in cases of fraud or breach

of trust[, or of moneys collected by public officers or in any professional employment].

Sec. 21. Treason against the state shall consist only in levying war against it or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless upon the testimony of 2 witnesses to the same overt act, or on confession in open court.

[The enumeration in this constitution of certain rights shall not be construed to deny or disparage others retained by the people.]

PRESIDENT NISBET: Dr. Pollock.

MR. POLLOCK: Mr. President, the committee has met and gone over the very few changes which have been made in the document since it passed committee of the whole, changes made by the committee on style and drafting. The committee has no objection to any of these small changes which have been made by the committee on style and drafting but we do have a small amendment as a committee amendment to propose to you. If it's in order, I should like to present that at this time.

SECRETARY CHASE: Mr. Pollock, on behalf of the committee on declaration of rights, suffrage and elections, offers the following amendment:

1. Amend page 2, line 5, [section 5] after "right to" by inserting "keep and"; so the language will there read, "Every person has a right to keep and bear arms for the defense of himself and the state."

PRESIDENT NISBET: Mr. Pollock.

MR. POLLOCK: Mr. President, this, as you see, is a very slight amendment proposed to be inserted by the committee in such a way as to correspond to the language which is already in the federal constitution and meets some objections which were raised to our original proposal. I think Delegate Wanger wanted to say something on this amendment. If so, I yield to him at this time.

PRESIDENT NISBET: Mr. Wanger.

MR. WANGER: Mr. President, I urge you to support this amendment which will bring this section in line with the interpretation which has been already given it by our court and also into line with the second amendment of the United States constitution, part of our bill of rights, which also protects the people's right to keep and bear arms. In addition, this amendment, by clearly setting out the law for everybody to see in the constitution itself, will mean a great deal to the many thousands of hunting and conservation and rifle club enthusiasts of our state. I urge a yes vote.

PRESIDENT NISBET: The question is on the amendment offered by the committee. Those in favor will say aye. Opposed, no.

The amendment is adopted.

MR. POLLOCK: The committee, Mr. President, has no other amendment to propose to this proposal. I believe there are several other amendments pending.

PRESIDENT NISBET: The Chair recognizes Mr. Bentley.

MR. BENTLEY: Mr. President, before we begin considering amendments to Committee Proposal 15, I would like to make a request and a brief explanation. At the time that article II, section 3 was being considered in committee of the whole on January 8, in response to a question raised by the gentleman from Detroit, Mr. Mahinske, I stated it was my belief that the present language of article II, section 3, prohibited the state participating in federal grants to private institutions. I have now been furnished with a copy of a letter 4 pages long from Attorney General Frank J. Kelley, dated February 6, 1962, in which this statement of mine is pointed out to have been in error. According to the attorney general, the state does not participate in federal grants or federal grant programs to private and parochial institutions in the state of Michigan apparently for a variety of reasons: lack of funds, lack of statutory authority and many others. But the attorney general's interpretation is that article II, section 3, does not in itself prohibit the state participating in such federal grant programs insofar as nonpublic institutions are concerned.

Explanation—Matter within [] is stricken, matter in capitals is new.

which it ought to adopt in a case so novel and so important.

Mr. Drayton, in presenting his resolutions, said that if this breach of rule should be passed over in silence it might hereafter be in the power of a minority to defeat the legislative functions of the body by combining together in a similar refusal.

In order to complete the roll call on the pending resolution — that relating to Mr. Stanbery — the consideration of Mr. Drayton's resolution was postponed until the next day.

On July 12, after considerable discussion, during which some doubt was expressed as to the constitutional right of the house to make a rule requiring members to vote, the resolutions were laid on the table, yeas 89, nays 63.

Sections 5944, 5945, 5946, 5947 and 5948 all deal with the same question, and in each case the house failed in attempting to compel the member to vote. Section 5948 closes with "So the attempt to require Mr. Adams to vote failed."

(laughter)

MRS. CONKLIN: Mr. President, I am very happy to put you down in history with Mr. Adams.

VICE PRESIDENT HUTCHINSON: Thank you. Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, the delays which we have encountered this morning make it quite apparent to me, and I believe will make it apparent to you that it will require a portion of next Tuesday for us to complete the order of second reading. I make this remark at this time so that the delegates can plan their own schedules accordingly.

MR. HIGGS: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Higgs.

MR. HIGGS: I don't want to carry this on too long, in view of Delegate Van Dusen's remarks, but I would like to ask a further question. This case read to us involved an attempt to require the Chair to vote in order to complete the roll call. Now, is there any reason why the Chair could not voluntarily complete the roll call by voting, even though the vote had been announced? It didn't say in that case whether the vote had been announced or not.

MR. HATCH: Point of order, Mr. President.

VICE PRESIDENT HUTCHINSON: State the point.

MR. HATCH: What is before the house at the present time?

VICE PRESIDENT HUTCHINSON: The next order of business is the order of second reading of proposals.

MR. HIGGS: This is a parliamentary inquiry that I am making.

MR. HATCH: It seems to me that we are discussing something that is not before the house at the present time.

VICE PRESIDENT HUTCHINSON: The Chair would want to dispose of this thing, if possible, very briefly, by simply saying this: that ordinarily, after a vote is announced, it is final, and then, after that happens, an additional vote can be made or a vote can be changed only by unanimous consent of the body. The Chair recognizes Mr. Walker. Mr. Walker passes. Mr. White.

MR. WHITE: Mr. President and ladies and gentlemen of the convention, this appears to be a morning for reconsiderations. As you know, yesterday we voted to eliminate the words, "liberty of speech or of the press" from section 4 of the declaration of rights. The change was affected by a margin of only 3 votes on a previous question procedure which gave us little opportunity for serious consideration of what we were doing. I am reluctant to keep the pot boiling on this issue. I don't like to force delegates to take sides, so to speak, in a hassle that appears to have developed between competing media. I should like to point out, however, that much more than a matter of prestige is involved here.

In our action yesterday, we emasculated a traditional freedom, that of speech and of the press. I point out to you that these words are traditional, historic, and meaningful to the people of Michigan, and they follow closely the language in the federal constitution. I point out further that a considerable body of legal precedents hangs upon the judicial interpretation of these words. Despite what you may have heard on this floor yesterday,

there is nothing archaic or obsolete about freedom of speech and of the press. These are basic rights, and I think we are shortsighted if we allow ourselves to be persuaded to eliminate them from this new document.

If I am in order, sir, I move that we reconsider the vote on the passage of **Committee Proposal 15**, the declaration of rights. I bring this up now because I understand that we will have no opportunity to act on it on third reading.

For the vote on the passage of Committee Proposal 15, see above, page 2886.

VICE PRESIDENT HUTCHINSON: Mr. White moves that the vote by which Committee Proposal 15 was passed on yesterday and the vote by which the amendment, which the secretary will read, was adopted on yesterday, be reconsidered. The secretary will first read the amendment.

SECRETARY CHASE: The amendment is:

1. Amend page 2, line 3, [section 4] after "abridge" by striking out "the liberty of speech or of the press" and inserting "these liberties"; which will be found on page 1150 of yesterday's journal.

VICE PRESIDENT HUTCHINSON: Mr. Dehnke.

MR. DEHNKE: Mr. President, if I thought this involved anything of serious importance, I would be glad to go along with the motion to reconsider, but I think we are overly concerned with words. The language as it now reads is this:

Every person may freely speak, write, express, and publish his views on all subjects . . . ; and no law shall be passed to restrain or abridge these liberties.

Now, if that doesn't cover liberty of speech and liberty of the press, I am very much mistaken.

VICE PRESIDENT HUTCHINSON: Mr. Woolfenden.

MR. WOOLFENDEN: Mr. President, I rise to oppose this motion for reconsideration for the reasons that Judge Dehnke has just stated very articulately, and I challenge Mr. White's statement that we emasculated these traditional freedoms. I believe that the language we adopted yesterday preserves these freedoms and is an improvement over the traditional language, and I oppose the motion for reconsideration.

VICE PRESIDENT HUTCHINSON: Mr. Plank.

MR. PLANK: Mr. President, and fellow delegates, I, of course, arise to — first a parliamentary inquiry. We reconsidered this yesterday. Is it in order to reconsider it again today?

VICE PRESIDENT HUTCHINSON: Our rules seem to make it clear that a matter can be reconsidered on the same day and then it can be reconsidered on the following.

MR. PLANK: Therefore, you would rule, it is in order?

VICE PRESIDENT HUTCHINSON: Apparently so.

MR. PLANK: Thank you, Mr. President.

MR. VAN DUSEN: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen.

MR. VAN DUSEN: I move the previous question.

VICE PRESIDENT HUTCHINSON: The Chair recognized Mr. Plank. The Chair will entertain your motion after Mr. Plank is through.

MR. VAN DUSEN: Excuse me, Mr. President. I thought Mr. Plank was through.

MR. PLANK: No, Mr. Plank isn't through. However, I would like to say that we definitely voted on this yesterday. There was a great deal of debate and there was no limit on any debate whatsoever. There was opportunity for anyone to speak on it that wanted to and, therefore, I believe the matter has been properly taken care of. I would certainly move that we should vote no on reconsideration. Thank you.

VICE PRESIDENT HUTCHINSON: The Chair recognizes Mr. Van Dusen.

MR. MARSHALL: Mr. President, point of information. I was standing at the mike even before Delegate Plank was, and I wonder how Delegate Van Dusen can jump up and be recognized, or is this the prerogative of the Chair, to recognize any delegate that he desires?

VICE PRESIDENT HUTCHINSON: The Chair will say that the Chair didn't recognize Mr. Marshall standing there and had not had him on the list. The Chair has recognized Mr. Van

Dusen, however, and if the body desires to continue debate, all it needs to do is to vote down Mr. Van Dusen's motion; or a motion to limit debate will take precedence. Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, with some trepidation, recognizing Mr. Marshall standing there, I nevertheless think everything that can be said on this has been said, and I move the previous question.

MR. MARSHALL: I resign as assistant timekeeper.

VICE PRESIDENT HUTCHINSON: Is the demand for the previous question supported?

MR. DOWNS: I have a preferential motion. I move that Delegate Marshall be granted the opportunity to speak, inasmuch as he was at the mike before Delegate Van Dusen stood up.

VICE PRESIDENT HUTCHINSON: You will have to limit debate.

MR. DOWNS: Point of information; isn't a motion always in order?

VICE PRESIDENT HUTCHINSON: Your motion would only be to limit debate. You will have to state the length of time.

MR. DOWNS: Well, my motion is that we grant Delegate Marshall the opportunity to speak.

VICE PRESIDENT HUTCHINSON: For how long?

MR. DOWNS: Five minutes. How long do you want?

MR. MARSHALL: One minute.

MR. DOWNS: One minute.

VICE PRESIDENT HUTCHINSON: Mr. Downs moves that debate upon this matter be limited to one minute, and that the Chair recognize Mr. Marshall. All those in favor will say aye. Opposed?

The motion prevails. The Chair recognizes Mr. Marshall for one minute.

MR. MARSHALL: I am not going to take too much time thanking you. Mr. President and fellow delegates, I rise to support Delegate White. We are dealing with a historic provision here and we are dealing with the basic, fundamental law. There is a distinct difference between the radio and TV media as opposed to the press. The radio and television stations are rigidly controlled by the F.C.C., and I think that Delegate White's motion should prevail and I so encourage the delegates. Now, it is all right to try to do Delegate Plank a favor, and to vote for him, but I think we did make a mistake. I think Delegate White is correct, and I urge reconsideration of the vote. Thank you.

VICE PRESIDENT HUTCHINSON: The question is upon reconsideration of the vote by which Committee Proposal 15 passed on yesterday, and the vote by which the amendment read was adopted. All those in favor will say aye. Opposed will say no. The Chair is in doubt. All those in favor will vote aye. Those opposed will vote no.

MR. STEVENS: Mr. President, point of order.

VICE PRESIDENT HUTCHINSON: Mr. Stevens.

MR. STEVENS: Are we reconsidering Committee Proposal 15, and if so, can it be reconsidered twice in one day?

VICE PRESIDENT HUTCHINSON: The Committee Proposal 15 has not been reconsidered today, Mr. Stevens.

MR. STEVENS: I understood you, previously, to say it was necessary to reconsider the whole proposal in order to consider one section of it.

VICE PRESIDENT HUTCHINSON: That is true. It has not been reconsidered before today.

MR. STEVENS: Well, we talked about this nondiscrimination clause, the Donnelly amendment.

VICE PRESIDENT HUTCHINSON: That was not on Committee Proposal 15, Mr. Stevens. That was on Committee Proposal 26. Have you all voted? This is a division vote. If you have all voted, the secretary will lock the machine and record the vote.

SECRETARY CHASE: On the motion to reconsider the vote by which Committee Proposal 15 was passed, and by which the Plank amendment was adopted, the yeas are 69; the nays are 54.

VICE PRESIDENT HUTCHINSON: The motion prevails. The question is upon the Plank amendment. The Chair would like to point out that it is now a quarter of 12, that it had been intended that we would recess at 11:30 and return at 1:30. The Chair would inquire whether this matter should be disposed of

now, or whether it can go over until after lunch. I will leave that to Mr. Plank. Mr. Knirk.

MR. KNIRK: Mr. President, I think we have spun our wheels long enough, I move we limit debate here to 5 minutes.

VICE PRESIDENT HUTCHINSON: Mr. Knirk moves that debate upon this amendment be limited to 5 minutes. All those in favor will say aye. Opposed, no.

MR. VAN DUSEN: Point of information, Mr. President. Did Mr. Knirk intend to include the debate on the proposal as well within his limitation? I believe he did.

MR. KNIRK: The whole ball of wax.

VICE PRESIDENT HUTCHINSON: The Chair recognizes Mr. Hoxie.

MR. HOXIE: Mr. President, I move that the time allotted be divided equally between the speakers both pro and con.

VICE PRESIDENT HUTCHINSON: Well, the Chair doesn't know what speakers are pro and con.

The Chair will recognize Mr. Plank for 2½ minutes, and he may yield to whom he cares, and then the Chair will yield to whomever cares to speak on the other side for 2½ minutes, if that is what you desire. Two and a half minutes on each side. The Chair recognizes Mr. Plank.

MR. PLANK: Mr. President, do I understand that you are ruling that debate is limited without a vote?

VICE PRESIDENT HUTCHINSON: It has been limited by a vote.

MR. PLANK: And you now are limiting me on your own order to 2½ minutes?

VICE PRESIDENT HUTCHINSON: No, the Chair cannot do that. The Chair was simply suggesting it. The Chair recognizes Mr. Plank.

MR. PLANK: Thank you very much. I will try and do as you request. I just wanted to make sure it was not a ruling on your part.

VICE PRESIDENT HUTCHINSON: It is not.

MR. PLANK: Thank you. I think first I would like to say that I have a very unselfish motive in asking that this language be changed. You will remember, in the beginning, I was one of the prime movers in getting the words "television, radio and other means of communication" added to this section, and after a great deal of conversation with other delegates, with attorneys, with fellow broadcasters, I was able to go back to the broadcasters and sell them on the idea that this was a limiting phrase, and therefore, they should not ask for it to be in, and at the same time, the word "press" is also limiting, so all we are asking that you do is to make this part of the constitution live with the future, live with the future by not restricting any means of communication. You are not, in any way, in any way, damaging free speech, free expression, any of the items that have been written into the first part of this section. Every person may freely speak, write, publish his sentiments on all subjects. The only problem is, he has to be responsible for the abuse of such right. You have not changed that at all.

I certainly submit to my fellow delegates here that if you reverse your decision of yesterday, you are doing it under the pressure of newspapermen who have contacted many of you delegates, and I think they are doing it with a very selfish motive and they are not, in any way, looking to the future or the betterment of the state of Michigan. I rest my case in your hands. No broadcaster has contacted you and no broadcaster will, and in addition to that, no matter how you rule on this, the broadcasters will be behind you in selling this document to the people of the state of Michigan. Thank you.

VICE PRESIDENT HUTCHINSON: Mr. Hodges.

MR. HODGES: Mr. President, I pass.

VICE PRESIDENT HUTCHINSON: Mr. Marshall.

MR. MARSHALL: Since we have only 2 minutes, I'd rather yield to Delegate White.

VICE PRESIDENT HUTCHINSON: Mr. Pollock.

MR. POLLOCK: Mr. President, the fact of the matter is, regardless of the legal effect of the amendments which were adopted yesterday, that the convention has stricken those famous words: freedom of speech and freedom of the press, and these have wide acceptance and wide meaning to the average, gum-

VICE PRESIDENT HUTCHINSON: Mr. Knirk moves that the convention stand in recess until 1:30. All those in favor will say aye. Opposed will say no. The Chair is in doubt. All those in favor will vote aye. Opposed will vote no.

MR. FORD: Mr. President.

VICE PRESIDENT HUTCHINSON: For what purpose does the gentleman arise, Mr. Ford?

MR. FORD: Mr. President, I have been waiting for an appropriate time to ask for a personal privilege. If this motion prevails, I understand I wouldn't be able to do it then.

VICE PRESIDENT HUTCHINSON: That is correct. But you can be recognized after lunch for that purpose. Mr. Hoxie.

MR. HOXIE: Mr. President, while we are waiting—

MR. MADAR: Mr. President—

VICE PRESIDENT HUTCHINSON: Mr. Hoxie has the floor.

MR. MADAR: Okay.

MR. HOXIE: While we are waiting to take this vote, I think I am in order. I am not arguing on the question, I just wanted to announce a committee meeting in the committee room immediately following recess this noon.

VICE PRESIDENT HUTCHINSON: For what purpose does the gentleman rise, Mr. Madar?

MR. MADAR: Delegate Madar rises to inform the Chair that there were about 35 votes on that board before we even started the vote. Could we have it cleared, please?

VICE PRESIDENT HUTCHINSON: The vote is started. I think it is too late to make the demand.

MR. MADAR: We had about 35 votes up there before you began.

VICE PRESIDENT HUTCHINSON: Well, if anybody wants to change the way they voted, they will have to get up and change it. Have you all voted the way you want to vote? If so, the secretary will lock the machine and record the total. We will announce the total and then before we declare the recess, the secretary has an announcement.

SECRETARY CHASE: On the motion for recess until 1:30, the yeas are 67; the nays are 51.

Mr. Iverson announces a Republican meeting at 1:00 o'clock in room A.

The library requests that all delegates check their homes, automobiles and so forth for library books and return them as soon as they can after they finish using them.

The committee on style and drafting will meet Monday at 10:30 a.m. in room G.

Mrs. Rappaport announces a finding of a Jefferson-Jackson day dinner ticket lost by someone, because she has it and doesn't know who lost it.

The committee on rules and resolutions will meet in room F during the noon recess. Bring your lunch. R. C. Van Dusen, chairman.

VICE PRESIDENT HUTCHINSON: The motion to recess prevails. The convention stands in recess until 1:30 p.m.

[Whereupon, at 12:10 o'clock p.m., the convention recessed; and, at 1:30 o'clock p.m., reconvened.]

The convention will be in order.

SECRETARY CHASE: Mr. President, a quorum of the convention is present.

VICE PRESIDENT HUTCHINSON: Mr. Madar.

MR. MADAR: Mr. President, inasmuch as we can't seem to get organized and get some work done, and I know we want to get this work finished, and we want to get out of here by May 11, I would like to move at this time that we work this evening and tomorrow and catch up on our calendar. Either do that or get down to work and shut up.

MRS. DAISY ELLIOTT: Did Mr. Madar make a motion?

VICE PRESIDENT HUTCHINSON: Well, he made a motion, but it would seem as though the motion was premature because it would be up to the body at the time that it recessed this afternoon as to whether it was going to recess or whether it was going to adjourn, and at what hour it was going to return if it did return.

MRS. DAISY ELLIOTT: Thank you, Mr. President. I just wanted to amend it so that Mr. Madar would be allowed to work if he so chooses. (laughter)

VICE PRESIDENT HUTCHINSON: The immediate question before the body is Committee Proposal 15, upon which time for debate has expired, and to which Mr. Dehnke has offered an amendment. The Chair recognizes Judge Dehnke.

MR. DEHNKE: Mr. President, having had an opportunity to talk to Mr. Plank, who is much more familiar with this area than I am, I ask leave to withdraw the amendment.

VICE PRESIDENT HUTCHINSON: Mr. Dehnke withdraws his amendment. The question is upon the passage of Committee Proposal 15, as amended, the bill of rights proposal. All those in favor will vote eye, those opposed will vote no. The voting has commenced.

MR. BARTHWELL: Abstain.

VICE PRESIDENT HUTCHINSON: Mr. Barthwell abstains. Have you all voted?

Mr. Young, for what purpose do you seek recognition? This is a vote upon Committee Proposal 15.

MR. YOUNG: Well then, I would like to announce, as I did yesterday, my intention to abstain and request permission to publish my reasons in the record.

VICE PRESIDENT HUTCHINSON: Mr. Young abstains. Mr. Young, did I understand that you were making some further request than simply an announcement that you intended to abstain?

MR. YOUNG: I requested that my reasons for abstention be published in the journal.

VICE PRESIDENT HUTCHINSON: Mr. Young asks unanimous consent that the reasons for his abstention be published in the action journal. Is there objection? Objection is heard.

MR. DOWNS: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Downs.

MR. DOWNS: Mr. President, I move that any delegate who wishes to have his reasons for abstaining printed in the journal be granted that request.

VICE PRESIDENT HUTCHINSON: The question is upon the motion of Mr. Downs. Is this just upon this issue or upon every issue?

MR. DOWNS: This is upon every issue.

VICE PRESIDENT HUTCHINSON: Upon every issue?

MR. DOWNS: No; I am sorry, just upon this issue, Mr. President.

VICE PRESIDENT HUTCHINSON: Upon this issue alone. The question is upon the motion of Mr. Downs that any delegate who chooses to abstain on the passage of this proposal, at his request, may have his reasons for abstention printed in the daily journal. Mr. Finch.

MR. FINCH: Would this not be a suspension of the rules?

VICE PRESIDENT HUTCHINSON: The Chair doesn't think that the rules cover the matter.

MR. POLLOCK: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Pollock.

MR. POLLOCK: Mr. President, could we have at least one reason from Mr. Downs why this is necessary?

VICE PRESIDENT HUTCHINSON: Without objection, the secretary desires to make an explanation.

SECRETARY CHASE: The secretary, ladies and gentlemen, is somewhat in the middle on this proposition, for the reason that rule 65 provides that any delegate is privileged to explain in writing his vote on a record roll call vote, so any delegate who votes yes or no on a record roll call vote has the right, by merely bringing his written request to the secretary before the next session to have his reasons for voting yes or no printed. But rule 67 says:

No delegate shall be entitled to abstain from voting in any roll call unless he shall have stated his intention to abstain before the voting starts. He may voluntarily state his reasons for such abstention.

But there is no proviso in the rules that provides for the printing of reasons for abstention in the journal.

VICE PRESIDENT HUTCHINSON: Mr. Ford.

MR. FORD: I would like to remind the Chair of an incident that happened just about 2 weeks ago, when Mr. Romney

stated his intention to abstain from voting, and then stated he was not going to give his reason at the time but would submit the reason in writing, and when I asked to have his reason in advance of the voting being had, the ruling of the Chair at that time was that he was not compelled to give his reason at that time, but had the right, as a delegate, to put his reason in writing and submit it after we had completed the voting.

VICE PRESIDENT HUTCHINSON: The gentleman is correct in that the Chair so ruled at that time. The Chair was advised later that he had gone beyond the literal writing of the rule and so that while it was effective for that time, since no objection was raised, it couldn't be effective for all time unless that is the wish of the body. If Mr. Downs' motion prevails, then the ruling of the Chair before would be sustained and it would be applicable in the future to so interpret the rule.

MR. MARSHALL: Point of information, Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Marshall.

MR. MARSHALL: I would just like to ask a question of the Chair. Is there a double standard in this convention as it relates to Mr. Romney, or are we going to have equal treatment?

VICE PRESIDENT HUTCHINSON: The Chair is not aware of any double standard. The question is upon the motion of Mr. Downs. Do you intend to include it for all time to come?

MR. DOWNS: Mr. President, the motion was limited —

MR. MARSHALL: Mr. President, point of information.

VICE PRESIDENT HUTCHINSON: The Chair recognizes Mr. Downs.

MR. MARSHALL: If the delegates would like, I can give them 3 definite instances of a double standard.

VICE PRESIDENT HUTCHINSON: The Chair recognizes Mr. Downs.

MR. DOWNS: My motion is that any delegate who wishes to abstain and explain his reasons for his vote on Committee Proposal 15, shall have that opportunity and such explanation shall be printed in the journal upon his request.

VICE PRESIDENT HUTCHINSON: That is the question. All those in favor will say aye. Opposed.

DELEGATES: Division.

VICE PRESIDENT HUTCHINSON: All right, a division is called for. Is the demand for a division supported?

MR. VAN DUSEN: A point of order, now, Mr. President.

MR. DOWNS: I have a point of order.

VICE PRESIDENT HUTCHINSON: Would the delegate state the point.

MR. DOWNS: Could the Chair make his ruling before we call for a division? I believe that would be the more proper procedure.

VICE PRESIDENT HUTCHINSON: The Chair is in doubt, frankly. Because of the voice volume, the Chair couldn't tell whether it was one way or the other.

MR. DOWNS: Mr. President, then I would like to ask for the yeas and nays, if there is to be a division.

VICE PRESIDENT HUTCHINSON: Mr. Downs demands the yeas and nays. Is the demand supported? The demand is supported. Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, I now make a point of order that the voting had commenced upon the passage of Committee Proposal 15 at the time Mr. Downs made his motion, and that his motion was not, therefore, in order at that time. I think the voting is still in process and I don't see how the Chair can take the yeas and nays on his motion until after the vote has been tabulated and announced on Committee Proposal 15.

VICE PRESIDENT HUTCHINSON: The point is well taken. The vote has been called for. The question is upon the passage of the proposal and you may renew your motion, Mr. Downs, after this vote is taken.

MR. DOWNS: Mr. President, a parliamentary inquiry: then when the vote is completed, I will have the right to the floor immediately thereafter to make my motion?

VICE PRESIDENT HUTCHINSON: The Chair will so recognize you, Mr. Downs.

MISS HART: Then I should like to abstain.

VICE PRESIDENT HUTCHINSON: Miss Hart abstains. Mr. Habermehl, Miss Donnelly, Mr. Greene abstain.

MR. HOOD: I abstain, Mr. President, if that is the procedure that we are following, although I don't think it is correct, what you are doing; or the convention, for that matter.

VICE PRESIDENT HUTCHINSON: Mr. Hood and Mr. Douglas abstain.

MR. YOUNG: Point of information, Mr. President.

VICE PRESIDENT HUTCHINSON: What is the point, Mr. Young?

MR. YOUNG: Are we about now to vote on whether or not to allow my abstention to be printed in the record? Is that right?

VICE PRESIDENT HUTCHINSON: No, that is not right. The question is upon the passage of Committee Proposal 15.

MR. YOUNG: Well, if that is the question, I would like to read my reasons at this point. I had hoped to spare this convention the lost time, and I wanted to place these remarks in the journal, but my reasons for abstention are as follows: I abstain from voting on Committee Proposal 15, which contains several sections of a proposed new bill of rights, because I object to being presented with a package on a take it or leave it basis, and being told to take all or nothing, the good with the bad. Except for the provision on search and seizure, section 10, Committee Proposal 15, is an improvement over the present bill of rights for which I could have voted without hesitation. This I sought to do by supporting a motion to suspend the rules so that section 10 could have been voted on separately from the rest of the proposal. The majority of this convention did not see fit to divide the question, but rather chose to confront us with the aforementioned all or nothing package. I have refused to be boxed in by such an arbitrary circumspection of my freedom to make an intelligent choice. Let those that vote yes on Committee Proposal 15 take the responsibility for their direct endorsement of the possible excesses and brutalities at the hand of the police that minorities and economically disadvantaged groups stand to suffer as a result of the wide sweeping scope of section 10. In giving a blank check to the police to, as they please, search and seize citizens wherever they are found outside their homes, this convention has dealt a serious blow to basic human rights. I refuse to support, or to be associated in any manner with such an injury to the rights of my constituents.

VICE PRESIDENT HUTCHINSON: Mr. Hood.

MR. HOOD: Mr. President, because I am not quite sure whether, after we get through with this vote, I will have an opportunity to enter my reason for abstaining in the journal, I would like to incorporate what Mr. Young has said as my statement too.

VICE PRESIDENT HUTCHINSON: The Chair will invite attention to the fact that under the rules as they are apparently written, the statement of reasons to abstain, made on the floor, do not thereby get into the daily journal; they get in the verbatim journal, and the reading of them doesn't put them in the daily journal. However, if Mr. Downs makes — the Chair understands he is going to make a motion, and if that motion carries, there would be a different situation. Mr. Chase.

SECRETARY CHASE: At the moment we have the following requests for abstaining from voting on Committee Proposal 15: Mr. Barthwell, Miss Hart, Mr. Habermehl, Miss Donnelly, Mr. Greene, Mr. Hood, Mr. Douglas, Mrs. Daisy Elliott, Mr. Young, Mr. Balcer, Mr. Lawrence, Mr. Austin.

MR. YEAGER: Point of order, Mr. President.

VICE PRESIDENT HUTCHINSON: State your point.

MR. YEAGER: Under rule 67 it says:

No delegate shall be entitled to abstain from voting in any roll call unless he shall have stated his intention to abstain before the voting starts.

Now, I would ask for a ruling as to whether or not the voting has started.

VICE PRESIDENT HUTCHINSON: The Chair simply will say that this has been the practice in this convention, and consequently, the Chair interprets that this is the way that rule is intended. The vote is not on the board. It doesn't show up there. Nobody knows how anybody else has voted.

SECRETARY CHASE: Are there any other requests?

VICE PRESIDENT HUTCHINSON: Mrs. Hatcher.

MRS. HATCHER: Mr. President, again, as yesterday, I would like to appeal to those who are abstaining at this time to consider the fact that the declaration of rights, suffrage and elections committee spent approximately 4 months attempting to try to develop this Committee Proposal 15, and we have had a considerable amount of discussion on this matter. I would like to urge all of the people who can find it in their judgment, to vote yes on this proposal.

MR. BARTHWELL: Point of order. This is debate and the time has expired.

VICE PRESIDENT HUTCHINSON: The point has been made that this amounts to debate. The time for debate has expired. The question is upon the passage of Committee Proposal 15, as amended. Are there any further announcements to abstain? If not, all those in favor of the passage of Committee Proposal 15 will vote aye, those opposed will vote no. The voting has started. For what purpose do you rise, Mr. Ford?

MR. FORD: Mr. President, on behalf of our mutual colleagues in this corner, I would like to admonish you that the emphasis you place on "the voting has started" sounded somewhat like "They're off," and we are all a little gun shy over here. (laughter)

VICE PRESIDENT HUTCHINSON: Have you all voted? If so, the secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas—110

Allen	Gust	Plank
Andrus, Miss	Haskill	Pollock
Baginski	Hatch	Powell
Batchelor	Hatcher, Mrs.	Prettie
Beaman	Heideman	Pugsley
Bentley	Higgs	Radka
Binkowski	Hodges	Rajkovich
Blandford	Howes	Richards, J. B.
Bonisteel	Hoxie	Richards, L. W.
Boothby	Hubbs	Rood
Bradley	Hutchinson	Rush
Brake	Iverson	Sablich
Buback	Jones	Seyferth
Butler, Mrs.	Judd, Mrs.	Shaffer
Conklin, Mrs.	Karn	Shanahan
Cudlip	Kelsey	Sharpe
Cushman, Mrs.	King	Sleder
Danhof	Kirk, S.	Snyder
Dehnke	Knirk, B.	Spitler
Dell	Koeze, Mrs.	Stafseth
DeVries	Krolikowski	Staiger
Doty, Dean	Kuhn	Sterrett
Doty, Donald	Leppien	Stevens
Downs	Lesinski	Stopczynski
Durst	Liberato	Suzore
Elliott, A. G.	Madar	Thomson
Erickson	Mahinske	Turner
Everett	Martin	Tweedie
Farnsworth	McCauley	Upton
Faxon	McGowan, Miss	Van Dusen
Figy	McLogan	Walker
Finch	Millard	Wanger
Follo	Mosier	White
Ford	Murphy	Wood
Gadola	Norris	Woolfenden
Goebel	Perlich	Yeager
Gover	Perras	

Nays—1

Youngblood

SECRETARY CHASE: On the passage of Committee Proposal 15, as amended, the yeas are 110; the nays, 1.

VICE PRESIDENT HUTCHINSON: The majority of the members elect having voted therefor, Committee Proposal 15, as amended, is passed.

Following is explanation of vote submitted by Mr. Faxon:

In voting yes on Committee Proposal 15, I am in no way endorsing the content of section 10 and the record will indicate my position with regard to the deletion of that portion of section 10 which I believe to be in direct contravention to the search and seizure provision of the federal constitu-

tion. Furthermore, I do not concur with the decision of this convention that the delegates cannot separate the various sections of the bill of rights for voting thereon. In view of this situation I could not reject the entire bill of rights and I have therefore voted accordingly but with this reservation with regard to the search and seizure provision.

Following is explanation of vote submitted by Mr. Youngblood:

I respectfully submit to the convention my reasons for voting against Committee Proposal 15.

While virtually this whole article will place the state of Michigan as the leader in the field of human rights, it is my feeling that section 10 relating to search and seizure requires the strongest protest.

I could not bring myself to cast an affirmative vote for the high ideals of this proposal when to do so would have been to condone section 10.

This section, in my opinion, violates the law laid down by the United States supreme court and cuts deeply into the basic principles of human rights to which this nation is dedicated.

Following is statement explaining abstention from voting submitted by Messrs. Lawrence and Habermehl and Miss Donnelly:

We abstained from voting today on Committee Proposal 15 because of the proviso contained in section 10, which we feel is contrary to articles 4 and 14 of the federal constitution as construed in Mapp vs. Ohio. The balance of Committee Proposal 15 meets with our approval.

Following is statement explaining abstention from voting submitted by Messrs. Young, Hood, Douglas, Mrs. Daisy Elliott, Messrs. Marshall, Austin, Greene and Barthwell:

We abstained from voting on Committee Proposal 15 because we were unwilling to oppose an overall good bill of rights, and were equally unwilling to support the "search and seizure" provisions contained therein.

In giving a blank check to the police to, as they please, search and seize citizens wherever they are found outside their homes, this convention has dealt a serious blow to basic human rights.

We refuse to support, or be associated in any manner with such an injury to the rights of our constituents.

Following is statement explaining abstention from voting submitted by Mr. Downs, Miss Hart, Mrs. Hatcher, Messrs. Buback, Walker, Wilkowski, Murphy, Hodges, Gadola, Norris and Jones:

We voted in favor of Committee Proposal 15 on the declaration of rights, (Journal 129, page 1158) because we approved 20 sections of this proposal. However, we object vigorously to section 10, which we believe is unconstitutional. We believe the United States supreme court will declare it unconstitutional and so preserve 20 desirable sections intact.

We regret very much that the convention refused to separate section 10 from the rest of the document so that those of us who felt strongly that this proposal was undesirable and unconstitutional would not be forced to vote for a package which was 20 parts good and one part bad.

VICE PRESIDENT HUTCHINSON (continuing): It is referred to the committee on style and drafting.

Following is Committee Proposal 15 as amended and rereferred to the committee on style and drafting:

Sec. 1. All political power is inherent in the people. Government is instituted for their equal benefit, security and protection.

The enumeration in this constitution of certain rights shall not be construed to deny or disparage others retained by the people.

Sec. 2. The people have the right peaceably to assemble, to consult for the common good, to instruct their representa-

tives and to petition the government for redress of grievances.

Sec. 3. Every person shall be at liberty to worship God according to the dictates of his own conscience. No person shall be compelled to attend, or, against his consent, to contribute to the erection or support of any place of religious worship, or to pay tithes, taxes or other rates for the support of any minister of the gospel or teacher of religion. No money shall be appropriated or drawn from the treasury for the benefit of any religious sect or society, theological or religious seminary; nor shall property belonging to the state be appropriated for any such purpose. The civil and political rights, privileges and capacities of no person shall be diminished or enlarged on account of his religious belief.

Sec. 4. Every person may freely speak, write, express, and publish his views on all subjects, being responsible for the abuse of such right; and no law shall be passed to restrain or abridge the liberty of speech or of the press.

Sec. 5. Every person has a right to keep and bear arms for the defense of himself and the state.

Sec. 6. The military shall in all cases and at all times be in strict subordination to the civil power.

Sec. 7. No soldier shall, in time of peace, be quartered in any house without the consent of the owner or occupant, nor in time of war, except in a manner prescribed by law.

Sec. 8. Neither slavery, nor involuntary servitude unless for the punishment of crime, shall ever be tolerated in this state.

Sec. 9. No bill of attainder, ex post facto law or law impairing the obligation of contract shall be passed.

Sec. 10. 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, supported by oath or affirmation. The provisions of this section shall not be construed to bar from evidence in any criminal proceeding, any narcotic drug, any firearm, bomb, explosive, or any other dangerous weapon, seized by any peace officer outside the curtilage of any dwelling house in this state.

Sec. 11. The privilege of the writ of habeas corpus shall not be suspended unless in case of rebellion or invasion the public safety may require it.

Sec. 12. Any suitor in any court of this state shall have the right to prosecute or defend his suit, either in his own proper person or by an attorney.

Sec. 13. The right of trial by jury shall remain, but shall be deemed to be waived in all civil cases unless demanded by one of the parties in such manner as shall be prescribed by law.

In all civil actions in circuit courts a verdict shall be received when 10 jurors shall agree.

Sec. 14. No person shall be subject for the same offense to be twice put in jeopardy. All persons shall, before conviction, be bailable by sufficient sureties, except for murder and treason when the proof is evident or the presumption great.

Sec. 15. Excessive bail shall not be required; excessive fines shall not be imposed; cruel or unusual punishment shall not be inflicted; nor shall witnesses be unreasonably detained.

Sec. 16. No person shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property, without due process of law. The right of all individuals, firms, corporations and voluntary associations to fair and just treatment in the course of legislative and executive investigations and hearings shall not be infringed.

Sec. 17. No person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief.

Sec. 18. In all prosecutions for libels the truth may be given in evidence to the jury; and, if it appears to the jury that the matter charged as libelous is true and was pub-

lished with good motives and for justifiable ends, the accused shall be acquitted.

Sec. 19. In every criminal prosecution, the accused shall have the right to a speedy and public trial by an impartial jury, which may consist of less than 12 jurors in all courts not of record; to be informed of the nature of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to have the assistance of counsel for his defense; to have an appeal as a matter of right; and in courts of record, when the trial court so orders, to have such reasonable assistance as may be necessary to perfect and prosecute an appeal.

Sec. 20. No person shall be imprisoned for debt arising out of, or founded on contract, express or implied, except in cases of fraud or breach of trust.

Sec. 21. Treason against the state shall consist only in levying war against it or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless upon the testimony of 2 witnesses to the same overt act, or on confession in open court.

VICE PRESIDENT HUTCHINSON (continuing): The Chair recognizes Mr. Downs.

MR. DOWNS: Mr. President, I move that any delegate who abstained from voting be permitted to explain his reasons in writing and have such printed in the journal, if filed with the secretary by 6:00 o'clock this coming Monday.

VICE PRESIDENT HUTCHINSON: No, Mr. Downs, Let the secretary explain the situation.

MR. DOWNS: All right.

MR. GADOLA: Mr. President —

VICE PRESIDENT HUTCHINSON: Mr. Downs has the floor.

MR. GADOLA: This is a substitute for his motion. Maybe he will accept it.

VICE PRESIDENT HUTCHINSON: Mr. Downs, do you yield to Judge Gadola?

MR. DOWNS: I will be very glad to yield to Judge Gadola.

MR. GADOLA: I wish the limit of the phraseology be limited to 50 words.

MR. DOWNS: Mr. President, with all due respect to Judge Gadola, I suggest we are writing a constitution and not sending a telegram. I think we can rely upon the good judgment of the delegates.

VICE PRESIDENT HUTCHINSON: Mr. Downs, does the Chair understand the purport of your motion is still to be applicable only to this one matter?

MR. DOWNS: That is correct.

MR. HOXIE: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Hoxie.

MR. HOXIE: I am wondering if I could ask Mr. Downs a question. I think this is quite a serious matter when we are going to start this procedure. I don't seriously object if somebody wants to express their opposition, and the reason for their abstaining, but it does seem like there ought to be some limit, because we must remember that it costs money to print these journals, and it would seem to me that certainly a person could express their reasons for abstaining within 100 words.

VICE PRESIDENT HUTCHINSON: The secretary will make an announcement with regard to Mr. Downs' motion with regard to the time limit that he has suggested.

SECRETARY CHASE: The only suggestion the secretary has, Mr. Downs, is that the reasons for printing an explanation of a yes or a no vote on a record roll call as stated in the journal says, "The written explanation shall be included in the journal if presented to the secretary before the next session of the convention."

MR. DOWNS: I will be very glad — may I, with the permission of the convention, see if I can revise the motion in accordance with the suggestions? I move that any delegate who has abstained from voting on Committee Proposal 15 be granted the opportunity to explain that vote by filing with the secretary, before the next legislative day — would that be correct, Mr. Chase?

PREAMBLE

- I. DECLARATION OF RIGHTS
 - II. ELECTIONS
 - III. GENERAL GOVERNMENT
 - IV. LEGISLATIVE BRANCH
 - V. EXECUTIVE BRANCH
 - VI. JUDICIAL BRANCH
 - VII. LOCAL GOVERNMENT
 - VIII. EDUCATION
 - IX. FINANCE AND TAXATION
 - X. PROPERTY
 - XI. PUBLIC OFFICERS AND EMPLOYMENT
 - XII. AMENDMENT AND REVISION
- SCHEDULE AND TEMPORARY PROVISIONS

PREAMBLE

We, the people of the State of Michigan, grateful to Almighty God for the blessings of freedom, and earnestly desiring to secure these blessings undiminished to ourselves and our posterity, do ordain and establish this constitution.

**ARTICLE I
DECLARATION OF RIGHTS**

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2.	Equal Protection under the Law 26a
3.	Right of Assembly and Petition 15- 2
4.	Freedom of Worship 15- 3
5.	Liberty of Speech and Press 15- 4
6.	Right to bear arms 15- 5
7.	Civil Power Supreme 15- 6
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22.	Treason; definition, evidence 15-21
23.	Enumeration of Rights not to deny others 15- 1

Article I**Declaration of Rights**

Sec. 1. All political power is inherent in the people. Government is instituted for their equal benefit, security and protection.

Sec. 2. No person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of race, COLOR, religion, sex or national origin. The legislature shall implement this section by appropriate legislation. This SECTION shall not be construed to [prevent] PROHIBIT reasonable [classification] LEGISLATION for the protection of women.

Sec. 3. The people have the right peaceably to assemble, to consult for the common good, to instruct their representatives and to petition the government for redress of grievances.

Sec. 4. Every person shall be at liberty to worship God according to the dictates of his own conscience. No person shall be compelled to attend, or, against his consent, to contribute to the erection or support of any place of religious worship, or to pay tithes, taxes or other rates for the support of any minister of the gospel or teacher of religion. No money shall be appropriated or drawn from the treasury for the benefit of any religious sect or society, theological or religious seminary; nor shall property belonging to the state be appropriated for any such purpose. The civil and political rights, privileges and capacities of no person shall be diminished or enlarged on account of his religious belief.

Sec. 5. Every person may freely speak, write, express[,] and publish his views on all subjects, being responsible for the abuse of such right; and no law shall be [passed] ENACTED to restrain or abridge the liberty of speech or of the press.

Sec. 6. Every person has a right to keep and bear arms for the defense of himself and the state.

Sec. 7. The military shall in all cases and at all times be in strict subordination to the civil power.

Sec. 8. No soldier shall, in time of peace, be quartered in any house without the consent of the owner or occupant, nor in time of war, except in a manner prescribed by law.

Sec. 9. Neither slavery, nor involuntary servitude unless for the punishment of crime, shall

Explanation—Matter within [] is stricken, matter in capitals is new.

ever be tolerated in this state.

Sec. 10. No bill of attainder, ex post facto law or law impairing the obligation of contract shall be ENACTED [passed].

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, supported by oath or affirmation. The provisions of this section shall not be construed to bar from evidence in any criminal proceeding[,] any narcotic drug, [any] firearm, bomb, explosive[,] or any other dangerous weapon, seized by A [any] peace officer outside the curtilage of any dwelling house in this state.

Sec. 12. The privilege of the writ of habeas corpus shall not be suspended unless in case of rebellion or invasion the public safety may require it.

Sec. 13. [Any] A suitor in any court of this state [shall have] HAS the right to prosecute or defend his suit, either in his own proper person or by an attorney.

Sec. 14. The right of trial by jury shall remain, but shall be [deemed to be] waived in all civil cases unless demanded by one of the parties in THE [such] manner [as shall be] prescribed by law. In all civil [actions in circuit courts] CASES TRIED BY 12 JURORS a verdict shall be received when 10 jurors [shall] agree.

Sec. 15. No person shall be subject for the same offense to be twice put in jeopardy. All persons shall, before conviction, be bailable by sufficient sureties, except for murder and treason when the proof is evident or the presumption great.

Sec. 16. Excessive bail shall not be required; excessive fines shall not be imposed; cruel or unusual punishment shall not be inflicted; nor shall witnesses be unreasonably detained.

Sec. 17. No person shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property, without due process of law. The right of all individuals, firms, corporations and voluntary associations to fair and just treatment in the course of legislative and executive investigations and hearings shall not be infringed.

Sec. 18. No person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief.

Sec. 19. In all prosecutions for libels the truth may be given in evidence to the jury; and, if it appears to the jury that the matter charged as libelous is true and was published with good motives and for justifiable ends, the accused shall be acquitted.

Sec. 20. In every criminal prosecution, the accused shall have the right to a speedy and public trial by an impartial jury, which may consist of

less than 12 jurors in all courts not of record; to be informed of the nature of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to have the assistance of counsel for his defense; to have an appeal as a matter of right; and in courts of record, when the trial court so orders, to have such reasonable assistance as may be necessary to perfect and prosecute an appeal.

Sec. 21. No person shall be imprisoned for debt arising out of[,] or founded on contract, express or implied, except in cases of fraud or breach of trust.

Sec. 22. Treason against the state shall consist only in levying war against it or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless upon the testimony of [2] TWO witnesses to the same overt act[,] or on confession in open court.

Sec. 23. The enumeration in this constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE II ELECTIONS

Sec.	Com. Proposal
1. Qualifications	58a
2. Legislature may exclude certain persons from voting	58b
3. Presidential electors, residence	58c
4. Elections, Place and Manner	58d
5. Elections, Time	58e
6. Expenditure of Money	58f
7. Board of Canvassers	58h
8. Recall	58g
9. Initiative and Referendum	118b

Article II Elections

Sec. 1. Every citizen of the United States who has attained the age of 21 years, who has resided in this state [6] SIX months, and who meets the requirements of local residence provided by law, shall be an elector and qualified to vote in any election except as otherwise provided in this constitution. The legislature shall define residence for voting purposes.

Sec. 2. The legislature may by law exclude persons from voting because of mental incompetence[,] or commitment to a jail or penal institution.

Sec. 3. For purposes of voting in the election for president and vice-president of the United States only, the legislature may by law establish lesser residence requirements for citizens who have resided in this state for less than [6] SIX months and may waive residence requirements [of] FOR FORMER citizens of this state who have

1 removed [t]herefrom. The legislature [may pro-
2 vide the manner of voting by such persons but]
3 shall not permit voting by any [such] person who
4 meets the voting residence requirements of the
5 state to which he has removed.

6 Sec. 4. The legislature shall enact laws to reg-
7 ulate the time, place [,] and manner of all nom-
8 inations and elections, except as otherwise pro-
9 vided in this constitution or in the constitution
10 and laws of the United States. The legislature
11 shall enact laws to preserve the purity of elec-
12 tions, to preserve the secrecy of the ballot, to
13 guard against abuses of the elective franchise,
14 and to provide for a system of voter registration
15 and absentee voting. No law shall be enacted
16 which permits a candidate in any partisan pri-
17 mary or partisan election to have a ballot desig-
18 nation except when required for identification
19 of [persons who are] candidates for the same
20 office WHO [and] have the same or similar sur-
21 names.

22 Sec. 5. Except for special elections to fill va-
23 cancies, OR AS OTHERWISE PROVIDED IN
24 THIS CONSTITUTION, all elections for national,
25 state, county and township offices shall be held on
26 the first Tuesday after the first Monday in Novem-
27 ber in each even-numbered year[,] or on such
28 other date as MEMBERS OF THE CONGRESS
29 OF THE UNITED STATES ARE REGULARLY
30 ELECTED [may hereafter be provided by the
31 Constitution of the United States or by congress
32 for election of members thereof].

33 Sec. 6. Whenever any question is REQUIRED
34 TO BE submitted BY A POLITICAL SUBDIVI-
35 SION to [a vote of] the electors which involves
36 THE INCREASE OF ANY AD VALOREM TAX
37 RATE LIMITATION FOR A PERIOD OF MORE
38 THAN FIVE YEARS, the direct expenditure
39 of public money, OR the issue of bonds, [or the
40 increase of any ad valorem tax rate for a period
41 of more than 5 years,] only [persons having the
42 qualifications of] electors in, and who have prop-
43 erty assessed for any ad valorem taxes in, any
44 part of the district or territory to be affected
45 by the result of such election or the lawful hus-
46 bands or wives of such persons shall be entitled
47 to vote thereon. All ELECTORS IN THE DIS-
48 TRICT OR TERRITORY AFFECTED [persons
49 having the qualifications of electors] may vote
50 on all other questions, [involving an increase in
51 any ad valorem tax rate and on borrowing by
52 this state.]

53 Sec. 7. A board of state canvassers [consisting]
54 of [4] FOUR members shall be established by law.
55 No candidate for an office to be canvassed nor any
56 inspector of elections shall be eligible to serve as
57 a member of a board of canvassers. A majority
58 of any board of canvassers shall not be composed
59 of members of the same political party.

60 Sec. 8. Laws shall be enacted to provide for the

recall of all elective officers except judges of courts
of record upon petition of electors equal in number
to 25 percent of the number of persons voting [at]
IN the last preceding election for the office of
governor in the electoral district of the officer
sought to be recalled. THE SUFFICIENCY OF
any statement of reasons or grounds procedurally
required shall be [deemed to pose] a political rather
than a judicial question.

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 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
making appropriations for state institutions or to
meet deficiencies in state funds AND MUST BE
INVOKED IN THE MANNER PRESCRIBED BY
LAW WITHIN 90 DAYS FOLLOWING THE
FINAL ADJOURNMENT OF THE LEGISLA-
TIVE SESSION AT WHICH THE LAW WAS
ENACTED. To invoke the initiative or referen-
dum, petitions signed by a number of registered
electors, not less than [8] EIGHT percent for initia-
tive and [5] FIVE percent for referendum of the
total vote cast for all candidates for governor at
the last preceding general election AT WHICH A
GOVERNOR WAS ELECTED shall be required.

NO LAW AS TO WHICH THE POWER OF
REFERENDUM PROPERLY HAS BEEN IN-
VOKED SHALL BE EFFECTIVE THEREAFTER
UNLESS APPROVED BY A MAJORITY OF
THE ELECTORS VOTING THEREON AT THE
NEXT GENERAL ELECTION.

[The] ANY law proposed by initiative petition
shall be either enacted or rejected by the legisla-
ture without change or amendment within 40 days
from the time such petition is received by the legis-
lature. If any law proposed by such petition shall
be enacted by the legislature it shall be subject to
referendum, as hereinafter provided.

If the law so [petitioned for] PROPOSED is not
enacted by the legislature within the 40 days, the
state officer authorized by law shall submit such
proposed law to the people for approval or rejec-
tion at the next [ensuing] general election. The
legislature may reject any measure so proposed
by initiative petition and propose a different meas-
ure upon the same subject by a yea and nay vote
upon separate roll calls, and in such event both
measures shall be submitted by such state officer
to the electors for approval or rejection at the
next [ensuing] general election.

Any [act] LAW submitted to the people by either
initiative or referendum petition and approved by
a majority of the votes cast thereon at any election
shall take effect 10 days after the date of the
official declaration of the vote. No [act] LAW

Explanation—Matter within [] is stricken, matter in capitals is new.

initiated or adopted by the people shall be subject to the veto power of the governor, and no [act] LAW adopted by the people at the polls under the initiative provisions of this section shall be amended or repealed, except by a vote of the electors or [3/4] THREE-FOURTHS of the members elected to and serving in each house of the legislature. [Acts] LAWS adopted by the people under the referendum provision of this section may be amended by the legislature at any subsequent session thereof. If [2] TWO or more measures approved by the electors at the same election conflict, THAT [the measure] receiving the highest affirmative vote shall prevail.

The legislature shall implement the provisions of this section.

ARTICLE III GENERAL GOVERNMENT

Sec.	Com. Proposal
1. Seat	10a
2. Division of Powers	21a
3. Great Seal	18a
4. Militia	19a
5. Inter-Governmental Agreements ...	128a
6. Internal Improvement	101a
7. Laws remain in effect	44a
8. Advisory Opinions	96k

Article III General Government

Sec. 1. The seat of government shall be at Lansing.

Sec. 2. The powers of government are divided into [3] THREE branches: legislative, executive[,] and judicial. No person [belonging to] EXERCISING POWERS OF one branch shall exercise powers properly belonging to another branch[,] except [in] AS [cases] expressly provided in this constitution.

Sec. 3. There shall be a great seal of the State of Michigan and its use shall be [prescribed] PROVIDED by law.

Sec. 4. The militia shall be organized, equipped and disciplined as provided by law.

Sec. 5. Subject to provisions of general law, this state or any political subdivision, ANY GOVERNMENTAL AUTHORITY or any combination thereof may enter into agreements[,] for the performance, financing or execution of their respective [governmental] functions, with any one or more of the other states, the United States, the Dominion of Canada, or any political subdivision thereof unless otherwise provided in this constitution.

Any other provision of this constitution [to the contrary] notwithstanding, an officer or employee of the state or OF any [municipal corporation or other subdivision or agency] SUCH UNIT OF GOVERNMENT OR SUBDIVISION

OR AGENCY thereof may serve on or with any governmental body ESTABLISHED FOR THE PURPOSES SET FORTH IN THIS SECTION [as a representative of the state or any municipal corporation or other subdivision or agency thereof, or for the purpose of participating or assisting in the consideration or performance of joint or cooperative undertakings or for the study of governmental problems,] and shall not be required to relinquish his office or employment by reason of such service. The legislature [by statute] may impose such restrictions, limitations or conditions on such service as it may deem appropriate.

Sec. 6. The state shall not be a party to, nor be financially interested in, any work of internal improvement, nor engage in carrying on any such work, except for public internal improvements [authorized] PROVIDED by law.

Sec. 7. [All law not repugnant to this constitution,] THE COMMON LAW AND THE STATUTE LAWS NOW IN FORCE, NOT REPUGNANT TO THIS CONSTITUTION, shall remain in force until [changed, repealed or in the case of statutes they have expired because of limitations contained therein] THEY EXPIRE BY THEIR OWN LIMITATIONS, OR ARE CHANGED, AMENDED OR REPEALED.

Sec. 8. Either house of the legislature or the governor may request the opinion of the supreme court [up]on important questions of law upon solemn occasions as to the constitutionality of legislation after it has been enacted into law but before its effective date.

ARTICLE IV LEGISLATIVE BRANCH

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3. Representatives, Number, Term, Districts	80b
4. Legislative Districts, merger	80c
5. Island Areas	
6. Legislative Apportionment Commission	79a
7. Legislators, qualifications, removal ..	32a
8. Ineligibility of certain persons for office	112a
9. Legislators, ineligibility for certain appointments	120a
10. Conflict of interest	115a
11. Legislators, privileges	33a
12. Legislators, compensation	28a
13. Legislature, time of convening	116a
14. Senate and House, quorums	34a
15. Legislative Council	102c
16. Legislature, powers, rules	102a
17. Legislature, committees	102b
18. Legislature, journals, protest	114a

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2	20.	Legislature, open public meetings ...	103a
3	21.	Legislature, consent to adjourn	103a
4	22.	Bills	35a
5	23.	Style of laws	29a
6	24.	Laws, object and title	
7		First sentence	121a
8		Last sentence	105a
9	25.	Laws, revision	121a
10	26.	Bills, requirements for passage	
11		First sentence	105a
12		Remainder	104a
13	27.	Acts, immediate effect	121a
14	28.	Bills, subjects at special session	105a
15	29.	Local or special acts, referendum	119a
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17	31.	General appropriations, priority	46b
18	32.	Tax laws, title	53a
19	33.	Bills passed, approval and veto by	
20		governor	70a
21	34.	Referendum on certain bills	113a
22	35.	Publication of laws	24a
23	36.	Revision of laws, compilation	108a
24	37.	Administrative rules, suspension	123a
25	38.	Filling vacancies	122a
26	39.	Continuity of government	122a
27	40.	Liquor Control Commission	27a
28	41.	Lotteries	100a
29	42.	Ports and port districts	87a
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Article IV

Legislative Branch

Sec. 1. The legislative power of the State of Michigan is vested in a senate and a house of representatives.

Sec. 2. The senate shall consist of 38 members[,] to be elected from single member districts at the same [time] ELECTION as the governor for [4] FOUR-year terms concurrent with the term of office of the governor.

In districting the state for the purpose of electing senators after the official publication of the total population count of each federal decennial census, each county shall be assigned an apportionment factor equal to the sum of its percentage of the state's population as shown by the last regular federal decennial census computed to the nearest [1/100] ONE-ONE HUNDREDTH of one percent multiplied by [4] FOUR and its per-

centage of the state's land area computed to the nearest [1/100] ONE-ONE HUNDREDTH of one percent.

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

(1) Counties with 13 or more apportionment factors shall be entitled as a class to senators in the proportion that the total apportionment factors of such counties bear to the total apportionment factors of the state computed to the nearest whole number. After each such county has been allocated one senator, the remaining senators to which this class of counties [are] IS entitled shall be distributed among such counties by the method of equal proportions applied to the apportionment factors.

(2) Counties having less than 13 apportionment factors shall be entitled as a class to senators in the proportion that the total apportionment factors of such counties bear to the total apportionment FACTORS of the state computed to the nearest whole number. Such counties shall thereafter be arranged into senatorial districts that are compact, convenient, and contiguous by land, as rectangular in shape as possible, and having as nearly as possible 13 apportionment factors, but in no event less than 10 or more than 16. Insofar as possible, existing senatorial districts at the time of reapportionment shall not be altered unless there [shall be] IS a failure to comply with the above standards.

(3) Counties entitled to [2] TWO or more senate districts shall be [further sub]divided into single member districts. The population of such districts shall be as nearly equal as possible but shall not be less than 75 percent nor more than 125 percent of a number determined by dividing the population of the county by the number of senators to which it is entitled. Each such district shall follow incorporated city or township boundary lines to the extent possible and shall be compact, contiguous, and as nearly uniform in shape as possible.

Sec. 3. The house of representatives shall consist of 110 members elected for [2] TWO-year terms from single member districts apportioned on a basis of population as [hereinafter] provided IN THIS ARTICLE. The districts shall consist of compact and convenient territory contiguous by land.

Each county which has a population of not less than [7/10] SEVEN-TENTHS of one percent of the population of the state shall constitute a separate representative area. Each county having less than [7/10] SEVEN-TENTHS of one percent of the population of the state shall be combined with another county or counties to form a representative area of not less than [7/10] SEVEN-

Explanation—Matter within [] is stricken, matter in capitals is new.

TENTHS of one percent of the population of the state. Any county which is isolated under the initial allocation as [herein] provided IN THIS SECTION shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.

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

Any county comprising a representative area entitled to [2] TWO or more representatives shall be divided into single member representative districts as follows:

(1) The population of [each] SUCH districtS shall be as nearly equal as possible but shall not be less than 75 percent nor more than 125 percent of a number determined by dividing the population of the representative area by the number of representatives to which it is entitled.

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

Any representative area consisting of more than one county, entitled to more than one representative, shall be divided into single member districts as equal as possible in population adhering to county lines.

Sec. 4. In counties having more than one representative or senatorial district, the territory in the same county annexed to or merged with a city between apportionments shall become a part of a contiguous representative or senatorial district in the city with which it is combined upon the effective date of the annexation or merger[.]. THE DISTRICTS WITH WHICH THE TERRITORY SHALL BE COMBINED SHALL BE [as] determined by ordinance of the city certified to the secretary of state.

[No legislator shall be deemed to have vacated his office by virtue of the above section.] NO SUCH CHANGE IN THE BOUNDARIES OF A REPRESENTATIVE OR SENATORIAL DISTRICT SHALL HAVE THE EFFECT OF REMOVING A LEGISLATOR FROM OFFICE DURING HIS TERM.

Sec. 5. ISLAND AREAS ARE CONSIDERED TO BE CONTIGUOUS BY LAND TO THE COUNTY OF WHICH THEY ARE A PART.

Sec. 6. A commission on legislative apportionment is hereby established consisting of [8] EIGHT persons, [4] FOUR of whom shall be selected by the state organizations of each of the [2] TWO political parties whose candidates for governor received the highest vote at the last general election AT WHICH A GOVERNOR WAS ELECTED preceding each apportionment. If a candidate for

governor of a third political party has received at such election more than 25 percent of such gubernatorial vote, the commission shall consist of 12 members, [4] FOUR of whom shall be selected by the state organization of the third political party. One member of the commission shall be selected by each political party organization from each of the following [4] FOUR regions: (1) The upper peninsula; (2) The northern part of the lower peninsula, north of a line drawn along the northern boundaries of the counties of Bay, Midland, Isabella, Mecosta, Newaygo and Oceana; (3) Southwestern Michigan, those counties south of region (2) and west of a line drawn along the western boundaries of the counties of Bay, Saginaw, Shiawassee, Ingham, Jackson and Hillsdale; (4) Southeastern Michigan, the remaining counties of the state.

No officers or employees of the federal, state or local governments, excepting notaries public and members of the armed forces reserve, shall be eligible for membership on the commission. Members of the commission shall not be eligible for election to the legislature until [2] TWO years after the apportionment [plan] in which they participated becomes effective.

The commission shall be appointed immediately after the adoption of this constitution and whenever [Re]apportionment or districting OF THE LEGISLATURE is required by the provisions of this constitution. Members of the commission shall hold office until each apportionment or districting plan becomes effective. Vacancies shall be filled in the same manner as for original appointment.

The secretary of state shall be secretary of the commission without vote, and in that capacity shall furnish, under the direction of the commission, all necessary technical services. The commission shall elect its own chairman, shall make its own rules of procedure, and shall receive compensation provided by law. The legislature shall appropriate funds [necessary] to enable the commission to carry out its activities.

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

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

If a majority of the commission cannot agree on a plan, each member of the commission, individually or jointly with other members, may submit a proposed plan to the supreme court. The supreme court shall determine which plan complies most accurately with the constitutional requirements and shall direct that it be adopted BY THE COMMISSION and published as provided in this section.

Upon the application of any [qualified] elector filed not later than 60 days after final publication of the plan, the supreme court, in the exercise of original jurisdiction, shall direct the secretary of state or the apportionment commission to perform their duties, may review any final plan adopted by the commission, and shall make orders amending such plan if it fails to comply with the requirements of this constitution.

Sec. 7. Each senator and representative MUST [shall] be a citizen of the United States, at least 21 years of age, and AN [a qualified] elector of the district he represents[,] . [and] The removal of his domicile from the district shall be deemed a vacation of the office. No person who has been convicted of subversion or who has within the preceding 20 years been convicted of a felony involving a breach of public trust shall be eligible for either house of the legislature.

Sec. 8. No person holding any office under the United States or this state or a political subdivision thereof, except notaries public and officers of the armed forces reserve, may be a member of either house of the legislature.

Sec. 9. No person elected TO [a member of] the legislature shall receive any civil appointment within this state from the governor, except notaries public, [from the governor and senate,] from the legislature, or from any other state authority, during the term for which he is elected.

Sec. 10. No member of the legislature nor any state officer shall be interested directly or indirectly in any contract with the state or any political subdivision thereof which shall cause a substantial conflict of interest. The legislature shall further implement this provision by appropriate legislation.

Sec. 11. Senators and representatives shall be privileged from civil arrest and civil process during sessions of the legislature and for [5] FIVE days next before the commencement and after the termination thereof. They shall not be questioned in any other place for any speech in either

house.

Sec. 12. The annual salary of the members of the legislature shall be not less than \$9,000[.], AS PROVIDED BY LAW. Members of the legislature shall be entitled to REIMBURSEMENT FOR [2] TWO round trips home EACH [per] month while the legislature is in session, and expenses in connection with the work of interim committees. [No] ChangeS in salary or expenses shall beCOME effective [during the term of office for which the legislature making the change was elected] ONLY WHEN LEGISLATORS COMMENCE THEIR TERM OF OFFICE AFTER A GENERAL ELECTION except and only to the extent of a general salary reduction in all other branches of STATE government.

No person serving in the legislature shall receive at any time for his services as a member of the legislature any additional fees, compensation or financial benefits from the state or its political subdivisions. This section shall not be construed to [deny] AFFECT retirement benefits [to those] OF legislators [eligible to receive] WHICH HAVE [these benefits at] ACCRUED PRIOR TO the [time] EFFECTIVE DATE OF this constitution [becomes effective].

Sec. 13. The legislature shall meet at the seat of government on the second Wednesday in January of each year at [12:00] TWELVE o'clock noon. Each regular session shall adjourn without day, on a day determined by concurrent resolution, at TWELVE [12:00] o'clock noon. Any business, bill or joint resolution pending at the final adjournment of a regular session held in an odd numbered year shall carry over WITH THE SAME STATUS to the next regular session.

Sec. 14. A majority of the members elected to and serving in each house shall constitute a quorum to do business. A smaller number in each house may adjourn from day to day, and may compel the attendance of absent members in the manner and with penalties as each house may prescribe.

Sec. 15. There shall be a bi-partisan legislative council consisting of legislators appointed in the manner prescribed by law. The legislature shall appropriate [adequate] funds for the council's operations and provide for its staff which shall maintain bill drafting, research and other services for the members of the legislature. The council shall PERIODICALLY [from time to time] examine and recommend to the legislature revision of the various laws of the state.

Sec. 16. Each house, except as otherwise provided in this constitution, shall choose its own officers and determine the rules of its proceedings, but shall not adopt any rule that will prevent a majority of the members elected thereto and serving therein from discharging a committee

Explanation—Matter within [] is stricken, matter in capitals is new.

1 from the further consideration of any measure.
2 Each house shall BE THE SOLE judge of the
3 qualifications, elections and returns of its mem-
4 bers, and may, with the concurrence of TWO-
5 THIRDS [2/3] of all the members elected thereto
6 and serving therein, expel a member. The reasons
7 for such expulsion shall be entered IN [upon] the
8 journal, with the [yeas and nays] VOTES AND
9 NAMES of the members voting upon the ques-
10 tion. No member shall be expelled a second time
11 for the same cause.

12 Sec. 17. Each house of the legislature may
13 establish the committees necessary for the effi-
14 cient conduct of its business and the legislature
15 may create joint committees. Each committee
16 shall [keep a recorded] BY roll call vote RECORD
17 THE VOTE AND NAME [by yeas and nays] of
18 all action on bills and resolutions taken in the
19 committee. Such vote shall be available FOR [to]
20 public inspection. Notice of all committee hear-
21 ings and a clear statement of all subjects to be
22 considered at each hearing shall be published in
23 the journal in advance of the hearing.

24 Sec. 18. Each house shall keep a journal of
25 its proceedings, and publish the same unless se-
26 curity otherwise requires. The [yeas and nays]
27 RECORD OF THE VOTE AND NAME of the
28 members of either house VOTING on any question
29 shall be entered in the journal at the request of
30 [1/5] ONE-FIFTH of the members present. Any
31 member of either house may dissent from and
32 protest against any act, proceeding or resolution
33 which he deems injurious to any person or the
34 public, and have the reason for his dissent entered
35 in the journal.

36 Sec. 19. All elections in either house or in
37 joint convention and all votes on appointments
38 [recommended to the senate for confirmation]
39 SUBMITTED TO THE SENATE FOR ADVICE
40 AND CONSENT shall be [taken by yeas and
41 nays and] published BY VOTE AND NAME in
42 the journal.

43 Sec. 20. The doors of each house shall be open
44 unless the public security otherwise requires.

45 Sec. 21. Neither house shall, without the con-
46 sent of the other, adjourn for more than [3] TWO
47 INTERVENING CALENDAR days, nor to any
48 place other than where the legislature may then
49 be in session.

50 Sec. 22. All legislation [by the legislature]
51 shall be by bill and may originate in either house.

52 Sec. 23. The style of the laws shall be: The
53 People of the State of Michigan enact.

54 Sec. 24. No law shall embrace more than one
55 object, which shall be expressed in its title. No
56 bill shall be altered or amended on its passage
57 through either house so as to change its original
58 purpose as determined by its total content and
59 not alone by its title.

60 Sec. 25. No law shall be revised, altered or

1 amended by reference to its title only. The section
2 or sections of the act altered or amended shall
3 be re-enacted and published at length.

4 Sec. 26. No bill shall be passed or become a
5 law at any regular session of the legislature until
6 it has been printed or reproduced and in the pos-
7 session of each house for at least [5] FIVE days.
8 Every bill shall be read THREE [3] times in each
9 house before the final passage thereof. No bill
10 shall become a law without the concurrence of a
11 majority of [all] the members elected to and
12 serving in each house. On the final passage of [all]
13 bills, the voteS AND NAMES OF THE MEMBERS
14 VOTING THEREON shall be [by yeas and nays
15 and] entered in the journal.

16 Sec. 27. No act shall take effect [or be in force]
17 until the expiration of 90 days from the end of
18 the session at which it was passed, but the legis-
19 lature may give immediate effect to acts by a [2/3]
20 TWO-THIRDS vote of the members elected to and
21 serving in each house.

22 Sec. 28. When the legislature is convened on
23 extraordinary occasions in special session no bill
24 shall be passed on any subjects other than those
25 expressly stated in the governor's proclamation
26 or submitted by special message.

27 Sec. 29. The legislature shall pass no local
28 or special act in any case where a general act can
29 be made applicable, and whether a general act
30 can be made applicable shall be a judicial question.
31 No local or special act shall take effect until
32 approved by TWO-THIRDS [2/3] of the mem-
33 bers elected to and serving in each house [of the
34 legislature] and by a majority of the electors vot-
35 ing thereon in the district [to be] affected. Any
36 act repealing local or special acts [in effect as of
37 the effective date of this constitution] shall re-
38 quire only a majority of the members elected to
39 and serving in each house and shall not require
40 submission to the electors of such district.

41 Sec. 30. The assent of TWO-THIRDS [2/3] of
42 the members elected to and serving in each house
43 of the legislature shall be required for the appro-
44 priation of public money or property for local or
45 private purposes.

46 Sec. 31. The general appropriation bills for the
47 succeeding fiscal period covering items set forth
48 in the budget shall be passed or rejected in either
49 house of the legislature before that house passes
50 any appropriation bill for items not in the budget
51 except bills supplementing appropriations for the
52 current FISCAL year's operation. Any bill re-
53 quiring an appropriation to carry out its purpose
54 shall be considered an appropriation bill. One of
55 the general appropriation bills as passed by the
56 legislature shall contain an itemized statement of
57 estimated revenue by major source in each oper-
58 ating fund for the ensuing fiscal period, the total
59 of which shall not be less than the total of all
60 appropriations made from each fund in the gen-

eral appropriation bills as passed.

Sec. 32. Every law which imposes, continues or revives a tax shall distinctly state the tax.

Sec. 33. Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law. If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he does not approve, and the legislature continues the session at which the bill was passed, he shall return it within such 14-day period with his objections, to the house in which it originated. That house shall enter such objections in full in its journal and reconsider the bill. If TWO-THIRDS [2/3] of the members elected TO and serving in that house pass the bill notwithstanding the objections of the governor, it shall be sent with the objections to the other house for reconsideration. The bill shall become law if passed by TWO-THIRDS [2/3] of the members elected TO and serving in that house. The vote of each house shall be [determined by the yeas and nays, and the names of the members voting for and against the bill shall be] entered in the journal WITH THE VOTES AND NAMES OF THE MEMBERS VOTING THEREON. If any bill is not returned by the governor within such 14-day period, the legislature continuing in session, it shall become law as if he had signed it.

Sec. 34. Any bill passed by the legislature and approved by the governor, except A BILL appropriATING MONEY [ion bills], may [be referred by the legislature to the qualified electors. No bill so referred shall] PROVIDE THAT IT WILL NOT become [a] law unless approved by a majority of the electors voting thereon.

Sec. 35. All laws enacted at any session of the legislature shall be published in book form within 60 days after final adjournment of the session, and shall be distributed in the manner provided by law. The [speedy] PROMPT publication of judicial decisions shall be provided by law. All laws and judicial decisions shall be free for publication by any person.

Sec. 36. No general revision of the laws shall [hereafter] be made. The legislature may provide for a compilation of the laws in force, arranged without alteration, under appropriate heads and titles.

Sec. 37. The legislature may by concurrent resolution empower a joint committee of the legislature acting [in the interim] between sessions to suspend until the end of the next regular legislative session any rule or regulation [promulgated

by] OF an administrative agency PROMULGATED when the legislature is not in regular session.

Sec. 38. The legislature may provide by law the cases in which any office shall be [deemed] vacant and the manner of filling vacancies[,] where no provision is made in this constitution.

Sec. 39. In order to insure continuity of state and local governmental operations in periods of emergency only, resulting from disasters occurring in this state CAUSED by enemy attack on the United States, the legislature MAY [shall have the power to such extent as it deems advisable (1) to] provide by [legislative enactment] LAW for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices[,] and ENACT [(2) to adopt by legislative enactment such] other [legislation] LAWS [as may be] necessary and proper for insuring the continuity of governmental operations. Notwithstanding the power conferred by this section, elections shall always be called as soon as possible to fill any [elective] vacancies in [any] ELECTIVE offices temporarily occupied by operation of any legislation enacted pursuant to the provisions of this section.

Sec. 40. The legislature may by law establish a liquor control commission[,] which, subject to statutory limitations, shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof. [and] THE LEGISLATURE may provide for an excise tax on such sales. Neither the legislature nor the commission may authorize the manufacture or sale of alcoholic beverages in any county in which a majority of the electors voting thereon shall prohibit the same.

Sec. 41. The legislature shall not authorize any lottery nor permit the sale of lottery tickets.

Sec. 42. The legislature may provide for the incorporation of ports and port districts, and confer power and authority upon them to engage in work of internal improvements in connection therewith.

Sec. 43. No general law providing for the incorporation of trust companies or corporations for banking purposes, or regulating the business thereof, shall be enacted, amended or repealed except by a vote of [2/3] TWO-THIRDS of the members elected to and serving in each house [of the legislature].

Sec. 44. The legislature may authorize a trial by a jury of less than 12 jurors in civil cases.

Sec. 45. The legislature may provide for indeterminate sentences as [a] punishment for crime and for the detention and release of per-

Explanation—Matter within [] is stricken, matter in capitals is new.

sons imprisoned or detained [on] UNDER such sentences.

Sec. 46. No law shall be enacted providing for the penalty of death.

Sec. 47. The legislature may authorize the employment of chaplains in state institutions of DETENTION OR confinement.

Sec. 48. The legislature may enact laws providing for the resolution of disputes [in] CONCERNING public [employment] EMPLOYEES, except THOSE IN THE state classified civil service.

Sec. 49. The legislature may enact laws relative to the hours and conditions of employment.

Sec. 50. The legislature may provide safety measures and regulate the use of atomic energy and forms of energy developed in the future, having in view the general welfare of the people of this state.

Sec. 51. The public health and general welfare of the people of the state are hereby declared to be matters of primary public concern. The legislature shall pass suitable laws for the protection and promotion of the public health.

Sec. 52. The conservation and development of the natural resources of the state are hereby declared to be of paramount public concern in the interest of the health, safety[,] and general welfare of the people. The legislature shall provide for the protection of the air, water[,] and other natural resources of the state from pollution, impairment and destruction.

Sec. 53. The legislature by a majority vote of the members elected to and serving in each house, shall appoint an auditor general, who shall be [an administrator and] a certified public accountant [duly] licensed to practice in this state, to serve for a term of [8] EIGHT years. He shall be ineligible for appointment or election to any other [paid] public office in this state FROM WHICH COMPENSATION IS DERIVED while serving as auditor general and for [2] TWO years following the termination of his service. He may be removed for cause at any time by a [2/3] TWO-THIRDS vote of the members elected to and serving in each house [of the legislature]. The auditor general shall conduct post audits of financial transactions and accounts of the state and of all branches, departments, offices, boards, commissions, agencies, authorities and institutions of the state established by this constitution or by law, and performance post audits thereof.

The auditor general upon direction by the legislature may employ independent accounting firms or legal counsel and may make investigations pertinent to the conduct of audits. He shall report annually to the legislature and to the governor and at such other times as he deems necessary or as required by the legislature. He shall be assigned no duties other than those [herein]

specified IN THIS SECTION.

Nothing in this section shall be construed in any way to infringe the responsibility and constitutional authority of the governing boards of the [universities and colleges] INSTITUTIONS OF HIGHER EDUCATION to be solely responsible for the control and direction of all expenditures from the institutions' funds.

[The legislature shall provide by law for the maintenance of uniform accounting systems by units of local government and the auditing of county accounts by competent state authority and other units of government as provided by law.]

The auditor general, his deputy and one other member of his staff shall be exempt from classified civil service. All other members of his staff shall have classified civil service status.

ARTICLE V

EXECUTIVE BRANCH

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Article V Executive Branch

Sec. 1. The executive power is vested in the governor.

Sec. 2. All executive and administrative offices, agencies and instrumentalities of the EXECUTIVE BRANCH OF state government and their respective functions, powers and duties, except for the office of governor and lieutenant governor and the governing bodies of institutions of higher education provided for in this constitution, shall be allocated by law among and within not more than 20 principal departments. They shall be grouped as far as practicable according to major purposes.

Subsequent to the initial allocation, the governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these changes require the force of law, they shall be set forth in executive orders AND SUBMITTED TO THE LEGISLATURE. THEREAFTER the legislature shall have 60 CALENDAR days of a regular session, or a full session if of shorter duration, to disapprove [these] EACH executive order[s]. Unless disapproved in both houses by a resolution concurred in by a majority of the members elected to and serving in each house, [these] EACH order[s] shall become effective at a date thereafter to be designated by the governor.

Sec. 3. The head of each principal department shall be a single executive unless otherwise provided in this constitution or by law. The single executives heading principal departments shall include a secretary of state, a state treasurer and an attorney general. When a single executive [other than an elective official,] is the head of a principal department, UNLESS ELECTED OR APPOINTED AS OTHERWISE PROVIDED IN THIS CONSTITUTION, he shall be [nominated and,] APPOINTED BY THE GOVERNOR by and with the advice and consent of the senate[, appointed by the governor] and he shall serve at the pleasure of the governor.

When a board or commission is at the head of a principal department, [the members thereof,] unless elected or appointed as otherwise provided in this constitution, THE MEMBERS THEREOF shall be [nominated and,] APPOINTED BY THE GOVERNOR by and with the advice and consent of the senate[, appointed by the governor]. The term of office and procedure for removal of such members shall be as prescribed in this constitution or by law.

Terms of office of any board or commission

created or enlarged after [adoption] THE EFFECTIVE DATE of this constitution shall not exceed [4] FOUR years except as otherwise authorized in this constitution. The terms of office of existing boards and commissions[,] which are [greater] LONGER than [4] FOUR years shall not be further extended except as provided in this constitution.

Sec. 4. At no time shall an examining or licensing board of a profession INCLUDE [be composed of] less than a majority of members of that profession. Temporary commissions or agencies for special purposes with a life of no more than [2] TWO years may be established by law and need not be allocated within a principal department.

Sec. 5. Appointment by and with the advice and consent of the senate when used in this constitution or [in statutes] LAWS in effect or hereafter enacted means appointment subject to disapproval by a majority vote of the members elected to and serving in the senate if such action is taken within 60 [legislative] SESSION days after the date of such appointment. [If the] ANY appointment [is] not disapproved within such period [of time the appointment] shall stand confirmed.

Sec. 6. [When the senate is not in session, the governor shall fill a vacancy] VACANCIES in any office, appointment to which requires advice and consent of the senate, [by appointment which may be disapproved by the senate in the manner provided for other] SHALL BE FILLED BY THE GOVERNOR BY AND WITH THE ADVICE AND CONSENT OF THE SENATE. [appointments requiring such advice and consent.] A person [who] WHOSE APPOINTMENT has been disapproved by the senate shall not be eligible for [another] AN interim appointment to the same office.

Sec. 7. Each principal department shall be under the supervision of the governor[, unless otherwise provided by this constitution. The governor shall take care that the laws be faithfully executed. He shall transact all necessary business with the officers of government and may require information in writing from all executive and administrative state officers, elective and appointive, upon any subject relating to the duties of their respective offices.

The governor may initiate court proceedings in the name of the state to enforce compliance with any constitutional or legislative mandate, or to restrain violations of any constitutional or legislative power, duty[, or right by any officer, department[, or agency of the state or any of its political subdivisions. This authority shall not be construed to authorize court proceedings against the legislature.

Sec. 8. Single executives heading principal departments and the chief executive officers of

Explanation—Matter within [] is stricken, matter in capitals is new.

principal departments headed by boards or commissions shall keep their offices at the seat of government except as otherwise provided by law, superintend them in person and perform duties prescribed by law.

Sec. 9. The governor shall have power and it shall be his duty[,] to inquire into the condition and administration of any public office and the acts of any public officer, elective or appointive. He may remove or suspend from office for gross neglect of duty or for corrupt conduct in office, or FOR any other misfeasance or malfeasance therein, any elective or appointive state officer, except legislative or judicial, and report the [causes of] REASONS FOR such removal or suspension to the legislature. [if in session or otherwise at its next session.]

Sec. 10. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an appointed or elected officer, other than a [judicial] LEGISLATIVE OR JUDICIAL officer, until he is REINSTATED [acquitted] or[, if convicted,] until the vacancy is filled in the manner prescribed by law or this constitution [for such office].

Sec. 11. The governor shall be commander-in-chief of the armed forces and may call them out to execute the laws, suppress insurrection and repel invasion.

Sec. 12. The governor shall issue writs of election to fill vacancies in the senate or house of representatives. Any such election shall be held in a manner prescribed by law.

Sec. 13. The governor shall have power to grant reprieves, commutations and pardons after convictions for all offenses, except cases of impeachment, upon such conditions and limitations as he may direct, subject to procedures and regulations [provided] PRESCRIBED by law. He shall inform the legislature annually of each reprieve, commutation and pardon granted, stating reasons therefor.

Sec. 14. The governor may convene the legislature on extraordinary occasions.

Sec. 15. The governor may convene the legislature at some other place when the seat of government becomes dangerous from any cause.

Sec. 16. The governor shall communicate by message to the legislature at the beginning of each session and may at other times present to the legislature information as to the affairs of the state and recommend measures he considers necessary or desirable.

Sec. 17. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state. Proposed expenditures from any fund shall not exceed the estimated revenue thereof. On the same date, the

governor shall submit to the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills to provide new or additional revenues to meet proposed expenditures. The amount of any surplus created or deficit incurred in any fund during the last preceding fiscal period shall be entered as an item in the budget and in one of the appropriation bills. The governor may submit amendments to appropriation bills to be offered in either house during consideration of the bill by that house, and shall submit any bills to meet deficiencies in current appropriations.

Sec. 18. The governor [shall have power to] MAY disapprove any distinct item or items APPROPRIATING MONEYS in any appropriation bill. The part or parts approved shall become law, and the item or items disapproved shall be void unless re-passed according to the method prescribed for the passage of other bills over the executive veto.

Sec. 19. No appropriation shall be [deemed] a mandate to spend. The governor, with the approval of the appropriating committees of the house and senate, shall reduce expenditures AUTHORIZED BY [of any bodies receiving] appropriations whenever it appears that actual revenues for a fiscal period will fall below the revenue estimates on which appropriations for that period were based. Reductions in expenditures shall be made in accordance with procedures [established] PRESCRIBED by law. The governor[']s power to reduce expenditures shall not apply to] MAY NOT REDUCE EXPENDITURES OF the legislative and judicial branches or FROM [to those services for which] funds CONSTITUTIONALLY DEDICATED FOR SPECIFIC PURPOSES. [are mandated by this constitution.]

Sec. 20. The governor, lieutenant governor, secretary of state and attorney general shall be elected FOR FOUR-YEAR TERMS at the general election in each alternate even-numbered year. [They shall serve for terms of 4 years beginning at 12:00 o'clock noon on the first day of January next succeeding their election.]

The lieutenant governor, secretary of state and attorney general shall be nominated by party conventions in a manner prescribed by law. In the general election one vote shall be cast jointly for the candidates for governor and lieutenant governor nominated by the same party.

VACANCIES IN THE OFFICE OF THE SECRETARY OF STATE AND ATTORNEY GENERAL SHALL BE FILLED BY APPOINTMENT BY THE GOVERNOR.

Sec. 21. [No person shall] TO be eligible for the office of governor or lieutenant governor [who shall not have] A PERSON MUST HAVE attained the age of 30 years, and [who shall] have [not] been [4 years next preceding his election] a registered elector in this state FOR FOUR

YEARS NEXT PRECEDING HIS ELECTION.

Sec. 22. The governor, lieutenant governor, secretary of state[, state treasurer] and attorney general shall each receive the compensation [prescribed] PROVIDED by law in full payment for all services performed and expenses incurred during his term of office. Such compensation shall not be changed during the term of office except as otherwise provided in this constitution.

Sec. 23. An executive residence suitably furnished shall be provided at the seat of government for the use of the governor. He shall receive an allowance for its maintenance as provided by law.

Sec. 24. The lieutenant governor shall be president of the senate, but shall have no vote except in case of equal division. He [shall] MAY perform [additional] duties [as] requested of him by the governor[.], BUT NO POWER VESTED IN THE GOVERNOR SHALL BE DELEGATED.

Sec. 25. In case of the conviction of the governor on impeachment, his removal from office, his resignation, or [the] HIS death, [of the governor or governor-elect, the powers and duties of the office shall vest, in the following order of precedence, in the person elected at the last election to the office of] THE lieutenant governor, THE ELECTED secretary of state, THE ELECTED attorney general, and such other persons designated by law[, who] shall IN THAT ORDER be governor [after the commencement of their term] for the [residue] REMAINDER of the governor's term.

IN CASE OF THE DEATH OF THE GOVERNOR-ELECT, THE LIEUTENANT GOVERNOR-ELECT, THE SECRETARY OF STATE-ELECT, THE ATTORNEY GENERAL-ELECT AND SUCH OTHER PERSONS DESIGNATED BY LAW SHALL BECOME GOVERNOR IN THAT ORDER AT THE COMMENCEMENT OF THE GOVERNOR-ELECT'S TERM.

If the governor or the person in line of succession to serve as governor is absent from the state, or suffering under an inability [as determined herein], the powers and duties of the office of governor shall devolve in order of precedence [upon such persons] until the absence or inability giving rise to the DEVOLUTION [devolvment] of powers ceases.

The inability of the governor[, governor-elect] or person[s serving] ACTING as governor shall be determined by a majority of the supreme court on joint request of the president pro tempore of the senate and the speaker of the house of representatives. Such determination shall be final and conclusive. The supreme court shall upon its own initiative determine if and when the inability ceases.

Sec. 26. The legislature shall provide that the

salary of any state officer WHILE ACTING AS [performing the duties of] governor [is] SHALL BE equal to that of the governor.

Sec. 27. There is hereby established a state highway commission, which shall administer the state highway department and have jurisdiction and control over all state trunkline highways and appurtenant facilities, and such other public works of the state, as [shall be prescribed] PROVIDED by law.

The state highway commission shall consist of [4] FOUR members, not more than [2] TWO of whom shall be members of the same political party. They shall be appointed by the governor BY AND with the advice and consent of the senate for [4] FOUR-year terms, no [2] TWO of which shall expire in the same year AS PROVIDED BY LAW.

The state highway commission shall appoint AND MAY REMOVE a state highway director, who shall be a competent highway engineer and administrator. He shall be the PRINCIPAL [chief] executive OFFICER of the state highway department and shall be responsible for executing the policy of the state highway commission.

Sec. 28. There is hereby established a civil rights commission which shall consist of [8] EIGHT persons, not more than [4] FOUR of whom shall be members of the same political party, who shall be appointed by the governor, with the advice and consent of the senate, for [4] FOUR-year terms not more than [2] TWO of which shall expire in the same year. It shall be the duty of the commission in a manner which may be prescribed by law to investigate alleged discrimination against any person because of [race] religion, RACE, color or national origin in the enjoyment of the civil rights guaranteed by law and by this constitution, and to secure the equal protection of such civil rights without such discrimination. The legislature shall provide an annual appropriation for the effective operation of the commission.

The commission shall have [the] power, in accordance with the provisions of this constitution and of general laws governing administrative agencies, to promulgate rules and regulations for its own procedures, to hold hearings, administer oaths, through court authorization to require the attendance of witnesses and the submission of records, to take testimony, and to issue appropriate orders. The commission shall have other powers provided by law to carry out its purposes. Nothing contained in this section shall be construed to diminish the right of any party to direct and immediate legal or equitable remedies in the courts of this state.

Explanation—Matter within [] is stricken, matter in capitals is new.

ARTICLE VI JUDICIAL BRANCH

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Article VI Judicial Branch

Sec. 1. The judicial power of the state is vested exclusively in one court of justice[,] which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court, one probate court, and other courts of limited jurisdiction that the legislature may establish by a [2/3] TWO-THIRDS vote of the members ELECTED TO AND SERVING IN [of] each house.

Sec. 2. The supreme court shall consist of [8] SEVEN justices [to be] elected at non-partisan elections as provided by law. [A vacancy hereafter created as the result of the death, retirement or resignation of one incumbent justice shall not be filled.] The term of office shall be [for 8] EIGHT years and not more than [3] TWO terms of office shall expire at the same time. Nominations for justices of the supreme court shall be in the manner [as provided] PRESCRIBED by law[.]. [except] Any incumbent justice whose term is to expire may become a candidate for re-election by filing an affidavit of candidacy, in the form and manner prescribed by law, not less than 180

days prior to the expiration of his term.

Sec. 3. One justice of the supreme court shall be selected by the court as its chief justice AS [in the manner and for the term] provided by [the] rules of the court. He shall perform other duties required by the court. The supreme court shall appoint an administrator of the courts and other assistants of the supreme court as [shall] MAY be [deemed] necessary to aid in the administration of the courts of this state. The administrator shall perform administrative duties assigned by the court.

Sec. 4. The supreme court shall have general superintending control over all courts; power to issue, hear, and determine prerogative and remedial writs; and appellate jurisdiction as provided by rules of the supreme court. The supreme court shall not have the power to remove a judge.

Sec. 5. The supreme court shall by general rules establish, modify, amend and simplify the practice and procedure in all courts of this state. The distinctions between law and equity proceedings shall, as far as practicable, be abolished. The office of master in chancery is prohibited.

Sec. 6. Decisions of the supreme court, including all decisions on prerogative writs, shall be in writing and shall contain a concise statement of the facts and reasons for each decision and reasons for each denial of leave to appeal. When a judge dissents in whole or in part he shall give in writing the reasons for his dissent.

Sec. 7. The supreme court may appoint, may remove, and shall have general supervision of its staff. It shall have control of the preparation of its budget recommendations and the expenditure of [the funds] MONEYS appropriated for any purpose pertaining to the operation of the court or the performance of activities of its staff except that the salaries of the justices shall be established by law. All fees and perquisites collected by the court staff shall be turned over to the state treasury and credited to the general fund.

Sec. 8. The court of appeals shall consist initially of [9] NINE judges who shall be nominated and elected [on a] AT non-partisan ELECTIONS [basis] from districts, and in the manner, prescribed by law. The supreme court may prescribe by rule that the court of appeals may sit in divisions and for the terms of court and the times and places thereof. Each such division shall consist of not fewer than three judges. The number of judges comprising the court of appeals may be increased, and the districts from which they are elected may be [altered] CHANGED by law.

Sec. 9. Judges of the court of appeals shall hold office for a TERM [period] of [6] SIX years and until their successors are elected and qualified. The terms of office for the judges in each district shall be arranged by law to provide that not all terms will expire at the same time.

Sec. 10. The jurisdiction of the court of appeals shall be provided by law and the practice and procedure therein shall be [as provided] PRE-SCRIBED by rules of the supreme court.

Sec. 11. The state shall be divided into judicial circuits along county lines in each of which there shall be elected one or more circuit judges as provided by law. [A] SESSIONS OF THE circuit court shall be held at least [4] FOUR times in each year in every county organized for judicial purposes. Each circuit judge shall hold court in the county or counties within the circuit in which he is elected, and in other circuits as may be provided by rules of the supreme court. The number of judges may be changed and circuits may be created, altered and discontinued by law and the number of judges shall be changed and circuits shall be created, altered and discontinued on recommendation of the supreme court to reflect changes in judicial activity. No change in the number of judges [n]or alteration or discontinuance of a circuit shall have the effect of removing a judge from office during his term.

Sec. 12. Circuit judges shall be nominated and elected at non-partisan elections in the circuit in which they reside, and shall hold office for a TERM [period] of [6] SIX years and until their successors are elected and qualified. In circuits having more than one circuit judge their terms of office shall be arranged by law to provide that not all terms will expire at the same time.

Sec. 13. THE circuit court[s] shall have original jurisdiction in all matters not prohibited by law; appellate jurisdiction from all inferior courts and tribunals except as otherwise provided by law; power to issue, hear and determine prerogative and remedial writs; supervisory and general control over inferior courts and tribunals within their respective jurisdictions[,] in accordance with rules of the supreme court; and jurisdiction of other cases and matters as provided by rules of the supreme court.

Sec. 14. The clerk of each county organized for judicial purposes or other officer performing the duties of such office as provided in a county charter shall be clerk of the circuit court for such county. The judges of the circuit court[s] may fill [any] A vacancy in an elective office of county clerk or prosecuting attorney within their respective jurisdictions.

Sec. 15. In each county organized for judicial purposes[,] there shall be a probate court. The legislature may [combine one or more counties into] CREATE OR ALTER probate COURT districts OF MORE THAN ONE COUNTY [upon the approval by a majority of the voters of each county voting separately on the question,] IF AP-PROVED IN EACH AFFECTED COUNTY BY A MAJORITY OF THE ELECTORS VOTING ON THE QUESTION. [or combine] THE LEGISLA-

TURE MAY PROVIDE FOR THE COMBINATION OF the office of probate judge with any judicial office of limited jurisdiction [in any] WITHIN A county with supplemental salary as provided by law. The jurisdiction, powers and duties of the probate court[s] and of the judges thereof shall be [prescribed] PROVIDED by law. They shall [also] have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

Sec. 16. ONE OR MORE judges of probate AS PROVIDED BY LAW shall be nominated and elected at non-partisan elections in the counties or the probate districtS in which they reside and shall hold office for [a period] TERMS of [6] SIX years and until their successors are elected and qualified. In counties or districts with more than one judge the terms of office shall be arranged by law to provide that NOT all terms will [not] expire at the same time.

Sec. 17. No judge or justice of any court of this state shall be paid from the fees of his office nor shall the amount of his salary be measured by fees, other moneys received or [by] the amount of judicial activity of his office.

Sec. 18. Salaries of justices of the supreme court, of the judges of the court of appeals, of the circuit judges within a [county or] circuit, and of the probate judges within a county or district, shall be uniform, and may be increased, but shall not be decreased during a term of office except and only to the extent of a general salary reduction in all other branches of government.

Each of the judges of the circuit court[s] shall receive an annual salary as provided by law. In addition to the salary received from the state, [treasury,] each circuit judge may receive from any county in which he regularly holds court [such] AN additional salary as [may be] determined from time to time by the board of supervisors of the county. In any county where [such] AN additional salary is granted, it shall be paid at the same rate to all circuit judges regularly holding court therein.

Sec. 19. The supreme court, the court of appeals, the circuit court, the probate court and other courts designated as such by the legislature shall be courts of record and [shall] each SHALL have a common seal. [Except as otherwise authorized by this constitution,] Justices and judges of [the] courts of record [of this state shall] MUST be PERSONS WHO ARE licensed to practice law in this state. [and] No person shall be elected or appointed to a judicial office after reaching the age of 70 years.

Sec. 20. Whenever a JUSTICE OR judge removes his domicile beyond the limits of the territory from which he was elected, he shall [be deemed to] have vacated his office.

Explanation—Matter within [] is stricken, matter in capitals is new.

Sec. 21. Any justice or judge of a court of record shall be ineligible to be nominated for or elected to an elective office other than a judicial office during the period of his service [as a judge] and for one year thereafter.

Sec. 22. Any elected judge of [a] THE court of appeals, circuit court or probate court may become a candidate in the primary election for the office of which he is the incumbent by filing an affidavit of candidacy in the form and manner [provided] PRESCRIBED by law.

Sec. 23. A vacancy in the elective office of a judge of any court of record shall be filled at a general or special election AS PROVIDED BY [according to] law. The supreme court may authorize persons who have served as judges and who have retired, to perform judicial duties for the limited period of time from the occurrence of the vacancy until the successor is elected and qualified. SUCH PERSONS SHALL BE INELIGIBLE FOR ELECTION TO FILL THE VACANCY.

Sec. 24. There shall be printed upon the ballot under the name of each elected incumbent justice or judge[,] who is a candidate for nomination or election to the same office[,] the designation of that office.

Sec. 25. For reasonable cause, which is not sufficient ground for impeachment, the governor shall remove any judge on a concurrent resolution of [2/3] TWO-THIRDS of the members elected to and serving in each house of the legislature. The cause for removal shall be stated at length in [such] THE resolution.

Sec. 26. The offices of circuit court commissioner and justice of the peace shall be abolished at the expiration of [5] FIVE years from the date this constitution becomes effective or may within this period be abolished by law. Their jurisdiction and powers within this period shall be as provided by law. Within [such] THIS [5] FIVE-year period, the legislature shall establish a court or courts of limited jurisdiction with powers and jurisdiction defined by law. The location of such court or courts, and the qualifications, tenure, method of election[,] and salary of the judges of such court or courts, and by what governmental units the JUDGES [same] shall be paid, shall be provided by law, subject to the limitations contained in this Article.

Statutory courts in existence at the time this constitution becomes effective shall retain their powers and jurisdiction, except as provided by law, until they are abolished by law.

Sec. 27. The supreme court, the court of appeals, the circuit court, or any justices or judges thereof, shall not exercise any power of appointment to public office except as [otherwise] provided in this constitution.

Sec. 28. All final decisions, findings, rulings

and orders of any administrative officer or [body] AGENCY existing under the constitution or by law, which are judicial or quasi-judicial and affect private rights [,] or licenses, shall be subject to direct review by the courts as [shall be] provided by law. This review shall include, as a minimum, the determination whether such final decisions, findings, rulings and orders are authorized by law[,] and, in cases in which a hearing is required, whether the same are supported by competent, material[,] and substantial evidence on the whole record[:]. [Provided however, that the] Findings of fact [of the] IN workmen's compensation [commission] PROCEEDINGS shall be conclusive in the absence of fraud unless otherwise provided by law.

Sec. 29. Justices of the supreme court, judges of the court of appeals, circuit judges[,] and other judges as provided by law shall be conservators of the peace within their respective jurisdictions.

ARTICLE VII LOCAL GOVERNMENT

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Article VII

Local Government

Sec. 1. Each organized county shall be a body corporate with powers and immunities [prescribed] PROVIDED by law.

Sec. 2. Any county may frame, adopt, amend or repeal a county charter in a manner and with powers and limitations to be provided by general law, which shall among other things provide for the election of a charter commission. The law may permit the organization of county government in form different from that set forth in this constitution and shall limit the rate of ad valorem property taxation for county purposes, and restrict THE [their] powers of CHARTER COUNTIES TO borrow[ing] money and contract[ing] debts. Each charter county is hereby granted power to levy other taxes for county purposes subject to limitations and prohibitions set forth in this constitution or law. Subject to law, a county charter may authorize the county through its regularly constituted authority to [enact] ADOPT resolutions and ordinances relating to its concerns.

The board of supervisors by a majority vote of its members may, and upon petition of [5] FIVE percent of the electors shall, place upon the ballot the question of electing a commission to frame a charter.

No county charter shall be adopted, amended or repealed until approved by a majority of electors voting on the question.

Sec. 3. No organized county shall be reduced by the organization of new counties to less than 16 townships as surveyed by the United States, unless APPROVED in [pursuance of] THE MANNER PRESCRIBED BY law BY a majority of electors voting [on] THEREON [the question] in each county to be affected. [thereby shall so decide.]

Sec. 4. There shall be elected for [4] FOUR-year terms in each organized county a sheriff, a county clerk, a county treasurer, a register of deeds and a prosecuting attorney, whose duties and powers shall be [prescribed] PROVIDED by law. The board of supervisors in any county may COMBINE [unite] the offices of county clerk and register of deeds in one office or separate the same

at pleasure.

Sec. 5. The sheriff, county clerk, county treasurer and register of deeds shall hold their principal offices at the county seat.

Sec. 6. The sheriff may be required by law to renew his security [from time to time] PERIODICALLY and in default of giving such security, his office shall be [deemed] vacant. The county shall never be responsible for his acts, except that the board of supervisors may protect him against claims by prisoners for unintentional injuries received while in his custody. He shall not hold any other office except in [connection with] civil defense.

Sec. 7. A board of supervisors shall be established in each ORGANIZED county consisting of one member from each organized township and such representation from cities as [shall be prescribed] PROVIDED by law.

Sec. 8. [The] Boards of supervisors shall have LEGISLATIVE, ADMINISTRATIVE [such] AND SUCH OTHER powers and duties as provided by law [not inconsistent with this constitution].

Sec. 9. [The] Boards of supervisors shall have exclusive power to fix the compensation of [all] county [officials] OFFICERS not otherwise provided [for] by law.

Sec. 10. [No] A county seat once established shall NOT be removed until the place to which it is proposed to be [re]moved shall be designated by [2/3] TWO-THIRDS of the MEMBERS OF THE board of supervisors [of the county,] and a majority of the electors voting thereon shall have [voted in favor of] APPROVED the proposed location in [a] THE manner prescribed by law.

Sec. 11. No county shall incur any indebtedness which shall increase its total debt beyond 10 percent of its assessed valuation.

Sec. 12. [No] A navigable stream [of this state] shall NOT be bridged or dammed without permission granted by the board of supervisors of the county [under the provisions of] AS PROVIDED BY law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and POLITICAL SUBDIVISIONS [the municipalities] therein.

Sec. 13. Two or more CONTIGUOUS counties may combine into a single county [provided] IF APPROVED IN EACH AFFECTED COUNTY BY a majority of the [voters] ELECTORS voting on the question. [of each county, voting separately, approve such combination and the counties are contiguous.]

Sec. 14. The board of supervisors of each organized county may organize and consolidate townships under restrictions and limitations [prescribed] PROVIDED by law.

Explanation—Matter within [] is stricken, matter in capitals is new.

Sec. 15. Any county, when authorized by its BOARD OF SUPERVISORS [legislative body] shall have the authority to enter or to intervene in any ACTION [suit] or certificate proceeding involving the services, charges or rates of any privately owned public utility furnishing services or commodities to rate payers within the county.

Sec. 16. The legislature may provide for the laying out, construction, improvement and maintenance of highways, bridges, culverts and airports by the state and by the counties and townships thereof; and may authorize counties to take charge and control of any highway within their limits for such purposes. The legislature may [also prescribe] PROVIDE the powers and duties of counties in relation to highways, bridges, culverts and airports; may provide for county road commissioners to be appointed or elected, with powers and duties [as may be prescribed] PROVIDED by law. The ad valorem property tax IMPOSED for road purposes by any county shall not exceed in any year [1/2] ONE-HALF of one percent of the assessed valuation for the preceding year.

Sec. 17. Each organized township shall be a body corporate with powers and immunities [prescribed] PROVIDED by law [and not inconsistent with this constitution].

Sec. 18. IN EACH ORGANIZED TOWNSHIP there shall be elected for [a] terms of not less than [2 years] TWO nor more than [4] FOUR years as [provided] PRESCRIBED by law [in each organized township] a [township] supervisor, a [township] clerk, a [township] treasurer, and[,] not to exceed [4 township] FOUR trustees, whose legislative and administrative powers and duties shall be [prescribed] PROVIDED by law.

Sec. 19. No ORGANIZED township shall grant any public utility franchise which is not subject to revocation at the will of the township, unless the proposition shall FIRST have BEEN APPROVED BY [first received the affirmative vote of] a majority of the electors of such township voting thereon at a regular or special election.

Sec. 20. The legislature shall provide by law for the dissolution of township government whenever all the territory of [a] AN ORGANIZED township is included within the boundaries of a village or villages NOTWITHSTANDING THAT A VILLAGE MAY INCLUDE TERRITORY WITHIN ANOTHER ORGANIZED TOWNSHIP and provide by law for the classification of such village or villages as cities [notwithstanding that a village may include territory within another township].

Sec. 21. The legislature shall provide by general laws for the incorporation of cities and villages[;]. [such general laws] SUCH LAWS shall limit their rate of [general] AD VALOREM property taxation for municipal purposes, and

restrict [their] THE powers of CITIES AND VILLAGES TO borrow[ing] money and contract[ing] debts. Each city and village is granted power to levy other taxes for public purposes, subject to limitations and prohibitions provided by this constitution or by law.

Sec. 22. Under general laws the electors of each city and village shall have the power and authority to frame, adopt[,] and amend its charter, and to amend an existing charter of the city or village heretofore granted or enacted by the legislature for the government of the city or village. Each such city and village shall have power to [pass] ADOPT resolutions and ordinances relating to its municipal concerns, property and government, subject to the constitution and law. No enumeration of powers granted to cities and villages in this constitution shall [be deemed to] limit or restrict the general grant of authority conferred by this section.

Sec. 23. Any city or village may acquire, own, establish and maintain, within or without its corporate limits, parks, boulevards, cemeteries, hospitals[,] and all works which involve the public health or safety.

Sec. 24. Subject to this constitution, any city or village may acquire, own[,] and operate, within or without its corporate limits, public service facilities for supplying water, light, heat, power, sewage disposal and transportation to the municipality and the inhabitants thereof.

Any city or village may sell and deliver heat, power[, and] OR light without its corporate limits [to] IN an amount not [to exceed] EXCEEDING 25 percent of that furnished by it within the corporate limits, except as greater amounts may be permitted by law; may sell and deliver water and provide sewage disposal services[,] outside of its corporate limits in such amount as may be determined by the legislative body of the city or village; and may operate transportation lines [without] OUTSIDE the municipality within such limits as may be prescribed by law.

Sec. 25. No city or village shall acquire any public utility furnishing light, heat [and] OR power, or grant any public utility franchise which is not subject to revocation at the will of the city or village, unless the proposition shall FIRST have been approved by [3/5] THREE-FIFTHS of the electors voting thereon. No city or village may sell any such public utility unless the proposition shall FIRST have been approved by a majority of the electors voting thereon, or a greater number if the charter shall so provide.

Sec. 26. Except as otherwise provided in this constitution, no city or village shall have the power to loan its credit for any private purpose or, except as [authorized] PROVIDED by law, for any public purpose.

Sec. 27. Notwithstanding any other provision

of this constitution the legislature may establish in metropolitan areas additional forms of government or authorities with powers, duties and jurisdictions as the legislature shall provide. Wherever possible, such additional forms of government or authorities shall be designed to perform multi-purpose functions rather than a single function.

Sec. 28. The legislature by general law shall authorize two or more counties, cities, villages, townships or districts, or any combination thereof among other things to: enter into contractual undertakings or agreements with one another or with the state or with any combination thereof for the joint administration of any of the functions or powers which each would have the power to perform separately; share the costs and responsibilities of functions and services with one another or with the state or with any combination thereof which each would have the power to perform separately; transfer functions or responsibilities to one another or any combination thereof upon the consent of each unit involved; cooperate with one another and with state government [and with intergovernmental agencies]; lend their credit to one another or any combination thereof as PROVIDED [prescribed] by law in connection with any authorized publicly owned undertaking.

Any other provision of this constitution notwithstanding, an officer or employee of the state or any [of] such unit[s] of government or subdivision or agency thereof, except members of the legislature, may serve on or with any governmental body established for the [above] purposes SET FORTH IN THIS SECTION and shall not be required to relinquish his office or employment by reason of such service.

Sec. 29. No person, partnership, association or corporation, public or private, operating a public utility shall have the right to the use of the highways, streets, alleys or other public places of any county, city, village or township for wires, poles, pipes, tracks, conduits or other utility facilities, without the consent of the duly constituted authority of the county, city, village or township; or to transact local business therein without first obtaining a franchise from the city, village or township. Except as otherwise [authorized] PROVIDED in this constitution the right of all counties, cities, villages and townships to the reasonable control of their highways, streets, alleys and public places is hereby reserved to such local units of government.

Sec. 30. No franchise or license shall be granted by any city, village or township for a [longer] period LONGER than 30 years.

Sec. 31. The legislature shall not vacate or alter any road, street, alley, or public place under the jurisdiction of any county, township, city or village.

Sec. 32. Any county, township, city, village, authority or school district empowered by the legislature or by this constitution to prepare budgets of estimated expenditures and revenues shall adopt [said] SUCH budgets only after a public hearing in a manner prescribed by law.

Sec. 33. The provisions of this constitution and law concerning cities, villages, counties and townships shall be liberally construed in their favor. Powers granted to counties and townships by this constitution and by law shall include those fairly implied and not [inconsistent with nor] prohibited by this constitution.

ARTICLE VIII EDUCATION

Sec.	Com. Proposal
1. Principles	1a
2. Legislative duty to public education ..	30a
3. State Board of Education—Superintendent of Public Instruction	47a
4. Higher education appropriations	98a
5. Higher education—U of M, MSU, WSU	98b
6. Other institutions of higher education.	98c
7. Community and Junior colleges	98d
8. Instruction programs, etc.	13a
9. Public libraries, support of	31a

Article VIII Education

Sec. 1. Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

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

Sec. 3. Leadership and general supervision over all public education, including adult education and instructional programs in state institutions, except as to [degree granting] institutions of higher education GRANTING BACCALAUREATE DEGREES, is vested in a state board of education. It shall serve as the general planning and coordinating body for all public education, including higher education, and shall advise the legislature as to the financial requirements in connection therewith.

The state board of education shall appoint a superintendent of public instruction whose term of office shall be determined by the board. He shall be the chairman of the board without the right to vote, and shall be responsible for the execution of its policies. He shall be the [chief administrative] PRINCIPAL EXECUTIVE officer of a state department of education which shall

Explanation—Matter within [] is stricken, matter in capitals is new.

have powers and duties provided by law.

The state board of education shall consist of [8] EIGHT members[,] WHO [Of the members first elected 2 shall serve for 2 years, 2 for 4 years, 2 for 6 years and 2 for 8 years, and their successors shall be elected for terms of 8 years. Each member] shall be nominated by party conventionS and elected at large FOR TERMS OF EIGHT YEARS as prescribed by law. The governor shall fill any vacancy by appointment for the unexpired term. The governor shall [also] be ex-officio a member of the state board of education without the right to vote.

The power of the boards of institutions of higher education provided in this constitution to supervise their respective institutions and control and direct the expenditure of the institutions' funds shall not be limited by this section.

Sec. 4. The legislature shall appropriate MONEYS [funds] to maintain the University of Michigan, Michigan State University, Wayne State University, Eastern Michigan University, Michigan College of Science and Technology, Central Michigan University, Northern Michigan University, Western Michigan University, Ferris Institute, Grand Valley State College, by whatever names [said] SUCH institutions may hereafter be known, and other institutions of higher education established by law. The legislature shall be given an annual accounting of all income and expenditures by each of these educational institutions. Formal sessions of governing boards of such institutions shall be open to the public.

Sec. 5. The regents of the University of Michigan and their successors in office shall constitute a body corporate known as the Regents of the University of Michigan; the trustees of Michigan State University and their successors in office shall constitute a body corporate known as the Board of Trustees of Michigan State University; the governors of Wayne State University and their successors in office shall constitute a body corporate known as the Board of Governors of Wayne State University. [These] EACH board[s] shall have [the] general supervision of [their respective] ITS institution[s] and the control and direction of all expenditures from the institution's funds. EACH BOARD [They] shall, as often as necessary, elect a president of the institution under ITS [their respective] supervision. [who] HE shall be the principal executive officer of the institution, [and] be ex-officio a member of the board [but] without the right to vote[,] and preside at meetings of the board. The board[s] of each institution shall consist of [8] EIGHT members who shall hold office for TERMS OF [8] EIGHT years and who shall be elected [according to] AS PROVIDED BY law. The governor shall fill board

vacancies by appointment. Each appointee shall hold office until a successor has been nominated and elected as [prescribed] PROVIDED by law.

Sec. 6. Other institutions of higher education established by law having authority to grant baccalaureate degrees shall each be governed by a board of control which shall be a body corporate. The board shall have general supervision of the institution and the control and direction of all expenditures from the institution's funds. [and] IT shall, as often as necessary, elect a president of the institution under its supervision. [who] HE shall be the principal executive officer of the institution and be ex-officio a member of the board [but] without the right to vote. The board may elect one of ITS MEMBERS [their number], or may designate the president, to preside at board meetings. Each board of control shall consist of [8] EIGHT members who shall hold office for TERMS OF [8] EIGHT years, NOT MORE THAN TWO OF WHICH SHALL EXPIRE IN THE SAME YEAR, and WHO SHALL be appointed by the governor BY AND WITH THE ADVICE AND CONSENT OF THE SENATE, [in the same manner as executive appointments are provided in this constitution.] Vacancies shall be filled in like manner.

Sec. 7. The legislature shall provide by law for the establishment and financial support of public community and junior colleges[,] which shall be supervised and controlled by locally elected boards. The legislature shall provide by law for a state board for public community and junior colleges[,] which shall advise the state board of education concerning general supervision and planning for such colleges and requests for annual appropriations for their support. The board shall consist of [8] EIGHT members who shall hold office for TERMS OF [8] EIGHT years, NOT MORE THAN TWO OF WHICH SHALL EXPIRE IN THE SAME YEAR, and WHO SHALL be appointed by the state board of education. Vacancies shall be filled in like manner. The superintendent of public instruction shall be ex-officio a member of this board without the right to vote.

Sec. 8. Institutions, programs, and services for the care, treatment, education or rehabilitation of those inhabitants who are physically, mentally, or otherwise seriously handicapped shall always be fostered and supported.

Sec. 9. The legislature shall provide by law for the establishment and support of public libraries which shall be available to all residents of the state under regulations adopted by the governing bodies thereof. All fines assessed and collected in the several counties, cities[,] and townships for any breach of the penal laws shall be exclusively applied to the support of such public libraries, and county law libraries as provided by law.

ARTICLE IX FINANCE & TAXATION

Sec.	Com. Proposal
1. Tax for State Expenses	50a
2. No Surrender of Tax Power	54a
3. Uniform Rule of Taxation	51a
4. Non Profit Corporation	51a
5. Assessment, rate of	52a
6. Limits on Ad Valorem Taxes	56a
7. No graduated tax	51a
8. Sales Tax limit	39a
9. Gasoline and Motor Vehicle Taxes, Use, Exceptions	38a
10. Sales Taxes, Distribution of	39a
11. School Aid Fund	39b
12. Evidence of Indebtedness	23a
13. Public Bodies, Borrowing of	49a
14. State Pledge Full Faith and Credit .	23b
15. Additional Borrowing	23b
16. School Bonds	23d
17. Payments from Treasury	37b
18. Prohibition on Credit to Private Concerns	23c
19. Stock, Interest of State in	37d
20. State Depositories	37a
21. Annual Accounting of Public Moneys	37c, 78a
22. Adjustment of Claims	74a
23. Financial Records; open and public .	37c-1
24. Pensions, State Obligations	40a

Article IX

Finance and Taxation

Sec. 1. The legislature shall impose taxes sufficient with other resources to pay the expenses of state government.

Sec. 2. The power of taxation shall never be surrendered, suspended[,] or contracted away.

Sec. 3. The legislature shall provide for the uniform general ad valorem taxation of real and tangible personal property not exempt by law. The legislature shall provide for the determination of true cash value of such property; the proportion of true cash value at which such property shall be uniformly assessed, which shall not, after January 1, 1966, exceed 50 percent; and for a system of equalization of assessments. The legislature may provide for alternative means of taxation of designated real and tangible personal property in lieu of general ad valorem taxation. Every tax other than the general ad valorem property tax shall be uniform upon the class or classes on which it operates.

Sec. 4. Property held by a non-profit corporation, association, or legal entity and used and occupied exclusively for religious, educational, charitable or burial grounds purposes, as defined by law, shall be exempt from real and personal property taxes.

Sec. 5. The legislature shall provide for the assessment by the state of the property of those PUBLIC SERVICE businesses [whose property is now] assessed by the state AT THE DATE THIS CONSTITUTION BECOMES EFFECTIVE, and of other property as designated by the legislature, and for the [levy] IMPOSITION and collection of taxes thereon. Property assessed by the state shall be assessed at the same proportion of its true cash value as the legislature shall specify for property subject to general ad valorem taxation. The rate of taxation on such property shall be the average rate levied upon other property in this state under the general ad valorem tax law, or, if the legislature provides, the rate of tax applicable to the property of each business enterprise assessed by the state shall be the average rate of ad valorem taxation levied upon other property in all counties in which any of such property is situated.

Sec. 6. Except as otherwise provided in this constitution, the total amount of general ad valorem taxes [levied against] IMPOSED UPON REAL AND TANGIBLE PERSONAL property for all purposes in any one year shall not exceed 15 mills on each dollar of the assessed valuation of [said] property as finally equalized. Under procedures provided by law, which shall guarantee the right of initiative, separate tax limitations for any county and FOR the townships and FOR school districts therein, the aggregate of which shall not exceed 18 mills on each dollar of such valuation, may be adopted and thereafter altered by the vote of a majority of the qualified electors of such county voting thereon, in lieu of the limitation hereinbefore established. The limitations established [herein] BY THIS CONSTITUTION or by county vote may be increased to an aggregate of not to exceed 50 mills, OR MORE IF PROVIDED BY LAW, on each dollar of [such] valuation, [except as otherwise provided by law,] for a period of not to exceed 20 years at any one time, [by the vote of] IF APPROVED BY a majority of the [qualified] electors, QUALIFIED UNDER [as defined in] Article II, [hereof] SECTION 6 OF THIS CONSTITUTION[,] VOTING ON THE QUESTION [of any such taxing authority voting thereon].

The foregoing limitations shall not apply to [(a)] taxes [levied] IMPOSED for the payment of principal and interest on bonds or other evidences of indebtedness[,] or for the payment of assessments or contract obligations in anticipation of which bonds are issued, which taxes may be [levied] IMPOSED without limitation as to rate or amount[,] or [(b)] TO taxes [levied] IMPOSED for any other purpose by any city, village, charter county, charter township or other charter authority the tax limitations of which are provided by charter or by general law.

Explanation—Matter within [] is stricken, matter in capitals is new.

In any school district which extends into [2] TWO or more counties, [there may be levied and collected for school purposes throughout the district] property taxes at the highest rate available in the county which contains the greatest part of the area of the district MAY BE IMPOSED AND COLLECTED FOR SCHOOL PURPOSES THROUGHOUT THE DISTRICT.

Sec. 7. No income tax graduated as to rate or base shall be imposed by the state or any of its subdivisions.

Sec. 8. [At no time shall] The legislature SHALL NOT [levy] IMPOSE a sales tax on retailers at a rate of more than [4] FOUR percent of their gross taxable sales of tangible personal property.

Sec. 9. All specific taxes, except general sales and use taxes and regulatory fees, imposed DIRECTLY OR INDIRECTLY on fuels sold or used to propel motor vehicles upon highways and on registered motor vehicles shall, after the payment of [the] necessary collection expenses, be used exclusively for highway purposes as defined by law.

Sec. 10. One-eighth of all taxes [upon the privilege of selling] IMPOSED ON RETAILERS ON TAXABLE SALES AT RETAIL OF tangible personal property [at retail] shall be used exclusively for assistance to cities, villages and townships, on a population basis as provided by law. IN DETERMINING POPULATION the legislature may exclude [from population] any portion of the total number of persons who are wards, patients or convicts [of] IN any tax supported institution.

Sec. 11. There shall be established a state school aid fund. The legislature may [from time to time] dedicate [certain] tax revenues to this fund which shall be used exclusively for the support of public education and [for] school employees' retirement systems, [in a manner] AS provided by law.

Sec. 12. No evidence of state indebtedness shall be issued except for debts authorized pursuant to this constitution.

Sec. 13. Public bodies corporate shall have power to borrow money and to issue their securities evidencing debt, subject to this constitution and law.

Sec. 14. To meet obligations incurred pursuant to appropriations for any fiscal year, the legislature may by law authorize the state to issue its full faith and credit notes in which case it shall pledge undedicated revenues to be received within the same fiscal year for the repayment thereof. Such indebtedness in any fiscal year shall not exceed 15 percent of undedicated revenues received by the state during the preceding fiscal year and such debts shall be repaid at the time the revenues so pledged are received, but not later than the end of the same fiscal year.

Sec. 15. The state may borrow money for specific purposes in amounts as may be provided by acts of the legislature adopted by a vote of [2/3] TWO-THIRDS of the members elected to and serving in each house, and approved by a majority of the electors voting thereon at any general election. The question submitted to the electors shall state the amount to be borrowed, the specific purpose to which the funds shall be devoted, and the method of repayment.

Sec. 16. The state, in addition to any other borrowing power, may borrow from time to time such amounts as shall be required, pledge its faith and credit and issue its notes or bonds therefor, for the purpose of making loans to school districts as provided in this section.

If the minimum amount which [it] would otherwise be necessary for a school district to levy in any year to pay principal and interest on its qualified bonds, including any necessary allowances for estimated tax delinquencies, exceeds 13 mills on each dollar of its assessed valuation as [last] FINALLY equalized [by the state], or such lower millage as the legislature may prescribe, then the school district may elect to borrow all or any part of the excess from the state. In that event the state shall LEND [loan] the excess amount to the school district for the payment of principal and interest. If for any reason any school district will be or is unable to pay the principal and interest on its qualified bonds when due, then the school district shall borrow and the state shall LEND [loan] to it an amount sufficient to enable the school district to make the payment.

The term "qualified bonds" means general obligation bonds of school districts issued for capital expenditures, including refunding bonds, issued prior to May 4, 1955, or issued thereafter and qualified as provided by law pursuant to Section 27 or Section 28, Article X, of the Constitution of 1908 or pursuant to this section.

After a school district has received loans from the state, each year thereafter it shall levy for debt service, exclusive of levies for nonqualified bonds, not less than 13 mills or such lower millage as the legislature may prescribe, until the amount loaned has been repaid, and any tax collections therefrom in any year over and above the minimum requirements for principal and interest on qualified bonds shall be used toward the repayment of state loans. In any year when such [a] levy would produce an amount in excess of the requirements and the amount due to the state, the levy may be reduced by the amount of the excess.

Subject to the foregoing provisions, the legislature shall have the power to prescribe and to limit the procedure, terms and conditions for the qualification of bonds, for obtaining and making state loans, and for the repayment of loans.

The power to tax for the payment of principal

and interest on bonds hereafter issued which are the general obligations of any school district, including refunding bonds, and for repayment of any state loans made to school districts, shall be without limitation as to rate or amount.

All rights acquired under Sections 27 and 28, Article X of the Constitution of 1908, by holders of bonds heretofore issued, and all obligations assumed by the state or any school district under these sections, shall remain unimpaired.

Sec. 17. No money shall be paid out of the state treasury except in pursuance of appropriations made by law.

Sec. 18. The credit of the state shall not be granted to, nor in aid of any person, association or corporation, public or private, except as authorized in this constitution.

This section shall not be construed to prohibit the investment of public funds until needed for current requirements [or the investment of public employee retirement system funds], as [may be] provided by law.

Sec. 19. The state shall not subscribe to, nor be interested in the stock of any company, association or corporation[,] . [except that] Funds accumulated to provide retirement or pension benefits for public officials and employees may be invested as provided by law[;] . [and except that] Endowment funds created for charitable or educational purposes may be invested as provided by law governing the investment of funds held in trust by trustees.

Sec. 20. No state money shall be deposited in banks other than those organized under the national or state banking laws. No state money shall be deposited in any bank in excess of 50 percent of the capital and surplus of such bank. Any bank receiving deposits of state money shall show the amount of state money so deposited as a separate item in all published statements.

Sec. 21. The legislature shall provide by law for the annual accounting for all public moneys, state and local, and may [also] provide by law for interim accounting.

The legislature shall provide by law for the maintenance of uniform accounting systems by units of local government and the auditing of county accounts by competent state authority and other units of government as provided by law.

Sec. 22. PROCEDURES FOR THE EXAMINATION AND ADJUSTMENT OF CLAIMS AGAINST THE STATE SHALL BE PRESCRIBED BY LAW.

Sec. 23. All financial records, accountings, audit reports and other reports of public moneys shall be public records and open to inspection. A statement of all revenues and expenditures of public moneys shall be published and distributed annually, as [prescribed] PROVIDED by law.

Sec. 24. The accrued financial benefits of each pension plan and retirement system of the state and its political subdivisions shall be a contractual obligation thereof which shall not be diminished or impaired thereby.

Financial benefits arising on account of service rendered in each fiscal year shall be funded during that year and such funding shall not be [usable] USED for financing unfunded accrued liabilities.

ARTICLE X PROPERTY

Sec.	Com. Proposal
1. Married Women	63a
2. Eminent Domain	67a
3. Homestead Exemption	12a
4. Escheats	74a
5. State Lands	129a
6. Alien Rights	43a

Article X Property

Sec. 1. The real and personal estate of every woman, acquired before marriage, and all property to which she may afterwards become entitled by gift, grant, inheritance or devise, shall be and remain the estate and property of such woman, and shall not be liable for the debts, obligations or engagements of her husband, and may be devised or bequeathed by her as if she were unmarried.

Sec. 2. Private property shall not be taken for public use without just compensation therefor being first made or secured in a manner prescribed by law.

Sec. 3. A homestead in the amount of not less than \$3,500[.00] and personal property of every resident of this state in the amount of not less than \$750[.00], as defined by law, shall be exempt from forced sale on execution or other process of any court. Such exemptions shall not extend to any lien thereon excluded FROM EXEMPTION by law.

Sec. 4. Procedures [for the examination and adjustment of claims against the state and procedures] relating to escheats and to the custody and disposition of escheated property shall be prescribed by law.

Sec. 5. The legislature shall have general supervisory jurisdiction over all state owned lands useful for forest preserves, game areas and recreational purposes; shall require annual reports as to such lands from all departments having supervision or control thereof; and shall by general law provide for the sale, lease[,] or other disposition of such lands.

The legislature BY AN ACT ADOPTED [by a resolution concurred in] by TWO-THIRDS [2/3]

Explanation—Matter within [] is stricken, matter in capitals is new.

of the members elected to and serving in each house may [from time to time declare] DESIGNATE any part of such lands AS [to be] a state land reserve. [and may remove lands from such classification.] No lands in the state land reserve may be REMOVED FROM THE RESERVE, sold, leased or otherwise disposed of except by an act of the legislature.

Sec. 6. Aliens who are residents of this state shall enjoy the same rights and privileges in property as citizens of this state.

ARTICLE XI PUBLIC OFFICERS AND EMPLOYMENT

Sec.	Com. Proposal
1. Oath of Office	25a
2. Terms of Office	61a
3. Extra Compensation	62a
4. Custodian of Funds, Accounting	55a
5. Classified Civil Service, creation	22a
6. Civil Service Commission	22a
7. Commission to make rules and fix compensation	22a
8. Increases in Compensation	22a
9. May abolish positions	22a
10. Commission to recommend increases to governor and legislature	22a
11. Commission to receive appropriations	22a
12. Violations of Civil Service Article ..	22a
13. Civil Service, Local Government, county	76a, 81m
14. Impeachment	42a, 42b, 42c, 42d
15. Removal of Elected Officers	42e

Article XI

Public Officers and Employment

Sec. 1. [Members of the legislature and] All officers, LEGISLATIVE, executive and judicial, [shall,] before [they enter] ENTERING upon the duties of their respective offices, SHALL take and subscribe the following oath or affirmation: ["I do solemnly swear (or affirm) that I will support the Constitution of the United States and the constitution of this state, and that I will faithfully discharge the duties of the office of according to the best of my ability."] No other oath, affirmation, or any religious test shall be required as a qualification for any office or public trust.

Sec. 2. The terms of office of elective state officers, members of the legislature[,] and JUSTICES AND judges of courts of record shall begin at [12:00] TWELVE o'clock noon on the first day of January next succeeding their election, except as otherwise provided in this constitution. The terms of office of county officers shall begin on the first day of January next succeeding their election, except as otherwise provided

by law.

Sec. 3. Neither the legislature nor any political subdivision of this state shall grant or authorize extra compensation to any public officer, agent or contractor after the service has been rendered or the contract entered into.

Sec. 4. No person having custody or control of public moneys shall [have a seat in] BE A MEMBER OF the legislature, [n]or be eligible to any office of trust or profit under this state, until he shall have made an accounting, as provided by law, of all sums for which he may be liable.

Sec. 5. The classified state civil service shall consist of all positions in the state service except those filled by popular election, heads of principal departments, members of boards and commissions, the [chief] PRINCIPAL executive officer of boards and commissions heading principal departments, employees of courts of record, employees of the legislature, employees of the state institutions of higher education, all persons in the armed forces of the state, [8] EIGHT exempt positions in the office of the governor, and within each principal department, when requested by the department head, [2] TWO other exempt positions, one of which shall be policy-making. The civil service commission may exempt [3] THREE additional positions of a policy-making nature within each principal department.

Sec. 6. The civil service commission shall be non-salaried and shall consist of [4] FOUR persons, not more than [2] TWO of whom shall be members of the same political party, appointed by the governor for TERMS OF [8] EIGHT yearS, [overlapping terms.] NO TWO OF WHICH SHALL EXPIRE IN THE SAME YEAR.

The administration of the commission's powers shall be vested in a state personnel director who shall be a member of the classified service and who shall be responsible to and selected by the commission after open competitive examination.

Sec. 7. The commission shall classify all positions in the classified service according to their respective duties and responsibilities, fix rates of compensation for all classes of positions, approve or disapprove disbursements for all personal services, determine by competitive examination and performance exclusively on the basis of merit, efficiency and fitness the qualifications of all candidates for positions in the classified service, make rules and regulations covering all personnel transactions, and regulate all conditions of employment in the classified service.

No person shall be appointed to or promoted in the classified service who has not been certified BY THE COMMISSION as qualified for such appointment or promotion [by the commission]. No appointments, promotions, demotions or removals in the classified service shall be made for

partisan, racial or religious considerations.

Sec. 8. Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. Within 60 calendar days following such transmission, the legislature may, by a [2/3] TWO-THIRDS vote of the members elected to and serving in each house, reject, reduce, or modify increases in rates of compensation authorized by the commission[:]. [Provided however,] The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases authorized by the commission. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year.

Sec. 9. The appointing authorities may create or abolish positions for reasons of administrative efficiency without the approval of the commission. Positions shall not be created nor abolished except for reasons of administrative efficiency. Any employee considering himself aggrieved by the abolition of a position shall have a right of appeal to the commission through established grievance procedures.

Sec. 10. The civil service commission shall recommend to the governor and to the legislature rates of compensation for all appointed positions within the executive department not a part of the classified service.

Sec. 11. To enable the commission to exercise its powers, the legislature shall appropriate to the commission for the ensuing fiscal year a sum not less than one percent of the aggregate payroll of the classified service for the preceding fiscal year, as certified by the commission. Within [6] SIX months after the conclusion of each fiscal year the commission shall return to the state treasury all [funds] MONEYS unexpended for that fiscal year.

The commission shall furnish reports of expenditures, at least annually, to the governor and the legislature and shall be subject to annual audit as provided by law.

Sec. 12. No payment for personal services shall be made or authorized until the provisions of this [article] CONSTITUTION PERTAINING TO CIVIL SERVICE have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

Sec. 13. BY ORDINANCE OR RESOLUTION WHICH SHALL NOT TAKE EFFECT UNTIL APPROVED BY A MAJORITY OF THE ELECTORS VOTING THEREON, each city, village,

township, county, school district[,] and other governmental unit[s] or authorit[ies]Y [performing the same or similar functions] may[, by ordinance or resolution of the governing body which ordinance or resolution shall not take effect until approved by a majority of the electors voting thereon,] establish, modify or discontinue a merit system for its employees other than teachers under contract or tenure. The state civil service commission may on request furnish technical services [to them] TO ANY SUCH UNIT on a reimbursable basis.

[The board of supervisors of any county with a population of 1,000,000 or more shall have the power by ordinance to establish a merit system for county employment. The ordinance or any amendments thereto shall not take effect until approved by a majority of the electors voting thereon.]

Sec. 14. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office or for crimes or misdemeanors, but a majority of the members elected and serving shall be necessary to direct an impeachment.

When an impeachment is directed, the house of representatives shall elect [3] THREE of its members to prosecute the impeachment.

Every impeachment shall be tried by the senate immediately after the final adjournment of the legislature. The senators shall take an oath or affirmation truly and impartially to try and determine the impeachment according to the evidence. When the governor or lieutenant governor is tried, the chief justice of the supreme court shall preside.

No person shall be convicted without the concurrence of [2/3] TWO-THIRDS of the senators elected and serving. Judgment in case of conviction shall not extend further than removal from office, but the person convicted shall be liable to punishment according to law.

No judicial officer shall exercise ANY OF THE FUNCTIONS OF his office after an impeachment is directed until he is acquitted.

Sec. 15. Any elected officer of a political subdivision may be removed from office in the manner and for the causes [prescribed] PROVIDED by law.

ARTICLE XII AMENDMENT & REVISION

Sec.	Com. Proposal
1. By Legislature	64a
2. By Petition of Electors	65a
3. Constitutional Convention	66a

Explanation—Matter within [] is stricken, matter in capitals is new.

Article XII

Amendment & Revision

Sec. 1. Amendments to this constitution may be proposed in the senate or house of representatives. Proposed amendments agreed to by [2/3] TWO-THIRDS of the members elected to and serving in each house on a [yea and nay] vote WITH THE NAMES AND VOTE OF THOSE VOTING entered in the respective journals shall be submitted, not less than 60 days thereafter, to the electors at the next general election or special election as the legislature shall direct. If a majority of electors voting on [such] a proposed amendment approve [such amendment,] THE SAME, it shall become part of the constitution and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved.

Sec. 2. Amendments may be proposed to this constitution by petition of the registered electors of this state. Every petition shall include the full text of the proposed amendment, and be signed by registered electors of the state equal in number to at least 10 percent of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected, or 300,000 registered electors, whichever is less. Such petitions shall be filed with the person authorized by law to receive the same at least 120 days before the election at which the proposed amendment is to be voted upon. Any such petition shall be in the form, and shall be signed and circulated in such manner, as prescribed by law. The person authorized by law to receive such petition[,] shall[,] upon its receipt[,] determine, as provided by law, the validity and sufficiency of the signatures on the petition, and make an official announcement thereof at least 60 days prior to the election at which the proposed amendment is to be voted upon.

Any amendment proposed by such petition shall be submitted, not less than 120 days after it was filed, to the electors at the next GENERAL election. [at which any state officer is to be elected.] Such proposed amendment, existing provisions of the constitution which would be altered or abrogated thereby, and the question as it shall appear on the ballot [used in such election] shall be published in full as provided by law. Copies of such publication shall be posted in each polling place and furnished to news media as provided by law.

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

for or against the proposed amendment.

If the proposed amendment is approved by a majority of the electors voting on the question, the proposed amendment shall become part of the constitution, and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved. IF TWO OR MORE AMENDMENTS APPROVED BY THE ELECTORS AT THE SAME ELECTION CONFLICT, THAT AMENDMENT RECEIVING THE HIGHEST AFFIRMATIVE VOTE SHALL PREVAIL.

Sec. 3. At the general election to be held in the year 1978, and in each 16th year thereafter and at such times as may be provided by law, the question of a general revision of the constitution shall be submitted to the electors of the state. If a majority of the electors voting on the question decide in favor of a convention for such purpose, at an election to be held not later than [4] FOUR months after the proposal was certified as approved, the electors of each [house of] representative[s] district as then organized shall elect one delegate and the electors of each senatorial district as then organized shall elect one delegate. The delegates so elected shall convene at the SEAT OF GOVERNMENT [capital city] on the first Tuesday in October next succeeding such election or at an earlier date if provided by law.

The convention shall choose its own officers, determine the rules of its proceedings and judge the qualifications, elections and returns of its members. The governor shall appoint a qualified resident of the same district to fill a vacancy in the office of any delegate. [If the legislature shall determine that delegates shall be elected on a partisan basis, the governor shall appoint a qualified resident of the same district and of the same party.] WHO SHALL BE A MEMBER OF THE SAME PARTY AS THE DELEGATE VACATING THE OFFICE IF THE LEGISLATURE PROVIDES FOR PARTISAN ELECTION OF DELEGATES. The convention shall have power to appoint such officers, employees and assistants as it deems necessary and to fix their compensation; to provide for the printing and distribution of its documents, journals and proceedings; to explain and disseminate information about the proposed constitution and to complete the business of the convention in an orderly manner. Each delegate shall receive for his services compensation provided by law.

No proposed constitution or amendment adopted by such convention shall be submitted to the electors for approval as hereinafter provided unless by the assent of a majority of all the delegates elected to and serving in the convention, WITH THE NAMES AND VOTE OF THOSE VOTING [the yeas and nays being] entered in the journal. Any proposed constitution or amendments adopted

by such convention shall be submitted to the qualified electors in the manner and at the time provided by such convention not less than 90 days after final adjournment of the convention. Upon the approval of such constitution or amendments by a majority of the qualified electors voting thereon the constitution or amendments shall take effect as provided by the convention.

SCHEDULE AND TEMPORARY PROVISIONS

Sec.	Com. Proposal
1. Attorney general to recommend necessary laws	44d
2. Writs, actions, claims, etc. remain effective	44b
3. Officers continue their duties	44c and 71g
4. Terms of officers elected November, 1962	68b
5. Terms of governor, etc. elected 1964. When 4 year terms begin	80 and 71a
6. Senate Apportionment	80
7. Supreme Court, reduction to seven justices	91a
8. Judges of Probate, eligible for re-election	96f
9. Overlapping terms for judiciary	96j
10. State Board of Education	47a
11. Boards of Control	98c
12. Educational Boards	
13. Initial allocation	71b
14. Contractual obligations remain in force	6a
15. Mackinac Bridge refunding	23b
16. Constitution submitted to people, when	68a
17. Constitution submitted to people, manner	68c

TO INSURE THE ORDERLY TRANSITION FROM THE CONSTITUTION OF 1908 TO THIS CONSTITUTION THE FOLLOWING SCHEDULE IS SET FORTH TO BE EFFECTIVE FOR SUCH PERIOD AS ITS PROVISIONS REQUIRE.

Sec. 1. The attorney general [of the state] shall recommend to the legislature AS SOON AS PRACTICABLE [at the commencement of the next session] such changes AS MAY BE NECESSARY [in existing laws as may be deemed necessary] to adapt EXISTING LAWS [the same] to this constitution.

Sec. 2. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights [of individuals, partnerships, bodies corporate, and of this state or any subdivision or agency thereof] existing on the effective date [hereof] OF THIS CONSTITUTION shall continue unaffected except as modified in accordance with the provisions of this constitution.

Sec. 3. Except as otherwise provided in this constitution, all officers filling any office by election or appointment shall continue to exercise THEIR POWERS AND [the] duties [thereof, according to their respective commissions or appointments,] until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

No provision of this constitution, or of law or of executive order authorized by this constitution shall shorten the term of any person elected to state office at a statewide election ON [in] or prior to THE DATE ON WHICH THIS CONSTITUTION IS SUBMITTED TO A VOTE. [November, 1962.] In the event the duties of any [of] such officers shall not have been ABOLISHED OR incorporated into one or more of the principal departments at the expiration of his term, such officer shall continue to serve until his duties are so incorporated OR ABOLISHED.

Sec. 4. All officers elected [on the Tuesday after the first Monday of November, 1962] AT THE SAME ELECTION THAT THIS CONSTITUTION IS SUBMITTED TO THE PEOPLE FOR ADOPTION [under the 1908 Constitution as amended and existing laws] shall take office [on and after the first day of January, 1963,] and complete the term to which they were elected UNDER THE 1908 CONSTITUTION AND EXISTING LAWS AND CONTINUE TO SERVE UNTIL THEIR SUCCESSORS ARE ELECTED AND QUALIFIED PURSUANT TO THIS CONSTITUTION OR LAW.

Sec. 5. Notwithstanding any other provision in this constitution, the governor, THE lieutenant governor, THE secretary of state [and], THE attorney general, AND state senators shall be elected at the general election in 1964 to serve for [2] TWO year terms beginning on the first day of January next succeeding their election. The first [4 year] election OF SUCH OFFICERS FOR FOUR-YEAR TERMS under this constitution shall be held at the general election in 1966.

Sec. 6. The state shall be districted for the purpose of electing senators in accordance with the provisions of [Committee Proposal 80, section a,] ARTICLE IV, SECTION 2 after the official publication of the total population count of the 1970 decennial federal census. Until the [re]apportionment of the senate following the 1970 census, the senatorial districts under the 1908 constitution[, as amended,] shall remain intact except that upon the adoption of this constitution each of the counties of Kent, Genesee, Macomb and Oakland shall be divided by the apportionment commission into [2] TWO senatorial districts and Wayne county into [8] EIGHT senatorial districts in accordance with this constitution.

Sec. 7. [A vacancy hereafter created as the result of the death, retirement or resignation of one incumbent justice shall not be filled.]

NOTWITHSTANDING THE PROVISIONS OF THIS CONSTITUTION THAT THE SUPREME COURT SHALL CONSIST OF SEVEN JUSTICES IT SHALL CONSIST OF EIGHT JUSTICES UNTIL THE TIME THAT A VACANCY OCCURS AS A RESULT OF DEATH, RETIREMENT OR RESIGNATION OF A JUSTICE. THE FIRST SUCH VACANCY SHALL NOT BE FILLED.

Sec. 8. Any [supreme court justice, circuit judge,] judge of probate serving [at] ON the [time this constitution becomes] effective DATE OF THIS CONSTITUTION may serve the remainder of the term and be eligible TO SUCCEED HIMSELF for election [to his present office] regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

Sec. 9. The provisions of [this] Article VI providing that terms of JUDICIAL offices shall not all expire at the same time, shall be implemented BY LAW PROVIDING THAT at the next election for such offices [by legislation providing for elections] JUDGES SHALL BE ELECTED for terms of varying length, none of which shall be shorter than the [basic] REGULAR term provided for the office.

Sec. 10. THE MEMBERS OF THE STATE BOARD OF EDUCATION PROVIDED FOR IN ARTICLE VIII SECTION 3 SHALL FIRST BE ELECTED AT THE FIRST GENERAL ELECTION AFTER THE EFFECTIVE DATE OF THIS CONSTITUTION FOR THE FOLLOWING TERMS: TWO SHALL BE ELECTED FOR TWO YEARS, TWO FOR FOUR YEARS, TWO FOR SIX YEARS, AND TWO FOR EIGHT YEARS AS PRESCRIBED BY LAW.

THE STATE BOARD OF EDUCATION PROVIDED FOR IN THE CONSTITUTION OF 1908 IS ABOLISHED AT TWELVE O'CLOCK NOON JANUARY 1 OF THE YEAR FOLLOWING THE FIRST GENERAL ELECTION UNDER THIS CONSTITUTION AND THE TERMS OF MEMBERS THEREOF SHALL THEN EXPIRE.

Sec. 11. THE PROVISIONS OF THIS CONSTITUTION PROVIDING FOR MEMBERS OF BOARDS OF CONTROL OF INSTITUTIONS OF HIGHER EDUCATION AND THE STATE BOARD OF PUBLIC COMMUNITY AND JUNIOR COLLEGES SHALL BE IMPLEMENTED BY LAW. THE LAW MAY PROVIDE THAT THE TERM OF EACH MEMBER IN OFFICE ON THE DATE OF THE VOTE ON THIS CONSTITUTION MAY BE EXTENDED, AND MAY FURTHER PROVIDE THAT THE INITIAL TERMS OF OFFICE OF MEMBERS MAY BE LESS THAN EIGHT YEARS.

Sec. 12. THE PROVISIONS OF THIS CONSTITUTION INCREASING THE NUMBER OF MEMBERS OF THE BOARD OF TRUSTEES OF MICHIGAN STATE UNIVERSITY AND OF THE BOARD OF GOVERNORS OF WAYNE STATE UNIVERSITY TO EIGHT, AND OF THEIR TERMS OF OFFICE TO EIGHT YEARS, SHALL BE IMPLEMENTED BY LAW. THE LAW MAY PROVIDE THAT THE TERM OF EACH MEMBER IN OFFICE ON THE DATE OF THE VOTE ON THIS CONSTITUTION MAY BE EXTENDED ONE YEAR, AND MAY FURTHER PROVIDE THAT THE INITIAL TERMS OF OFFICE OF THE ADDITIONAL MEMBERS MAY BE LESS THAN EIGHT YEARS.

Sec. 13. The initial allocation of departments by law pursuant to Article V, Section 2 shall be completed within two years after the effective date of this constitution. If such allocation shall not have been completed within such period, the governor, within one year thereafter, by executive order, shall make the initial allocation.

Sec. 14. Contractual obligations of the state incurred pursuant to the constitution of 1908 [as amended] shall continue to be obligations of the state.

For the retirement of [such] notes and bonds [as may have been] issued under Section 26 of Article X of the 1908 constitution, there is hereby appropriated from the general fund each year during their life a sum equal to the amount of principal and interest payments due and payable in each [such] year.

Sec. 15. [Provided however, That] The legislature [is authorized to provide by general law adopted] by a vote of [2/3] TWO-THIRDS of the members elected to and serving in each house MAY PROVIDE THAT THE STATE MAY [for the] borrow[ing of] money AND MAY PLEDGE ITS FULL FAITH AND CREDIT for [the] refunding [of] any bonds issued by the Mackinac Bridge Authority[,] AND at [which] THE time OF REFUNDING the Mackinac Bridge Authority [Act] shall be [repealed] ABOLISHED and the operation of the bridge SHALL be assumed by the state highway department. THE LEGISLATURE MAY IMPLEMENT THIS SECTION BY LAW.

Sec. 16. This constitution shall be submitted to the people for their adoption or rejection at the general election to be held on the Tuesday after the first Monday of November, 1962. It shall be the duty of the secretary of state forthwith to give notice of such submission to all other officers required to give or publish any notice in regard to A GENERAL [such] election. He shall give notice that this constitution will be duly submitted to the electors at such election. The notice shall be given in the manner required for the election of governor.

Sec. 17. Every registered elector may vote

1 on the adoption of the constitution. The board
 2 of election commissioners in each county shall
 3 cause to be printed on a ballot separate from
 4 the ballot containing the names of the nominees
 5 for office, the words: ["] Shall the revised con-
 6 stitution be adopted? () Yes. () No. ["] All
 7 votes cast at THE [this] election shall be taken,
 8 counted, canvassed and returned as provided by

law for the election of state officers. [Should]
 IF the revised constitution so submitted receiveS
 more votes in its favor than were cast against
 it, it shall be the supreme law of the state on
 and after the first day of January OF THE YEAR
 FOLLOWING ITS ADOPTION [,1963, except as
 otherwise provided in this constitution].

Explanation—Matter within [] is stricken, matter in capitals is new.

VICE PRESIDENT HUTCHINSON: That is correct, Mr. Murphy.

MR. MURPHY: Then I will leave it as I presented it at first. I believe some people have argued that we should leave this to the courts. I think if we just use the words that I have presented here, then it would be up to the court to make a decision.

SECRETARY CHASE: Mr. Murphy revises his amendment again to stand as originally offered:

1. Amend article I, section 11 (column 1, line 7) after "seizures," by striking out the balance of the section.

VICE PRESIDENT HUTCHINSON: Mr. Nord.

MR. NORD: Mr. President, I would like to speak in support of the amendment. As the amendment now stands, we have nothing but the bare statement of principles: persons, houses, papers, possessions of every person shall be secure from unreasonable searches and seizures. It says nothing whatever about admissibility or inadmissibility of evidence. That is not to be a constitutional question. That will be entirely a judicial question. Now, the reason I speak in favor of this — there are 2 reasons, as a matter of fact: 1, because the statement, I believe, is one we could not disagree with. It's a clean statement of principle; and 2, it leaves it to the law to decide how this is to be carried out and to the courts to decide what permissible ways there are.

The main reason why I support this provision, however, is as follows: when we had the search and seizure discussions near the beginning of the convention, many of us argued, many of us concluded that the language presently found before us, the so called proviso, is unconstitutional. There are many of us who have taken an extremely strong view on that, and I would like to state for the record that my view is this strong that I cannot support any document, I cannot urge any document on any person which I know, as a matter of conviction, to be unconstitutional. I believe there are many of us here who are absolutely certain, we are certain on the basis of professional experience that the proviso is unconstitutional, and I certainly do not intend to support any document that contains an unconstitutional provision and ask the people to adopt it. And I will state for the record that if this proviso is not removed, as is now suggested, it would be sufficient, in my opinion, to cause me to refuse to vote for the constitution when the convention completes its work, no matter what else is in it, and to argue before the people the same way, that they should not fly in the face of the law and adopt what they call a constitution but is actually an anti constitution. I therefore conclude, Mr. President, that we ought to stick to the principles and remove unconstitutional matter from the constitution.

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen.

MR. VAN DUSEN: Have you any further speakers, Mr. President?

VICE PRESIDENT HUTCHINSON: One at the moment.

MR. VAN DUSEN: I move that further debate be limited to 3 minutes.

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen moves to limit further debate to 3 minutes upon this amendment. All those in favor will say aye. Opposed, no.

The motion prevails. The Chair recognizes Mr. Sharpe.

MR. SHARPE: Mr. President, I'd like to ask Dr. Nord a question, if he would care to answer. Dr. Nord, you just stated you wouldn't support this document if this proviso that was added was left in it. I'd like to ask you if you'd support the document with the proviso out of it.

MR. NORD: Which provides what? I didn't hear the end. Which provides what?

MR. SHARPE: I beg your pardon?

MR. NORD: I didn't hear the end of your question.

MR. SHARPE: Would you support the document if this proviso was eliminated?

MR. NORD: I would not support it because there is another proviso which is unconstitutional as well. (laughter) But I'll tell you what. I'll make a deal with you. If you'll strike this unconstitutional one and the other one, which is one on the senate, I will support it. Just try me. (laughter)

VICE PRESIDENT HUTCHINSON: The question is upon

the amendment offered by Mr. Murphy, which has been read. All those in favor will say aye. Mr. Hodges.

MR. HODGES: Mr. President, I rise with some trepidation to oppose this amendment. I feel that the sentence that is being left out is a very important one. I think this opens the door to some further problems. When you're taking away the warrant to search a place of residence, without going before a court, I think you're raising a very serious question. Now, I realize that this is probably covered under federal law, but the reverse argument can be made for the proviso. And I think we wouldn't be gaining anything here by adopting this except perhaps knocking out some obnoxious language. But in doing so, we would be also knocking out some very important language and, for this reason, I would very hesitatingly oppose the amendment.

VICE PRESIDENT HUTCHINSON: Mr. Tubbs.

MR. TUBBS: Mr. President, may I remind Delegate Nord that matters of constitutional law are pretty generally matters of opinion. And if he is so sure that his opinion is always right, then I'll go along with it. But I am not sure of that fact and I'm sure he isn't either.

VICE PRESIDENT HUTCHINSON: The question is upon the amendment offered by Mr. Murphy. Mr. Woolfenden.

MR. WOOLFENDEN: I would like to observe to Dr. Nord that if he votes against this constitution for this reason, the existing constitution has got virtually the identical language in it. So he is no better off.

MR. RADKA: I would like to make a deal too. I would like to make a deal with the people of this state and ask the delegates of this convention to vote against this amendment and, at least in this state, have an expression of a majority of the delegates who will say: we would like to reverse the trend of sentimentality for the criminal.

VICE PRESIDENT HUTCHINSON: Time for debate has expired. The question is upon the amendment of Mr. Murphy. All those in favor will say aye. Opposed will say no.

The amendment is not adopted.

VICE PRESIDENT HUTCHINSON: Is that all of the amendments?

SECRETARY CHASE: That's the last one.

VICE PRESIDENT HUTCHINSON: The question is upon the adoption of article I, as amended, of the constitution, declaration of rights. All those in favor —

MR. DOWNS: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Downs.

MR. DOWNS: Mr. President, it is with a certain reluctance that I rise to urge a no vote on this article that has some fine provisions. However, we did try to get this section 11, that is repulsive to certain delegates for reasons we've discussed at some length in committee of the whole; and on second reading we moved it be put in as a separate item from the rest of the constitution. I regret very much that this is part of the package of the section dealing with the declaration of rights, since it does, in effect, limit the people's rights beyond what the federal constitution guarantees. So I therefore urge a no vote on this article and hope that by the time we have the entire document before us, we will have substitute language that will protect the good parts of article I and leave out the undesirable part. Thank you.

VICE PRESIDENT HUTCHINSON: The question is upon the passage of article I. All those in favor of the article will vote aye. Those opposed will vote no. Have you all voted?

MISS DONNELLY: Mr. President.

VICE PRESIDENT HUTCHINSON: Miss Donnelly.

MISS DONNELLY: I announce my intent to abstain.

VICE PRESIDENT HUTCHINSON: Miss Donnelly abstains. Mr. Habermehl abstains. Mr. Shanahan abstains. Mr. Lawrence abstains. Mr. King abstains. Have you all voted? If so, the secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas — 98		
Allen	Hanna, W. F.	Prettie
Andrus, Miss	Hannah, J. A.	Pugsley
Anspach	Haskill	Radka
Batchelor	Hatch	Rajkovich

Beaman	Heideman	Richards, J. B.
Bentley	Higgs	Richards, L. W.
Binkowski	Howes	Romney
Blandford	Hoxie	Rush
Boothby	Hubbs	Seyferth
Brake	Hutchinson	Shackleton
Brown, G. E.	Iverson	Shaffer
Butler, Mrs.	Judd, Mrs.	Sharpe
Conklin, Mrs.	Karn	Sleder
Cudlip	Kirk, S.	Spitler
Cushman, Mrs.	Koeze, Mrs.	Stafseth
Danhof	Krolikowski	Staiger
Dehnke	Kuhn	Stamm
Dell	Leibrand	Sterrett
DeVries	Leppien	Stevens
Doty, Dean	Mahinske	Thomson
Doty, Donald	Martin	Tubbs
Durst	McAllister	Turner
Elliott, A. G.	McCauley	Tweedie
Erickson	McGowan, Miss	Upton
Everett	McLogan	Van Dusen
Farnsworth	Millard	Wanger
Figy	Mosier	White
Finch	Norris	Wilkowski
Follo	Page	Wood
Gadola	Perras	Woolfenden
Goebel	Plank	Yeager
Gover	Pollock	Youngblood
Gust	Powell	

Nays — 30

Austin	Elliott, Mrs. Daisy	Marshall
Baginski	Faxon	Murphy
Balcer	Garvin	Nord
Barthwell	Greene	Ostrow
Bradley	Hart, Miss	Pellow
Brown, T. S.	Hatcher, Mrs.	Perlich
Buback	Hodges	Sablich
Dade	Jones	Stopczynski
Douglas	Lesinski	Suzore
Downs	Madar	Young

SECRETARY CHASE: On the passage of article I, as amended, the yeas are 98; the nays, 30.

VICE PRESIDENT HUTCHINSON: A majority of the delegates elect having voted in favor thereof, **article I**, as amended, is passed.

For sections 1, and 3 through 23 of article I as passed, see above, page 3047.

Following is section 2 of article I as amended and passed:

Sec. 2. No person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of race, color, religion, or national origin. The legislature shall implement this section by appropriate legislation.

Following is explanation of vote submitted by Messrs. Jones, Young, Marshall, Barthwell, Faxon, Lesinski, Garvin, Sablich, Bradley, Downs, Buback, Mrs. Daisy Elliott and Miss Hart:

We voted against article I because it has included an unconstitutional search and seizure provision.

We favor in preference the language of the United States constitution, which guarantees citizens' rights against unreasonable search and seizure by police and law enforcement officials.

We offered and supported language which would make the provisions of the Michigan constitution identical with that of the federal constitution so Michigan citizens would get the same protection under the state constitution that is received under the federal constitution. Unfortunately these amendments were rejected and the citizens of Michigan under the proposed language of article I would not have the same clearcut state protection that is guaranteed by the federal constitution.

We believe citizens should have clearcut language in both the federal and state constitutions protecting them against

unreasonable search and seizure without any ifs, ands or buts.

We, therefore, voted against article I and hope that before third reading is completed this language will be revised to meet the standards of the federal constitution.

Following is explanation of vote submitted by Mr. Madar:

I voted against article I because it has included an unconstitutional search and seizure provision.

I favor in preference the language of the United States constitution, which guarantees citizens' rights against unreasonable search and seizure by police and law enforcement officials.

There has been offered and supported language which would make the provisions of the Michigan constitution identical with that of the federal constitution so Michigan citizens would get the same protection under the state constitution that is received under the federal constitution. Unfortunately, these amendments were rejected and the citizens of Michigan under the proposed language of article I would not have the same clearcut state protection that is guaranteed by the federal constitution.

I believe citizens should have clearcut language in both the federal and state constitutions protecting them against unreasonable search and seizure without any ifs, ands or buts.

Therefore, I voted against article I and hope that before third reading is completed, this language will be revised to meet the standards of the federal constitution.

VICE PRESIDENT HUTCHINSON: The secretary will read.

SECRETARY CHASE: **Article III**, general government.

[Article III, sections 1 and 2, was read by the secretary. For text, see above, page 3050.]

MR. GUST: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Gust.

MR. GUST: Sometime in the course of this convention somebody will not object that these provisions be approved as read. Do we have to read each and every one? I move that the sections of this article be printed in the journal and be considered read.

VICE PRESIDENT HUTCHINSON: Is there objection?

A DELEGATE: Objection.

VICE PRESIDENT HUTCHINSON: Objection is heard and so the secretary will read.

SECRETARY CHASE: Section 3:

[Article III, sections 3 through 8, was read by the secretary. For text, see above, page 3050.]

VICE PRESIDENT HUTCHINSON: Mr. Cudlip.

MR. CUDLIP: Mr. President, members of the convention, the printed draft that you have before you was received on this floor about 10:30 today, and since that time, the committee on style and drafting and our research department has been reviewing it. It went to bed last night at 4:30 with the printer. We found some typographical errors. These are errors, as you well know, that were made — and I'm not blaming anybody; they did a great job — at the printing establishment and they were contrary to the proofs submitted. When we get to article V I will point out the typographical errors which you should correct on your draft before amendments are offered thereto or before any debate is in line.

VICE PRESIDENT HUTCHINSON: The question is upon the adoption of article III. All those in favor of the passage of article III will vote aye. Those opposed will vote nay. Have you all voted on the passage of article III? If so, the secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas — 128

Allen	Goebel	Page
Andrus, Miss	Gover	Pellow

PREAMBLE

We, the people of the State of Michigan, grateful to Almighty God for the blessings of freedom, and earnestly desiring to secure these blessings undiminished to ourselves and our posterity, do ordain and establish this constitution.

Article I

Declaration of Rights

Sec. 1. All political power is inherent in the people. Government is instituted for their equal benefit, security and protection.

Sec. 2. No person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color or national origin. The legislature shall implement this section by appropriate legislation.

Sec. 3. The people have the right peaceably to assemble, to consult for the common good, to instruct their representatives and to petition the government for redress of grievances.

Sec. 4. Every person shall be at liberty to worship God according to the dictates of his own conscience. No person shall be compelled to attend, or, against his consent, to contribute to the erection or support of any place of religious worship, or to pay tithes, taxes or other rates for the support of any minister of the gospel or teacher of religion. No money shall be appropriated or drawn from the treasury for the benefit of any religious sect or society, theological or religious seminary; nor shall property belonging to the state be appropriated for any such purpose. The civil and political rights, privileges and capacities of no person shall be diminished or enlarged on account of his religious belief.

Sec. 5. Every person may freely speak, write, express and publish his views on all subjects, being responsible for the abuse of such right; and no law shall be enacted to restrain or abridge the liberty of speech or of the press.

Sec. 6. Every person has a right to keep and bear arms for the defense of himself and the state.

Sec. 7. The military shall in all cases and at all times be in strict subordination to the civil power.

Sec. 8. No soldier shall, in time of peace, be quartered in any house without the consent of the owner or occupant, nor in time of war, except in a manner prescribed by law.

Sec. 9. Neither slavery, nor involuntary servitude unless for the punishment of crime, shall ever be tolerated in this state.

Sec. 10. No bill of attainder, ex post facto law or law impairing the obligation of contract shall be enacted.

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, supported by oath or affirmation. The provisions of this section shall not be construed to bar from evidence in any criminal proceeding any narcotic drug, firearm, bomb, explosive or any other dangerous weapon, seized by a peace officer outside the curtilage of any dwelling house in this state.

Sec. 12. The privilege of the writ of habeas corpus shall not be suspended unless in case of rebellion or invasion the public safety may require it.

Sec. 13. A suitor in any court of this state has the right to prosecute or defend his suit,

either in his own proper person or by an attorney.

Sec. 14. The right of trial by jury shall remain, but shall be waived in all civil cases unless demanded by one of the parties in the manner prescribed by law. In all civil cases tried by 12 jurors a verdict shall be received when 10 jurors agree.

Sec. 15. No person shall be subject for the same offense to be twice put in jeopardy. All persons shall, before conviction, be bailable by sufficient sureties, except for murder and treason when the proof is evident or the presumption great.

Sec. 16. Excessive bail shall not be required; excessive fines shall not be imposed; cruel or unusual punishment shall not be inflicted; nor shall witnesses be unreasonably detained.

Sec. 17. No person shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property, without due process of law. The right of all individuals, firms, corporations and voluntary associations to fair and just treatment in the course of legislative and executive investigations and hearings shall not be infringed.

Sec. 18. No person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief.

Sec. 19. In all prosecutions for libels the truth may be given in evidence to the jury; and, if it appears to the jury that the matter charged as libelous is true and was published with good motives and for justifiable ends, the accused shall be acquitted.

Sec. 20. In every criminal prosecution, the accused shall have the right to a speedy and public trial by an impartial jury, which may consist of less than 12 jurors in all courts not of record; to be informed of the nature of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to have the assistance of counsel for his defense; to have an appeal as a matter of right; and in courts of record, when the trial court so orders, to have such reasonable assistance as may be necessary to perfect and prosecute an appeal.

Sec. 21. No person shall be imprisoned for debt arising out of or founded on contract, express or implied, except in cases of fraud or breach of trust.

Sec. 22. Treason against the state shall consist only in levying war against it or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless upon the testimony of two witnesses to the same overt act or on confession in open court.

Sec. 23. The enumeration in this constitution of certain rights shall not be construed to deny or disparage others retained by the people.

Article II Elections

Sec. 1. Every citizen of the United States who has attained the age of 21 years, who has resided in this state six months, and who meets the requirements of local residence provided by law, shall be an elector and qualified to vote in any election except as otherwise provided in this constitution. The legislature shall define residence for voting purposes.

Sec. 2. The legislature may by law exclude persons from voting because of mental incompetence or commitment to a jail or penal institution.

Sec. 3. For purposes of voting in the election for president and vice-president of the United States only, the legislature may by law establish lesser residence requirements for citizens who have resided in this state for less than six months and may waive residence requirements for former citizens of this state who have removed herefrom. The legislature shall not permit voting by any person who meets the voting residence requirements of the state to which he has removed.

Sec. 4. The legislature shall enact laws to regulate the time, place and manner of all nominations and elections, except as otherwise provided in this constitution or in the constitution and laws of the United States. The legislature shall enact laws to preserve the purity of elections, to preserve the secrecy of the ballot, to guard against abuses of the elective franchise, and to provide for a system of voter registration and absentee voting. No law shall be enacted which permits a candidate in any partisan primary or partisan election to have a ballot designation except when required for identification of candidates for the same office who have the same or similar surnames.

Sec. 5. Except for special elections to fill vacancies, or as otherwise provided in this constitution, all elections for national, state, county and township offices shall be held on the first Tuesday after the first Monday in November in each even-numbered year or on such other date as members of the congress of the United States are regularly elected.

Sec. 6. Whenever any question is required to be submitted by a political subdivision to the electors which involves the increase of any ad valorem tax rate limitation for a period of more than five years, or the issue of bonds, only electors in, and who have property assessed for any ad valorem taxes in, any part of the district or territory to be affected by the result of such election or electors who are the lawful husbands or wives of such persons shall be entitled to vote thereon. All electors in the district or territory affected may vote on all other questions.

Sec. 7. A board of state canvassers of four

members shall be established by law. No candidate for an office to be canvassed nor any inspector of elections shall be eligible to serve as a member of a board of canvassers. A majority of any board of canvassers shall not be composed of members of the same political party.

Sec. 8. Laws shall be enacted to provide for the recall of all elective officers except judges of courts of record upon petition of electors equal in number to 25 percent of the number of persons voting in the last preceding election for the office of governor in the electoral district of the officer sought to be recalled. The sufficiency of any statement of reasons or grounds procedurally required shall be a political rather than a judicial question.

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 making appropriations for state institutions or to meet deficiencies in state funds and must be invoked in the manner prescribed by law within 90 days following the final adjournment of the legislative session at which the law was enacted. To invoke the initiative or referendum, petitions signed by a number of registered electors, not less than eight percent for initiative and five percent for referendum of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected shall be required.

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

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

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

Any law submitted to the people by either initiative or referendum petition and approved by

a majority of the votes cast thereon at any election shall take effect 10 days after the date of the official declaration of the vote. No law initiated or adopted by the people shall be subject to the veto power of the governor, and no law adopted by the people at the polls under the initiative provisions of this section shall be amended or repealed, except by a vote of the electors or three-fourths of the members elected to and serving in each house of the legislature. Laws approved by the people under the referendum provision of this section may be amended by the legislature at any subsequent session thereof. If two or more measures approved by the electors at the same election conflict, that receiving the highest affirmative vote shall prevail.

The legislature shall implement the provisions of this section.

Article III

General Government

Sec. 1. The seat of government shall be at Lansing.

Sec. 2. The powers of government are divided into three branches: legislative, executive and judicial. No person exercising powers of one branch shall exercise powers properly belonging to another branch except as expressly provided in this constitution.

Sec. 3. There shall be a great seal of the State of Michigan and its use shall be provided by law.

Sec. 4. The militia shall be organized, equipped and disciplined as provided by law.

Sec. 5. Subject to provisions of general law, this state or any political subdivision, any governmental authority or any combination thereof may enter into agreements for the performance, financing or execution of their respective functions, with any one or more of the other states, the United States, the Dominion of Canada, or any political subdivision thereof unless otherwise provided in this constitution. Any other provision of this constitution notwithstanding, an officer or employee of the state or of any such unit of government or subdivision or agency thereof may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service. The legislature may impose such restrictions, limitations or conditions on such service as it may deem appropriate.

Sec. 6. The state shall not be a party to, nor be financially interested in, any work of internal improvement, nor engage in carrying on any such work, except for public internal improvements provided by law.

Sec. 7. The common law and the statute laws now in force, not repugnant to this consti-

tution, shall remain in force until they expire by their own limitations, or are changed, amended or repealed.

Sec. 8. Either house of the legislature or the governor may request the opinion of the supreme court on important questions of law upon solemn occasions as to the constitutionality of legislation after it has been enacted into law but before its effective date.

Article IV Legislative Branch

Sec. 1. The legislative power of the State of Michigan is vested in a senate and a house of representatives.

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

In districting the state for the purpose of electing senators after the official publication of the total population count of each federal decennial census, each county shall be assigned an apportionment factor equal to the sum of its percentage of the state's population as shown by the last regular federal decennial census computed to the nearest one-one hundredth of one percent multiplied by four and its percentage of the state's land area computed to the nearest one-one hundredth of one percent.

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

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

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

(3) Counties entitled to two or more senate districts shall be divided into single member districts. The population of such districts shall be as nearly equal as possible but shall not be less than 75 percent nor more than 125 percent of a number determined by dividing the population of the county by the number of senators to which it is entitled. Each such district shall follow incorporated city or township boundary lines to the extent possible and shall be compact, contiguous, and as nearly uniform in shape as possible.

Sec. 3. The house of representatives shall consist of 110 members elected for two-year terms from single member districts apportioned on a basis of population as provided in this article. The districts shall consist of compact and convenient territory contiguous by land.

Each county which has a population of not less than seven-tenths of one percent of the population of the state shall constitute a separate representative area. Each county having less than seven-tenths of one percent of the population of the state shall be combined with another county or counties to form a representative area of not less than seven-tenths of one percent of the population of the state. Any county which is isolated under the initial allocation as provided in this section shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.

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

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

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

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

Any representative area consisting of more than one county, entitled to more than one representative, shall be divided into single member districts as equal as possible in population adhering to county lines.

Sec. 4. In counties having more than one representative or senatorial district, the territory in the same county annexed to or merged with a city between apportionments shall become a part of a contiguous representative or senatorial dis-

1 | trict in the city with which it is combined, if
2 | provided by ordinance of the city. The district
3 | or districts with which the territory shall be
4 | combined shall be determined by such ordinance
5 | certified to the secretary of state. No such change
6 | in the boundaries of a representative or senatorial
7 | district shall have the effect of removing a legis-
8 | lator from office during his term.

9 | Sec. 5. Island areas are considered to be con-
10 | tiguous by land to the county of which they are
11 | a part.

12 | Sec. 6. A commission on legislative apportion-
13 | ment is hereby established consisting of eight
14 | persons, four of whom shall be selected by the
15 | state organizations of each of the two political
16 | parties whose candidates for governor received
17 | the highest vote at the last general election at
18 | which a governor was elected preceding each ap-
19 | portionment. If a candidate for governor of a third
20 | political party has received at such election more
21 | than 25 percent of such gubernatorial vote, the
22 | commission shall consist of 12 members, four of
23 | whom shall be selected by the state organization of
24 | the third political party. One member of the com-
25 | mission shall be selected by each political party or-
26 | ganization from each of the following four regions:
27 | (1) The upper peninsula; (2) The northern part of
28 | the lower peninsula, north of a line drawn along
29 | the northern boundaries of the counties of Bay,
30 | Midland, Isabella, Mecosta, Newaygo and Oceana;
31 | (3) Southwestern Michigan, those counties south
32 | of region (2) and west of a line drawn along
33 | the western boundaries of the counties of Bay,
34 | Saginaw, Shiawassee, Ingham, Jackson and Hills-
35 | dale; (4) Southeastern Michigan, the remaining
36 | counties of the state.

37 | No officers or employees of the federal, state
38 | or local governments, excepting notaries public
39 | and members of the armed forces reserve, shall
40 | be eligible for membership on the commission.
41 | Members of the commission shall not be eligible
42 | for election to the legislature until two years after
43 | the apportionment in which they participated
44 | becomes effective.

45 | The commission shall be appointed immediately
46 | after the adoption of this constitution and when-
47 | ever apportionment or districting of the legislature
48 | is required by the provisions of this constitution.
49 | Members of the commission shall hold office until
50 | each apportionment or districting plan becomes
51 | effective. Vacancies shall be filled in the same
52 | manner as for original appointment.

53 | The secretary of state shall be secretary of
54 | the commission without vote, and in that capacity
55 | shall furnish, under the direction of the commis-
56 | sion, all necessary technical services. The com-
57 | mission shall elect its own chairman, shall make
58 | its own rules of procedure, and shall receive com-
59 | pensation provided by law. The legislature shall
60 | appropriate funds to enable the commission to

carry out its activities.

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

16 | Each final apportionment and districting plan
17 | shall be published as provided by law within 30
18 | days from the date of its adoption and shall be-
19 | come law 60 days after publication. The secre-
20 | tary of state shall keep a public record of all the
21 | proceedings of the commission and shall be re-
22 | sponsible for the publication and distribution of
23 | each plan.

24 | If a majority of the commission cannot agree
25 | on a plan, each member of the commission, indi-
26 | vidualy or jointly with other members, may sub-
27 | mit a proposed plan to the supreme court. The
28 | supreme court shall determine which plan com-
29 | plies most accurately with the constitutional re-
30 | quirements and shall direct that it be adopted
31 | by the commission and published as provided
32 | in this section.

33 | Upon the application of any elector filed not
34 | later than 60 days after final publication of the
35 | plan, the supreme court, in the exercise of origi-
36 | nal jurisdiction, shall direct the secretary of
37 | state or the apportionment commission to per-
38 | form their duties, may review any final plan
39 | adopted by the commission, and shall remand
40 | such plan to the commission for further action
41 | if it fails to comply with the requirements of
42 | this constitution.

43 | Sec. 7. Each senator and representative
44 | must be a citizen of the United States, at least
45 | 21 years of age, and an elector of the district
46 | he represents. The removal of his domicile from
47 | the district shall be deemed a vacation of the
48 | office. No person who has been convicted of sub-
49 | version or who has within the preceding 20 years
50 | been convicted of a felony involving a breach
51 | of public trust shall be eligible for either house
52 | of the legislature.

53 | Sec. 8. No person holding any office under the
54 | United States or this state or a political subdivi-
55 | sion thereof, except notaries public and officers
56 | of the armed forces reserve, may be a member of
57 | either house of the legislature.

58 | Sec. 9. No person elected to the legislature
59 | shall receive any civil appointment within this
60

1 state from the governor, except notaries public,
2 from the legislature, or from any other state
3 authority, during the term for which he is elected.

4 Sec. 10. No member of the legislature nor any
5 state officer shall be interested directly or in-
6 directly in any contract with the state or any
7 political subdivision thereof which shall cause a
8 substantial conflict of interest. The legislature
9 shall further implement this provision by appro-
10 priate legislation.

11 Sec. 11. Senators and representatives shall be
12 privileged from civil arrest and civil process dur-
13 ing sessions of the legislature and for five days
14 next before the commencement and after the
15 termination thereof. They shall not be ques-
16 tioned in any other place for any speech in either
17 house.

18 Sec. 12. The compensation and expense al-
19 lowances of the members of the legislature shall
20 be determined by law. Changes in compensation
21 or expense allowances shall become effective only
22 when legislators commence their terms of office
23 after a general election.

24 Sec. 13. The legislature shall meet at the seat
25 of government on the second Wednesday in Janu-
26 ary of each year at twelve o'clock noon. Each
27 regular session shall adjourn without day, on a
28 day determined by concurrent resolution, at
29 twelve o'clock noon. Any business, bill or joint
30 resolution pending at the final adjournment of
31 a regular session held in an odd numbered year
32 shall carry over with the same status to the
33 next regular session.

34 Sec. 14. A majority of the members elected
35 to and serving in each house shall constitute a
36 quorum to do business. A smaller number in
37 each house may adjourn from day to day, and
38 may compel the attendance of absent members in
39 the manner and with penalties as each house may
40 prescribe.

41 Sec. 15. There shall be a bi-partisan legisla-
42 tive council consisting of legislators appointed in
43 the manner prescribed by law. The legislature
44 shall appropriate funds for the council's opera-
45 tions and provide for its staff which shall main-
46 tain bill drafting, research and other services
47 for the members of the legislature. The council
48 shall periodically examine and recommend to the
49 legislature revision of the various laws of the
50 state.

51 Sec. 16. Each house, except as otherwise pro-
52 vided in this constitution, shall choose its own
53 officers and determine the rules of its proceedings,
54 but shall not adopt any rule that will prevent a
55 majority of the members elected thereto and
56 serving therein from discharging a committee
57 from the further consideration of any measure.
58 Each house shall be the sole judge of the quali-
59 fications, elections and returns of its members,
60 and may, with the concurrence of two-thirds of

1 all the members elected thereto and serving
2 therein, expel a member. The reasons for such
3 expulsion shall be entered in the journal, with
4 the votes and names of the members voting upon
5 the question. No member shall be expelled a
6 second time for the same cause.

7 Sec. 17. Each house of the legislature may
8 establish the committees necessary for the effi-
9 cient conduct of its business and the legislature
10 may create joint committees. Each committee
11 shall by roll call vote record the vote and name
12 of all action on bills and resolutions taken in
13 the committee. Such vote shall be available for
14 public inspection. Notice of all committee hear-
15 ings and a clear statement of all subjects to be
16 considered at each hearing shall be published in
17 the journal in advance of the hearing.

18 Sec. 18. Each house shall keep a journal of
19 its proceedings, and publish the same unless the
20 public security otherwise requires. The record
21 of the vote and name of the members of either
22 house voting on any question shall be entered
23 in the journal at the request of one-fifth of the
24 members present. Any member of either house
25 may dissent from and protest against any act,
26 proceeding or resolution which he deems injuri-
27 ous to any person or the public, and have the
28 reason for his dissent entered in the journal.

29 Sec. 19. All elections in either house or in
30 joint convention and all votes on appointments
31 submitted to the senate for advice and consent
32 shall be published by vote and name in the journal.

33 Sec. 20. The doors of each house shall be open
34 unless the public security otherwise requires.

35 Sec. 21. Neither house shall, without the con-
36 sent of the other, adjourn for more than two
37 intervening calendar days, nor to any place other
38 than where the legislature may then be in session.

39 Sec. 22. All legislation shall be by bill and
40 may originate in either house.

41 Sec. 23. The style of the laws shall be: The
42 People of the State of Michigan enact.

43 Sec. 24. No law shall embrace more than one
44 object, which shall be expressed in its title. No
45 bill shall be altered or amended on its passage
46 through either house so as to change its original
47 purpose as determined by its total content and
48 not alone by its title.

49 Sec. 25. No law shall be revised, altered or
50 amended by reference to its title only. The section
51 or sections of the act altered or amended shall
52 be re-enacted and published at length.

53 Sec. 26. No bill shall be passed or become a
54 law at any regular session of the legislature until
55 it has been printed or reproduced and in the pos-
56 session of each house for at least five days. Every
57 bill shall be read three times in each house be-
58 fore the final passage thereof. No bill shall be-
59 come a law without the concurrence of a majority
60 of the members elected to and serving in each

house. On the final passage of bills, the votes and names of the members voting thereon shall be entered in the journal.

Sec. 27. No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.

Sec. 28. When the legislature is convened on extraordinary occasions in special session no bill shall be passed on any subjects other than those expressly stated in the governor's proclamation or submitted by special message.

Sec. 29. The legislature shall pass no local or special act in any case where a general act can be made applicable, and whether a general act can be made applicable shall be a judicial question. No local or special act shall take effect until approved by two-thirds of the members elected to and serving in each house and by a majority of the electors voting thereon in the district affected. Any act repealing local or special acts shall require only a majority of the members elected to and serving in each house and shall not require submission to the electors of such district.

Sec. 30. The assent of two-thirds of the members elected to and serving in each house of the legislature shall be required for the appropriation of public money or property for local or private purposes.

Sec. 31. The general appropriation bills for the succeeding fiscal period covering items set forth in the budget shall be passed or rejected in either house of the legislature before that house passes any appropriation bill for items not in the budget except bills supplementing appropriations for the current fiscal year's operation. Any bill requiring an appropriation to carry out its purpose shall be considered an appropriation bill. One of the general appropriation bills as passed by the legislature shall contain an itemized statement of estimated revenue by major source in each operating fund for the ensuing fiscal period, the total of which shall not be less than the total of all appropriations made from each fund in the general appropriation bills as passed.

Sec. 32. Every law which imposes, continues or revives a tax shall distinctly state the tax.

Sec. 33. Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law. If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not be-

come law. If he does not approve, and the legislature continues the session at which the bill was passed, he shall return it within such 14-day period with his objections, to the house in which it originated. That house shall enter such objections in full in its journal and reconsider the bill. If two-thirds of the members elected to and serving in that house pass the bill notwithstanding the objections of the governor, it shall be sent with the objections to the other house for reconsideration. The bill shall become law if passed by two-thirds of the members elected to and serving in that house. The vote of each house shall be entered in the journal with the votes and names of the members voting thereon. If any bill is not returned by the governor within such 14-day period, the legislature continuing in session, it shall become law as if he had signed it.

Sec. 34. Any bill passed by the legislature and approved by the governor, except a bill appropriating money, may provide that it will not become law unless approved by a majority of the electors voting thereon.

Sec. 35. All laws enacted at any session of the legislature shall be published in book form within 60 days after final adjournment of the session, and shall be distributed in the manner provided by law. The prompt publication of judicial decisions shall be provided by law. All laws and judicial decisions shall be free for publication by any person.

Sec. 36. No general revision of the laws shall be made. The legislature may provide for a compilation of the laws in force, arranged without alteration, under appropriate heads and titles.

Sec. 37. The legislature may by concurrent resolution empower a joint committee of the legislature acting between sessions to suspend until the end of the next regular legislative session any rule or regulation of an administrative agency promulgated when the legislature is not in regular session.

Sec. 38. The legislature may provide by law the cases in which any office shall be vacant and the manner of filling vacancies where no provision is made in this constitution.

Sec. 39. In order to insure continuity of state and local governmental operations in periods of emergency only, resulting from disasters occurring in this state caused by enemy attack on the United States, the legislature may provide by law for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices; and enact other laws necessary and proper for insuring the continuity of governmental operations. Notwithstanding the power conferred by this section, elections shall always

be called as soon as possible to fill any vacancies in elective offices temporarily occupied by operation of any legislation enacted pursuant to the provisions of this section.

Sec. 40. The legislature may by law establish a liquor control commission which, subject to statutory limitations, shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof. The legislature may provide for an excise tax on such sales. Neither the legislature nor the commission may authorize the manufacture or sale of alcoholic beverages in any county in which a majority of the electors voting thereon shall prohibit the same.

Sec. 41. The legislature shall not authorize any lottery nor permit the sale of lottery tickets.

Sec. 42. The legislature may provide for the incorporation of ports and port districts, and confer power and authority upon them to engage in work of internal improvements in connection therewith.

Sec. 43. No general law providing for the incorporation of trust companies or corporations for banking purposes, or regulating the business thereof, shall be enacted, amended or repealed except by a vote of two-thirds of the members elected to and serving in each house.

Sec. 44. The legislature may authorize a trial by a jury of less than 12 jurors in civil cases.

Sec. 45. The legislature may provide for indeterminate sentences as punishment for crime and for the detention and release of persons imprisoned or detained under such sentences.

Sec. 46. No law shall be enacted providing for the penalty of death.

Sec. 47. The legislature may authorize the employment of chaplains in state institutions of detention or confinement.

Sec. 48. The legislature may enact laws providing for the resolution of disputes concerning public employees, except those in the state classified civil service.

Sec. 49. The legislature may enact laws relative to the hours and conditions of employment.

Sec. 50. The legislature may provide safety measures and regulate the use of atomic energy and forms of energy developed in the future, having in view the general welfare of the people of this state.

Sec. 51. The public health and general welfare of the people of the state are hereby declared to be matters of primary public concern. The legislature shall pass suitable laws for the protection and promotion of the public health.

Sec. 52. The conservation and development of the natural resources of the state are hereby declared to be of paramount public concern in the interest of the health, safety and general welfare of the people. The legislature shall provide for the protection of the air, water and other

natural resources of the state from pollution, impairment and destruction.

Sec. 53. The legislature by a majority vote of the members elected to and serving in each house, shall appoint an auditor general, who shall be a certified public accountant licensed to practice in this state, to serve for a term of eight years. He shall be ineligible for appointment or election to any other public office in this state from which compensation is derived while serving as auditor general and for two years following the termination of his service. He may be removed for cause at any time by a two-thirds vote of the members elected to and serving in each house. The auditor general shall conduct post audits of financial transactions and accounts of the state and of all branches, departments, offices, boards, commissions, agencies, authorities and institutions of the state established by this constitution or by law, and performance post audits thereof.

The auditor general upon direction by the legislature may employ independent accounting firms or legal counsel and may make investigations pertinent to the conduct of audits. He shall report annually to the legislature and to the governor and at such other times as he deems necessary or as required by the legislature. He shall be assigned no duties other than those specified in this section.

Nothing in this section shall be construed in any way to infringe the responsibility and constitutional authority of the governing boards of the institutions of higher education to be solely responsible for the control and direction of all expenditures from the institutions' funds.

The auditor general, his deputy and one other member of his staff shall be exempt from classified civil service. All other members of his staff shall have classified civil service status.

Article V

Executive Branch

Sec. 1. The executive power is vested in the governor.

Sec. 2. All executive and administrative offices, agencies and instrumentalities of the executive branch of state government and their respective functions, powers and duties, except for the office of governor and lieutenant governor and the governing bodies of institutions of higher education provided for in this constitution, shall be allocated by law among and within not more than 20 principal departments. They shall be grouped as far as practicable according to major purposes.

Subsequent to the initial allocation, the governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these

changes require the force of law, they shall be set forth in executive orders and submitted to the legislature. Thereafter the legislature shall have 60 calendar days of a regular session, or a full session if of shorter duration, to disapprove each executive order. Unless disapproved in both houses by a resolution concurred in by a majority of the members elected to and serving in each house, each order shall become effective at a date thereafter to be designated by the governor.

Sec. 3. The head of each principal department shall be a single executive unless otherwise provided in this constitution or by law. The single executives heading principal departments shall include a secretary of state, a state treasurer and an attorney general. When a single executive is the head of a principal department, unless elected or appointed as otherwise provided in this constitution, he shall be appointed by the governor by and with the advice and consent of the senate and he shall serve at the pleasure of the governor.

When a board or commission is at the head of a principal department, unless elected or appointed as otherwise provided in this constitution, the members thereof shall be appointed by the governor by and with the advice and consent of the senate. The term of office and procedure for removal of such members shall be as prescribed in this constitution or by law.

Terms of office of any board or commission created or enlarged after the effective date of this constitution shall not exceed four years except as otherwise authorized in this constitution. The terms of office of existing boards and commissions which are longer than four years shall not be further extended except as provided in this constitution.

Sec. 4. Temporary commissions or agencies for special purposes with a life of no more than two years may be established by law and need not be allocated within a principal department.

Sec. 5. At no time shall an examining or licensing board of a profession include less than a majority of members of that profession.

Sec. 6. Appointment by and with the advice and consent of the senate when used in this constitution or laws in effect or hereafter enacted means appointment subject to disapproval by a majority vote of the members elected to and serving in the senate if such action is taken within 60 session days after the date of such appointment. Any appointment not disapproved within such period shall stand confirmed.

Sec. 7. Vacancies in any office, appointment to which requires advice and consent of the senate, shall be filled by the governor by and with the advice and consent of the senate. A person whose appointment has been disapproved by the senate shall not be eligible for an interim appointment

to the same office.

Sec. 8. Each principal department shall be under the supervision of the governor unless otherwise provided by this constitution. The governor shall take care that the laws be faithfully executed. He shall transact all necessary business with the officers of government and may require information in writing from all executive and administrative state officers, elective and appointive, upon any subject relating to the duties of their respective offices.

The governor may initiate court proceedings in the name of the state to enforce compliance with any constitutional or legislative mandate, or to restrain violations of any constitutional or legislative power, duty or right by any officer, department or agency of the state or any of its political subdivisions. This authority shall not be construed to authorize court proceedings against the legislature.

Sec. 9. Single executives heading principal departments and the chief executive officers of principal departments headed by boards or commissions shall keep their offices at the seat of government except as otherwise provided by law, superintend them in person and perform duties prescribed by law.

Sec. 10. The governor shall have power and it shall be his duty to inquire into the condition and administration of any public office and the acts of any public officer, elective or appointive. He may remove or suspend from office for gross neglect of duty or for corrupt conduct in office, or for any other misfeasance or malfeasance therein, any elective or appointive state officer, except legislative or judicial, and shall report the reasons for such removal or suspension to the legislature.

Sec. 11. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an appointed or elected officer, other than a legislative or judicial officer, until he is reinstated or until the vacancy is filled in the manner prescribed by law or this constitution.

Sec. 12. The governor shall be commander-in-chief of the armed forces and may call them out to execute the laws, suppress insurrection and repel invasion.

Sec. 13. The governor shall issue writs of election to fill vacancies in the senate or house of representatives. Any such election shall be held in a manner prescribed by law.

Sec. 14. The governor shall have power to grant reprieves, commutations and pardons after convictions for all offenses, except cases of impeachment, upon such conditions and limitations as he may direct, subject to procedures and regulations prescribed by law. He shall inform the legislature annually of each reprieve, commutation and pardon granted, stating reasons

therefor.

Sec. 15. The governor may convene the legislature on extraordinary occasions.

Sec. 16. The governor may convene the legislature at some other place when the seat of government becomes dangerous from any cause.

Sec. 17. The governor shall communicate by message to the legislature at the beginning of each session and may at other times present to the legislature information as to the affairs of the state and recommend measures he considers necessary or desirable.

Sec. 18. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state. Proposed expenditures from any fund shall not exceed the estimated revenue thereof. On the same date, the governor shall submit to the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills to provide new or additional revenues to meet proposed expenditures. The amount of any surplus created or deficit incurred in any fund during the last preceding fiscal period shall be entered as an item in the budget and in one of the appropriation bills. The governor may submit amendments to appropriation bills to be offered in either house during consideration of the bill by that house, and shall submit any bills to meet deficiencies in current appropriations.

Sec. 19. The governor may disapprove any distinct item or items appropriating moneys in any appropriation bill. The part or parts approved shall become law, and the item or items disapproved shall be void unless re-passed according to the method prescribed for the passage of other bills over the executive veto.

Sec. 20. No appropriation shall be a mandate to spend. The governor, with the approval of the appropriating committees of the house and senate, shall reduce expenditures authorized by appropriations whenever it appears that actual revenues for a fiscal period will fall below the revenue estimates on which appropriations for that period were based. Reductions in expenditures shall be made in accordance with procedures prescribed by law. The governor may not reduce expenditures of the legislative and judicial branches or from funds constitutionally dedicated for specific purposes.

Sec. 21. The governor, lieutenant governor, secretary of state and attorney general shall be elected for four-year terms at the general election in each alternate even-numbered year.

The lieutenant governor, secretary of state and attorney general shall be nominated by party conventions in a manner prescribed by law. In the general election one vote shall be cast jointly

for the candidates for governor and lieutenant governor nominated by the same party.

Vacancies in the office of the secretary of state and attorney general shall be filled by appointment by the governor.

Sec. 22. To be eligible for the office of governor or lieutenant governor a person must have attained the age of 30 years, and have been a registered elector in this state for four years next preceding his election.

Sec. 23. The governor, lieutenant governor, secretary of state and attorney general shall each receive the compensation provided by law in full payment for all services performed and expenses incurred during his term of office. Such compensation shall not be changed during the term of office except as otherwise provided in this constitution.

Sec. 24. An executive residence suitably furnished shall be provided at the seat of government for the use of the governor. He shall receive an allowance for its maintenance as provided by law.

Sec. 25. The lieutenant governor shall be president of the senate, but shall have no vote except in case of equal division. He may perform duties requested of him by the governor, but no power vested in the governor shall be delegated.

Sec. 26. In case of the conviction of the governor on impeachment, his removal from office, his resignation or his death, the lieutenant governor, the elected secretary of state, the elected attorney general and such other persons designated by law shall in that order be governor for the remainder of the governor's term.

In case of the death of the governor-elect, the lieutenant governor-elect, the secretary of state-elect, the attorney general-elect and such other persons designated by law shall become governor in that order at the commencement of the governor-elect's term.

If the governor or the person in line of succession to serve as governor is absent from the state, or suffering under an inability, the powers and duties of the office of governor shall devolve in order of precedence until the absence or inability giving rise to the devolution of powers ceases.

The inability of the governor or person acting as governor shall be determined by a majority of the supreme court on joint request of the president pro tempore of the senate and the speaker of the house of representatives. Such determination shall be final and conclusive. The supreme court shall upon its own initiative determine if and when the inability ceases.

Sec. 27. The legislature shall provide that the salary of any state officer while acting as governor shall be equal to that of the governor.

Sec. 28. There is hereby established a state highway commission, which shall administer the state highway department and have jurisdiction

and control over all state trunkline highways and appurtenant facilities, and such other public works of the state, as provided by law.

The state highway commission shall consist of four members, not more than two of whom shall be members of the same political party. They shall be appointed by the governor by and with the advice and consent of the senate for four-year terms, no two of which shall expire in the same year as provided by law.

The state highway commission shall appoint and may remove a state highway director, who shall be a competent highway engineer and administrator. He shall be the principal executive officer of the state highway department and shall be responsible for executing the policy of the state highway commission.

Sec. 29. There is hereby established a civil rights commission which shall consist of eight persons, not more than four of whom shall be members of the same political party, who shall be appointed by the governor, by and with the advice and consent of the senate, for four-year terms not more than two of which shall expire in the same year. It shall be the duty of the commission in a manner which may be prescribed by law to investigate alleged discrimination against any person because of religion, race, color or national origin in the enjoyment of the civil rights guaranteed by law and by this constitution, and to secure the equal protection of such civil rights without such discrimination. The legislature shall provide an annual appropriation for the effective operation of the commission.

The commission shall have power, in accordance with the provisions of this constitution and of general laws governing administrative agencies, to promulgate rules and regulations for its own procedures, to hold hearings, administer oaths, through court authorization to require the attendance of witnesses and the submission of records, to take testimony, and to issue appropriate orders. The commission shall have other powers provided by law to carry out its purposes. Nothing contained in this section shall be construed to diminish the right of any party to direct and immediate legal or equitable remedies in the courts of this state.

Appeals from final orders of the commission, including cease and desist orders and refusals to issue complaints, shall be tried de novo before the circuit court having jurisdiction provided by law.

Article VI Judicial Branch

Sec. 1. The judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction

known as the circuit court, one probate court, and other courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.

Sec. 2. The supreme court shall consist of seven justices elected at non-partisan elections as provided by law. The term of office shall be eight years and not more than two terms of office shall expire at the same time. Nominations for justices of the supreme court shall be in the manner prescribed by law. Any incumbent justice whose term is to expire may become a candidate for re-election by filing an affidavit of candidacy, in the form and manner prescribed by law, not less than 180 days prior to the expiration of his term.

Sec. 3. One justice of the supreme court shall be selected by the court as its chief justice as provided by rules of the court. He shall perform other duties required by the court. The supreme court shall appoint an administrator of the courts and other assistants of the supreme court as may be necessary to aid in the administration of the courts of this state. The administrator shall perform administrative duties assigned by the court.

Sec. 4. The supreme court shall have general superintending control over all courts; power to issue, hear, and determine prerogative and remedial writs; and appellate jurisdiction as provided by rules of the supreme court. The supreme court shall not have the power to remove a judge.

Sec. 5. The supreme court shall by general rules establish, modify, amend and simplify the practice and procedure in all courts of this state. The distinctions between law and equity proceedings shall, as far as practicable, be abolished. The office of master in chancery is prohibited.

Sec. 6. Decisions of the supreme court, including all decisions on prerogative writs, shall be in writing and shall contain a concise statement of the facts and reasons for each decision and reasons for each denial of leave to appeal. When a judge dissents in whole or in part he shall give in writing the reasons for his dissent.

Sec. 7. The supreme court may appoint, may remove, and shall have general supervision of its staff. It shall have control of the preparation of its budget recommendations and the expenditure of moneys appropriated for any purpose pertaining to the operation of the court or the performance of activities of its staff except that the salaries of the justices shall be established by law. All fees and perquisites collected by the court staff shall be turned over to the state treasury and credited to the general fund.

Sec. 8. The court of appeals shall consist initially of nine judges who shall be nominated and elected at non-partisan elections from districts drawn on county lines and as nearly as possible of equal population, as provided by law. The

supreme court may prescribe by rule that the court of appeals may sit in divisions and for the terms of court and the times and places thereof. Each such division shall consist of not fewer than three judges. The number of judges comprising the court of appeals may be increased, and the districts from which they are elected may be changed by law.

Sec. 9. Judges of the court of appeals shall hold office for a term of six years and until their successors are elected and qualified. The terms of office for the judges in each district shall be arranged by law to provide that not all terms will expire at the same time.

Sec. 10. The jurisdiction of the court of appeals shall be provided by law and the practice and procedure therein shall be prescribed by rules of the supreme court.

Sec. 11. The state shall be divided into judicial circuits along county lines in each of which there shall be elected one or more circuit judges as provided by law. Sessions of the circuit court shall be held at least four times in each year in every county organized for judicial purposes. Each circuit judge shall hold court in the county or counties within the circuit in which he is elected, and in other circuits as may be provided by rules of the supreme court. The number of judges may be changed and circuits may be created, altered and discontinued by law and the number of judges shall be changed and circuits shall be created, altered and discontinued on recommendation of the supreme court to reflect changes in judicial activity. No change in the number of judges or alteration or discontinuance of a circuit shall have the effect of removing a judge from office during his term.

Sec. 12. Circuit judges shall be nominated and elected at non-partisan elections in the circuit in which they reside, and shall hold office for a term of six years and until their successors are elected and qualified. In circuits having more than one circuit judge their terms of office shall be arranged by law to provide that not all terms will expire at the same time.

Sec. 13. The circuit court shall have original jurisdiction in all matters not prohibited by law; appellate jurisdiction from all inferior courts and tribunals except as otherwise provided by law; power to issue, hear and determine prerogative and remedial writs; supervisory and general control over inferior courts and tribunals within their respective jurisdictions in accordance with rules of the supreme court; and jurisdiction of other cases and matters as provided by rules of the supreme court.

Sec. 14. The clerk of each county organized for judicial purposes or other officer performing the duties of such office as provided in a county charter shall be clerk of the circuit court for such

county. The judges of the circuit court may fill a vacancy in an elective office of county clerk or prosecuting attorney within their respective jurisdictions.

Sec. 15. In each county organized for judicial purposes there shall be a probate court. The legislature may create or alter probate court districts of more than one county if approved in each affected county by a majority of the electors voting on the question. The legislature may provide for the combination of the office of probate judge with any judicial office of limited jurisdiction within a county with supplemental salary as provided by law. The jurisdiction, powers and duties of the probate court and of the judges thereof shall be provided by law. They shall have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

Sec. 16. One or more judges of probate as provided by law shall be nominated and elected at non-partisan elections in the counties or the probate districts in which they reside and shall hold office for terms of six years and until their successors are elected and qualified. In counties or districts with more than one judge the terms of office shall be arranged by law to provide that not all terms will expire at the same time.

Sec. 17. No judge or justice of any court of this state shall be paid from the fees of his office nor shall the amount of his salary be measured by fees, other moneys received or the amount of judicial activity of his office.

Sec. 18. Salaries of justices of the supreme court, of the judges of the court of appeals, of the circuit judges within a circuit, and of the probate judges within a county or district, shall be uniform, and may be increased, but shall not be decreased during a term of office except and only to the extent of a general salary reduction in all other branches of government.

Each of the judges of the circuit court shall receive an annual salary as provided by law. In addition to the salary received from the state, each circuit judge may receive from any county in which he regularly holds court an additional salary as determined from time to time by the board of supervisors of the county. In any county where an additional salary is granted, it shall be paid at the same rate to all circuit judges regularly holding court therein.

Sec. 19. The supreme court, the court of appeals, the circuit court, the probate court and other courts designated as such by the legislature shall be courts of record and each shall have a common seal. Justices and judges of courts of record must be persons who are licensed to practice law in this state. No person shall be elected or appointed to a judicial office after reaching the age of 70 years.

1 Sec. 20. Whenever a justice or judge removes
2 his domicile beyond the limits of the territory
3 from which he was elected, he shall have vacated
4 his office.

5 Sec. 21. Any justice or judge of a court of
6 record shall be ineligible to be nominated for
7 or elected to an elective office other than a judicial
8 office during the period of his service and for
9 one year thereafter.

10 Sec. 22. Any elected judge of the court of
11 appeals, circuit court or probate court may be-
12 come a candidate in the primary election for the
13 office of which he is the incumbent by filing an
14 affidavit of candidacy in the form and manner
15 prescribed by law.

16 Sec. 23. A vacancy in the elective office of a
17 judge of any court of record shall be filled at a
18 general or special election as provided by law.
19 The supreme court may authorize persons who
20 have served as judges and who have retired, to
21 perform judicial duties for the limited period of
22 time from the occurrence of the vacancy until
23 the successor is elected and qualified. Such per-
24 sons shall be ineligible for election to fill the
25 vacancy.

26 Sec. 24. There shall be printed upon the ballot
27 under the name of each elected incumbent justice
28 or judge who is a candidate for nomination or
29 election to the same office the designation of
30 that office.

31 Sec. 25. For reasonable cause, which is not
32 sufficient ground for impeachment, the governor
33 shall remove any judge on a concurrent resolution
34 of two-thirds of the members elected to and serv-
35 ing in each house of the legislature. The cause
36 for removal shall be stated at length in the
37 resolution.

38 Sec. 26. The offices of circuit court commis-
39 sioner and justice of the peace are abolished at
40 the expiration of five years from the date this
41 constitution becomes effective or may within this
42 period be abolished by law. Their jurisdiction,
43 compensation and powers within this period shall
44 be as provided by law. Within this five-year period,
45 the legislature shall establish a court or courts
46 of limited jurisdiction with powers and jurisdic-
47 tion defined by law. The location of such court
48 or courts, and the qualifications, tenure, method
49 of election and salary of the judges of such court
50 or courts, and by what governmental units the
51 judges shall be paid, shall be provided by law,
52 subject to the limitations contained in this Article.

53 Statutory courts in existence at the time this
54 constitution becomes effective shall retain their
55 powers and jurisdiction, except as provided by
56 law, until they are abolished by law.

57 Sec. 27. The supreme court, the court of ap-
58 peals, the circuit court, or any justices or judges
59 thereof, shall not exercise any power of appoint-
60 ment to public office except as provided in this

constitution.

1 Sec. 28. All final decisions, findings, rulings
2 and orders of any administrative officer or agency
3 existing under the constitution or by law, which
4 are judicial or quasi-judicial and affect private
5 rights or licenses, shall be subject to direct re-
6 view by the courts as provided by law. This re-
7 view shall include, as a minimum, the determina-
8 tion whether such final decisions, findings, rulings
9 and orders are authorized by law; and, in cases in
10 which a hearing is required, whether the same
11 are supported by competent, material and sub-
12 stantial evidence on the whole record. Findings
13 of fact in workmen's compensation proceedings
14 shall be conclusive in the absence of fraud un-
15 less otherwise provided by law.

16 Sec. 29. Justices of the supreme court, judges
17 of the court of appeals, circuit judges and other
18 judges as provided by law shall be conservators
19 of the peace within their respective jurisdictions.

Article VII

Local Government

1 Sec. 1. Each organized county shall be a body
2 corporate with powers and immunities provided
3 by law.

4 Sec. 2. Any county may frame, adopt, amend
5 or repeal a county charter in a manner and with
6 powers and limitations to be provided by general
7 law, which shall among other things provide for
8 the election of a charter commission. The law
9 may permit the organization of county govern-
10 ment in form different from that set forth in this
11 constitution and shall limit the rate of ad valorem
12 property taxation for county purposes, and re-
13 strict the powers of charter counties to borrow
14 money and contract debts. Each charter county
15 is hereby granted power to levy other taxes for
16 county purposes subject to limitations and pro-
17 hibitions set forth in this constitution or law.
18 Subject to law, a county charter may authorize
19 the county through its regularly constituted
20 authority to adopt resolutions and ordinances re-
21 lating to its concerns.

22 The board of supervisors by a majority vote
23 of its members may, and upon petition of five
24 percent of the electors shall, place upon the ballot
25 the question of electing a commission to frame a
26 charter.

27 No county charter shall be adopted, amended
28 or repealed until approved by a majority of elec-
29 tors voting on the question.

30 Sec. 3. No organized county shall be reduced
31 by the organization of new counties to less than
32 16 townships as surveyed by the United States,
33 unless approved in the manner prescribed by law
34 by a majority of electors voting thereon in each
35 county to be affected.

36 Sec. 4. There shall be elected for four-year
37 terms in each organized county a sheriff, a county

clerk, a county treasurer, a register of deeds and a prosecuting attorney, whose duties and powers shall be provided by law. The board of supervisors in any county may combine the offices of county clerk and register of deeds in one office or separate the same at pleasure.

Sec. 5. The sheriff, county clerk, county treasurer and register of deeds shall hold their principal offices at the county seat.

Sec. 6. The sheriff may be required by law to renew his security periodically and in default of giving such security, his office shall be vacant. The county shall never be responsible for his acts, except that the board of supervisors may protect him against claims by prisoners for unintentional injuries received while in his custody. He shall not hold any other office except in civil defense.

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

Sec. 8. Boards of supervisors shall have legislative, administrative and such other powers and duties as provided by law.

Sec. 9. Boards of supervisors shall have exclusive power to fix the compensation of county officers not otherwise provided by law.

Sec. 10. A county seat once established shall not be removed until the place to which it is proposed to be moved shall be designated by two-thirds of the members of the board of supervisors and a majority of the electors voting thereon shall have approved the proposed location in the manner prescribed by law.

Sec. 11. No county shall incur any indebtedness which shall increase its total debt beyond 10 percent of its assessed valuation.

Sec. 12. A navigable stream shall not be bridged or dammed without permission granted by the board of supervisors of the county as provided by law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and political subdivisions therein.

Sec. 13. Two or more contiguous counties may combine into a single county if approved in each affected county by a majority of the electors voting on the question.

Sec. 14. The board of supervisors of each organized county may organize and consolidate townships under restrictions and limitations provided by law.

Sec. 15. Any county, when authorized by its board of supervisors shall have the authority to enter or to intervene in any action or certificate proceeding involving the services, charges or rates of any privately owned public utility furnishing services or commodities to rate payers within the county.

Sec. 16. The legislature may provide for the laying out, construction, improvement and maintenance of highways, bridges, culverts and airports by the state and by the counties and townships thereof; and may authorize counties to take charge and control of any highway within their limits for such purposes. The legislature may provide the powers and duties of counties in relation to highways, bridges, culverts and airports; may provide for county road commissioners to be appointed or elected, with powers and duties provided by law. The ad valorem property tax imposed for road purposes by any county shall not exceed in any year one-half of one percent of the assessed valuation for the preceding year.

Sec. 17. Each organized township shall be a body corporate with powers and immunities provided by law.

Sec. 18. In each organized township there shall be elected for terms of not less than two nor more than four years as prescribed by law a supervisor, a clerk, a treasurer, and not to exceed four trustees, whose legislative and administrative powers and duties shall be provided by law.

Sec. 19. No organized township shall grant any public utility franchise which is not subject to revocation at the will of the township, unless the proposition shall first have been approved by a majority of the electors of such township voting thereon at a regular or special election.

Sec. 20. The legislature shall provide by law for the dissolution of township government whenever all the territory of an organized township is included within the boundaries of a village or villages notwithstanding that a village may include territory within another organized township and provide by law for the classification of such village or villages as cities.

Sec. 21. The legislature shall provide by general laws for the incorporation of cities and villages. Such laws shall limit their rate of ad valorem property taxation for municipal purposes, and restrict the powers of cities and villages to borrow money and contract debts. Each city and village is granted power to levy other taxes for public purposes, subject to limitations and prohibitions provided by this constitution or by law.

Sec. 22. Under general laws the electors of each city and village shall have the power and authority to frame, adopt and amend its charter, and to amend an existing charter of the city or village heretofore granted or enacted by the legislature for the government of the city or village. Each such city and village shall have power to adopt resolutions and ordinances relating to its municipal concerns, property and government, subject to the constitution and law. No enumeration of powers granted to cities and villages in this constitution shall limit or restrict the general grant of authority conferred by this section.

1 Sec. 23. Any city or village may acquire, own,
2 establish and maintain, within or without its
3 corporate limits, parks, boulevards, cemeteries,
4 hospitals and all works which involve the public
5 health or safety.

6 Sec. 24. Subject to this constitution, any city
7 or village may acquire, own or operate, within
8 or without its corporate limits, public service
9 facilities for supplying water, light, heat, power,
10 sewage disposal and transportation to the municipi-
11 lity and the inhabitants thereof.

12 Any city or village may sell and deliver heat,
13 power or light without its corporate limits in an
14 amount not exceeding 25 percent of that furnished
15 by it within the corporate limits, except as greater
16 amounts may be permitted by law; may sell and
17 deliver water and provide sewage disposal services
18 outside of its corporate limits in such amount as
19 may be determined by the legislative body of the
20 city or village; and may operate transportation
21 lines outside the municipality within such limits
22 as may be prescribed by law.

23 Sec. 25. No city or village shall acquire any
24 public utility furnishing light, heat or power, or
25 grant any public utility franchise which is not
26 subject to revocation at the will of the city or
27 village, unless the proposition shall first have been
28 approved by three-fifths of the electors voting
29 thereon. No city or village may sell any public
30 utility unless the proposition shall first have been
31 approved by a majority of the electors voting
32 thereon, or a greater number if the charter shall
33 so provide.

34 Sec. 26. Except as otherwise provided in this
35 constitution, no city or village shall have the
36 power to loan its credit for any private purpose
37 or, except as provided by law, for any public pur-
38 pose.

39 Sec. 27. Notwithstanding any other provision
40 of this constitution the legislature may establish
41 in metropolitan areas additional forms of govern-
42 ment or authorities with powers, duties and juris-
43 dictions as the legislature shall provide. Where-
44 ever possible, such additional forms of govern-
45 ment or authorities shall be designed to perform
46 multi-purpose functions rather than a single
47 function.

48 Sec. 28. The legislature by general law shall
49 authorize two or more counties, townships, cities,
50 villages or districts, or any combination thereof
51 among other things to: enter into contractual
52 undertakings or agreements with one another or
53 with the state or with any combination thereof
54 for the joint administration of any of the functions
55 or powers which each would have the power to
56 perform separately; share the costs and responsi-
57 bilities of functions and services with one another
58 or with the state or with any combination thereof
59 which each would have the power to perform
60 separately; transfer functions or responsibilities

1 to one another or any combination thereof upon
2 the consent of each unit involved; cooperate with
3 one another and with state government; lend their
4 credit to one another or any combination thereof
5 as provided by law in connection with any au-
6 thorized publicly owned undertaking.

7 Any other provision of this constitution not-
8 withstanding, an officer or employee of the state
9 or any such unit of government or subdivision
10 or agency thereof, except members of the legis-
11 lature, may serve on or with any governmental
12 body established for the purposes set forth in
13 this section and shall not be required to relin-
14 quish his office or employment by reason of such
15 service.

16 Sec. 29. No person, partnership, association or
17 corporation, public or private, operating a public
18 utility shall have the right to the use of the high-
19 ways, streets, alleys or other public places of
20 any county, township, city or village for wires,
21 poles, pipes, tracks, conduits or other utility
22 facilities, without the consent of the duly con-
23 stituted authority of the county, township, city
24 or village; or to transact local business therein
25 without first obtaining a franchise from the town-
26 ship, city or village. Except as otherwise provided
27 in this constitution the right of all counties, town-
28 ships, cities and villages to the reasonable control
29 of their highways, streets, alleys and public
30 places is hereby reserved to such local units of
31 government.

32 Sec. 30. No franchise or license shall be
33 granted by any township, city or village for a
34 period longer than 30 years.

35 Sec. 31. The legislature shall not vacate or
36 alter any road, street, alley, or public place under
37 the jurisdiction of any county, township, city or
38 village.

39 Sec. 32. Any county, township, city, village,
40 authority or school district empowered by the
41 legislature or by this constitution to prepare bud-
42 gets of estimated expenditures and revenues shall
43 adopt such budgets only after a public hearing
44 in a manner prescribed by law.

45 Sec. 33. Any elected officer of a political sub-
46 division may be removed from office in the manner
47 and for the causes provided by law.

48 Sec. 34. The provisions of this constitution and
49 law concerning counties, townships, cities and vil-
50 lages shall be liberally construed in their favor.
51 Powers granted to counties and townships by this
52 constitution and by law shall include those fairly
53 implied and not prohibited by this constitution.

Article VIII Education

1 Sec. 1. Religion, morality and knowledge being
2 necessary to good government and the happiness
3 of mankind, schools and the means of education
4 shall forever be encouraged.

1 Sec. 2. The legislature shall maintain and sup-
 2 port a system of free public elementary and sec-
 3 ondary schools as defined by law. Every school
 4 district shall provide for the education of its
 5 pupils without discrimination as to religion, creed,
 6 race, color or national origin.

7 Sec. 3. Leadership and general supervision over
 8 all public education, including adult education and
 9 instructional programs in state institutions, except
 10 as to institutions of higher education granting
 11 baccalaureate degrees, is vested in a state board
 12 of education. It shall serve as the general plan-
 13 ning and coordinating body for all public educa-
 14 tion, including higher education, and shall advise
 15 the legislature as to the financial requirements
 16 in connection therewith.

17 The state board of education shall appoint a
 18 superintendent of public instruction whose term
 19 of office shall be determined by the board. He
 20 shall be the chairman of the board without the
 21 right to vote, and shall be responsible for the
 22 execution of its policies. He shall be the principal
 23 executive officer of a state department of educa-
 24 tion which shall have powers and duties provided
 25 by law.

26 The state board of education shall consist of
 27 eight members who shall be nominated by party
 28 conventions and elected at large for terms of
 29 eight years as prescribed by law. The governor
 30 shall fill any vacancy by appointment for the
 31 unexpired term. The governor shall be ex-officio
 32 a member of the state board of education with-
 33 out the right to vote.

34 The power of the boards of institutions of higher
 35 education provided in this constitution to super-
 36 vise their respective institutions and control and
 37 direct the expenditure of the institutions' funds
 38 shall not be limited by this section.

39 Sec. 4. The legislature shall appropriate
 40 moneys to maintain the university of Michigan,
 41 Michigan State University, Wayne State Univer-
 42 sity, Eastern Michigan University, Michigan Col-
 43 lege of Science and Technology, Central Michi-
 44 gan University, Northern Michigan University,
 45 Western Michigan University, Ferris Institute,
 46 Grand Valley State College, by whatever names
 47 such institutions may hereafter be known, and
 48 other institutions of higher education established
 49 by law. The legislature shall be given an annual
 50 accounting of all income and expenditures by each
 51 of these educational institutions. Formal sessions
 52 of governing boards of such institutions shall be
 53 open to the public.

54 Sec. 5. The regents of the University of Michi-
 55 gan and their successors in office shall constitute
 56 a body corporate known as the Regents of the
 57 University of Michigan; the trustees of Michigan
 58 State University and their successors in office shall
 59 constitute a body corporate known as the Board
 60 of Trustees of Michigan State University; the

governors of Wayne State University and their
 successors in office shall constitute a body corpor-
 ate known as the Board of Governors of Wayne
 State University. Each board shall have general
 supervision of its institution and the control and
 direction of all expenditures from the institution's
 funds. Each board shall, as often as necessary,
 elect a president of the institution under its su-
 pervision. He shall be the principal executive of-
 ficer of the institution, be ex-officio a member of
 the board without the right to vote and preside
 at meetings of the board. The board of each in-
 stitution shall consist of eight members who shall
 hold office for terms of eight years and who shall
 be elected as provided by law. The governor shall
 fill board vacancies by appointment. Each ap-
 pointee shall hold office until a successor has been
 nominated and elected as provided by law.

Sec. 6. Other institutions of higher education
 established by law having authority to grant
 baccalaureate degrees shall each be governed by
 a board of control which shall be a body corporate.
 The board shall have general supervision of the
 institution and the control and direction of all
 expenditures from the institution's funds. It shall,
 as often as necessary, elect a president of the in-
 stitution under its supervision. He shall be the
 principal executive officer of the institution and
 be ex-officio a member of the board without the
 right to vote. The board may elect one of its mem-
 bers or may designate the president, to preside at
 board meetings. Each board of control shall con-
 sist of eight members who shall hold office for
 terms of eight years, not more than two of which
 shall expire in the same year, and who shall be
 appointed by the governor by and with the ad-
 vice and consent of the senate. Vacancies shall
 be filled in like manner.

Sec. 7. The legislature shall provide by law
 for the establishment and financial support of
 public community and junior colleges which shall
 be supervised and controlled by locally elected
 boards. The legislature shall provide by law for
 a state board for public community and junior
 colleges which shall advise the state board of
 education concerning general supervision and plan-
 ning for such colleges and requests for annual
 appropriations for their support. The board shall
 consist of eight members who shall hold office
 for terms of eight years, not more than two of
 which shall expire in the same year, and who shall
 be appointed by the state board of education. Va-
 cancies shall be filled in like manner. The super-
 intendent of public instruction shall be ex-officio
 a member of this board without the right to vote.

Sec. 8. Institutions, programs, and services for
 the care, treatment, education or rehabilitation of
 those inhabitants who are physically, mentally, or
 otherwise seriously handicapped shall always be
 fostered and supported.

1 Sec. 9. The legislature shall provide by law for
2 the establishment and support of public libraries
3 which shall be available to all residents of the state
4 under regulations adopted by the governing bodies
5 thereof. All fines assessed and collected in the
6 several counties, cities and townships for any
7 breach of the penal laws shall be exclusively ap-
8 plied to the support of such public libraries, and
9 county law libraries as provided by law.

Article IX

Finance and Taxation

13 Sec. 1. The legislature shall impose taxes suf-
14 ficient with other resources to pay the expenses of
15 state government.

16 Sec. 2. The power of taxation shall never be
17 surrendered, suspended or contracted away.

18 Sec. 3. The legislature shall provide for the
19 uniform general ad valorem taxation of real and
20 tangible personal property not exempt by law. The
21 legislature shall provide for the determination of
22 true cash value of such property; the proportion
23 of true cash value at which such property shall
24 be uniformly assessed, which shall not, after
25 January 1, 1966, exceed 50 percent; and for a sys-
26 tem of equalization of assessments. The legislature
27 may provide for alternative means of taxation of
28 designated real and tangible personal property in
29 lieu of general ad valorem taxation. Every tax
30 other than the general ad valorem property tax
31 shall be uniform upon the class or classes on
32 which it operates.

33 Sec. 4. Property owned and occupied by non-
34 profit religious or educational organizations and
35 used exclusively for religious or educational pur-
36 poses, as defined by law, shall be exempt from
37 real and personal property taxes.

38 Sec. 5. The legislature shall provide for the
39 assessment by the state of the property of those
40 public service businesses assessed by the state
41 at the date this constitution becomes effective, and
42 of other property as designated by the legislature,
43 and for the imposition and collection of taxes
44 thereon. Property assessed by the state shall be
45 assessed at the same proportion of its true
46 cash value as the legislature shall specify for
47 property subject to general ad valorem taxation.
48 The rate of taxation on such property shall be
49 the average rate levied upon other property in this
50 state under the general ad valorem tax law, or,
51 if the legislature provides, the rate of tax applica-
52 ble to the property of each business enterprise assessed
53 by the state shall be the average rate of ad valorem
54 taxation levied upon other property in all counties
55 in which any of such property is situated.

56 Sec. 6. Except as otherwise provided in this
57 constitution, the total amount of general ad valo-
58 rem taxes imposed upon real and tangible per-
59 sonal property for all purposes in any one year
60 shall not exceed 15 mills on each dollar of the

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

17 The foregoing limitations shall not apply to
18 taxes imposed for the payment of principal and
19 interest on bonds or other evidences of indebted-
20 ness or for the payment of assessments or con-
21 tract obligations in anticipation of which bonds
22 are issued, which taxes may be imposed without
23 limitation as to rate or amount; or to taxes im-
24 posed for any other purpose by any city, vil-
25 lage, charter county, charter township, charter
26 authority or other authority, the tax limitations
27 of which are provided by charter or by general
28 law.

29 In any school district which extends into two
30 or more counties, property taxes at the highest
31 rate available in the county which contains the
32 greatest part of the area of the district may be
33 imposed and collected for school purposes through-
34 out the district.

35 Sec. 7. No income tax graduated as to rate
36 or base shall be imposed by the state or any of
37 its subdivisions.

38 Sec. 8. The legislature shall not impose a
39 sales tax on retailers at a rate of more than
40 four percent of their gross taxable sales of
41 tangible personal property.

42 Sec. 9. All specific taxes, except general sales
43 and use taxes and regulatory fees, imposed di-
44 rectly or indirectly on fuels sold or used
45 to propel motor vehicles upon highways and on
46 registered motor vehicles shall, after the payment
47 of necessary collection expenses, be used exclusi-
48 vely for highway purposes as defined by law.

49 Sec. 10. One-eighth of all taxes imposed on
50 retailers on taxable sales at retail of tangible
51 personal property shall be used exclusively for
52 assistance to townships, cities and villages, on
53 a population basis as provided by law. In de-
54 termining population the legislature may exclude
55 any portion of the total number of persons who
56 are wards, patients or convicts in any tax sup-
57 ported institution.

58 Sec. 11. There shall be established a state
59 school aid fund which shall be used exclusively
60 for the support of public education and school

employees' retirement systems, as provided by law. One-half of all taxes imposed on retailers on taxable sales at retail of tangible personal property, and other tax revenues provided by law, shall be dedicated to this fund. Payments from this fund shall be made in full on a scheduled basis, as provided by law.

Sec. 12. No evidence of state indebtedness shall be issued except for debts authorized pursuant to this constitution.

Sec. 13. Public bodies corporate shall have power to borrow money and to issue their securities evidencing debt, subject to this constitution and law.

Sec. 14. To meet obligations incurred pursuant to appropriations for any fiscal year, the legislature may by law authorize the state to issue its full faith and credit notes in which case it shall pledge undedicated revenues to be received within the same fiscal year for the repayment thereof. Such indebtedness in any fiscal year shall not exceed 15 percent of undedicated revenues received by the state during the preceding fiscal year and such debts shall be repaid at the time the revenues so pledged are received, but not later than the end of the same fiscal year.

Sec. 15. The state may borrow money for specific purposes in amounts as may be provided by acts of the legislature adopted by a vote of two-thirds of the members elected to and serving in each house, and approved by a majority of the electors voting thereon at any general election. The question submitted to the electors shall state the amount to be borrowed, the specific purpose to which the funds shall be devoted, and the method of repayment.

Sec. 16. The state, in addition to any other borrowing power, may borrow from time to time such amounts as shall be required, pledge its faith and credit and issue its notes or bonds therefor, for the purpose of making loans to school districts as provided in this section.

If the minimum amount which would otherwise be necessary for a school district to levy in any year to pay principal and interest on its qualified bonds, including any necessary allowances for estimated tax delinquencies, exceeds 13 mills on each dollar of its assessed valuation as finally equalized, or such lower millage as the legislature may prescribe, then the school district may elect to borrow all or any part of the excess from the state. In that event the state shall lend the excess amount to the school district for the payment of principal and interest. If for any reason any school district will be or is unable to pay the principal and interest on its qualified bonds when due, then the school district shall borrow and the state shall lend to it an amount sufficient to enable the school district to make the payment.

The term "qualified bonds" means general obli-

gation bonds of school districts issued for capital expenditures, including refunding bonds, issued prior to May 4, 1955, or issued thereafter and qualified as provided by law pursuant to Section 27 or Section 28 of Article X of the Constitution of 1908 or pursuant to this section.

After a school district has received loans from the state, each year thereafter it shall levy for debt service, exclusive of levies for nonqualified bonds, not less than 13 mills or such lower millage as the legislature may prescribe, until the amount loaned has been repaid, and any tax collections therefrom in any year over and above the minimum requirements for principal and interest on qualified bonds shall be used toward the repayment of state loans. In any year when such levy would produce an amount in excess of the requirements and the amount due to the state, the levy may be reduced by the amount of the excess.

Subject to the foregoing provisions, the legislature shall have the power to prescribe and to limit the procedure, terms and conditions for the qualification of bonds, for obtaining and making state loans, and for the repayment of loans.

The power to tax for the payment of principal and interest on bonds hereafter issued which are the general obligations of any school district, including refunding bonds, and for repayment of any state loans made to school districts, shall be without limitation as to rate or amount.

All rights acquired under Sections 27 and 28 of Article X of the Constitution of 1908, by holders of bonds heretofore issued, and all obligations assumed by the state or any school district under these sections, shall remain unimpaired.

Sec. 17. No money shall be paid out of the state treasury except in pursuance of appropriations made by law.

Sec. 18. The credit of the state shall not be granted to, nor in aid of any person, association or corporation, public or private, except as authorized in this constitution.

This section shall not be construed to prohibit the investment of public funds until needed for current requirements or the investment of funds accumulated to provide retirement or pension benefits for public officials and employees, as provided by law.

Sec. 19. The state shall not subscribe to, nor be interested in the stock of any company, association or corporation, except that funds accumulated to provide retirement or pension benefits for public officials and employees may be invested as provided by law; and endowment funds created for charitable or educational purposes may be invested as provided by law governing the investment of funds held in trust by trustees.

Sec. 20. No state money shall be deposited in banks other than those organized under the national or state banking laws. No state money

1 shall be deposited in any bank in excess of 50
2 percent of the capital and surplus of such bank.
3 Any bank receiving deposits of state money shall
4 show the amount of state money so deposited as
5 a separate item in all published statements.

6 Sec. 21. The legislature shall provide by law
7 for the annual accounting for all public moneys,
8 state and local, and may provide by law for interim
9 accounting.

10 The legislature shall provide by law for the
11 maintenance of uniform accounting systems by
12 units of local government and the auditing of
13 county accounts by competent state authority
14 and other units of government as provided by law.

15 Sec. 22. Procedures for the examination and
16 adjustment of claims against the state shall be
17 prescribed by law.

18 Sec. 23. All financial records, accountings,
19 audit reports and other reports of public moneys
20 shall be public records and open to inspection. A
21 statement of all revenues and expenditures of pub-
22 lic moneys shall be published and distributed
23 annually, as provided by law.

24 Sec. 24. The accrued financial benefits of each
25 pension plan and retirement system of the state
26 and its political subdivisions shall be a contractual
27 obligation thereof which shall not be diminished
28 or impaired thereby.

29 Financial benefits arising on account of service
30 rendered in each fiscal year shall be funded during
31 that year and such funding shall not be used for
32 financing unfunded accrued liabilities.

Article X Property

33 Sec. 1. The disabilities of coverture as to prop-
34 erty are abolished. The real and personal estate of
35 every woman acquired before marriage and all
36 real and personal property to which she may after-
37 wards become entitled shall be and remain the
38 estate and property of such woman, and shall not
39 be liable for the debts, obligations or engagements
40 of her husband, and may be dealt with and dis-
41 posed of by her as if she were unmarried. Dower
42 may be relinquished or conveyed as provided by
43 law.

44 Sec. 2. Private property shall not be taken for
45 public use without just compensation therefor
46 being first made or secured in a manner prescribed
47 by law. The amount of compensation shall be
48 determined in proceedings in a court of record.

49 Sec. 3. A homestead in the amount of not less
50 than \$3,500 and personal property of every resi-
51 dent of this state in the amount of not less than
52 \$750, as defined by law, shall be exempt from
53 forced sale on execution or other process of any
54 court. Such exemptions shall not extend to any
55 lien thereon excluded from exemption by law.

56 Sec. 4. Procedures relating to escheats and to
57 the custody and disposition of escheated property

shall be prescribed by law.

58 Sec. 5. The legislature shall have general su-
59 pervisory jurisdiction over all state owned lands
60 useful for forest preserves, game areas and recrea-
61 tional purposes; shall require annual reports as
62 to such lands from all departments having super-
63 vision or control thereof; and shall by general law
64 provide for the sale, lease or other disposition of
65 such lands.

66 The legislature by an act adopted by two-thirds
67 of the members elected to and serving in each
68 house may designate any part of such lands as
69 a state land reserve. No lands in the state land
70 reserve may be removed from the reserve, sold,
71 leased or otherwise disposed of except by an act
72 of the legislature.

73 Sec. 6. Aliens who are residents of this state
74 shall enjoy the same rights and privileges in
75 property as citizens of this state.

Article XI

Public Officers and Employment

76 Sec. 1. All officers, legislative, executive and
77 judicial, before entering upon the duties of their
78 respective offices, shall take and subscribe the
79 following oath or affirmation: I do solemnly swear
80 (or affirm) that I will support the Constitution
81 of the United States and the constitution of this
82 state, and that I will faithfully discharge the duties
83 of the office of according to the best of
84 my ability. No other oath, affirmation, or any
85 religious test shall be required as a qualification
86 for any office or public trust.

87 Sec. 2. The terms of office of elective state
88 officers, members of the legislature and justices
89 and judges of courts of record shall begin at twelve
90 o'clock noon on the first day of January next suc-
91 ceeding their election, except as otherwise provided
92 in this constitution. The terms of office of county
93 officers shall begin on the first day of January
94 next succeeding their election, except as otherwise
95 provided by law.

96 Sec. 3. Neither the legislature nor any poli-
97 tical subdivision of this state shall grant or author-
98 ize extra compensation to any public officer, agent
99 or contractor after the service has been rendered
100 or the contract entered into.

101 Sec. 4. No person having custody or control of
102 public moneys shall be a member of the legislature,
103 or be eligible to any office of trust or profit under
104 this state, until he shall have made an accounting,
105 as provided by law, of all sums for which he may
106 be liable.

107 Sec. 5. The classified state civil service shall
108 consist of all positions in the state service except
109 those filled by popular election, heads of principal
110 departments, members of boards and commis-
111 sions, the principal executive officer of boards and
112 commissions heading principal departments, em-
113 ployees of courts of record, employees of the legis-

lature, employees of the state institutions of higher education, all persons in the armed forces of the state, eight exempt positions in the office of the governor, and within each principal department, when requested by the department head, two other exempt positions, one of which shall be policy-making. The civil service commission may exempt three additional positions of a policy-making nature within each principal department.

The civil service commission shall be non-salaried and shall consist of four persons, not more than two of whom shall be members of the same political party, appointed by the governor for terms of eight years, no two of which shall expire in the same year.

The administration of the commission's powers shall be vested in a state personnel director who shall be a member of the classified service and who shall be responsible to and selected by the commission after open competitive examination.

The commission shall classify all positions in the classified service according to their respective duties and responsibilities, fix rates of compensation for all classes of positions, approve or disapprove disbursements for all personal services, determine by competitive examination and performance exclusively on the basis of merit, efficiency and fitness the qualifications of all candidates for positions in the classified service, make rules and regulations covering all personnel transactions, and regulate all conditions of employment in the classified service.

No person shall be appointed to or promoted in the classified service who has not been certified by the commission as qualified for such appointment or promotion. No appointments, promotions, demotions or removals in the classified service shall be made for religious, racial or partisan considerations.

Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year. Within 60 calendar days following such transmission, the legislature may, by a two-thirds vote of the members elected to and serving in each house, reject or reduce increases in rates of compensation authorized by the commission. Any reduction ordered by the legislature shall apply uniformly to all classes of employees affected by the increases and shall not adjust pay differentials already established by the civil service commission. The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases author-

ized by the commission.

The appointing authorities may create or abolish positions for reasons of administrative efficiency without the approval of the commission. Positions shall not be created nor abolished except for reasons of administrative efficiency. Any employee considering himself aggrieved by the abolition of a position shall have a right of appeal to the commission through established grievance procedures.

The civil service commission shall recommend to the governor and to the legislature rates of compensation for all appointed positions within the executive department not a part of the classified service.

To enable the commission to exercise its powers, the legislature shall appropriate to the commission for the ensuing fiscal year a sum not less than one percent of the aggregate payroll of the classified service for the preceding fiscal year, as certified by the commission. Within six months after the conclusion of each fiscal year the commission shall return to the state treasury all moneys unexpended for that fiscal year.

The commission shall furnish reports of expenditures, at least annually, to the governor and the legislature and shall be subject to annual audit as provided by law.

No payment for personal services shall be made or authorized until the provisions of this constitution pertaining to civil service have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

Sec. 6. By ordinance or resolution of its governing body which shall not take effect until approved by a majority of the electors voting thereon, unless otherwise provided by charter, each county, township, city, village, school district and other governmental unit or authority may establish, modify or discontinue a merit system for its employees other than teachers under contract or tenure. The state civil service commission may on request furnish technical services to any such unit on a reimbursable basis.

Sec. 7. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office or for crimes or misdemeanors, but a majority of the members elected and serving shall be necessary to direct an impeachment.

When an impeachment is directed, the house of representatives shall elect three of its members to prosecute the impeachment.

Every impeachment shall be tried by the senate immediately after the final adjournment of the legislature. The senators shall take an oath or affirmation truly and impartially to try and determine the impeachment according to the evi-

1 dence. When the governor or lieutenant governor
2 is tried, the chief justice of the supreme court
3 shall preside.

4 No person shall be convicted without the con-
5 currence of two-thirds of the senators elected and
6 serving. Judgment in case of conviction shall not
7 extend further than removal from office, but the
8 person convicted shall be liable to punishment
9 according to law.

10 No judicial officer shall exercise any of the
11 functions of his office after an impeachment is
12 directed until he is acquitted.

Article XII

Amendment & Revision

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

28 Sec. 2. Amendments may be proposed to this
29 constitution by petition of the registered electors
30 of this state. Every petition shall include the full
31 text of the proposed amendment, and be signed by
32 registered electors of the state equal in number to
33 at least 10 percent of the total vote cast for
34 all candidates for governor at the last preceding
35 general election at which a governor was elected.
36 Such petitions shall be filed with the person au-
37 thorized by law to receive the same at least 120
38 days before the election at which the proposed
39 amendment is to be voted upon. Any such petition
40 shall be in the form, and shall be signed and
41 circulated in such manner, as prescribed by law.
42 The person authorized by law to receive such peti-
43 tion shall upon its receipt determine, as provided
44 by law, the validity and sufficiency of the signa-
45 tures on the petition, and make an official an-
46 nouncement thereof at least 60 days prior to the
47 election at which the proposed amendment is to be
48 voted upon.

49 Any amendment proposed by such petition shall
50 be submitted, not less than 120 days after it was
51 filed, to the electors at the next general election.
52 Such proposed amendment, existing provisions of
53 the constitution which would be altered or abro-
54 gated thereby, and the question as it shall appear
55 on the ballot shall be published in full as provided
56 by law. Copies of such publication shall be posted
57 in each polling place and furnished to news media

as provided by law.

58 The ballot to be used in such election shall con-
59 tain a statement of the purpose of the proposed
60 amendment, expressed in not more than 100 words,
exclusive of caption. Such statement of purpose
and caption shall be prepared by the person au-
thorized by law, and shall consist of a true and
impartial statement of the purpose of the amend-
ment in such language as shall create no prejudice
for or against the proposed amendment.

61 If the proposed amendment is approved by a
62 majority of the electors voting on the question,
63 it shall become part of the constitution, and
64 shall abrogate or amend existing provisions of
65 the constitution at the end of 45 days after
66 the date of the election at which it was ap-
67 proved. If two or more amendments approved by
68 the electors at the same election conflict, that
69 amendment receiving the highest affirmative vote
70 shall prevail.

71 Sec. 3. At the general election to be held in
72 the year 1978, and in each 16th year thereafter
73 and at such times as may be provided by law, the
74 question of a general revision of the constitution
75 shall be submitted to the electors of the state. If
76 a majority of the electors voting on the question
77 decide in favor of a convention for such purpose,
78 at an election to be held not later than six months
79 after the proposal was certified as approved, the
80 electors of each representative district as then
81 organized shall elect one delegate and the elec-
82 tors of each senatorial district as then organized
83 shall elect one delegate at a partisan election.
84 The delegates so elected shall convene at the seat
85 of government on the first Tuesday in October
86 next succeeding such election or at an earlier date
87 if provided by law.

88 The convention shall choose its own officers,
89 determine the rules of its proceedings and judge
90 the qualifications, elections and returns of its mem-
91 bers. The governor shall appoint a qualified
92 resident of the same district to fill a vacancy
93 in the office of any delegate who shall be a mem-
94 ber of the same party as the delegate vacating
95 the office. The convention shall have power to ap-
96 point such officers, employees and assistants as
97 it deems necessary and to fix their compensation;
98 to provide for the printing and distribution of its
99 documents, journals and proceedings; to explain
100 and disseminate information about the proposed
constitution and to complete the business of the
convention in an orderly manner. Each delegate
shall receive for his services compensation pro-
vided by law.

101 No proposed constitution or amendment adopted
102 by such convention shall be submitted to the
103 electors for approval as hereinafter provided un-
104 less by the assent of a majority of all the delegates
105 elected to and serving in the convention, with the
106 names and vote of those voting entered in the

journal. Any proposed constitution or amendments adopted by such convention shall be submitted to the qualified electors in the manner and at the time provided by such convention not less than 90 days after final adjournment of the convention. Upon the approval of such constitution or amendments by a majority of the qualified electors voting thereon the constitution or amendments shall take effect as provided by the convention.

Schedule and Temporary Provisions

To insure the orderly transition from the constitution of 1908 to this constitution the following schedule and temporary provisions are set forth to be effective for such period as are thereby required.

Sec. 1. The attorney general shall recommend to the legislature as soon as practicable such changes as may be necessary to adapt existing laws to this constitution.

Sec. 2. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights existing on the effective date of this constitution shall continue unaffected except as modified in accordance with the provisions of this constitution.

Sec. 3. Except as otherwise provided in this constitution, all officers filling any office by election or appointment shall continue to exercise their powers and duties until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

No provision of this constitution, or of law or of executive order authorized by this constitution shall shorten the term of any person elected to state office at a statewide election on or prior to the date on which this constitution is submitted to a vote. In the event the duties of any such officers shall not have been abolished or incorporated into one or more of the principal departments at the expiration of his term, such officer shall continue to serve until his duties are so incorporated or abolished.

Sec. 4. All officers elected at the same election that this constitution is submitted to the people for adoption shall take office and complete the term to which they were elected under the 1908 constitution and existing laws and continue to serve until their successors are elected and qualified pursuant to this constitution or law.

Sec. 5. Notwithstanding any other provision in this constitution, the governor, the lieutenant governor, the secretary of state, the attorney general, and state senators shall be elected at the general election in 1964 to serve for two year terms beginning on the first day of January next

succeeding their election. The first election of such officers for four-year terms under this constitution shall be held at the general election in 1966.

Sec. 6. The state shall be districted for the purpose of electing senators in accordance with the provisions of Section 2 of Article IV of this constitution, after the official publication of the total population count of the 1970 decennial federal census. Until the apportionment of the senate following the 1970 census, the senatorial districts under the 1908 constitution shall remain intact except that upon the adoption of this constitution each of the counties of Kent, Genesee, Macomb and Oakland shall be divide by the apportionment commission into two senatorial districts and Wayne county into eight senatorial districts in accordance with this constitution. The legislature may give prior effect to Section 2 of Article IV of this constitution, which action shall not be subject to veto by the governor.

Sec. 7. Notwithstanding the provisions of this constitution that the supreme court shall consist of seven justices it shall consist of eight justices until the time that a vacancy occurs as a result of death, retirement or resignation of a justice. The first such vacancy shall not be filled.

Sec. 8. Any judge of probate serving on the effective date of this constitution may serve the remainder of the term and be eligible to succeed himself for election regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

Sec. 9. The provisions of Article VI providing that terms of judicial offices shall not all expire at the same time, shall be implemented by law providing that at the next election for such offices judges shall be elected for terms of varying length, none of which shall be shorter than the regular term provided for the office.

Sec. 10. The members of the state board of education provided for in Section 3 of Article VIII of this constitution shall first be elected at the first general election after the effective date of this constitution for the following terms: two shall be elected for two years, two for four years, two for six years, and two for eight years as prescribed by law.

The State Board of Education provided for in the constitution of 1908 is abolished at twelve o'clock noon January 1 of the year following the first general election under this constitution and the terms of members thereof shall then expire.

Sec. 11. The provisions of this constitution providing for members of boards of control of institutions of higher education and the State Board of Public Community and Junior Colleges shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be

extended, and may further provide that the initial terms of office of members may be less than eight years.

Sec. 12. The provisions of this constitution increasing the number of members of the Board of Trustees of Michigan State University and of the Board of Governors of Wayne State University to eight, and of their term of office to eight years, shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended one year, and may further provide that the initial terms of office of the additional members may be less than eight years.

Sec. 13. The initial allocation of departments by law pursuant to Section 2 of Article V of this constitution, shall be completed within two years after the effective date of this constitution. If such allocation shall not have been completed within such period, the governor, within one year thereafter, by executive order, shall make the initial allocation.

Sec. 14. Contractual obligations of the state incurred pursuant to the constitution of 1908 shall continue to be obligations of the state.

For the retirement of notes and bonds issued under Section 26 of Article X of the 1908 constitution, there is hereby appropriated from the general fund each year during their life a sum equal to the amount of principal and interest payments due and payable in each year.

Sec. 15. The legislature by a vote of two-thirds of the members elected to and serving in each house may provide that the state may bor-

row money and may pledge its full faith and credit for refunding any bonds issued by the Mackinac Bridge Authority and at the time of refunding the Mackinac Bridge Authority shall be abolished and the operation of the bridge shall be assumed by the state highway department. The legislature may implement this section by law.

Sec. 16. This constitution shall be submitted to the people for their adoption or rejection at the general election to be held on the Tuesday after the first Monday of November, 1962. It shall be the duty of the secretary of state forthwith to give notice of such submission to all other officers required to give or publish any notice in regard to a general election. He shall give notice that this constitution will be duly submitted to the electors at such election. The notice shall be given in the manner required for the election of governor.

Sec. 17. Every registered elector may vote on the adoption of the constitution. The board of election commissioners in each county shall cause to be printed on a ballot separate from the ballot containing the names of the nominees for office, the words: Shall the revised constitution be adopted? () Yes. () No. All votes cast at the election shall be taken, counted, canvassed and returned as provided by law for the election of state officers. If the revised constitution so submitted receives more votes in its favor than were cast against it, it shall be the supreme law of the state on and after the first day of January of the year following its adoption.

against the secretary of state, by Mr. Van Dusen, chairman, submits the following report:

In accordance with Resolution 96, the committee on action against secretary of state on May 14, 1962, filed with the circuit court for the county of Ingham, a petition for declaration of rights in an action entitled, Stephen S. Nisbet, President of the Michigan Constitutional Convention of 1961-1962 v. James M. Hare, Secretary of State. The relief sought was a declaration that the convention has the right to provide for submission of the proposed new constitution to the electors at the general election to be held November 6, 1962. The summons and petition were served on the secretary of state on the same day.

On May 22, having had no response from the attorney general, petitioner filed a motion for the entry of a decree. On May 25, the secretary of state appeared specially by the attorney general and moved to dismiss the petition on the ground that the case did not present an actual controversy. The trial court heard argument on the attorney general's motion on June 1 and on June 6 rendered an opinion denying the motion to dismiss. An order to that effect was entered on June 11.

Instead of proceeding to file an answer, the attorney general then filed an application to the supreme court for leave to appeal. This application was granted by the supreme court and the attorney general, on July 2, filed a claim of appeal.

The attorney general has not yet filed a brief and he states that he does not intend to do so until after August 7.

It is obvious that no judicial determination of the right of the constitutional convention to require submission of the proposed constitution to the electors on November 6 will be made in time to be useful to the convention. Accordingly, the committee recommends:

1) That section 15 [formerly section 16] of the schedule and temporary provisions of the proposed constitution be amended by striking from the first sentence the words "Tuesday after the first Monday of November, 1962" and inserting "first Monday in April, 1963."

2) That the committee be authorized to discontinue the action entitled, Nisbet v. Hare.

Richard C. Van Dusen, chairman.

MR. VAN DUSEN: Mr. President, I move the adoption of the report.

PRESIDENT NISBET: The question is on the motion of Mr. Van Dusen that the report be adopted. Those in favor will say aye. Opposed, no.

The report is adopted. Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, in compliance with our rules, I think it would now be necessary to take a roll call vote on the amendment to the constitution changing the date.

PRESIDENT NISBET: Mr. Chase will read the amendment.

SECRETARY CHASE: The amendment recommended in the report is as follows:

1. Amend the schedule, section 15 [formerly section 16] (column 2) line 11, after "held on the" by striking out "Tuesday after the first Monday of November, 1962.", and inserting "first Monday in April, 1963."

PRESIDENT NISBET: The secretary will call the roll. Those in favor of the amendment will vote aye as your name is called. Those opposed will vote no.

The roll was called and the delegates voted as follows:

Yeas—141

Allen	Goebel	Page
Andrus, Miss	Gover	Pellow
Anspach	Greene	Perlich
Austin	Gust	Perras
Baginski	Habermehl	Plank
Balcer	Hanna, W. F.	Pollock
Barthwell	Hannah, J. A.	Powell
Batchelor	Hart, Miss	Prettie
Beaman	Haskill	Pugsley
Bentley	Hatch	Radka

Binkowski	Hatcher, Mrs.
Blandford	Heideman
Bledsoe	Higgs
Bonisteel	Hood
Boothby	Howes
Bowens	Hoxie
Bradley	Hubbs
Brake	Hutchinson
Brown, G. E.	Iverson
Brown, T. S.	Jones
Buback	Judd, Mrs.
Butler, Mrs.	Karn
Conklin, Mrs.	Kelsey
Cudlip	Kirk, S.
Cushman, Mrs.	Knirk, B.
Danhof	Koeze, Mrs.
Dehnke	Krolkowski
Dell	Kuhn
DeVries	Lawrence
Donnelly, Miss	Lebrand
Doty, Dean	Leppien
Doty, Donald	Lesinski
Douglas	Liberato
Downs	Madar
Durst	Mahinske
Elliott, A. G.	Martin
Elliott, Mrs. Daisy	McAllister
Erickson	McCauley
Everett	McGowan, Miss
Farnsworth	McLogan
Faxon	Millard
Figy	Mosier
Finch	Murphy
Follo	Nisbet
Ford	Nord
Gadola	Norris
Garvin	Ostrow

Nays—0

SECRETARY CHASE: On the adoption of the amendment, the yeas are 141; the nays are none.

PRESIDENT NISBET: The amendment is adopted. The question now is on the final passage of the constitution as amended this morning. Those who are in favor will answer aye as your names are called. Those opposed will answer nay. The secretary will call the roll.

The roll was called and the delegates voted as follows:

Yeas—98

Allen	Gover	Powell
Andrus, Miss	Gust	Prettie
Anspach	Habermehl	Pugsley
Balcer	Hanna, W. F.	Radka
Batchelor	Hannah, J. A.	Rajkovich
Beaman	Haskill	Richards, J. B.
Bentley	Hatch	Richards, L. W.
Blandford	Heideman	Romney
Bonisteel	Higgs	Rood
Boothby	Howes	Rush
Brake	Hoxie	Seyferth
Brown, G. E.	Hubbs	Shackleton
Butler, Mrs.	Hutchinson	Shaffer
Conklin, Mrs.	Iverson	Sharpe
Cudlip	Judd, Mrs.	Sleder
Cushman, Mrs.	Karn	Spitler
Danhof	Kirk, S.	Stafseth
Dehnke	Knirk, B.	Staiger
Dell	Koeze, Mrs.	Stamm
DeVries	Kuhn	Sterrett
Donnelly, Miss	Lawrence	Stevens
Doty, Dean	Leppien	Thomson
Doty, Donald	Martin	Tubbs
Durst	McCauley	Turner
Elliott, A. G.	McGowan, Miss	Tweedie
Erickson	McLogan	Upton
Everett	Millard	Van Dusen
Farnsworth	Mosier	Wanger
Figy	Nisbet	White
Finch	Page	Wood

Follo
Gadola
Goebel

Perras
Plank
Pollock

Woolfenden
Yeager

Nays—43

Austin
Baginski
Barthwell
Binkowski
Bledsoe
Bowens
Bradley
Brown, T. S.
Buback
Douglas
Downs
Elliott, Mrs. Daisy
Faxon
Ford
Garvin

Greene
Hart, Miss
Hatcher, Mrs.
Hood
Jones
Kelsey
Krolikowski
Leibrand
Lesinski
Liberato
Madar
Mahinske
McAllister
Murphy

Nord
Norris
Ostrow
Pellow
Perlich
Sablich
Shanahan
Snyder
Stopczynski
Suzore
Walker
Wilkowski
Young
Youngblood

SECRETARY CHASE: On the adoption of the constitution as amended, the yeas are 98; the nays are 43. (applause)
PRESIDENT NISBET: The **constitution** is adopted.

For the constitution as adopted, see below, page 3317.

Because of the hour, it being almost noon, the Chair recognizes Mr. Van Dusen.

MR. VANDUSEN: Mr. President, I move that the convention now stand in recess until 2:00 p.m.

PRESIDENT NISBET: The question is on the motion of Mr. Van Dusen that we recess until 2:00 p.m. Those in favor will say aye. Opposed, no.

The motion prevails. We are recessed until 2:00 o'clock.

[Whereupon, at 11:50 o'clock a.m., the convention recessed; and, at 2:00 o'clock p.m., reconvened.]

Will the delegates please take their seats. The convention will please come to order.

SECRETARY CHASE: Mr. President, a quorum of the convention is present.

PRESIDENT NISBET: I think we should recognize the fact that many of our employees are voluntarily back with us today, meeting with the delegates. I'm sure all of us are very happy to have them here. It brings about a happy result to see them and I think we ought to give them a good hand. (applause) Mr. Chase has an announcement.

SECRETARY CHASE: There are 3 announcements that possibly should have been made before we recessed for lunch.

First, there is mail for all of the delegates in the mail room downstairs.

Just prior to the May 11 adjournment, several of the delegates took out, on loan, sets of convention slides which have not been returned. Missing from our files are 12 complete sets of slides. Since we frequently have call from other delegates for the use of these slides, we would appreciate their return as soon as possible. Ink White, chairman of the committee on public information.

I am sure the delegates recall the lady on the civic center staff who took such good care of keeping the windows clean and the place well slicked up, who had to go to the hospital for a very critical operation. A number of the delegates contributed to a fund to help her over her financial difficulties. I have the following card:

It is very difficult to express my appreciation to all the wonderful people of con con. Let me say, with my heart, your kindness and generosity will always be remembered.

Sincerely,
Freda Adams.

PRESIDENT NISBET: Since the adjournment on May 11, we have added 2 new associate members to the delegation: Mrs. Charles Follo and Mrs. Gil Wanger.

I asked Charlie if Mrs. Follo was present so that he might present her, but he said she isn't. We are sorry, Charlie, she couldn't be with us.

Mr. Wanger, is your associate delegate present? Would you present her?

[Whereupon, the delegates accorded Mrs. Wanger a standing ovation.]

At the final session before the long recess the president was authorized to name a reunion committee for the constitutional convention. Accordingly, the **president appoints**, as members of the reunion committee: Mr. Erickson, Mrs. Koeze, Messrs. Jones, Bowens, Brake, Mrs. Conklin, Mr. Dean Doty, Mrs. Daisy Elliott, Messrs. Faxon, Kelsey, Kuhn, Powell, Sharpe, Wanger, White and Norris.

Without objection, the appointments are approved. You will notice that most of these delegates are within the area of Lansing, Detroit or Grand Rapids for their ease in getting together when they have to meet. Mr. Claud Erickson is chairman of the committee.

Returning to the order of business, **approval of address to people**. We will take up the **report of the committee on public information**. Mr. White, chairman.

MR. WHITE: Mr. President, under date of June 26, 1962, each delegate was mailed proof copies of the proposed address to the people. Since that time our committee has received numerous suggestions for corrections, additions, deletions and so on. Our committee has met and gone over these suggestions and they have been, for the most part, agreed to. I might say, parenthetically, the address in its present corrected form represents the writing and editing of upwards of 50 of our delegates.

Under date of July 27, 1962, each of you was mailed a 16 page multilith report which outlined in detail some 108 corrections. This communication also carried the recommendation that we be authorized to correct the text of the constitution as it appears in the address to conform with the style and drafting changes adopted at today's session, and to offer comments accordingly, if necessary. All of this material has been delivered again to each delegate's desk today. Additionally, you have a single white multilith sheet from our committee containing brief addenda to this 16 page report.

It seems to me, Mr. President, the delegates have had ample time to consider these matters, and to expedite our final deliberations, I move that the report of the public information committee, with the recommended addenda, be considered read.

PRESIDENT NISBET: Without objection, it is so ordered.

Following is the report as submitted and considered read:

After careful consideration of suggestions from delegates, your committee on public information recommends the adoption of the following changes in the proof copy of the address to the people:

For document incorporating following changes, see below, page 3355. Page numbers in report refer to document pages.

1. Amend page 2, second full paragraph, line 3, after "that one" by striking out "must" and inserting "should"; to improve phraseology.

2. Amend page 2, third full paragraph, line 1, by striking out "Ordered by popular vote, its delegates selected by the people on the basis of one from each senatorial and representative district, the Constitutional Convention of 1961-62 met in Lansing on October 3, 1961.", and inserting "The convention was ordered by popular vote in April of 1961. There were 144 delegates, representing Michigan's 34 State Senatorial districts and 110 State Representative seats. They were elected in statewide voting on September 12, 1961, and convened at Lansing on October 3, 1961."; to improve awkward sentence construction and correct error by indicating "seats" rather than representative "districts."

3. Amend page 2, fifth full paragraph, line 2, after "overlapped" by striking out "each other"; to improve phraseology.

4. Amend page 2, fifth full paragraph, line 6, after

**CONSTITUTION
OF THE
STATE OF MICHIGAN**

**as finally adopted
by the Convention
August 1, 1962**

PREAMBLE

We, the people of the State of Michigan, grateful to Almighty God for the blessings of freedom, and earnestly desiring to secure these blessings undiminished to ourselves and our posterity, do ordain and establish this constitution.

ARTICLE I

Declaration of Rights

Sec. 1. All political power is inherent in the people. Government is instituted for their equal benefit, security and protection.

Sec. 2. No person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color or national origin. The legislature shall implement this section by appropriate legislation.

Sec. 3. The people have the right peaceably to assemble, to consult for the common good, to instruct their representatives and to petition the government for redress of grievances.

Sec. 4. Every person shall be at liberty to worship God according to the dictates of his own conscience. No person shall be compelled to attend, or, against his consent, to contribute to the erection or support of any place of religious worship, or to pay tithes, taxes or other rates for the support of any minister of the gospel or teacher of religion. No money shall be appropriated or drawn from the treasury for the benefit of any religious sect or society, theological or religious seminary; nor shall property belonging to the state be appropriated for any such purpose. The civil and political rights, privileges and capacities of no person shall be diminished or enlarged on account of his religious belief.

Sec. 5. Every person may freely speak, write, express and publish his views on all subjects, being responsible for the abuse of such right; and no law shall be enacted to restrain or abridge the liberty of speech or of the press.

Sec. 6. Every person has a right to keep and bear arms for the defense of himself and the state.

Sec. 7. The military shall in all cases and at all times be in strict subordination to the civil power.

Sec. 8. No soldier shall, in time of peace, be quartered in any house without the consent of the owner or occupant, nor in time of war, except in a manner prescribed by law.

Sec. 9. Neither slavery, nor involuntary servitude unless for the punishment of crime, shall ever be tolerated in this state.

Sec. 10. No bill of attainder, ex post facto law or law impairing the obligation of contract shall be enacted.

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, supported by oath or affirmation. The provisions of this section shall not be construed to bar from evidence in any criminal proceeding any narcotic drug, firearm, bomb, explosive or any other dangerous weapon, seized by a peace officer outside the curtilage of any dwelling house in this state.

Sec. 12. The privilege of the writ of habeas corpus shall not be suspended unless in case of rebellion or invasion the public safety may require it.

Sec. 13. A suitor in any court of this state has the right to prosecute or defend his suit, either in his own proper person or by an attorney.

Sec. 14. The right of trial by jury shall remain, but shall be waived in all civil cases unless demanded by one of the parties in the manner prescribed by law. In all civil cases tried by 12 jurors a verdict shall be received when 10 jurors agree.

Sec. 15. No person shall be subject for the same offense to be twice put in jeopardy. All persons shall, before conviction, be bailable by sufficient sureties, except for murder and treason when the proof is evident or the presumption great.

Sec. 16. Excessive bail shall not be required; excessive fines shall not be imposed; cruel or unusual punishment shall not be inflicted; nor shall witnesses be unreasonably detained.

Sec. 17. No person shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property, without due process of law. The right of all individuals, firms, corporations and voluntary associations to fair and just treatment in the course of legislative and executive investigations and hearings shall not be infringed.

Sec. 18. No person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief.

Sec. 19. In all prosecutions for libels the truth may be given in evidence to the jury; and, if it appears to the jury that the matter charged as libelous is true and was published with good motives and for justifiable ends, the accused shall be acquitted.

Sec. 20. In every criminal prosecution, the accused shall have the right to a speedy and public trial by an impartial jury, which may consist of less than 12 jurors in all courts not of record; to be informed of the nature of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to have the assistance of counsel for his defense; to have an appeal as a matter of right; and in courts of record, when the trial court so orders, to have such reasonable assistance as may be necessary to perfect and prosecute an appeal.

Sec. 21. No person shall be imprisoned for debt arising out of or founded on contract, express or implied, except in cases of fraud or breach of trust.

Sec. 22. Treason against the state shall consist only in levying war against it or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless upon the testimony of two witnesses to the same overt act or on confession in open court.

Sec. 23. The enumeration in this constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE II

Elections

Sec. 1. Every citizen of the United States who has attained the age of 21 years, who has resided in this state six months, and who meets the requirements of local residence provided by law, shall be an elector and qualified to vote in any election except as otherwise provided in this constitution. The legislature shall define residence for voting purposes.

Sec. 2. The legislature may by law exclude persons from voting because of mental incompetence or commitment to a jail or penal institution.

Sec. 3. For purposes of voting in the election for president and vice-president of the United States only, the legislature may by law establish lesser residence requirements for citizens who have resided in this state for less than six months and may waive residence requirements for former citizens of this state who have removed herefrom. The legislature shall not permit voting by any person who meets the voting residence requirements of the state to which he has removed.

Sec. 4. The legislature shall enact laws to regulate the time, place and manner of all nominations and elections, except as otherwise provided in this constitution or in the constitution and laws of the United States. The legislature shall enact laws to preserve the purity of elections, to preserve the secrecy of the ballot, to guard against abuses of the elective franchise, and to provide for a system of voter registration and absentee voting. No law shall be enacted which permits a candidate in any partisan primary or partisan election to have a ballot designation except when required for identification of candidates for the same office who have the same or similar surnames.

Sec. 5. Except for special elections to fill vacancies, or as otherwise provided in this constitution, all elections for national, state, county and township offices shall be held on the first Tuesday after the first Monday in November in each even-numbered year or on such other date as members of the congress of the United States are regularly elected.

Sec. 6. Whenever any question is required to be submitted by a political subdivision to the electors for the increase of the ad valorem tax rate limitation imposed by Section 6 of Article IX for a period of more than five years, or for the issue of bonds, only electors in, and who have property assessed for any ad valorem taxes in, any part of the district or territory to be affected by the result of such election or electors who are the lawful husbands or wives of such persons shall be entitled to vote thereon. All electors in the district or territory affected may vote on all other questions.

Sec. 7. A board of state canvassers of four members shall be established by law. No candidate for an office to be canvassed nor any inspector of elections shall be eligible to serve as a member of a board of canvassers. A majority of any board of canvassers shall not be composed of members of the same political party.

Sec. 8. Laws shall be enacted to provide for the recall of all elective officers except judges of courts of record upon petition of electors equal in number to 25 percent of the number of persons voting in the last preceding election for the office of governor in the electoral district of the officer sought to be recalled. The sufficiency of any statement of reasons or grounds procedurally required shall be a political rather than a judicial question.

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 making appropriations for state institutions or to meet deficiencies in state funds and must be invoked in the manner prescribed by law within 90 days following the final adjournment of the legislative session at which the law was enacted. To invoke the initiative or referendum, petitions signed by a number of registered electors, not less than eight percent for initiative and five percent for referendum of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected shall be required.

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

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

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

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

The legislature shall implement the provisions of this section.

ARTICLE III

General Government

Sec. 1. The seat of government shall be at Lansing.

Sec. 2. The powers of government are divided into three branches: legislative, executive and judicial. No person exercising powers of one branch shall exercise powers properly belonging to another branch except as expressly provided in this constitution.

Sec. 3. There shall be a great seal of the State of Michigan and its use shall be provided by law.

Sec. 4. The militia shall be organized, equipped and disciplined as provided by law.

Sec. 5. Subject to provisions of general law, this state or any political subdivision thereof, any governmental authority or any combination thereof may enter into agreements for the performance, financing or execution of their respective functions, with any one or more of the other states, the United States, the Dominion of Canada, or any political subdivision thereof unless otherwise provided in this constitution. Any other provision of this constitution notwithstanding, an officer or employee of the state or of any such unit of government or subdivision or agency thereof may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service. The legislature may impose such restrictions, limitations or conditions on such service as it may deem appropriate.

Sec. 6. The state shall not be a party to, nor be financially interested in, any work of internal improvement, nor engage in carrying on any such work, except for public internal improvements provided by law.

Sec. 7. The common law and the statute laws now in force, not repugnant to this constitution, shall remain in force until they expire by their own limitations, or are changed, amended or repealed.

Sec. 8. Either house of the legislature or the governor may request the opinion of the supreme court on important questions of law upon solemn occasions as to the constitutionality of legislation after it has been enacted into law but before its effective date.

ARTICLE IV

Legislative Branch

Sec. 1. The legislative power of the State of Michigan is vested in a senate and a house of representatives.

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

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

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

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

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

(3) Counties entitled to two or more senators shall be divided into single member districts. The population of such districts shall be as nearly equal as possible but shall not be less than 75 percent nor more than 125 percent of a number determined by dividing the population of the county by the number of senators to which it is entitled. Each such district shall follow incorporated city or township boundary lines to the extent possible and shall be compact, contiguous, and as nearly uniform in shape as possible.

Sec. 3. The house of representatives shall consist of 110 members elected for two-year terms from single member districts apportioned on a basis of population as provided in this article. The districts shall consist of compact and convenient territory contiguous by land.

Each county which has a population of not less than seven-tenths of one percent of the population of the state shall constitute a separate representative area. Each county having less than seven-tenths of one percent of the population of the state shall be combined with another county or counties to form a representative area of not less than seven-tenths of one percent of the population of the state. Any county which is isolated under the initial allocation as provided in this section shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.

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

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

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

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

Any representative area consisting of more than one county, entitled to more than one representative, shall be divided into single member districts as equal as possible in population, adhering to county lines.

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

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

Sec. 6. A commission on legislative apportionment is hereby established consisting of eight electors, four of whom shall be selected by the state organizations of each of the two political parties whose candidates for governor received the highest vote at the last general election at which a governor was elected preceding each apportionment. If a candidate for governor of a third political party has received at such election more than 25 percent of such gubernatorial vote, the commission shall consist of 12 members, four of whom shall be selected by the state organization of the third political party. One resident of each of the following four regions shall be selected by each political party organization: (1) the upper peninsula; (2) the northern part of the lower peninsula, north of a line drawn along the northern boundaries of the counties of Bay, Midland, Isabella, Mecosta, Newaygo and Oceana; (3) southwestern Michigan, those counties south of region (2) and west of a line drawn along the western boundaries of the counties of Bay, Saginaw, Shiawassee, Ingham, Jackson and Hillsdale; (4) southeastern Michigan, the remaining counties of the state.

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

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

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

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

Each final apportionment and districting plan shall be published as provided by law within 30 days from the date of its adoption and shall become law 60 days after

publication. The secretary of state shall keep a public record of all the proceedings of the commission and shall be responsible for the publication and distribution of each plan.

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

Upon the application of any elector filed not later than 60 days after final publication of the plan, the supreme court, in the exercise of original jurisdiction, shall direct the secretary of state or the commission to perform their duties, may review any final plan adopted by the commission, and shall remand such plan to the commission for further action if it fails to comply with the requirements of this constitution.

Sec. 7. Each senator and representative must be a citizen of the United States, at least 21 years of age, and an elector of the district he represents. The removal of his domicile from the district shall be deemed a vacation of the office. No person who has been convicted of subversion or who has within the preceding 20 years been convicted of a felony involving a breach of public trust shall be eligible for either house of the legislature.

Sec. 8. No person holding any office, employment or position under the United States or this state or a political subdivision thereof, except notaries public and members of the armed forces reserve, may be a member of either house of the legislature.

Sec. 9. No person elected to the legislature shall receive any civil appointment within this state from the governor, except notaries public, from the legislature, or from any other state authority, during the term for which he is elected.

Sec. 10. No member of the legislature nor any state officer shall be interested directly or indirectly in any contract with the state or any political subdivision thereof which shall cause a substantial conflict of interest. The legislature shall further implement this provision by appropriate legislation.

Sec. 11. Senators and representatives shall be privileged from civil arrest and civil process during sessions of the legislature and for five days next before the commencement and after the termination thereof. They shall not be questioned in any other place for any speech in either house.

Sec. 12. The compensation and expense allowances of the members of the legislature shall be determined by law. Changes in compensation or expense allowances shall become effective only when legislators commence their terms of office after a general election.

Sec. 13. The legislature shall meet at the seat of government on the second Wednesday in January of each year at twelve o'clock noon. Each regular session shall adjourn without day, on a day determined by concurrent resolution, at twelve o'clock noon. Any business, bill or joint resolution pending at the final adjournment of a regular session held in an odd numbered year shall carry over with the same status to the next regular session.

Sec. 14. A majority of the members elected to and serving in each house shall constitute a quorum to do business. A smaller number in each house may adjourn from day to day, and may compel the attendance of absent members in the manner and with penalties as each house may prescribe.

Sec. 15. There shall be a bi-partisan legislative council consisting of legislators appointed in the manner prescribed by law. The legislature shall appropriate funds for the council's operations and provide for its staff which shall maintain bill drafting, research and other services for the members of the legislature. The council shall periodically examine and recommend to the legislature revision of the various laws of the state.

Sec. 16. Each house, except as otherwise provided in this constitution, shall choose its own officers and determine the rules of its proceedings, but shall not adopt any rule that will prevent a majority of the members elected thereto and serving therein from discharging a committee from the further consideration of any measure. Each house shall be the sole judge of the qualifications, elections and returns of its members, and may, with the concurrence of two-thirds of all the members elected thereto and serving therein, expel a member. The reasons for such expulsion shall be entered in the journal, with the votes and names of the members voting upon the question. No member shall be expelled a second time for the same cause.

Sec. 17. Each house of the legislature may establish the committees necessary for the efficient conduct of its business and the legislature may create joint committees. On all actions on bills and resolutions in each committee, names and votes of members shall be recorded. Such vote shall be available for public inspection. Notice of all committee hearings and a clear statement of all subjects to be considered at each hearing shall be published in the journal in advance of the hearing.

Sec. 18. Each house shall keep a journal of its proceedings, and publish the same unless the public security otherwise requires. The record of the vote and name of the members of either house voting on any question shall be entered in the journal at the request of one-fifth of the members present. Any member of either house may dissent from and protest against any act, proceeding or resolution which he deems injurious to any person or the public, and have the reason for his dissent entered in the journal.

Sec. 19. All elections in either house or in joint convention and all votes on appointments submitted to the senate for advice and consent shall be published by vote and name in the journal.

Sec. 20. The doors of each house shall be open unless the public security otherwise requires.

Sec. 21. Neither house shall, without the consent of the other, adjourn for more than two intervening calendar days, nor to any place other than where the legislature may then be in session.

Sec. 22. All legislation shall be by bill and may originate in either house.

Sec. 23. The style of the laws shall be: The People of the State of Michigan enact.

Sec. 24. No law shall embrace more than one object, which shall be expressed in its title. No bill shall be altered or amended on its passage through either house so as to change its original purpose as determined by its total content and not alone by its title.

Sec. 25. No law shall be revised, altered or amended by reference to its title only. The section or sections of the act altered or amended shall be re-enacted and published at length.

Sec. 26. No bill shall be passed or become a law at any regular session of the legislature until it has been printed or reproduced and in the possession of each house for

at least five days. Every bill shall be read three times in each house before the final passage thereof. No bill shall become a law without the concurrence of a majority of the members elected to and serving in each house. On the final passage of bills, the votes and names of the members voting thereon shall be entered in the journal.

Sec. 27. No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.

Sec. 28. When the legislature is convened on extraordinary occasions in special session no bill shall be passed on any subjects other than those expressly stated in the governor's proclamation or submitted by special message.

Sec. 29. The legislature shall pass no local or special act in any case where a general act can be made applicable, and whether a general act can be made applicable shall be a judicial question. No local or special act shall take effect until approved by two-thirds of the members elected to and serving in each house and by a majority of the electors voting thereon in the district affected. Any act repealing local or special acts shall require only a majority of the members elected to and serving in each house and shall not require submission to the electors of such district.

Sec. 30. The assent of two-thirds of the members elected to and serving in each house of the legislature shall be required for the appropriation of public money or property for local or private purposes.

Sec. 31. The general appropriation bills for the succeeding fiscal period covering items set forth in the budget shall be passed or rejected in either house of the legislature before that house passes any appropriation bill for items not in the budget except bills supplementing appropriations for the current fiscal year's operation. Any bill requiring an appropriation to carry out its purpose shall be considered an appropriation bill. One of the general appropriation bills as passed by the legislature shall contain an itemized statement of estimated revenue by major source in each operating fund for the ensuing fiscal period, the total of which shall not be less than the total of all appropriations made from each fund in the general appropriation bills as passed.

Sec. 32. Every law which imposes, continues or revives a tax shall distinctly state the tax.

Sec. 33. Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law. If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves, and the legislature continues the session at which the bill was passed, he shall return it within such 14-day period with his objections, to the house in which it originated. That house shall enter such objections in full in its journal and reconsider the bill. If two-thirds of the members elected to and serving in that house pass the bill notwithstanding the objections of the governor, it shall be sent with the objections to the other house for reconsideration. The bill shall become law if passed by two-thirds of the members elected to and serving in that house. The vote of each house shall be entered in the journal with the votes and names of the members voting thereon. If any bill is not returned by the governor within such 14-day period, the legislature continuing in session, it shall become law as if he had signed it.

Sec. 34. Any bill passed by the legislature and approved by the governor, except a bill appropriating money, may provide that it will not become law unless approved by a majority of the electors voting thereon.

Sec. 35. All laws enacted at any session of the legislature shall be published in book form within 60 days after final adjournment of the session, and shall be distributed in the manner provided by law. The prompt publication of judicial decisions shall be provided by law. All laws and judicial decisions shall be free for publication by any person.

Sec. 36. No general revision of the laws shall be made. The legislature may provide for a compilation of the laws in force, arranged without alteration, under appropriate heads and titles.

Sec. 37. The legislature may by concurrent resolution empower a joint committee of the legislature, acting between sessions, to suspend any rule or regulation promulgated by an administrative agency subsequent to the adjournment of the last preceding regular legislative session. Such suspension shall continue no longer than the end of the next regular legislative session.

Sec. 38. The legislature may provide by law the cases in which any office shall be vacant and the manner of filling vacancies where no provision is made in this constitution.

Sec. 39. In order to insure continuity of state and local governmental operations in periods of emergency only, resulting from disasters occurring in this state caused by enemy attack on the United States, the legislature may provide by law for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices; and enact other laws necessary and proper for insuring the continuity of governmental operations. Notwithstanding the power conferred by this section, elections shall always be called as soon as possible to fill any vacancies in elective offices temporarily occupied by operation of any legislation enacted pursuant to the provisions of this section.

Sec. 40. The legislature may by law establish a liquor control commission which, subject to statutory limitations, shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof. The legislature may provide for an excise tax on such sales. Neither the legislature nor the commission may authorize the manufacture or sale of alcoholic beverages in any county in which a majority of the electors voting thereon shall prohibit the same.

Sec. 41. The legislature shall not authorize any lottery nor permit the sale of lottery tickets.

Sec. 42. The legislature may provide for the incorporation of ports and port districts, and confer power and authority upon them to engage in work of internal improvements in connection therewith.

Sec. 43. No general law providing for the incorporation of trust companies or corporations for banking purposes, or regulating the business thereof, shall be enacted, amended or repealed except by a vote of two-thirds of the members elected to and serving in each house.

Sec. 44. The legislature may authorize a trial by a jury of less than 12 jurors in civil cases.

Sec. 45. The legislature may provide for indeterminate sentences as punishment for crime and for the detention and release of persons imprisoned or detained under such sentences.

Sec. 46. No law shall be enacted providing for the penalty of death.

Sec. 47. The legislature may authorize the employment of chaplains in state institutions of detention or confinement.

Sec. 48. The legislature may enact laws providing for the resolution of disputes concerning public employees, except those in the state classified civil service.

Sec. 49. The legislature may enact laws relative to the hours and conditions of employment.

Sec. 50. The legislature may provide safety measures and regulate the use of atomic energy and forms of energy developed in the future, having in view the general welfare of the people of this state.

Sec. 51. The public health and general welfare of the people of the state are hereby declared to be matters of primary public concern. The legislature shall pass suitable laws for the protection and promotion of the public health.

Sec. 52. The conservation and development of the natural resources of the state are hereby declared to be of paramount public concern in the interest of the health, safety and general welfare of the people. The legislature shall provide for the protection of the air, water and other natural resources of the state from pollution, impairment and destruction.

Sec. 53. The legislature by a majority vote of the members elected to and serving in each house, shall appoint an auditor general, who shall be a certified public accountant licensed to practice in this state, to serve for a term of eight years. He shall be ineligible for appointment or election to any other public office in this state from which compensation is derived while serving as auditor general and for two years following the termination of his service. He may be removed for cause at any time by a two-thirds vote of the members elected to and serving in each house. The auditor general shall conduct post audits of financial transactions and accounts of the state and of all branches, departments, offices, boards, commissions, agencies, authorities and institutions of the state established by this constitution or by law, and performance post audits thereof.

The auditor general upon direction by the legislature may employ independent accounting firms or legal counsel and may make investigations pertinent to the conduct of audits. He shall report annually to the legislature and to the governor and at such other times as he deems necessary or as required by the legislature. He shall be assigned no duties other than those specified in this section.

Nothing in this section shall be construed in any way to infringe the responsibility and constitutional authority of the governing boards of the institutions of higher education to be solely responsible for the control and direction of all expenditures from the institutions' funds.

The auditor general, his deputy and one other member of his staff shall be exempt from classified civil service. All other members of his staff shall have classified civil service status.

ARTICLE V

Executive Branch

Sec. 1. The executive power is vested in the governor.

Sec. 2. All executive and administrative offices, agencies and instrumentalities of the executive branch of state government and their respective functions, powers and

duties, except for the office of governor and lieutenant governor and the governing bodies of institutions of higher education provided for in this constitution, shall be allocated by law among and within not more than 20 principal departments. They shall be grouped as far as practicable according to major purposes.

Subsequent to the initial allocation, the governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these changes require the force of law, they shall be set forth in executive orders and submitted to the legislature. Thereafter the legislature shall have 60 calendar days of a regular session, or a full regular session if of shorter duration, to disapprove each executive order. Unless disapproved in both houses by a resolution concurred in by a majority of the members elected to and serving in each house, each order shall become effective at a date thereafter to be designated by the governor.

Sec. 3. The head of each principal department shall be a single executive unless otherwise provided in this constitution or by law. The single executives heading principal departments shall include a secretary of state, a state treasurer and an attorney general. When a single executive is the head of a principal department, unless elected or appointed as otherwise provided in this constitution, he shall be appointed by the governor by and with the advice and consent of the senate and he shall serve at the pleasure of the governor.

When a board or commission is at the head of a principal department, unless elected or appointed as otherwise provided in this constitution, the members thereof shall be appointed by the governor by and with the advice and consent of the senate. The term of office and procedure for removal of such members shall be as prescribed in this constitution or by law.

Terms of office of any board or commission created or enlarged after the effective date of this constitution shall not exceed four years except as otherwise authorized in this constitution. The terms of office of existing boards and commissions which are longer than four years shall not be further extended except as provided in this constitution.

Sec. 4. Temporary commissions or agencies for special purposes with a life of no more than two years may be established by law and need not be allocated within a principal department.

Sec. 5. A majority of the members of an appointed examining or licensing board of a profession shall be members of that profession.

Sec. 6. Appointment by and with the advice and consent of the senate when used in this constitution or laws in effect or hereafter enacted means appointment subject to disapproval by a majority vote of the members elected to and serving in the senate if such action is taken within 60 session days after the date of such appointment. Any appointment not disapproved within such period shall stand confirmed.

Sec. 7. Vacancies in any office, appointment to which requires advice and consent of the senate, shall be filled by the governor by and with the advice and consent of the senate. A person whose appointment has been disapproved by the senate shall not be eligible for an interim appointment to the same office.

Sec. 8. Each principal department shall be under the supervision of the governor unless otherwise provided by this constitution. The governor shall take care that the laws be faithfully executed. He shall transact all necessary business with the officers of

government and may require information in writing from all executive and administrative state officers, elective and appointive, upon any subject relating to the duties of their respective offices.

The governor may initiate court proceedings in the name of the state to enforce compliance with any constitutional or legislative mandate, or to restrain violations of any constitutional or legislative power, duty or right by any officer, department or agency of the state or any of its political subdivisions. This authority shall not be construed to authorize court proceedings against the legislature.

Sec. 9. Single executives heading principal departments and the chief executive officers of principal departments headed by boards or commissions shall keep their offices at the seat of government except as otherwise provided by law, superintend them in person and perform duties prescribed by law.

Sec. 10. The governor shall have power and it shall be his duty to inquire into the condition and administration of any public office and the acts of any public officer, elective or appointive. He may remove or suspend from office for gross neglect of duty or for corrupt conduct in office, or for any other misfeasance or malfeasance therein, any elective or appointive state officer, except legislative or judicial, and shall report the reasons for such removal or suspension to the legislature.

Sec. 11. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an appointed or elected officer, other than a legislative or judicial officer, until he is reinstated or until the vacancy is filled in the manner prescribed by law or this constitution.

Sec. 12. The governor shall be commander-in-chief of the armed forces and may call them out to execute the laws, suppress insurrection and repel invasion.

Sec. 13. The governor shall issue writs of election to fill vacancies in the senate or house of representatives. Any such election shall be held in a manner prescribed by law.

Sec. 14. The governor shall have power to grant reprieves, commutations and pardons after convictions for all offenses, except cases of impeachment, upon such conditions and limitations as he may direct, subject to procedures and regulations prescribed by law. He shall inform the legislature annually of each reprieve, commutation and pardon granted, stating reasons therefor.

Sec. 15. The governor may convene the legislature on extraordinary occasions.

Sec. 16. The governor may convene the legislature at some other place when the seat of government becomes dangerous from any cause.

Sec. 17. The governor shall communicate by message to the legislature at the beginning of each session and may at other times present to the legislature information as to the affairs of the state and recommend measures he considers necessary or desirable.

Sec. 18. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state. Proposed expenditures from any fund shall not exceed the estimated revenue thereof. On the same date, the governor shall submit to the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills to provide new or additional revenues to meet proposed expenditures. The amount of any surplus created or deficit incurred in any fund during the last preceding fiscal period shall be entered as an item in the budget and in one of the appropriation bills. The governor may submit amendments to appropriation bills to be offered in either house during consideration of the bill by that house, and shall submit bills to meet deficiencies in current appropriations.

Sec. 19. The governor may disapprove any distinct item or items appropriating moneys in any appropriation bill. The part or parts approved shall become law, and the item or items disapproved shall be void unless re-passed according to the method prescribed for the passage of other bills over the executive veto.

Sec. 20. No appropriation shall be a mandate to spend. The governor, with the approval of the appropriating committees of the house and senate, shall reduce expenditures authorized by appropriations whenever it appears that actual revenues for a fiscal period will fall below the revenue estimates on which appropriations for that period were based. Reductions in expenditures shall be made in accordance with procedures prescribed by law. The governor may not reduce expenditures of the legislative and judicial branches or from funds constitutionally dedicated for specific purposes.

Sec. 21. The governor, lieutenant governor, secretary of state and attorney general shall be elected for four-year terms at the general election in each alternate even-numbered year.

The lieutenant governor, secretary of state and attorney general shall be nominated by party conventions in a manner prescribed by law. In the general election one vote shall be cast jointly for the candidates for governor and lieutenant governor nominated by the same party.

Vacancies in the office of the secretary of state and attorney general shall be filled by appointment by the governor.

Sec. 22. To be eligible for the office of governor or lieutenant governor a person must have attained the age of 30 years, and have been a registered elector in this state for four years next preceding his election.

Sec. 23. The governor, lieutenant governor, secretary of state and attorney general shall each receive the compensation provided by law in full payment for all services performed and expenses incurred during his term of office. Such compensation shall not be changed during the term of office except as otherwise provided in this constitution.

Sec. 24. An executive residence suitably furnished shall be provided at the seat of government for the use of the governor. He shall receive an allowance for its maintenance as provided by law.

Sec. 25. The lieutenant governor shall be president of the senate, but shall have no vote, unless they be equally divided. He may perform duties requested of him by the governor, but no power vested in the governor shall be delegated.

Sec. 26. In case of the conviction of the governor on impeachment, his removal from office, his resignation or his death, the lieutenant governor, the elected secretary of state, the elected attorney general and such other persons designated by law shall in that order be governor for the remainder of the governor's term.

In case of the death of the governor-elect, the lieutenant governor-elect, the secretary of state-elect, the attorney general-elect and such other persons designated by law shall become governor in that order at the commencement of the governor-elect's term.

If the governor or the person in line of succession to serve as governor is absent from the state, or suffering under an inability, the powers and duties of the office of governor shall devolve in order of precedence until the absence or inability giving rise to the devolution of powers ceases.

The inability of the governor or person acting as governor shall be determined by a majority of the supreme court on joint request of the president pro tempore of the senate and the speaker of the house of representatives. Such determination shall be final

and conclusive. The supreme court shall upon its own initiative determine if and when the inability ceases.

Sec. 27. The legislature shall provide that the salary of any state officer while acting as governor shall be equal to that of the governor.

Sec. 28. There is hereby established a state highway commission, which shall administer the state highway department and have jurisdiction and control over all state trunkline highways and appurtenant facilities, and such other public works of the state, as provided by law.

The state highway commission shall consist of four members, not more than two of whom shall be members of the same political party. They shall be appointed by the governor by and with the advice and consent of the senate for four-year terms, no two of which shall expire in the same year, as provided by law.

The state highway commission shall appoint and may remove a state highway director, who shall be a competent highway engineer and administrator. He shall be the principal executive officer of the state highway department and shall be responsible for executing the policy of the state highway commission.

Sec. 29. There is hereby established a civil rights commission which shall consist of eight persons, not more than four of whom shall be members of the same political party, who shall be appointed by the governor, by and with the advice and consent of the senate, for four-year terms not more than two of which shall expire in the same year. It shall be the duty of the commission in a manner which may be prescribed by law to investigate alleged discrimination against any person because of religion, race, color or national origin in the enjoyment of the civil rights guaranteed by law and by this constitution, and to secure the equal protection of such civil rights without such discrimination. The legislature shall provide an annual appropriation for the effective operation of the commission.

The commission shall have power, in accordance with the provisions of this constitution and of general laws governing administrative agencies, to promulgate rules and regulations for its own procedures, to hold hearings, administer oaths, through court authorization to require the attendance of witnesses and the submission of records, to take testimony, and to issue appropriate orders. The commission shall have other powers provided by law to carry out its purposes. Nothing contained in this section shall be construed to diminish the right of any party to direct and immediate legal or equitable remedies in the courts of this state.

Appeals from final orders of the commission, including cease and desist orders and refusals to issue complaints, shall be tried de novo before the circuit court having jurisdiction provided by law.

ARTICLE VI

Judicial Branch

Sec. 1. The judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court, one probate court, and courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.

Sec. 2. The supreme court shall consist of seven justices elected at non-partisan elections as provided by law. The term of office shall be eight years and not more than

two terms of office shall expire at the same time. Nominations for justices of the supreme court shall be in the manner prescribed by law. Any incumbent justice whose term is to expire may become a candidate for re-election by filing an affidavit of candidacy, in the form and manner prescribed by law, not less than 180 days prior to the expiration of his term.

Sec. 3. One justice of the supreme court shall be selected by the court as its chief justice as provided by rules of the court. He shall perform duties required by the court. The supreme court shall appoint an administrator of the courts and other assistants of the supreme court as may be necessary to aid in the administration of the courts of this state. The administrator shall perform administrative duties assigned by the court.

Sec. 4. The supreme court shall have general superintending control over all courts; power to issue, hear and determine prerogative and remedial writs; and appellate jurisdiction as provided by rules of the supreme court. The supreme court shall not have the power to remove a judge.

Sec. 5. The supreme court shall by general rules establish, modify, amend and simplify the practice and procedure in all courts of this state. The distinctions between law and equity proceedings shall, as far as practicable, be abolished. The office of master in chancery is prohibited.

Sec. 6. Decisions of the supreme court, including all decisions on prerogative writs, shall be in writing and shall contain a concise statement of the facts and reasons for each decision and reasons for each denial of leave to appeal. When a judge dissents in whole or in part he shall give in writing the reasons for his dissent.

Sec. 7. The supreme court may appoint, may remove, and shall have general supervision of its staff. It shall have control of the preparation of its budget recommendations and the expenditure of moneys appropriated for any purpose pertaining to the operation of the court or the performance of activities of its staff except that the salaries of the justices shall be established by law. All fees and perquisites collected by the court staff shall be turned over to the state treasury and credited to the general fund.

Sec. 8. The court of appeals shall consist initially of nine judges who shall be nominated and elected at non-partisan elections from districts drawn on county lines and as nearly as possible of equal population, as provided by law. The supreme court may prescribe by rule that the court of appeals sit in divisions and for the terms of court and the times and places thereof. Each such division shall consist of not fewer than three judges. The number of judges comprising the court of appeals may be increased, and the districts from which they are elected may be changed by law.

Sec. 9. Judges of the court of appeals shall hold office for a term of six years and until their successors are elected and qualified. The terms of office for the judges in each district shall be arranged by law to provide that not all terms will expire at the same time.

Sec. 10. The jurisdiction of the court of appeals shall be provided by law and the practice and procedure therein shall be prescribed by rules of the supreme court.

Sec. 11. The state shall be divided into judicial circuits along county lines in each of which there shall be elected one or more circuit judges as provided by law. Sessions of the circuit court shall be held at least four times in each year in every county organized for judicial purposes. Each circuit judge shall hold court in the county or

counties within the circuit in which he is elected, and in other circuits as may be provided by rules of the supreme court. The number of judges may be changed and circuits may be created, altered and discontinued by law and the number of judges shall be changed and circuits shall be created, altered and discontinued on recommendation of the supreme court to reflect changes in judicial activity. No change in the number of judges or alteration or discontinuance of a circuit shall have the effect of removing a judge from office during his term.

Sec. 12. Circuit judges shall be nominated and elected at non-partisan elections in the circuit in which they reside, and shall hold office for a term of six years and until their successors are elected and qualified. In circuits having more than one circuit judge their terms of office shall be arranged by law to provide that not all terms will expire at the same time.

Sec. 13. The circuit court shall have original jurisdiction in all matters not prohibited by law; appellate jurisdiction from all inferior courts and tribunals except as otherwise provided by law; power to issue, hear and determine prerogative and remedial writs; supervisory and general control over inferior courts and tribunals within their respective jurisdictions in accordance with rules of the supreme court; and jurisdiction of other cases and matters as provided by rules of the supreme court.

Sec. 14. The clerk of each county organized for judicial purposes or other officer performing the duties of such office as provided in a county charter shall be clerk of the circuit court for such county. The judges of the circuit court may fill a vacancy in an elective office of county clerk or prosecuting attorney within their respective jurisdictions.

Sec. 15. In each county organized for judicial purposes there shall be a probate court. The legislature may create or alter probate court districts of more than one county if approved in each affected county by a majority of the electors voting on the question. The legislature may provide for the combination of the office of probate judge with any judicial office of limited jurisdiction within a county with supplemental salary as provided by law. The jurisdiction, powers and duties of the probate court and of the judges thereof shall be provided by law. They shall have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

Sec. 16. One or more judges of probate as provided by law shall be nominated and elected at non-partisan elections in the counties or the probate districts in which they reside and shall hold office for terms of six years and until their successors are elected and qualified. In counties or districts with more than one judge the terms of office shall be arranged by law to provide that not all terms will expire at the same time.

Sec. 17. No judge or justice of any court of this state shall be paid from the fees of his office nor shall the amount of his salary be measured by fees, other moneys received or the amount of judicial activity of his office.

Sec. 18. Salaries of justices of the supreme court, of the judges of the court of appeals, of the circuit judges within a circuit, and of the probate judges within a county or district, shall be uniform, and may be increased but shall not be decreased during a term of office except and only to the extent of a general salary reduction in all other branches of government.

Each of the judges of the circuit court shall receive an annual salary as provided by law. In addition to the salary received from the state, each circuit judge may receive from any county in which he regularly holds court an additional salary as determined

from time to time by the board of supervisors of the county. In any county where an additional salary is granted, it shall be paid at the same rate to all circuit judges regularly holding court therein.

Sec. 19. The supreme court, the court of appeals, the circuit court, the probate court and other courts designated as such by the legislature shall be courts of record and each shall have a common seal. Justices and judges of courts of record must be persons who are licensed to practice law in this state. No person shall be elected or appointed to a judicial office after reaching the age of 70 years.

Sec. 20. Whenever a justice or judge removes his domicile beyond the limits of the territory from which he was elected, he shall have vacated his office.

Sec. 21. Any justice or judge of a court of record shall be ineligible to be nominated for or elected to an elective office other than a judicial office during the period of his service and for one year thereafter.

Sec. 22. Any elected judge of the court of appeals, circuit court or probate court may become a candidate in the primary election for the office of which he is the incumbent by filing an affidavit of candidacy in the form and manner prescribed by law.

Sec. 23. A vacancy in the elective office of a judge of any court of record shall be filled at a general or special election as provided by law. The supreme court may authorize persons who have served as judges and who have retired, to perform judicial duties for the limited period of time from the occurrence of the vacancy until the successor is elected and qualified. Such persons shall be ineligible for election to fill the vacancy.

Sec. 24. There shall be printed upon the ballot under the name of each elected incumbent justice or judge who is a candidate for nomination or election to the same office the designation of that office.

Sec. 25. For reasonable cause, which is not sufficient ground for impeachment, the governor shall remove any judge on a concurrent resolution of two-thirds of the members elected to and serving in each house of the legislature. The cause for removal shall be stated at length in the resolution.

Sec. 26. The offices of circuit court commissioner and justice of the peace are abolished at the expiration of five years from the date this constitution becomes effective or may within this period be abolished by law. Their jurisdiction, compensation and powers within this period shall be as provided by law. Within this five-year period, the legislature shall establish a court or courts of limited jurisdiction with powers and jurisdiction defined by law. The location of such court or courts, and the qualifications, tenure, method of election and salary of the judges of such court or courts, and by what governmental units the judges shall be paid, shall be provided by law, subject to the limitations contained in this article.

Statutory courts in existence at the time this constitution becomes effective shall retain their powers and jurisdiction, except as provided by law, until they are abolished by law.

Sec. 27. The supreme court, the court of appeals, the circuit court, or any justices or judges thereof, shall not exercise any power of appointment to public office except as provided in this constitution.

Sec. 28. All final decisions, findings, rulings and orders of any administrative officer or agency existing under the constitution or by law, which are judicial or quasi-judicial and affect private rights or licenses, shall be subject to direct review by the courts as

provided by law. This review shall include, as a minimum, the determination whether such final decisions, findings, rulings and orders are authorized by law; and, in cases in which a hearing is required, whether the same are supported by competent, material and substantial evidence on the whole record. Findings of fact in workmen's compensation proceedings shall be conclusive in the absence of fraud unless otherwise provided by law.

In the absence of fraud, error of law or the adoption of wrong principles, no appeal may be taken to any court from any final agency provided for the administration of property tax laws from any decision relating to valuation or allocation.

Sec. 29. Justices of the supreme court, judges of the court of appeals, circuit judges and other judges as provided by law shall be conservators of the peace within their respective jurisdictions.

ARTICLE VII

Local Government

Sec. 1. Each organized county shall be a body corporate with powers and immunities provided by law.

Sec. 2. Any county may frame, adopt, amend or repeal a county charter in a manner and with powers and limitations to be provided by general law, which shall among other things provide for the election of a charter commission. The law may permit the organization of county government in form different from that set forth in this constitution and shall limit the rate of ad valorem property taxation for county purposes, and restrict the powers of charter counties to borrow money and contract debts. Each charter county is hereby granted power to levy other taxes for county purposes subject to limitations and prohibitions set forth in this constitution or law. Subject to law, a county charter may authorize the county through its regularly constituted authority to adopt resolutions and ordinances relating to its concerns.

The board of supervisors by a majority vote of its members may, and upon petition of five percent of the electors shall, place upon the ballot the question of electing a commission to frame a charter.

No county charter shall be adopted, amended or repealed until approved by a majority of electors voting on the question.

Sec. 3. No organized county shall be reduced by the organization of new counties to less than 16 townships as surveyed by the United States, unless approved in the manner prescribed by law by a majority of electors voting thereon in each county to be affected.

Sec. 4. There shall be elected for four-year terms in each organized county a sheriff, a county clerk, a county treasurer, a register of deeds and a prosecuting attorney, whose duties and powers shall be provided by law. The board of supervisors in any county may combine the offices of county clerk and register of deeds in one office or separate the same at pleasure.

Sec. 5. The sheriff, county clerk, county treasurer and register of deeds shall hold their principal offices at the county seat.

Sec. 6. The sheriff may be required by law to renew his security periodically and in default of giving such security, his office shall be vacant. The county shall never be responsible for his acts, except that the board of supervisors may protect him against

claims by prisoners for unintentional injuries received while in his custody. He shall not hold any other office except in civil defense.

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

Sec. 8. Boards of supervisors shall have legislative, administrative and such other powers and duties as provided by law.

Sec. 9. Boards of supervisors shall have exclusive power to fix the compensation of county officers not otherwise provided by law.

Sec. 10. A county seat once established shall not be removed until the place to which it is proposed to be moved shall be designated by two-thirds of the members of the board of supervisors and a majority of the electors voting thereon shall have approved the proposed location in the manner prescribed by law.

Sec. 11. No county shall incur any indebtedness which shall increase its total debt beyond 10 percent of its assessed valuation.

Sec. 12. A navigable stream shall not be bridged or dammed without permission granted by the board of supervisors of the county as provided by law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and political subdivisions therein.

Sec. 13. Two or more contiguous counties may combine into a single county if approved in each affected county by a majority of the electors voting on the question.

Sec. 14. The board of supervisors of each organized county may organize and consolidate townships under restrictions and limitations provided by law.

Sec. 15. Any county, when authorized by its board of supervisors shall have the authority to enter or to intervene in any action or certificate proceeding involving the services, charges or rates of any privately owned public utility furnishing services or commodities to rate payers within the county.

Sec. 16. The legislature may provide for the laying out, construction, improvement and maintenance of highways, bridges, culverts and airports by the state and by the counties and townships thereof; and may authorize counties to take charge and control of any highway within their limits for such purposes. The legislature may provide the powers and duties of counties in relation to highways, bridges, culverts and airports; may provide for county road commissioners to be appointed or elected, with powers and duties provided by law. The ad valorem property tax imposed for road purposes by any county shall not exceed in any year one-half of one percent of the assessed valuation for the preceding year.

Sec. 17. Each organized township shall be a body corporate with powers and immunities provided by law.

Sec. 18. In each organized township there shall be elected for terms of not less than two nor more than four years as prescribed by law a supervisor, a clerk, a treasurer, and not to exceed four trustees, whose legislative and administrative powers and duties shall be provided by law.

Sec. 19. No organized township shall grant any public utility franchise which is not subject to revocation at the will of the township, unless the proposition shall first have been approved by a majority of the electors of such township voting thereon at a regular or special election.

Sec. 20. The legislature shall provide by law for the dissolution of township government whenever all the territory of an organized township is included within the boundaries of a village or villages notwithstanding that a village may include territory within another organized township and provide by law for the classification of such village or villages as cities.

Sec. 21. The legislature shall provide by general laws for the incorporation of cities and villages. Such laws shall limit their rate of ad valorem property taxation for municipal purposes, and restrict the powers of cities and villages to borrow money and contract debts. Each city and village is granted power to levy other taxes for public purposes, subject to limitations and prohibitions provided by this constitution or by law.

Sec. 22. Under general laws the electors of each city and village shall have the power and authority to frame, adopt and amend its charter, and to amend an existing charter of the city or village heretofore granted or enacted by the legislature for the government of the city or village. Each such city and village shall have power to adopt resolutions and ordinances relating to its municipal concerns, property and government, subject to the constitution and law. No enumeration of powers granted to cities and villages in this constitution shall limit or restrict the general grant of authority conferred by this section.

Sec. 23. Any city or village may acquire, own, establish and maintain, within or without its corporate limits, parks, boulevards, cemeteries, hospitals and all works which involve the public health or safety.

Sec. 24. Subject to this constitution, any city or village may acquire, own or operate, within or without its corporate limits, public service facilities for supplying water, light, heat, power, sewage disposal and transportation to the municipality and the inhabitants thereof.

Any city or village may sell and deliver heat, power or light without its corporate limits in an amount not exceeding 25 percent of that furnished by it within the corporate limits, except as greater amounts may be permitted by law; may sell and deliver water and provide sewage disposal services outside of its corporate limits in such amount as may be determined by the legislative body of the city or village; and may operate transportation lines outside the municipality within such limits as may be prescribed by law.

Sec. 25. No city or village shall acquire any public utility furnishing light, heat or power, or grant any public utility franchise which is not subject to revocation at the will of the city or village, unless the proposition shall first have been approved by three-fifths of the electors voting thereon. No city or village may sell any public utility unless the proposition shall first have been approved by a majority of the electors voting thereon, or a greater number if the charter shall so provide.

Sec. 26. Except as otherwise provided in this constitution, no city or village shall have the power to loan its credit for any private purpose or, except as provided by law, for any public purpose.

Sec. 27. Notwithstanding any other provision of this constitution the legislature may establish in metropolitan areas additional forms of government or authorities with powers, duties and jurisdictions as the legislature shall provide. Wherever possible, such additional forms of government or authorities shall be designed to perform multi-purpose functions rather than a single function.

Sec. 28. The legislature by general law shall authorize two or more counties, townships, cities, villages or districts, or any combination thereof among other things to:

enter into contractual undertakings or agreements with one another or with the state or with any combination thereof for the joint administration of any of the functions or powers which each would have the power to perform separately; share the costs and responsibilities of functions and services with one another or with the state or with any combination thereof which each would have the power to perform separately; transfer functions or responsibilities to one another or any combination thereof upon the consent of each unit involved; cooperate with one another and with state government; lend their credit to one another or any combination thereof as provided by law in connection with any authorized publicly owned undertaking.

Any other provision of this constitution notwithstanding, an officer or employee of the state or any such unit of government or subdivision or agency thereof, except members of the legislature, may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service.

Sec. 29. No person, partnership, association or corporation, public or private, operating a public utility shall have the right to the use of the highways, streets, alleys or other public places of any county, township, city or village for wires, poles, pipes, tracks, conduits or other utility facilities, without the consent of the duly constituted authority of the county, township, city or village; or to transact local business therein without first obtaining a franchise from the township, city or village. Except as otherwise provided in this constitution the right of all counties, townships, cities and villages to the reasonable control of their highways, streets, alleys and public places is hereby reserved to such local units of government.

Sec. 30. No franchise or license shall be granted by any township, city or village for a period longer than 30 years.

Sec. 31. The legislature shall not vacate or alter any road, street, alley or public place under the jurisdiction of any county, township, city or village.

Sec. 32. Any county, township, city, village, authority or school district empowered by the legislature or by this constitution to prepare budgets of estimated expenditures and revenues shall adopt such budgets only after a public hearing in a manner prescribed by law.

Sec. 33. Any elected officer of a political subdivision may be removed from office in the manner and for the causes provided by law.

Sec. 34. The provisions of this constitution and law concerning counties, townships, cities and villages shall be liberally construed in their favor. Powers granted to counties and townships by this constitution and by law shall include those fairly implied and not prohibited by this constitution.

ARTICLE VIII

Education

Sec. 1. Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

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

Sec. 3. Leadership and general supervision over all public education, including adult education and instructional programs in state institutions, except as to institutions of higher education granting baccalaureate degrees, is vested in a state board of education. It shall serve as the general planning and coordinating body for all public education, including higher education, and shall advise the legislature as to the financial requirements in connection therewith.

The state board of education shall appoint a superintendent of public instruction whose term of office shall be determined by the board. He shall be the chairman of the board without the right to vote, and shall be responsible for the execution of its policies. He shall be the principal executive officer of a state department of education which shall have powers and duties provided by law.

The state board of education shall consist of eight members who shall be nominated by party conventions and elected at large for terms of eight years as prescribed by law. The governor shall fill any vacancy by appointment for the unexpired term. The governor shall be ex-officio a member of the state board of education without the right to vote.

The power of the boards of institutions of higher education provided in this constitution to supervise their respective institutions and control and direct the expenditure of the institutions' funds shall not be limited by this section.

Sec. 4. The legislature shall appropriate moneys to maintain the University of Michigan, Michigan State University, Wayne State University, Eastern Michigan University, Michigan College of Science and Technology, Central Michigan University, Northern Michigan University, Western Michigan University, Ferris Institute, Grand Valley State College, by whatever names such institutions may hereafter be known, and other institutions of higher education established by law. The legislature shall be given an annual accounting of all income and expenditures by each of these educational institutions. Formal sessions of governing boards of such institutions shall be open to the public.

Sec. 5. The regents of the University of Michigan and their successors in office shall constitute a body corporate known as the Regents of the University of Michigan; the trustees of Michigan State University and their successors in office shall constitute a body corporate known as the Board of Trustees of Michigan State University; the governors of Wayne State University and their successors in office shall constitute a body corporate known as the Board of Governors of Wayne State University. Each board shall have general supervision of its institution and the control and direction of all expenditures from the institution's funds. Each board shall, as often as necessary, elect a president of the institution under its supervision. He shall be the principal executive officer of the institution, be ex-officio a member of the board without the right to vote and preside at meetings of the board. The board of each institution shall consist of eight members who shall hold office for terms of eight years and who shall be elected as provided by law. The governor shall fill board vacancies by appointment. Each appointee shall hold office until a successor has been nominated and elected as provided by law.

Sec. 6. Other institutions of higher education established by law having authority to grant baccalaureate degrees shall each be governed by a board of control which shall be a body corporate. The board shall have general supervision of the institution and the control and direction of all expenditures from the institution's funds. It shall, as often as necessary, elect a president of the institution under its supervision.

He shall be the principal executive officer of the institution and be ex-officio a member of the board without the right to vote. The board may elect one of its members or may designate the president, to preside at board meetings. Each board of control shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the governor by and with the advice and consent of the senate. Vacancies shall be filled in like manner.

Sec. 7. The legislature shall provide by law for the establishment and financial support of public community and junior colleges which shall be supervised and controlled by locally elected boards. The legislature shall provide by law for a state board for public community and junior colleges which shall advise the state board of education concerning general supervision and planning for such colleges and requests for annual appropriations for their support. The board shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the state board of education. Vacancies shall be filled in like manner. The superintendent of public instruction shall be ex-officio a member of this board without the right to vote.

Sec. 8. Institutions, programs and services for the care, treatment, education or rehabilitation of those inhabitants who are physically, mentally or otherwise seriously handicapped shall always be fostered and supported.

Sec. 9. The legislature shall provide by law for the establishment and support of public libraries which shall be available to all residents of the state under regulations adopted by the governing bodies thereof. All fines assessed and collected in the several counties, townships and cities for any breach of the penal laws shall be exclusively applied to the support of such public libraries, and county law libraries as provided by law.

ARTICLE IX

Finance and Taxation

Sec. 1. The legislature shall impose taxes sufficient with other resources to pay the expenses of state government.

Sec. 2. The power of taxation shall never be surrendered, suspended or contracted away.

Sec. 3. The legislature shall provide for the uniform general ad valorem taxation of real and tangible personal property not exempt by law. The legislature shall provide for the determination of true cash value of such property; the proportion of true cash value at which such property shall be uniformly assessed, which shall not, after January 1, 1966, exceed 50 percent; and for a system of equalization of assessments. The legislature may provide for alternative means of taxation of designated real and tangible personal property in lieu of general ad valorem taxation. Every tax other than the general ad valorem property tax shall be uniform upon the class or classes on which it operates.

Sec. 4. Property owned and occupied by non-profit religious or educational organizations and used exclusively for religious or educational purposes, as defined by law, shall be exempt from real and personal property taxes.

Sec. 5. The legislature shall provide for the assessment by the state of the property of those public service businesses assessed by the state at the date this constitution becomes effective, and of other property as designated by the legislature,

and for the imposition and collection of taxes thereon. Property assessed by the state shall be assessed at the same proportion of its true cash value as the legislature shall specify for property subject to general ad valorem taxation. The rate of taxation on such property shall be the average rate levied upon other property in this state under the general ad valorem tax law, or, if the legislature provides, the rate of tax applicable to the property of each business enterprise assessed by the state shall be the average rate of ad valorem taxation levied upon other property in all counties in which any of such property is situated.

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

The foregoing limitations shall not apply to taxes imposed for the payment of principal and interest on bonds or other evidences of indebtedness or for the payment of assessments or contract obligations in anticipation of which bonds are issued, which taxes may be imposed without limitation as to rate or amount; or to taxes imposed for any other purpose by any city, village, charter county, charter township, charter authority or other authority, the tax limitations of which are provided by charter or by general law.

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

Sec. 7. No income tax graduated as to rate or base shall be imposed by the state or any of its subdivisions.

Sec. 8. The legislature shall not impose a sales tax on retailers at a rate of more than four percent of their gross taxable sales of tangible personal property.

Sec. 9. All specific taxes, except general sales and use taxes and regulatory fees, imposed directly or indirectly on fuels sold or used to propel motor vehicles upon highways and on registered motor vehicles shall, after the payment of necessary collection expenses, be used exclusively for highway purposes as defined by law.

Sec. 10. One-eighth of all taxes imposed on retailers on taxable sales at retail of tangible personal property shall be used exclusively for assistance to townships, cities and villages, on a population basis as provided by law. In determining population the legislature may exclude any portion of the total number of persons who are wards, patients or convicts in any tax supported institution.

Sec. 11. There shall be established a state school aid fund which shall be used exclusively for aid to school districts, higher education and school employees' retirement systems, as provided by law. One-half of all taxes imposed on retailers on taxable sales at retail of tangible personal property, and other tax revenues provided by law, shall

be dedicated to this fund. Payments from this fund shall be made in full on a scheduled basis, as provided by law.

Sec. 12. No evidence of state indebtedness shall be issued except for debts authorized pursuant to this constitution.

Sec. 13. Public bodies corporate shall have power to borrow money and to issue their securities evidencing debt, subject to this constitution and law.

Sec. 14. To meet obligations incurred pursuant to appropriations for any fiscal year, the legislature may by law authorize the state to issue its full faith and credit notes in which case it shall pledge undedicated revenues to be received within the same fiscal year for the repayment thereof. Such indebtedness in any fiscal year shall not exceed 15 percent of undedicated revenues received by the state during the preceding fiscal year and such debts shall be repaid at the time the revenues so pledged are received, but not later than the end of the same fiscal year.

Sec. 15. The state may borrow money for specific purposes in amounts as may be provided by acts of the legislature adopted by a vote of two-thirds of the members elected to and serving in each house, and approved by a majority of the electors voting thereon at any general election. The question submitted to the electors shall state the amount to be borrowed, the specific purpose to which the funds shall be devoted, and the method of repayment.

Sec. 16. The state, in addition to any other borrowing power, may borrow from time to time such amounts as shall be required, pledge its faith and credit and issue its notes or bonds therefor, for the purpose of making loans to school districts as provided in this section.

If the minimum amount which would otherwise be necessary for a school district to levy in any year to pay principal and interest on its qualified bonds, including any necessary allowances for estimated tax delinquencies, exceeds 13 mills on each dollar of its assessed valuation as finally equalized, or such lower millage as the legislature may prescribe, then the school district may elect to borrow all or any part of the excess from the state. In that event the state shall lend the excess amount to the school district for the payment of principal and interest. If for any reason any school district will be or is unable to pay the principal and interest on its qualified bonds when due, then the school district shall borrow and the state shall lend to it an amount sufficient to enable the school district to make the payment.

The term "qualified bonds" means general obligation bonds of school districts issued for capital expenditures, including refunding bonds, issued prior to May 4, 1955, or issued thereafter and qualified as provided by law pursuant to Section 27 or Section 28 of Article X of the Constitution of 1908 or pursuant to this section.

After a school district has received loans from the state, each year thereafter it shall levy for debt service, exclusive of levies for nonqualified bonds, not less than 13 mills or such lower millage as the legislature may prescribe, until the amount loaned has been repaid, and any tax collections therefrom in any year over and above the minimum requirements for principal and interest on qualified bonds shall be used toward the repayment of state loans. In any year when such levy would produce an amount in excess of the requirements and the amount due to the state, the levy may be reduced by the amount of the excess.

Subject to the foregoing provisions, the legislature shall have the power to prescribe and to limit the procedure, terms and conditions for the qualification of bonds, for obtaining and making state loans, and for the repayment of loans.

The power to tax for the payment of principal and interest on bonds hereafter issued which are the general obligations of any school district, including refunding bonds, and for repayment of any state loans made to school districts, shall be without limitation as to rate or amount.

All rights acquired under Sections 27 and 28 of Article X of the Constitution of 1908, by holders of bonds heretofore issued, and all obligations assumed by the state or any school district under these sections, shall remain unimpaired.

Sec. 17. No money shall be paid out of the state treasury except in pursuance of appropriations made by law.

Sec. 18. The credit of the state shall not be granted to, nor in aid of any person, association or corporation, public or private, except as authorized in this constitution.

This section shall not be construed to prohibit the investment of public funds until needed for current requirements or the investment of funds accumulated to provide retirement or pension benefits for public officials and employees, as provided by law.

Sec. 19. The state shall not subscribe to, nor be interested in the stock of any company, association or corporation, except that funds accumulated to provide retirement or pension benefits for public officials and employees may be invested as provided by law; and endowment funds created for charitable or educational purposes may be invested as provided by law governing the investment of funds held in trust by trustees.

Sec. 20. No state money shall be deposited in banks other than those organized under the national or state banking laws. No state money shall be deposited in any bank in excess of 50 percent of the capital and surplus of such bank. Any bank receiving deposits of state money shall show the amount of state money so deposited as a separate item in all published statements.

Sec. 21. The legislature shall provide by law for the annual accounting for all public moneys, state and local, and may provide by law for interim accounting.

The legislature shall provide by law for the maintenance of uniform accounting systems by units of local government and the auditing of county accounts by competent state authority and other units of government as provided by law.

Sec. 22. Procedures for the examination and adjustment of claims against the state shall be prescribed by law.

Sec. 23. All financial records, accountings, audit reports and other reports of public moneys shall be public records and open to inspection. A statement of all revenues and expenditures of public moneys shall be published and distributed annually, as provided by law.

Sec. 24. The accrued financial benefits of each pension plan and retirement system of the state and its political subdivisions shall be a contractual obligation thereof which shall not be diminished or impaired thereby.

Financial benefits arising on account of service rendered in each fiscal year shall be funded during that year and such funding shall not be used for financing unfunded accrued liabilities.

ARTICLE X

Property

Sec. 1. The disabilities of coverture as to property are abolished. The real and personal estate of every woman acquired before marriage and all real and personal

property to which she may afterwards become entitled shall be and remain the estate and property of such woman, and shall not be liable for the debts, obligations or engagements of her husband, and may be dealt with and disposed of by her as if she were unmarried. Dower may be relinquished or conveyed as provided by law.

Sec. 2. Private property shall not be taken for public use without just compensation therefor being first made or secured in a manner prescribed by law. Compensation shall be determined in proceedings in a court of record.

Sec. 3. A homestead in the amount of not less than \$3,500 and personal property of every resident of this state in the amount of not less than \$750, as defined by law, shall be exempt from forced sale on execution or other process of any court. Such exemptions shall not extend to any lien thereon excluded from exemption by law.

Sec. 4. Procedures relating to escheats and to the custody and disposition of escheated property shall be prescribed by law.

Sec. 5. The legislature shall have general supervisory jurisdiction over all state owned lands useful for forest preserves, game areas and recreational purposes; shall require annual reports as to such lands from all departments having supervision or control thereof; and shall by general law provide for the sale, lease or other disposition of such lands.

The legislature by an act adopted by two-thirds of the members elected to and serving in each house may designate any part of such lands as a state land reserve. No lands in the state land reserve may be removed from the reserve, sold, leased or otherwise disposed of except by an act of the legislature.

Sec. 6. Aliens who are residents of this state shall enjoy the same rights and privileges in property as citizens of this state.

ARTICLE XI

Public Officers and Employment

Sec. 1. All officers, legislative, executive and judicial, before entering upon the duties of their respective offices, shall take and subscribe the following oath or affirmation: I do solemnly swear (or affirm) that I will support the Constitution of the United States and the constitution of this state, and that I will faithfully discharge the duties of the office of according to the best of my ability. No other oath, affirmation, or any religious test shall be required as a qualification for any office or public trust.

Sec. 2. The terms of office of elective state officers, members of the legislature and justices and judges of courts of record shall begin at twelve o'clock noon on the first day of January next succeeding their election, except as otherwise provided in this constitution. The terms of office of county officers shall begin on the first day of January next succeeding their election, except as otherwise provided by law.

Sec. 3. Neither the legislature nor any political subdivision of this state shall grant or authorize extra compensation to any public officer, agent or contractor after the service has been rendered or the contract entered into.

Sec. 4. No person having custody or control of public moneys shall be a member of the legislature, or be eligible to any office of trust or profit under this state, until he shall have made an accounting, as provided by law, of all sums for which he may be liable.

Sec. 5. The classified state civil service shall consist of all positions in the state service except those filled by popular election, heads of principal departments, members of boards and commissions, the principal executive officer of boards and commissions heading principal departments, employees of courts of record, employees of the legislature, employees of the state institutions of higher education, all persons in the armed forces of the state, eight exempt positions in the office of the governor, and within each principal department, when requested by the department head, two other exempt positions, one of which shall be policy-making. The civil service commission may exempt three additional positions of a policy-making nature within each principal department.

The civil service commission shall be non-salaried and shall consist of four persons, not more than two of whom shall be members of the same political party, appointed by the governor for terms of eight years, no two of which shall expire in the same year.

The administration of the commission's powers shall be vested in a state personnel director who shall be a member of the classified service and who shall be responsible to and selected by the commission after open competitive examination.

The commission shall classify all positions in the classified service according to their respective duties and responsibilities, fix rates of compensation for all classes of positions, approve or disapprove disbursements for all personal services, determine by competitive examination and performance exclusively on the basis of merit, efficiency and fitness the qualifications of all candidates for positions in the classified service, make rules and regulations covering all personnel transactions, and regulate all conditions of employment in the classified service.

No person shall be appointed to or promoted in the classified service who has not been certified by the commission as qualified for such appointment or promotion. No appointments, promotions, demotions or removals in the classified service shall be made for religious, racial or partisan considerations.

Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year. Within 60 calendar days following such transmission, the legislature may, by a two-thirds vote of the members elected to and serving in each house, reject or reduce increases in rates of compensation authorized by the commission. Any reduction ordered by the legislature shall apply uniformly to all classes of employees affected by the increases and shall not adjust pay differentials already established by the civil service commission. The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases authorized by the commission.

The appointing authorities may create or abolish positions for reasons of administrative efficiency without the approval of the commission. Positions shall not be created nor abolished except for reasons of administrative efficiency. Any employee considering himself aggrieved by the abolition or creation of a position shall have a right of appeal to the commission through established grievance procedures.

The civil service commission shall recommend to the governor and to the legislature rates of compensation for all appointed positions within the executive department not a part of the classified service.

To enable the commission to exercise its powers, the legislature shall appropriate to the commission for the ensuing fiscal year a sum not less than one percent of the aggregate payroll of the classified service for the preceding fiscal year, as certified by the commission. Within six months after the conclusion of each fiscal year the commission shall return to the state treasury all moneys unexpended for that fiscal year.

The commission shall furnish reports of expenditures, at least annually, to the governor and the legislature and shall be subject to annual audit as provided by law.

No payment for personal services shall be made or authorized until the provisions of this constitution pertaining to civil service have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

Sec. 6. By ordinance or resolution of its governing body which shall not take effect until approved by a majority of the electors voting thereon, unless otherwise provided by charter, each county, township, city, village, school district and other governmental unit or authority may establish, modify or discontinue a merit system for its employees other than teachers under contract or tenure. The state civil service commission may on request furnish technical services to any such unit on a reimbursable basis.

Sec. 7. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office or for crimes or misdemeanors, but a majority of the members elected thereto and serving therein shall be necessary to direct an impeachment.

When an impeachment is directed, the house of representatives shall elect three of its members to prosecute the impeachment.

Every impeachment shall be tried by the senate immediately after the final adjournment of the legislature. The senators shall take an oath or affirmation truly and impartially to try and determine the impeachment according to the evidence. When the governor or lieutenant governor is tried, the chief justice of the supreme court shall preside.

No person shall be convicted without the concurrence of two-thirds of the senators elected and serving. Judgment in case of conviction shall not extend further than removal from office, but the person convicted shall be liable to punishment according to law.

No judicial officer shall exercise any of the functions of his office after an impeachment is directed until he is acquitted.

ARTICLE XII

Amendment and Revision

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

Sec. 2. Amendments may be proposed to this constitution by petition of the registered electors of this state. Every petition shall include the full text of the proposed amendment, and be signed by registered electors of the state equal in number to at least 10 percent of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected. Such petitions shall be filed with the person authorized by law to receive the same at least 120 days before the election at which the proposed amendment is to be voted upon. Any such petition shall be in the form, and shall be signed and circulated in such manner, as prescribed by law. The person authorized by law to receive such petition shall upon its receipt determine, as provided by law, the validity and sufficiency of the signatures on the petition, and make an official announcement thereof at least 60 days prior to the election at which the proposed amendment is to be voted upon.

Any amendment proposed by such petition shall be submitted, not less than 120 days after it was filed, to the electors at the next general election. Such proposed amendment, existing provisions of the constitution which would be altered or abrogated thereby, and the question as it shall appear on the ballot shall be published in full as provided by law. Copies of such publication shall be posted in each polling place and furnished to news media as provided by law.

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

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

Sec. 3. At the general election to be held in the year 1978, and in each 16th year thereafter and at such times as may be provided by law, the question of a general revision of the constitution shall be submitted to the electors of the state. If a majority of the electors voting on the question decide in favor of a convention for such purpose, at an election to be held not later than six months after the proposal was certified as approved, the electors of each representative district as then organized shall elect one delegate and the electors of each senatorial district as then organized shall elect one delegate at a partisan election. The delegates so elected shall convene at the seat of government on the first Tuesday in October next succeeding such election or at an earlier date if provided by law.

The convention shall choose its own officers, determine the rules of its proceedings and judge the qualifications, elections and returns of its members. To fill a vacancy in the office of any delegate, the governor shall appoint a qualified resident of the same district who shall be a member of the same party as the delegate vacating the office. The convention shall have power to appoint such officers, employees and assistants as it deems necessary and to fix their compensation; to provide for the printing and distribution of its documents, journals and proceedings; to explain and disseminate information about the proposed constitution and to complete the business of

the convention in an orderly manner. Each delegate shall receive for his services compensation provided by law.

No proposed constitution or amendment adopted by such convention shall be submitted to the electors for approval as hereinafter provided unless by the assent of a majority of all the delegates elected to and serving in the convention, with the names and vote of those voting entered in the journal. Any proposed constitution or amendments adopted by such convention shall be submitted to the qualified electors in the manner and at the time provided by such convention not less than 90 days after final adjournment of the convention. Upon the approval of such constitution or amendments by a majority of the qualified electors voting thereon the constitution or amendments shall take effect as provided by the convention.

Schedule and Temporary Provisions

To insure the orderly transition from the constitution of 1908 to this constitution the following schedule and temporary provisions are set forth to be effective for such period as are thereby required.

Sec. 1. The attorney general shall recommend to the legislature as soon as practicable such changes as may be necessary to adapt existing laws to this constitution.

Sec. 2. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights existing on the effective date of this constitution shall continue unaffected except as modified in accordance with the provisions of this constitution.

Sec. 3. Except as otherwise provided in this constitution, all officers filling any office by election or appointment shall continue to exercise their powers and duties until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

No provision of this constitution, or of law or of executive order authorized by this constitution shall shorten the term of any person elected to state office at a statewide election on or prior to the date on which this constitution is submitted to a vote. In the event the duties of any such officers shall not have been abolished or incorporated into one or more of the principal departments at the expiration of his term, such officer shall continue to serve until his duties are so incorporated or abolished.

Sec. 4. All officers elected at the same election that this constitution is submitted to the people for adoption shall take office and complete the term to which they were elected under the 1908 constitution and existing laws and continue to serve until their successors are elected and qualified pursuant to this constitution or law.

Sec. 5. Notwithstanding any other provision in this constitution, the governor, the lieutenant governor, the secretary of state, the attorney general and state senators shall be elected at the general election in 1964 to serve for two-year terms beginning on the first day of January next succeeding their election. The first election of such officers for four-year terms under this constitution shall be held at the general election in 1966.

Sec. 6. Notwithstanding the provisions of this constitution that the supreme court shall consist of seven justices it shall consist of eight justices until the time that a vacancy occurs as a result of death, retirement or resignation of a justice. The first such vacancy shall not be filled.

Sec. 7. Any judge of probate serving on the effective date of this constitution may serve the remainder of the term and be eligible to succeed himself for election

regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

Sec. 8. The provisions of Article VI providing that terms of judicial offices shall not all expire at the same time, shall be implemented by law providing that at the next election for such offices judges shall be elected for terms of varying length, none of which shall be shorter than the regular term provided for the office.

Sec. 9. The members of the state board of education provided for in Section 3 of Article VIII of this constitution shall first be elected at the first general election after the effective date of this constitution for the following terms: two shall be elected for two years, two for four years, two for six years, and two for eight years as prescribed by law.

The state board of education provided for in the constitution of 1908 is abolished at twelve o'clock noon January 1 of the year following the first general election under this constitution and the terms of members thereof shall then expire.

Sec. 10. The provisions of this constitution providing for members of boards of control of institutions of higher education and the state board of public community and junior colleges shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended, and may further provide that the initial terms of office of members may be less than eight years.

Sec. 11. The provisions of this constitution increasing the number of members of the Board of Trustees of Michigan State University and of the Board of Governors of Wayne State University to eight, and of their term of office to eight years, shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended one year, and may further provide that the initial terms of office of the additional members may be less than eight years.

Sec. 12. The initial allocation of departments by law pursuant to Section 2 of Article V of this constitution, shall be completed within two years after the effective date of this constitution. If such allocation shall not have been completed within such period, the governor, within one year thereafter, by executive order, shall make the initial allocation.

Sec. 13. Contractual obligations of the state incurred pursuant to the constitution of 1908 shall continue to be obligations of the state.

For the retirement of notes and bonds issued under Section 26 of Article X of the 1908 constitution, there is hereby appropriated from the general fund each year during their life a sum equal to the amount of principal and interest payments due and payable in each year.

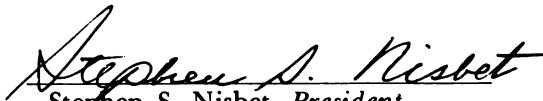
Sec. 14. The legislature by a vote of two-thirds of the members elected to and serving in each house may provide that the state may borrow money and may pledge its full faith and credit for refunding any bonds issued by the Mackinac Bridge Authority and at the time of refunding the Mackinac Bridge Authority shall be abolished and the operation of the bridge shall be assumed by the state highway department. The legislature may implement this section by law.

Sec. 15. This constitution shall be submitted to the people for their adoption or rejection at the general election to be held on the first Monday in April, 1963. It shall be the duty of the secretary of state forthwith to give notice of such submission to all

other officers required to give or publish any notice in regard to a general election. He shall give notice that this constitution will be duly submitted to the electors at such election. The notice shall be given in the manner required for the election of governor.

Sec. 16. Every registered elector may vote on the adoption of the constitution. The board of election commissioners in each county shall cause to be printed on a ballot separate from the ballot containing the names of the nominees for office, the words: Shall the revised constitution be adopted? () Yes. () No. All votes cast at the election shall be taken, counted, canvassed and returned as provided by law for the election of state officers. If the revised constitution so submitted receives more votes in its favor than were cast against it, it shall be the supreme law of the state on and after the first day of January of the year following its adoption.

Adopted by the Constitutional Convention of nineteen hundred sixty-one at Constitution Hall in Lansing on the first day of August, nineteen hundred sixty-two.


Stephen S. Nisbet, *President*


Fred I. Chase, *Secretary*

[ADDRESS TO THE PEOPLE]

***What the Proposed
New State Constitution
Means to You***

- A report to the people of Michigan
by their elected delegates to the
Constitutional Convention of 1961-62.

Lansing, Michigan

August 1, 1962

Slavery prohibited

Sec. 9. Neither slavery, nor involuntary servitude unless for the punishment of crime, shall ever be tolerated in this state.

No change from Sec. 8, Article II, of the present constitution except for the insertion of a comma after the word "slavery" and elimination of a comma after the word "servitude". The old punctuation conceivably made slavery permissible as a punishment for crime.

Attainder; ex post facto laws; impairment of contracts.

Sec. 10. No bill of attainder, ex post facto law or law impairing the obligation of *contract* shall be enacted.

No change from Sec. 9, Article II, of the present constitution except for improvement in phraseology.

Searches and seizures.

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, supported by oath or affirmation. ** The provisions of this section shall not be construed to bar from evidence ** in any criminal proceeding *** any narcotic drug, *** firearm, *** bomb, ** explosive *** or *** any other dangerous weapon, ** seized by a peace officer outside the curtilage of any dwelling house in this state.

No change from Sec. 10, Article II, of the present constitution except for improvement in phraseology.

Habeas corpus.

Sec. 12. The privilege of the writ of habeas corpus shall not be suspended unless in case of rebellion or invasion the public safety may require it.

No change from Sec. 11, Article II, of the present constitution.

Appearance in person or by counsel.

Sec. 13. A suitor in any court of this state *has* the right to prosecute or defend his suit, either in his own proper person or by an attorney. ****

No change from Sec. 12, Article II, of the present constitution except for the elimination of the phrase "or agent of his choice" at the conclusion of the section. This change is consistent with a Supreme Court decision which holds that the word "agent" as used in the present constitution is in substance synonymous with "attorney". The section does not preclude any person arguing his own case in court if he so desires.

Jury trial.

Sec. 14. The right of trial by jury shall remain, but shall be ** waived in all civil cases unless demanded by one of the parties in the manner ** prescribed by law. *In all civil cases tried by 12 jurors a verdict shall be received when 10 jurors agree.*

No change from Sec. 13, Article II, of the present constitution, except for the addition of a second sentence which permits verdicts in civil (not criminal) actions when at least 10 jurors agree.

This change is consistent with the practice adopted in recent years in 23 other states. The new provision is designed to reduce costs resulting from retrial of civil matters and to safeguard both parties involved against possibly unjust compromise verdicts or settlements.

Former jeopardy; bailable offenses.

Sec. 15. *No person shall be subject for the same offense to be twice put in jeopardy.* All persons shall, before conviction, be bailable by sufficient sureties, except for murder and treason when the proof is evident or the presumption great.

This is a revision of Sec. 14, Article II, of the present constitution. The new language of the first sentence involves the substitution of the double jeopardy provision from the U. S. Constitution in place of the present provision which merely prohibits "acquittal on the merits". This is more consistent with the actual practice of the courts in Michigan.

Bail; fines; punishment; detention of witnesses.

Sec. 16. Excessive bail shall not be required; excessive fines shall not be imposed; cruel or unusual punishment shall not be inflicted; nor shall witnesses be unreasonably detained.

No change from Sec. 15, Article II, of the present constitution.

Self-incrimination; due process of law.

Sec. 17. No person shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property, without due process of law. *The right of all individuals, firms, corporations and voluntary associations to fair and just treatment in the course of legislative and executive investigations and hearings shall not be infringed.*

This is a revision of Sec. 16, Article II, of the present constitution. The second sentence incorporates a new guarantee of fair and just treatment in legislative and executive investigations. This recognizes the extent to which such investigations have tended to assume a quasi-judicial character.

The language proposed in the second sentence does not impose categorically the guarantees of procedural due process upon such investigations. Instead, it leaves to the Legislature, the Executive and finally to the courts, the task of developing fair rules of procedure appropriate to such investigations. It does, however, guarantee fair and just treatment in such matters.

Competency of witnesses.

Sec. 18. No person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief.

No change from Sec. 17, Article II, of the present constitution.

Libels; truth as defense.

Sec. 19. In all prosecutions for libels the truth may be given in evidence to the jury; and, if it *appears* to the jury that the matter charged as libelous is true and was published with good motives and for justifiable ends, the accused shall be acquitted.