

Michigan Constitutional Convention of 1961

Committee Proposal 26

Const 1963, Art 1, § 2

Relevant Material From the Constitutional Convention Record

Cross-Reference and Indices	pp. 3436, 3443, 3457
First Reading	pp. 658, 739-752, 760, 776-778, 955-956
Second Reading	pp. 2887-2892
Draft Constitution (Art 1, § 2)	pp. 3047-3075 (p. 3047)
Third Reading, Article-by-Article	pp. 3088-3092, 3097-3098
Draft Constitution (Art 1, § 2)	pp. 3215-3237 (p. 3215)
Third Reading, Full Constitution	pp. 3238, 3300-3301
Adopted Constitution (Art 1, § 2)	pp. 3319-3353 (p. 3319)
Address to the People	p. 3363

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	5					
I	21	II	20	15-20	IV	44	V	27	99	VII	1	VIII	1	81a
I	22	II	21	15-21	IV	45	V	28	106	VII	2	none		89
I	23	none		15-1	IV	46	none		20	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
IV	13	V	13	116	V	27	VI	18	72	VIII	4	XI	10	98a
IV	14	V	14	34	V	28	none		71h	VIII	5	XI	3,4,5,7,8,16	98b
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					
IV	21	V	18	103	VI	6	VII	7	91e	IX	1	X	2	50
IV	22	V	19	35	VI	7	VII	6	91f	IX	2	X	9	54
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
					VI	10	none		92c	IX	5	X	3,5	52
										IX	6	X	21	56

Committee Proposal No.	Page
23: Cont'd.	
Jan. 17, sections b, c, d considered; section b amended, passed; sections c, d passed; committee proposal as amended considered, passed by committee of the whole	613-631
Jan. 17, reported by committee of the whole with 2 amendments; amendments concurred in; referred to style and drafting	631-633
Mar. 12, reported by style and drafting (Report 37); placed on order of second reading	1569
Apr. 19, read second time; amended, passed; rereferred to style and drafting	2622-2627
24. A proposal pertaining to inclusion of section 39 of article V in the constitution.	
For text as offered and reasons	707
As referred to style and drafting	707
As reported by style and drafting	2965
As rereferred to style and drafting	2965
Jan. 17, reported by legislative powers; referred to committee of the whole	613
Jan. 29, read first time; considered, passed by committee of the whole	707-708
Jan. 29, reported by committee of the whole without amendment; referred to style and drafting	713
Mar. 5, reported by style and drafting (Report 21); placed on order of second reading	1429
Apr. 30, read second time; passed; rereferred to style and drafting	2965
25. A proposal to amend article XVI, section 2 of the present constitution pertaining to oath of office.	
For text as offered and reasons	708
As referred to style and drafting	708
As reported by style and drafting	2997
As rereferred to style and drafting	2997
Jan. 18, reported by miscellaneous provisions and schedule; referred to committee of the whole	635
Jan. 29, read first time; considered, passed by committee of the whole	708-709
Jan. 29, reported by committee of the whole without amendment; referred to style and drafting	713
Mar. 5, reported by style and drafting (Report 22); placed on order of second reading	1429
Apr. 30, read second time; passed; rereferred to style and drafting	2997-2998
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.	
For text as offered and reasons	739
For minority report and reasons	740
As referred to style and drafting	739
As reported by style and drafting	2887
As rereferred to style and drafting	2916
Jan. 19, reported by declaration of rights, suffrage and elections; referred to committee of the whole	658
Jan. 29, consideration postponed to Jan. 30 by committee of the whole	709
Feb. 1, read first time; considered by committee of the whole	739-752
Feb. 2, considered, passed by committee of the whole	760
Feb. 2, reported by committee of the whole without amendment; referred to style and drafting	776-778
Feb. 12, reported by style and drafting (Report 6); placed on order of second reading	955
Apr. 26, read second time; passed; rereferred to style and drafting	2887-2892
Apr. 27, reconsidered vote on passage; reconsidered vote on amendment, amended, passed; rereferred to style and drafting	2911-2916
27. A proposal to provide for liquor control, excise taxes and local option by counties. Amends article XVI, section 11.	
For text as offered and reasons	709
As referred to style and drafting	709
As reported by style and drafting	2976
As rereferred to style and drafting	2976

Committee Proposal No.	Page
27: Cont'd.	
Jan. 19, reported by legislative powers; referred to committee of the whole	658
Jan. 29, read first time; considered, passed by committee of the whole	709-718
Jan. 29, reported by committee of the whole without amendment; referred to style and drafting	713
Mar. 5, reported by style and drafting (Report 23); placed on order of second reading	1429
Apr. 30, read second time; passed; rereferred to style and drafting	2976-2977
28. A proposal to provide for compensation of the legislature. Amends article V, section 9.	
For text as offered and reasons	760
As referred to style and drafting	760
As reported by style and drafting	2939
As rereferred to style and drafting	3027
Jan. 19, reported by legislative power; referred to committee of the whole	670
Feb. 2, read first time; considered, passed by committee of the whole	760-761
Feb. 2, reported by committee of the whole without amendment; referred to style and drafting	776-777
Mar. 5, reported by style and drafting (Report 24); placed on order of second reading	1430
Apr. 27, read second time; amended, postponed until Apr. 30	2939-2948
Apr. 30, consideration postponed	2949
Apr. 30, amended, not passed	2977-2992
May 1, reconsidered vote on passage; amended, passed; rereferred to style and drafting	3013-3027
29. A proposal to provide for the form of laws. Retains article V, section 20.	
For text as offered and reasons	761
As referred to style and drafting	761
As reported by style and drafting	2954
As rereferred to style and drafting	2954
Jan. 19, reported by legislative powers; referred to committee of the whole	670
Feb. 2, read first time; considered, passed by committee of the whole	761
Feb. 2, reported by committee of the whole without amendment; referred to style and drafting	776-777
Mar. 5, reported by style and drafting (Report 13); placed on order of second reading	1429
Apr. 30, read second time; passed; rereferred to style and drafting	2954
30. A proposed pertaining to free public and elementary schools. Replaces article XI, section 9.	
For text as offered and reasons	762
As referred to style and drafting	762
As reported by style and drafting	2557
As rereferred to style and drafting	2560
Jan. 23, reported by education; referred to committee of the whole	690
Feb. 2, read first time; considered, passed by committee of the whole	762-763
Feb. 2, reported by committee of the whole without amendment; referred to style and drafting	776-777
Mar. 27, reported by style and drafting (Report 48); placed on order of second reading	1891
Apr. 18, read second time; amended, passed; rereferred to style and drafting	2557-2560
31. A proposal to amend article XI, section 14 of the present constitution pertaining to public libraries.	
For text as offered and reasons	822
As referred to style and drafting	841
As reported by style and drafting	2560
As rereferred to style and drafting	2560
Jan. 24, reported by education; referred to committee of the whole	694
Feb. 2, consideration postponed by committee of the whole	764
Feb. 6, read first time; considered, amended, passed by committee of the whole	822-837
Feb. 6, reported by committee of the whole with 2 amendments; amendments concurred in; referred to style and drafting	841

HISTORY OF ARTICLES AND SECTIONS OF 1963 CONSTITUTION

Complete text of Articles and Sections appears on page 3045.

For complete history of convention action, follow procedure outlined on page 3415.

References are to page numbers in Official Record.

	Page		Page
CONSTITUTION.			
May 7, 8, 9, reported; placed on order of third reading; read third time, considered, amended and passed by articles; referred to committee on style and drafting	3045-3210	Article I, Section 4: Cont'd.	
May 11, reported; placed on order of third reading; considered read third time; section 8 of article IV, section 28 of article VI, section 2 of article X amended; passed	3213-3275	May 7, read third time; passed	3088-3098
Aug. 1, report of committee on style and drafting; considered; section 6 of schedule deleted, section 15 of schedule amended; adopted	3291-3301	May 9, referred to committee on style and drafting	3210
For text as adopted	3317	May 11, reported, placed on order of third reading; considered read third time; passed	3213-3275
For text, and comments in address to the people	3363-3410	Aug. 1, considered; adopted	3291-3301
		For text as adopted	3319
		For text, and comments in address to the people	3363
PREAMBLE. (Committee Proposal 14)			
May 7, reported; placed on order of third reading ..	3045	Section 5. Freedom of speech and of press. (Committee Proposal 15, section 4)	
May 7, read third time; passed	3076	May 7, reported, placed on order of third reading ..	3045
May 9, referred to committee on style and drafting ..	3210	May 7, read third time; passed	3088-3098
May 11, reported; placed on order of third reading; considered read third time; passed	3213-3275	May 9, referred to committee on style and drafting ..	3210
Aug. 1, considered; adopted	3291-3301	May 11, reported, placed on order of third reading; considered read third time; passed	3213-3275
For text as adopted	3319	Aug. 1, considered; adopted	3291-3301
For text, and comments in address to the people	3363	For text as adopted	3319
		For text, and comments in address to the people	3363
ARTICLE I. Declaration of rights. (Committee Proposal 15, sections 1-21, and Committee Proposal 26)			
May 7, reported; placed on order of third reading ..	3045	Section 6. Bearing of arms. (Committee Proposal 15, section 5)	
May 7, notice filed of motion to reconsider vote on amendment to section 2	3045	May 7, reported, placed on order of third reading ..	3045
May 7, passed for the day	3076	May 7, read third time; passed	3088-3098
May 7, rules suspended; read third time; reconsidered vote on amendment to section 2; section 2 amended; passed	3088-3098	May 9, referred to committee on style and drafting ..	3210
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
May 11, reported; placed on order of third reading; considered read third time; passed	3213-3275	Aug. 1, considered; adopted	3291-3301
Aug. 1, considered; adopted	3291-3301	For text as adopted	3319
For text as adopted	3319-3321	For text, and comments in address to the people	3363
For text, and comments in address to the people ..	3363-3365		
Section 1. Political power. (Committee Proposal 15, section 1)			
May 7, reported; placed on order of third reading ..	3045	Section 7. Military power subordinate to civil power. (Committee Proposal 15, section 6)	
May 7, read third time; passed	3088-3098	May 7, reported, placed on order of third reading ..	3045
May 9, referred to committee on style and drafting ..	3210	May 7, read third time; passed	3088-3098
May 11, reported; placed on order of third reading; considered read third time; passed	3213-3275	May 9, referred to committee on style and drafting ..	3210
Aug. 1, considered; adopted	3291-3301	May 11, reported, placed on order of third reading; considered read third time; passed	3213-3275
For text as adopted	3319	Aug. 1, considered; adopted	3291-3301
For text, and comments in address to the people ..	3363	For text as adopted	3319
		For text, and comments in address to the people ..	3363
Section 2. Equal protection; discrimination. (Committee Proposal 26)			
May 7, reported; placed on order of third reading ..	3045	Section 8. Quartering of soldiers. (Committee Proposal 15, section 7)	
May 7, read third time; amended; passed	3088-3098	May 7, reported, placed on order of third reading ..	3045
May 9, referred to committee on style and drafting ..	3210	May 7, read third time; passed	3088-3098
May 11, reported; placed on order of third reading; considered read third time; passed	3213-3275	May 9, referred to committee on style and drafting ..	3210
Aug. 1, considered; adopted	3291-3301	May 11, reported, placed on order of third reading; considered read third time; passed	3213-3275
For text as adopted	3319	Aug. 1, considered; adopted	3291-3301
For text, and comments in address to the people	3363	For text as adopted	3320
		For text, and comments in address to the people ..	3363
Section 3. Assembly, consultation, instruction, petition. (Committee Proposal 15, section 2)			
May 7, reported, placed on order of third reading ..	3045	Section 9. Slavery and involuntary servitude. (Committee Proposal 15, section 8)	
May 7, read third time; passed	3088-3098	May 7, reported, placed on order of third reading ..	3045
May 9, referred to committee on style and drafting ..	3210	May 7, read third time; passed	3088-3098
May 11, reported, placed on order of third reading; considered read third time; passed	3213-3275	May 9, referred to committee on style and drafting ..	3210
Aug. 1, considered; adopted	3291-3301	May 11, reported, placed on order of third reading; considered read third time; passed	3213-3275
For text as adopted	3319	Aug. 1, considered; adopted	3291-3301
For text, and comments in address to the people	3363	For text as adopted	3320
		For text, and comments in address to the people ..	3364
Section 4. Freedom of worship and religious belief; appropriations. (Committee Proposal 15, section 3)			
May 7, reported, placed on order of third reading ..	3045	Section 10. Attainder; ex post facto laws; impairment of contracts. (Committee Proposal 15, section 9)	
		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	3364
		Section 11. Searches and seizures. (Committee Proposal 15, section 10)	
		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

SIXTY-FIRST DAY

Friday, January 19, 1962, 10:00 o'clock a.m.

PROCEEDINGS

PRESIDENT NISBET: The convention will please come to order.

Our invocation this morning is to be given by the Reverend H. B. Loomis, Pastor of the First Congregational Church of Charlotte. He is a former pastor of mine at Fremont, so I am doubly glad to welcome him to this convention this morning. Will you please rise while he gives the invocation.

REVEREND LOOMIS: Let us pray. Almighty God, who in Thy providence has made us citizens of a land great in privilege and great in opportunity, we give Thee thanks that we are called in our generation to serve.

We thank Thee for the ideals of faith and freedom which brought our fathers to these shores, and for those who through the years have striven to maintain these ideals untarnished and that faith bright and strong, for all who in state and church and school and home and business have sought to serve and preserve their spirit as an instrument of Thy will.

Thou hast given us this good land for our heritage. We humbly beseech Thee that we may always prove ourselves a people mindful of Thy favor and glad to do Thy will.

Bless our state with honorable industry, sound learning; save us from discord and confusion, from pride and from arrogance. Defend our liberties and fashion into one united people those who come here out of many kindreds and tongues.

Endue with the spirit of wisdom these to whom in Thy name we entrust the authority of government, that there may be justice and equity through obedience to Thy law. In time of prosperity, fill our hearts with thankfulness and leave us not to our own thoughts and to our own ways in any hour, be it of triumph or of trial. Amen.

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

SECRETARY CHASE: Have you all 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 request for leave: Mr. Norris requests to be excused from today's session because he is giving the final exams in law school.

PRESIDENT NISBET: Without objection, the request is granted.

SECRETARY CHASE: Absent with leave: Messrs. Goebel, Gust, J. A. Hannah, McAllister, Norris, Page, Romney and Thomson.

Absent without leave: None.

PRESIDENT NISBET: Reports of standing committees.

SECRETARY CHASE: Mr. Pollock, for the committee on declaration of rights, suffrage and elections, introduces **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 it pass.

James K. Pollock, chairman.

For Committee Proposal 26 and the reasons submitted in support thereof, see below, page 739.

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

SECRETARY CHASE: Mr. Hoxie, for the committee on legislative powers, introduces **Committee Proposal 27**, A proposal to provide for liquor con-

trol, excise taxes and local option by counties. Amends article XVI, section 11;

with the recommendation that it pass.

T. Jefferson Hoxie, chairman.

For Committee Proposal 27 and the reasons submitted in support thereof, see below, page 709.

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

SECRETARY CHASE: That is all of the standing committee reports.

PRESIDENT NISBET: Reports of select committees.

SECRETARY CHASE: None.

PRESIDENT NISBET: Communications.

SECRETARY CHASE: None.

PRESIDENT NISBET: Second reading of proposals.

SECRETARY CHASE: Nothing on that calendar.

PRESIDENT NISBET: Third reading of proposals.

SECRETARY CHASE: Nothing on that calendar.

PRESIDENT NISBET: Motions and resolutions.

SECRETARY CHASE: There are no resolutions on file.

PRESIDENT NISBET: Unfinished business.

SECRETARY CHASE: None.

PRESIDENT NISBET: Special orders of the day.

SECRETARY CHASE: None.

PRESIDENT NISBET: General orders of the day. Mr. DeVries.

MR. DEVRIES: Mr. President, I move that the convention resolve itself into committee of the whole for consideration of certain items on the general orders calendar.

PRESIDENT NISBET: The question is on the motion of Mr. DeVries. All in favor say aye; opposed, no.

The motion prevails.

[Whereupon, Mr. DeVries assumed the Chair to preside as chairman of the committee of the whole.]

CHAIRMAN DEVRIES: The committee will come to order.

Ladies and gentlemen of the committee, when the committee of the whole rose yesterday afternoon, the question before the committee was a minority report amendment offered by Delegates Hatch, Shackleton and Shaffer to paragraph 3 of **Committee Proposal 22**. Mr. Van Dusen requested a division of the amendment and the request was granted.

For last previous action by the committee of the whole on Committee Proposal 22, see above, page 637.

The committee will now consider the second and third sentences of the minority amendment which is on page 325 of the journal, to which Mr. Wanger has offered an amendment. The secretary will read Mr. Wanger's amendment.

SECRETARY CHASE: Presently pending are the second and third sentences of the minority amendment, which read:

No increases in rates of compensation shall take effect until the first day of the fiscal year following submission of such proposed increases to the legislature. Such proposed increases must be submitted to the legislature as part of the governor's budget for a fiscal year in order to be effective on the first day of such fiscal year.

Mr. Wanger has offered an amendment to the minority amendment:

1. Amend the third sentence of the amendment after "submitted to the legislature" by striking out "as part of" and inserting "with"; so that the language will then read:

Committee Proposal 85, A proposal to provide that public utilities may use public property with consent of local authorities and a limitation on the length of franchise. Amends article VIII, sections 28 and 29; with the recommendation that it pass.

Arthur G. Elliott, chairman.

For Committee Proposal 85 and the reasons submitted in support thereof, see below under date of February 14.

PRESIDENT NISBET (continuing): Reports of select committees.

SECRETARY CHASE: None.

PRESIDENT NISBET: **Communications from state officers.**

SECRETARY CHASE: Office of the Governor, Lansing.

January 31, 1962.

The Honorable Stephen S. Nisbet, President
Michigan Constitutional Convention
Constitution Hall
Civic Center
Lansing, Michigan

Dear Mr. President:

Transmitted to you with this letter is my Message to the Fifth Michigan Constitutional Convention on the subject of Property Tax Assessments.

Sincerely yours,
John B. Swainson,
governor.

PRESIDENT NISBET: Without objection, it will be printed in the journal. Hearing none, it is so ordered.

Following is the message:

Ladies and gentlemen of the constitutional convention:

I am in receipt of a report and recommendation from a study committee of my special commission on industrial development legislation concerning nonuniformity of property taxation in the state of Michigan. The findings and recommendation of the committee were endorsed by the commission and are matters which should be called to your attention and considered in your deliberations on the subject of property taxes.

It was the unanimous finding of the committee that an unhealthy lack of uniformity in property taxation exists in Michigan and the primary basis for this condition is the wide variation of assessments. There are no professional qualifications for assessing officers and standards for the performance of their duties are practically nonexistent.

This situation has an impact on the economic development of Michigan because it is impossible under these conditions to assure an industry seeking to settle in this state that it will be treated equitably in the matter of property taxes. The training, technique, and skill of the assessor are so varied in this state that in some instances it has been a deterrent to new industry.

Dr. Harvey E. Brazer, of the University of Michigan, an eminent authority in this field, has stated that a study of a typical Michigan county revealed that some properties were assessed at less than 2 per cent of market value, and others were assessed as high as 175 per cent of their sales price. In one of our large metropolitan counties we have witnessed the practice of assessing inventories at 80 per cent of book value, machinery and equipment at 100 per cent of depreciated value, and real property assessed at 50 per cent of current value. These examples graphically demonstrate the discriminatory practices we encounter in real and personal property taxation in Michigan.

The recommendation of the study committee which was adopted by the commission states:

The constitutional convention should direct the state tax commission to make all assessments of real and personal property which values should be used by local units of government.

I am convinced that unless some such plan as the foregoing is prescribed by the convention or made a requirement

of legislation in this area, uniformity of assessment and taxation in this state will not be assured.

In the event the convention desires the testimony and counsel of the study committee members, I am sure these gentlemen would respond without hesitation.

Members of the committee are Edwin O. George, vice president, Detroit Edison company, who was chairman; W. D. McDonnell, president, Great Lakes Steel corporation; H. A. Sanders, vice president and general manager, Grand Trunk western railroad; Albert Bush, executive vice president, Hackley Union National Bank and Trust company; and Arnold M. Lumbers, Victory Machine company, Inc.

Second reading of proposals.

SECRETARY CHASE: Nothing on that calendar.

PRESIDENT NISBET: Third reading of proposals.

SECRETARY CHASE: Nothing on that calendar.

PRESIDENT NISBET: Motions and resolutions.

SECRETARY CHASE: There are no resolutions.

PRESIDENT NISBET: Unfinished business.

SECRETARY CHASE: None.

PRESIDENT NISBET: Special orders.

SECRETARY CHASE: None.

PRESIDENT NISBET: **General orders of the day.** The Chair recognizes Mr. Martin.

MR. MARTIN: Mr. President, I move that the convention resolve itself into committee of the whole for consideration of items on the general orders calendar.

PRESIDENT NISBET: The question is on the motion of Mr. Martin. All those in favor, say aye. Opposed, no.

The motion prevails. Mr. Martin, will you please take the Chair.

[Whereupon, Mr. Martin assumed the Chair to preside as chairman of the committee of the whole.]

CHAIRMAN MARTIN: The committee will be in order and the secretary will read.

SECRETARY CHASE: The calendar you have on your desk is for last Monday. There has not been the opportunity to prepare a new one. The first 5 items on the calendar have been considered and reported and referred to the committee on style and drafting; and item 7 has likewise been so treated. The next item for consideration today, from the committee on declaration of rights, suffrage and elections, by Mr. Pollock, chairman, **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.

Following is Committee Proposal 26 as read by the secretary, and the reasons submitted in support thereof:

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

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, RELIGION, SEX OR NATIONAL ORIGIN. THE LEGISLATURE SHALL IMPLEMENT THIS SECTION BY APPROPRIATE LEGISLATION.

Mr. Pollock, chairman of the committee on declaration of rights, suffrage and elections, submits the following reasons in support of Committee Proposal 26:

This proposal has the unanimous support of all members of the committee on declaration of rights, suffrage and elections. Five members of the committee, as will be seen from the accompanying minority "preference report", would have preferred to report out the text of Delegate Proposal

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

1621, which they consider to be more adequate in certain respects. But they wish to emphasize that they also support the present committee recommendation.

The present proposal is a modification and synthesis of the civil rights provision in the recently adopted Hawaiian constitution incorporated in the second paragraph of Delegate Proposal 1455, introduced by Mr. J. A. Hannah, and Delegate Proposal 1014, introduced by Mr. Norris. It will be observed that the committee draft adds an equal protection clause to the Hawaiian language. The committee, in recognition of the modern doctrine of the equality of women, has also incorporated a guarantee against discrimination on account of sex.

Several factors have impressed the committee with the advisability of incorporating an equal protection and civil rights section in the new constitution. Delegate John Hannah, who, it will be observed, is the chairman of the United States commission on civil rights, gave impressive and moving testimony before the committee upon the wisdom and necessity of such a clause, to protect negroes and other minorities against discrimination in housing, employment, education and the like. In this connection, the attention of the delegates is called to the recently published reports of the Michigan advisory commission on civil rights to the United States civil rights commission, setting forth in some detail the situation in certain Michigan communities. Delegates will recollect, also, the impressive and moving advice President Eisenhower tendered to the convention upon the need for state constitutional civil rights guarantees, emphasizing the matter of states retaining and preserving the reserved powers. Appropriate data in support of the same objective were submitted by numerous citizen groups. As Mr. Hannah stated in his paper to the committee, "Civil rights as used herein means guarantees to protect against discrimination and segregation because of race, color, religion, ancestry or national origin. . . ." The principal, but not exclusive, areas of concern are equal opportunities in employment, education, housing, and public accommodations.

The committee noted, also, that there has been a distinct trend in recent state constitutions to incorporate equal protection or civil rights clauses to apply to all persons as well as those singled out for special attention because of more apparent discrimination. New York, New Jersey, Wyoming, Arkansas, Hawaii and Alaska all have provisions in this category. In short, the incorporation of civil rights provisions is in accord with the contemporary trend in state constitution writing.

Following is the minority report to Committee Proposal 26, as offered, and the reasons submitted in support thereof:

Messrs. Norris, Dade, Mrs. Hatcher, Messrs. Hodges and Buback, a minority of the committee on declaration of rights, suffrage and elections, submit the following minority report to Committee Proposal 26:

A minority of the committee recommends that the following be included in the constitution:

EACH PERSON IN MICHIGAN SHALL ENJOY THE EQUAL PROTECTION OF THE LAW. NO PERSON SHALL, BECAUSE OF HIS RACE, COLOR, RELIGION, NATIONAL ORIGIN OR ANCESTRY, BE DISCRIMINATED AGAINST IN EMPLOYMENT, HOUSING, PUBLIC ACCOMMODATIONS, EDUCATION, OR IN HIS ENJOYMENT OF ALL OTHER OF HIS CIVIL RIGHTS, BY THE STATE OR ANY POLITICAL OR CIVIL SUBDIVISION THEREOF, OR ANY FIRM, CORPORATION, INSTITUTION, LABOR ORGANIZATION OR ANY OTHER PERSON.

Messrs. Norris, Dade, Mrs. Hatcher, Messrs. Hodges and Buback, a minority of the committee on declaration of rights, suffrage and elections, submit the following reasons in support of the foregoing minority report, which accompanied Committee Proposal 22:

The minority wishes to stress that its report is one of "preference" rather than "opposition" to the committee civil rights proposal. We simply prefer Delegate Proposal 1621 as being a more adequate declaration of rights in the light of contemporary reality than the committee formulation. We wish to promote the committee recommendation as well, as we assisted, in common with all members of the committee, in its formulation and support. If the proposal we prefer is not adopted, we respectfully urge the adoption of the committee recommendation.

We urge the adoption of the language of Delegate Proposal 1621 because it contains 2 fundamental and strategic propositions not clearly or adequately delineated in the committee proposal.

In our view both propositions, one creating certain rights, and one imposing certain duties, are essential to an adequate declaration of rights on behalf of full citizenship for all persons in Michigan.

The first proposition contained in Delegate Proposal 1621 and not expressed in the committee proposal is the declaration of the right of all persons to equal opportunity to secure employment, housing, education and public accommodations as explicit political and civil rights. This explicit declaration in Delegate Proposal 1621 is for the purpose of specificity and enforceability, and the enumeration does not connote limitation.

The second proposition contained in Delegate Proposal 1621 and not expressed in the committee proposal is the imposition of a duty of nondiscrimination on private as well as public or state agencies in the exercise or enjoyment by all persons of political and civil rights.

Thus, the 2 propositions supplement each other and mean that discrimination is unlawful if based on the irrelevant criterion of "race, color, religion, national origin or ancestry" by the "state or political subdivision thereof or any firm, corporation, institution, labor organization or any other person" in relation to the exercise by any person of such political or civil rights as the right to equal opportunity to secure "employment, housing, public accommodations and education." In short, public or private discrimination is only proscribed in the area of, and in relation to, political and civil rights, and not in areas not related thereto.

A. Reasons for an explicit declaration of certain rights.

The fourteenth amendment prohibits a state from denying to any person within its jurisdiction the equal protection of the laws. "It does not, however," said Chief Justice Waite, "add anything to the rights which one citizen has under the constitution against another. . . . Every republican government is in duty bound to protect all its citizens in the enjoyment of equality of right. . . . That duty was originally assumed by the states, and it still remains there."; U.S. v. Cruikshank, 92 U.S. 542. Hence, the duty of adding or declaring and enforcing civil and political rights is a duty of the state of Michigan. Delegate Proposal 1621 is a proposed constitutional expression and implementation of that duty.

The need for compliance with that duty by the state of Michigan was demonstrated by the quantity of segregation and discrimination disclosed by official reports and by testimony before our committee. The reports of the United States civil rights commission, of which Dr. John Hannah is chairman, and of the Michigan advisory committee to the commission, of which Mr. Charles E. Wilson was chairman, have described in detail the dimensions of discrimination in Michigan in the areas of employment, housing, education, and public accommodations. Committee testimony produced similar conclusions. The present and foreseeable period moved Mr. Harry J. Kelly of Grand Rapids, chairman of Michigan's fair employment practices commission, to relate the constitution and civil rights in this statement to our committee hearing:

The constitution is an instrument of high purpose which protects the individual against the encroachment of the corporate structure of the state as well as

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

the corporate structures which are conceived for the benefit of segments of the population. It protects the fundamental rights of the individual. Employment, housing, public accommodations and education are fundamental rights in our complex society. Without equal access to the enjoyment of these rights the individual is deprived of his full stature as a man and is deprived of his right of full equality as a citizen. We recognize that the constitution is a blueprint, that it is not meant to supply the bricks and mortar but if the blueprint is deficient in its general specifications, the structure which results will be faulty and may threaten the safety and welfare of those who must use it. We know that a constitution is a statement of goals and not a detailing of means, but surely our goals must include the intent that each of our citizens, all of our citizens, shall enjoy equal protection of the law in all areas of living which involve fundamental human rights, fundamental civil rights in this our beloved state of Michigan.

Such intent, the intent that each of Michigan's citizens have "equal access" to the "fundamental rights in our complex society" to "employment, housing, public accommodations and education" should in our opinion be stated simply and clearly as a matter of constitutional policy. Because such rights are "fundamental" and prerequisite to full equality and dignity as a citizen, the state should declare them so in its constitution. This would be in keeping with the most modern and authoritative statement of our purpose and objectives as a nation. President Eisenhower's commission on national goals declared in 1960:

Respect for the individual means respect for every individual. Every man and woman must have equal rights before the law, and an equal opportunity to vote . . . to be educated, to get a job . . . to buy a home. . . . These goals, which are at the core of our system must be achieved by action at all levels.

B. Reasons for imposing a duty of nondiscrimination on both public and private conduct.

The fourteenth amendment to the federal constitution has been construed to apply to acts of discrimination practiced by the state itself and not to acts of individuals. Chief Justice Warren declared recently that

Since the decision of this court in the civil rights cases, the principle has become firmly embedded in our constitutional law that the action inhibited by the first section of the fourteenth amendment is only such action as may fairly be said to be that of the states. That amendment erects no shield against merely private conduct, however discriminatory or wrongful. . . .

Shelley v. Kraemer, 334 U.S. 1, 13.

Hence, if a shield of constitutional protection is to be constructed against discrimination by private agencies, that shield can be constructed by the states. To construct that shield, the 1938 Constitution of the State of New York proscribed discriminatory conduct by both state and private agencies, and, in this regard, substantially identical language has been incorporated in Delegate Proposal 1621, to wit: ". . . by the state or any political or civil subdivision thereof, or any firm, corporation, institution, labor organization or any other person." If, as Justice Cardozo has stated, "a constitution should not only deal with matters of the passing hour, but with principles of the future," it is fitting and necessary that the largest agency of discrimination, present and future, namely that of private conduct, be the subject matter of constitutional attention. Moreover, to those who contend that private discriminatory conduct should remain free of constitutional prohibition, Justice Frankfurter has supplied this pertinent answer:

Of course a state may leave abstention from such discrimination to the conscience of individuals. On the other hand, a state may choose to put its authority behind one of the cherished aims of American feeling by forbidding indulgence in racial or religious prejudice to another's hurt. To use the fourteenth amendment as

a sword against such state power would stultify that amendment. Certainly the insistence by individuals on their private prejudices as to race, color or creed, in relations like those now before us, ought not to have a higher constitutional sanction than the determination of a state to extend the area of nondiscrimination beyond that which the constitution itself exacts.

Railway Mail Association v. Corsi, 328 U.S. 88, 98 (1945).

Conclusion

Accordingly, because the committee proposal does not make explicit the propositions contained in Delegate Proposal 1621, and because we think the declaration of rights as part of the Michigan constitution ought to state these fundamental rights more adequately and explicitly, we prefer and recommend the adoption of the language of Delegate Proposal 1621.

CHAIRMAN MARTIN: Dr. Pollock.

MR. POLLOCK: Mr. Chairman, on behalf of the committee on rights, suffrage and elections, I should like to make just a brief introduction to this proposal in addition to the comment which you will find in Journal 61, page 353. I hope we can approach this matter calmly and seriously because, in my opinion, this is one of the most progressive and momentous decisions we will have to make. In order to put the matter in proper historical perspective, I should like to present, for just a few moments, as background, Michigan's constitutional and legislative civil rights history. It is a good history. Michigan has always been in the lead in this field, and it is the purpose of our proposal to keep Michigan in a leading position.

I establish this by reference to these facts: in the first Michigan Constitution of 1835, qualified electors were limited to white male citizens. The word "white" was eliminated in the Constitution of 1850. This constitution also provided that neither slavery nor involuntary servitude, unless for the punishment of crime, shall ever be tolerated in this state. The Constitution of 1908 reestablished this section.

The equal protection clause of the 1908 constitution read as follows, "All political power is inherent in the people. Government is instituted for their equal benefit, security and protection."

By amendment approved on November 5, 1940, a section of civil service was added to the Michigan Constitution of 1908 containing this clause, "No removal from or demotion in the state civil service shall be made for partisan, racial or religious considerations." So much for the constitutional history up to date on this matter.

The first civil rights legislation passed in Michigan was in 1867, when segregation in public education was banned. In 1869 the legislature prohibited life insurance companies doing business within the state from making any distinction or discrimination between white and colored persons. The ban against miscegenation was removed in 1883. In 1885 the Michigan state legislature prohibited racial discrimination in public places of accommodation, amusement and recreation, and in the selection and qualification of jurors. This statute was also reenacted in the penal code of 1931, and strengthened in 1937, 1952 and 1956. The 1952 amendment extended its coverage to government public housing. In 1955 the Michigan fair employment practices act was placed on the statute books.

You can see, therefore, that the Michigan record has been a good one and a progressively good one.

The committee, in studying this matter, had several choices. We paid attention, of course, to what had been the constitutional trend in those states which have recently adopted new constitutions; notably New Jersey, New York, Alaska and Hawaii. As a result of our deliberations on this matter, we have now come forth with a proposal which is more similar, I believe, to the recent Hawaiian proposal than to any other. We felt that, in the event we wanted to have a specific non-discrimination clause, it would be better to state as a general policy of the constitution that there shall be no discrimination based on race, religion or national origin in the enjoyment of

political or civil rights, and that the legislature should have the power to enforce this by appropriate legislation.

This seemed to be the preferred type of nondiscrimination clause. It defines on the one hand the general policy of this state and also makes it clear that this is not a directly enforceable provision in regard to private persons, but will depend upon legislation which will then have to define what is meant by political and civil rights, the extent to which discrimination will be considered a violation and the appropriate sanctions to be applied. The majority of the committee considered this preferable, both because, as a general proposition, constitutional limitations should serve to restrain governmental action and not to define private duties, and because the areas in which private discrimination should be forbidden, the extent to which discrimination is prohibited, and the sanctions to be applied are matters that we think are appropriately left for legislation. As we say in the comment to our proposal, the proposal has the unanimous support of all the members of the committee. Five members of the committee—as will be seen from the accompanying minority report—would have preferred to report out the text of Delegate Proposal 1621, which they considered to be more adequate in certain respects. But they wished to emphasize that they also support the present committee recommendation.

Our proposal, then, is a modification and synthesis of the civil rights provision in the recently adopted Hawaiian constitution incorporated in the second paragraph of Delegate Proposal 1455, introduced by Mr. J. A. Hannah, and Delegate Proposal 1014, introduced by Mr. Norris. It will be observed that the committee draft also adds an equal protection clause to the Hawaiian language. The committee, in recognition of the modern doctrine, also, of the equality of women, has also incorporated a guarantee against discrimination on account of sex.

I hope you will find this a workmanlike job, and one which will appeal to you as being significant, as it is to us.

CHAIRMAN MARTIN: Thank you, Dr. Pollock. Are there any amendments to the body of the proposal?

SECRETARY CHASE: Pursuant to the minority report of Messrs. Norris, Dade, Mrs. Hatcher, Messrs. Hodges and Buback,

Mr. Norris offers the following substitute for 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.

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

Each person in Michigan shall enjoy the equal protection of the law. No person shall, because of his race, color, religion, national origin or ancestry, be discriminated against in employment, housing, public accommodations, education, or in his enjoyment of all other of his civil rights, by the state or any political or civil subdivision thereof, or any firm, corporation, institution, labor organization or any other person.

CHAIRMAN MARTIN: Mr. Norris.

MR. NORRIS: Mr. Chairman, ladies and gentlemen of the committee of the whole, as the secretary has indicated, there are 2 reports and 2 proposals: one, the committee report which you will find in Journal 61, beginning on page 353—and the minority report of preference, which you will find in Journal 62 on pages 360 through 362. The matter which we have before us, on which I move the substitution, is a grave matter, and one in which I am certain there is tremendous interest in our state. The minority, in this case a minority report of preference, wants to underscore the fact that we contributed to the formulation which Dr. Pollock has put upon the floor, and we do not oppose it. We prefer, however, Delegate Proposal 1621 as being a more adequate declaration of rights, in the light of contemporary reality, than the committee formulation. We wish to promote the committee recommendation as well, as we assisted, in common with all the

praiseworthy efforts of all members of that committee, in its formulation and support. If the proposal we prefer is not adopted, we respectfully urge the adoption of the committee recommendation.

Now, we urge the adoption of the language of Delegate Proposal 1621 because it contains 2 fundamental and strategic propositions not clearly or adequately delineated in the committee proposal. In our view both propositions, one proposition creating certain rights, and one proposition imposing certain duties, are essential to an adequate declaration of rights on behalf of full citizenship for all persons in Michigan. The first proposition contained in Delegate Proposal 1621 and not expressed adequately in the committee proposal is the declaration of the right of all persons to equal opportunity to secure employment, housing, education and public accommodations as explicit political and civil rights. This explicit declaration in Delegate Proposal 1621 is for the purpose of specificity and enforceability, and this enumeration does not connote limitation. You will note in Professor Pollock's statement that he felt that this ought to be left to the legislature. It is the submission of those who have subscribed to this report, Father Dade, Lillian Hatcher, Robert Hodges, Peter Buback and myself, that we ought to spell out these rights in specific form. The second proposition contained in Delegate Proposal 1621 and not adequately expressed in the committee proposal is the imposition of a duty of nondiscrimination on private as well as public or state agencies in the exercise or enjoyment by all persons of political and civil rights.

Now, these 2 propositions, in our judgment, complement each other and supplement each other. They mean that discrimination is to be proscribed if based on the irrelevant criterion of race, color, religion, national origin or ancestry by state or political subdivision thereof or any firm, corporation, institution, labor organization or any other person. This proscription is in relation to the exercise by any person of such political or civil rights as the right to equal opportunity to secure employment, housing, public accommodations and education. In short, public or private discrimination is only proscribed in the area of, and in relation to, political and civil rights, and not in areas not related thereto.

As Dr. Pollock has pointed out, we have had considerable testimony before our committee from statewide organizations; the Michigan coordinating council of civil rights; you have received a publication from them and from other organizations, and we have also had before us the most recent and authoritative publication of the United States civil rights commission, of which Dr. John Hannah is chairman, and of the Michigan advisory committee to the commission, of which the late Mr. Charles Wilson was chairman. These reports have described in detail the quantity and quality of discrimination and segregation in Michigan, particularly in the areas of employment, housing, education and public accommodations, and their testimony was buttressed with preciseness and clarity before our committee by Mr. Harry J. Kelly, of Grand Rapids, the chairman of the Michigan fair employment practices commission. I want to suggest to you that he projected to us the basic premise of Delegate Proposal 1621, and that is this: that employment, housing, public accommodations and education are fundamental rights in our complex society. Without equal access—and I underscore that, equal access—to the enjoyment of these rights the individual is deprived of his full stature as a man and is deprived of his right of full equality as a citizen.

Now, we know that a constitution is a statement of goals and not a detailing of means, but surely our goals must include the intent that each of our citizens, all of our citizens, shall enjoy equal protection of the law in those particular areas of living which involve fundamental human rights, fundamental civil rights, in our state. Such intent, the intent that each of Michigan's citizens have equal access to the fundamental rights to employment, housing, public accommodation and education, should, in our opinion, be stated simply, clearly and enforceably as a matter of constitutional policy. Because such rights are fundamental and prerequisite to full equality and dignity as a citizen, the state should declare

them so in a declaration of rights in its constitution. Now, this straightforward declaration would be in keeping with the most modern and authoritative statement of our purpose and objectives as a nation.

President Eisenhower appointed a commission on national goals, and in 1960 that commission declared, with particular relevance to the matter now at hand,

Respect for the individual means respect for every individual. Every man and woman must have equal rights before the law, and an equal opportunity to vote . . . to be educated, to get a job . . . to buy a home. . . . These goals, which are at the core of our system, must be achieved by action at all levels.

I submit that at this level, that is, from the high ground of constitution writing, we ought to be able to survey the sweep of history. We ought to note the provision in this category in the constitutions of New York, New Jersey, Wyoming, Arkansas and Alaska and Hawaii. We ought to be able to see that human rights in specific forms are the goals of people throughout the world. We ought to be mindful that the Charter of the United Nations—to which the United States is a signatory nation—has declared that certain human rights are inviolate and every member is to promote and take action for "close uniform respect and observance of human rights as fundamental freedoms for all without distinction as to race, sex, language and religion." Now, in many treaties the United States has committed itself, as it did in the InterAmerican conference of 1945, "to make every effort to prevent all acts which provoke discrimination among individuals because of race or religion." Now, if we are to write a constitution in the twentieth century, we ought to declare in our declaration of rights a twentieth century appraisal of human rights.

May I conclude this portion of what I have to say by stressing this proposition: that the central premise of the American nation is the dignity and worth of every individual. It is the theory of this nation that its progress on behalf of all mankind is best promoted by regarding every individual on the basis of merit and character. Stemming from this premise is the obligation to constitutionally protect that dignity by promoting equality—the specific means of equality—by stating simply, clearly and enforceably the right to equal opportunity of each to be educated, to get a job, to buy a home. To the degree that we strengthen this right for each, to that degree do we secure this right for all. We ought, as President Eisenhower stated to this group when he appeared before us, to stand 4 square on this principle. May I, in humility and in deepest respect for the conscience of every delegate present, urge your support for the preferred recommendation contained in the substitute proposal contained in the minority report.

Mr. Chairman, in support of the minority report several of the people who have subscribed thereto have asked to speak and, I believe, have a contribution to make to this discussion. I refer specifically to Father Dade, Mrs. Lillian Hatcher and Mr. Buback. I wonder if they might be called on at this time.

MR. STEVENS: Mr. Chairman.

CHAIRMAN MARTIN: Mr. Stevens.

MR. STEVENS: Mr. Chairman, as a member of the committee who participated in this, and who listened to the speeches, and who spent more time listening to this one proposal than any other one, I wish to endorse the committee's proposal. We feel that we have covered all the necessary things. We felt, in fact, that the mere equal protection clause would, in itself, cover it, but realizing that it was something of a special case, we made the concession to this end: that we would specify that we would put into the constitution certain specific things which would apply to the persons mentioned therein: persons should not be discriminated against because of sex, religion, color, race or national origin. To that end, we decided, or a majority decided, that it was neither wise, proper nor desirable that we should apply this to individual persons, or that we should attempt to legislate in the constitution. We provided all the background the legislature might possibly need. The legislature has already, over the years, made—and we feel will continue to make—any provisions necessary in regard to places of business open to the public, such as theaters, hotels,

stores, and so forth, and we feel that it is not necessary to enumerate such things in the constitution.

We also had in mind protecting, to some degree, the rights of property owners whom we thought should not, as individuals, particularly home owners, be required by law to sell their property to any person to whom they did not wish to sell without having to defend themselves thereon. In connection with that there will be offered later a proposal to that end. The point is that the committee feels that it has done everything necessary and proper to take care of this problem. We do recognize the problem. We feel we gave it a lot of time. We feel that we have given the legislature any powers it may need hereon. Thank you.

CHAIRMAN MARTIN: The question is on the minority report. Father Dade.

MR. DADE: Mr. Chairman, members of the committee, I address you, ladies and gentlemen of the committee, to urge that you vote yes in favor of the substitute proposal commonly called 1621.

You know, it's one thing to look at this problem in an academic way, to look at it in a philosophical way; it is another thing to look at it in a way which no one in this committee—no one in this convention—can look at it as I can look at it. A short time ago it was my misfortune to be attacked by a mob. I was attacked by a mob because I was exercising a simple act of decency, and this mob would have beaten me, mauled me, trampled me down. I am here this afternoon because of the courage of a lone white woman who momentarily cowered this mob and together with a negro porter called for help. Now, ladies and gentlemen, I mention this for one fact: that the people who came before us in the public hearing, which some of the committee had called pressure groups, in the eyes and the voices of those people I saw the same kind of courage, the same kind of Christian declaration of extending to individuals, regardless of their race, color or creed, the basic rights which should be accorded to every citizen. I speak specifically of the monsignor representing the roman catholic diocese of Saginaw; I speak of that single capable woman representing the 3300 members of the league of women voters; I speak of the Republican industrialist from Grand Rapids; I speak of a lone young woman who so captivated this committee that the previous speaker went down and further talked with her about the difficulty she was experiencing in public accommodations. These people came before this committee and they said, "We want 1621." And so I speak for them, which I call a report, not on preference alone but, in my book, a report on priority.

In the second place, I want to make a report. I went back—not into my district, but to talk to people. I said, "Look at these 2 proposals. Tell me what you think of them." They looked at the proposals and here is what they said. They are just down to earth, grass roots people. Here is what they said: "We don't want any kind of 'let George do it, leave it to the legislature, pass the buck'. We want it spelled out in the constitution. We feel that if a right is to be enjoyed, it is to be enjoyed now or not at all. We don't want it left to the future. We want it spelled out right now." I said, "Well, what about the possibility it might hurt somebody else?" They said, "Bosh! Isn't it true that the basic property rights of every individual is protected? No one is compelled to convey his property to anyone else if he doesn't want to." I said, "I thought that." And then I said, "Well, what about what I heard at the convention, that you may be receiving special treatment?" They said, "Tell the convention, remind them, of the constitution where it spells out involuntary servitude, and tell them that therein it mentions no race, no group; it speaks of individuals, and we as individuals are asking that we be treated as individuals, and that this be spelled out in the constitution, in the law of this state of ours."

Ladies and gentlemen of this committee, I feel that this is a simple matter of basic justice, freedom and equality; and that basic justice and freedom and equality cannot be divided—they are indivisible. I wish I could repeat the words of the president, President Eisenhower. Put it this way: when you take away the freedom of equality or justice of any individual, you all suffer. I remember a short time ago, a few

years ago, having an audience with the ambassador to London under the Eisenhower administration, and I, as an American citizen, was ashamed to have him confess to this American group that the one thing he found himself continually humiliated by was the fact that he could not explain away discrimination in his own country.

And so I say to you, ladies and gentlemen, vote aye, vote for this substitute proposal. Spell it out—spell it out so we can all see it—that these basic rights should be accorded to all people. I am standing here this afternoon—I am not speaking because I happen to be black—I am standing here speaking, not for black alone, nor white, nor protestant, nor catholic, nor quaker, nor mormon, but I am standing here speaking for what I have always stood for, for the rights of people, for the elementary decent rights of people that I think should be spelled out in this constitution we are writing today. And, there are those who say I should be more patient, and to them I say: time is running out. I say the map of the world has had a repaint job, and that those who have repainted are asking that we match our practice with our precept, and they want it spelled out. I would remind you that today's majority may be tomorrow's minority. And for these reasons I urge that you vote aye on the language of 1621, and send out a light of hope and brotherhood that will reach far beyond the borders of this great state of ours.

CHAIRMAN MARTIN: Mrs. Hatcher.

MRS. HATCHER: Mr. Chairman and fellow delegates, I rise in support of the minority report as a matter of preference of 1621. I would like at this time to extend my remarks and compliments to the remarks of Mr. Norris, the vice chairman of our declaration of rights, suffrage and elections committee, and the remarks made by Father Dade, the previous speaker. Let me, first of all and foremost, make it clear that I voted in support of the majority report. I voted in favor of the majority report because I feel that it is a very good report. However, I favored and preferred the language of 1621 because of the contents and the quality that it embraced. I also want to take this opportunity to compliment the chairman of the declaration of rights, suffrage and elections committee, Dr. James Pollock, who, in my opinion, offered very sound and constructive leadership in attempting to bring the committee members through the days of deliberation, of examining article II of our constitution, and guiding us through the very difficult period of trying to have a meeting of minds; realizing that this was the very first time that 15 people who are citizens of the state of Michigan had had the opportunity to sit down and discuss the very fundamental issues that were before us in the constitutional article II.

I feel that the majority of the members of that committee dealt with the subject forthrightly and in honesty—in all honesty—based on experience that they had had in the various fields that perhaps complemented their activities as members of the committee. However, there were many times we were in basic disagreement on matters that were discussed, but at no time did we ever lose our dignity or respect for each other as individuals. I believe that the fact that we did have such a subject matter of the magnitude as the discussion of civil rights and the question of equal protection perhaps made our committee a little more distinctive than some of the others were. Because, despite how important the other matters before other committees were, we were dealing with the fundamental principles of human relationship and human dignity, which, I believe, transcend all other elements that this convention may be confronted with at this time. I have been more or less guided by my own individual opinion as to how citizens of Michigan are concerned about the image that we will set forth here in this constitution, and just how concerned are the people in Michigan—how concerned are they—with the question of human dignity.

I want to say that, throughout the world, people are constantly on the move attempting to try to seek a greater degree of security and peace, and despite the lack of personal experience that one may have in the field of civil rights, or equal protection or lack of equal protection, I don't believe that

any person in this constitutional delegation, or in the state of Michigan, or in the world, as a matter of fact, who can read or hear, can deny the fact that the problems that seem to beset the people of color is one of significant importance. Every news media, TV, radio, slick page magazines and daily publications are constantly reporting to the people of the United States, the state of Michigan, the city of Detroit and Lansing, the problems that are confronting them. Many organizations have taken special interest in attempting to try to study and understand the problems that beset people of color. Women's clubs have adopted as part of their agenda the importance of discussing human relations and human values, and the importance of human understanding. Civic groups have likewise stepped up their programs throughout the state of Michigan and throughout the United States in an effort to try to bring together a better degree of understanding. Religious bodies all over the nation and the world are concerned about the question of color. It has been on the convention agenda of many denominational groups as to whether or not they will accept black citizens as members of their organization, their church group, as well as other members, and this has been a major and splitting problem among church and religious groups throughout our country. Likewise, governmental agencies are doing more to insure equal protection and equal opportunity to people of color and of religious differences. Also, school boards have found it necessary to do something more in terms of trying to afford equality of opportunity in education. It is well to say, in addition, that the Republican party and the Democratic party in their convention platforms that they run on every 4 years when they are seeking the top positions of the nation, mainly, the standard bearer of the office of president, usually refer to and include in their platform a section dealing with civil rights; and I am beginning to wonder just how sincere these 2 parties are when it comes to the question of really putting into effect the things that they say in the Democratic platform as well as in the Republican platform.

I don't imagine my comments here will persuade the opinion of many people here, but I believe the facts and the issues of the day certainly are subjects with which the diplomats and the ambassadors and the leadership of our nation are concerned. For that reason I trust that the delegates will bear with me in these reflections that I would like to leave as a matter of concern to this delegation.

I am also concerned about how this document that we are attempting to write will be received by the people. It is true that there are those of us in this convention who have ambitions beyond this convention, whether they are political, economic or whatever they happen to be. I believe that we have a responsibility to bring back to the people something more than perhaps they had in the last constitution, because I think that the document ought to reflect progress and future achievement, rather than taking away from the people some of the rights that we presently are enjoying. I think, and I certainly know, that the responsibility of delegates to this convention was first of all to review and revise and to possibly improve the constitution in many areas,—not just in the area of declaration of rights, but in many other areas.

I might say, going back to my committee's role for just a moment, that the declaration of rights, suffrage and elections committee voted unanimously to support a resolution to hold hearings in other sections of the state in order that other citizens throughout the state could have the opportunity to discuss problems of concern regarding civil rights with the committee directly. We heard people in Lansing, Detroit, Saginaw and Flint, as well as people who journeyed from other sections, like Muskegon, Ann Arbor, Grand Rapids, and various other sections of our state; at which time the majority of the people were either representing themselves as individuals, an organization, or they were a part of the coordinating council, and each of the representatives who spoke representing the coordinating council supported Delegate Proposal 1621, and that was my reason, and it is still my reason, for rising at this time in support of the minority report presented by Mr. Norris. I feel that the minority report is one of preference because it goes further, in many ways, in spelling out the

content and the problem that we have involved in the area of civil rights, and I would like to at this time endorse the coordinating council on civil rights, the proposal that they presented at the time that we held hearings in Detroit relative to the question of an equal protection clause. Their reasons were in § 8 sections:

1. Discrimination is a major evil in the United States and in Michigan.
2. The people of Michigan have the affirmative responsibility to place civil rights protection in the highest law of the state, their constitution.
3. The securing of these rights should not be dependent on changing interpretations of the federal and state courts.
4. The present Michigan constitutional civil rights guarantees are fragmentary and incomplete.
5. Adequate protection is not provided by the thirteenth, fourteenth or fifteenth amendments to the federal constitution nor by federal civil rights laws.
6. Other states have recently included civil rights protection sections in their constitutions.
7. Michigan policy and a swiftly growing public concern supports civil rights guarantees.
8. Delegate Proposal 1621 provides equal protection of the law, recognizing as a civil right freedom from discrimination in key areas of modern life, and prohibits discrimination by the state or other agencies or persons.

I could perhaps take more time of the committee—I haven't used up the number of words that one delegate said we are all accorded—but I believe I have more or less said to you many of the things that I felt were important to say at this time, and other colleagues of mine, members of the committee, I am sure are anxious to make their remarks as well.

I feel that the committee's report, supporting the proposal submitted by our chairman, Dr. Pollock, is one that I can feel very secure and confident of. I participated in the discussion regarding that proposal, and I feel that it was done in good faith. However, my preference still remains with the substance of 1621; but it was not possible for us to secure that, and I wanted to make my position clear concerning this matter. So that is the reason I rise to give these few comments. Thank you, Mr. Chairman.

CHAIRMAN MARTIN: Thank you, Mrs. Hatcher. Mr. Buback.

MR. BUBACK: I yield to Mrs. Butler.

CHAIRMAN MARTIN: Mrs. Butler.

MRS. BUTLER: Mr. Chairman, fellow delegates, as a member of the committee on declaration of rights, suffrage and elections, I rise to support the committee report. In our study of this section, we felt that the wording of our proposal covered all the rights enumerated by the minority. I urge your support of the committee proposal.

CHAIRMAN MARTIN: Mr. Buback.

MR. BUBACK: Mr. Chairman and fellow delegates, I rise in support of the minority report of preference. As a member of the committee on declaration of rights, suffrage and elections, I wish to state that in our visits to the cities of Detroit, Saginaw and Flint, where public hearings were held, much of the testimony we heard was in behalf of Delegate Proposal 1621, which had the support and backing of the coordinating council of Michigan, consisting of some 31 organizations. I would be remiss in my duty if I didn't speak in behalf of this minority report of preference. May I just take a moment of your time to read one of the many letters and telegrams that I have received relative to the minority report of preference?

Dear Mr. Buback:

I would like to have you know that I feel very strongly that Proposal 1621 should have a place in our new constitution. I believe that discrimination because of race, color, religion or national origin is both immoral and a stumbling block in the path of progress, and that the specific guarantees of civil rights contained in Proposal 1621 should be written into our basic law, the constitution of Michigan.

I feel Michigan should take its place amongst the states

which have included civil rights protection in their constitutions.

Sincerely,
Mrs. Cora Madison,
A white citizen.

Now, ladies and gentlemen of the committee, I urge your support for the minority report of preference.

In closing, I wish to commend the committee on declaration of rights and suffrage, and all the members who worked as a group. I also voted for the majority report. I think it is a good report, but I just think the minority report of preference goes a little step further. I think Dr. Pollock did an excellent job as chairman of our committee, and I also wish to commend him. Thank you.

CHAIRMAN MARTIN: Mr. Beaman.

MR. BEAMAN: Mr. Chairman and delegates, as a member of the committee, I want to agree with Dr. Norris and Mrs. Hatcher, that we did give very sober and conscientious consideration to this matter, and I feel that Michigan has made a great step forward in the area of discrimination in the majority report. So I rise to support the majority report of this committee.

CHAIRMAN MARTIN: Mr. Binkowski.

MR. BINKOWSKI: Mr. Chairman, I wish to rise in support of the minority report. Before I entered high school in 1943 I was somewhat experienced in racial matters due to the race riot in Detroit in 1943. Shortly thereafter Detroit common council formed our Detroit commission on community relations. Since that time I have had the opportunity of making the acquaintance at Wayne State University of one of its commissioners, Mr. Wallace A. Witkowski. Mr. Witkowski and his teams were a part of the Polish underground who fought the nazis. He came here not too long ago, and presently he is one of the commissioners of the Detroit commission on community relations. He testified before the committee on declaration of rights, suffrage and elections, and with your indulgence, I would like to take a few minutes to read some of the more pertinent parts of his very short speech. He starts out:

Having been born and raised on the continent, I am a part and product of the generation which witnessed persecution, torture and death inflicted upon the millions of men by parties, societies and governments simply because the victims were of a different nationality, race, religion or ancestry.

The Detroit commission on community relations was formed upon petition by the shocked citizens of our community less than 20 years ago. It was created to redress and prevent grave wrongs and injustices which caused death, violence and destruction of property within Detroit's city limits, and, above all, resulted in destruction of the image of a free and unprejudiced society around us. It all happened within our generation.

The existence of our commission, the enormous task it faces, its efforts, difficulties and history over the past 18 years are the most dramatic proof of the lack of and the need for a broad statement of the principles of equality of all men to be placed in our new constitution, guaranteeing under law equal protection against discrimination and equal opportunities.

These principles should be plainly stated and the legislature charged with their implementation by appropriate legislation.

There are those who feel that there is no need to spell out in our constitution the rights of every citizen. We have learned that when principles are involved we must put them in our laws, our ideas and our deeds. We must state them again and again. We must remember them every day, and must remind every citizen of this state not only of the rights he has but of the rights he must respect in another man, in his fellowman. Without clear statement of such rights, without implementation by legislative enactments of our beliefs in equality under the law, in equal opportunities and freedom from discrimination, in the words of Dr. Seymour Lipset:

the self perpetuating mechanism of prejudice existing in every society, stemming from the ignorance and selfishness of man, will infringe upon, limit, restrict and erode our freedom until there will be none.

Man's mind is a repository not only of hopes and dreams and ideals of mankind, but also, as someone said recently, of all the misconceptions, biases, false traditions, fables, myths and falsehoods of centuries of ignorance and hatred.

We must educate, we must preach, we must restate the principles of equality, and must remind everyone, every time and everywhere, of them. The constitution is where it should begin. People must unlearn wrong ideas and false ideas, and the constitution must point the way.

Ours is a generation that has the ambitious aspiration to create a good society free of inequities and political handicaps. And yet, this is the generation that has killed men based on the accidental difference of their birth. Others have been threatened for the simple act of moving into homes that their incomes and tastes warrant. It was in our city that 3,000 men walked out of the factory because 3 negroes were upgraded on the assembly line. This happened and happens in this city in this generation.

During this past year in several areas in northwest Detroit we witnessed both destruction of property and harassment, because of their color, of families that sought peaceably to occupy homes which they had purchased.

It is in our city today that we have organizations created ostensibly to protect the economic value and character of the neighborhoods but which in effect violate man's most cherished rights.

Prejudice exists today in our midst in both the open and notorious form as well as the more subtle and sophisticated one.

It is up to you members of the constitutional convention, this sovereign body, repository of all the powers of self government that people have ever had on earth, the beholder of all our noble principles and ideals, it is up to you to recognize the need for a strong, resolute and bold restatement of the principles on which this country has been founded.

It is up to you to include in the new constitution the statement of an individual's rights to equal protection of the law, to freedom from discrimination by anyone because of race, color, religion, national origin or ancestry, to equal opportunities and enjoyment of civil and political rights, and to provide for legislative implementation of these principles.

Will we do this?

CHAIRMAN MARTIN: Mr. Romney.

MR. ROMNEY: Mr. Chairman, I recognize the difference between the committee's report and the proposal of the minority report, the preference proposal. I realize that the committee's report does, in general language, what the minority preference proposal provides in more specific language. I realize that the preferred proposal of the minority is, to some extent, statutory in character, and normally I would oppose the inclusion of such statutory language. However, for many years I have stood 4 square in support of equal recognition before the law and equal rights.

To my knowledge, my company was the only major company that in 1955 publicly supported the enactment of the fair employment practices act. I think that we are dealing with an unusual problem. We are dealing with a problem that is of importance not only in the state of Michigan, but it is important throughout the world. This country will not be able to communicate its ideals and hopes effectively to the rest of the peoples of the world until we eliminate from within the type of discrimination that does exist, and I think that it justifies highlighting in the constitution of Michigan this problem in a more specific way than would be true ordinarily.

I realize that this language is subject to some abuse. After all, with civil rights we can abuse rights. But I think that the risk of such abuse is not sufficient reason to fail to do what can be done to correct the problem that is long overdue in its

correction. Therefore, I urge you to support the preferred minority proposal. I think it justifies the risk of abuse, and I think it also desirable to be more specific in this case in the constitution because of the urgency of dealing with this problem promptly and thus taking steps that are important to harmony within our state, and to the understanding of our true attitude and position in the world. (applause)

CHAIRMAN MARTIN: Mr. Murphy.

MR. MURPHY: Mr. Chairman and delegates, I rise in support of the minority preference report to the committee report of rights, suffrage and elections. In doing so I am not at all unmindful of the fact that certain personal considerations might be affecting my judgment. On the other hand, however, there seems to me certain cogent reasons why the proposal contained in the minority report should be adopted, and it is to these reasons that I should like to address myself.

First and foremost, the problem of racial inequality in the United States is no longer a purely domestic issue, for it vitally affects our foreign relations. Let me hasten to add that I recognize that the delegates to this convention cannot legislate for our country as a whole, but I am equally certain that what we do here in the next few weeks will be watched by the world and will have its impact for good or for bad.

In 1959 as national committeeman for the young Democratic clubs of Michigan, representing the young Democratic clubs of America, along with young Republicans of America, it was my privilege to attend a NATO conference in Paris, and Tours, France. Before embarking upon that conference we were briefed in Washington about what to expect and how we should conduct ourselves. Economic considerations played a large part in that briefing. During our rather extensive tour of the NATO countries, however, I found a grass roots concern not with economic problems but with problems of human relations. The people of those countries seemed much more interested in the fact that our group was traveling, living and eating together in Europe while these basic human needs could not always be satisfactorily achieved in our own country. Throughout Europe these people raised questions about racial segregation and the denial of equal opportunity within our borders.

Few aspects of American life are more highly publicized throughout the world than our denial of equal opportunity, and this attack is difficult to counter because of the element of truth in it. And every action, either by a state or by an individual, that deprives other individuals, because of their race or color, of rights and privileges enjoyed by others in some measure burdens the nation in its cold war struggle. In the struggle between the free world and the communist bloc for the allegiance of the so called "uncommitted peoples," almost all of whom are nonwhite, the United States is seriously handicapped by its continued practice of the denial of equal opportunity because of race, religion or color. In this struggle we should be impressing upon the world our genuine respect for the dignity of human beings regardless of the color of their skin; and certainly a strong, unequivocal and broad declaration of such respect in our own Michigan constitution is a good place to begin.

There are other reasons for my preference for an equal protection clause which treats the areas of employment, housing, public accommodations and education. These are the areas where discrimination falls most heavily on the persons discriminated against; consequently, these areas ought to be spelled out in our equal protection provision. Many people doubt the possibility of promoting racial equality by law, but if law can be used to enforce discrimination, it can be employed to promote equal rights. It is also often said that social customs cannot be legislated. Proponents of this argument cite the failure of prohibition laws and the nonenforcement of many state laws against discrimination during the latter part of the last century. These legislative failures certainly demonstrate that a mere passage of legislation is no infallible cure, but they do not justify our failure to be as specific in this area as we can. Laws can be a potent force for changing social habits and modifying attitudes. Of more importance, however, we should note that the proposal contained in the minority report

does not require any person to change any attitude, but to refrain from certain discriminatory acts particularly in the areas spelled out.

Now, Mr. Chairman, let me move on to my reasons for preferring the minority proposal, which covers discrimination by individuals, firms, corporations and labor organizations. Individuals may be discriminated against by the state, on the one hand, or by private conduct on the other. Ever since the civil rights cases in 1896, the United States supreme court has consistently held that the fourteenth amendment to the federal constitution prohibits only the denial of equal protection by the states or their political subdivisions, or officers acting under color of state law. As the minority report indicates, Chief Justice Warren recently indicated that the amendment erects no shield against merely private conduct however discriminatory or wrongful. I submit to you the proposition that to proscribe state discrimination while at the same time permitting private discrimination is to make one only half free. Consequently, to bring about that equality envisioned — that Mr. Norris mentioned a few minutes ago — in President Eisenhower's report, the state must bridge the gap by prohibiting private conduct which discriminates on the basis of race, color, religion or national origin.

It is often stated that to accord equal treatment to members of a minority is to violate the rights of others such as the right to associate with persons of one's choice, or the right to choose one's neighbors, or the right to dispose of one's property. There is no doubt that there is a potential conflict, but the resolution of conflicts is precisely the business of government. And so, in the sphere of private conduct, we must resolve the potential conflict between the right of an individual to practice racial discrimination, morally reprehensible as it is, and the right of the state to curtail this freedom for the good of the whole. Individual liberties are never absolute, and are always curtailed when it can be justified by persuasive demonstration of a public good to be served.

The report of the commission on race and housing, University of California Press, 1958, points out very succinctly 3 principal grounds in the American tradition for restricting individual liberty. They are:

1. Private activities affected by a public interest. When private activities, because of their nature or scope, affect the welfare of large numbers of people, they cease to be purely private and may justifiably be subject to control in the public interest. Certainly housing, employment, public accommodations, and education are areas in which conduct by private persons must acknowledge a responsibility to the public.

2. The second area in which we have consistently curtailed individual freedom is where there has been an inequality of private power. Respect for individual freedom is a principle that rests upon an assumption of substantial equality of power among individuals. Whenever marked inequalities of private power have developed, they have always generated a demand for correction. Again, may I point out that where discrimination is practiced, the minority individual is confronted not merely with the prejudices of private persons but with the power of organized groups to determine where he shall live, work or go to school.

3. The third area in which individual liberty is curtailed is where we do so for the express purpose of preserving and extending freedom itself. In many ways the enforcement of limitations on the freedom of minority persons brings restrictions on the freedom and opportunities of others as well.

By way of conclusion, let me briefly state my reasons for supporting the minority proposal. First, it will improve our image abroad by stating the core of our system in which every man shall be afforded the equal protection of the law. Secondly, it will enhance the accomplishment of our national goals. Third, it prohibits discrimination in that broad area in which discrimination is now practiced, and which is now proscribed by the fourteenth amendment to the United States constitution. And, fourth, because the curtailment on private discriminatory conduct is a reasonable one for the enhancement of the public good. For these reasons, Mr. Chairman, I support the minority report.

CHAIRMAN MARTIN: Thank you, Mr. Murphy. Mr. Leppien.

MR. LEPIEN: Mr. Chairman, fellow delegates, I rise in support of the majority report for the following reasons. They will be very brief. I think we have all agreed that the committee has heard a great deal of testimony. The committee has worked diligently, and has come to an agreement that nobody is against anything, but we are all for something. This is, if we could use the phrase used in this convention and applied to the other committees, a continuing emerging problem. I don't think anyone will disagree with that fact. The very fact that it is a continuing emerging problem and based on a question asked in our committee as to a specific word in the minority report, namely, housing—did this mean depriving the individual property owner of his right to dispose of his property as he saw fit? No real estate agent, nobody else involved, just the individual citizen living in his homestead? And the answer was yes, that this would prohibit him from disposing of his property as he saw fit. Now, then, that brings us to the point that here we have an emerging problem and I think that all the previous speakers have agreed, at least in part, or in total, that this is something that is not going to be cured today or tomorrow. It is going to take time.

In the short span of my lifetime we have seen a great deal of progress in Michigan. We have seen a great deal of progress in my own home city, where we have a human relations commission that is doing a beautiful job, as was testified to at the hearing held in Saginaw on December 19 before this committee.

I simply point out to you that the majority report leaves the details to be expanded as long as the constitution of the state of Michigan that we are writing, and which we hope and pray will be adopted when submitted to the people, will then be in a position to go even beyond the restricted clauses found in the minority report. Mr. Chairman, members of the delegation, I support the majority report. Thank you.

CHAIRMAN MARTIN: Thank you, Mr. Leppien. Mr. Hubbs.

MR. HUBBS: Mr. Chairman, fellow delegates, I am also a member of the committee on declaration of rights, suffrage and elections and for the past 3 months we have been developing a bill of rights. In the process of developing that bill of rights we have come up with a proposal that we consider to be a satisfactory addition to the bill of rights. I would like to point out to you, in support of the majority report, that the minority report goes much too far in its attempt to preserve individual freedom. And I suggest to you it goes so far that individual freedom would be infringed to the nth degree. And I would like to point out to you the final phrase of the substitute proposal, "or any other person." I still believe that individuals in this country would like to have some degree of freedom. I would like to have freedom, and I know that the people who are battling for this minority report would like to have freedom also. I respect their integrity, I respect their wishes, and I respect their position, and I have listened patiently and long, but I feel that in their zeal to get what they consider a victory, they will have injured everyone in our free society. I urge you to support the majority report and truly preserve individual freedom. Thank you.

CHAIRMAN MARTIN: Mr. White.

MR. WHITE: Mr. Chairman, fellow delegates, as one of 15 members who has sat through 4 months of, I think, rather high level deliberation on this and other matters having to do with human relations and civil rights, I rise, respectfully, to oppose the minority report and support the committee's proposal. I have a keen sympathy for and an understanding of the problems involved, I think, and I sincerely believe that the committee's proposal meets our requirements. It is a fair and equitable civil rights provision, and a broad and bold statement on equality. I urge its adoption by the committee. Thank you.

CHAIRMAN MARTIN: The question is on the adoption of the minority substitute proposal. Mr. Bentley.

MR. BENTLEY: Mr. Chairman, I have an amendment to the substitute proposal at the desk.

CHAIRMAN MARTIN: The secretary will read the amendment.

SECRETARY CHASE: Mr. Bentley offers the following amendment to the minority substitute:

1. Amend page 1, line 8, after "employment," by striking out "housing, public" and inserting "public housing and", so the language will read, ". . . be discriminated against in employment, public housing and accommodations, education, or in his enjoyment of all other of his civil rights. . . ."

CHAIRMAN MARTIN: Mr. Bentley.

MR. BENTLEY: Mr. Chairman, ladies and gentlemen, I have read with considerable sympathy and interest the committee proposal and the supporting reasons thereof, and find myself in agreement. I have also read with equal sympathy and interest the minority proposal and the supporting reasons thereof, and find myself likewise in basic agreement. I would venture, Mr. Chairman, that the vast majority of the delegates assembled in this hall are in sympathy with the objectives contained in both proposals, and I might say at this time that I would hope that the final action on whatever decision the committee takes will be done as it should be done, by an overwhelming vote of all the delegates assembled in this hall on so important a proposal as we have before us at this time.

Mr. Chairman, if there is one possible area of controversy within the minority proposal it occurs, I believe, within the area just referred to by the gentleman from Saginaw, Mr. Leppien, which would be in the field of so called nonpublic or private housing. I think this area, which everyone knows is extremely controversial as to interpretation, should probably be left to both judicial and statutory action for its implementation. It is not my purpose to evade controversy. It is not my purpose to evade issues or areas of the entire field of civil rights which should be thrashed out by this committee and by the convention as a whole. But I do feel it is so important to endeavor to obtain, if possible, an overwhelming majority vote, and to prevent division, whether partisan or otherwise, in disposing of this issue, that I offer this amendment, in the utmost sincerity and good faith, in an effort to, perhaps, resolve one possible area of controversy which may arise in consideration of this particular matter. My purpose, I say, is to try to command a large majority of support, which I think is as it should be. I would be very frank to say that if this amendment is adopted I would support the minority proposal with pleasure, just as I would support the committee's proposal if that were the final vote insofar as this committee is concerned.

Actually, I find myself in the position of the minority. I support the committee's proposal. I would prefer, perhaps, the minority because of its specific reference with the exception of this one possible area to which my amendment refers. So far as the question of discrimination in employment and measures taken to prevent it, I feel there is little or no division within this committee. So far as the question of discrimination in the field of education, and measures taken to prevent it, I likewise feel there is no division within this committee. As a matter of fact, the committee on education, of which I am chairman, has a proposal already on general orders that is very similar to the lines of the minority proposal insofar as the question of education is concerned. In the field of public accommodations, I likewise feel that there is little or no division within the committee of the whole on this matter. I sincerely believe that it is only possibly with respect to this one area of housing that there may be sharp and honest difference of opinion within the group which we have assembled here. Therefore, I offer, as I say, this amendment in sincere good faith, in an endeavor to resolve a possible area of controversy which I think might prevent what should result, and that is an overwhelming vote of approval for a civil rights proposal in our constitution.

I might add, Mr. Chairman, that in this record of endeavoring to prevent discrimination in public housing my own position is historically clear. I believe it was when I was in congress about 3 years ago I offered an amendment in the house of representatives to forbid — this was an amendment to the house amendment to the housing act of 1959 — the use

of federal funds in any form in any type of public supported housing at the federal level where discrimination might or could be practiced. That amendment was voted down. I remember being sharply criticized by the chairman of the committee who was handling the bill on the floor — a gentleman from the fine state of Alabama — Mr. Rains, that I was offering that amendment at that time in the spirit of attempting to kill the entire housing bill because he termed it a "Powell" type of amendment. That accusation, I may say to my regret, was reechoed in the editorial column in one of our metropolitan newspapers. My purpose in offering that amendment at that time was sincere. My purpose in offering the amendment at this time, ladies and gentlemen, is imbued with equal sincerity, and although I am not trying to evade any stand on the question of discrimination in the field of nonpublic or private housing — and I'll be glad to state my own belief, if I am asked to do so — I do believe that if the committee, or rather the minority, might wish to accept this particular amendment to their substitute proposal, it would result in removing a great area of possible controversy, possible misinterpretation, possible doubt; and I think we could then have a civil rights proposal that the majority of the delegates would all support in good faith and conscience. At least I trust so. Thank you.

CHAIRMAN MARTIN: Thank you, Mr. Bentley. Dr. Pollock.

MR. POLLOCK: Mr. Chairman, I trust that we will not get into this tedious job of amending 2 carefully drafted alternatives. The decision can be made very clearly. If you like the minority report, vote for the minority report. It was also carefully considered by the committee, as well as the majority report. The way to get unity, if I may suggest it, is not to propose other amendments, but to vote down the minority report, because the minority have already indicated that they are in favor of the majority report, too, and I see no reason in the world why the original proposal of the committee cannot secure the unanimous support of this committee easier than any one which is tinkered with, be it either the minority one or the other one.

CHAIRMAN MARTIN: The question is on the Bentley amendment to the substitute proposal. Mr. Downs.

MR. DOWNS: Mr. Chairman, fellow delegates, I rise in opposition to the amendment. Normally in a deliberative matter of this kind, where feelings are strong, I would go along with a compromise for the sake of unanimity, and I wish to say I have no question whatsoever as to the motives or integrity or sincerity of the delegate who offered the amendment. I can respect those motives and yet I can disagree with the amendment.

The reason I disagree with it is that the matter of housing is so vital to the matter of segregation. Our first proposal was that religion, morality and knowledge be part of our educational process, and I believe in that and support it. But if we do not eliminate segregation in housing, we then have segregation in schools, and when we have segregated schools we have inferior schools, and when we have inferior schools we are dooming those children to inequality of education. This is for those that are doomed to be in segregated schools. We have 2 kinds; one that is segregated with only minorities and one that is segregated with what we call majorities. In this day and age I am not quite sure what a majority or minority is. I speak now as a parent, and I want, in a civilized society, the children of my wife and myself to have the opportunity to be in an integrated school in the first grade and kindergarten, so that our children can begin to feel the basic dignity and equality of people, rather than to wait until they are fortunate enough to take a course in anthropology or psychology in college and learn that they were wrong when as children they had impressions that some races were superior and others were otherwise.

I believe that if we really want to get at the heart of this — and I speak to those of us who are a little critical sometimes of the people in the deep south wrestling with their problems — we too must face this problem openly and honestly. In conclusion I would say that in preparing a document here we are preparing a document that reflects our hopes and not our fears;

our hopes for the life to come of our children and our children's children. Thank you.

CHAIRMAN MARTIN: Mr. Shanahan.

MR. SHANAHAN: I want to talk to the minority report.

CHAIRMAN MARTIN: The question is on Mr. Bentley's amendment. Is there further discussion? Mr. Bentley.

MR. BENTLEY: Mr. Chairman, I ask that it be read, and then I ask for a division.

CHAIRMAN MARTIN: The secretary will read.

SECRETARY CHASE: Mr. Bentley's amendment to the minority report is as follows:

1. Amend page 1, line 8, after "employment," by striking out "housing, public" and inserting "public housing and", so that the language will then read, beginning in the second sentence:

No person shall, because of his race, color, religion, national origin or ancestry, be discriminated against in employment, public housing and accommodations, education, or in his enjoyment of all other of his civil rights, . . .

CHAIRMAN MARTIN: Mr. Hannah.

MR. J. A. HANNAH: Mr. Chairman, I assume that the Chair might rule my comments out of order since they are only by indirection applicable to the amendment before us. I had expected to remain quiet on this issue because a few weeks ago some folks thought that I intruded a matter of civil rights into another matter. I see in this discussion in the last few minutes, however, well intentioned people in the process of dividing themselves on an issue where there need be no division. The people of Michigan have a very good record in the field of civil rights—not as good as it should be, but good by comparison to most other states and areas.

When I was elected as a delegate to this convention, I asked the staff of the federal commission on civil rights in Washington—and they have devoted more time and attention and thought to this problem, I am sure, than any individual in this hall—I asked them to give serious consideration to the words that they thought would be appropriate to make for the maximum progress in the area that we are now talking about, civil rights, and appropriate to be included in a state constitution. Those words were included in my Delegate Proposal 1455, referred to by Dr. Pollock in the committee report. After you leave the section that had to do with inherent rights, the staff of our commission on civil rights thought that everything that needed to be said to adequately protect the civil rights of people and to make it possible for a state like Michigan to make the greatest progress that can be made are these simple words:

Civil rights. No person is to be denied the enjoyment of any civil or political right because of race, color, religion, ancestry or national origin. The legislature shall implement this section.

The committee has changed it a little. They have added some words, they have left out a word or two. But essentially this is what they have included.

Now, you see in the speeches that have recently been made; in the well intentioned amendment by Mr. Bentley; what happens when you try to provide for every possible contingency. I speak now against the Bentley amendment—against the minority proposal—because I believe, with great sincerity and conviction, that the words prepared by our staff are about all that are essential, necessary or desirable, and I am afraid you are going to divide in an area where no well intentioned people should divide themselves.

CHAIRMAN MARTIN: Mr. Shanahan.

MR. SHANAHAN: I wanted to talk after the Bentley amendment is disposed of.

CHAIRMAN MARTIN: Mr. Hodges, do you want to speak on the Bentley amendment?

MR. HODGES: I would like to speak in opposition to the Bentley amendment. I would just like to read a paragraph here.

We observe that in our state today the only commodity that an individual family cannot buy on a free and open market is a house. This in turn creates school and community segregation and generates prejudice. It causes

crowding, lower civilian morale, and makes for substandard living conditions.

We pledge that we will work for constructive legislation aimed at abolishing discrimination in the sale or rental of housing, and that we will make for an open housing market in this state.

That is the Republican state platform of last year.

Now, what Mr. Bentley's well intentioned amendment would do is foreclose, for the next 50 years if this constitution is adopted, the field of private housing. I do not think any of us here today want to say how far in the future we will go in this field. There are many other areas, other than the individual home owner, when we raise the question of private housing. There are multiple dwellings. There are large tracts where 500 and 1,000 homes are sold at one crack. There may well be a time when appropriate legislation in these areas will be thought necessary, and by deliberately excluding, as this amendment would do, the field of housing, we would be doing a disservice by stating for all time, at least for the great life of this constitution, that we do not feel that this is a proper area. I do not feel that this is something we should do. Therefore, I oppose the amendment, and remind the delegates of both party platforms in this regard.

CHAIRMAN MARTIN: The question is on the Bentley amendment. Mr. Habermehl, do you wish to speak on that?

MR. HABERMEHL: Yes, Mr. Chairman. I believe like Dr. Hannah. I feel there might be a feeling here that there are issues involved where there are no actual issues. This does directly affect, I believe, the Bentley amendment.

The language of the majority report reads: "The legislature shall implement this section." I think it worthwhile calling to the attention of the delegates that this is not a matter of passing the buck or evading legislative action. The legislature has already implemented the section, and has since the year 1885. I think it may be worthwhile to read the statute. It's a very short one:

All persons within the jurisdiction of this state shall be entitled to full and equal accommodations, advantages, facilities and privileges of any restaurants, eating houses, barber shops, public conveyances on land and water, theaters, motion picture houses, and all other places of public accommodations, amusement and recreation, and all public educational institutions of this state, subject only to the conditions and limitations established by law and applicable alike to all citizens.

It is a criminal statute which provides criminal penalty for its violation.

On the question of employment mentioned in the minority report, of course, the act is the fair employment practices act, act 251 of 1955, which makes any discriminatory policy by employer or employee representative—in other words, labor unions—an unfair labor practice. I would not want the delegates to feel that this is something that the legislature must implement in the future. It has already been implemented.

CHAIRMAN MARTIN: The question is on the Bentley amendment to the substitute proposal. A division has been requested. Is the demand seconded?

A sufficient number is up. As many as are in favor of the Bentley amendment will rise.

Mr. Lundgren.

MR. LUNDGREN: Mr. Chairman, just a point of order. It seems we were going to install buzzers for letting people know when we were going to vote. I know there are some people downstairs.

CHAIRMAN MARTIN: Is that the buzzer? It's all news to me. (laughter) Do we have a rule on this, Mr. Van Dusen, about buzzers?

MR. VANDUSEN: We have no rule, Mr. Chairman, on buzzers. There is a buzzer system on which Dr. DeVries is the authority. (laughter)

CHAIRMAN MARTIN: Dr. DeVries, are you the buzzer expert?

MR. DEVRIES: Mr. Chairman, members of the committee, I will yield to the secretary. He set up the alarm system. I forgot what it is. (laughter)

SECRETARY CHASE: On page 345, Journal 60, Mr. DeVries reported that the committee on administration had arranged for the installation of a bell warning system to convey signals to all areas of the convention where delegates might be meeting, and asked the secretary to specify how such warning system would be used. The secretary spelled out 3 different systems here, but the one in particular that would apply to this has not yet been figured out. So I rang the bell just once just now.

CHAIRMAN MARTIN: Those in favor of the Bentley amendment will rise. Those opposed will rise.

[Yeas, 8; nays 80.]

The amendment is not adopted.

The question now is on the minority report substitute. Mr. Shanahan.

MR. SHANAHAN: Mr. Chairman, fellow delegates, I too am a member of the committee on the declaration of rights, suffrage and elections. This has been given extensive consideration. The majority felt very strongly that the majority report, in which the minority concurred 100 per cent, was adequate, was sufficiently detailed, and said what was needed to be said. When you analyze as to why we are here, beyond a doubt the most important thing is that of the protection of minorities. In the final analysis, again, everyone is a member of a minority. I have asked various times if anyone knows anyone who is not a member of a minority, and I have never been able to find a single person that says he knows somebody that is not a member of a minority. In the final analysis, again, every person is a minority of one. So why we are here is to protect the rights of minorities.

Sometimes in an attempt to correct an evil a greater evil is created, and I believe there is the possibility of that in the minority preference. I therefore strongly urge that the minority report not be adopted, and that the committee proposal be adopted.

CHAIRMAN MARTIN: Thank you, Mr. Shanahan. Mrs. Butler.

MRS. BUTLER: Mr. Chairman and members of the committee, I want to urge the dames to vote against the substitute because there's no sex in it. (laughter)

CHAIRMAN MARTIN: Judge Gadola.

MR. GADOLA: Mr. Chairman and delegates, I am the only member of this civil rights committee that hasn't spoken. I have kept silent, listening to the different dissertations upon this proposition from the members of the committee and from those not members of the committee. We had a very exhaustive study of this question. We had a great many witnesses before us on this matter. I, of course, voted with all the rest of the committee for the committee report. It was a unanimous report. And then, of course, they filed this supplemental report, or a minority report. I am very sorry they did, because I have been fearful that by their minority report they might hurt the adoption of the majority report. The majority report is the proper report. We worked it out.

We held all these different meetings, and so forth, and in the city of Flint, when we had that meeting, I pointed out to the members of this committee how the city of Flint was. They have 143 negro teachers in the Flint city schools, and they are not in a segregated area because there is no segregated area in Flint. They work in the shops, and I pointed out to them that the Chevrolet factory in Flint is 1/3 negro in its employees. So, I myself might be a member of a discriminated group. Peculiarly, I ran for office a good many times, you know, and I pointed out to our committee and the members of this committee the points on that: when the colored people of the city of Flint went out saying, "Don't vote for him. He is a catholic." But I didn't resent that. It was their privilege. It was their right. If they wanted to hate me, they could hate me. That was all right. I didn't hate them for it, and I don't, and I believe in according them their rights and privileges just the same as I ask for myself.

Therefore we, after careful consideration, adopted this

majority report, and we urge that it will answer the question, and we urge it upon this committee to adopt it as part of the constitution of the state of Michigan establishing the absolute rights and privileges of every member of every group of any kind or nature in the state of Michigan.

CHAIRMAN MARTIN: The question is on the minority report substitute. Father Dade.

MR. DADE: I don't want to get into a squabble over who voted and how, but I was under the impression I did not vote to make the majority report a unanimous report, and I specifically said the minority report, for me, was a report of preference and priority.

I want to make one observation that might be of interest; that the young white woman who saved my life in the south some months ago was a roman catholic girl.

CHAIRMAN MARTIN: The question is on the minority report substitute for the committee proposal. As many as are in favor will say aye.

A DELEGATE: Division.

CHAIRMAN MARTIN: A request for a division. Is the demand supported? A sufficient number up. The question is on the substitute for the committee proposal. As many as are in favor will rise.

MR. POLLOCK: Mr. Chairman, the question is on the substitute proposal of Mr. Norris, which is explained in the minority report.

CHAIRMAN MARTIN: My understanding, Dr. Pollock, is that a minority report is offered as an amendment to the committee report. So we are considering it as an amendment or substitute.

MR. POLLOCK: That's right, and as chairman of the committee I urge you to vote no on that question.

CHAIRMAN MARTIN: As many as are in favor will vote aye. As many as are opposed will vote no. Have you all voted? If so, the machine will be locked and the secretary will take the tally.

Mr. Gust.

MR. GUST: Mr. Chairman, it might be more political good judgment on my part to wait and see what Mr. Chase has as a tally before I rise to correct my vote; and much as I would like to vote both ways on this for many political reasons, I feel constrained to follow my leader in the chairman of the committee on rights, suffrage and elections and I choose to have my yes/no vote recorded as a no vote.

SECRETARY CHASE: On the adoption of the substitute proposed by the minority, the yeas are 50; the nays are 80.

CHAIRMAN MARTIN: The substitute is not adopted.

The question now is on the committee report, Committee Proposal 26. Mr. Seyferth has 2 amendments. Mr. Seyferth.

MR. SEYFERTH: Mr. Chairman, in view of the hour being late, and we have been sitting and listening for a long time, I move that the committee do rise.

CHAIRMAN MARTIN: Mr. Seyferth moves that the committee do now rise. The question is on Mr. Seyferth's motion. As many as are in favor will say aye. As many as are opposed will say no.

The motion does not prevail.

A DELEGATE: A division.

CHAIRMAN MARTIN: A division is requested. Is the demand supported? Sufficient number up. The question, then, is on whether the committee shall rise. As many as are in favor will rise.

SECRETARY CHASE: Thirty-one.

CHAIRMAN MARTIN: As many as are opposed will rise.

SECRETARY CHASE: Seventy-three.

CHAIRMAN MARTIN: The motion does not prevail.

Dr. Pollock.

MR. POLLOCK: I ask for the question now on the committee proposal.

CHAIRMAN MARTIN: Mr. Seyferth has 2 amendments, Dr. Pollock. The secretary will read the amendments.

SECRETARY CHASE: Mr. Seyferth offers the following amendment:

1. Amend page 1, line 13, by striking out "religion, sex or

national origin" and inserting, "color, religion, national origin or ancestry", so that the language will then read:

... 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, national origin or ancestry.

CHAIRMAN MARTIN: Mr. Seyferth.

MR. SEYFERTH: Mr. Chairman, fellow delegates, I think you now see the reason why I would like to have blown this place when we have to talk about sex at this late hour. (laughter) In all sincerity, I feel that the use of the words in the amendment now on the secretary's desk more justly lends dignity to a much deserved area of dignity, and that the use of race, creed, color or national origin is more fitting than that which the proposal contains. I am not against sex. I feel that the verbiage of the committee proposal does not differentiate between feminine or masculine gender, but it is implied that the feminine gender is as protected in civil rights as in the masculine gender. Therefore my amendment.

CHAIRMAN MARTIN: The question is on the Seyferth amendment. Mr. Stevens.

MR. STEVENS: Mr. Chairman, as a member of the committee and on behalf of the committee, we would like to oppose the amendment. We gave great consideration to this matter. We did not feel so much it was necessary, but the ladies wanted it in. They felt they might be discriminated against as a minority group or as a group. We studied the matter and the committee felt that there was no reason to believe that this would in any way interfere with the statutory or constitutional rights which have been provided for women. It would simply provide that they would have the same protection as certain other minorities.

CHAIRMAN MARTIN: The question is on the Seyferth amendment. As many as are in favor will say aye. As many as are opposed will say no.

The amendment is not adopted.

SECRETARY CHASE: Mr. Seyferth offers the following amendment:

1. Amend page 1, line 13, after "origin," by inserting "The equal protection of the laws shall be defined to mean, among other things, that no private corporation or association of any kind or individual shall enter into any agreement, written or oral, which excludes any person from employment because of membership or nonmembership in any labor organization or be compelled to pay dues, fees or charges of any kind to any labor organization as a requirement of employment or as a condition of continuing employment."

CHAIRMAN MARTIN: Mr. Seyferth.

MR. SEYFERTH: Mr. Chairman, fellow delegates, I would like to impose on your valuable time for the next few minutes to explain this amendment as best I am capable of explaining. At the outset, let it be known that the amendment now before you for consideration is a right to work proposal.

On January 6, I appeared before the committee on rights, suffrage and elections to present my Delegate Proposal 1562, right to work. In time the committee, according to their action journal, decided by a majority vote that right to work should be a legislative action and not a constitutional provision. Technically, the committee decision is correct. Right to work can be handled as a statute but it also can be a constitutional provision. On this committee decision I respectfully disagree and I speak now through amendment procedure and privilege in support of the amendment now before you.

The substantive content of the amendment answers in fact whether compulsory union membership should be authorized and fostered in Michigan or should compulsory union membership be banned in the interest of protecting individual rights, and freedom of choice. Today, the right of Michigan workers to join a union is protected by law. This is as it should be. However, a Michigan worker's right to refrain from joining a union is not protected by law. This is not as it should be.

The Taft-Hartley act of 1947 provided for the union shop legal stature. A union shop is one where a union has bargaining authority and all employees must join the union to hold

their job; hence, compulsory unionism. The Taft-Hartley act also provides, under the now very famous section 14(b), that each state can forbid said compulsory union shop contracts if the people of that state so desire. Tangible expression of this desire must be through a constitutional provision or a legislative act. Nineteen states now have right to work laws of this kind. Seven states are by constitutional provision and 12 states take the form of statutes. These laws have been upheld as consistent with federal and state constitutions. The Taft-Hartley act then provides that the right of the employee to join a union is a basic right protected by law and the Taft-Hartley act also provides, through individual state action, that the right of the employee not to join or support a union if he so chooses can be equally protected.

The state of Michigan enjoys a predominant industrial complex which in turn supports a vocal labor union membership. This formidable wall of opposition to the principles of right to work could conceivably present to a legislature a very convincing argument against right to work laws so that the rights, suffrage and election committee's reasoning — leave it to the legislature — in my humble opinion will not handle the question fairly in behalf of the people of the state of Michigan. The import of this expression of individual freedom demands the dignity of constitutional status.

We are writing a new state constitution. This is the time and the place to consider presentation to the people of the state of Michigan of a constitutional provision as exemplified in this amendment now before us. So much for the mechanical and technical side.

Now let us discuss the touchy aspect of right to work and here we do not have to look very far for material. In this area, we find strong emotional pros and cons of the issue before us. Let's take a look at this right to work amendment and see what it really means.

First, let it be known that all of the people of the state of Michigan and of the United States should be sick from shame for having allowed ourselves to be conned into this situation through ill conceived federal legislation which now makes it necessary for each state to pass laws or effect constitutional changes in order to protect or reprotect, if you please, our God given, constitutionally supported individual rights.

From this position right to work laws must be considered an unfortunate necessity to restore balance between management, the individual and the union. A right to work provision provides an employee freedom to choose either membership or non-membership in a labor union. Right to work means that an employee cannot be forced to join or pay money to a labor union — or any other private organization — in order to obtain or retain a job.

The federal bill of rights, our state declaration of rights are dedicated to the protection of individual liberties, equal protection under the laws, freedom for the individual, including his right to choose or reject so long as the right of others are not infringed upon.

The right to work principle does not interfere in any way with legitimate union activity. It does not restrict the right of employees to organize or bargain collectively with their employers.

Organized labor claims union busting, lower pay, free riders and other objectionable conditions follow in states where right to work provisions have been adopted. This is not true. Evidence to the contrary is well documented to indicate that unions have not been broken, pay rates have not deteriorated, collective bargaining has not broken down. What does happen is that labor unions lose their monopoly power over their membership. The right to work provision returns to the individual employee his freedom of action and freedom of choice. The labor leaders then find themselves having to sell their product for a change, based on merit and value and no longer to a captive audience. This, incidentally, is the American way.

No other segment of our Michigan economy has as much unbridled legal monopoly power as labor unions. Is there any doubt why unions object so strongly to the right to work provisions? This monopoly power breeds objectionable byproducts, such as coercion, power and the misuse of power. But these

byproducts are the direct result of any monopoly power concentrated in any segment of our economic or social complex whenever freedom controls are relaxed or abandoned.

Labor unions, actively supported through a membership based on free individual choice, are fundamentally necessary in our modern Michigan industrial complex. If this industrial complex is to provide all of the jobs required and necessary for the success of our state's future, then we today had better decide equal ground rules applicable to all the members playing on the same side towards a common goal.

Bear in mind, that for the labor unions to have obtained their monopoly status through compulsory unionism, our government and management and the people with labor had to agree collectively to abrogate and foreclose on the freedom and rights of the Michigan worker. The union could not have done it alone. No, this freedom steal is not all by union bad guys. It had to be helped by management not looking and not collectively objecting and by government through political logrolling for the labor vote block.

Now here we sit as elected delegates to write a new state constitution. We have the power—yes, and the privilege—to restore to Michigan workers their individual freedom of action and equal protection under law. This then is the equalizing ground rule needed to put Michigan's great industrial complex back in the game of providing jobs and more jobs for our dynamic future.

A final thought. Compelling a man to join any organization is denying him his freedom. Freedom depends on choice and when choice is denied, freedom is then denied. To deny freedom of choice is to deny freedom to the minority. In order to deny freedom to the minority in any organization, there must be compulsion.

Force applied in this manner is an enemy of freedom and, of course, morally wrong and certainly contrary to our dedicated individual rights. And for the people of the state of Michigan, we can set into motion action that will correct this condition.

In this interest, I urge your support of the amendment before you and the committee proposal to follow.

CHAIRMAN MARTIN: Dr. Pollock.

MR. POLLOCK: We had all hoped we could get a unanimous vote on the committee proposal. This amendment by Mr. Seyferth is obviously not germane to our proposal. I would consider it a rider, and without regard to the merits of the subject he is talking about one way or the other, it is a separate issue. I therefore urge you, without regard to your feeling on the question of the right to work—the committee considered this, and it considered it as a separate matter, and it considered it as a statutory matter and not one of constitutional nature. That was the decision of the committee. And even if the committee had proposed it as a constitutional section, it never would be put in this section. Therefore, I urge you to defeat the amendment.

CHAIRMAN MARTIN: The question is on Mr. Seyferth's amendment. Mr. Boothby.

MR. BOOTHBY: Mr. Chairman, the time is late, I realize, and I would at this time be willing to yield to Mr. Pollock if he wanted to ask that the committee now rise. However, if that is not the case, I would proceed.

CHAIRMAN MARTIN: Dr. Pollock?

MR. POLLOCK: I do not so wish.

CHAIRMAN MARTIN: Do you have a long statement, Mr. Boothby?

MR. BOOTHBY: I have a rather long statement, yes.

CHAIRMAN MARTIN: The chairman of the committee does not wish to move that the committee rise, so I think you may proceed.

Mr. Iverson.

MR. IVERSON: I hate to do this, but I must remind most of the delegates that we have a meeting within a few minutes. For that reason, I move that the committee do now rise.

CHAIRMAN MARTIN: Mr. Iverson moves that the committee do now rise. The question is on Mr. Iverson's motion. As many as are in favor will say aye. As many as are

opposed will say no. The Chair is in doubt. As many as are in favor will rise.

SECRETARY CHASE: Sixty-five.

CHAIRMAN MARTIN: As many as are opposed will rise.

SECRETARY CHASE: Forty.

CHAIRMAN MARTIN: The motion prevails. The committee will rise.

[Whereupon, the committee of the whole having risen, President Nisbet resumed the Chair.]

PRESIDENT NISBET: The Chair recognizes Mr. Martin.

MR. MARTIN: Mr. President, the committee of the whole has had under consideration various matters on which the secretary will give a report.

SECRETARY CHASE: Mr. President, the committee of the whole has had under consideration **Committee Proposal 26**, has considered this committee proposal, and has come to no final resolution thereon. This completes the report of the committee of the whole, Mr. President.

Pursuant to the deadline established for filing of committee proposals and supporting reports under the terms of Resolution 45, and in accordance with the understanding of the convention relative thereto, as suggested by the vice president and agreed to by unanimous consent on January 30, the secretary announced that the following notices of committee proposals and exclusion reports had been filed on yesterday, January 31:

Committee Proposal 67.

Mr. Erickson, chairman, committee on miscellaneous provisions and schedule.

A proposal to amend article XIII, sections 1, 2, 3, 4 and 5, pertaining to eminent domain, of the present constitution.

Committee Proposal 71.

Mr. Martin, chairman, committee on executive branch.

A proposal to provide for the election, term and duties of state officers; allocation of departments, administrative reorganization, appointment and removal of department heads, supervision of departments, appointments to fill vacancies, provisional appointments, and removal or suspension from office by the governor. Amends or replaces article VI, sections 1, 3, 10 and 19, and article IX, sections 5 and 7.

Committee Proposal 73. [Withdrawn.]

Mr. Martin, chairman, committee on executive branch. Lieutenant governor as president of senate. Article VI, section 19.

Committee Proposal 77.

Mr. Martin, chairman, committee on executive branch. A proposal to provide a suitable residence for the governor and to authorize an allowance for maintenance. Amends article VI.

Committee Proposal 79.

Mr. J. A. Hannah, chairman, committee on legislative organization.

A proposal pertaining to a commission on legislative apportionment. Replaces article V, section 4.

Committee Proposal 80.

Mr. J. A. Hannah, chairman, committee on legislative organization.

A proposal pertaining to the reapportionment of the legislature: (a) the senate; (b) the house of representatives; (c) districting of territories annexed to cities and municipalities. Replaces article V, sections 2 and 3.

Committee Proposal 86.

Mr. A. G. Elliott, chairman, committee on local government.

A proposal pertaining to highways and their maintenance. Amends article VIII, sections 26 and 27.

Committee Proposal 87.

Mr. A. G. Elliott, chairman, committee on local government.

A proposal relating to ports and port districts. Retains section 30 of article VIII unchanged.

Exclusion Report 2039, A report recommending the exclusion of article VIII, section 24.

Arthur G. Elliott, chairman.

For Exclusion Report 2039 and the reasons submitted in support thereof, see below under date of February 16.

Mr. A. G. Elliott, for the committee on local government, introduced

Exclusion Report 2040, A report recommending the exclusion of article VIII, section 31.

Arthur G. Elliott, chairman.

For Exclusion Report 2040 and the reasons submitted in support thereof, see below under date of February 16.

Mr. Pollock, for the committee on declaration of rights, suffrage and elections, introduced

Exclusion Report 2041, A report recommending the exclusion of article III, section 1.

James K. Pollock, chairman.

For Exclusion Report 2041 and the reasons submitted in support thereof, see below under date of April 10.

Mr. Danhof, for the committee on judicial branch, introduced **Exclusion Report 2042**, A report recommending the exclusion of article VII, sections 15, 16 and 21.

Robert J. Danhof, chairman.

For Exclusion Report 2042 and the reasons submitted in support thereof, see below under date of March 13.

Mr. Danhof, for the committee on judicial branch, introduced **Exclusion Report 2043**, A report recommending the exclusion of article VII, sections 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 17, 19, 20 and 23.

Robert J. Danhof, chairman.

For Exclusion Report 2043 and the reasons submitted in support thereof, see below under date of March 13.

[**Exclusion Report 2044** withdrawn by committee.]

Mr. Hoxie, for the committee on legislative powers, introduced **Exclusion Report 2045**, A report recommending the exclusion of article V, section 34.

T. Jefferson Hoxie, chairman.

For Exclusion Report 2045 and the reasons submitted in support thereof, see below under date of April 13.

Mr. J. A. Hannah, for the committee on legislative organization, introduced

Exclusion Report 2046, A report recommending the exclusion of article V, sections 2, 3 and 4.

John A. Hannah, chairman.

For Exclusion Report 2046 and the reasons submitted in support thereof, see below under date of April 5.

PRESIDENT NISBET (continuing): Reports of select committees.

SECRETARY CHASE: None.

PRESIDENT NISBET: Communications from state officers.

SECRETARY CHASE: None.

PRESIDENT NISBET: Second reading of proposals.

SECRETARY CHASE: Nothing on that calendar.

PRESIDENT NISBET: Third reading of proposals.

SECRETARY CHASE: Nothing on that calendar.

PRESIDENT NISBET: Motions and resolutions.

SECRETARY CHASE: There are no resolutions on file.

PRESIDENT NISBET: Unfinished business.

SECRETARY CHASE: None.

PRESIDENT NISBET: Special orders.

SECRETARY CHASE: None.

PRESIDENT NISBET: **General orders of the day.** The Chair recognizes Mr. Martin.

MR. MARTIN: Mr. President, I move the convention resolve itself into committee of the whole for consideration of items on the general orders calendar.

PRESIDENT NISBET: The question is on the motion of Mr. Martin. Those in favor say aye. Opposed, no.

The motion prevails.

[Whereupon, Mr. Martin assumed the Chair to preside as chairman of the committee of the whole.]

CHAIRMAN MARTIN: The committee will be in order. The secretary will read the matter which was being last considered when we rose from the committee of the whole yesterday afternoon.

SECRETARY CHASE: Presently under consideration is **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.

For last previous action by the committee of the whole on Committee Proposal 26, see above, page 739.

Pending at the time the committee rose was an amendment offered by Mr. Seyferth as follows:

1. Amend page 1, line 13, after "origin.", by inserting "The equal protection of the laws shall be defined to mean, among other things, that no private corporation or association of any kind or individual shall enter into any agreement, written or oral, which excludes any person from employment because of membership or nonmembership in any labor organization or be compelled to pay dues, fees or charges of any kind to any labor organization as a requirement of employment or as a condition of continuing employment."

CHAIRMAN MARTIN: When the committee rose Mr. Boothby had been recognized, and I recognize Mr. Boothby at this time.

MR. BOOTHBY: Mr. Chairman, I yield to the distinguished delegate from Muskegon, Mr. Seyferth.

CHAIRMAN MARTIN: Mr. Seyferth.

MR. SEYFERTH: Fellow delegates, in the interests of presenting to the people of the state of Michigan a concerted, well thought out civil rights proposal, I request the privilege of withdrawing the amendment now before us.

CHAIRMAN MARTIN: The amendment is withdrawn.

Are there any other amendments to the body of the proposal? If not, it will be passed.

Committee Proposal 26 is passed.

The secretary will read the next order of business on the general orders calendar.

SECRETARY CHASE: Item 8 on the calendar as you have it on your desk, from the committee on legislative powers, by Mr. Hoxie, chairman, **Committee Proposal 28**, A proposal to provide for compensation of the legislature. Amends article V, section 9.

Following is Committee Proposal 28 as read by the secretary, and the reasons submitted in support thereof:

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

The compensation and expenses of the members of the legislature shall be determined by law: Provided, That no change in compensation or expenses shall be effective during the term of office for which the legislature making the change was elected. [Each member shall be entitled to 1 copy of the laws, journals and documents of the legislature of which he is a member, but shall not receive, at the

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

way use meant by including the patrolling of the roads by the state police, some safety measures, and I think at least once something having to do with street lighting—and you can build a legitimate argument that those were highway uses—but they failed. The legislature refused to go even to that extent. There never was a serious question, any time, until 1959, about taking any of these road funds and using them for some other purpose. Therefore, that was not a contributing cause of the trouble.

Now, it is possible that in 1959, in desperation, the legislature, if it had had the power, might have then used some of this money, but that would have been as a cure, and not as the cause of the 1959 crisis. Well, that's simple, and hardly a matter of opinion. There was a time—as a matter of fact, there were several times—when the opposite was true; when the road people tried to get general fund appropriations for road purposes, and on one occasion they succeeded. In the Murphy administration, they got an appropriation for road purposes out of the general fund of the state for \$5 million, which was then considerable money. The governor in some way—and I never understood just how—stopped them before they got it all spent. But the legislature appropriated \$5 million out of the general fund for road purposes.

All right. That is comparatively simple. When you get to the matter of the sales tax, you have to use opinion. But I would suggest that it is not just a wild guess. The big bite, of course, out of the sales tax that was earmarked was for school purposes—2 cents. It is my opinion that the schools during the period involved got less money from the state because of this amendment than they would have had without it. I think probably for the first 2 or 3 years they got a little more, but for the next several years that followed that I'm very sure that they got less. Because many legislators took the position that the schools having grabbed this money and pegged it for their own use, regardless of what else the state had before it, they would let them lie in the bed they had made, and refused to give them anything in addition, even though the need was becoming more and more acute. Finally, of course, in the last 4 years, that ended, and they have had general appropriation money in addition to the 2 cents. So that very certainly, very certainly, the tying up of that 2 cents did not contribute to the coming about of that financial crisis in 1959. And in 1959, remember, the legislature went beyond the 2 cents and appropriated additional money.

That brings us to the question of the ½ cent going to cities, villages and townships. And here one is farther out in the field of opinion than he is in connection with the schools. But I think here, too, there has been very little additional cost to the state, and therefore very little bearing on the crisis of 1959. Take first the cities, and include villages with the cities. The cities in the '40s were really in trouble. The tax study commission of the first Kelly administration, of which I was the working head, but not the honorary head, recommended the payment by the state to the cities at that time of substantially the same money they got under the sales tax amendment. If the committee's recommendation had been followed, we never would have had the sales tax diversion amendment. Because it was the cities that started that drive, and not the schools. The governor, however, would not go for any program of aid to the cities unless it was based upon the showing of need by each city. And when that was the picture, the cities lost interest. So that I feel certain that the legislature would have made grants to the cities without this amendment, if their need was serious, because there are a lot of voters in the cities, and I'm confident that that has cost us very little, if anything, by having that—and by “cost us,” I mean through state financing.

When you get to the townships you have a little different picture. I doubt very much if the legislature would have gone for any grants in aid to townships. But the townships' part is a minor part, and when you have said that you have not come to the end of the argument. Down through the years since the sales tax diversion and until the last 2 or 3 years, about half of the townships in the state received no millage out of the 15 mills whatsoever. Many of them did not ask for it. With their sales tax money they were able to get along. Many of those

who did ask for it were refused by the allocation boards, and they couldn't get it. It was only after the change in the law 2 or 3 years ago, maybe as far back as 1957, I don't remember for sure, that the larger part of the townships were given the 1 mill that the law requires if they need it. There are still some not getting it. Now, if they had not had this sales tax money, they would have had to have millage if they were to stay alive and perform the functions they have. And if they had to have millage, where would they get it? Out of the schools' share. The counties are held to rock bottom. If we had had to give the townships more millage, the schools would have had less millage. And what would they have done? What could they have done? They would have come to the legislature for greater grants, and they would have had them. So that all of the money that has been paid to the townships under the sales tax diversion has not meant that much more money out of the state treasury. Probably it has meant some more money out of the state treasury, but only a minor amount. And their total is a minor amount. I think on that basis one can say very certainly that the diversion of sales tax money was not a primary or a major cause of the trouble we had in 1959. Now, that leaves only one—the primary school money. Nobody ever mentions that as being a cause of our trouble. Historically, it has been in the picture so long, and in the beginning, of course, came from a federal grant, that that is not blamed, and certainly it is not blamable. Because had the schools not had it, there again they would have had to have larger grants from the state.

I don't know whether we wish to go on at this time, but if we do, may I call on Mr. Stafseth for a detailed explanation, going back now just to the weight and gas tax.

CHAIRMAN MARTIN: Mr. Brake, would you care to carry the matter over to the next session, or would you like to carry forward at this time?

MR. BRAKE: I am no more hungry than the other delegates, but I'm sure they are hungry, and I move that the committee rise.

CHAIRMAN MARTIN: Mr. Brake moves that the committee do now rise. All those in favor will signify by saying aye. Opposed, no.

The committee will now rise.

[Whereupon, the committee of the whole having risen, President Nisbet resumed the Chair.]

PRESIDENT NISBET: The Chair recognizes Mr. Martin.

MR. MARTIN: Mr. President, the committee of the whole has had under consideration certain matters with respect to which the secretary will give a report.

SECRETARY CHASE: Mr. President, the committee of the whole has had under consideration **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; **Committee Proposal 28**, A proposal to provide for compensation of the legislature; **Committee Proposal 29**, A proposal to provide for the form of laws; **Committee Proposal 30**, A proposal pertaining to free public and elementary schools; **Committee Proposal 32**, A proposal to provide for eligibility to serve in the legislature; **Committee Proposal 33**, A proposal to provide for immunity of legislators from arrest during sessions except for certain crimes; **Committee Proposal 34**, A proposal to provide for quorums of the house and senate and the right of these bodies to compel attendance; **Committee Proposal 35**, A proposal to provide that the form of legislation shall be by bill; and **Committee Proposal 37**, 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. The committee of the whole reports these proposals back to the convention without amendment, and with the recommendation that they do pass.

PRESIDENT NISBET: Mr. Bentley.

MR. BENTLEY: Mr. President, I ask for a separate vote

approving the action of the committee of the whole on Committee Proposal 30, pertaining to free public and elementary schools, and demand the yeas and nays thereon.

PRESIDENT NISBET: Committee Proposal 26, **Committee Proposals 28, 29, 32, 33, 34, 35 and 37** are referred to the committee on style and drafting.

For Committee Proposal 28 as referred to the committee on style and drafting, see above, page 760.

For Committee Proposal 29 as referred to the committee on style and drafting, see above, page 761.

For Committee Proposal 32 as referred to the committee on style and drafting, see above, page 764.

For Committee Proposal 33 as referred to the committee on style and drafting, see above, page 765.

For Committee Proposal 34 as referred to the committee on style and drafting, see above, page 765.

For Committee Proposal 35 as referred to the committee on style and drafting, see above, page 766.

For Committee Proposal 37 as referred to the committee on style and drafting, see above, page 766.

The secretary will read.

SECRETARY CHASE: Committee Proposal 30, from the committee on education, A proposal pertaining to free public and elementary schools. Replaces article XI, section 9.

PRESIDENT NISBET: The question is on the recommendation of the committee of the whole that Committee Proposal 30 pass. A record vote has been called for. Will those in favor please vote aye, and those opposed please vote no.

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

The roll was called and the delegates voted as follows:

Yeas—126

Allen	Gadola	Norris
Andrus, Miss	Garvin	Page
Anspach	Goebel	Plank
Austin	Gover	Pollock
Baginski	Greene	Powell
Balcer	Gust	Prettie
Barthwell	Habermehl	Pugsley
Batchelor	Hanna, W. F.	Radka
Beaman	Haskill	Rajkovich
Bentley	Hatch	Richards, J. B.
Binkowski	Hatcher, Mrs.	Richards, L. W.
Blandford	Hodges	Romney
Bledsoe	Hood	Rood
Bonisteel	Howes	Rush
Boothby	Hoxie	Seyferth
Brake	Hubbs	Shackleton
Buback	Hutchinson	Shaffer
Conklin, Mrs.	Iverson	Shanahan
Cudlip	Judd, Mrs.	Sharpe
Cushman, Mrs.	Karn	Sleder
Dade	Kelsey	Snyder
Danhof	King	Spitler
Davis	Knirk, B.	Staffseth
Dehnke	Koeze, Mrs.	Staiger
Dell	Krolikowski	Stamm
DeVries	Kuhn	Sterrett
Donnelly, Miss	Leibrand	Stevens
Doty, Dean	Leppien	Stopczynski
Doty, Donald	Lesinski	Suzore
Douglas	Lundgren	Tubbs
Downs	Madar	Turner
Durst	Mahinske	Tweedie
Elliott, A. G.	Marshall	Upton
Elliott, Mrs. Daisy	Martin	Van Dusen
Erickson	McAllister	Walker
Everett	McCauley	Wanger
Farnsworth	McGowan, Miss	White
Faxon	McLogan	Wilkowski
Figy	Millard	Wood
Finch	Murphy	Woolfenden

Follo
Ford

Nisbet
Nord

Young
Youngblood

Nays—0

PRESIDENT NISBET: Mr. Lundgren.

MR. LUNDGREN: Mr. President, again, a point of order. I brought this up yesterday. I can see that the bell isn't summoning us quickly enough for a vote. I hope between now and Monday we will get a proper ruling from the Chair on the time limit, because some of us might be downstairs, and we're going to have a lot of these votes coming up.

PRESIDENT NISBET: Mr. Lundgren, we will get that smoothed out, I hope, by Monday.

PRESIDENT NISBET: Mr. Woolfenden.

MR. WOOLFENDEN: Mr. President, if I'm in order, I would like to ask when the delegates may anticipate receiving the journal for yesterday. I think most of us would like to have it before we go home for the weekend.

SECRETARY CHASE: We got a report just a few minutes ago that it will be after lunch.

MR. WOOLFENDEN: Do you know what time?

SECRETARY CHASE: After lunch—this afternoon.

MR. WOOLFENDEN: One minute after lunch, or 3 hours after lunch? (laughter)

SECRETARY CHASE: How long is the lunch period? (laughter)

PRESIDENT NISBET: I'm sure, Mr. Woolfenden, the delay is because of the large number of reports yesterday. I hope they get here right after lunch.

SECRETARY CHASE: The yeas are 126; the nays are none.

PRESIDENT NISBET: The recommendation of the committee of the whole is concurred in and **Committee Proposal 30** is referred to the committee on style and drafting.

For Committee Proposal 30 as referred to the committee on style and drafting, see above, page 762.

Father Dade.

MR. DADE: Mr. President, I would like to ask of the Chair how we would go about making unanimous the approval of this convention on the majority report on civil rights.

I think that we have written into the law of the state of Michigan a concept of democracy that is very fundamental and very gratifying. I also feel that this concept we have just written represents the unanimous opinion of this body. I think it would be a very historic occasion if on this measure we could vote not as a party, but as the convention. I'm asking you, sir, how that can be done.

PRESIDENT NISBET: Mr. Chase will explain.

SECRETARY CHASE. The secretary would like to suggest —on this proposal, as well as upon the one we just voted on—that all of these proposals will again be before the convention as a report from the committee on style and drafting. They will be up on second reading in the convention, at which time anyone can demand a record roll call vote on the proposal, or upon any amendments that may be offered to it.

PRESIDENT NISBET: Mr. Ford.

MR. FORD: Mr. President, in conferring with my colleagues in this corner, there seems to be a difference of opinion on the rule we arrived at the other day with regard to the time for filing minority reports. It is my understanding that we have 3 session days after the printing of the majority report in the journal. All of the delegates in this corner do not agree with me. I wonder if you might set us straight.

PRESIDENT NISBET: Mr. Chase says that is correct.

Mr. King.

MR. KING: Mr. President, in an effort to answer Father Dade's request, I would like to move the nonconcurrence of everything that we passed this morning, and reserve the right to vote contrary to my motion. And I demand a record roll call vote.

PRESIDENT NISBET: Mr. King, would you come up, please. Mr. King, is your request that we revert back to Committee Proposal 26?

MR. KING: Specifically, yes.

PRESIDENT NISBET: The question Mr. King asks is for us to go back to the consideration of the report of the committee of the whole on Committee Proposal 26 for the purpose of having a record vote. Is there objection?

Hearing no objection, those in favor of agreeing to the committee of the whole's recommendation on Committee Proposal 26 please vote aye — Father Dade.

MR. DADE: Mr. President, could I very graciously tell my colleagues that this has to do with civil rights.

PRESIDENT NISBET: Those in favor of concurring in the recommendation of the committee of the whole on Committee Proposal 26 will vote aye. Those opposed, vote nay.

SECRETARY CHASE: Please, all vote before we lock the machine. Has everyone voted? The machine is now locked, and the vote will be recorded.

The roll was called and the delegates voted as follows:

Yeas—126

Allen	Gadola	Norris
Andrus, Miss	Garvin	Page
Anspach	Goebel	Plank
Austin	Gover	Powell
Baginski	Greene	Pollock
Balcer	Gust	Prettie
Barthwell	Habermehl	Pugsley
Batchelor	Hanna, W. F.	Radka
Beaman	Haskill	Rajkovich
Bentley	Hatch	Richards, J. B.
Binkowski	Hatcher, Mrs.	Richards, L. W.
Blandford	Hodges	Romney
Bledsoe	Hood	Rood
Bonisteel	Howes	Rush
Boothby	Hoxie	Seyferth
Brake	Hubbs	Shackleton
Buback	Hutchinson	Shaffer
Conklin, Mrs.	Iverson	Shanahan
Cudlip	Judd, Mrs.	Sharpe
Cushman, Mrs.	Karn	Sieder
Dade	Kelsey	Snyder
Danhof	King	Spitler
Davis	Knirk, B.	Stafseth
Dehnke	Koeze, Mrs.	Staiger
Dell	Krolkowski	Stamm
DeVries	Kuhn	Sterrett
Donnelly, Miss	Leibbrand	Stevens
Doty, Dean	Leppien	Stopezynski
Doty, Donald	Lesinski	Suzore
Douglas	Lundgren	Tubbs
Downs	Madar	Turner
Durst	Mahinske	Tweedie
Elliott, A. G.	Marshall	Upton
Elliott, Mrs. Daisy	Martin	Van Dusen
Erickson	McAllister	Walker
Everett	McCauley	Wanger
Farnsworth	McGowan, Miss	White
Faxon	McLogan	Wilkowski
Figy	Millard	Wood
Finch	Murphy	Woolfenden
Follo	Nisbet	Young
Ford	Nord	Youngblood

Nays—0

On the question of concurring in the recommendation of the committee of the whole with regard to Committee Proposal 26, the yeas are 126 and the nays are none.

PRESIDENT NISBET: It is concurred in and **Committee Proposal 26** is referred to the committee on style and drafting. (applause)

For Committee Proposal 26 as referred to the committee on style and drafting, see above, page 739.

SECRETARY CHASE: Mr. President, the committee of the whole has also had under consideration **Committee Proposal 40**, A proposal with reference to public retirement systems. It reports this proposal back to the convention with one minor amendment:

1. Amend page 1, line 9, after "All" by striking out "such".

It is the recommendation that the amendment be agreed to and the proposal as thus amended do pass.

PRESIDENT NISBET: The question is on agreeing to the amendment. Those in favor say aye. Opposed, no.

The amendment is agreed to.

Committee Proposal 40, as amended, is referred to the committee on style and drafting.

Following is Committee Proposal 40 as amended and referred to the committee on style and drafting:

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

Sec. a. 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.

All benefits arising on account of service rendered in each fiscal year shall be funded during that year and such funding shall not be usable for financing unfunded accrued liabilities.

SECRETARY CHASE: Mr. President, the committee of the whole has also had under consideration: **Exclusion Report 2009**, A report recommending that article V, section 10 of the present constitution be excluded from the new constitution; **Exclusion Report 2010**, A report recommending the exclusion of article V, section 11; **Exclusion Report 2011**, A report recommending the exclusion of article V, section 32; **Exclusion Report 2012**, A report recommending the exclusion of article V, section 35; **Exclusion Report 2013**, A report recommending the exclusion of article VII, section 3; **Exclusion Report 2014**, A report recommending the exclusion of article VII, section 18; and **Exclusion Report 2015**, A report recommending the exclusion of article VII, section 22. The committee reports these exclusion reports back to the convention with the recommendation that they be adopted.

PRESIDENT NISBET: The question is on the approval of the exclusion reports. Those in favor say aye. Opposed, no.

Exclusion Reports 2009, 2010, 2011, 2012, 2013, 2014 and 2015 are adopted and are referred to the committee on style and drafting.

For Exclusion Report 2009 as referred to the committee on style and drafting, see above, page 761.

For Exclusion Report 2010 as referred to the committee on style and drafting, see above, page 761.

For Exclusion Report 2011 as referred to the committee on style and drafting, see above, page 762.

For Exclusion Report 2012 as referred to the committee on style and drafting, see above, page 762.

For Exclusion Report 2013 as referred to the committee on style and drafting, see above, page 763.

For Exclusion Report 2014 as referred to the committee on style and drafting, see above, page 763.

For Exclusion Report 2015 as referred to the committee on style and drafting, see above, page 764.

SECRETARY CHASE: Mr. President, the committee of the whole has also had under consideration **Committee Proposal 38**, and has come to no final resolution thereon. This completes the report of the committee of the whole.

PRESIDENT NISBET: Mr. Leppien.

MR. LEPPIEN: I wish to rise to a point of order, Mr. President. A moment ago this convention witnessed one of the delegates rising and asking for a unanimous vote on a certain proposal. No explanation was given, except that they would be referred, and on second reading they would again be brought back and at that time a recorded vote could be had. Then, another delegate raises the same question, there is a conference had, the ruling is then reversed, and the delegate who arose the second time—not a member of the committee who considered this proposal and helped bring it through this convention—then is recorded as having made the request.

It seems to me, in fairness to the entire picture, that the

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 26 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 administration, by Mr. DeVries, chairman, submits to the convention the following budget information and requests that it be printed in the journal.
Walter DeVries, chairman.

PRESIDENT NISBET: Mr. DeVries.

MR. DeVRIES: Mr. President, this is a report regarding our present expenditures and anticipated expenditures as projected until May 15. It is filed by the committee on administration for information purposes. I move that it be considered read and placed in the journal.

PRESIDENT NISBET: Without objection, it will be considered read and placed in the journal. Hearing no objection, it is so ordered.

Michigan Constitutional Convention Budget

Item budgeted	Amount Budgeted	Amount Expended	12/31/61 Balance	Estimated Balance 3/31/62	Estimated Balance 4/30/62	Estimated Balance 5/15/62
I. Salaries and wages—delegates	\$1,080,000.00	\$432,000.00	\$648,000.00	\$216,000.00	\$ 72,000.00	—
II. Other salaries, wages, contractual services, supplies, materials, rent and equipment						
A. Rental, lease and purchase of equipment ...	149,622.64	145,520.31	4,102.33	2,216.33	1,584.33	1,255.33
B. Office supplies and printed matter						
1. Delegates' stationery (Wellman Press) .	2,011.83	2,492.99	—481.16	—629.46	—629.46	—629.46
2. Journal (Speaker-Hines and Thomas) ..	76,950.00	12,115.90	64,834.10	24,665.10	10,665.10	2,665.10
3. Office supplies	15,675.00	11,203.12	4,471.88	971.88	—228.12	—828.12
C. Rental and lease of building						
1. Civic center	111,200.00	77,838.55	33,361.45	—1,482.53	—1,544.41	—1,575.35
D. Other contractual services						
1. TV—closed circuit	4,200.00	2,700.00	1,500.00	525.00	225.00	25.00
2. Sound system	12,000.00	4,264.00	7,736.00	2,435.00	182.00	—821.00
3. Clipping service	500.00	228.22	271.78	—88.22	—208.22	—268.22
4. Freight for chairs, etc.	1,158.48	1,115.70	42.78	42.78	42.78	42.78
5. Convention reporter	20,000.00	2,514.95	17,485.05	4,493.05	—6.95	—2,256.95
6. Police	15,600.00	9,321.37	6,278.63	2,478.63	1,178.63	528.63
E. Postage	15,000.00	8,100.54	6,899.46	6,599.46	6,299.46	6,149.46
F. Telephone	15,000.00	3,843.70	11,156.30	6,656.30	5,156.30	4,406.30
G. Fees and compensation	2,000.00	1,745.57	254.43	254.43	254.43	254.43
H. Maintenance services	1,950.00	1,342.63	607.37	307.37	207.37	107.37
I. Travel and subsistence						
1. Delegates—2 monthly trips	46,012.40	19,750.00	26,262.40	6,494.80	—94.40	—3,389.00
2. Reimbursement for committee trips ..	5,000.00	2,642.00	2,358.00	2,358.00	2,358.00	2,358.00
J. Educational supplies and library						
1. Purchased for library	2,203.90	—	2,203.90	—	—	—
2. Additional materials	200.00	76.00	124.00	24.00	—	—
K. Insurance and bond						
1. Fire						
2. Comprehensive general liability						
3. Bond for finance clerk and secretary of the convention	4,455.00	1,963.25	2,491.75	2,491.75	2,491.75	2,491.75
4. Workmen's compensation on employees ..						
5. Social security—employer	9,879.20	2,489.58	7,389.62	2,871.16	1,337.88	571.24
L. Other salaries and wages	329,306.52	112,805.60	216,500.92	74,958.42	27,333.42	3,520.92
M. Contingency fund balance	60,388.13	320.30	60,067.83	60,067.83	60,067.83	60,067.83
N. Office of public information	17,557.05	5,364.05	12,193.00	1,605.00	535.00	—
O. Constitutional convention handbooks	2,086.60	2,086.60	—	—	—	—
Eisenhower fund	43.25	43.25	—	—	—	—
Sub Total—Category II—12/31/61	\$ 920,000.00	\$431,888.18	\$488,111.82	\$200,316.08	\$117,207.72	\$ 74,676.04

SECRETARY CHASE: That's all of the standing committee reports.

PRESIDENT NISBET: Reports of select committees.

SECRETARY CHASE: None.

PRESIDENT NISBET: Communications.

SECRETARY CHASE: None.

PRESIDENT NISBET: Second reading.

SECRETARY CHASE: Nothing on that calendar for today.

PRESIDENT NISBET: Third reading.

SECRETARY CHASE: Nothing on that calendar.

PRESIDENT NISBET: Motions and resolutions.

SECRETARY CHASE: There are no resolutions on file.

PRESIDENT NISBET: Unfinished business.

SECRETARY CHASE: None.

PRESIDENT NISBET: Special orders.

SECRETARY CHASE: There are no special orders for today.

PRESIDENT NISBET: Pursuant to the provisions of rule 8, the president designates Mr. Bentley to perform the duties

of the Chair during such time as the Chair may be absent from today's session.

Mr. Elliott.

MR. A. G. ELLIOTT: Mr. President, I would like to move that the president's remarks made just a few moments previously be printed in the journal.

PRESIDENT: All those in favor, please say aye.

It is so ordered. Thank you. This is rather embarrassing.

Dr. Pollock.

MR. POLLOCK: Mr. President, before we go into committee of the whole and apropos of your very magnificent remarks and the reference in Mr. Romney's remarks to the same thing, I was wondering if something couldn't be done in the proper parliamentary or other way, to give effect to your thought that our first job is deliberative and not rushing. I am sure that many delegates feel as I do, that there has been entirely too much pressure and I feel that now that we are in a strictly deliberative stage, we don't need that pressure. I don't think it will make a bit of difference when we adjourn, whether we

VICE PRESIDENT HUTCHINSON: Committee Proposal 15, as amended, is passed.

Following is explanation of vote submitted by Messrs. Downs, Buback, Walker, Wilkowski, Murphy, Hodges, Bradley, Ford, Miss Hart, Mrs. Hatcher and Mrs. Daisy Elliott:

We voted in favor of Committee Proposal 15 on the declaration of rights, 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 1 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 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 these liberties.

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 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 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): Dr. Pollock.

MR. POLLOCK: I wish to talk now about the next proposal, Committee Proposal 26 if it's in order.

VICE PRESIDENT HUTCHINSON: The secretary should read the proposal first. Do you desire to have it considered read?

MR. POLLOCK: It's very brief. I think he should read it.

VICE PRESIDENT HUTCHINSON: Very well.

SECRETARY CHASE: Item 2 on the calendar, **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.

Following is Committee Proposal 26 as reported by the committee on style and drafting and read by the secretary. (For full text as referred to said committee, see above, page 739.):

Sec. a. 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, religion, sex or national origin. The legislature shall implement this section by appropriate legislation.

VICE PRESIDENT HUTCHINSON: The Chair recognizes Dr. Pollock on the proposal.

MR. POLLOCK: Mr. President, this proposal came back from style and drafting without any changes. It was reconsidered by the committee the other day in advance of this session and the committee had nothing to recommend with reference to it except one thing. Due to the fact that the committee on style and drafting has found considerable variation in the use of "race, religion, color and national origin," the committee authorizes me to say to the committee on style and drafting that we have no objection to the committee inserting "color" if they find this is necessary in the interest of uniformity.

I might say further, Mr. President, I only am aware of 2 amendments to this section. I think they both deal with the word "sex" and as interesting a subject as that always is, (laughter) I hope the discussion on both of these can be brief because I remind you that the word was put in with care and caution by the committee and for good and sufficient reason. And with that, I shall yield the floor to anybody who cares to speak.

VICE PRESIDENT HUTCHINSON: The secretary will read the first amendment.

SECRETARY CHASE: The proponents of these amendments, Mr. President, have asked that they be read together.

Mrs. Cushman, Mrs. Judd, Miss McGowan and Mr. William Hanna offer the following amendment:

1. Amend page 1, line 4, after "religion," by striking out "sex"; and

Mrs. Judd offers the following amendment:

2. Amend page 1, line 6, after "legislation," by inserting "No woman shall be discriminated against because of sex or marital status in the securing of employment or in promotion therein."

VICE PRESIDENT HUTCHINSON: The question is upon the amendment. Mrs. Cushman.

[Whereupon, all male delegates rose.] (laughter)

The Chair is sure that Mrs. Cushman appreciates the respect given.

MR. PERRAS: In case there is any doubt over what this was for, it was in honor of "sex." (laughter)

VICE PRESIDENT HUTCHINSON: Mrs. Cushman.

MRS. CUSHMAN: Mr. President and fellow delegates, I had intended to start out by expressing the hope—which I see is in vain—(laughter) that we could discuss this subject with a minimum of joking.

Now, here's a place where those of us who offer this amendment and those of us who oppose it agree most heartily with each other as to the purposes that we seek but we are in disagreement as to the means of getting there. And I'd like to quote from a memo on this subject prepared by our research staff at my request:

No one can object to the development of every possible legal means to guarantee the practical equality of women before the law, with respect to all ordinary matters of economic and social position, property rights, and the like. This has been the whole thrust of social reform—

I see we're thrusting these days—

with regard to women in the western world; for example, the various state statutes of the nineteenth century giving women control of their own property and bank accounts and so forth and so on.

Nor is there any difficulty posed by the incorporation of the equal protection clause in Committee Proposal 26—the proposal now before us. But in the interest of time, I would appreciate a certain amount of attention.

VICE PRESIDENT HUTCHINSON: Please give the lady your respect and attention.

MRS. CUSHMAN: Thank you.

From the beginning of the embodiment of the concept of equal protection of the laws in the federal constitution as against the states the idea of classification of a reasonable kind has been well established. Thus, with respect to equal protection, reasonable classification recognizes the constitutionality of laws that forbid women to enter certain areas of employment, such as mines. They forbid women to be employed more than 8 hours per day and so on, without imposing like limits upon men, make certain provisions for the welfare of women employed in factories, such as rest periods, all without any implication that equal protection is violated.

But Committee Proposal 26 threatens to make reasonable classification on the basis of sex impossible. The language couples closely race, religion, sex or national origin on an exactly parallel basis, prohibiting any discrimination on the basis thereof with respect to civil or political rights. Now it is almost certain, beyond any reasonable doubt, in fact, that classification on the basis of race, religion or national origin now would be unconstitutional, no matter how reasonable some people might think it is. To use the language of Justice Harlan from a dissent of 1896, the constitution has become "color blind." But when sex is coupled so closely to this area where we know almost absolutely that all classification is illegal, the result must be to thrust on the courts the proposition that the convention intended all classification with respect to sex, no matter how reasonable it may appear to be, to be unconstitutional under the Michigan supreme law.

The result might well be to damage or destroy the capacity of the legislature to enact protective legislation for women, and it would imperil the constitutionality of legislation already on the books. Laws imposing special hours, working conditions for women would be void if the foregoing interpretation is correct. A statute which gave special recognition to the employment problem of women, the very problem we discussed in our meeting, probably would be imperiled.

This is the sum and substance of the argument. Of course the court might well get around this somehow. But it would be embarrassed, for it would have to read the prohibition on classification on race, religion and national origin in a distinctly different way than the prohibition on sexual discrimination.

Thank you very much. I think Mrs. Judd will want to discuss the second of these amendments.

VICE PRESIDENT HUTCHINSON: Mrs. Judd.

MRS. JUDD: Mr. President and gentlemen, I'm not quite sure what that moment of silent prayer was about but I hope you were praying for endurance to listen to our problems. We are met with a dilemma. Being women, we want equality with men, but we also want our special privileges too. The problem then becomes one of constitutional language for us here and it has appeared to be very good constitutional language to include the word "sex" in section 6, line 4, because it's a simple way to do it, apparently. But the fact is that it creates difficulties.

Now, we recognize that not all women agree on this point of view and not all lawyers agree on what may happen as a result. But the potential application of this provision, as Mrs. Cushman has read to you from Dr. Kelly's research statement, is that the general trend of court interpretation of the words "race, religion" and so on would also apply to the word "sex" and deprive us of some of the special privileges which we believe women should continue to have. For example, we still believe that men should support their wives. We also believe that in cases of divorce, wives should have alimony. Indeed, in this day of broken families and juvenile delinquency, there would be a social upheaval if divorced wives were not properly supported. There is also the special legislation with respect to the protection of women in industry. This refers to conditions of work and relates to

health. So we are anxious to get rid of the word "sex" in this first sentence. But we propose this second sentence to Committee Proposal 26 referring only to the question of discrimination in getting a job and in being promoted. And we have added not only "discrimination on account of sex," but "discrimination on account of marital status" for we find that women often are the first ones to be let go in times of unemployment on the argument that men have families to support. No one asks the women how many people they have to support and it is indeed something of an insult to have employment based on the need for relief.

Therefore, we propose this. Now, we think that it is subject to the criticism that perhaps it is statutory rather than constitutional language. Nevertheless, we believe that we would like to see it put in—if you gentlemen are willing to do so—it is at least very brief. If it were omitted and "sex" were also omitted from the other sentence, there would be no particular mention of protection of women against discrimination on the basis of sex. We therefore favor removing "sex" from the first sentence and adding this one which spells out very specifically the particular discrimination that is most difficult for women today.

VICE PRESIDENT HUTCHINSON: The question is upon the amendment offered—Mr. Faxon.

MR. FAXON: Mr. President, are we to vote on both of these as one, or is this going to be voted on separately?

VICE PRESIDENT HUTCHINSON: The sponsors have offered them as a single question and the Chair will so put them unless there is a demand for a division.

MR. FAXON: I think they should be divided. I think they are 2 separate things and I would move that they be divided so that—

VICE PRESIDENT HUTCHINSON: Under the rules upon the demand of any delegate, the question is divisible and will be so divided. Mr. Norris.

MR. NORRIS: What is the present parliamentary posture, Mr. President, with regard to the matter?

VICE PRESIDENT HUTCHINSON: The question is upon the amendment offered by Mrs. Cushman and others. The Chair proposes to divide the question but the debate upon it can attach to either one of the parts.

MR. NORRIS: The division, Mr. President, as I understand it, is that one vote will be on the exclusion of the word "sex" and then the other will be with regard to the language "No woman shall be discriminated" and so forth. There will be 2 separate votes?

VICE PRESIDENT HUTCHINSON: The gentleman states the division correctly. Mr. Norris had the floor.

MR. NORRIS: Mr. President, I would support a position against both amendments and in support of the committee formulation that is now before us. I think the committee spent a great deal of time going over this matter and I think it took a forward position with regard to proscribing irrelevant criteria in the protection of political and civil rights.

I think that what we are seeking to do with respect to the instant amendment is to recognize the broad sweep of history with regard to the status of women and recognizing that there has been in Anglo Saxon law a considerable change and a change yet that ought to be encouraged. In the beginning, in Anglo Saxon law, a woman was practically a chattel. She was not considered a sole and separate entity legally from her husband. Since that time very considerable progress has been made, but still much more progress needs to be made. The question of constitutional status of women, legal status of women, is one that not only affects women, but affects the total society and all people. Men and women, in this convention and out of it, have a sincere interest in the promotion of that kind of status of women that enhances all the values that we subscribe to in a democratic society: equality and dignity.

Certainly, the questions of women, the problems that women face in employment policy, in all kinds of property relations, are ones which we seriously must address ourselves to over a period of time, and I think that by putting this particular statement of value and principle in our constitution, we promote the kind of change that will move the status of women

forward to the interests of the women of the total community.

With regard to the question of unreasonable classification, or the question of whether or not the equal protection clause permits reasonable classification, I would like to say to you that in a recent compendium of the current operative meaning of the constitution in regard to equal protection of the law, Professor E. S. Corwin of Princeton University had this to say in a report on this subject to the library of congress:

Women or particular classes of women may be singled out for special treatment in the exercise of the state's protective power without violation of the fourteenth amendment. Classification may be based on differences either in their physical characteristics or in the social conditions which surround their employment. Restrictions on conditions of employment in particular occupations are not invalid because the law might have been made broader.

One of the earliest pieces of social legislation to be sustained was a 10 hour law for women employed in laundries. A law limiting hours of labor for women in hotels was not rendered unconstitutional by reason of exemption of certain railroad restaurants. Night work by women in restaurants may be prohibited. And reversing earlier decisions, the supreme court upheld a minimum wage law for women in 1937, saying that their unequal bargaining position justified a law applicable only to them.

So that it seems to me the point raised by Mrs. Cushman that if you juxtapose the words "sex" and "race" and "religion" that an absolute quality applies to each and it would not permit a reasonable classification with regard to sex, in my judgment, is not a valid observation. I think the whole structure of the law is different on the proposition with reference to sex, but it would mean that the intent of this particular language over a period of time would be to promote an equal status of women and, as much as possible, a recognition that we ought to have equality of opportunity and no denial of political and civil rights based upon sex as a longrun proposition. After all, it took 75 years to remove the separate but equal doctrine even with regard to race. And I suggest that we'll probably have a time limit within which this will have to be approached.

I would also call the attention of the body to the fact that this very same problem was faced by a sister democracy, namely, Canada, and on August 10 of 1960 an act was passed by that country which dealt specifically with this particular problem. Its whole bill of rights contains but 4 segments and in the very first one we find this language:

It is hereby recognized and declared that in Canada there have existed and shall continue to exist without discrimination by reason of race, national origin, religion, color or sex, the following human rights and fundamental freedoms, namely: (a) The right of the individual to life, liberty, security of person and enjoyment of property, and the right not to be deprived thereof except by due process of law.

And it lists again the right of the individual to equality before the law and the protection of the law. So that the questions of property and the questions of protection of the law have been gone into by Canada. Nevertheless, they felt that they ought to include as a basis for a nondiscrimination clause, the word "sex." And this, it seems to me, is part of the recent thinking and constitution writing with regard to this problem. And I think we ought to accept it as one partial guideline in making our decision on the amendments now before us.

I think that in the interest of enhancing the status of women, in the interests of total society, we would do well to accept the committee formulation, and I believe that history will judge us kindly in making a contribution to not only the status of women, but the status of values for the family as a whole and for all human beings. I urge that we defeat the 2 amendments and support the committee report.

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, I had intended to move to limit debate to 10 minutes on this proposal. Miss Donnelly advises me that in the present posture of the proposal that

would be unconstitutional. Therefore, hoping that the speakers will remain brief, I will withhold the motion for the moment.

VICE PRESIDENT HUTCHINSON: Miss Donnelly.

MISS DONNELLY: I rise to speak against this amendment presently in front of us. First, I think the ladies are ill advised on the law; and secondly, if they're terribly, terribly, terribly disturbed on this issue—and I think they're ill advised, they don't need to be disturbed on the issue—I have an amendment on the secretary's desk which I think would solve their problem. I'd like the secretary to read it.

SECRETARY CHASE: Miss Donnelly has on the desk an amendment to add at the end of the section the following, "This shall not be construed to prevent reasonable classification for the protection of women."

VICE PRESIDENT HUTCHINSON: The question remains upon the amendment offered by Mrs. Cushman and others.

MISS DONNELLY: Frankly, I was up putting this in and I don't know if you touched on the Salt Lake City case. This issue was taken on the question of discrimination for language in the Utah supreme court in their constitution. The Utah constitution contained language stating "Both male and female citizens of this state shall enjoy equally all civil, political and religious rights and privileges." The issue before the court at that time had to do with the poll tax designed to affect only men. The issue of the constitutionality of the poll tax was brought before the court on the basis that it was contrary to the provisions of the constitution as set forth in Utah, where it said, again, "Both male and female citizens of this state shall enjoy equally all civil, political and religious rights and privileges."

The Utah supreme court held that this poll tax only on male citizens was valid inasmuch as there was reasonable classification. Though it enumerated both male and female citizens are guaranteed equal enjoyment of all civil, political and religious rights, it did not bar them or the Utah legislature from reasonable classification of its citizens with regard to the performance of certain duties which may be required by the state under its police power. The court reasoned that physical differences that exist between the sexes serve as a basis for reasonable classification, and that females in the nature of things cannot respond to all the demands of the state. The court further stated that under the constitutional provision, women may be put in a class by themselves and that such a classification is a natural and proper one.

I therefore feel that both amendments from this group at this time should be defeated; and if people are seriously disturbed on the issue—which I don't think they should be seriously disturbed on—they can vote for my amendment which is put in to make sure that the girls are not disturbed and that they are still protected, which apparently is the big issue in front of them. I therefore oppose this amendment and think that we should act rather reasonably and consider actually the law on the issue and not be so frightened by a few moments and a few citations of statutes that were improperly cited, in my opinion, in front of the ladies, because they were nonapplicable on the issue.

SECRETARY CHASE: The secretary has received an amendment to the amendment which he will now read.

SECRETARY CHASE: Mr. Higgs has filed the following amendment to the second part which is the Judd amendment:

1. Amend the amendment, after "because of sex" by striking out "or marital status"; so that that language would read, "No woman shall be discriminated against because of sex in the securing of employment or in promotion therein."

VICE PRESIDENT HUTCHINSON: On the amendment to the amendment, Mr. Higgs.

MR. HIGGS: Mr. President and fellow delegates, I offer this amendment with the thought in mind that it may be, in the future at some time, that the government itself may desire to discriminate in the offering of employment during a depression period for the assistance of wage earners who are supporting families. Now, the law clearly imposes upon men the obligation to support the family and if the government were to engage in something like the CCC program, I think the proposed amendment might invalidate such a program.

I don't think any of us would want to remove the possibility of the government offering employment to men during a depression period when they have families to support. And I don't think the women, either, really would object to the removal of "marital status" from this particular amendment. This is a hazardous area in which to experiment in language. I haven't given it the thought, perhaps, that the proponents have given it. I'd like to hear what they have to say about it.

VICE PRESIDENT HUTCHINSON: Mr. Hatch.

MR. HATCH: Mr. President, I move the previous question on the amendment to the amendment and the amendment.

VICE PRESIDENT HUTCHINSON: Mr. Hatch moves the previous question upon the amendment to the amendment and the main amendments. Does this include just this amendment to the amendment or any other amendment to the amendment that might be offered? (laughter)

MR. HATCH: All amendments to these amendments.

VICE PRESIDENT HUTCHINSON: Mr. Hatch moves the previous question upon the main amendments and all amendments thereto. Is the demand for the previous question supported? The demand is supported. The question now is: shall the main question be put? All those in favor will say aye. Opposed will say no.

The previous question is ordered. The question now is upon the amendment offered by Mr. Higgs to the Cushman amendment, which the secretary will read.

SECRETARY CHASE: To the second part of the amendment Mr. Higgs has offered the following amendment:

[The amendment was again read by the secretary. For text, see above.]

VICE PRESIDENT HUTCHINSON: The question being upon that amendment to the amendment, all those in favor will say aye. Opposed will say no.

The amendment to the amendment is not adopted. The question now is upon the amendment offered by Mrs. Cushman and others. The immediate question is upon the first amendment to strike out the word "sex" after the word "religion" in line 4. All those in favor of that amendment will say aye. Opposed will say no. The Chair is in doubt. All those in favor will vote aye. Those opposed will vote no. Have you all voted? Mr. Norris, for what purpose does the gentleman rise?

MR. NORRIS: Mr. President, I don't know if the delegates are fully familiar with what is at issue now. I wonder if we could have that clarified.

VICE PRESIDENT HUTCHINSON: The question is upon the amendment offered by Mrs. Cushman, Mrs. Judd, Miss McGowan and Mr. William Hanna, the one that would strike the word "sex" out of line 4. Have you all voted?

MR. WANGER: Mr. President, would the secretary read the language as it would stand with this amendment adopted?

VICE PRESIDENT HUTCHINSON: The secretary will read the language as it would stand if this amendment were adopted.

SECRETARY CHASE: The immediately pending amendment by Mrs. Cushman, Mrs. Judd, Miss McGowan and Mr. William Hanna:

1. Amend page 1, line 4, after "religion," by striking out "sex"; so that section a would read:

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, religion, or national origin. The legislature shall implement this section by appropriate legislation.

MR. WANGER: I ask for the yeas and nays, Mr. President.

VICE PRESIDENT HUTCHINSON: The yeas and nays are demanded. Is the demand supported? Mr. Heideman.

MR. HEIDEMAN: Mr. President—

MR. POLLOCK: Parliamentary inquiry, Mr. President.

MR. HEIDEMAN:—I would like to abstain because I am frightfully afraid. (laughter)

MRS. BUTLER: He better be afraid.

VICE PRESIDENT HUTCHINSON: Is the demand for the yeas and nays seconded?

SECRETARY CHASE: Thirteen.

VICE PRESIDENT HUTCHINSON: That's not a sufficient number. The question remains with a division vote.

MR. POLLOCK: Mr. President, parliamentary inquiry.

VICE PRESIDENT HUTCHINSON: Mr. Pollock.

MR. POLLOCK: As I understand it, you've divided the amendments now so that we're only voting to strike the word "sex" from Committee Proposal 26; is that right?

VICE PRESIDENT HUTCHINSON: That is correct.

MR. POLLOCK: In other words, this would be a vote against the committee report. If this carried, it would eliminate the word "sex" from the committee proposal?

VICE PRESIDENT HUTCHINSON: That is correct.

MR. POLLOCK: Therefore, I am voting no. (laughter)

VICE PRESIDENT HUTCHINSON: The secretary will announce the vote.

SECRETARY CHASE: On the adoption of the amendment, the yeas are 44; the nays are 69.

VICE PRESIDENT HUTCHINSON: The amendment is not adopted. The question now is upon the second amendment offered by Mrs. Judd.

MRS. JUDD: Mr. President.

VICE PRESIDENT HUTCHINSON: Mrs. Judd.

MRS. JUDD: Speaking only for myself, I would like to recommend a no vote. In my opinion, these 2 should never have been divided. One is useful only if the other were adopted.

VICE PRESIDENT HUTCHINSON: Mrs. Judd, are you the only offerer of that amendment? Were you the original offerer of that amendment?

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

VICE PRESIDENT HUTCHINSON: Mr. Barthwell.

MR. BARTHWELL: Hasn't the previous question been called on this?

VICE PRESIDENT HUTCHINSON: It has not.

DELEGATES: Oh, yes.

VICE PRESIDENT HUTCHINSON: Has it?

DELEGATES: Yes.

VICE PRESIDENT HUTCHINSON: The Chair begs the pardon of the convention. The Chair forgot that. All debate is out of order.

SECRETARY CHASE: As the secretary understood the situation and as the amendments on the desk have been listed and read, they are as follows: Mrs. Cushman, Mrs. Judd, Miss McGowan and Mr. William Hanna offered the one amendment, page 1, line 4, after "religion," by striking out "sex". That amendment has been defeated. The other amendment which was asked to be read at the same time was: Mrs. Judd offered the following amendment:

1. Amend page 1, line 6, after "legislation," by inserting "No woman shall be discriminated against because of sex or marital status in the securing of employment or in promotion therein."

MRS. JUDD: Mr. President, I thought the 2 had been combined. I didn't realize I was alone on this one. I will withdraw it.

VICE PRESIDENT HUTCHINSON: Mrs. Judd withdraws her amendment. Mrs. Cushman.

MRS. CUSHMAN: No. Yes. Well, we do withdraw it. But it was actually combined.

VICE PRESIDENT HUTCHINSON: The amendment is withdrawn.

SECRETARY CHASE: Miss Donnelly offers the following amendment:

1. Amend page 1, line 6, after "legislation," by adding "This shall not be construed to prevent reasonable classification for the protection of women."

VICE PRESIDENT HUTCHINSON: On the amendment the Chair recognizes Miss Donnelly.

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

VICE PRESIDENT HUTCHINSON: State the point.

MR. POLLOCK: I understood the previous question had been moved on the amendment and all amendments thereto.

VICE PRESIDENT HUTCHINSON: This is another amendment to the committee proposal.

MR. MADAR: It was "and all amendments thereto."

MR. POLLOCK: Mr. Hatch moved all other amendments thereto.

VICE PRESIDENT HUTCHINSON: The Chair is corrected. That's true. The Chair remembers that was the wording of the motion. The previous question is in effect. The question is upon the amendment offered by Miss Donnelly. All those in favor will say aye.

MISS DONNELLY: Mr. President, please. Mr. President, please.

VICE PRESIDENT HUTCHINSON: For what purpose does the lady rise?

MISS DONNELLY: Clarification. Apparently there are people who feel the word "sex" is out. Would the Chair rule whether the word "sex" is in or out of the committee proposal?

VICE PRESIDENT HUTCHINSON: The amendment is not debatable, Miss Donnelly.

MISS DONNELLY: Would you just read whether the word is in or out?

SECRETARY CHASE: The word "sex" remains in section a.

VICE PRESIDENT HUTCHINSON: The question is upon the amendment offered by Miss Donnelly. All those in favor will say aye. Opposed will say no.

The amendment is not adopted. Any further amendments to the body of the proposal?

SECRETARY CHASE: None, Mr. President.

VICE PRESIDENT HUTCHINSON: The question is upon the passage of Committee Proposal 26.

MR. YEAGER: Mr. President, I rise to urge a yes vote on this section. As you perhaps know, I voted against Committee Proposal 71A which established a civil rights commission. The 71A proposal at—

MR. MADAR: I rise to a point of order, Mr. President.

VICE PRESIDENT HUTCHINSON: What's the point of order, Mr. Madar?

MR. MADAR: There is to be no more debate on this amendment or any amendments thereto.

VICE PRESIDENT HUTCHINSON: This is not an amendment. This is debate upon the proposal. Mr. Yeager.

MR. YEAGER: I voted against Committee Proposal 71A which established a civil rights commission. Committee Proposal 71A had nothing to do with the rights that dealt with legislative enforcement. This section, however, is very different. It is basic and necessary in the constitution and I therefore happily support its adoption.

VICE PRESIDENT HUTCHINSON: The question is upon the adoption of Committee Proposal 26. All those in favor will vote aye. Those opposed will vote no. Voting has commenced. Have you all voted? The voting machine is still open. You may still vote. Now have you all voted? The secretary will lock the machine and record the vote. Mr. Pollock.

MR. POLLOCK: Mr. President, there must be a mistake in one vote there. The gentleman is not here. Mr. Lawrence.

VICE PRESIDENT HUTCHINSON: Very well. The Chair notes that the gentleman from Washtenaw, Mr. Lawrence, is not present, and his vote will not be recorded.

The roll was called and the delegates voted as follows:

Yeas—118

Allen	Gover	Ostrow
Andrus, Miss	Greene	Perlich
Baginski	Hannah, J. A.	Perras
Balcer	Hart, Miss	Plank
Barthwell	Haskill	Pollock
Batchelor	Hatch	Powell
Beaman	Hatcher, Mrs.	Prettie
Binkowski	Heideman	Radka
Blandford	Higgs	Rajkovich
Bledsoe	Hodges	Richards, J. B.
Boothby	Hood	Richards, L. W.
Bradley	Hoxie	Romney

Brake	Hubbs	Rood
Brown, G. E.	Iverson	Rush
Buback	Jones	Sablich
Butler, Mrs.	Judd, Mrs.	Seyferth
Conklin, Mrs.	Karn	Shaffer
Cudlip	Kelsey	Shanahan
Cushman, Mrs.	King	Snyder
Danhof	Kirk, S.	Spitler
Dehnke	Knirk, B.	Staiger
Dell	Koeze, Mrs.	Stamm
DeVries	Krolkowski	Sterrett
Donnelly, Miss	Kuhn	Stevens
Doty, Donald	Leibrand	Stopczynski
Douglas	Leppien	Suzore
Downs	Lesinski	Thomson
Durst	Liberato	Turner
Elliott, A. G.	Madar	Tweedie
Elliott, Mrs. Daisy	Mahinske	Upton
Erickson	Marshall	Van Dusen
Everett	Martin	Walker
Farnsworth	McCauley	Wanger
Faxon	McGowan, Miss	White
Figy	McLogan	Wilkowski
Finch	Millard	Woolfenden
Follo	Mosier	Yeager
Ford	Murphy	Young
Gadola	Norris	Youngblood
Goebel		

Nays—0

SECRETARY CHASE: On the adoption of Committee Proposal 26, the yeas are 118; the nays, none.

VICE PRESIDENT HUTCHINSON: Committee Proposal 26 is passed and referred to the committee on style and drafting.

For Committee Proposal 26 as rereferred to the committee on style and drafting, see above, page 2887.

Mr. Pollock.

MR. POLLOCK: Before considering the next proposal, I would just like to comment that I think we have made history in enacting Committee Proposal 26. I think it is one of the most significant actions of this convention. (applause)

VICE PRESIDENT HUTCHINSON: The secretary will read.

SECRETARY CHASE: Committee Proposal 58, A proposal pertaining to the elective franchise. A substitute for article III amending sections 4, 8, 9 and substituting new language for the other sections thereof.

MR. POLLOCK: Mr. President, I move that we dispense with the reading of Committee Proposal 58.

VICE PRESIDENT HUTCHINSON: Without objection, Committee Proposal 58 will be considered read. The Chair hears no objection and it is so ordered.

Following is Committee Proposal 58 as reported by the committee on style and drafting and considered read. (For full text as referred to said committee, see above, page 2282.):

Sec. a. Every citizen of the United States who has attained the age of 21 years, and has resided in this state 6 months, shall be an elector and qualified to vote in any election, except as otherwise provided in this constitution. The legislature shall by law define residence for voting purposes, and may impose a local residence requirement of no less than 30 days.

Sec. b. The legislature may by law exclude persons from voting because of mental incompetence, or commitment to a jail or penal institution.

Sec. c. 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 months and may waive residence requirements of citizens of this state who have removed therefrom. The legislature may provide the manner of voting by such persons but shall not permit voting by any such person who meets the voting residence requirements of the state to which he has removed.

Sec. d. 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 [shall] provide for a system of voter registration and absentee voting[:]. [Provided however, That] 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 persons who are candidates for the same office and have the same or similar surnames.

Sec. e. EXCEPT FOR SPECIAL ELECTIONS TO FILL VACANCIES 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 may hereafter be provided by the Constitution of the United States or by congress for election of members thereof[, except for special elections to fill vacancies].

Sec. f. Whenever any question is submitted to a vote of the electors which involves the direct expenditure of public money, the issue of bonds or THE INCREASE OF ANY AD VALOREM TAX RATE [increased millage] for a period of more than 5 years, only [such] persons having the qualifications of 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 the lawful husbands or wives of such persons shall be entitled to vote thereon. [In all other questions involving increased millage] All persons having the qualifications of electors may vote ON ALL OTHER QUESTIONS INVOLVING AN INCREASE IN ANY AD VALOREM TAX RATE AND ON BORROWING BY THIS STATE [thereon].

Sec. g. Laws shall be [passed] ENACTED to provide for the recall of all elective officers[,] except judges of courts of record [and courts of like jurisdiction] upon petition of electors [comparable] EQUAL in number to 25 per cent of the number of [electors] PERSONS voting at the LAST preceding election for the office of governor in the electoral district of the officer sought to be recalled. Any statement of reasons or grounds procedurally required shall be deemed to pose a political rather than a judicial question.

Sec. h. A board of state canvassers consisting of 4 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[;]. [nor shall] A majority of any board of canvassers SHALL NOT be composed of MEMBERS [adherents] of the same political party.

VICE PRESIDENT HUTCHINSON (continuing): Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, I understand that on this proposal there are 2 amendments pending. One of these is the 18 year old vote amendment offered by Mr. Faxon, on which you will recall there were some 31 speakers in committee of the whole. The other is the closed primary offered by Mr. Yeager and others. I have spoken with Dr. Pollock, with Miss Hart, with the sponsors of each of these amendments, and in the interest of completing our work on the declaration of rights section within a reasonable period, I would move to limit debate on these amendments to 15 minutes each.

VICE PRESIDENT HUTCHINSON: The motion of Mr. Van Dusen is to limit debate upon each amendment to Committee Proposal 58 to 15 minutes. Now, the Chair wants to have this clearly understood. Does this include all amendments to any such amendments, Mr. Van Dusen?

MR. VAN DUSEN: Yes, Mr. President.

VICE PRESIDENT HUTCHINSON: This would include

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

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**

Sec.	Proposal
1.	Political Power 15- 1
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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16.	Bail; Fines; Punishments, detention of witnesses 15-15
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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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1. Legislative Power, where vested	118a
2. Senate, Number, Term, Districts	80a
3. Representatives, Number, Term, Districts	80b
4. Legislative Districts, merger	80c
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6. Legislative Apportionment Commission	79a
7. Legislators, qualifications, removal ..	32a
8. Ineligibility of certain persons for office	112a
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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
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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
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16	30.	Appropriations for local purposes ...	41a
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19	33.	Bills passed, approval and veto by	
20		governor	70a
21	34.	Referendum on certain bills	113a
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34	47.	Chaplains	111a
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37	50.	Atomic energy	127a
38	51.	Public Health	126a
39	52.	Natural resources	125a
40	53.	Auditor General	78a

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-

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. Whenever 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.

MR. CUDLIP: Mr. President, I then move that the rules be suspended to accomplish the purpose.

VICE PRESIDENT HUTCHINSON: Mr. Cudlip then moves that rule 51 be suspended to permit the committee on style and drafting to offer a motion for reconsideration of the vote on an item under article I at this time.

MR. WOOLFENDEN: I invite the Chair's attention—it's rule 53, I believe rather than rule 51.

VICE PRESIDENT HUTCHINSON: Thank you. Rule 53. The Chair will call for a division since it takes 2/3 of the delegates present. All those in favor of suspending the rules will vote aye. Those opposed will vote no. Have you all voted? If so, the secretary will record the total.

SECRETARY CHASE: On the motion to suspend the rules to permit the committee on style and drafting to make their motion to reconsider, the yeas are 123; the nays, 5.

VICE PRESIDENT HUTCHINSON: The motion prevails and the rules are suspended. The convention will then return to the immediate consideration of article I.

SECRETARY CHASE: **Article I**, declaration of rights; section 1:

[Article I, sections 1 through 23, was read by the secretary. For text, see above, page 3047.]

VICE PRESIDENT HUTCHINSON: The question is on the adoption of article I of the constitution.

MR. POLLOCK: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Pollock.

MR. POLLOCK: I think I should comment upon one matter which emerges from a little study of this article as it comes from the committee on style and drafting. This is very minor and I think it's something that I merely call to the attention of the committee on style and drafting when it has possession of this article again. In section 2 they use the expression, "race, color, religion, sex or national origin;" then when it comes to the executive article section 28 they simply rearrange the order of these words. Here it reads, "religion, race, color," and so on. Now, it ought to be the same in both cases. If "religion" comes first in one case, it should in another. There shouldn't be this variation. I think this can easily be corrected in the next action by the committee on style and drafting.

Otherwise, Mr. President, the article has been improved and I have no comment whatever to make on it, although I understand there are a couple of amendments.

MR. BENTLEY: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Bentley.

MR. BENTLEY: Mr. President, I suggest that in section 17, in line 43, the phrase "nor be deprived of life, liberty or property," since we've already specified in another part of the proposed constitution very clearly that there shall be no penalty for death, I suggest that the word "life" be deleted.

VICE PRESIDENT HUTCHINSON: Are you offering that as an amendment?

MR. BENTLEY: I offer as an amendment the following:

1. Amend article I, section 17 (column 1, line 43) after "of" by striking out "life,".

If the chairman of the committee will approve—

MR. POLLOCK: The chairman of the committee is without any power, I think, in this situation. I personally would dislike that amendment because the phrase is a pretty ancient one. I think it carries a certain authority and I think one word won't hurt one way or the other. I wouldn't myself favor the amendment.

MR. DEHNKE: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Dehnke.

MR. DEHNKE: I would like to suggest, as Dr. Pollock has, that this is an entirely different connection. The prohibition against imposition of the death penalty might be removed by constitutional amendment. We'd still want in the constitution the proviso no one shall be deprived of life without due process of law.

VICE PRESIDENT HUTCHINSON: Mr. Bentley does not persist in his amendment.

The amendment is withdrawn. The secretary will read.

SECRETARY CHASE: Mr. Cudlip, on behalf of the committee on style and drafting, moves to reconsider the vote by which the following amendment was not adopted:

1. Amend article I, section 2 (second column, line 10) after "religion," by striking out "sex"; and the vote by which the following amendment was adopted:

2. Amend article I, section 2 (second column, line 12) after "legislation," by inserting "This shall not be construed to prevent reasonable classification for the protection of women."

For vote on the first amendment, see above, page 2891; for vote on the second amendment, see above page 2915.

VICE PRESIDENT HUTCHINSON: The question is upon the motion to reconsider. Mr. Cudlip.

MR. CUDLIP: Mr. President, members of the convention, I am going to speak as briefly as I can on the motion to reconsider, and then if it prevails I will not talk upon the substance of the matter.

I appear here as a chairman of an instrumentality of this convention. There is no ulterior motive in this motion, obviously. The reason for our appearance is because this matter was considered so long ago that it would not be possible, except through our committee, to have a reconsideration of it at this time under our rules. You will recall that the last time this matter was considered, the reconsideration motion was defeated. I think the vote was 48 to 48. Now, you might ask: why bring this up again? The only reason is because many in this convention, and particularly lawyers—and you will recall that Messrs. Danhof, Ford, Bill Hanna and others—were interested in this matter, are still interested in it because we are here writing an important document, a constitution, and we're not writing history books or poetry. I think the matter was considered in a light vein before. Well, nothing is very light when we're dealing with half the people in Michigan.

Now, here is the frame of reference for the matter: I was quite impressed last fall when we first assembled, and I know Dr. Pollock and members of his committee were, when so many delegate proposals were received in connection with an expansion of the declaration of rights as they appear in our constitution. We called it section 22, article I, the equal protection clause. I don't believe any state has a clause of that scope except, probably, the 2 new states that were previously territories.

Dr. Kauper, professor of constitutional law at the University of Michigan, wrote one of the stimulating treatises for our body: Con Con Research Paper Number 2. It was written in October, 1961. And I want to read to you one paragraph on page 20 of his report. He was reviewing there in that document some of the considerations before a body such as ours, and he said this:

A right of vital current significance is the right to equal protection of the laws, and, more particularly, the right to be free from governmental action which discriminates on the basis of race, color, religion or national ancestry. This right is protected at the national level by the equal protection clause of the fourteenth amendment.

— meaning of the U. S., of course —

Any right to the equal protection of the laws under the Michigan constitution derives from the provision, article II, section 1,

— of our constitution —

which states that all political power is inherent in the people and that government is instituted for their equal benefit, security and protection. The question may be raised whether on revision an explicit —

I underline —

an explicit equal protection clause should be adopted and along with it a specific provision prohibiting the deprivation or denial of right on the basis of race, color, religion, or national ancestry.

Now, that was done by this committee and it was one of the finest achievements of this convention, in my opinion, and I

am sure in yours, because I remember when we voted on it that board was entirely agreed.

Now, the word "sex" is not mentioned in this thesis, but the word "sex," however, did get in somehow — and it doesn't matter to us in style and drafting how or why — into the proposal. Now, why do we suggest that it be deleted? Why do we ask for your reconsideration of this matter? Personally, I don't care if it stays in or out, except that I have some pride, as you do, in a document that won't be criticized by lawyers and others — and women — as this goes to the people. The reason is this: the way that the provision is now drafted, and is before you, we put the word "sex" on the same level, same parallelism as "national origin, race, color," and so forth. Now, bear that in mind.

When we were thinking of this problem a week or two ago — some of the women of this convention, and some of the lawyers — we had a discussion about it. I had the impression at the time that there were some that felt: well, gosh, it's a big word. We haven't had it in the constitution before, and it does something. It does something. It's edifying. Well, things can sound nice, but if they take away your rights, they're not too good. Dr. Kelly of our research staff, Dr. Joiner of our research staff and, as I said before, many lawyers of this convention were very much disturbed about the matter.

If this had been in effect at the time that our gracious and lovely Miss Hart made her suggestion the other day — it was a warm day — that all men could, without objection, take off their coats and vests, if that rule had been in effect, I don't know what the press would have done. We wouldn't have minded. (laughter) So — because there was some conflict of thinking about this important question, and because the posture of our committee was such that we could raise it again — at the suggestion of many members of the committee, I took it upon myself to write this same Dr. Kauper, professor of constitutional law at the University of Michigan, and I gave him the complete history of this development and I gave him the minutes of our meeting a week or so ago, and I said, "Doctor, we're just looking for some assistance, some detached objective advice. We're burdened you enough, but please help." On Saturday I received a letter from him. That letter has been made available to some of you and would have been made available to all of you except for the fact that this morning we found that the Xerox machine was loaded with work for another committee — not ours. We had our work printed. Otherwise you wouldn't be here considering this printed revision this afternoon.

Now, you recall that Miss Donnelly, in her constructive way, seeing that there was some problem here, proposed a sentence, an amendment, which reads, "This shall not be construed to prevent reasonable classification for the protection of women." In style and drafting, subject to your approval, we took the liberty of changing the words "prohibit legislation" because we thought that was better language to use. But be that as it may, the point was made by Miss Donnelly that perhaps this might cure the situation.

Now, let's go back to the fact that half the voters, half the people of this state of ours, are women, and we're going to hit another section where we've done an injustice to them. But let's talk about this one now. Dr. Kauper, in response to this question, having our record before him, said this. And I have to read a few paragraphs — excerpts. I hope I don't take them out of context. I will be glad to see that ultimately everybody gets a copy of this letter. He said this:

My views on this can be simply stated. I feel that to include sex along with race, religion and national origin as an impermissible basis for discrimination in the enjoyment or exercise of civil or political rights would be a mistake. I say this not because I think a legislature should be free to subject women to discriminatory laws in the enjoyment of political and civil rights but because the use of the word sex in the context of the equal protection provision, along with race, religion and national origin, suggests on its face that sex cannot be made a basis for legislative classification.

He goes on — and I'm skipping:

Either the courts would have to say that this would invalidate all classification based on sex — an impossible situation, it seems to me — or else they would have to interpret the provision respecting sex as still permitting reasonable classification and in this case they would have to read into this provision an implied limitation that would or should not be applicable to the race, religion and national origin provisions. I am reasonably sure the latter interpretation would prevail but, even so, this would create difficulties for the legislature and the courts.

Then he says:

Inclusion of the proviso, "This shall not be construed to prevent reasonable classification for the protection of women," would help some to meet the problem of classification, but it would be directed only to the end of permitting protective police legislation and thus would deal with only a part of the problem of classification by sex.

He goes on to say:

In conclusion, then, I would say that the inclusion of sex in the nondiscrimination section could have disadvantageous effects with respect to women. The proviso in respect to reasonable classification would meet this objection in part. But it would deal only partially with the classification problem. My overall objection is to the inclusion of sex along with race, religion and national ancestry as an impermissible basis of legislative classification.

Now, the other day someone referred to a letter from our distinguished attorney general, Mr. Kelley, in which he mentioned a case from Utah — only one case — trying to bolster some theory. I read the opinion. The Utah constitution is entirely different than ours in the way that the words are arranged. I am sure that anybody that would read it could quickly come to that conclusion, and I have a copy of it on my desk.

Now, the point is that where these equal protection clauses exist, it's still true that under this vast reservoir of police power which sovereign states and the federal government have in the case of the federal constitution, discriminations can be made and have been made protecting women. Women need to be discriminated against for their benefit many, many times. The whole point here is that this language, as developed, does not go far enough to protect them under many, many situations arising because of the differences of nature.

Now again I say, before closing, that the urge to make this clear to the convention, wholly apart from what they want to do about it, falls on my shoulders only as a representative of the committee which represents you. I don't expect to have much more to do with this subject in my lifetime. (laughter) But I urge you, as constitutional delegates, and lawyers, particularly, to give this your serious consideration because we want to do the right thing, the thing that will be best received and be in line with constitutional structure. Thank you, Mr. President. Thank you, ladies and gentlemen. (applause)

VICE PRESIDENT HUTCHINSON: On the motion to reconsider, Mrs. Hatcher.

MRS. HATCHER: Mr. President and fellow delegates, I rise at this time to, first of all, say that it is quite unnecessary to reconsider this matter. I would like to say at the outset that I could not attempt to, by any stretch of the imagination, compete or qualify with the flowery words and the glorious words used by Mr. Cudlip, who is an eminent attorney, and one who is well prepared to present and to outline and document his case as he sees it. There is only one advantage that I have that Mr. Cudlip perhaps does not have, and that is, I happen to be a woman, (laughter) and one who has dealt with the problem of discrimination as it relates to sex as well as having served and worked in the field of education among women. I think that certainly the fact that he has gone to the extent, as chairman of the style and drafting committee, of calling on the wisdom of Dr. Kauper to give his opinion on this particular inclusion of the word "sex" in this section of our article, section 2 of article I, I think also is significant. Also Dr. Kauper is a man and he would not have the same point of view on the subject as a woman would have. Further, it's not that I want to claim exclusive rights on fighting the battle

of the sexes, but I happen to know that the language that was promoted here did not come only from the wisdom of women delegates but it came from the wisdom of men and women who, as members of the committee on the declaration of rights, saw fit to put it into this article.

I also would like to call to the attention of the delegates here that there were a number of delegate proposals that were referred to our committee which dealt with the question of sex. I'd also like to say further that despite all of the interpretations and the opinions that the research department gathered, they have varied from time to time because the last time we discussed this particular matter, the proponents of deleting the word "sex" at that time saw fit to include the word "sex" and to include "marital status" and I think "marital status" was referring primarily to women. They weren't attempting to try to protect the marital status of men.

I'd like to say further that it doesn't surprise me that women are some of the proponents of this particular motion that we're discussing here now because, from what I have read in history books, there were slaves who didn't want to be freed, too. So I can understand this. And in terms of the attorney general's point of view, I also know that his point of view is one that many attorneys in this room agree to. And I also take issue with the fact that there are those who are appealing to the 57 attorneys that we have here. And I believe that the 57 attorneys here haven't agreed on any one particular thing up to this time. And I don't see any reason why there should be any unanimity of opinion at this particular time. (laughter)

There are a number of things that I could say in behalf of the progress that women have achieved over the years. The fact that the president of the United States has seen fit to set up a women's status commission, of which Mrs. Roosevelt is the chairman, the fact that the governor of the state of Michigan is in the process of establishing a commission is also significant; and the fact that our 1908 constitution was vague of any language at all covering sex should be worthy of recognition, and that this constitution should not bypass the opportunity of including in this section of our constitution one word which would give greater coverage as well as protection.

Now, there are those who seem to think that this language will remove the rights of women. If you can—I started to say those of you who can read but I think most of you can read. You may not like what you read, but you can read. We are not saying equal rights. We're saying equal protection of the rights that we have. And there's a big difference. There's a sea of difference between equal rights and equal protection. I am opposed to the equal rights amendment, as such, as the women on the hill have been fighting for for a number of years. But I am in favor of equal protection because, even though I'm not an attorney, I know that there's a big difference between men and women. (laughter)

The last proviso that Miss Donnelly and I paired on was reworded, and I agree with the committee on style and drafting in the fact that they did improve the language by striking out "classification" and making the last sentence read as follows, "This section shall not be construed to prohibit reasonable legislation for the protection of women." I think this is an improvement, and I think with this proviso it gives this particular section of article I the proper clarification and the support that it needs. Mr. President, at this time I oppose the reconsideration of this matter because I think it has been thoroughly discussed.

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, I move that the convention stand in recess until 7:30 p.m.

VICE PRESIDENT HUTCHINSON: There are 2 requests for leave before we put the motion.

SECRETARY CHASE: Mr. Walker and Mr. Snyder ask to be excused from the evening session.

VICE PRESIDENT HUTCHINSON: Without objection, they will be excused. The Chair hears no objection. The excuses are granted.

Mr. Van Dusen moves that the convention stand in recess until 7:30 p.m. All those in favor will say aye. Opposed will say no.

The motion prevails. The convention stands in recess.

[Whereupon, at 6:05 o'clock p.m., the convention recessed; and, at 7:30 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: The convention has before it immediately the motion of Mr. Cudlip to reconsider the vote upon amendments made to article I, section 2. Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, we heard at some length the pro and con of this motion before the evening recess. I would move that further debate on the motion to reconsider be limited to 10 minutes.

VICE PRESIDENT HUTCHINSON: There are 6 speakers seeking recognition. Mr. Van Dusen moves that further debate upon the motion to reconsider be limited to 10 minutes. All those in favor will say aye. Opposed will say no.

The motion prevails. The Chair next recognizes Mr. Norris. The convention will please be in order.

MR. NORRIS: Mr. President, fellow delegates, I think the matter that we have before us is a most significant concern not only of women, but of all of the people of this state and ought to be treated as such. I regret that the style and drafting committee has taken it upon itself, in the absence of some of the delegates who are members of that committee, to make the suggestion regarding reconsideration. I appreciate the excellent work that its chairman and his committee have done, particularly in this last 4 or 5 day period when they met solidly and covered the 16,000 words which you now have before you. I am proud of the work that the committee has done, but I do think that it should have confined itself to matters of form and not of substance—though the matter of sex could be considered both. (laughter)

I think there are 5 short observations I'd like to make with regard to this matter: first, under the common law, a woman was a chattel; she did not exist in her sole and separate person. Since that time there has been a tremendous development in the law to a position of status wherein a woman in law exists as a sole and separate person. This transition is one that has been recognized in Michigan in a variety of forms and manners. With regard to the general principle, what we are discussing is whether or not a woman may be regarded on her merit as an individual; whether she shall be accorded equal protection of the laws and be accorded a nondiscriminatory status in employment, in housing and other of her political and civil rights. Now, this is a fundamental proposition. There is a wide reach which we may envision wherein the status of women in the interest of the total society may be recognized and may be implemented. In the last convention, the women in this state could not vote and were not participants in that convention. The situation has changed and we may envision, on the trajectory of the past, a future in which even greater dignity and status will be accorded to women.

I trust too that some dignity and status might be accorded to the speaker, Mr. President.

VICE PRESIDENT HUTCHINSON: The convention will please be in order.

MR. NORRIS: Now, with regard to the question of other states, we do have, in almost the precise language of the equal protection clause suggested by the declaration of rights committee, this language:

No person shall be deprived of life, liberty or property without due process of law nor be denied the equal protection of the laws nor be denied the enjoyment of his civil rights or be discriminated against in the exercise thereof because of race, religion, sex or ancestry.

Modern constitution writing recognizes that to accord equal dignity and to elevate the status of women and integrate women in the interests of the total society, that this ought to be regarded in the constitution.

I called attention on a previous occasion to the fact that the

bill of rights of Canada, of a sister country, adopted by that country in 1960, states as article I of that bill of rights:

It is hereby recognized and declared that in Canada there have existed and shall continue to exist without discrimination by reason of race, national origin, religion, or sex, the following human rights and fundamental freedoms: the right of the individual to life, liberty, security of person and enjoyment of property and the right of the individual to equality before the law and the protection of the law.

These are 2 areas which apparently are of some concern to some of the people on this proposition.

We have already discussed the question of reasonable classification and we do have the amendment as an intrinsic part of this particular amendment to take care of the problems that may come within the range of that particular problem. "We have innumerable cases which come to the conclusion that women, or a particular class of women, may be singled out for special treatment in the exercise of the state's protective power without violation of the fourteenth amendment"—and I'm quoting from Professor Corwin. I suspect, if we want to have equality before your opinion, we could quote professors of constitutional law with dignity equal to that of Professor Kauper.

I think that, with regard to Professor Kauper's observations, I had a particular part to play in that. I originally asked Professor Kauper for his views on a number of constitutional law matters that came before the declaration of rights committee. He is a very able man and has made an outstanding contribution in teaching and learned scholarship in this area. But what he states is merely an opinion. What he states is merely his conclusion. He also made certain observations under which, if taken, we would not have an equal protection clause at all before this convention; particularly would we not have one in the language of the Hawaiian constitutional provision, which was a proposal that Dr. Hannah submitted to the committee and which I submitted to the committee and which is, with slight embellishment, that which is before you.

Basically, what we are doing here is according a status to women, the thrust of which is in accordance with the sweep of history to give to women, in the manifold ways in which they have occupied numerous roles in our society, an even greater integration, a more intimate integration, and to accord equal status and dignity so that the whole of society, the whole of the family, can be enhanced in the interests of the values which we seek to declare in this declaration of rights. I urge that we vote against the motion for reconsideration.

VICE PRESIDENT HUTCHINSON: Mr. Stevens.

MR. STEVENS: Mr. President and delegates, because of the very learned and able remarks of Chairman Cudlip, I will take only a small portion of the rest of the 10 minutes. I would like to assure you, however, that these people wanting "sex" in this section of the constitution were warned, even in the beginning, in the committee, not necessarily that it would do this or that but that they were taking great chances. They were asking for an unnecessary risk.

I would like to suggest to you that Mr. Cudlip is speaking as an attorney. He has no axe to grind. He is not trying to promote any particular philosophy or anything, but he is simply giving his opinion of the possible legal consequences of this. There can't be any question but what it is quite possible that this provision will lead to much more trouble than to any good that it might do. In the committee, the only reason I could find that anybody would openly express for putting it in here was constitutional recognition, which doesn't seem to be much of a justification in view of the recognized risk.

VICE PRESIDENT HUTCHINSON: Mr. Downs.

MR. DOWNS: Mr. President, fellow delegates, I rise in support of keeping the word "sex" in the section with the sentence, the proviso, at the end. I believe we have come a long way in American jurisprudence and social thinking from the day when, legally, women, idiots and drunkards were classified together.

Now, I believe that Dr. Kauper and the chairman have very adequately pointed out some possible dangers in this provision.

I would like to point out—and Mr. Cudlip did refer to this—that Dr. Kauper did say that the provision in respect to reasonable classification would meet this objection in part. That last sentence is a quote from his letter.

When style and drafting came back, they changed the reasonable classification to use the term that this would not prohibit reasonable legislation. And I'm inclined to think that that phrase more than deals with the concern, and the very legitimate concern, to see that we do not wipe out reasonable health, safety and other legislation for women. This does mean that unreasonable legislation would not be permitted if it were used as a subterfuge for discrimination or some other matter in relation to sex. I think that this is a step forward. I urge the inclusion and I point out that this is a broad principle stated in the declaration of rights. For that reason I feel that it very properly belongs here and that we should take this step forward.

VICE PRESIDENT HUTCHINSON: Time for debate has expired. The question is upon the motion of Mr. Cudlip to reconsider the vote by which article I, section 2 was amended. All those in favor of reconsideration will say aye. Opposed will say no. The Chair is in doubt. All those in favor will vote aye. Those opposed will vote nay. Have you all voted? This is on the motion to reconsider. Have you all voted? If so, the secretary will lock the machine and record the total of the vote.

SECRETARY CHASE: On the motion to reconsider offered by the committee on style and drafting, the yeas are 82; the nays are 43.

VICE PRESIDENT HUTCHINSON: The motion to reconsider prevails. The question is upon the amendments, which the secretary will now read.

SECRETARY CHASE: The amendments are as follows:

1. Amend article I, section 2 (second column, line 10) after "religion," by striking out "sex"; and
2. Amend article I, section 2 (second column, line 12) after "legislation," by striking out the balance of the section.

[Inasmuch as the language of the second amendment had already been inserted and appears in the third reading document as reported by the committee on style and drafting, the amendment appears here as an amendment to strike out the language rather than to insert.]

VICE PRESIDENT HUTCHINSON: The question is upon the amendments.

MR. VAN DUSEN: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen.

MR. VAN DUSEN: I believe we've heard most of the debate on this. I'd move to limit debate to 5 minutes.

VICE PRESIDENT HUTCHINSON: The question is on the motion of Mr. Van Dusen to limit debate. All those in favor will say aye. Opposed will say no.

The motion prevails and debate is limited to 5 minutes.

MR. MARSHALL: Mr. President, I'd like to move that Mr. Van Dusen be limited to 3 times a day: once in the morning, in the afternoon and the night to move the previous question or limit debate. (laughter)

VICE PRESIDENT HUTCHINSON: The Chair recognizes Mrs. Cushman.

MRS. CUSHMAN: Mr. President and fellow delegates, I want to emphasize again tonight that the fundamental purposes of all of us in this particular matter, I am sure, are the same; that is, that we all are interested both in the protection of women and then seeing to it that unnecessary or unfair discrimination does not exist. We recognize that, at the present time, there is unfair discrimination on account of sex—at least I do. We recognize also that we have certain protections on account of sex.

Speaking as a woman, I feel discriminations are better dealt with by specific statutes rather than by some blanket statement in the constitution which might have the effect of doing away with some of the protections that we now have and need. In any case, there is such serious room for doubt on this question and, considering the good record that Michigan has in this particular field, I think that we can continue to

work at this problem—and it is a problem; I am willing to recognize this—in terms of specific statutes to meet specific problems, rather than in terms of something that might lead to very unfortunate results. Thank you.

VICE PRESIDENT HUTCHINSON: Mr. William Hanna.
MR. W. F. HANNA: Pass.

VICE PRESIDENT HUTCHINSON: Miss Donnelly.

MISS DONNELLY: I rise to oppose these amendments as I attempted to oppose the motion to reconsider but my name wasn't high enough on the list. I think initially the statement that William B. Cudlip, esquire, gave as a reason we should reconsider is one of the underlying reasons we should bear in mind: women need to be discriminated against for their own protection. This attitude has existed for, certainly, more years than I have lived. I don't want it to continue to exist. I am very, very, very mindful of the discrimination against women. I have found no discrimination for my protection. I haven't found discrimination for women—or against them—for their protection yet. I think the underlying motive behind this is not to protect women. And I object to these amendments very strenuously. I don't think they will protect women. I think they aid in discrimination against them.

MISS HART: Point of order, Mr. President. Could we ask, Mr. President, that the people who want to caucus, caucus in the corridor, so those of us who would like to hear the debate may be privileged to do so?

VICE PRESIDENT HUTCHINSON: The members of the convention will please cooperate and recognize that it is very difficult to carry on serious consideration against a continual undertone of talk. If you find it necessary to talk about things, kindly go out into the corridor so that the people who are in their seats here and want to hear, can hear. For what purpose does Mrs. Hatcher rise?

MRS. HATCHER: I rise for a point of information. I'd like to ask Mrs. Cushman a question, through the Chair.

VICE PRESIDENT HUTCHINSON: Well, the Chair would put you on the list for that purpose, Mrs. Hatcher, and will recognize Mrs. Judd.

MRS. JUDD: Mr. President, I simply want to state that I agree with the person who said that the lawyers disagree; and, by now, you gentlemen have probably found out that the ladies disagree also, and that you cannot decide this issue merely on the point of being nice to the ladies. You're going to have to decide the issue on its merits, and its merits are mainly a legal issue.

I only want to second everything Mrs. Cushman has said and point out also that what we seem to be doing in this provision is to create a problem by putting the word "sex" in and then trying to solve the problem by putting in 3 more lines that would effectively take it out. This seems to me to be cluttering up the constitution unnecessarily, and the clearest way to solve it is just take out the word "sex."

VICE PRESIDENT HUTCHINSON: Mr. Lawrence.

MR. LAWRENCE: Mr. President, it is with some trepidation that I venture to differ with Professor Kauper, Mr. Cudlip and others. But I don't think that you looked at this provision. This is to prevent discrimination against, not discrimination in favor of. This is to prevent discrimination against women. If this is so wrong, then those of you who feel it is a sword instead of a shield had better take out "race, color, religion and national origin" because it will harm those who seek to be protected on those grounds as well.

VICE PRESIDENT HUTCHINSON: Mrs. Hatcher.

MRS. HATCHER: Mr. President and fellow delegates, I'd like to ask Mrs. Cushman a question, through the Chair. Mrs. Cushman, what portion of the state statute or regulations governing women in the state of Michigan, do you feel that this particular provision would violate?

MRS. CUSHMAN: I'm not a lawyer. I consider this a legal question. However, I would point particularly to some of the questions and protections that women have in probate matters where they do have, for example, the right, as I understand it, of living rent free in the husband's home after his death for a year, and this sort of thing, where women have protections that are not equally extended to men. This is not a case of lifting something that's too heavy, which is a

police power matter. This is a case of legal protection purely on the basis of sex.

VICE PRESIDENT HUTCHINSON: Time has expired on debate on this question. The question is upon the amendments which have been read. All those in favor will say aye. Those opposed will say no.

The amendments are adopted.

DELEGATES: Division.

VICE PRESIDENT HUTCHINSON: Division is asked for. Is the demand supported?

MISS DONNELLY: The yeas and nays.

VICE PRESIDENT HUTCHINSON: Miss Donnelly demands the yeas and nays. Is the demand supported? A sufficient number up. The yeas and nays are ordered. All those in favor of the amendments will vote aye. Those opposed will vote no. This is a record roll call vote. 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 — 82

Allen	Higgs	Richards, J. B.
Batchelor	Howes	Richards, L. W.
Bentley	Hoxie	Romney
Boothby	Hubbs	Rush
Brake	Iverson	Sablich
Brown, G. E.	Judd, Mrs.	Seyferth
Conklin, Mrs.	Karn	Shackleton
Cudlip	King	Shaffer
Cushman, Mrs.	Kirk, S.	Shanahan
Dade	Krolikowski	Sharpe
Danhof	Kuhn	Sleder
Dehnke	Leibrand	Spitler
Dell	Leppien	Stafseth
DeVries	McAllister	Staiger
Doty, Dean	McCauley	Stamm
Doty, Donald	McGowan, Miss	Sterrett
Durst	McLogan	Stevens
Elliott, A. G.	Millard	Thomson
Erickson	Mosier	Turner
Figy	Ostrow	Tweedie
Finch	Page	Upton
Follo	Perras	Van Dusen
Gadola	Powell	Wanger
Goebel	Prettie	White
Hanna, W. F.	Pugsley	Wood
Haskill	Radka	Woolfenden
Hatch	Rajkovich	Yeager
Heideman		

Nays — 48

Andrus, Miss	Farnsworth	Marshall
Anspach	Faxon	Martin
Austin	Garvin	Murphy
Baginski	Gover	Nord
Balcer	Greene	Norris
Barthwell	Gust	Pellow
Beaman	Hannah, J. A.	Perlich
Binkowski	Hart, Miss	Perras
Bradley	Hatcher, Mrs.	Plank
Buback	Hodges	Pollock
Butler, Mrs.	Jones	Stopczynski
Donnelly, Miss	Koeze, Mrs.	Suzore
Douglas	Lawrence	Tubbs
Downs	Lesinski	Wilkowski
Elliott, Mrs. Daisy	Madar	Young
Everett	Mahinske	Youngblood

SECRETARY CHASE: On the amendments, the yeas are 82; the nays are 48.

VICE PRESIDENT HUTCHINSON: The amendments are adopted. The secretary will read the next amendment.

SECRETARY CHASE: Messrs. Kuhn and Stevens offer the following amendment:

1. Amend article I, following section 23 (column 2, line 24) by adding a new section 24 to read as follows:

"Sec. 24. The right of the owner of real property to convey, grant, or devise said property shall be limited only by general law. The legislature shall not delegate this power."

VICE PRESIDENT HUTCHINSON: Mr. Kuhn.

MR. VAN DUSEN: Mr. President.

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 subdi-
55 | vision 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

10 Sec. 1. The legislature shall impose taxes suf-
11 ficient with other resources to pay the expenses of
12 state government.

13 Sec. 2. The power of taxation shall never be
14 surrendered, suspended or contracted away.

15 Sec. 3. The legislature shall provide for the
16 uniform general ad valorem taxation of real and
17 tangible personal property not exempt by law. The
18 legislature shall provide for the determination of
19 true cash value of such property; the proportion
20 of true cash value at which such property shall
21 be uniformly assessed, which shall not, after
22 January 1, 1966, exceed 50 percent; and for a sys-
23 tem of equalization of assessments. The legislature
24 may provide for alternative means of taxation of
25 designated real and tangible personal property in
26 lieu of general ad valorem taxation. Every tax
27 other than the general ad valorem property tax
28 shall be uniform upon the class or classes on
29 which it operates.

30 Sec. 4. Property owned and occupied by non-
31 profit religious or educational organizations and
32 used exclusively for religious or educational pur-
33 poses, as defined by law, shall be exempt from
34 real and personal property taxes.

35 Sec. 5. The legislature shall provide for the
36 assessment by the state of the property of those
37 public service businesses assessed by the state
38 at the date this constitution becomes effective, and
39 of other property as designated by the legislature,
40 and for the imposition and collection of taxes
41 thereon. Property assessed by the state shall be
42 assessed at the same proportion of its true
43 cash value as the legislature shall specify for
44 property subject to general ad valorem taxation.
45 The rate of taxation on such property shall be
46 the average rate levied upon other property in this
47 state under the general ad valorem tax law, or,
48 if the legislature provides, the rate of tax applica-
49 ble to the property of each business enterprise assessed
50 by the state shall be the average rate of ad valorem
51 taxation levied upon other property in all counties
52 in which any of such property is situated.

53 Sec. 6. Except as otherwise provided in this
54 constitution, the total amount of general ad valo-
55 rem taxes imposed upon real and tangible per-
56 sonal property for all purposes in any one year
57 shall not exceed 15 mills on each dollar of the

58 assessed valuation of property as finally equalized.
59 Under procedures provided by law, which shall
60 guarantee the right of initiative, separate tax
61 limitations for any county and for the townships
62 and for school districts therein, the aggregate of
63 which shall not exceed 18 mills on each dollar of
64 such valuation, may be adopted and thereafter
65 altered by the vote of a majority of the qualified
66 electors of such county voting thereon, in lieu
67 of the limitation hereinbefore established. These
68 limitations may be increased to an aggregate of
69 not to exceed 50 mills on each dollar of valuation,
70 for a period of not to exceed 20 years at any one
71 time, if approved by a majority of the electors,
72 qualified under Section 6 of Article II of this
73 constitution, voting on the question.

74 The foregoing limitations shall not apply to
75 taxes imposed for the payment of principal and
76 interest on bonds or other evidences of indebted-
77 ness or for the payment of assessments or con-
78 tract obligations in anticipation of which bonds
79 are issued, which taxes may be imposed without
80 limitation as to rate or amount; or to taxes im-
81 posed for any other purpose by any city, vil-
82 lage, charter county, charter township, charter
83 authority or other authority, the tax limitations
84 of which are provided by charter or by general
85 law.

86 In any school district which extends into two
87 or more counties, property taxes at the highest
88 rate available in the county which contains the
89 greatest part of the area of the district may be
90 imposed and collected for school purposes through-
91 out the district.

92 Sec. 7. No income tax graduated as to rate
93 or base shall be imposed by the state or any of
94 its subdivisions.

95 Sec. 8. The legislature shall not impose a
96 sales tax on retailers at a rate of more than
97 four percent of their gross taxable sales of
98 tangible personal property.

99 Sec. 9. All specific taxes, except general sales
100 and use taxes and regulatory fees, imposed di-
101 rectly or indirectly on fuels sold or used
102 to propel motor vehicles upon highways and on
103 registered motor vehicles shall, after the payment
104 of necessary collection expenses, be used exclusi-
105 vely for highway purposes as defined by law.

106 Sec. 10. One-eighth of all taxes imposed on
107 retailers on taxable sales at retail of tangible
108 personal property shall be used exclusively for
109 assistance to townships, cities and villages, on
110 a population basis as provided by law. In de-
111 termining population the legislature may exclude
112 any portion of the total number of persons who
113 are wards, patients or convicts in any tax sup-
114 ported institution.

115 Sec. 11. There shall be established a state
116 school aid fund which shall be used exclusively
117 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

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. The amount of 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 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

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

29 Sec. 2. Amendments may be proposed to this
30 constitution by petition of the registered electors
31 of this state. Every petition shall include the full
32 text of the proposed amendment, and be signed by
33 registered electors of the state equal in number to
34 at least 10 percent of the total vote cast for
35 all candidates for governor at the last preceding
36 general election at which a governor was elected.
37 Such petitions shall be filed with the person au-
38 thorized by law to receive the same at least 120
39 days before the election at which the proposed
40 amendment is to be voted upon. Any such petition
41 shall be in the form, and shall be signed and
42 circulated in such manner, as prescribed by law.
43 The person authorized by law to receive such peti-
44 tion shall upon its receipt determine, as provided
45 by law, the validity and sufficiency of the signa-
46 tures on the petition, and make an official an-
47 nouncement thereof at least 60 days prior to the
48 election at which the proposed amendment is to be
49 voted upon.

50 Any amendment proposed by such petition shall
51 be submitted, not less than 120 days after it was
52 filed, to the electors at the next general election.
53 Such proposed amendment, existing provisions of
54 the constitution which would be altered or abro-
55 gated thereby, and the question as it shall appear
56 on the ballot shall be published in full as provided
57 by law. Copies of such publication shall be posted
58 in each polling place and furnished to news media

as provided by law.

59 The ballot to be used in such election shall con-
60 tain a statement of the purpose of the proposed
61 amendment, expressed in not more than 100 words,
62 exclusive of caption. Such statement of purpose
63 and caption shall be prepared by the person au-
64 thorized by law, and shall consist of a true and
65 impartial statement of the purpose of the amend-
66 ment in such language as shall create no prejudice
67 for or against the proposed amendment.

68 If the proposed amendment is approved by a
69 majority of the electors voting on the question,
70 it shall become part of the constitution, and
71 shall abrogate or amend existing provisions of
72 the constitution at the end of 45 days after
73 the date of the election at which it was ap-
74 proved. If two or more amendments approved by
75 the electors at the same election conflict, that
76 amendment receiving the highest affirmative vote
77 shall prevail.

78 Sec. 3. At the general election to be held in
79 the year 1978, and in each 16th year thereafter
80 and at such times as may be provided by law, the
81 question of a general revision of the constitution
82 shall be submitted to the electors of the state. If
83 a majority of the electors voting on the question
84 decide in favor of a convention for such purpose,
85 at an election to be held not later than six months
86 after the proposal was certified as approved, the
87 electors of each representative district as then
88 organized shall elect one delegate and the elec-
89 tors of each senatorial district as then organized
90 shall elect one delegate at a partisan election.
91 The delegates so elected shall convene at the seat
92 of government on the first Tuesday in October
93 next succeeding such election or at an earlier date
94 if provided by law.

95 The convention shall choose its own officers,
96 determine the rules of its proceedings and judge
97 the qualifications, elections and returns of its mem-
98 bers. The governor shall appoint a qualified
99 resident of the same district to fill a vacancy
100 in the office of any delegate who shall be a mem-
101 ber of the same party as the delegate vacating
102 the office. The convention shall have power to ap-
103 point such officers, employees and assistants as
104 it deems necessary and to fix their compensation;
105 to provide for the printing and distribution of its
106 documents, journals and proceedings; to explain
107 and disseminate information about the proposed
108 constitution and to complete the business of the
109 convention in an orderly manner. Each delegate
110 shall receive for his services compensation pro-
111 vided by law.

112 No proposed constitution or amendment adopted
113 by such convention shall be submitted to the
114 electors for approval as hereinafter provided un-
115 less by the assent of a majority of all the delegates
116 elected to and serving in the convention, with the
117 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.

Following is statement of the style and form changes made by the committee on style and drafting from the document as referred to said committee (see above, page 3210) to the document as reported by said committee (see above, page 3214):

arti- cle	sec- tion	changes
I	2	After "because of" strike out "race, color, religion, or national origin" and insert "religion, race, color or national origin".
II	6	After "such election or" insert "electors who are".
III	5	Combine both paragraphs into one.
IV	4	First paragraph, first sentence, after "which it is combined" insert a comma and strike out "upon the effective date of the annexation or merger,"; and in the second sentence, after the first "the" insert "district or"; and after "determined by" strike out "said" and insert "such".
	6	Last paragraph, after "by the commission, and" strike out "may" (in the amendment) and insert "shall".
	12	(In the amendment) after "compensation and" strike out "expenses" and insert "expense allowances"; and after "changes in" strike out "salary or expenses" and insert "compensation or expense allowances"; and after "commence their" strike out "term" and insert "terms".
V	4	Section has been split into 2 sections and reversed in order. The balance of the article has been renumbered.
	25	Renumbered to Sec. 26. First paragraph, after "resignation" strike out the comma; and after "THE ELECTED attorney general" strike out the comma; and in the second paragraph, after "IN" strike out "THE".
	28	Renumbered to Sec. 29. Last paragraph, (in the amendment), after "court" strike out "of the state".
VI	8	After "lines and as" (in the amendment) strike out "near" and insert "nearly"; and after "equal population, as" (in the amendment) strike out "prescribed" and insert "provided".
	26	First paragraph, after "justice of the peace" strike out "shall be" and insert "are".
VII	24	First paragraph, after "own" strike out "and" and insert "or".
	25	Last sentence, after "sell any" strike out "such".
	28	First paragraph, after "two or more counties," strike out "cities, villages, townships or districts," and insert "townships, cities, villages or districts,".
	29	First sentence, after "places of any county," strike out "city, village or township" and insert "township, city or village"; and after "authority of the county," strike out "city, village or township" and insert "township, city or village"; and after "franchise from the" strike out "city, village or township" and insert "township, city or village". Second sentence, after "right of all counties," strike out "cities, villages and townships" and insert "townships, cities and villages".
	30	After "granted by any" strike out "city, village or township" and insert "township, city or village".
	33	Renumbered to Sec. 34. After "concerning" strike out "cities, villages, counties and townships" and insert "counties, townships, cities and villages". (This section had pre-

VIII	2	After "discrimination as to" strike out "race, creed, religion, color or national origin" and insert "religion, creed, race, color or national origin".
IX	4	(In the amendment) after "occupied by" strike out "a"; and after "educational" strike out "organization" and insert "organizations".
	6	First paragraph, at the beginning of the third sentence strike out "The" and insert "These"; and after "limitations" strike out "established by this constitution or by county vote"; and after "constitution" insert a comma.
		Second paragraph, after "charter township" strike out "or" and insert a comma; and after "charter" strike out "or other" (in the amendment); and after "authority" insert "or other authority,".
	10	After "assistance to" strike out "cities, villages and townships" and insert "townships, cities and villages".
	11	Section 11 has been rewritten to conform to other language in finance article. Meaning has not been changed.
	16	Third paragraph, after "28" strike out the comma and insert "of" and after "X" strike out the comma.
		Seventh paragraph, after "28" strike out the comma and insert "of".
X	1	Second sentence (in the amendment) after "every woman" strike out the comma; and after "marriage" strike out the comma; and after "may be dealt with" insert "and disposed of".
	2	The sentence, "Compensation shall be determined in proceedings in a court of record," has been added in lieu of the floor amendment.
XI	6-14	Section numbers 6, 7, 8, 9, 10, 11 and 12 stricken and Sec. 13 renumbered to Sec. 6, Sec. 14 renumbered to Sec. 7.
	7	Old Sec. 7 (paragraph 5 of new section 5), strike out "partisan, racial or religious" and insert "religious, racial or partisan".
	8	Last sentence of old section 8 (paragraph 6 of new section 5), has been moved to second sentence; after "serving in each house, reject" strike out the comma; and in the next sentence, after "CLASSES OF EMPLOYEES" (in the amendment) insert "affected by the increases".
	13	First sentence of old section 13 (new section 6, in the amendment), after "otherwise provided by charter" insert a comma.
	15	Old section 15 transferred to local government article. (section 33 of article VII.)
XII	2	Paragraph 4, first sentence, after "question," strike out "the proposed amendment" and insert "it".
	3	Second paragraph, second sentence, after "vacating the office" insert a period and strike out "if the legislature provides for partisan election of delegates.".
Schedule		After "FOLLOWING SCHEDULE" strike out "IS" and insert "and temporary provisions are"; and after "PERIOD AS" strike out "ITS PROVISIONS REQUIRE" and insert "are thereby required".
	6	Section 6 has been changed somewhat but meaning unchanged; a sentence (not a paragraph) has been added at end of section, incorporating the floor amendment, which sentence reads as follows: "The legislature

viously been section 15 of article XI.)

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.

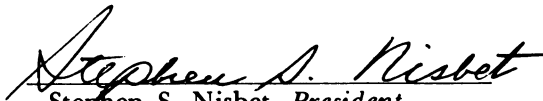
Sec. 14. The legislature by a vote of two-thirds of the members elected to and serving in each house may provide that the state may borrow money and may pledge its full faith and credit for refunding any bonds issued by the Mackinac Bridge Authority and at the time of refunding the Mackinac Bridge Authority 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

EXPLANATORY NOTE

Words printed in *italics* in the revised or new sections of the document indicate the insertion of new matter. The use of stars, thus * * *, indicates the omission of words contained in the present constitution.

Titles in boldface type over each section are not a part of the constitution. They are included only to assist the reader in locating the specific material in which he may be interested.

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.

No change from the Preamble of the present 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.

No change from Sec. 1, Article II, of the present constitution.

Equal protection under the law.

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.

This is a new section. It protects against discrimination because of religion, race, color or national origin in the enjoyment of civil and political rights and grants equal protection of the laws to all persons. The convention record notes that "the principal, but not exclusive, areas of concern are equal opportunities in employment, education, housing and public accommodations."

The legislature is directed to implement this section by appropriate legislation and the proposed constitution establishes a Civil Rights Commission in the Article on the Executive Branch.

Right of assembly and petition.

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.

No change from Sec. 2, Article II, of the present constitution except that the word "government" is substituted for "legislature." The change reflects recognition that today agencies of government other than the legislature exercise policy-making functions and ought to be subject to the right of petition.

Freedom of worship.

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.

No change from Sec. 3, Article II, of the present constitution.

Liberty of speech and press.

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.

This is a revision of Sec. 4, Article II, of the present constitution preserving these traditional guarantees. It broadens them by including the word "express" and substituting the word "views" for "sentiments". Addition of the word "express" is intended to recognize development of new means of communication in recent years. The word "views" seems to have a sharper and more specific meaning than the former word "sentiments".

Right to bear arms.

Sec. 6. Every person has a right to *keep and* bear arms for the defense of himself and the state.

No change from Sec. 5, Article II, of the present constitution, except for the insertion of the words "keep and" which brings the section into conformity with a similar provision in the U. S. Constitution. Hence, the right to "keep" as well as "bear" arms is recognized.

Civil power supreme.

Sec. 7. The military shall in all cases and at all times be in strict subordination to the civil power.

No change from Sec. 6, Article II, of the present constitution.

Quartering of soldiers.

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.

No change from Sec. 7, Article II, of the present constitution.