

Michigan Constitutional Convention of 1961

Committee Proposal 15–19

Const 1963, Art 1, § 20

Relevant Material From the Constitutional Convention Record

| | |
|--|--|
| Cross-Reference and Indices | pp. 3436, 3441-3442, 3458 |
| First Reading | pp. 448, 464-471, 562-568, 687-688, 955 |
| Second Reading | pp. 2852-2853, 2886-2887, 2918-2919, 2922-2925 |
| Draft Constitution (Art 1, § 20) | pp. 3047-3075 (p. 3048) |
| Third Reading, Article-by-Article | pp. 3097-3098 |
| Draft Constitution (Art 1, § 20) | pp. 3215-3237 (p. 3216) |
| Third Reading, Full Constitution | pp. 3300-3301 |
| Adopted Constitution (Art 1, § 20) | pp. 3319-3353 (p. 3320) |
| Address to the People | p. 3365 |

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

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Editor
LYNN M. NETHAWAY
Associate Editor

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

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

* Created by the committee on style and drafting.

| 1963 | | 1908 | | Committee Proposal | 1963 | | 1908 | | Committee Proposal | 1963 | | 1908 | | Committee Proposal |
|----------|--------|----------|------------|--------------------|------|---------|------|-------|--------------------|------|------|------|--------------|--------------------|
| Preamble | | Preamble | | 14 | Art. | Sec. | Art. | Sec. | | Art. | Sec. | Art. | Sec. | |
| Art. | Sec. | Art. | Sec. | | | | | | | | | | | |
| I | 1 | II | 1 | 15-1 | IV | 24 | V | 21 | 121 | VI | 11 | VII | 8 | 93a |
| I | 2 | none | | 26 | IV | 25 | V | 22 | 105 | VI | 12 | VII | 9,23 | 93b |
| I | 3 | II | 2 | 15-2 | IV | 26 | V | 21 | 121 | VI | 13 | VII | 10 | 93c |
| I | 4 | II | 3 | 15-3 | IV | 27 | V | 22 | 105 | VI | 14 | VII | 11 | 93d |
| I | 5 | II | 4 | 15-4 | IV | 28 | V | 23 | 104 | VI | 15 | VII | 13 | 94a |
| I | 6 | II | 5 | 15-5 | IV | 29 | V | 21 | 121 | VI | 16 | VII | 14,23 | 94b |
| I | 7 | II | 6 | 15-6 | IV | 30 | V | 22 | 105 | VI | 17 | none | | 96a ¹ |
| I | 8 | II | 7 | 15-7 | IV | 31 | none | | 41 | VI | 18 | VII | 12 | 96g |
| I | 9 | II | 8 | 15-8 | IV | 32 | X | 6 | 46b | VI | 19 | VII | 17 | 96a |
| I | 10 | II | 9 | 15-9 | IV | 33 | V | 36 | 53 | VI | 20 | VII | 19 | 96b |
| I | 11 | II | 10 | 15-10 | IV | 34 | V | 38 | 70 | VI | 21 | VII | 9 | 96c |
| I | 12 | II | 11 | 15-11 | IV | 35 | V | 39 | 113 | VI | 22 | none | | 96l |
| I | 13 | II | 12 | 15-12 | IV | 36 | V | 40 | 24 | VI | 23 | VII | 20 | 96d |
| I | 14 | II | 13 | 15-13 | IV | 37 | none | | 108 | VI | 24 | VII | 23 | 96e |
| I | 15 | II | 14 | 15-14 | IV | 38 | XVI | 5 | 123 | VI | 25 | IX | 6 | 96h |
| I | 16 | II | 15 | 15-15 | IV | 39 | XVI | 5 | 122 | VI | 26 | VII | 15,16,21 | 96i |
| I | 17 | II | 16 | 15-16 | IV | 40 | XVI | 11 | 122 | VI | 27 | VII | 6,11 | 96n |
| I | 18 | II | 17 | 15-17 | IV | 41 | V | 33 | 27 | VI | 28 | none | | 95 |
| I | 19 | II | 18 | 15-18 | IV | 42 | VIII | 30 | 100 | VI | 29 | VII | 18 | 96o |
| I | 20 | II | 19 | 15-19 | IV | 43 | XII | 9 | 87 | | | | | |
| I | 21 | II | 20 | 15-20 | IV | 44 | V | 27 | 5 | VII | 1 | VIII | 1 | 81a |
| I | 22 | II | 21 | 15-21 | IV | 45 | V | 28 | 99 | VII | 2 | none | | 89 |
| I | 23 | none | | 15-1 | IV | 46 | none | | 106 | VII | 3 | VIII | 2 | 81b |
| II | 1 | III | 1,2,3 | 58a | IV | 47 | V | 26 | 111 | VII | 4 | VIII | 3 | 81c |
| II | 2 | none | | 58b | IV | 48 | XVI | 7 | 109 | VII | 5 | VIII | 4 | 81d |
| II | 3 | none | | 58c | IV | 49 | V | 29 | 110 | VII | 6 | VIII | 5 | 81e |
| II | 4 | III | 1,8 | 58d | IV | 50 | none | | 127 | VII | 7 | VIII | 7 | 81f |
| II | 5 | V | 12 | 58e | IV | 51 | none | | 126 | VII | 8 | VIII | 8 | 81g |
| | | VI | 1 | | IV | 52 | none | | 125 | VII | 9 | VIII | 9 | 81h |
| | | VII | 2,9,14 | | IV | 53 | VI | 1 | 78 | VII | 10 | VIII | 13 | 81j |
| | | VIII | 3,18 | | | | | | | VII | 11 | VIII | 12 | 81i |
| | | XI | 2,3,6,7,16 | | | | | | | VII | 12 | VIII | 14 | 81k |
| II | 6 | III | 4 | 58f | V | 1 | VI | 2 | 2 | VII | 13 | none | | 81n |
| II | 7 | III | 9 | 58h | V | 2 | none | | 71b | VII | 14 | VIII | 15 | 81l |
| II | 8 | III | 8 | 58g | V | 3 | none | | 71b | VII | 15 | none | | 85c |
| II | 9(12*) | V | 1 | 118b | V | 4 | none | | 71b | VII | 16 | VIII | 26 | 86a |
| | | | | | V | 5 | none | | 71b | VII | 17 | VIII | 16 | 82a |
| | | | | | V | 6 | none | | 71g | VII | 18 | VIII | 17,18 | 82b,c |
| III | 1 | I | 2 | 10 | V | 7 | VI | 10 | 71e | VII | 19 | VIII | 19 | 82e |
| III | 2 | IV | 1,2 | 21 | V | 8 | VI | 3 | 71d | VII | 20 | none | | 82d |
| III | 3 | VI | 11,12 | 18 | V | 9 | VI | 1 | 71c | VII | 21 | VIII | 20 | 83a |
| III | 4 | XV | 1,2,3 | 19 | V | 10 | IX | 7 | 71g | VII | 22 | VIII | 21 | 83b |
| III | 5 | none | | 128 | V | 11 | IX | 5 | 71f | VII | 23 | VIII | 22 | 83c |
| III | 6 | X | 14 | 101 | V | 12 | VI | 4 | 3 | VII | 24 | VIII | 23 | 83e |
| III | 7 | S | 1 | 44a | V | 13 | VI | 6 | 7 | VII | 25 | VIII | 25 | 83f |
| III | 8 | none | | 96k | V | 14 | VI | 9 | 16 | VII | 26 | VIII | 25 | 83d |
| IV | 1 | V | 1 | 118a | V | 15 | VI | 7 | 8 | VII | 27 | VIII | 31 | 88a |
| IV | 2 | V | 2 | 80a | V | 16 | VI | 8 | 9 | VII | 28 | VIII | 31 | 88b |
| IV | 3 | V | 3 | 80b | V | 17 | VI | 5 | 4 | VII | 29 | VIII | 28 | 85a |
| IV | 4 | none | | 80c | V | 18 | none | | 46a | VII | 30 | VIII | 29 | 85b |
| IV | 5* | none | | | V | 19 | V | 37 | 46c | VII | 31 | VIII | 27 | 86b |
| IV | 6 | V | 4 | 79 | V | 20 | none | | 46d | VII | 32 | none | | 57 |
| IV | 7 | V | 5 | 32 | V | 21(13*) | VI | 1 | 71a | VII | 33 | IX | 8 | 42e |
| IV | 8 | V | 6 | 112 | V | 22 | VI | 13 | 17 | VII | 34 | none | | 84 |
| IV | 9 | V | 7 | 120 | V | 23 | VI | 21 | 75 | | | | | |
| IV | 10 | V | 7 | 115 | V | 24 | none | | 77 | VIII | 1 | XI | 1 | 1 |
| IV | 11 | V | 25 | 33 | V | 25 | VI | 19 | 71b | VIII | 2 | XI | 9 | 30 |
| IV | 12 | V | 9,10 | 28 | V | 26 | VI | 16,17 | 59,60 | VIII | 3 | XI | 2,6 | 47 |
| 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 |

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|---|-----------|
| Dec. 7, reported by executive branch; referred to committee of the whole | 356 |
| Dec. 11, read first time; considered, amended by committee of the whole | 375-377 |
| Dec. 11, reported by committee of the whole; referred, with amendment, to legislative powers .. | 379 |
| Dec. 19, reported by legislative powers; referred to committee of the whole | 408 |
| Jan. 3, considered, passed by committee of the whole | 433-434 |
| Jan. 3, reported by committee of the whole without amendment; referred to style and drafting | 446 |
| Mar. 12, reported by style and drafting (Report 31); placed on order of second reading | 1568 |
| Apr. 24, read second time; passed; rereferred to style and drafting | 2739-2740 |
| 9. A proposal to provide that the governor may convene the legislature at other places when the seat of government becomes dangerous. Amends article VI, section 8. | |
| For text as offered and reasons | 377 |
| As referred to style and drafting | 377 |
| As reported by style and drafting | 2740 |
| As rereferred to style and drafting | 2740 |
| Dec. 7, reported by executive branch; referred to committee of the whole | 356 |
| Dec. 11, read first time; considered, passed by committee of the whole | 377-378 |
| Dec. 11, reported by committee of the whole without amendment; referred to style and drafting | 378 |
| Mar. 12, reported by style and drafting (Report 32); placed on order of second reading | 1568 |
| Apr. 24, read second time; passed; rereferred to style and drafting | 2740 |
| 10. A proposal to amend article I, section 2, of the present constitution pertaining to the seat of government at Lansing. | |
| For text as offered and reasons | 416 |
| As referred to style and drafting | 416 |
| As reported by style and drafting | 2995 |
| As rereferred to style and drafting | 2995 |
| Dec. 14, reported by miscellaneous provisions and schedule; referred to committee of the whole ... | 394 |
| Dec. 18, consideration postponed to Dec. 21 | 405 |
| Dec. 21, read first time; considered, passed by committee of the whole | 416 |
| Dec. 21, reported by committee of the whole without amendment; referred to style and drafting | 431 |
| Mar. 1, reported by style and drafting (Report 7); placed on order of second reading | 1373 |
| Apr. 30, read second time; passed; rereferred to style and drafting | 2995 |
| 11. A proposal to provide for care and control of state funds, accounting for public moneys, audits, and publication of reports, and covering the general subject matter found in sections 15, 16, 17, 18 and 13 of article X of the 1908 constitution. | |
| For text as offered and reasons | 416 |
| Dec. 18, reported by finance and taxation; referred to committee of the whole | 404 |
| Dec. 21, read first time; considered, amended by committee of the whole | 416-430 |
| Dec. 21, reported by committee of the whole; rereferred, with amendments, to finance and taxation | 431 |
| (See Committee Proposal 37.) | |
| 12. A proposal pertaining to exemptions as a substitute for all of article XIV. | |
| For text as offered and reasons | 435 |
| As referred to style and drafting | 457 |
| As reported by style and drafting | 2973 |
| As rereferred to style and drafting | 2973 |
| Dec. 21, reported by legislative powers; referred to committee of the whole | 413 |
| Jan. 3, read first time; considered by committee of the whole | 435-446 |
| Jan. 4, considered, substituted, passed by committee of the whole | 449-457 |

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| Jan. 4, reported by committee of the whole with substitute; substitute concurred in; referred to style and drafting | 457 |
| Feb. 12, reported by style and drafting (Report 3); placed on order of second reading | 955 |
| Apr. 30, read second time; passed; rereferred to style and drafting | 2973-2974 |
| 13. A proposal respecting the physically, mentally or otherwise seriously handicapped. Amends article XI, section 15. | |
| For text as offered and reasons | 462 |
| As referred to style and drafting | 462 |
| As reported by style and drafting | 2556 |
| As rereferred to style and drafting | 2556 |
| Jan. 3, reported by education; referred to committee of the whole | 433 |
| Jan. 8, read first time; considered, passed by committee of the whole | 462-464 |
| Jan. 8, reported by committee of the whole without amendment; referred to style and drafting | 484 |
| Mar. 5, reported by style and drafting (Report 11); placed on order of second reading | 1428 |
| Apr. 18, read second time; passed; rereferred to style and drafting | 2556-2557 |
| 14. A proposal pertaining to the preamble to the constitution. | |
| For text as offered and reasons | 464 |
| As referred to style and drafting | 464 |
| As reported by style and drafting | 2994 |
| As rereferred to style and drafting | 2994 |
| Jan. 4, reported by miscellaneous provisions and schedule; referred to committee of the whole ... | 448 |
| Jan. 8, read first time; considered, passed by committee of the whole | 464 |
| Jan. 8, reported by committee of the whole without amendment; referred to style and drafting | 484 |
| Mar. 1, reported by style and drafting (Report 8); placed on order of second reading | 1373 |
| Apr. 30, read second time; passed; rereferred to style and drafting | 2994-2995 |
| 15. A proposal to amend article II pertaining to the declaration of rights. | |
| For text as offered and reasons | 464 |
| As referred to style and drafting | 687 |
| As reported by style and drafting | 2852 |
| As rereferred to style and drafting | 2924 |
| Jan. 4, reported by declaration of rights, suffrage and elections; referred to committee of the whole | 448 |
| Jan. 8, read first time; sections 1, 2, 3, 4 considered; sections 1, 2 passed; sections 3, 4 amended, passed by committee of the whole | 464-484 |
| Jan. 9, sections 5, 6, 7, 8, 9, 10 considered; sections 5, 6, 7, 8, 9 passed by committee of the whole | 488-505 |
| Jan. 10, section 10 considered, passed by committee of the whole | 506-533 |
| Jan. 11, sections 11, 12, 13, 14, 15, 16, 17, 18 considered; sections 12, 13, 15, 17, 18 passed; section 14 postponed; sections 11, 16 amended, passed by committee of the whole | 534-556 |
| Jan. 11, recommendation of revision of section 14 reasons reported by committee of the whole; recommendation concurred in | 556 |
| Jan. 12, sections 4, 14, 19, 20, 21, 22 considered; sections 14, 19, 20, 21 passed by committee of the whole | 562-573 |
| Jan. 15, section 4 considered, amended, passed; further consideration postponed to Jan. 18 by committee of the whole | 576-579 |
| Jan. 18, consideration made a special order on general orders for Jan. 22 | 636 |
| Jan. 22, considered; vote on amendment to section 4 reconsidered, amendment not adopted; committee proposal as amended passed by committee of the whole | 672-674 |
| Jan. 22, reported by committee of the whole with 4 amendments; amendments concurred in; referred to style and drafting | 674-688 |
| Feb. 12, reported by style and drafting (Report 4); placed on order of second reading | 955 |

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| Apr. 26, read second time; amended, passed; re-referred to style and drafting | 2852-2887 | A proposal to provide that no law shall be enacted providing for the penalty of death. Amends article V by adding a new section. | |
| Apr. 27, reconsidered vote on passage; reconsidered vote on amendment, amendment not adopted; passed; rereferred to style and drafting | 2918-2925 | For text as offered and reasons | 595 |
| 16. A proposal to permit the governor to grant reprieves, commutations and pardons and to delegate this power according to law. Amends article VI, section 9. | | As referred to style and drafting | 595 |
| For text as offered and reasons | 579 | As reported by style and drafting | 2968 |
| As referred to style and drafting | 588 | As rereferred to style and drafting | 2968 |
| As reported by style and drafting | 2740 | Jan. 11, reported by legislative powers; referred to to committee of the whole | 534 |
| As rereferred to style and drafting | 2740 | Jan. 16, read first time; considered, passed by committee of the whole | 595-598 |
| Jan. 10, reported by executive branch; referred to committee of the whole | 505 | Jan. 16, reported by committee of the whole without amendment; referred to style and drafting | 611 |
| Jan. 15, read first time; considered, amended, passed by committee of the whole | 579-588 | Mar. 1, reported by style and drafting (Report 10); placed on order of second reading | 1373 |
| Jan. 15, reported by committee of the whole with 1 amendment; amendment concurred in; referred to style and drafting | 588 | Apr. 30, read second time; passed; rereferred to style and drafting | 2968 |
| Mar. 5, reported by style and drafting (Report 19); placed on order of second reading | 1429 | 21. A proposal pertaining to the division of the powers of government. Amends article IV. | |
| Apr. 24, read second time; passed; rereferred to style and drafting | 2740-2741 | For text as offered and reasons | 600 |
| 17. A proposal respecting eligibility for the offices of governor and lieutenant governor. Amends article VI, section 13. | | As referred to style and drafting | 600 |
| For text as offered and reasons | 591 | As reported by style and drafting | 2995 |
| As referred to style and drafting | 611 | As rereferred to style and drafting | 2995 |
| As reported by style and drafting | 2741 | Jan. 12, reported by miscellaneous provisions and schedule; referred to committee of the whole | 557 |
| As rereferred to style and drafting | 2743 | Jan. 16, read first time; considered, passed by committee of the whole | 600-602 |
| Jan. 10, reported by executive branch; referred to committee of the whole | 505 | Jan. 16, reported by committee of the whole without amendment; referred to style and drafting | 611 |
| Jan. 16, read first time; considered, amended, passed by committee of the whole | 591-592 | Mar. 5, reported by style and drafting (Report 12); placed on order of second reading | 1429 |
| Jan. 16, reported by committee of the whole with 1 amendment; amendment concurred in; referred to style and drafting | 611 | Apr. 30, read second time; passed; rereferred to style and drafting | 2995-2996 |
| Mar. 5, reported by style and drafting (Report 20); placed on order of second reading | 1429 | 22. A proposal pertaining to state civil service. Amends article VI, section 22. | |
| Apr. 24, read second time; amended, passed; rereferred to style and drafting | 2741-2743 | For text as offered and reasons | 637 |
| 18. A proposal to provide for a great seal of the state and to authorize its use. A substitution for article VI, sections 11 and 12. | | For minority report and reasons | 640 |
| For text as offered and reasons | 593 | As referred to style and drafting | 715 |
| As referred to style and drafting | 593 | As reported by style and drafting | 2780 |
| As reported by style and drafting | 2741 | As rereferred to style and drafting | 2795 |
| As rereferred to style and drafting | 2741 | Jan. 12, reported by executive branch; referred to committee of the whole | 558 |
| Jan. 10, reported by executive branch; referred to committee of the whole | 505 | Jan. 16, consideration postponed to Jan. 18 by committee of the whole | 602 |
| Jan. 16, read first time; considered, passed by committee of the whole | 593 | Jan. 18, read first time; considered, amended by committee of the whole | 637-657 |
| Jan. 16, reported by committee of the whole without amendment; referred to style and drafting | 611 | Jan. 19, considered, amended by committee of the whole | 658-670 |
| Mar. 1, reported by style and drafting (Report 9); placed on order of second reading | 1373 | Jan. 29, considered, amended, passed by committee of the whole | 701-707 |
| Apr. 24, read second time; passed; rereferred to style and drafting | 2741 | Jan. 29, reported by committee of the whole with 5 amendments; amendments concurred in; referred to style and drafting | 713-715 |
| 19. A proposal to provide for a state militia. A substitute for all of article XV. | | Mar. 22, reported by style and drafting (Report 38); placed on order of second reading | 1815 |
| For text as offered and reasons | 593 | Apr. 25, read second time; amended, passed; rereferred to style and drafting | 2780-2796 |
| As referred to style and drafting | 593 | Apr. 26, motion to reconsider vote on passage; motion postponed | 2899-2900 |
| As reported by style and drafting | 2996 | Apr. 27, motion to reconsider vote on passage defeated | 2909-2911 |
| As rereferred to style and drafting | 2996 | 23. A proposal to prohibit the issuance of evidences of state indebtedness, except as authorized by the constitution, to authorize state borrowing and prescribe the method therefor, to limit the use of state credit and to permit the loaning of state funds to school districts under certain conditions, and covering the general subject matter found in sections 11, 10, 12 and 28 of article X of the 1908 constitution. | |
| Jan. 10, reported by miscellaneous provisions and schedule; referred to committee of the whole | 506 | For text as offered and reasons | 602 |
| Jan. 16, read first time; considered, passed by committee of the whole | 593-594 | As referred to style and drafting | 632 |
| Jan. 16, reported by committee of the whole without amendment; referred to style and drafting | 611 | As reported by style and drafting | 2622 |
| Feb. 12, reported by style and drafting (Report 5); placed on order of second reading | 955 | As rereferred to style and drafting | 2627 |
| Apr. 30, read second time; passed; rereferred to style and drafting | 2996-2997 | Jan. 12, reported by finance and taxation; referred to committee of the whole | 558 |
| | | Jan. 16, read first time; sections a, b considered; section a amended, passed by committee of the whole | 602-611 |

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Article I, Section 11: Cont'd.

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

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

| | |
|---|-----------|
| May 7, reported, placed on order of third reading | 3045 |
| May 7, read third time; passed | 3088-3098 |
| May 9, referred to committee on style and drafting | 3210 |
| May 11, reported, placed on order of third reading, considered read third time; passed | 3213-3275 |
| Aug. 1, considered; adopted | 3291-3301 |
| For text as adopted | 3320 |
| For text, and comments in address to the people | 3364 |

Section 13. Conduct of suits in person or by counsel. (Committee Proposal 15, section 12)

| | |
|---|-----------|
| May 7, reported, placed on order of third reading | 3045 |
| May 7, read third time; passed | 3088-3098 |
| May 9, referred to committee on style and drafting | 3210 |
| May 11, reported, placed on order of third reading, considered read third time; passed | 3213-3275 |
| Aug. 1, considered; adopted | 3291-3301 |
| For text as adopted | 3320 |
| For text, and comments in address to the people | 3364 |

Section 14. Jury trials. (Committee Proposal 15, section 13)

| | |
|---|-----------|
| May 7, reported, placed on order of third reading | 3045 |
| May 7, read third time; passed | 3088-3098 |
| May 9, referred to committee on style and drafting | 3210 |
| May 11, reported, placed on order of third reading, considered read third time; passed | 3213-3275 |
| Aug. 1, considered; adopted | 3291-3301 |
| For text as adopted | 3320 |
| For text, and comments in address to the people | 3364 |

Section 15. Double jeopardy; bailable offenses. (Committee Proposal 15, section 14)

| | |
|---|-----------|
| May 7, reported, placed on order of third reading | 3045 |
| May 7, read third time; passed | 3088-3098 |
| May 9, referred to committee on style and drafting | 3210 |
| May 11, reported, placed on order of third reading, considered read third time; passed | 3213-3275 |
| Aug. 1, considered; adopted | 3291-3301 |
| For text as adopted | 3320 |
| For text, and comments in address to the people | 3364 |

Section 16. Bail; fines; punishments; detention of witnesses. (Committee Proposal 15, section 15)

| | |
|---|-----------|
| May 7, reported, placed on order of third reading | 3045 |
| May 7, read third time; passed | 3088-3098 |
| May 9, referred to committee on style and drafting | 3210 |
| May 11, reported, placed on order of third reading, considered read third time; passed | 3213-3275 |
| Aug. 1, considered; adopted | 3291-3301 |
| For text as adopted | 3320 |
| For text, and comments in address to the people | 3364 |

Section 17. Self-incrimination; due process of law; fair treatment at investigations. (Committee Proposal 15, section 16)

| | |
|---|-----------|
| May 7, reported, placed on order of third reading | 3045 |
| May 7, read third time; passed | 3088-3098 |
| May 9, referred to committee on style and drafting | 3210 |
| May 11, reported, placed on order of third reading, considered read third time; passed | 3213-3275 |
| Aug. 1, considered adopted | 3291-3301 |
| For text as adopted | 3320 |
| For text, and comments in address to the people | 3364 |

Section 18. Witnesses; competency, religious beliefs. (Committee Proposal 15, section 17)

| | |
|---|-----------|
| May 7, reported, placed on order of third reading | 3045 |
| May 7, read third time; passed | 3088-3098 |
| May 9, referred to committee on style and drafting | 3210 |
| May 11, reported, placed on order of third reading, considered read third time; passed | 3213-3275 |
| Aug. 1, considered; adopted | 3291-3301 |
| For text as adopted | 3320 |
| For text, and comments in address to the people | 3364 |

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Section 19. Libels, truth as defense. (Committee Proposal 15, section 18)

| | |
|---|-----------|
| May 7, reported, placed on order of third reading | 3045 |
| May 7, read third time; passed | 3088-3098 |
| May 9, referred to committee on style and drafting | 3210 |
| May 11, reported, placed on order of third reading, considered read third time; passed | 3213-3275 |
| Aug. 1, considered; adopted | 3291-3301 |
| For text as adopted | 3320 |
| For text, and comments in address to the people | 3364 |

Section 20. Accused, rights in criminal prosecutions. (Committee Proposal 15, section 19)

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

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

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

Section 22. Treason; definition, evidence. (Committee Proposal 15, section 21)

| | |
|---|-----------|
| May 7, reported, placed on order of third reading | 3045 |
| May 7, read third time; passed | 3088-3098 |
| May 9, referred to committee on style and drafting | 3210 |
| May 11, reported, placed on order of third reading, considered read third time; passed | 3213-3275 |
| Aug. 1, considered; adopted | 3291-3301 |
| For text as adopted | 3321 |
| For text, and comments in address to the people | 3365 |

Section 23. Enumeration of rights not to deny others. (Committee Proposal 15, section 1)

| | |
|---|-----------|
| May 7, reported, placed on order of third reading | 3045 |
| May 7, read third time; passed | 3088-3098 |
| May 9, referred to committee on style and drafting | 3210 |
| May 11, reported, placed on order of third reading, considered read third time; passed | 3213-3275 |
| Aug. 1, considered; adopted | 3291-3301 |
| For text as adopted | 3321 |
| For text, and comments in address to the people | 3365 |

ARTICLE II. Elections. (Committee Proposals 58a, b, c, d, e, f, g, h, 118b)

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

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

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

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

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

FIFTIETH DAY

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

PROCEEDINGS

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

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

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

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

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

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

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

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

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

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

PRESIDENT NISBET: Without objection, the requests are granted.

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

Absent without leave: None.

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

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

James K. Pollock, chairman.

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

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

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

James K. Pollock, chairman.

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

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

James K. Pollock, chairman.

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

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

James K. Pollock, chairman.

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

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

James K. Pollock, chairman.

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

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

Claud Erickson, chairman.

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

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

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

James K. Pollock, chairman.

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

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

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

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

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

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

Mrs. Butler.

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

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

CHAIRMAN BAGINSKI: Are there any amendments?

Mr. Farnsworth.

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

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

CHAIRMAN BAGINSKI: Do you care to answer it?

MR. BENTLEY: Surely.

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

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

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

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

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

If not, it will pass.

Committee Proposal 13 is passed.

Committee Proposal 14. The secretary will read.

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

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

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

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

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

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

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

The preamble should be retained without change.

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

Mr. Erickson.

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

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

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

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

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

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

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

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

Committee Proposal 14 is passed.

The secretary will read.

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

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

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

Article I [II]

Declaration of rights

Political power

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

Right of assembly and petition

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

Freedom of worship; disabilities

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

Liberty of speech and press

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

Right to bear arms

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

Civil power supreme

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

Quartering of soldiers

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

Slavery prohibited

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

Attainder; ex post facto laws; impairment of contracts

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

Searches and seizures

Sec. 10. The person, houses, papers and possessions of every person shall be secure from unreasonable searches and seizures. No warrant to search any place or to seize any person or things shall issue without describing them, nor without probable cause, supported by oath or affirmation[: Provided, however, That the provisions of this section shall not be construed to bar from evidence in any court of criminal jurisdiction, or in any criminal proceeding held before any magistrate or justice of the peace, any narcotic drug or drugs, any firearm, rifle, pistol, revolver, automatic pistol, machine gun, bomb, shell, explosive, blackjack, slungshot, billy, metallic knuckles, gas ejecting device, or any other dangerous weapon or thing, seized by any peace officer outside the curtilage of any dwelling house in this state]. EVIDENCE OBTAINED IN VIOLATION OF THIS SECTION SHALL NOT BE USED EXCEPT AS AUTHORIZED BY LAW.

Habeas corpus

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

Appearance in person or by counsel

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

Jury trial

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

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

Former jeopardy; bailable offenses

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

Bail, fines; punishment; detention of witnesses

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

Self incrimination; due process of law

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

Competency of witnesses

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

Libels; truth as defense

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

Rights of accused

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

Imprisonment for debt or military fine

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

Treason; definition, evidence

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

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

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

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

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

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

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

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

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

Article II—Proposed Article I

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 10. "The person, houses, papers and possessions of every person shall be secure from unreasonable searches and seizures. No warrant to search any place or to seize any person or things shall issue without describing them, nor without probable cause, supported by oath or affirmation: Provided, however, That the provisions of this section shall not be construed to bar from evidence in any court of criminal jurisdiction, or in any criminal proceeding held before any magistrate or justice of the peace, any narcotic drug or drugs, any firearm, rifle, pistol, revolver, automatic pistol, machine gun, bomb, bomb shell, explosive, blackjack, slungshot, billy, metallic knuckles, gas ejecting device, or any other dangerous weapon or thing, seized by any peace officer outside the curtilage of any dwelling house in this state]. EVIDENCE OBTAINED IN VIOLATION OF THIS SECTION SHALL NOT BE USED EXCEPT AS AUTHORIZED BY LAW."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The committee recommends the retention of this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Appendix

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Dr. Pollock.

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

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

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

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

CHAIRMAN BAGINSKI: Mr. Stevens.

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

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

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

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

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

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

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

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

Section 1 is passed.

The secretary will read section 2.

SECRETARY CHASE: Section 2 reads:

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

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

CHAIRMAN BAGINSKI: Dr. Norris.

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

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

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

The question now is on Mr. Baginski's motion that we resolve into committee of the whole.

Mr. Brake.

MR. BRAKE: Mr. President, I just want to agree with Mr. Hoxie and join him in the request that we have a clarification of the rule, if that is deemed advisable by the rules committee. The committee on finance and taxation has before you for Monday night's discussion a proposal with, I think, 5 sections and we shall probably continue to report all those sections dealing with the given subject matter. We don't wish to go back and rehash every day when we meet what we completed the day before.

VICE PRESIDENT DOWNS: The question is on the motion of Mr. Baginski. All those in favor, signify by saying aye. All those opposed, by no.

The ayes have it and Mr. Baginski will chair the committee of the whole.

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

CHAIRMAN BAGINSKI: The committee of the whole will be in order. The secretary will read.

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

The committee has progressed as far as section 19, having completed section 18 yesterday.

For last previous action by the committee of the whole on Committee Proposal 15, see above, page 534.

Section 19.

[Section 19 was read by the secretary. For text, see above, page 465.]

CHAIRMAN BAGINSKI: Dr. Pollock.

MR. POLLOCK: This section will be briefly explained by our Vice Chairman Norris, but before yielding to him, I must say I didn't quite understand what Mr. Elliott meant. Our committee is not apologizing for giving you a whole article together.

CHAIRMAN BAGINSKI: Mr. Norris.

MR. NORRIS: Mr. Chairman, there are 2 changes in this section. I think the first one requires very little elaboration. It is merely to change the word "men" to "jurors" to take into account certain facts of political life in this nation and this state since the Constitution of 1908 and to recognize that women serve as jurors as they are electors in the state of Michigan.

The larger section of this particular matter now on our agenda relates to the right of appeal in a criminal case; and with regard to that, I think we ought to recognize we are dealing here with what is necessary to comport with the watchwords of our constitutional faith, namely, equal justice under law. Now, the defendant's right of appeal in a criminal case is basic to our system of justice. The opportunity for an appeal in a criminal proceeding is a basic feature which has been generally regarded throughout the country as a right. Professor Orfield in a leading study conducted at the Harvard University law school stated:

In the conduct of a criminal proceeding certain steps are regarded as essential. The accused must be brought before the court. There must be a preliminary investigation to insure that the case is one which should be prosecuted. Notice must be given to the accused of the offense charged. He must have an opportunity to prepare for trial, procure witnesses, and make needed investigations. He should have a speedy trial. He should have a fair trial before an impartial tribunal. Finally, there should be one review of the case as a whole by a suitable

appellate tribunal. The principle of the right to appeal in criminal cases is well established in the United States.

It is not, however, a requirement of due process of law.

Incorporating the right of appeal into the constitution of Michigan would give greater effect to at least the following 3 functions of an appeal in a criminal case:

First, the chief function of an appeal in a criminal case is to see that justice is done to the public and to the appellant. An innocent defendant should be released. A defendant who did not secure a fair trial should have another trial. The mere existence of the right of appeal in a criminal case causes the trial judge to exercise greater care in the conduct of a trial and all proceedings in his court.

In other words, a criminal appeal should be one of the procedural safeguards provided by the law to protect the rights of the accused. The guarantee of a fair trial strengthens the confidence of the public in the administration of justice and in democratic government.

A second and important function of appeals is to determine and maintain consistent standards in the trial courts. The taking of appeals assures that the same rules of substantive and procedural law will be applicable in all courts of the state, and that the disparity in sentences is based on certain determination as to the substance. A criminal offense, or at least the wider range of disparity, may be reduced in cases involving substantially similar offenses and offenders.

A third function of appeals is to work out or develop the law of the jurisdiction. The maintenance of uniform interpretations and trial standards is encouraged by the right of appeal. Greater control over substantive and procedural law can be exercised by the appellate court with the appeal in a criminal case as a matter of right.

Now, one of the basic inequities that we find existing in the state of Michigan is the relationship between appeal in a civil case as against appeal in a criminal case. Under the present law in Michigan, the dignity and sanctity of a right is accorded to an appeal in a civil case involving the sum of \$500 or more.

In Michigan, a person who is deprived, however, in a criminal case for a term of years, or for life, has no such right of appeal. This anomalous and inequitable condition requires amelioration. It is submitted that the most effective and enduring way to accomplish this is by accepting the recommendation of the right of a criminal trial and by amending section 16 as proposed by the committee.

Now, in addition to that, there is the fact that 4 states in the United States have in their constitutions the right of appeal as a matter of constitutional right. About 30 states have them both by statute and by court rule. I think these are probative with regard to our consideration of this matter.

I think some data with regard to the present instance of appeals in Michigan in a criminal case would be in order. You may have received a part of a series of memoranda that I distributed to each of the delegates. One of the memoranda dealt with criminal appeals. I received a communication from Mr. Donald Winters, clerk of the Michigan supreme court, with regard to a question I posed to him in November in regard to this fact. He reported that at present about 13 per cent of the applications for leave to appeal in criminal cases are granted by the Michigan supreme court. The most recent data, as expressed by his letter, for a 12 month period indicate that 29 out of 218 applications for appeal were granted. There is little reason to assume that the November 1, 1960 to November 1, 1961 period which Mr. Winters used was not a representative year.

Hence, if the past experience is at least a partial guide to the future, the number of appeals in criminal cases may not be said to be of such a quantity as to outweigh the probative reasons for granting an appeal in a criminal case as a matter of right.

In addition to that, there has been some ambiguity in certain recent decisions with regard to the relation of the supreme court to the right of appeal. You may recall that the judiciary act was passed recently and there was some interpretation of

it in a case called *People vs. Stanley*, and in that case the court stated as follows:

At the outset, in consideration of the motion to dismiss, it must be made plain that the court is not passing upon the defendant's right of appeal, and to have in this court a review of his conviction and sentence. The question here relates to procedure. It involves the questions whether this court has constitutional (as well as statutory) authority to promulgate and enforce rules governing the procedure whereby we obtain jurisdiction to review a conviction and the sentence in a criminal case; whether we have made such rules; and whether their procedure has been followed in the instant case.

It may reasonably be argued from this statement that the court is of the opinion that it has the constitutional power over the existence, as well as the form, of criminal appeals. It is therefore reasonable to recommend that as to the existence of the right of appeal in a criminal case, the people through their constitution ought to vouchsafe for themselves this right so strategic to the administration of justice.

I want to invite your attention to the fact that while there have been many matters which are the subject of a great dispute in the state bar of Michigan, the matter of right of appeal in a criminal case has been the subject of considerable unanimous judgment over a period of years, both in the civil liberties committee of the state bar, the committee on criminal jurisprudence, by the board of governors of the state bar and also by the annual meetings of the state bar. As a matter of fact, the committee on criminal jurisprudence has put it this way:

It had been widely felt that it was a striking injustice to allow appeal of right in civil cases from a judgment of \$500.00 while leave was required in all criminal cases, however serious the penalty or sentence. . . . The need for review is not limited to serious felony convictions. Today's traffic convictions imperil one's right to drive and often involve his livelihood; a misdemeanor conviction for drunkenness or obscene conduct may cause one's discharge from a position of prominence and trust; and conviction for assault and battery may be the springboard for a damage suit of staggering proportions. Denial to defendants in misdemeanor categories of leave to appeal may also be fraught with dire consequences.

While the committee on criminal jurisprudence of the state bar has advocated an intermediate court of criminal appeal, it is the recommendation of our committee that this particular insertion of this article II, section 19, be considered a constitutional right, independent of the means which this convention or the legislature might develop to implement the right.

It is possible to have an intermediate court of appeal; it is possible to have an intermediate court of criminal appeal; it is possible to increase the number of supreme court justices; it is possible to maintain the present number of supreme court justices and still deal with this particular problem as discretion and wisdom may so indicate.

We felt as a declaration of rights, bearing in mind the ancient and mandatory injunction that we have equal justice under law, that we ought to grant and record as one of the rights of the accused, in this particular section, the right of appeal in a criminal case, and the committee on declaration of rights, suffrage and elections so recommends, Mr. Chairman.

CHAIRMAN BAGINSKI: Mr. Pugsley.

MR. PUGSLEY: Mr. Chairman and delegates, at this convention it has been suggested that some of us who have had some experience in these matters should make our views known. I, for one, am not opposed to an appeal as a matter of right but I wish the record to show that I do not subscribe either to the necessity for or agree with all of the reasons that have been assigned. I don't believe that they should appear as being influential upon any bodies who may have this matter under consideration in the future. I merely wish to state

that I am not opposed to the right of appeal as a matter of right and I think the matter should stop there.

CHAIRMAN BAGINSKI: Judge Leibrand.

MR. LEIBRAND: Mr. Chairman, may I direct an inquiry to Delegate Norris? The word "appeal" may be a general term or it may be a specific term. We have presently in our state system of courts 3 tiers; the federal system has 3 tiers. I wish to inquire of Mr. Norris whether it is the intent of the committee to give a convicted defendant, as a matter of right, an appeal throughout this entire system of courts which might mean 5 appeals, or whether it is the intent of the committee to give, as a matter of right, one appeal from the trial court in which he was convicted.

CHAIRMAN BAGINSKI: Mr. Norris.

MR. NORRIS: Mr. Chairman, Mr. Leibrand, I believe the general theory that animates this proposal and the subscription of the committee is that there be one suitable appellate review of a conviction and to see that there is an appraisal of all the pertinent rules of evidence and that a fair trial was accorded; and I don't think it necessarily follows that you go through the entire tier of appellate review. It doesn't mean that in my judgment—I think I speak for the committee in that—and I stated that in the statement that I made before, when I referred to Professor Orfield as saying that there ought to be one suitable appellate review of a conviction in a criminal case.

MR. LEIBRAND: Thank you.

CHAIRMAN BAGINSKI: Mr. King.

MR. KING: I should like to direct a question to Delegate Norris, if I might. Delegate Norris, is it your understanding that under this constitutional provision providing for the employment of counsel, that this counsel must of necessity be provided for at the expense of the public in the event that the accused is not able to hire his own counsel?

MR. NORRIS: All I can say to that, Mr. King, is that there are certain supreme court decisions, United States supreme court decisions, particularly *Griffin v. Illinois*, with regard to the extent of the participation of the state in giving effect to the right in the federal constitution to assistance of counsel, and insofar as that particular right would be applicable, then it would have some effect on what you are now questioning. I don't think, however, there has been any state court decision which has gone farther than what the federal court has provided. So, no matter what we say here, it wouldn't go beyond what the United States supreme court now requires.

MR. KING: Don't you feel that the Supreme Court of Michigan has affirmatively taken a position with regard to this matter to the effect that counsel need not be provided to an accused who cannot afford to hire counsel?

MR. NORRIS: Counsel need not be provided for an appeal? Is that what you are saying?

MR. KING: Not for an appeal; for trial.

MR. NORRIS: Well, it doesn't apply to all cases. It applies to capital cases. It doesn't apply to misdemeanors. You don't have the right to assistance of counsel at county expense in misdemeanors.

MR. KING: How about felonies?

MR. NORRIS: Yes, it does apply to felonies, as I understand it.

MR. KING: That is not my understanding and I wondered if the committee had reviewed this particular problem. I can cite Michigan supreme court cases—*People v. Williams* and *People v. Crandall*—which both indicate that the provision of this section of the Michigan constitution securing an accused the right to have counsel for his defense is a guarantee of a right to employ and have counsel, but does not mean that he shall have counsel at public expense.

MR. NORRIS: All I can say is that under *Powell v. Alabama*, the United States supreme court and the practice as I have seen it in 15 years of practicing, that particularly in general practice, including criminal courts, is this is what has been followed and I understand it is required by the law.

The fact that a person has a right to employ counsel doesn't necessarily mean that persons who may be indigent don't also have the right to assistance of counsel as prescribed by law, and that has occurred.

But I think what we are talking about here is the right of an appeal in a criminal case—to carry forward what you are saying—those who have the right to employ counsel also have the right to proceed to an appeal. However, if you will notice the part of article II, section 19, which goes on to say something about the courts may assist: . . . "and in courts of record, when the trial court shall so order, to have such reasonable assistance as may be necessary to perfect and prosecute an appeal." To that degree there is an affirmative duty on the part of the court to assist persons who may have the right to an appeal.

MR. KING: I would agree with that. I was not directing my question as to what the committee has done so much as to what they have not done.

MR. NORRIS: What is it you wish us to do that we have not done?

MR. KING: Provide for counsel, whether the accused can hire counsel or not.

MR. NORRIS: If you wish to make an amendment on the floor, I suspect that might be one matter which the wisdom of this body might be called upon to express; but that isn't what the committee is saying here, sir.

MR. KING: That was what I was trying to determine. I don't wish to make an amendment if the committee has given careful consideration to what I think is a problem.

MR. NORRIS: This is as far as the committee wished to express itself, sir. I think what we are trying to say is that because of the reasons that were advanced in the comment, we want to have favorable consideration by this body of the right of appeal in a criminal case.

MR. KING: Thank you.

CHAIRMAN BAGINSKI: Mr. Sharpe.

MR. SHARPE: Mr. Chairman and Delegate Norris, I would like to have you tell me if these words not having been in the constitution in the past has worked a hardship on a lot of people. Has this been a detriment to the criminal? (laughter)

MR. NORRIS: The question is whether or not this has been a detriment to the criminal. (laughter) I assume that what Mr. Sharpe is getting at is a fundamental question. Perhaps he phrased it inartfully but the question was very well taken, however, and that is: is there a particular showing of the need for such a constitutional right?

It seems to me that you have manifestly an iniquitous and "inequitable" condition where you can say that a person has a right to appeal in a civil case in a matter involving \$500 but when a person is deprived of life, or given life imprisonment, or has a term of years visited upon him as a result of a particular adjudication, that he does not have that same right.

It seems to me what is involved here is a matter of equal justice under law and in order that we might accomplish that particular ancient and revered injunction, we ought to give persons who are involved in a criminal case a constitutional right of appeal in order to remedy this kind of condition.

I can only say to you that I am a bit disturbed by saying that perhaps there isn't any showing. You have, even within the statistics that have been given to us, quite a large number of people who just receive, on the basis of an appeal, a 2 word sentence from the Michigan supreme court when they appeal "Application denied," with no particular exposition for the reasons. It seems to me that a full, fair day in court includes not only the appraisal by the trial court but also by an appellate court.

As Judge Leibrand asked the question before, what is involved here is having one suitable appellate review of a conviction. I am certain that Delegate Sharpe would want, if he were so accused and convicted, the right to have one suitable review and that would apply to all the 8 million people in the state of Michigan.

MR. SHARPE: Just a minute, Delegate Norris. That wasn't my primary question. I'm sorry I phrased it the way I did. The thing that I am interested in is this, I can see where possibly this might be a burden on the taxpayers in our circuit courts. I can see also where this might possibly load the court docket up so that in my particular case we could no longer have a circuit judge from a 2 county circuit. We might have to have a circuit judge from a 1 county circuit. I am wondering if this is important as long as we haven't had this for 100 years in our constitution and if it might not lead to maybe some abuse. This was my primary question and I didn't expect that you were going to talk 15 minutes on the first one. (laughter) Maybe you can answer this one in less time.

MR. NORRIS: I appreciate the questions and they are equally pertinent and I think they ought to be answered, sir.

I think that it is reasonable to anticipate that there are always costs for justice. The very provisions of courts, jurors, of the rights of the accused; indeed, the very declaration of rights itself imposes certain costs to the taxpayers. The question is whether or not this is necessary for the administration of justice, whether or not this is necessary for equal justice under law. It is a question of a value judgment. We seek by this action—the committee does—to declare a constitutional right of appeal in a criminal case, because in our judgment it remedies inequitable conditions as they exist today and provides and enhances the greater prospect for a fair trial in criminal cases.

I might also say that you have, as I indicated, 4 states with this as a constitutional right. You also have some 30 states which have right of appeal in a criminal case as a matter of statute and as a matter of court rule. But if you put it in the constitution, then it cannot be altered by court rule and it cannot be altered by statute. It serves a very useful purpose in the judgment of the committee.

MR. SHARPE: Delegate Norris, does this pertain to circuit courts or does it not?

MR. NORRIS: Yes, it pertains to circuit courts.

MR. SHARPE: This was my understanding. Now, Delegate Norris, would you like to answer the question: is this quite liable to be a burden on the taxpayers and is it a possibility that it might load the court docket to the degree that would be uncomfortable?

MR. NORRIS: Whether it's a burden or not is a value judgment. There is bound to be some cost involved. But whether or not it is a burden depends upon whether or not you think, weighing the reasons for and against this particular proposal, the reasons outweigh in one direction or another. I don't think here that the committee makes an assessment of burden. What we say is that the reasons for this proposal far outweigh any particular cost that might be involved.

MR. SHARPE: Thank you. Now would you like to answer one more question for me and then I'll sit down. Can you give me any reason why in the last 100 years this has not been attempted to be put into this section before?

MR. NORRIS: Well, I'm not sure, sir, that your question is based upon fact. There have been numerous attempts to secure this as a matter of court rule and as a matter of statute. As a matter of fact, the statute that I cited was one which incorporated a right of appeal in a criminal case and it wasn't interpreted to permit that because of other infirmities in the inartful draftsmanship of the statute. They said that the statute didn't conform to the title of the act; *People v. Stanley*, the case I cited. There has been evidence that there has been the intent apparently of the legislature to move in that direction. I understand there also is some contemplation by the justices of the supreme court at present to deal with this matter as a matter of court rule, but it is the concept of the committee that this matter is so important that there ought to be the dignity and sanctity of a constitutional right accorded to the right of appeal in a criminal case.

CHAIRMAN BAGINSKI: Mr. Brake.

MR. BRAKE: Mr. Chairman, Mr. Norris, if we set up an intermediate court of criminal jurisdiction, appeal from that

court to the supreme court should certainly be by leave, should it not?

MR. NORRIS: I would agree, sir.

MR. BRAKE: Your language does not make that clear.

MR. NORRIS: I appreciate what you are saying, sir. I am not so sure that we can make provision for all the contingencies in the rights-of-accused section. What we talk about is to have an appeal as a matter of right. And I think that is about as far as we could go with regard to the matter. But I think it is the committee's understanding that if there should be an intermediate court of appeal or an intermediate court of criminal appeal, that the right would apply to this court; it would be one suitable appellate review. That appeal from the intermediate appellate court to the supreme court would be as a matter of leave.

CHAIRMAN BAGINSKI: Are there any amendments to section 19?

SECRETARY CHASE: Mr. Dehnke submits the following amendment:

1. Amend page 4, line 23, after "right" by inserting "to the court having immediate appellate jurisdiction"; so that the language will read, "... to have an appeal as a matter of right to the court having immediate appellate jurisdiction."

CHAIRMAN BAGINSKI: Judge Dehnke.

MR. DEHNKE: Mr. Chairman and gentlemen of the committee, I think the amendment explains itself. It covers the point that was raised by Judge Leibbrand and answered by Professor Norris. This will remove it from the field of doubt or speculation.

CHAIRMAN BAGINSKI: Mr. Wanger, do you want to speak on the Dehnke amendment?

MR. WANGER: No sir, I did not but I would like to ask a question regarding the amendment which is now before us. Does this mean that in every case an accused would have an appeal to the court above it?

CHAIRMAN BAGINSKI: Judge Dehnke.

MR. DEHNKE: That is the simplest way that I could think of on the spur of the moment to cover that point. We have justice courts. This would give right of appeal to the circuit court. If we have an appellate court, the circuit court conviction—if that were the court of trial—would give appeal as a matter of right to the intermediate appellate court. As I understand it, it is not proposed that the intermediate appellate court shall try cases de novo, but that would still leave it possible to have an appeal to the supreme court by the present process of applying for leave to appeal. It may be possible that Mr. Danhof and others have language which clarifies this in a better way than my amendment. I have no pride of authorship in the wording.

CHAIRMAN BAGINSKI: Judge Pugsley.

MR. PUGSLEY: I am in harmony with the amendment that has been proposed for the reasons stated. I wish further to state, supplementing what I said before, that I have no objection to a matter of right, but I have taken into consideration also the further language, "... when the trial court shall so order ..." which has reference to the appointment of counsel. I believe that is an important matter and is one which I took into consideration in my first remarks. I believe that that is a matter that is of importance and of interest to the taxpaying public. The courts should have some control over the expenditures that are ordered by the court in these appeals and in the appointment of counsel.

CHAIRMAN BAGINSKI: Mr. Danhof.

MR. DANHOF: I might state in answer to Mr. Brake that my committee viewed this matter right now as a rights problem; that this is a matter that the convention should consider as a matter of civil rights; that if it passes or is rejected the committee on judicial branch will bear this in mind when setting up a court structure and what impact it would have on the court structure as we now have it, or whether we should make allowance for additional cases. We subscribe to the view of Mr. Norris that the 2 are not necessarily tied together; that one is a matter of right; the

other is a matter of setting up a facility to handle the right, and that it was therefore the recommendation or the thought of the committee, that we concur in the recommendation of the rights committee.

As to the matter that Mr. King spoke to, I think that there are additional sections that would cover this as to the assistance which could be ordered by the trial court.

Now addressing myself to Judge Dehnke's amendment—and as Judge Pugsley has stated, he is in sympathy—and I might state that this particular idea was again advanced in my committee on judicial branch. I think we had a motion, if I recall, in the committee to amend it very substantially, as Judge Dehnke has, and wanted to make it one appeal, and we finally went back and concurred in leaving the matter as it now stands.

The basic consideration at least in my opinion, was this: that it is possible that the matters which will be handled by a court, which we will now just designate as a municipal court, might at some future date, by reason of legislative action or action of this convention, contemplate more serious matters and have a greater degree of severity than is now handled by our so called inferior courts. And by inferior, I do not mean the personnel thereof. That in addition, when an appeal is taken now from a municipal court to a circuit court, it is an appeal de novo. In fact, it is a retrial. It is not an appeal on the record.

If this language were inserted and you had an appeal from a so called high misdemeanor, which could carry a fairly substantial sentence, it might be interpreted that after the case were tried in a municipal court or some type of court of inferior jurisdiction, and retried then in—as what we know it now to be—the circuit court, the appeal would be taken care of, although you would have had actually a trial de novo in the circuit court and there could arise, in the trial de novo, error which perhaps should be scrutinized by an appellate tribunal who was not reviewing the trial de novo on the facts and sitting perhaps with a jury but strictly on the record. That by leaving the language as it is now constituted, it would leave it to the legislature or to the supreme court rule.

I submit that a procedure of appealing cases could be promulgated which would meet the standard of granting an appeal as we know it. I have no great quarrel with the amendment but I do feel that if we allow it to stand as it now is written, we will allow to the supreme court, the rule making power, and to the legislature, a method of setting forth the procedure which will comply with the mandate of the people or of the constitution. And for that reason, I would concur in the recommendation of the rights committee to allow the language to remain as they have written it. Thank you.

CHAIRMAN BAGINSKI: Mr. Brown.

MR. G. E. BROWN: Mr. Chairman, speaking to the Dehnke amendment, I have an amendment on the desk of the secretary, which would read as follows for the language in question. It would be to have a suitable appellate review as a matter of right. It seems to me that this is language that has been used here. It is the understanding of the learned jurists who are here that it would leave to the legislature or to the judiciary, or by court rule, determination of whether a suitable appeal is a trial de novo or one in the nature of an appeal, as we know it, to the supreme court. It also does not in any way determine which court it shall be, such as the immediately higher court, and I think that it better states the substance and the thinking of the delegates here that have spoken on this question by saying a suitable appellate review, and then through these things, through the legislature, the judiciary, or by court rule, that suitable appellate review can be determined. Thank you.

CHAIRMAN BAGINSKI: Are there any amendments to section 19?

SECRETARY CHASE: Mr. Dehnke has offered the amendment to amend page 4, line 23, after "right" by inserting "to the court having immediate appellate jurisdiction".

CHAIRMAN BAGINSKI: Mr. Rush.

MR. RUSH: I have a question. Sometimes we have had rather lengthy explanations of these various articles and to a layman they may convey just a little different meaning than the section may indicate. My question is this: just how much weight or consideration will these explanations get in the interpretation of the constitution we write? I understand these explanations are all being recorded and I'd just like to have somebody answer that question for me.

CHAIRMAN BAGINSKI: Does anyone care to answer Mr. Rush?

Mr. Ostrow.

MR. OSTROW: Yes, I'll answer. Well, if the language is clear and unambiguous—and the supreme court decides whether the language is clear and unambiguous—they do not go back of the language. You mean what you say and you say what you mean. If the supreme court says the language is not clear or is ambiguous, then they can go back of the actual language, to the committee report, or any of the other proceedings.

CHAIRMAN BAGINSKI: The Chair is informed that Mr. Brown offered an amendment that might perhaps clarify the language that Judge Dehnke offered and we are asking Mr. Brown to confer with Judge Dehnke to see if they can't get together on this amendment.

Judge Dehnke.

MR. DEHNKE: Has it been submitted to the desk?

SECRETARY CHASE: Mr. G. E. Brown has filed this amendment for consideration following Judge Dehnke's amendment.

1. Amend page 4, line 23, after "have" by striking out "an appeal" and inserting "a suitable appellate review"; so the language will read, "... to have a suitable appellate review as a matter of right ..."

MR. DEHNKE: I wondered, did he also state under rules adopted by the supreme court?

SECRETARY CHASE: He did not.

CHAIRMAN BAGINSKI: Mr. Brown is right in back of you, Judge Dehnke.

MR. DEHNKE: Would that be acceptable under the rules of the supreme court, Mr. Brown?

MR. G. E. BROWN: Judge Dehnke, I have no great objection to this but I think through the judicature act and other things that the legislature may be acting upon, that we may not want to limit this suitable appellate review to the supreme court rule. I think this leaves it free to the legislature. This is a fundamental law. Let's leave to the legislature, to the judiciary, to court rules, and so forth, the determination of a suitable appellate review.

MR. DEHNKE: Mr. Chairman, if it is agreeable to Mr. Brown, I am agreeable to accepting the addition of his language to my amendment.

CHAIRMAN BAGINSKI: The secretary will read the new matter.

SECRETARY CHASE: The matter seems to the secretary to be that in addition to Judge Dehnke's amendment, which is after the words "matter of right" to insert "to the court having immediate appellate jurisdiction". Mr. Brown's amendment is to strike out the words "an appeal" and insert "a suitable appellate review" so that if both amendments were adopted, the language would then read, "... to have a suitable appellate review as a matter of right to the court having immediate appellate jurisdiction".

MR. DEHNKE: I am asking leave, Mr. Chairman, to withdraw my amendment and I will support Mr. Brown's amendment.

MR. G. E. BROWN: Thank you, Judge Dehnke.

CHAIRMAN BAGINSKI: Mr. Dehnke withdraws his amendment.

SECRETARY CHASE: Mr. G. E. Brown has offered the following amendment:

1. Amend page 4, line 23, after "have" by striking out "an appeal" and inserting "a suitable appellate review"; so the

language will then read, "... to have a suitable appellate review as a matter of right ...".

CHAIRMAN BAGINSKI: The question now is on the Brown amendment. The Chair recognizes Mr. Van Dusen.

MR. VAN DUSEN: Mr. Chairman and members of the committee, I rise simply to say that I was persuaded by the remarks of Mr. Danhof on the Dehnke amendment that it was wise to support the committee report as submitted. I have not changed that view with respect to Mr. Brown's amendment, though I have great respect for the sponsors of both amendments. In my judgment, the committee on declaration of rights and the committee on judiciary have both given careful consideration to the language, which is clear and unambiguous. I support the committee proposal and would vote no on the amendment.

CHAIRMAN BAGINSKI: Judge Leibrand.

MR. LEIBRAND: Mr. Chairman, delegates, as I understand the Brown amendment then, either the legislature or the supreme court could grant an absolute right or make rules for an absolute right of appeal through 4 or 5 or 6 tiers of courts, with the public, in indigent cases, paying the shot.

CHAIRMAN BAGINSKI: Mr. Brown.

MR. G. E. BROWN: I don't think that's a fair interpretation of it. This is a suitable appellate review. Now, I can't believe that this connotes suitable appellate review. If the legislature and the courts should so determine and that becomes the law, then I think that's when it should be the law. And if we have by judicial interpretation later on through once again maybe federal enactments—there may be something more than a simple review—a denial of an application for leave to appeal is all that is necessary—if something more is done, something should be done. I don't think our constitution should go so far as to attempt to detail legislatively in effect on every possible situation that might result out of this or stem from this language.

MR. LEIBRAND: Mr. Chairman, might I inquire of Mr. Brown? Mr. Brown, would you define your word "suitable"? Could it not be extended to mean 4 or 5 or 6 appeals?

MR. G. E. BROWN: I think, Judge Leibrand, it certainly could. I think it is very possible. But I think an appeal as drafted by the committee could also be interpreted as meaning 4 or 5 appeals because an appeal is an appeal is an appeal. A suitable appellate review, I think, only leaves it a little bit more in the discretion of those who have jurisdiction over these matters insofar as the writing of details is concerned. This is a fundamental law. This is not a court rule.

CHAIRMAN BAGINSKI: Mr. Ford on the Brown amendment.

MR. FORD: Could I have the language of the section as it would read in full now with the Brown amendment?

SECRETARY CHASE: The language of the section with the Brown amendment would read as follows:

Section 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 a suitable appellate review as a matter of right; and in courts of record, when the trial court shall so order, to have such reasonable assistance as may be necessary to perfect and prosecute an appeal.

CHAIRMAN BAGINSKI: Mr. Ford.

MR. FORD: The only question I raise is, that to have a suitable appellate review as a matter of right becomes so broad that I question whether we ought to add anything at all to this section. If we amend it as Mr. Brown now proposes, it doesn't do anything that we don't have. We now in Michigan have a suitable judicial review as a matter of right and it has been determined up until now that suitable appellate review—and I don't think anybody questions the constitutionality of the law as it is now in Michigan, unless we

change this constitution—that in civil matters involving \$500 and upwards you can appeal to the supreme court as a matter of right. But in a criminal matter, you must first apply to the court for its permission to appeal. This is a suitable appellate review now, and it could be a suitable appellate review with the proposed committee language adopted with the Brown amendment but if you adopt the Brown amendment you will vitiate what the rights committee was trying to do and what we concurred in on the judiciary committee. I advocate that you bear with us on this one and support the position of the rights committee and the judiciary committee in the language as it is in the committee report.

CHAIRMAN BAGINSKI: Mr. Hodges.

MR. HODGES: Speaking against the Brown amendment and for the committee report, I think we are losing sight of some things here. First of all, right now the legislature or the courts, by rules, can give all the appeals they want, if they want to change the rules. So, answering Judge Leibbrand's criticisms, I don't think, really, it pertains to this. What we are interested in is the right to appeal as a matter of right, one time at least. We have made this intent clear. I think it can be made clear through the proceedings of this convention that this is the intent of this convention and I don't think we have to try and find lengthy descriptions of this or try some way to explain it in the body of the constitution. This can be done by intent.

CHAIRMAN BAGINSKI: Mr. King.

MR. KING: I rise to support the committee recommendation and point out that my understanding of the constitution is somewhat similar to Mr. Hutchinson's understanding of the constitution. It is a limitation upon what the legislature can do.

In the area of the bill of rights we are particularly trying to say that human beings, individuals, have this much right. I find myself in a position where I can't understand someone who wants to say in the bill of rights we will limit the rights of the individual. Let's provide for at least one appeal. If the legislature wants to provide for 5 appeals—I don't think they can do that because the supreme court of the United States would have something to say about appeals to the federal court—then, let them go ahead and do it, but basically, what we are talking about is providing for at least certain rights in the bill of rights for the individual citizens of our state, and I think we have gone far afield from that point.

CHAIRMAN BAGINSKI: Mr. Sharpe.

MR. SHARPE: Mr. Chairman, I have asked Delegate Norris a couple of questions to clarify in my mind, and I'd like to ask him to clarify it on the record. Delegate Norris, would this phraseology permit a complete new trial?

MR. NORRIS: Delegate Sharpe, I believe the general observation is not necessarily germane to the amendment but to the whole concept of an appeal.

Delegate Sharpe suggests that to some minds the idea of an appeal means a new trial; that is, an entirely new proceeding. All I can suggest to him is that an appeal in terms of what we have stated on the record here is a suitable appellate review, which means an appeal on the record, that is that which comes before an appeal court, a transcript, statement of facts, opinion of the court below, and it is appraised by the appellate court in terms of whether or not there is a fair trial and the general conduct of the trial in accordance with law. It is not a new trial, that is, in terms of new evidence, what we call in law, a trial de novo. That doesn't mean another trial.

I understand that Mr. Sharpe was concerned about duplicating the performance, so that would mean additional expense. That is not what we are contemplating by virtue of an appeal. It may be, however, that as a result of an appellate review the court might send it back for a new trial but that does not necessarily mean that every time you have an appeal you have a new trial.

I don't know whether I can speak for the committee with regard to it, except to say that I am certain the committee

would support its own report and the observations made by Mr. Danhof as chairman and Mr. Ford as vice chairman of the judiciary committee, which I believe is the substance of our position, and that the wording recommended by the declaration of rights report is earnestly recommended to this body.

CHAIRMAN BAGINSKI: Mr. Youngblood.

MR. YOUNGBLOOD: Up until now I notice that the majority of the speakers are attorneys. I, as a layman, think that I understand very clearly the original language put out by the committee. Therefore, I wish to support the original language.

CHAIRMAN BAGINSKI: Are there any amendments?

Mr. Brown.

MR. G. E. BROWN: Mr. Chairman, I'll be very brief. I have no great brief for the language that I have suggested because it is my language. The only thing that I would like to draw to the attention of those present is that an appeal as such—that the criticisms that have been raised here to the wording "a suitable appellate review" are just as applicable to an appeal. You now have an appeal to the supreme court. Of course, this is in the form of an application for leave to appeal. Appeal is an artful word. It doesn't constitute a review. Other than that, I shall be quiet.

CHAIRMAN BAGINSKI: The question is on the amendment by Mr. Brown. As many as are in favor of the amendment will signify by saying aye. Opposed, no.

The amendment is not adopted.

SECRETARY CHASE: Mr. Madar offers the following amendment:

1. Amend page 4, line 23, after "have" by striking out "an" and inserting "one"; so that it will read, ". . . to have one appeal as a matter of right;".

CHAIRMAN BAGINSKI: Mr. Madar.

MR. MADAR: Mr. Chairman, I just wanted to bring this up because it seems we've been having an awful lot of discussion here on just what we do want. It seems that everybody agrees that we have one appeal. Now, it seems that they just don't seem to understand this so, in good laymen's language, let's just include the word "one". Then we're certain of what we're doing; everybody understands it.

CHAIRMAN BAGINSKI: Mr. Hodges.

MR. HODGES: Speaking in opposition to the Madar amendment, I think we again find ourselves with the same problem. We would be limiting the legislature's right to set up further appeals if they want. We are not here in the bill of rights trying to set up limitation of rights but rather to give rights. We are setting a floor here by saying an appeal is a matter of right. If the legislature wants to give more than one later on, that's their prerogative. What we are interested in is giving an appeal as a matter of right.

CHAIRMAN BAGINSKI: Mr. Ford.

MR. FORD: Mr. Chairman, Mr. Madar's language is certainly clear and it occurred to the judiciary committee almost immediately when we had this before us and it was dispatched almost immediately for the reason that when you start talking of one appeal, we all agree that we wanted one appeal and I think there is pretty much general agreement on the judiciary committee that we want that one appeal when you finally get to a court of record.

But the difficulty is that you overlook the fact that you have another stratum below the court of record, the justice court now, and municipal court, and we may call it a county court or something else in the future, but there isn't any question that there will be in the court strata some sort of a local court or court inferior to the circuit court.

Now, it is our desire not to limit this right of appeal to a point where the taking of the appeal that you now have as a matter of right from this lower court or middle court into the first court of record of trial jurisdiction would satisfy the requirement of the constitution and thereby stop you. So we wanted to leave it to the wisdom of the supreme court, within the framework set by the legislature, to determine how this appellate process would work. I think really, Mr. Madar, we mean one appeal but we mean one appeal after

you get to a certain level and if you just use the word "one" the way you are doing it now, it's going to lead to confusion about what happens to these cases that originate below the court of record level.

CHAIRMAN BAGINSKI: Mr. Higgs.

MR. HIGGS: Mr. Chairman and fellow delegates, I support the committee recommendation in the comment that says, "We desire to grant status of a categorical constitutional right to at least one appeal in a criminal case."

I was one of those on the judiciary committee to whom it occurred that we might include the words "one appeal" and upon reflection, I prefer the committee language because it occurred to me that the appellate review might order a new trial and upon the second conviction I don't think I'd want to restrict the defendant from having an appeal from the second conviction upon a new trial. I think the committee language is fine.

In response to an inquiry of Mr. Rush, I don't think it was answered and I think Mr. Van Dusen can answer it. I've been looking through the resolutions, I do know we have a resolution—and I can't find it immediately—that states that the committee report shall be determinative of constitutional intent. I think it is a very important resolution and perhaps we can put our finger on it.

CHAIRMAN BAGINSKI: The question is on the amendment by Mr. Madar. As many as are in favor of the amendment will signify by saying aye. Opposed, no.

The amendment is not adopted.

Mrs. Hatcher.

MRS. HATCHER: Mr. Chairman and fellow delegates, I rise to speak to the point of the change in words of "12 men" to "12 jurors." It may not be considered necessary by some of the delegates here but for the purpose of clarification and acknowledgment of the progress made in the last 50 years, I would like to make these few remarks.

In several places in our constitution we have found similar language stating 12 men or men or women who are property owners may have the right to vote. There have been several proposals submitted to change the wording, since presently in Michigan women do have the right to serve on jury duty and to exercise their full political rights.

Significantly, it is now taken for granted that women have political rights in Michigan and throughout the United States. And of course, I am very pleased to see that this is not a controversy in this convention and especially under this section that we are discussing presently.

Unlike the Constitution of 1908, women had not received the franchise; therefore none were delegates to the convention in 1908. I am gratified with the equality of participation in this convention and it has been a true expression of democracy through our deliberations.

To recognize the subject further, on December 14, 1961, President John Kennedy issued an executive order to establish a commission on the status of women. With your indulgence, I would like to read 2 excerpts from the president's statement in establishing this new commission on the status of women. These 2 excerpts are taken from a release issued by the white house press secretary. The first excerpt is:

Forty-one years have passed since the first national election in which women were permitted to vote.

As was foreseen by the early leaders, women have brought into public affairs great sensitivity to human need and opposition to selfish and corrupt purposes. These political contributions and the manifold activities of women in American communities are the outgrowth of a long tradition of pioneering by American women. They stand as an encouraging example to countries in which women are only now achieving equal political and social status.

The second excerpt is:

Women have basic rights which should be respected and fostered as part of our nation's commitment to human dignity, freedom and democracy.

In conclusion, Mr. Chairman and fellow delegates, I felt moved to share with my delegate friends here this information because I honestly feel that no American citizen in America or in this troubled world can afford ever to take his or her rights for granted.

CHAIRMAN BAGINSKI: Are there any further amendments to section 19? If not, it will be passed.

Section 19 is passed.

SECRETARY CHASE: Section 20.

[Section 20 was read by the secretary. For full text see above, page 465.]

CHAIRMAN BAGINSKI: Dr. Pollock.

MR. POLLOCK: I will ask Mr. Norris to explain this section briefly. (laughter)

CHAIRMAN BAGINSKI: Mr. Norris.

MR. NORRIS: Mr. Chairman, the general idea here is to reaffirm the prohibition against imprisonment for debt and to elaborate upon the fact that the imprisonment for debt ought not to be effected on the basis of an action or a debt that was founded upon a tort, that is, a wrong or a judgment that was entered by a court on behalf of an actionable wrong. And I believe the description here in the comment is self-explanatory and it is merely a carrying forward of all the kinds of considerations that motivated the inclusion of this particular section in the 1908 and previous constitutions.

CHAIRMAN BAGINSKI: Are there any amendments to section 20? If not, it will be passed.

Section 20 is passed.

SECRETARY CHASE: Section 21.

[Section 21 was read by the secretary. For text, see above, page 465.]

CHAIRMAN BAGINSKI: Mr. Stevens.

MR. STEVENS: Mr. Chairman and fellow delegates, this is the same wording you find in the United States constitution except, of course, this applies to the state of Michigan rather than to the United States.

We realize that the matter of treason against the United States is probably not within our jurisdiction. That is not the point. We still believe there is a possibility, though not a probability, that under certain unusual circumstances which we may not now be able to determine, this possibility still exists.

The reason for having this in the bill of rights is to reduce the treason as it existed in common law. It limits the meaning of treason in common law. That is the purpose in the United States constitution; it is the purpose here and I see no point in belaboring this longer. I think you understand it, so I'll say no more about it.

CHAIRMAN BAGINSKI: Are there any amendments to section 21? If not, it will be passed.

Section 21 is passed.

SECRETARY CHASE: Section 22. The language of the section has been deleted completely by the committee on rights, suffrage and elections.

CHAIRMAN BAGINSKI: Mr. Stevens.

MR. STEVENS: Mr. Chairman and fellow delegates, this is not such a simple question as section 21. We considered this matter carefully. We looked at the wording as it was. We were confused as to its meaning. We found it impossible to know exactly what it was intended to say.

It was not difficult to know what the legislature and the people wanted to do. It was to provide a law which would make subversion a crime and to define subversion. This, we believe, is the function of the legislature. It has the power to do that and probably undoubtedly the duty to do it.

In the latter part of this provision, however, it provides that the right of freedom of speech as provided in our state constitution shall not be abatable as a defense in this action. The difficulty here is to interpret what is meant by this provision. Certainly, there is and has been a limitation upon the

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

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

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

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

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

Mr. Pollock.

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

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

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

The roll was called and the delegates voted as follows:

Yeas — 76

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

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

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

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

Article I

Declaration of rights

Political power

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

Right of assembly and petition

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

Freedom of worship; disabilities

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

Liberty of speech and press

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

Right to bear arms

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

Civil power supreme

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

Quartering of soldiers

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

Slavery prohibited

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

Attainder; ex post facto laws; impairment of contracts

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

Searches and seizures

Sec. 10. The person, houses, papers and possessions of every person shall be secure from unreasonable searches and seizures. No warrant to search any place or to seize any person or things shall issue without describing them, nor without probable cause, supported by oath or affirmation: Provided however, That the provisions of this section shall not be construed to bar from evidence in any court of criminal jurisdiction, in any criminal proceeding or preliminary examination any narcotic drug or drugs, any firearm, bomb, explosive, or any other dangerous weapon, seized by any peace officer outside the curtilage of any dwelling house in this state.

Habeas corpus

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

Appearance in person or by counsel

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

Jury trial

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

Former jeopardy; bailable offenses

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

Bail; fines; punishment; detention of witnesses

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

Self incrimination; due process of law

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

Competency of witnesses

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

Libels; truth as defense

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

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

Rights of accused

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

Imprisonment for debt or military fine

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

Treason; definition, evidence

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

Subversion; definition, penalty; rights not valid as defense

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

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

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

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

MR. POLLOCK: Thank you.

VICE PRESIDENT HUTCHINSON: Mr. DeVries.

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

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

The motion prevails and it is so ordered.

Announcements.

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

VICE PRESIDENT HUTCHINSON: May we have order, please.

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

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

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

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

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

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

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

VICE PRESIDENT HUTCHINSON: Further announcements? Mr. Elliott.

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

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

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

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

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

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

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

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

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

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

The Chair recognizes Mr. Bonisteel.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

William B. Cudlip, chairman.

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

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

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

William B. Cudlip, chairman.

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

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

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

William B. Cudlip, chairman.

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

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

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

William B. Cudlip, chairman.

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

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

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

with the recommendation that the style and form be approved.

William B. Cudlip, chairman.

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

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

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

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

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

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

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

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

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

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

Communications.

SECRETARY CHASE: None.

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

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

MR. POLLOCK: Mr. President.

PRESIDENT NISBET: Mr. Pollock.

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

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

The motion prevails.

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

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

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

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

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

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

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

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

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

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

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

Sec. 10. The person, houses, papers and possessions of every person shall be secure from unreasonable searches and seizures. No warrant to search any place or to seize any person or things shall issue without describing them, nor without probable cause, supported by oath or affirmation: Provided however, That the provisions of this section shall not be construed to bar from evidence [in any court of criminal jurisdiction,] in any criminal proceeding [or preliminary examination], any narcotic drug [or drugs], any firearm, bomb, explosive, or any other dangerous weapon, seized by any peace officer outside the curtilage of any dwelling house in this state.

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

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

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

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

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

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

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

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

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

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

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

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

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

PRESIDENT NISBET: Dr. Pollock.

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

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

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

PRESIDENT NISBET: Mr. Pollock.

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

PRESIDENT NISBET: Mr. Wanger.

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

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

The amendment is adopted.

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

PRESIDENT NISBET: The Chair recognizes Mr. Bentley.

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

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

MR. KING: I should like to address myself to that point too, if I might.

VICE PRESIDENT HUTCHINSON: You may proceed.

MR. KING: I think we have come to a point in this convention where we should give careful consideration to the wishes and the feelings of all of our fellow delegates. I frankly feel that this is a wonderful civil rights section. I should like to see it passed unanimously and I should not like to see a lot of abstentions. If this motion is defeated again, then I will vote to support the whole proposal when it comes to a vote. But I think out of fairness to those of us who do feel strongly about these few words—this proviso—I think that you ought to, out of consideration for those people, vote and grant them the necessary 2/3 in order to separate this section.

VICE PRESIDENT HUTCHINSON: Mr. Radka.

MR. RADKA: I'd just like to speak against reconsideration. I think that Dr. Norris has expressed our position very clearly. This convention as a legislative body has expressed its position on this matter several times. The majority vote has come out the same way again and again. There are problems here and, as Dr. Norris said, these problems will ultimately have to be decided by the court. And I see where we will gain nothing except wasting valuable time by reconsidering this question. I think we've actually had a vote on reconsideration when the attempt was made to suspend the rules and we didn't even receive a majority vote on that.

VICE PRESIDENT HUTCHINSON: Mr. Iverson.

MR. IVERSON: Mr. President, I move the previous question.

VICE PRESIDENT HUTCHINSON: Mr. Iverson moves the previous question upon the motion to reconsider. 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.

MR. G. E. BROWN: Mr. President, in addition to moving the previous question on the motion to reconsider, I move it on the proposal.

VICE PRESIDENT HUTCHINSON: What's that? What did you say, Mr. Brown? The Chair didn't understand you.

MR. G. E. BROWN: In addition to moving the previous question on the motion to reconsider, I move it on the proposal.

VICE PRESIDENT HUTCHINSON: We'll take that when we come to it, Mr. Brown.

MR. KING: Mr. President.

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

MR. KING: For the purpose of withdrawing my motion.

VICE PRESIDENT HUTCHINSON: The motion to reconsider?

MR. KING: Yes.

VICE PRESIDENT HUTCHINSON: Mr. King withdraws his motion. Mr. Brown.

MR. G. E. BROWN: I move the previous question on the proposal.

VICE PRESIDENT HUTCHINSON: Mr. Garry Brown moves the previous question on the proposal. Is the demand for the previous question supported? It is supported. The question now is: shall the question be put? All those in favor will say aye.

MR. FORD: Parliamentary inquiry, Mr. President.

VICE PRESIDENT HUTCHINSON: All those opposed will say no.

The previous question is ordered. For what purpose does the gentleman rise?

MR. FORD: Recognizing the somewhat indelicate position that some of us find ourselves in, if we follow the suggestion of Judge Gadola and Mr. Norris, will we, without individually standing and asking for the right, have the right to explain our vote in writing for the record?

VICE PRESIDENT HUTCHINSON: Yes. Yes, you may do that. You do not have to reserve that right. You may file it. The previous question has been ordered.

MR. WALKER: Mr. President.

VICE PRESIDENT HUTCHINSON: For what purpose does Mr. Walker rise?

MR. WALKER: To ask that my request to abstain be withdrawn. I think in the interest of the greater good, it is better that I should vote on it.

VICE PRESIDENT HUTCHINSON: Mr. Walker withdraws his abstention. Mr. Downs.

MR. DOWNS: I have a parliamentary inquiry, Mr. President. I just want to have this point very clear because I know there was considerable discussion the other day. Did I understand the Chair to rule that under rule 51, this question cannot be divided by the request of one individual?

VICE PRESIDENT HUTCHINSON: That is correct, Mr. Downs.

MR. DOWNS: I want the record to show that I had made that request and the Chair had so ruled.

MR. YOUNG: Mr. President.

VICE PRESIDENT HUTCHINSON: For what purpose does Mr. Young rise?

MR. YOUNG: I rise to announce my intention to abstain. And to say to this convention that I believe that great progress has been made in this civil rights section. I believe section 10 was a serious retrogression. I am unwilling to vote against that which is good and I am unwilling to vote for that which is bad. I do not seek to impose my opinion on anyone else's judgment but, in all good conscience, I feel that I must abstain.

VICE PRESIDENT HUTCHINSON: The gentleman has the right to explain his reasons for abstention. The question is upon the adoption of Committee Proposal 15, as amended. All those in favor of the Committee Proposal 15 will vote aye. Those opposed will vote no. The voting has commenced. 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—112

| | | |
|---------------------|---------------|-----------------|
| Allen | Haskill | Perras |
| Andrus, Miss | Hatch | Plank |
| Baginski | Hatcher, Mrs. | Pollock |
| Balcer | Heideman | Powell |
| Batchelor | Higgs | Prettie |
| Beaman | Hodges | Pugsley |
| Binkowski | Howes | Radka |
| Blandford | Hoxie | Rajkovich |
| Boothby | Hubbs | Richards, J. B. |
| Bradley | Hutchinson | Richards, L. W. |
| Brake | Iverson | Romney |
| Brown, G. E. | Jones | Rood |
| Buback | Judd, Mrs. | Rush |
| Butler, Mrs. | Karn | Sablich |
| Conklin, Mrs. | Kelsey | Seyferth |
| Cudlip | King | Shaffer |
| Cushman, Mrs. | Kirk, S. | Shanahan |
| Danhof | Knirk, B. | Sharpe |
| Dehnke | Koeze, Mrs. | Sleder |
| Dell | Krolikowski | Spitler |
| Doty, Donald | Kuhn | Stafseth |
| Downs | Leibrand | Staiger |
| Durst | Leppien | Stamm |
| Elliott, A. G. | Lesinski | Sterrett |
| Elliott, Mrs. Daisy | Madar | Stevens |
| Erickson | Mahinske | Stopczynski |
| Everett | Martin | Thomson |
| Farnsworth | McAllister | Turner |
| Faxon | McCauley | Tweedie |
| Figy | McGowan, Miss | Upton |
| Finch | McLogan | Van Dusen |
| Follo | Millard | Walker |
| Ford | Mosier | Wanger |
| Gadola | Murphy | White |
| Goebel | Norris | Wilkowski |
| Gover | Ostrow | Woelfenden |
| Hannah, J. A. | Perlich | Yeager |
| Hart, Miss | | |

Nays—0

SECRETARY CHASE: On the adoption of Committee Proposal 15, the yeas are 112; the nays are none.

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

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

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

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

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

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

(laughter)

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

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

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

MR. HIGGS: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Higgs.

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

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

VICE PRESIDENT HUTCHINSON: State the point.

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

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

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

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

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

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

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

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

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

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

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

SECRETARY CHASE: The amendment is:

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

VICE PRESIDENT HUTCHINSON: Mr. Dehnke.

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

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

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

VICE PRESIDENT HUTCHINSON: Mr. Woolfenden.

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

VICE PRESIDENT HUTCHINSON: Mr. Plank.

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

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

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

VICE PRESIDENT HUTCHINSON: Apparently so.

MR. PLANK: Thank you, Mr. President.

MR. VAN DUSEN: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen.

MR. VAN DUSEN: I move the previous question.

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

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

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

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

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

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

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

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

MR. MARSHALL: I resign as assistant timekeeper.

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

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

VICE PRESIDENT HUTCHINSON: You will have to limit debate.

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

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

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

VICE PRESIDENT HUTCHINSON: For how long?

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

MR. MARSHALL: One minute.

MR. DOWNS: One minute.

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

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

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

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

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

VICE PRESIDENT HUTCHINSON: Mr. Stevens.

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

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

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

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

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

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

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

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

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

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

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

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

MR. KNIRK: The whole ball of wax.

VICE PRESIDENT HUTCHINSON: The Chair recognizes Mr. Hoxie.

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

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

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

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

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

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

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

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

VICE PRESIDENT HUTCHINSON: It is not.

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

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

VICE PRESIDENT HUTCHINSON: Mr. Hodges.

MR. HODGES: Mr. President, I pass.

VICE PRESIDENT HUTCHINSON: Mr. Marshall.

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

VICE PRESIDENT HUTCHINSON: Mr. Pollock.

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

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

MR. FORD: Mr. President.

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

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

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

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

MR. MADAR: Mr. President—

VICE PRESIDENT HUTCHINSON: Mr. Hoxie has the floor.

MR. MADAR: Okay.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The convention will be in order.

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

VICE PRESIDENT HUTCHINSON: Mr. Madar.

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

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

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

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

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

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

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

MR. BARTHWELL: Abstain.

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

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

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

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

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

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

MR. DOWNS: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Downs.

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

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

MR. DOWNS: This is upon every issue.

VICE PRESIDENT HUTCHINSON: Upon every issue?

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

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

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

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

MR. POLLOCK: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Pollock.

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

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

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

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

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

VICE PRESIDENT HUTCHINSON: Mr. Ford.

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

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

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

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

VICE PRESIDENT HUTCHINSON: Mr. Marshall.

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

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

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

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

VICE PRESIDENT HUTCHINSON: The Chair recognizes Mr. Downs.

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

VICE PRESIDENT HUTCHINSON: The Chair recognizes Mr. Downs.

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

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

DELEGATES: Division.

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

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

MR. DOWNS: I have a point of order.

VICE PRESIDENT HUTCHINSON: Would the delegate state the point.

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

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

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

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

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

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

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

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

MISS HART: Then I should like to abstain.

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

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

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

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

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

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

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

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

VICE PRESIDENT HUTCHINSON: Mr. Hood.

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

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

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

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

VICE PRESIDENT HUTCHINSON: State your point.

MR. YEAGER: Under rule 67 it says:

No delegate shall be entitled to abstain from voting in any roll call unless he shall have stated his intention to abstain before the voting starts.

Now, I would ask for a ruling as to whether or not the voting has started.

VICE PRESIDENT HUTCHINSON: The Chair simply will say that this has been the practice in this convention, and consequently, the Chair interprets that this is the way that rule is intended. The vote is not on the board. It doesn't show up there. Nobody knows how anybody else has voted.

SECRETARY CHASE: Are there any other requests?

VICE PRESIDENT HUTCHINSON: Mrs. Hatcher.

MRS. HATCHER: Mr. President, again, as yesterday, I would like to appeal to those who are abstaining at this time to consider the fact that the declaration of rights, suffrage and elections committee spent approximately 4 months attempting to try to develop this Committee Proposal 15, and we have had a considerable amount of discussion on this matter. I would like to urge all of the people who can find it in their judgment, to vote yes on this proposal.

MR. BARTHWELL: Point of order. This is debate and the time has expired.

VICE PRESIDENT HUTCHINSON: The point has been made that this amounts to debate. The time for debate has expired. The question is upon the passage of Committee Proposal 15, as amended. Are there any further announcements to abstain? If not, all those in favor of the passage of Committee Proposal 15 will vote aye, those opposed will vote no. The voting has started. For what purpose do you rise, Mr. Ford?

MR. FORD: Mr. President, on behalf of our mutual colleagues in this corner, I would like to admonish you that the emphasis you place on "the voting has started" sounded somewhat like "They're off," and we are all a little gun shy over here. (laughter)

VICE PRESIDENT HUTCHINSON: Have you all voted? If so, the secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas—110

| | | |
|----------------|---------------|-----------------|
| Allen | Gust | Plank |
| Andrus, Miss | Haskill | Pollock |
| Baginski | Hatch | Powell |
| Batchelor | Hatcher, Mrs. | Prettie |
| Beaman | Heideman | Pugsley |
| Bentley | Higgs | Radka |
| Binkowski | Hodges | Rajkovich |
| Blandford | Howes | Richards, J. B. |
| Bonisteel | Hoxie | Richards, L. W. |
| Boothby | Hubbs | Rood |
| Bradley | Hutchinson | Rush |
| Brake | Iverson | Sablich |
| Buback | Jones | Seyferth |
| Butler, Mrs. | Judd, Mrs. | Shaffer |
| Conklin, Mrs. | Karn | Shanahan |
| Cudlip | Kelsey | Sharpe |
| Cushman, Mrs. | King | Sleder |
| Danhof | Kirk, S. | Snyder |
| Dehnke | Knirk, B. | Spitler |
| Dell | Koeze, Mrs. | Stafseth |
| DeVries | Krolikowski | Staiger |
| Doty, Dean | Kuhn | Sterrett |
| Doty, Donald | Leppien | Stevens |
| Downs | Lesinski | Stopczynski |
| Durst | Liberato | Suzore |
| Elliott, A. G. | Madar | Thomson |
| Erickson | Mahinske | Turner |
| Everett | Martin | Tweedie |
| Farnsworth | McCauley | Upton |
| Faxon | McGowan, Miss | Van Dusen |
| Figy | McLogan | Walker |
| Finch | Millard | Wanger |
| Follo | Mosier | White |
| Ford | Murphy | Wood |
| Gadola | Norris | Woolfenden |
| Goebel | Perlich | Yeager |
| Gover | Perras | |

Nays—1

Youngblood

SECRETARY CHASE: On the passage of Committee Proposal 15, as amended, the yeas are 110; the nays, 1.

VICE PRESIDENT HUTCHINSON: The majority of the members elect having voted therefor, Committee Proposal 15, as amended, is passed.

Following is explanation of vote submitted by Mr. Faxon:

In voting yes on Committee Proposal 15, I am in no way endorsing the content of section 10 and the record will indicate my position with regard to the deletion of that portion of section 10 which I believe to be in direct contravention to the search and seizure provision of the federal constitu-

tion. Furthermore, I do not concur with the decision of this convention that the delegates cannot separate the various sections of the bill of rights for voting thereon. In view of this situation I could not reject the entire bill of rights and I have therefore voted accordingly but with this reservation with regard to the search and seizure provision.

Following is explanation of vote submitted by Mr. Youngblood:

I respectfully submit to the convention my reasons for voting against Committee Proposal 15.

While virtually this whole article will place the state of Michigan as the leader in the field of human rights, it is my feeling that section 10 relating to search and seizure requires the strongest protest.

I could not bring myself to cast an affirmative vote for the high ideals of this proposal when to do so would have been to condone section 10.

This section, in my opinion, violates the law laid down by the United States supreme court and cuts deeply into the basic principles of human rights to which this nation is dedicated.

Following is statement explaining abstention from voting submitted by Messrs. Lawrence and Habermehl and Miss Donnelly:

We abstained from voting today on Committee Proposal 15 because of the proviso contained in section 10, which we feel is contrary to articles 4 and 14 of the federal constitution as construed in Mapp vs. Ohio. The balance of Committee Proposal 15 meets with our approval.

Following is statement explaining abstention from voting submitted by Messrs. Young, Hood, Douglas, Mrs. Daisy Elliott, Messrs. Marshall, Austin, Greene and Barthwell:

We abstained from voting on Committee Proposal 15 because we were unwilling to oppose an overall good bill of rights, and were equally unwilling to support the "search and seizure" provisions contained therein.

In giving a blank check to the police to, as they please, search and seize citizens wherever they are found outside their homes, this convention has dealt a serious blow to basic human rights.

We refuse to support, or be associated in any manner with such an injury to the rights of our constituents.

Following is statement explaining abstention from voting submitted by Mr. Downs, Miss Hart, Mrs. Hatcher, Messrs. Buback, Walker, Wilkowski, Murphy, Hodges, Gadola, Norris and Jones:

We voted in favor of Committee Proposal 15 on the declaration of rights, (Journal 129, page 1158) because we approved 20 sections of this proposal. However, we object vigorously to section 10, which we believe is unconstitutional. We believe the United States supreme court will declare it unconstitutional and so preserve 20 desirable sections intact.

We regret very much that the convention refused to separate section 10 from the rest of the document so that those of us who felt strongly that this proposal was undesirable and unconstitutional would not be forced to vote for a package which was 20 parts good and one part bad.

VICE PRESIDENT HUTCHINSON (continuing): It is referred to the committee on style and drafting.

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

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

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

Sec. 2. The people have the right peaceably to assemble, to consult for the common good, to instruct their representa-

tives and to petition the government for redress of grievances.

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

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

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

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

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

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

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

Sec. 10. The person, houses, papers and possessions of every person shall be secure from unreasonable searches and seizures. No warrant to search any place or to seize any person or things shall issue without describing them, nor without probable cause, supported by oath or affirmation. The provisions of this section shall not be construed to bar from evidence in any criminal proceeding, any narcotic drug, any firearm, bomb, explosive, or any other dangerous weapon, seized by any peace officer outside the curtilage of any dwelling house in this state.

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

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

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

In all civil actions in circuit courts a verdict shall be received when 10 jurors shall agree.

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

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

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

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

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

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

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

Sec. 20. No person shall be imprisoned for debt arising out of, or founded on contract, express or implied, except in cases of fraud or breach of trust.

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

VICE PRESIDENT HUTCHINSON (continuing): The Chair recognizes Mr. Downs.

MR. DOWNS: Mr. President, I move that any delegate who abstained from voting be permitted to explain his reasons in writing and have such printed in the journal, if filed with the secretary by 6:00 o'clock this coming Monday.

VICE PRESIDENT HUTCHINSON: No, Mr. Downs, let the secretary explain the situation.

MR. DOWNS: All right.

MR. GADOLA: Mr. President —

VICE PRESIDENT HUTCHINSON: Mr. Downs has the floor.

MR. GADOLA: This is a substitute for his motion. Maybe he will accept it.

VICE PRESIDENT HUTCHINSON: Mr. Downs, do you yield to Judge Gadola?

MR. DOWNS: I will be very glad to yield to Judge Gadola.

MR. GADOLA: I wish the limit of the phraseology be limited to 50 words.

MR. DOWNS: Mr. President, with all due respect to Judge Gadola, I suggest we are writing a constitution and not sending a telegram. I think we can rely upon the good judgment of the delegates.

VICE PRESIDENT HUTCHINSON: Mr. Downs, does the Chair understand the purport of your motion is still to be applicable only to this one matter?

MR. DOWNS: That is correct.

MR. HOXIE: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Hoxie.

MR. HOXIE: I am wondering if I could ask Mr. Downs a question. I think this is quite a serious matter when we are going to start this procedure. I don't seriously object if somebody wants to express their opposition, and the reason for their abstaining, but it does seem like there ought to be some limit, because we must remember that it costs money to print these journals, and it would seem to me that certainly a person could express their reasons for abstaining within 100 words.

VICE PRESIDENT HUTCHINSON: The secretary will make an announcement with regard to Mr. Downs' motion with regard to the time limit that he has suggested.

SECRETARY CHASE: The only suggestion the secretary has, Mr. Downs, is that the reasons for printing an explanation of a yes or a no vote on a record roll call as stated in the journal says, "The written explanation shall be included in the journal if presented to the secretary before the next session of the convention."

MR. DOWNS: I will be very glad — may I, with the permission of the convention, see if I can revise the motion in accordance with the suggestions? I move that any delegate who has abstained from voting on Committee Proposal 15 be granted the opportunity to explain that vote by filing with the secretary, before the next legislative day — would that be correct, Mr. Chase?

PREAMBLE

- I. DECLARATION OF RIGHTS
 - II. ELECTIONS
 - III. GENERAL GOVERNMENT
 - IV. LEGISLATIVE BRANCH
 - V. EXECUTIVE BRANCH
 - VI. JUDICIAL BRANCH
 - VII. LOCAL GOVERNMENT
 - VIII. EDUCATION
 - IX. FINANCE AND TAXATION
 - X. PROPERTY
 - XI. PUBLIC OFFICERS AND EMPLOYMENT
 - XII. AMENDMENT AND REVISION
- SCHEDULE AND TEMPORARY PROVISIONS

PREAMBLE

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

**ARTICLE I
DECLARATION OF RIGHTS**

| 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 |
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| 10. | Attainder; ex post facto laws; impairment of contracts 15- 9 |
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| 14. | Jury trial 15-13 |
| 15. | Former Jeopardy; Bailable Offenses 15-14 |
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| 21. | Imprisonment for debt or military fine 15-20 |
| 22. | Treason; definition, evidence 15-21 |
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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

| Sec. | Com. Proposal |
|---|------------------|
| 1. Legislative Power, where vested | 118a |
| 2. Senate, Number, Term, Districts | 80a |
| 3. Representatives, Number, Term, Districts | 80b |
| 4. Legislative Districts, merger | 80c |
| 5. Island Areas | |
| 6. Legislative Apportionment Commission | 79a |
| 7. Legislators, qualifications, removal .. | 32a |
| 8. Ineligibility of certain persons for office | 112a |
| 9. Legislators, ineligibility for certain appointments | 120a |
| 10. Conflict of interest | 115a |
| 11. Legislators, privileges | 33a |
| 12. Legislators, compensation | 28a |
| 13. Legislature, time of convening | 116a |
| 14. Senate and House, quorums | 34a |
| 15. Legislative Council | 102c |
| 16. Legislature, powers, rules | 102a |
| 17. Legislature, committees | 102b |
| 18. Legislature, journals, protest | 114a |

| | | | |
|----|-----|--|------|
| 1 | 19. | Legislature, elections, recorded vote . | 117a |
| 2 | 20. | Legislature, open public meetings ... | 103a |
| 3 | 21. | Legislature, consent to adjourn | 103a |
| 4 | 22. | Bills | 35a |
| 5 | 23. | Style of laws | 29a |
| 6 | 24. | Laws, object and title | |
| 7 | | First sentence | 121a |
| 8 | | Last sentence | 105a |
| 9 | 25. | Laws, revision | 121a |
| 10 | 26. | Bills, requirements for passage | |
| 11 | | First sentence | 105a |
| 12 | | Remainder | 104a |
| 13 | 27. | Acts, immediate effect | 121a |
| 14 | 28. | Bills, subjects at special session | 105a |
| 15 | 29. | Local or special acts, referendum | 119a |
| 16 | 30. | Appropriations for local purposes ... | 41a |
| 17 | 31. | General appropriations, priority | 46b |
| 18 | 32. | Tax laws, title | 53a |
| 19 | 33. | Bills passed, approval and veto by | |
| 20 | | governor | 70a |
| 21 | 34. | Referendum on certain bills | 113a |
| 22 | 35. | Publication of laws | 24a |
| 23 | 36. | Revision of laws, compilation | 108a |
| 24 | 37. | Administrative rules, suspension | 123a |
| 25 | 38. | Filling vacancies | 122a |
| 26 | 39. | Continuity of government | 122a |
| 27 | 40. | Liquor Control Commission | 27a |
| 28 | 41. | Lotteries | 100a |
| 29 | 42. | Ports and port districts | 87a |
| 30 | 43. | Banking and trust company laws | 5a |
| 31 | 44. | Jury in civil cases | 99a |
| 32 | 45. | Indeterminate sentences | 106a |
| 33 | 46. | Prohibition against death penalty | 20a |
| 34 | 47. | Chaplains | 111a |
| 35 | 48. | Resolution of public disputes | 109a |
| 36 | 49. | Regulation of employment | 110a |
| 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-

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

sons imprisoned or detained [on] UNDER such sentences.

Sec. 46. No law shall be enacted providing for the penalty of death.

Sec. 47. The legislature may authorize the employment of chaplains in state institutions of DETENTION OR confinement.

Sec. 48. The legislature may enact laws providing for the resolution of disputes [in] CONCERNING public [employment] EMPLOYEES, except THOSE IN THE state classified civil service.

Sec. 49. The legislature may enact laws relative to the hours and conditions of employment.

Sec. 50. The legislature may provide safety measures and regulate the use of atomic energy and forms of energy developed in the future, having in view the general welfare of the people of this state.

Sec. 51. The public health and general welfare of the people of the state are hereby declared to be matters of primary public concern. The legislature shall pass suitable laws for the protection and promotion of the public health.

Sec. 52. The conservation and development of the natural resources of the state are hereby declared to be of paramount public concern in the interest of the health, safety[,] and general welfare of the people. The legislature shall provide for the protection of the air, water[,] and other natural resources of the state from pollution, impairment and destruction.

Sec. 53. The legislature by a majority vote of the members elected to and serving in each house, shall appoint an auditor general, who shall be [an administrator and] a certified public accountant [duly] licensed to practice in this state, to serve for a term of [8] EIGHT years. He shall be ineligible for appointment or election to any other [paid] public office in this state FROM WHICH COMPENSATION IS DERIVED while serving as auditor general and for [2] TWO years following the termination of his service. He may be removed for cause at any time by a [2/3] TWO-THIRDS vote of the members elected to and serving in each house [of the legislature]. The auditor general shall conduct post audits of financial transactions and accounts of the state and of all branches, departments, offices, boards, commissions, agencies, authorities and institutions of the state established by this constitution or by law, and performance post audits thereof.

The auditor general upon direction by the legislature may employ independent accounting firms or legal counsel and may make investigations pertinent to the conduct of audits. He shall report annually to the legislature and to the governor and at such other times as he deems necessary or as required by the legislature. He shall be assigned no duties other than those [herein]

specified IN THIS SECTION.

Nothing in this section shall be construed in any way to infringe the responsibility and constitutional authority of the governing boards of the [universities and colleges] INSTITUTIONS OF HIGHER EDUCATION to be solely responsible for the control and direction of all expenditures from the institutions' funds.

[The legislature shall provide by law for the maintenance of uniform accounting systems by units of local government and the auditing of county accounts by competent state authority and other units of government as provided by law.]

The auditor general, his deputy and one other member of his staff shall be exempt from classified civil service. All other members of his staff shall have classified civil service status.

ARTICLE V

EXECUTIVE BRANCH

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Article V Executive Branch

Sec. 1. The executive power is vested in the governor.

Sec. 2. All executive and administrative offices, agencies and instrumentalities of the EXECUTIVE BRANCH OF state government and their respective functions, powers and duties, except for the office of governor and lieutenant governor and the governing bodies of institutions of higher education provided for in this constitution, shall be allocated by law among and within not more than 20 principal departments. They shall be grouped as far as practicable according to major purposes.

Subsequent to the initial allocation, the governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these changes require the force of law, they shall be set forth in executive orders AND SUBMITTED TO THE LEGISLATURE. THEREAFTER the legislature shall have 60 CALENDAR days of a regular session, or a full session if of shorter duration, to disapprove [these] EACH executive order[s]. Unless disapproved in both houses by a resolution concurred in by a majority of the members elected to and serving in each house, [these] EACH order[s] shall become effective at a date thereafter to be designated by the governor.

Sec. 3. The head of each principal department shall be a single executive unless otherwise provided in this constitution or by law. The single executives heading principal departments shall include a secretary of state, a state treasurer and an attorney general. When a single executive [other than an elective official,] is the head of a principal department, UNLESS ELECTED OR APPOINTED AS OTHERWISE PROVIDED IN THIS CONSTITUTION, he shall be [nominated and,] APPOINTED BY THE GOVERNOR by and with the advice and consent of the senate[, appointed by the governor] and he shall serve at the pleasure of the governor.

When a board or commission is at the head of a principal department, [the members thereof,] unless elected or appointed as otherwise provided in this constitution, THE MEMBERS THEREOF shall be [nominated and,] APPOINTED BY THE GOVERNOR by and with the advice and consent of the senate[, appointed by the governor]. The term of office and procedure for removal of such members shall be as prescribed in this constitution or by law.

Terms of office of any board or commission

created or enlarged after [adoption] THE EFFECTIVE DATE of this constitution shall not exceed [4] FOUR years except as otherwise authorized in this constitution. The terms of office of existing boards and commissions[,] which are [greater] LONGER than [4] FOUR years shall not be further extended except as provided in this constitution.

Sec. 4. At no time shall an examining or licensing board of a profession INCLUDE [be composed of] less than a majority of members of that profession. Temporary commissions or agencies for special purposes with a life of no more than [2] TWO years may be established by law and need not be allocated within a principal department.

Sec. 5. Appointment by and with the advice and consent of the senate when used in this constitution or [in statutes] LAWS in effect or hereafter enacted means appointment subject to disapproval by a majority vote of the members elected to and serving in the senate if such action is taken within 60 [legislative] SESSION days after the date of such appointment. [If the] ANY appointment [is] not disapproved within such period [of time the appointment] shall stand confirmed.

Sec. 6. [When the senate is not in session, the governor shall fill a vacancy] VACANCIES in any office, appointment to which requires advice and consent of the senate, [by appointment which may be disapproved by the senate in the manner provided for other] SHALL BE FILLED BY THE GOVERNOR BY AND WITH THE ADVICE AND CONSENT OF THE SENATE. [appointments requiring such advice and consent.] A person [who] WHOSE APPOINTMENT has been disapproved by the senate shall not be eligible for [another] AN interim appointment to the same office.

Sec. 7. Each principal department shall be under the supervision of the governor[, unless otherwise provided by this constitution. The governor shall take care that the laws be faithfully executed. He shall transact all necessary business with the officers of government and may require information in writing from all executive and administrative state officers, elective and appointive, upon any subject relating to the duties of their respective offices.

The governor may initiate court proceedings in the name of the state to enforce compliance with any constitutional or legislative mandate, or to restrain violations of any constitutional or legislative power, duty[, or right by any officer, department[, or agency of the state or any of its political subdivisions. This authority shall not be construed to authorize court proceedings against the legislature.

Sec. 8. Single executives heading principal departments and the chief executive officers of

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

principal departments headed by boards or commissions shall keep their offices at the seat of government except as otherwise provided by law, superintend them in person and perform duties prescribed by law.

Sec. 9. The governor shall have power and it shall be his duty[,] to inquire into the condition and administration of any public office and the acts of any public officer, elective or appointive. He may remove or suspend from office for gross neglect of duty or for corrupt conduct in office, or FOR any other misfeasance or malfeasance therein, any elective or appointive state officer, except legislative or judicial, and report the [causes of] REASONS FOR such removal or suspension to the legislature. [if in session or otherwise at its next session.]

Sec. 10. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an appointed or elected officer, other than a [judicial] LEGISLATIVE OR JUDICIAL officer, until he is REINSTATED [acquitted] or[, if convicted,] until the vacancy is filled in the manner prescribed by law or this constitution [for such office].

Sec. 11. The governor shall be commander-in-chief of the armed forces and may call them out to execute the laws, suppress insurrection and repel invasion.

Sec. 12. The governor shall issue writs of election to fill vacancies in the senate or house of representatives. Any such election shall be held in a manner prescribed by law.

Sec. 13. The governor shall have power to grant reprieves, commutations and pardons after convictions for all offenses, except cases of impeachment, upon such conditions and limitations as he may direct, subject to procedures and regulations [provided] PRESCRIBED by law. He shall inform the legislature annually of each reprieve, commutation and pardon granted, stating reasons therefor.

Sec. 14. The governor may convene the legislature on extraordinary occasions.

Sec. 15. The governor may convene the legislature at some other place when the seat of government becomes dangerous from any cause.

Sec. 16. The governor shall communicate by message to the legislature at the beginning of each session and may at other times present to the legislature information as to the affairs of the state and recommend measures he considers necessary or desirable.

Sec. 17. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state. Proposed expenditures from any fund shall not exceed the estimated revenue thereof. On the same date, the

governor shall submit to the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills to provide new or additional revenues to meet proposed expenditures. The amount of any surplus created or deficit incurred in any fund during the last preceding fiscal period shall be entered as an item in the budget and in one of the appropriation bills. The governor may submit amendments to appropriation bills to be offered in either house during consideration of the bill by that house, and shall submit any bills to meet deficiencies in current appropriations.

Sec. 18. The governor [shall have power to] MAY disapprove any distinct item or items APPROPRIATING MONEYS in any appropriation bill. The part or parts approved shall become law, and the item or items disapproved shall be void unless re-passed according to the method prescribed for the passage of other bills over the executive veto.

Sec. 19. No appropriation shall be [deemed] a mandate to spend. The governor, with the approval of the appropriating committees of the house and senate, shall reduce expenditures AUTHORIZED BY [of any bodies receiving] appropriations whenever it appears that actual revenues for a fiscal period will fall below the revenue estimates on which appropriations for that period were based. Reductions in expenditures shall be made in accordance with procedures [established] PRESCRIBED by law. The governor's power to reduce expenditures shall not apply to] MAY NOT REDUCE EXPENDITURES OF the legislative and judicial branches or FROM [to those services for which] funds CONSTITUTIONALLY DEDICATED FOR SPECIFIC PURPOSES. [are mandated by this constitution.]

Sec. 20. The governor, lieutenant governor, secretary of state and attorney general shall be elected FOR FOUR-YEAR TERMS at the general election in each alternate even-numbered year. [They shall serve for terms of 4 years beginning at 12:00 o'clock noon on the first day of January next succeeding their election.]

The lieutenant governor, secretary of state and attorney general shall be nominated by party conventions in a manner prescribed by law. In the general election one vote shall be cast jointly for the candidates for governor and lieutenant governor nominated by the same party.

VACANCIES IN THE OFFICE OF THE SECRETARY OF STATE AND ATTORNEY GENERAL SHALL BE FILLED BY APPOINTMENT BY THE GOVERNOR.

Sec. 21. [No person shall] TO be eligible for the office of governor or lieutenant governor [who shall not have] A PERSON MUST HAVE attained the age of 30 years, and [who shall] have [not] been [4 years next preceding his election] a registered elector in this state FOR FOUR

YEARS NEXT PRECEDING HIS ELECTION.

Sec. 22. The governor, lieutenant governor, secretary of state[, state treasurer] and attorney general shall each receive the compensation [prescribed] PROVIDED by law in full payment for all services performed and expenses incurred during his term of office. Such compensation shall not be changed during the term of office except as otherwise provided in this constitution.

Sec. 23. An executive residence suitably furnished shall be provided at the seat of government for the use of the governor. He shall receive an allowance for its maintenance as provided by law.

Sec. 24. The lieutenant governor shall be president of the senate, but shall have no vote except in case of equal division. He [shall] MAY perform [additional] duties [as] requested of him by the governor[.], BUT NO POWER VESTED IN THE GOVERNOR SHALL BE DELEGATED.

Sec. 25. In case of the conviction of the governor on impeachment, his removal from office, his resignation, or [the] HIS death, [of the governor or governor-elect, the powers and duties of the office shall vest, in the following order of precedence, in the person elected at the last election to the office of] THE lieutenant governor, THE ELECTED secretary of state, THE ELECTED attorney general, and such other persons designated by law[, who] shall IN THAT ORDER be governor [after the commencement of their term] for the [residue] REMAINDER of the governor's term.

IN CASE OF THE DEATH OF THE GOVERNOR-ELECT, THE LIEUTENANT GOVERNOR-ELECT, THE SECRETARY OF STATE-ELECT, THE ATTORNEY GENERAL-ELECT AND SUCH OTHER PERSONS DESIGNATED BY LAW SHALL BECOME GOVERNOR IN THAT ORDER AT THE COMMENCEMENT OF THE GOVERNOR-ELECT'S TERM.

If the governor or the person in line of succession to serve as governor is absent from the state, or suffering under an inability [as determined herein], the powers and duties of the office of governor shall devolve in order of precedence [upon such persons] until the absence or inability giving rise to the DEVOLUTION [devolvment] of powers ceases.

The inability of the governor[, governor-elect] or person[s serving] ACTING as governor shall be determined by a majority of the supreme court on joint request of the president pro tempore of the senate and the speaker of the house of representatives. Such determination shall be final and conclusive. The supreme court shall upon its own initiative determine if and when the inability ceases.

Sec. 26. The legislature shall provide that the

salary of any state officer WHILE ACTING AS [performing the duties of] governor [is] SHALL BE equal to that of the governor.

Sec. 27. There is hereby established a state highway commission, which shall administer the state highway department and have jurisdiction and control over all state trunkline highways and appurtenant facilities, and such other public works of the state, as [shall be prescribed] PROVIDED by law.

The state highway commission shall consist of [4] FOUR members, not more than [2] TWO of whom shall be members of the same political party. They shall be appointed by the governor BY AND with the advice and consent of the senate for [4] FOUR-year terms, no [2] TWO of which shall expire in the same year AS PROVIDED BY LAW.

The state highway commission shall appoint AND MAY REMOVE a state highway director, who shall be a competent highway engineer and administrator. He shall be the PRINCIPAL [chief] executive OFFICER of the state highway department and shall be responsible for executing the policy of the state highway commission.

Sec. 28. There is hereby established a civil rights commission which shall consist of [8] EIGHT persons, not more than [4] FOUR of whom shall be members of the same political party, who shall be appointed by the governor, with the advice and consent of the senate, for [4] FOUR-year terms not more than [2] TWO of which shall expire in the same year. It shall be the duty of the commission in a manner which may be prescribed by law to investigate alleged discrimination against any person because of [race] religion, RACE, color or national origin in the enjoyment of the civil rights guaranteed by law and by this constitution, and to secure the equal protection of such civil rights without such discrimination. The legislature shall provide an annual appropriation for the effective operation of the commission.

The commission shall have [the] power, in accordance with the provisions of this constitution and of general laws governing administrative agencies, to promulgate rules and regulations for its own procedures, to hold hearings, administer oaths, through court authorization to require the attendance of witnesses and the submission of records, to take testimony, and to issue appropriate orders. The commission shall have other powers provided by law to carry out its purposes. Nothing contained in this section shall be construed to diminish the right of any party to direct and immediate legal or equitable remedies in the courts of this state.

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

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Article VI Judicial Branch

Sec. 1. The judicial power of the state is vested exclusively in one court of justice[,] which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court, one probate court, and other courts of limited jurisdiction that the legislature may establish by a [2/3] TWO-THIRDS vote of the members ELECTED TO AND SERVING IN [of] each house.

Sec. 2. The supreme court shall consist of [8] SEVEN justices [to be] elected at non-partisan elections as provided by law. [A vacancy hereafter created as the result of the death, retirement or resignation of one incumbent justice shall not be filled.] The term of office shall be [for 8] EIGHT years and not more than [3] TWO terms of office shall expire at the same time. Nominations for justices of the supreme court shall be in the manner [as provided] PRESCRIBED by law[.]. [except] Any incumbent justice whose term is to expire may become a candidate for re-election by filing an affidavit of candidacy, in the form and manner prescribed by law, not less than 180

days prior to the expiration of his term.

Sec. 3. One justice of the supreme court shall be selected by the court as its chief justice AS [in the manner and for the term] provided by [the] rules of the court. He shall perform other duties required by the court. The supreme court shall appoint an administrator of the courts and other assistants of the supreme court as [shall] MAY be [deemed] necessary to aid in the administration of the courts of this state. The administrator shall perform administrative duties assigned by the court.

Sec. 4. The supreme court shall have general superintending control over all courts; power to issue, hear, and determine prerogative and remedial writs; and appellate jurisdiction as provided by rules of the supreme court. The supreme court shall not have the power to remove a judge.

Sec. 5. The supreme court shall by general rules establish, modify, amend and simplify the practice and procedure in all courts of this state. The distinctions between law and equity proceedings shall, as far as practicable, be abolished. The office of master in chancery is prohibited.

Sec. 6. Decisions of the supreme court, including all decisions on prerogative writs, shall be in writing and shall contain a concise statement of the facts and reasons for each decision and reasons for each denial of leave to appeal. When a judge dissents in whole or in part he shall give in writing the reasons for his dissent.

Sec. 7. The supreme court may appoint, may remove, and shall have general supervision of its staff. It shall have control of the preparation of its budget recommendations and the expenditure of [the funds] MONEYS appropriated for any purpose pertaining to the operation of the court or the performance of activities of its staff except that the salaries of the justices shall be established by law. All fees and perquisites collected by the court staff shall be turned over to the state treasury and credited to the general fund.

Sec. 8. The court of appeals shall consist initially of [9] NINE judges who shall be nominated and elected [on a] AT non-partisan ELECTIONS [basis] from districts, and in the manner, prescribed by law. The supreme court may prescribe by rule that the court of appeals may sit in divisions and for the terms of court and the times and places thereof. Each such division shall consist of not fewer than three judges. The number of judges comprising the court of appeals may be increased, and the districts from which they are elected may be [altered] CHANGED by law.

Sec. 9. Judges of the court of appeals shall hold office for a TERM [period] of [6] SIX years and until their successors are elected and qualified. The terms of office for the judges in each district shall be arranged by law to provide that not all terms will expire at the same time.

Sec. 10. The jurisdiction of the court of appeals shall be provided by law and the practice and procedure therein shall be [as provided] PRE-SCRIBED by rules of the supreme court.

Sec. 11. The state shall be divided into judicial circuits along county lines in each of which there shall be elected one or more circuit judges as provided by law. [A] SESSIONS OF THE circuit court shall be held at least [4] FOUR times in each year in every county organized for judicial purposes. Each circuit judge shall hold court in the county or counties within the circuit in which he is elected, and in other circuits as may be provided by rules of the supreme court. The number of judges may be changed and circuits may be created, altered and discontinued by law and the number of judges shall be changed and circuits shall be created, altered and discontinued on recommendation of the supreme court to reflect changes in judicial activity. No change in the number of judges [n]or alteration or discontinuance of a circuit shall have the effect of removing a judge from office during his term.

Sec. 12. Circuit judges shall be nominated and elected at non-partisan elections in the circuit in which they reside, and shall hold office for a TERM [period] of [6] SIX years and until their successors are elected and qualified. In circuits having more than one circuit judge their terms of office shall be arranged by law to provide that not all terms will expire at the same time.

Sec. 13. THE circuit court[s] shall have original jurisdiction in all matters not prohibited by law; appellate jurisdiction from all inferior courts and tribunals except as otherwise provided by law; power to issue, hear and determine prerogative and remedial writs; supervisory and general control over inferior courts and tribunals within their respective jurisdictions[,] in accordance with rules of the supreme court; and jurisdiction of other cases and matters as provided by rules of the supreme court.

Sec. 14. The clerk of each county organized for judicial purposes or other officer performing the duties of such office as provided in a county charter shall be clerk of the circuit court for such county. The judges of the circuit court[s] may fill [any] A vacancy in an elective office of county clerk or prosecuting attorney within their respective jurisdictions.

Sec. 15. In each county organized for judicial purposes[,] there shall be a probate court. The legislature may [combine one or more counties into] CREATE OR ALTER probate COURT districts OF MORE THAN ONE COUNTY [upon the approval by a majority of the voters of each county voting separately on the question,] IF AP-PROVED IN EACH AFFECTED COUNTY BY A MAJORITY OF THE ELECTORS VOTING ON THE QUESTION. [or combine] THE LEGISLA-

TURE MAY PROVIDE FOR THE COMBINATION OF the office of probate judge with any judicial office of limited jurisdiction [in any] WITHIN A county with supplemental salary as provided by law. The jurisdiction, powers and duties of the probate court[s] and of the judges thereof shall be [prescribed] PROVIDED by law. They shall [also] have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

Sec. 16. ONE OR MORE judges of probate AS PROVIDED BY LAW shall be nominated and elected at non-partisan elections in the counties or the probate districtS in which they reside and shall hold office for [a period] TERMS of [6] SIX years and until their successors are elected and qualified. In counties or districts with more than one judge the terms of office shall be arranged by law to provide that NOT all terms will [not] expire at the same time.

Sec. 17. No judge or justice of any court of this state shall be paid from the fees of his office nor shall the amount of his salary be measured by fees, other moneys received or [by] the amount of judicial activity of his office.

Sec. 18. Salaries of justices of the supreme court, of the judges of the court of appeals, of the circuit judges within a [county or] circuit, and of the probate judges within a county or district, shall be uniform, and may be increased, but shall not be decreased during a term of office except and only to the extent of a general salary reduction in all other branches of government.

Each of the judges of the circuit court[s] shall receive an annual salary as provided by law. In addition to the salary received from the state, [treasury,] each circuit judge may receive from any county in which he regularly holds court [such] AN additional salary as [may be] determined from time to time by the board of supervisors of the county. In any county where [such] AN additional salary is granted, it shall be paid at the same rate to all circuit judges regularly holding court therein.

Sec. 19. The supreme court, the court of appeals, the circuit court, the probate court and other courts designated as such by the legislature shall be courts of record and [shall] each SHALL have a common seal. [Except as otherwise authorized by this constitution,] Justices and judges of [the] courts of record [of this state shall] MUST be PERSONS WHO ARE licensed to practice law in this state. [and] No person shall be elected or appointed to a judicial office after reaching the age of 70 years.

Sec. 20. Whenever a JUSTICE OR judge removes his domicile beyond the limits of the territory from which he was elected, he shall [be deemed to] have vacated his office.

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

Sec. 21. Any justice or judge of a court of record shall be ineligible to be nominated for or elected to an elective office other than a judicial office during the period of his service [as a judge] and for one year thereafter.

Sec. 22. Any elected judge of [a] THE court of appeals, circuit court or probate court may become a candidate in the primary election for the office of which he is the incumbent by filing an affidavit of candidacy in the form and manner [provided] PRESCRIBED by law.

Sec. 23. A vacancy in the elective office of a judge of any court of record shall be filled at a general or special election AS PROVIDED BY [according to] law. The supreme court may authorize persons who have served as judges and who have retired, to perform judicial duties for the limited period of time from the occurrence of the vacancy until the successor is elected and qualified. SUCH PERSONS SHALL BE INELIGIBLE FOR ELECTION TO FILL THE VACANCY.

Sec. 24. There shall be printed upon the ballot under the name of each elected incumbent justice or judge[,] who is a candidate for nomination or election to the same office[,] the designation of that office.

Sec. 25. For reasonable cause, which is not sufficient ground for impeachment, the governor shall remove any judge on a concurrent resolution of [2/3] TWO-THIRDS of the members elected to and serving in each house of the legislature. The cause for removal shall be stated at length in [such] THE resolution.

Sec. 26. The offices of circuit court commissioner and justice of the peace shall be abolished at the expiration of [5] FIVE years from the date this constitution becomes effective or may within this period be abolished by law. Their jurisdiction and powers within this period shall be as provided by law. Within [such] THIS [5] FIVE-year period, the legislature shall establish a court or courts of limited jurisdiction with powers and jurisdiction defined by law. The location of such court or courts, and the qualifications, tenure, method of election[,] and salary of the judges of such court or courts, and by what governmental units the JUDGES [same] shall be paid, shall be provided by law, subject to the limitations contained in this Article.

Statutory courts in existence at the time this constitution becomes effective shall retain their powers and jurisdiction, except as provided by law, until they are abolished by law.

Sec. 27. The supreme court, the court of appeals, the circuit court, or any justices or judges thereof, shall not exercise any power of appointment to public office except as [otherwise] provided in this constitution.

Sec. 28. All final decisions, findings, rulings

and orders of any administrative officer or [body] AGENCY existing under the constitution or by law, which are judicial or quasi-judicial and affect private rights [,] or licenses, shall be subject to direct review by the courts as [shall be] provided by law. This review shall include, as a minimum, the determination whether such final decisions, findings, rulings and orders are authorized by law[.]; and, in cases in which a hearing is required, whether the same are supported by competent, material[,] and substantial evidence on the whole record[:]. [Provided however, that the] Findings of fact [of the] IN workmen's compensation [commission] PROCEEDINGS shall be conclusive in the absence of fraud unless otherwise provided by law.

Sec. 29. Justices of the supreme court, judges of the court of appeals, circuit judges[,] and other judges as provided by law shall be conservators of the peace within their respective jurisdictions.

ARTICLE VII LOCAL GOVERNMENT

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Article VII

Local Government

Sec. 1. Each organized county shall be a body corporate with powers and immunities [prescribed] PROVIDED by law.

Sec. 2. Any county may frame, adopt, amend or repeal a county charter in a manner and with powers and limitations to be provided by general law, which shall among other things provide for the election of a charter commission. The law may permit the organization of county government in form different from that set forth in this constitution and shall limit the rate of ad valorem property taxation for county purposes, and restrict THE [their] powers of CHARTER COUNTIES TO borrow[ing] money and contract[ing] debts. Each charter county is hereby granted power to levy other taxes for county purposes subject to limitations and prohibitions set forth in this constitution or law. Subject to law, a county charter may authorize the county through its regularly constituted authority to [enact] ADOPT resolutions and ordinances relating to its concerns.

The board of supervisors by a majority vote of its members may, and upon petition of [5] FIVE percent of the electors shall, place upon the ballot the question of electing a commission to frame a charter.

No county charter shall be adopted, amended or repealed until approved by a majority of electors voting on the question.

Sec. 3. No organized county shall be reduced by the organization of new counties to less than 16 townships as surveyed by the United States, unless APPROVED in [pursuance of] THE MANNER PRESCRIBED BY law BY a majority of electors voting [on] THEREON [the question] in each county to be affected. [thereby shall so decide.]

Sec. 4. There shall be elected for [4] FOUR-year terms in each organized county a sheriff, a county clerk, a county treasurer, a register of deeds and a prosecuting attorney, whose duties and powers shall be [prescribed] PROVIDED by law. The board of supervisors in any county may COMBINE [unite] the offices of county clerk and register of deeds in one office or separate the same

at pleasure.

Sec. 5. The sheriff, county clerk, county treasurer and register of deeds shall hold their principal offices at the county seat.

Sec. 6. The sheriff may be required by law to renew his security [from time to time] PERIODICALLY and in default of giving such security, his office shall be [deemed] vacant. The county shall never be responsible for his acts, except that the board of supervisors may protect him against claims by prisoners for unintentional injuries received while in his custody. He shall not hold any other office except in [connection with] civil defense.

Sec. 7. A board of supervisors shall be established in each ORGANIZED county consisting of one member from each organized township and such representation from cities as [shall be prescribed] PROVIDED by law.

Sec. 8. [The] Boards of supervisors shall have LEGISLATIVE, ADMINISTRATIVE [such] AND SUCH OTHER powers and duties as provided by law [not inconsistent with this constitution].

Sec. 9. [The] Boards of supervisors shall have exclusive power to fix the compensation of [all] county [officials] OFFICERS not otherwise provided [for] by law.

Sec. 10. [No] A county seat once established shall NOT be removed until the place to which it is proposed to be [re]moved shall be designated by [2/3] TWO-THIRDS of the MEMBERS OF THE board of supervisors [of the county,] and a majority of the electors voting thereon shall have [voted in favor of] APPROVED the proposed location in [a] THE manner prescribed by law.

Sec. 11. No county shall incur any indebtedness which shall increase its total debt beyond 10 percent of its assessed valuation.

Sec. 12. [No] A navigable stream [of this state] shall NOT be bridged or dammed without permission granted by the board of supervisors of the county [under the provisions of] AS PROVIDED BY law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and POLITICAL SUBDIVISIONS [the municipalities] therein.

Sec. 13. Two or more CONTIGUOUS counties may combine into a single county [provided] IF APPROVED IN EACH AFFECTED COUNTY BY a majority of the [voters] ELECTORS voting on the question. [of each county, voting separately, approve such combination and the counties are contiguous.]

Sec. 14. The board of supervisors of each organized county may organize and consolidate townships under restrictions and limitations [prescribed] PROVIDED by law.

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

Sec. 15. Any county, when authorized by its BOARD OF SUPERVISORS [legislative body] shall have the authority to enter or to intervene in any ACTION [suit] or certificate proceeding involving the services, charges or rates of any privately owned public utility furnishing services or commodities to rate payers within the county.

Sec. 16. The legislature may provide for the laying out, construction, improvement and maintenance of highways, bridges, culverts and airports by the state and by the counties and townships thereof; and may authorize counties to take charge and control of any highway within their limits for such purposes. The legislature may [also prescribe] PROVIDE the powers and duties of counties in relation to highways, bridges, culverts and airports; may provide for county road commissioners to be appointed or elected, with powers and duties [as may be prescribed] PROVIDED by law. The ad valorem property tax IMPOSED for road purposes by any county shall not exceed in any year [1/2] ONE-HALF of one percent of the assessed valuation for the preceding year.

Sec. 17. Each organized township shall be a body corporate with powers and immunities [prescribed] PROVIDED by law [and not inconsistent with this constitution].

Sec. 18. IN EACH ORGANIZED TOWNSHIP there shall be elected for [a] terms of not less than [2 years] TWO nor more than [4] FOUR years as [provided] PRESCRIBED by law [in each organized township] a [township] supervisor, a [township] clerk, a [township] treasurer, and[,] not to exceed [4 township] FOUR trustees, whose legislative and administrative powers and duties shall be [prescribed] PROVIDED by law.

Sec. 19. No ORGANIZED township shall grant any public utility franchise which is not subject to revocation at the will of the township, unless the proposition shall FIRST have BEEN APPROVED BY [first received the affirmative vote of] a majority of the electors of such township voting thereon at a regular or special election.

Sec. 20. The legislature shall provide by law for the dissolution of township government whenever all the territory of [a] AN ORGANIZED township is included within the boundaries of a village or villages NOTWITHSTANDING THAT A VILLAGE MAY INCLUDE TERRITORY WITHIN ANOTHER ORGANIZED TOWNSHIP and provide by law for the classification of such village or villages as cities [notwithstanding that a village may include territory within another township].

Sec. 21. The legislature shall provide by general laws for the incorporation of cities and villages[;]. [such general laws] SUCH LAWS shall limit their rate of [general] AD VALOREM property taxation for municipal purposes, and

restrict [their] THE powers of CITIES AND VILLAGES TO borrow[ing] money and contract[ing] debts. Each city and village is granted power to levy other taxes for public purposes, subject to limitations and prohibitions provided by this constitution or by law.

Sec. 22. Under general laws the electors of each city and village shall have the power and authority to frame, adopt[,] and amend its charter, and to amend an existing charter of the city or village heretofore granted or enacted by the legislature for the government of the city or village. Each such city and village shall have power to [pass] ADOPT resolutions and ordinances relating to its municipal concerns, property and government, subject to the constitution and law. No enumeration of powers granted to cities and villages in this constitution shall [be deemed to] limit or restrict the general grant of authority conferred by this section.

Sec. 23. Any city or village may acquire, own, establish and maintain, within or without its corporate limits, parks, boulevards, cemeteries, hospitals[,] and all works which involve the public health or safety.

Sec. 24. Subject to this constitution, any city or village may acquire, own[,] and operate, within or without its corporate limits, public service facilities for supplying water, light, heat, power, sewage disposal and transportation to the municipality and the inhabitants thereof.

Any city or village may sell and deliver heat, power[, and] OR light without its corporate limits [to] IN an amount not [to exceed] EXCEEDING 25 percent of that furnished by it within the corporate limits, except as greater amounts may be permitted by law; may sell and deliver water and provide sewage disposal services[,] outside of its corporate limits in such amount as may be determined by the legislative body of the city or village; and may operate transportation lines [without] OUTSIDE the municipality within such limits as may be prescribed by law.

Sec. 25. No city or village shall acquire any public utility furnishing light, heat [and] OR power, or grant any public utility franchise which is not subject to revocation at the will of the city or village, unless the proposition shall FIRST have been approved by [3/5] THREE-FIFTHS of the electors voting thereon. No city or village may sell any such public utility unless the proposition shall FIRST have been approved by a majority of the electors voting thereon, or a greater number if the charter shall so provide.

Sec. 26. Except as otherwise provided in this constitution, no city or village shall have the power to loan its credit for any private purpose or, except as [authorized] PROVIDED by law, for any public purpose.

Sec. 27. Notwithstanding any other provision

of this constitution the legislature may establish in metropolitan areas additional forms of government or authorities with powers, duties and jurisdictions as the legislature shall provide. Wherever possible, such additional forms of government or authorities shall be designed to perform multi-purpose functions rather than a single function.

Sec. 28. The legislature by general law shall authorize two or more counties, cities, villages, townships or districts, or any combination thereof among other things to: enter into contractual undertakings or agreements with one another or with the state or with any combination thereof for the joint administration of any of the functions or powers which each would have the power to perform separately; share the costs and responsibilities of functions and services with one another or with the state or with any combination thereof which each would have the power to perform separately; transfer functions or responsibilities to one another or any combination thereof upon the consent of each unit involved; cooperate with one another and with state government [and with intergovernmental agencies]; lend their credit to one another or any combination thereof as PROVIDED [prescribed] by law in connection with any authorized publicly owned undertaking.

Any other provision of this constitution notwithstanding, an officer or employee of the state or any [of] such unit[s] of government or subdivision or agency thereof, except members of the legislature, may serve on or with any governmental body established for the [above] purposes SET FORTH IN THIS SECTION and shall not be required to relinquish his office or employment by reason of such service.

Sec. 29. No person, partnership, association or corporation, public or private, operating a public utility shall have the right to the use of the highways, streets, alleys or other public places of any county, city, village or township for wires, poles, pipes, tracks, conduits or other utility facilities, without the consent of the duly constituted authority of the county, city, village or township; or to transact local business therein without first obtaining a franchise from the city, village or township. Except as otherwise [authorized] PROVIDED in this constitution the right of all counties, cities, villages and townships to the reasonable control of their highways, streets, alleys and public places is hereby reserved to such local units of government.

Sec. 30. No franchise or license shall be granted by any city, village or township for a [longer] period LONGER than 30 years.

Sec. 31. The legislature shall not vacate or alter any road, street, alley, or public place under the jurisdiction of any county, township, city or village.

Sec. 32. Any county, township, city, village, authority or school district empowered by the legislature or by this constitution to prepare budgets of estimated expenditures and revenues shall adopt [said] SUCH budgets only after a public hearing in a manner prescribed by law.

Sec. 33. The provisions of this constitution and law concerning cities, villages, counties and townships shall be liberally construed in their favor. Powers granted to counties and townships by this constitution and by law shall include those fairly implied and not [inconsistent with nor] prohibited by this constitution.

ARTICLE VIII EDUCATION

| Sec. | Com. Proposal |
|--|------------------|
| 1. Principles | 1a |
| 2. Legislative duty to public education .. | 30a |
| 3. State Board of Education—Superintendent of Public Instruction | 47a |
| 4. Higher education appropriations | 98a |
| 5. Higher education—U of M, MSU, WSU | 98b |
| 6. Other institutions of higher education. | 98c |
| 7. Community and Junior colleges | 98d |
| 8. Instruction programs, etc. | 13a |
| 9. Public libraries, support of | 31a |

Article VIII Education

Sec. 1. Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

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

Sec. 3. Leadership and general supervision over all public education, including adult education and instructional programs in state institutions, except as to [degree granting] institutions of higher education GRANTING BACCALAUREATE DEGREES, is vested in a state board of education. It shall serve as the general planning and coordinating body for all public education, including higher education, and shall advise the legislature as to the financial requirements in connection therewith.

The state board of education shall appoint a superintendent of public instruction whose term of office shall be determined by the board. He shall be the chairman of the board without the right to vote, and shall be responsible for the execution of its policies. He shall be the [chief administrative] PRINCIPAL EXECUTIVE officer of a state department of education which shall

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

have powers and duties provided by law.

The state board of education shall consist of [8] EIGHT members[.] WHO [Of the members first elected 2 shall serve for 2 years, 2 for 4 years, 2 for 6 years and 2 for 8 years, and their successors shall be elected for terms of 8 years. Each member] shall be nominated by party conventionS and elected at large FOR TERMS OF EIGHT YEARS as prescribed by law. The governor shall fill any vacancy by appointment for the unexpired term. The governor shall [also] be ex-officio a member of the state board of education without the right to vote.

The power of the boards of institutions of higher education provided in this constitution to supervise their respective institutions and control and direct the expenditure of the institutions' funds shall not be limited by this section.

Sec. 4. The legislature shall appropriate MONEYS [funds] to maintain the University of Michigan, Michigan State University, Wayne State University, Eastern Michigan University, Michigan College of Science and Technology, Central Michigan University, Northern Michigan University, Western Michigan University, Ferris Institute, Grand Valley State College, by whatever names [said] SUCH institutions may hereafter be known, and other institutions of higher education established by law. The legislature shall be given an annual accounting of all income and expenditures by each of these educational institutions. Formal sessions of governing boards of such institutions shall be open to the public.

Sec. 5. The regents of the University of Michigan and their successors in office shall constitute a body corporate known as the Regents of the University of Michigan; the trustees of Michigan State University and their successors in office shall constitute a body corporate known as the Board of Trustees of Michigan State University; the governors of Wayne State University and their successors in office shall constitute a body corporate known as the Board of Governors of Wayne State University. [These] EACH board[s] shall have [the] general supervision of [their respective] ITS institution[s] and the control and direction of all expenditures from the institution's funds. EACH BOARD [They] shall, as often as necessary, elect a president of the institution under ITS [their respective] supervision. [who] HE shall be the principal executive officer of the institution, [and] be ex-officio a member of the board [but] without the right to vote[,] and preside at meetings of the board. The board[s] of each institution shall consist of [8] EIGHT members who shall hold office for TERMS OF [8] EIGHT years and who shall be elected [according to] AS PROVIDED BY law. The governor shall fill board

vacancies by appointment. Each appointee shall hold office until a successor has been nominated and elected as [prescribed] PROVIDED by law.

Sec. 6. Other institutions of higher education established by law having authority to grant baccalaureate degrees shall each be governed by a board of control which shall be a body corporate. The board shall have general supervision of the institution and the control and direction of all expenditures from the institution's funds. [and] IT shall, as often as necessary, elect a president of the institution under its supervision. [who] HE shall be the principal executive officer of the institution and be ex-officio a member of the board [but] without the right to vote. The board may elect one of ITS MEMBERS [their number], or may designate the president, to preside at board meetings. Each board of control shall consist of [8] EIGHT members who shall hold office for TERMS OF [8] EIGHT years, NOT MORE THAN TWO OF WHICH SHALL EXPIRE IN THE SAME YEAR, and WHO SHALL be appointed by the governor BY AND WITH THE ADVICE AND CONSENT OF THE SENATE, [in the same manner as executive appointments are provided in this constitution.] Vacancies shall be filled in like manner.

Sec. 7. The legislature shall provide by law for the establishment and financial support of public community and junior colleges[,] which shall be supervised and controlled by locally elected boards. The legislature shall provide by law for a state board for public community and junior colleges[,] which shall advise the state board of education concerning general supervision and planning for such colleges and requests for annual appropriations for their support. The board shall consist of [8] EIGHT members who shall hold office for TERMS OF [8] EIGHT years, NOT MORE THAN TWO OF WHICH SHALL EXPIRE IN THE SAME YEAR, and WHO SHALL be appointed by the state board of education. Vacancies shall be filled in like manner. The superintendent of public instruction shall be ex-officio a member of this board without the right to vote.

Sec. 8. Institutions, programs, and services for the care, treatment, education or rehabilitation of those inhabitants who are physically, mentally, or otherwise seriously handicapped shall always be fostered and supported.

Sec. 9. The legislature shall provide by law for the establishment and support of public libraries which shall be available to all residents of the state under regulations adopted by the governing bodies thereof. All fines assessed and collected in the several counties, cities[,] and townships for any breach of the penal laws shall be exclusively applied to the support of such public libraries, and county law libraries as provided by law.

ARTICLE IX FINANCE & TAXATION

| Sec. | Com. Proposal |
|---|------------------|
| 1. Tax for State Expenses | 50a |
| 2. No Surrender of Tax Power | 54a |
| 3. Uniform Rule of Taxation | 51a |
| 4. Non Profit Corporation | 51a |
| 5. Assessment, rate of | 52a |
| 6. Limits on Ad Valorem Taxes | 56a |
| 7. No graduated tax | 51a |
| 8. Sales Tax limit | 39a |
| 9. Gasoline and Motor Vehicle Taxes, Use, Exceptions | 38a |
| 10. Sales Taxes, Distribution of | 39a |
| 11. School Aid Fund | 39b |
| 12. Evidence of Indebtedness | 23a |
| 13. Public Bodies, Borrowing of | 49a |
| 14. State Pledge Full Faith and Credit . | 23b |
| 15. Additional Borrowing | 23b |
| 16. School Bonds | 23d |
| 17. Payments from Treasury | 37b |
| 18. Prohibition on Credit to Private Concerns | 23c |
| 19. Stock, Interest of State in | 37d |
| 20. State Depositories | 37a |
| 21. Annual Accounting of Public Moneys | 37c, 78a |
| 22. Adjustment of Claims | 74a |
| 23. Financial Records; open and public . | 37c-1 |
| 24. Pensions, State Obligations | 40a |

Article IX

Finance and Taxation

Sec. 1. The legislature shall impose taxes sufficient with other resources to pay the expenses of state government.

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

Sec. 3. The legislature shall provide for the uniform general ad valorem taxation of real and tangible personal property not exempt by law. The legislature shall provide for the determination of true cash value of such property; the proportion of true cash value at which such property shall be uniformly assessed, which shall not, after January 1, 1966, exceed 50 percent; and for a system of equalization of assessments. The legislature may provide for alternative means of taxation of designated real and tangible personal property in lieu of general ad valorem taxation. Every tax other than the general ad valorem property tax shall be uniform upon the class or classes on which it operates.

Sec. 4. Property held by a non-profit corporation, association, or legal entity and used and occupied exclusively for religious, educational, charitable or burial grounds purposes, as defined by law, shall be exempt from real and personal property taxes.

Sec. 5. The legislature shall provide for the assessment by the state of the property of those PUBLIC SERVICE businesses [whose property is now] assessed by the state AT THE DATE THIS CONSTITUTION BECOMES EFFECTIVE, and of other property as designated by the legislature, and for the [levy] IMPOSITION and collection of taxes thereon. Property assessed by the state shall be assessed at the same proportion of its true cash value as the legislature shall specify for property subject to general ad valorem taxation. The rate of taxation on such property shall be the average rate levied upon other property in this state under the general ad valorem tax law, or, if the legislature provides, the rate of tax applicable to the property of each business enterprise assessed by the state shall be the average rate of ad valorem taxation levied upon other property in all counties in which any of such property is situated.

Sec. 6. Except as otherwise provided in this constitution, the total amount of general ad valorem taxes [levied against] IMPOSED UPON REAL AND TANGIBLE PERSONAL property for all purposes in any one year shall not exceed 15 mills on each dollar of the assessed valuation of [said] property as finally equalized. Under procedures provided by law, which shall guarantee the right of initiative, separate tax limitations for any county and FOR the townships and FOR school districts therein, the aggregate of which shall not exceed 18 mills on each dollar of such valuation, may be adopted and thereafter altered by the vote of a majority of the qualified electors of such county voting thereon, in lieu of the limitation hereinbefore established. The limitations established [herein] BY THIS CONSTITUTION or by county vote may be increased to an aggregate of not to exceed 50 mills, OR MORE IF PROVIDED BY LAW, on each dollar of [such] valuation, [except as otherwise provided by law,] for a period of not to exceed 20 years at any one time, [by the vote of] IF APPROVED BY a majority of the [qualified] electors, QUALIFIED UNDER [as defined in] Article II, [hereof] SECTION 6 OF THIS CONSTITUTION[,] VOTING ON THE QUESTION [of any such taxing authority voting thereon].

The foregoing limitations shall not apply to [(a)] taxes [levied] IMPOSED for the payment of principal and interest on bonds or other evidences of indebtedness[,] or for the payment of assessments or contract obligations in anticipation of which bonds are issued, which taxes may be [levied] IMPOSED without limitation as to rate or amount[,] or [(b)] TO taxes [levied] IMPOSED for any other purpose by any city, village, charter county, charter township or other charter authority the tax limitations of which are provided by charter or by general law.

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

In any school district which extends into [2] TWO or more counties, [there may be levied and collected for school purposes throughout the district] property taxes at the highest rate available in the county which contains the greatest part of the area of the district MAY BE IMPOSED AND COLLECTED FOR SCHOOL PURPOSES THROUGHOUT THE DISTRICT.

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

Sec. 8. [At no time shall] The legislature SHALL NOT [levy] IMPOSE a sales tax on retailers at a rate of more than [4] FOUR percent of their gross taxable sales of tangible personal property.

Sec. 9. All specific taxes, except general sales and use taxes and regulatory fees, imposed DIRECTLY OR INDIRECTLY on fuels sold or used to propel motor vehicles upon highways and on registered motor vehicles shall, after the payment of [the] necessary collection expenses, be used exclusively for highway purposes as defined by law.

Sec. 10. One-eighth of all taxes [upon the privilege of selling] IMPOSED ON RETAILERS ON TAXABLE SALES AT RETAIL OF tangible personal property [at retail] shall be used exclusively for assistance to cities, villages and townships, on a population basis as provided by law. IN DETERMINING POPULATION the legislature may exclude [from population] any portion of the total number of persons who are wards, patients or convicts [of] IN any tax supported institution.

Sec. 11. There shall be established a state school aid fund. The legislature may [from time to time] dedicate [certain] tax revenues to this fund which shall be used exclusively for the support of public education and [for] school employees' retirement systems, [in a manner] AS provided by law.

Sec. 12. No evidence of state indebtedness shall be issued except for debts authorized pursuant to this constitution.

Sec. 13. Public bodies corporate shall have power to borrow money and to issue their securities evidencing debt, subject to this constitution and law.

Sec. 14. To meet obligations incurred pursuant to appropriations for any fiscal year, the legislature may by law authorize the state to issue its full faith and credit notes in which case it shall pledge undedicated revenues to be received within the same fiscal year for the repayment thereof. Such indebtedness in any fiscal year shall not exceed 15 percent of undedicated revenues received by the state during the preceding fiscal year and such debts shall be repaid at the time the revenues so pledged are received, but not later than the end of the same fiscal year.

Sec. 15. The state may borrow money for specific purposes in amounts as may be provided by acts of the legislature adopted by a vote of [2/3] TWO-THIRDS of the members elected to and serving in each house, and approved by a majority of the electors voting thereon at any general election. The question submitted to the electors shall state the amount to be borrowed, the specific purpose to which the funds shall be devoted, and the method of repayment.

Sec. 16. The state, in addition to any other borrowing power, may borrow from time to time such amounts as shall be required, pledge its faith and credit and issue its notes or bonds therefor, for the purpose of making loans to school districts as provided in this section.

If the minimum amount which [it] would otherwise be necessary for a school district to levy in any year to pay principal and interest on its qualified bonds, including any necessary allowances for estimated tax delinquencies, exceeds 13 mills on each dollar of its assessed valuation as [last] FINALLY equalized [by the state], or such lower millage as the legislature may prescribe, then the school district may elect to borrow all or any part of the excess from the state. In that event the state shall LEND [loan] the excess amount to the school district for the payment of principal and interest. If for any reason any school district will be or is unable to pay the principal and interest on its qualified bonds when due, then the school district shall borrow and the state shall LEND [loan] to it an amount sufficient to enable the school district to make the payment.

The term "qualified bonds" means general obligation bonds of school districts issued for capital expenditures, including refunding bonds, issued prior to May 4, 1955, or issued thereafter and qualified as provided by law pursuant to Section 27 or Section 28, Article X, of the Constitution of 1908 or pursuant to this section.

After a school district has received loans from the state, each year thereafter it shall levy for debt service, exclusive of levies for nonqualified bonds, not less than 13 mills or such lower millage as the legislature may prescribe, until the amount loaned has been repaid, and any tax collections therefrom in any year over and above the minimum requirements for principal and interest on qualified bonds shall be used toward the repayment of state loans. In any year when such [a] levy would produce an amount in excess of the requirements and the amount due to the state, the levy may be reduced by the amount of the excess.

Subject to the foregoing provisions, the legislature shall have the power to prescribe and to limit the procedure, terms and conditions for the qualification of bonds, for obtaining and making state loans, and for the repayment of loans.

The power to tax for the payment of principal

and interest on bonds hereafter issued which are the general obligations of any school district, including refunding bonds, and for repayment of any state loans made to school districts, shall be without limitation as to rate or amount.

All rights acquired under Sections 27 and 28, Article X of the Constitution of 1908, by holders of bonds heretofore issued, and all obligations assumed by the state or any school district under these sections, shall remain unimpaired.

Sec. 17. No money shall be paid out of the state treasury except in pursuance of appropriations made by law.

Sec. 18. The credit of the state shall not be granted to, nor in aid of any person, association or corporation, public or private, except as authorized in this constitution.

This section shall not be construed to prohibit the investment of public funds until needed for current requirements [or the investment of public employee retirement system funds], as [may be] provided by law.

Sec. 19. The state shall not subscribe to, nor be interested in the stock of any company, association or corporation[,] . [except that] Funds accumulated to provide retirement or pension benefits for public officials and employees may be invested as provided by law[;] . [and except that] Endowment funds created for charitable or educational purposes may be invested as provided by law governing the investment of funds held in trust by trustees.

Sec. 20. No state money shall be deposited in banks other than those organized under the national or state banking laws. No state money shall be deposited in any bank in excess of 50 percent of the capital and surplus of such bank. Any bank receiving deposits of state money shall show the amount of state money so deposited as a separate item in all published statements.

Sec. 21. The legislature shall provide by law for the annual accounting for all public moneys, state and local, and may [also] provide by law for interim accounting.

The legislature shall provide by law for the maintenance of uniform accounting systems by units of local government and the auditing of county accounts by competent state authority and other units of government as provided by law.

Sec. 22. PROCEDURES FOR THE EXAMINATION AND ADJUSTMENT OF CLAIMS AGAINST THE STATE SHALL BE PRESCRIBED BY LAW.

Sec. 23. All financial records, accountings, audit reports and other reports of public moneys shall be public records and open to inspection. A statement of all revenues and expenditures of public moneys shall be published and distributed annually, as [prescribed] PROVIDED by law.

Sec. 24. The accrued financial benefits of each pension plan and retirement system of the state and its political subdivisions shall be a contractual obligation thereof which shall not be diminished or impaired thereby.

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

ARTICLE X PROPERTY

| Sec. | Com. Proposal |
|------------------------------|------------------|
| 1. Married Women | 63a |
| 2. Eminent Domain | 67a |
| 3. Homestead Exemption | 12a |
| 4. Escheats | 74a |
| 5. State Lands | 129a |
| 6. Alien Rights | 43a |

Article X Property

Sec. 1. The real and personal estate of every woman, acquired before marriage, and all property to which she may afterwards become entitled by gift, grant, inheritance or devise, shall be and remain the estate and property of such woman, and shall not be liable for the debts, obligations or engagements of her husband, and may be devised or bequeathed by her as if she were unmarried.

Sec. 2. Private property shall not be taken for public use without just compensation therefor being first made or secured in a manner prescribed by law.

Sec. 3. A homestead in the amount of not less than \$3,500[.00] and personal property of every resident of this state in the amount of not less than \$750[.00], as defined by law, shall be exempt from forced sale on execution or other process of any court. Such exemptions shall not extend to any lien thereon excluded FROM EXEMPTION by law.

Sec. 4. Procedures [for the examination and adjustment of claims against the state and procedures] relating to escheats and to the custody and disposition of escheated property shall be prescribed by law.

Sec. 5. The legislature shall have general supervisory jurisdiction over all state owned lands useful for forest preserves, game areas and recreational purposes; shall require annual reports as to such lands from all departments having supervision or control thereof; and shall by general law provide for the sale, lease[,] or other disposition of such lands.

The legislature BY AN ACT ADOPTED [by a resolution concurred in] by TWO-THIRDS [2/3]

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

of the members elected to and serving in each house may [from time to time declare] DESIGNATE any part of such lands AS [to be] a state land reserve. [and may remove lands from such classification.] No lands in the state land reserve may be REMOVED FROM THE RESERVE, sold, leased or otherwise disposed of except by an act of the legislature.

Sec. 6. Aliens who are residents of this state shall enjoy the same rights and privileges in property as citizens of this state.

ARTICLE XI PUBLIC OFFICERS AND EMPLOYMENT

| Sec. | Com. Proposal |
|---|--------------------|
| 1. Oath of Office | 25a |
| 2. Terms of Office | 61a |
| 3. Extra Compensation | 62a |
| 4. Custodian of Funds, Accounting | 55a |
| 5. Classified Civil Service, creation | 22a |
| 6. Civil Service Commission | 22a |
| 7. Commission to make rules and fix compensation | 22a |
| 8. Increases in Compensation | 22a |
| 9. May abolish positions | 22a |
| 10. Commission to recommend increases to governor and legislature | 22a |
| 11. Commission to receive appropriations | 22a |
| 12. Violations of Civil Service Article .. | 22a |
| 13. Civil Service, Local Government, county | 76a, 81m |
| 14. Impeachment | 42a, 42b, 42c, 42d |
| 15. Removal of Elected Officers | 42e |

Article XI

Public Officers and Employment

Sec. 1. [Members of the legislature and] All officers, LEGISLATIVE, executive and judicial, [shall,] before [they enter] ENTERING upon the duties of their respective offices, SHALL take and subscribe the following oath or affirmation: ["I do solemnly swear (or affirm) that I will support the Constitution of the United States and the constitution of this state, and that I will faithfully discharge the duties of the office of according to the best of my ability."] No other oath, affirmation, or any religious test shall be required as a qualification for any office or public trust.

Sec. 2. The terms of office of elective state officers, members of the legislature[,] and JUSTICES AND judges of courts of record shall begin at [12:00] TWELVE o'clock noon on the first day of January next succeeding their election, except as otherwise provided in this constitution. The terms of office of county officers shall begin on the first day of January next succeeding their election, except as otherwise provided

by law.

Sec. 3. Neither the legislature nor any political subdivision of this state shall grant or authorize extra compensation to any public officer, agent or contractor after the service has been rendered or the contract entered into.

Sec. 4. No person having custody or control of public moneys shall [have a seat in] BE A MEMBER OF the legislature, [n]or be eligible to any office of trust or profit under this state, until he shall have made an accounting, as provided by law, of all sums for which he may be liable.

Sec. 5. The classified state civil service shall consist of all positions in the state service except those filled by popular election, heads of principal departments, members of boards and commissions, the [chief] PRINCIPAL executive officer of boards and commissions heading principal departments, employees of courts of record, employees of the legislature, employees of the state institutions of higher education, all persons in the armed forces of the state, [8] EIGHT exempt positions in the office of the governor, and within each principal department, when requested by the department head, [2] TWO other exempt positions, one of which shall be policy-making. The civil service commission may exempt [3] THREE additional positions of a policy-making nature within each principal department.

Sec. 6. The civil service commission shall be non-salaried and shall consist of [4] FOUR persons, not more than [2] TWO of whom shall be members of the same political party, appointed by the governor for TERMS OF [8] EIGHT yearS, [overlapping terms.] NO TWO OF WHICH SHALL EXPIRE IN THE SAME YEAR.

The administration of the commission's powers shall be vested in a state personnel director who shall be a member of the classified service and who shall be responsible to and selected by the commission after open competitive examination.

Sec. 7. The commission shall classify all positions in the classified service according to their respective duties and responsibilities, fix rates of compensation for all classes of positions, approve or disapprove disbursements for all personal services, determine by competitive examination and performance exclusively on the basis of merit, efficiency and fitness the qualifications of all candidates for positions in the classified service, make rules and regulations covering all personnel transactions, and regulate all conditions of employment in the classified service.

No person shall be appointed to or promoted in the classified service who has not been certified BY THE COMMISSION as qualified for such appointment or promotion [by the commission]. No appointments, promotions, demotions or removals in the classified service shall be made for

partisan, racial or religious considerations.

Sec. 8. Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. Within 60 calendar days following such transmission, the legislature may, by a [2/3] TWO-THIRDS vote of the members elected to and serving in each house, reject, reduce, or modify increases in rates of compensation authorized by the commission[:]. [Provided however,] The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases authorized by the commission. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year.

Sec. 9. The appointing authorities may create or abolish positions for reasons of administrative efficiency without the approval of the commission. Positions shall not be created nor abolished except for reasons of administrative efficiency. Any employee considering himself aggrieved by the abolition of a position shall have a right of appeal to the commission through established grievance procedures.

Sec. 10. The civil service commission shall recommend to the governor and to the legislature rates of compensation for all appointed positions within the executive department not a part of the classified service.

Sec. 11. To enable the commission to exercise its powers, the legislature shall appropriate to the commission for the ensuing fiscal year a sum not less than one percent of the aggregate payroll of the classified service for the preceding fiscal year, as certified by the commission. Within [6] SIX months after the conclusion of each fiscal year the commission shall return to the state treasury all [funds] MONEYS unexpended for that fiscal year.

The commission shall furnish reports of expenditures, at least annually, to the governor and the legislature and shall be subject to annual audit as provided by law.

Sec. 12. No payment for personal services shall be made or authorized until the provisions of this [article] CONSTITUTION PERTAINING TO CIVIL SERVICE have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

Sec. 13. BY ORDINANCE OR RESOLUTION WHICH SHALL NOT TAKE EFFECT UNTIL APPROVED BY A MAJORITY OF THE ELECTORS VOTING THEREON, each city, village,

township, county, school district[,] and other governmental unit[s] or authorit[ies]Y [performing the same or similar functions] may[, by ordinance or resolution of the governing body which ordinance or resolution shall not take effect until approved by a majority of the electors voting thereon,] establish, modify or discontinue a merit system for its employees other than teachers under contract or tenure. The state civil service commission may on request furnish technical services [to them] TO ANY SUCH UNIT on a reimbursable basis.

[The board of supervisors of any county with a population of 1,000,000 or more shall have the power by ordinance to establish a merit system for county employment. The ordinance or any amendments thereto shall not take effect until approved by a majority of the electors voting thereon.]

Sec. 14. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office or for crimes or misdemeanors, but a majority of the members elected and serving shall be necessary to direct an impeachment.

When an impeachment is directed, the house of representatives shall elect [3] THREE of its members to prosecute the impeachment.

Every impeachment shall be tried by the senate immediately after the final adjournment of the legislature. The senators shall take an oath or affirmation truly and impartially to try and determine the impeachment according to the evidence. When the governor or lieutenant governor is tried, the chief justice of the supreme court shall preside.

No person shall be convicted without the concurrence of [2/3] TWO-THIRDS of the senators elected and serving. Judgment in case of conviction shall not extend further than removal from office, but the person convicted shall be liable to punishment according to law.

No judicial officer shall exercise ANY OF THE FUNCTIONS OF his office after an impeachment is directed until he is acquitted.

Sec. 15. Any elected officer of a political subdivision may be removed from office in the manner and for the causes [prescribed] PROVIDED by law.

ARTICLE XII AMENDMENT & REVISION

| Sec. | Com. Proposal |
|------------------------------------|------------------|
| 1. By Legislature | 64a |
| 2. By Petition of Electors | 65a |
| 3. Constitutional Convention | 66a |

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

Article XII

Amendment & Revision

Sec. 1. Amendments to this constitution may be proposed in the senate or house of representatives. Proposed amendments agreed to by [2/3] TWO-THIRDS of the members elected to and serving in each house on a [yea and nay] vote WITH THE NAMES AND VOTE OF THOSE VOTING entered in the respective journals shall be submitted, not less than 60 days thereafter, to the electors at the next general election or special election as the legislature shall direct. If a majority of electors voting on [such] a proposed amendment approve [such amendment,] THE SAME, it shall become part of the constitution and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved.

Sec. 2. Amendments may be proposed to this constitution by petition of the registered electors of this state. Every petition shall include the full text of the proposed amendment, and be signed by registered electors of the state equal in number to at least 10 percent of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected, or 300,000 registered electors, whichever is less. Such petitions shall be filed with the person authorized by law to receive the same at least 120 days before the election at which the proposed amendment is to be voted upon. Any such petition shall be in the form, and shall be signed and circulated in such manner, as prescribed by law. The person authorized by law to receive such petition[,] shall[,] upon its receipt[,] determine, as provided by law, the validity and sufficiency of the signatures on the petition, and make an official announcement thereof at least 60 days prior to the election at which the proposed amendment is to be voted upon.

Any amendment proposed by such petition shall be submitted, not less than 120 days after it was filed, to the electors at the next GENERAL election. [at which any state officer is to be elected.] Such proposed amendment, existing provisions of the constitution which would be altered or abrogated thereby, and the question as it shall appear on the ballot [used in such election] shall be published in full as provided by law. Copies of such publication shall be posted in each polling place and furnished to news media as provided by law.

The ballot to be used in such election shall contain a statement of the purpose of the proposed amendment, expressed in not more than 100 words, exclusive of caption. Such statement of purpose and caption shall be prepared by the person authorized by law, and shall consist of a true and impartial statement of the purpose of the amendment in such language as shall create no prejudice

for or against the proposed amendment.

If the proposed amendment is approved by a majority of the electors voting on the question, the proposed amendment shall become part of the constitution, and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved. IF TWO OR MORE AMENDMENTS APPROVED BY THE ELECTORS AT THE SAME ELECTION CONFLICT, THAT AMENDMENT RECEIVING THE HIGHEST AFFIRMATIVE VOTE SHALL PREVAIL.

Sec. 3. At the general election to be held in the year 1978, and in each 16th year thereafter and at such times as may be provided by law, the question of a general revision of the constitution shall be submitted to the electors of the state. If a majority of the electors voting on the question decide in favor of a convention for such purpose, at an election to be held not later than [4] FOUR months after the proposal was certified as approved, the electors of each [house of] representative[s] district as then organized shall elect one delegate and the electors of each senatorial district as then organized shall elect one delegate. The delegates so elected shall convene at the SEAT OF GOVERNMENT [capital city] on the first Tuesday in October next succeeding such election or at an earlier date if provided by law.

The convention shall choose its own officers, determine the rules of its proceedings and judge the qualifications, elections and returns of its members. The governor shall appoint a qualified resident of the same district to fill a vacancy in the office of any delegate. [If the legislature shall determine that delegates shall be elected on a partisan basis, the governor shall appoint a qualified resident of the same district and of the same party.] WHO SHALL BE A MEMBER OF THE SAME PARTY AS THE DELEGATE VACATING THE OFFICE IF THE LEGISLATURE PROVIDES FOR PARTISAN ELECTION OF DELEGATES. The convention shall have power to appoint such officers, employees and assistants as it deems necessary and to fix their compensation; to provide for the printing and distribution of its documents, journals and proceedings; to explain and disseminate information about the proposed constitution and to complete the business of the convention in an orderly manner. Each delegate shall receive for his services compensation provided by law.

No proposed constitution or amendment adopted by such convention shall be submitted to the electors for approval as hereinafter provided unless by the assent of a majority of all the delegates elected to and serving in the convention, WITH THE NAMES AND VOTE OF THOSE VOTING [the yeas and nays being] entered in the journal. Any proposed constitution or amendments adopted

by such convention shall be submitted to the qualified electors in the manner and at the time provided by such convention not less than 90 days after final adjournment of the convention. Upon the approval of such constitution or amendments by a majority of the qualified electors voting thereon the constitution or amendments shall take effect as provided by the convention.

SCHEDULE AND TEMPORARY PROVISIONS

| Sec. | Com. Proposal |
|--|---------------|
| 1. Attorney general to recommend necessary laws | 44d |
| 2. Writs, actions, claims, etc. remain effective | 44b |
| 3. Officers continue their duties | 44c and 71g |
| 4. Terms of officers elected November, 1962 | 68b |
| 5. Terms of governor, etc. elected 1964. When 4 year terms begin | 80 and 71a |
| 6. Senate Apportionment | 80 |
| 7. Supreme Court, reduction to seven justices | 91a |
| 8. Judges of Probate, eligible for re-election | 96f |
| 9. Overlapping terms for judiciary | 96j |
| 10. State Board of Education | 47a |
| 11. Boards of Control | 98c |
| 12. Educational Boards | |
| 13. Initial allocation | 71b |
| 14. Contractual obligations remain in force | 6a |
| 15. Mackinac Bridge refunding | 23b |
| 16. Constitution submitted to people, when | 68a |
| 17. Constitution submitted to people, manner | 68c |

TO INSURE THE ORDERLY TRANSITION FROM THE CONSTITUTION OF 1908 TO THIS CONSTITUTION THE FOLLOWING SCHEDULE IS SET FORTH TO BE EFFECTIVE FOR SUCH PERIOD AS ITS PROVISIONS REQUIRE.

Sec. 1. The attorney general [of the state] shall recommend to the legislature AS SOON AS PRACTICABLE [at the commencement of the next session] such changes AS MAY BE NECESSARY [in existing laws as may be deemed necessary] to adapt EXISTING LAWS [the same] to this constitution.

Sec. 2. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights [of individuals, partnerships, bodies corporate, and of this state or any subdivision or agency thereof] existing on the effective date [hereof] OF THIS CONSTITUTION shall continue unaffected except as modified in accordance with the provisions of this constitution.

Sec. 3. Except as otherwise provided in this constitution, all officers filling any office by election or appointment shall continue to exercise THEIR POWERS AND [the] duties [thereof, according to their respective commissions or appointments,] until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

No provision of this constitution, or of law or of executive order authorized by this constitution shall shorten the term of any person elected to state office at a statewide election ON [in] or prior to THE DATE ON WHICH THIS CONSTITUTION IS SUBMITTED TO A VOTE. [November, 1962.] In the event the duties of any [of] such officers shall not have been ABOLISHED OR incorporated into one or more of the principal departments at the expiration of his term, such officer shall continue to serve until his duties are so incorporated OR ABOLISHED.

Sec. 4. All officers elected [on the Tuesday after the first Monday of November, 1962] AT THE SAME ELECTION THAT THIS CONSTITUTION IS SUBMITTED TO THE PEOPLE FOR ADOPTION [under the 1908 Constitution as amended and existing laws] shall take office [on and after the first day of January, 1963,] and complete the term to which they were elected UNDER THE 1908 CONSTITUTION AND EXISTING LAWS AND CONTINUE TO SERVE UNTIL THEIR SUCCESSORS ARE ELECTED AND QUALIFIED PURSUANT TO THIS CONSTITUTION OR LAW.

Sec. 5. Notwithstanding any other provision in this constitution, the governor, THE lieutenant governor, THE secretary of state [and], THE attorney general, AND state senators shall be elected at the general election in 1964 to serve for [2] TWO year terms beginning on the first day of January next succeeding their election. The first [4 year] election OF SUCH OFFICERS FOR FOUR-YEAR TERMS under this constitution shall be held at the general election in 1966.

Sec. 6. The state shall be districted for the purpose of electing senators in accordance with the provisions of [Committee Proposal 80, section a,] ARTICLE IV, SECTION 2 after the official publication of the total population count of the 1970 decennial federal census. Until the [re]apportionment of the senate following the 1970 census, the senatorial districts under the 1908 constitution[, as amended,] shall remain intact except that upon the adoption of this constitution each of the counties of Kent, Genesee, Macomb and Oakland shall be divided by the apportionment commission into [2] TWO senatorial districts and Wayne county into [8] EIGHT senatorial districts in accordance with this constitution.

Sec. 7. [A vacancy hereafter created as the result of the death, retirement or resignation of one incumbent justice shall not be filled.]

NOTWITHSTANDING THE PROVISIONS OF THIS CONSTITUTION THAT THE SUPREME COURT SHALL CONSIST OF SEVEN JUSTICES IT SHALL CONSIST OF EIGHT JUSTICES UNTIL THE TIME THAT A VACANCY OCCURS AS A RESULT OF DEATH, RETIREMENT OR RESIGNATION OF A JUSTICE. THE FIRST SUCH VACANCY SHALL NOT BE FILLED.

Sec. 8. Any [supreme court justice, circuit judge,] judge of probate serving [at] ON the [time this constitution becomes] effective DATE OF THIS CONSTITUTION may serve the remainder of the term and be eligible TO SUCCEED HIMSELF for election [to his present office] regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

Sec. 9. The provisions of [this] Article VI providing that terms of JUDICIAL offices shall not all expire at the same time, shall be implemented BY LAW PROVIDING THAT at the next election for such offices [by legislation providing for elections] JUDGES SHALL BE ELECTED for terms of varying length, none of which shall be shorter than the [basic] REGULAR term provided for the office.

Sec. 10. THE MEMBERS OF THE STATE BOARD OF EDUCATION PROVIDED FOR IN ARTICLE VIII SECTION 3 SHALL FIRST BE ELECTED AT THE FIRST GENERAL ELECTION AFTER THE EFFECTIVE DATE OF THIS CONSTITUTION FOR THE FOLLOWING TERMS: TWO SHALL BE ELECTED FOR TWO YEARS, TWO FOR FOUR YEARS, TWO FOR SIX YEARS, AND TWO FOR EIGHT YEARS AS PRESCRIBED BY LAW.

THE STATE BOARD OF EDUCATION PROVIDED FOR IN THE CONSTITUTION OF 1908 IS ABOLISHED AT TWELVE O'CLOCK NOON JANUARY 1 OF THE YEAR FOLLOWING THE FIRST GENERAL ELECTION UNDER THIS CONSTITUTION AND THE TERMS OF MEMBERS THEREOF SHALL THEN EXPIRE.

Sec. 11. THE PROVISIONS OF THIS CONSTITUTION PROVIDING FOR MEMBERS OF BOARDS OF CONTROL OF INSTITUTIONS OF HIGHER EDUCATION AND THE STATE BOARD OF PUBLIC COMMUNITY AND JUNIOR COLLEGES SHALL BE IMPLEMENTED BY LAW. THE LAW MAY PROVIDE THAT THE TERM OF EACH MEMBER IN OFFICE ON THE DATE OF THE VOTE ON THIS CONSTITUTION MAY BE EXTENDED, AND MAY FURTHER PROVIDE THAT THE INITIAL TERMS OF OFFICE OF MEMBERS MAY BE LESS THAN EIGHT YEARS.

Sec. 12. THE PROVISIONS OF THIS CONSTITUTION INCREASING THE NUMBER OF MEMBERS OF THE BOARD OF TRUSTEES OF MICHIGAN STATE UNIVERSITY AND OF THE BOARD OF GOVERNORS OF WAYNE STATE UNIVERSITY TO EIGHT, AND OF THEIR TERMS OF OFFICE TO EIGHT YEARS, SHALL BE IMPLEMENTED BY LAW. THE LAW MAY PROVIDE THAT THE TERM OF EACH MEMBER IN OFFICE ON THE DATE OF THE VOTE ON THIS CONSTITUTION MAY BE EXTENDED ONE YEAR, AND MAY FURTHER PROVIDE THAT THE INITIAL TERMS OF OFFICE OF THE ADDITIONAL MEMBERS MAY BE LESS THAN EIGHT YEARS.

Sec. 13. The initial allocation of departments by law pursuant to Article V, Section 2 shall be completed within two years after the effective date of this constitution. If such allocation shall not have been completed within such period, the governor, within one year thereafter, by executive order, shall make the initial allocation.

Sec. 14. Contractual obligations of the state incurred pursuant to the constitution of 1908 [as amended] shall continue to be obligations of the state.

For the retirement of [such] notes and bonds [as may have been] issued under Section 26 of Article X of the 1908 constitution, there is hereby appropriated from the general fund each year during their life a sum equal to the amount of principal and interest payments due and payable in each [such] year.

Sec. 15. [Provided however, That] The legislature [is authorized to provide by general law adopted] by a vote of [2/3] TWO-THIRDS of the members elected to and serving in each house MAY PROVIDE THAT THE STATE MAY [for the] borrow[ing of] money AND MAY PLEDGE ITS FULL FAITH AND CREDIT for [the] refunding [of] any bonds issued by the Mackinac Bridge Authority[,] AND at [which] THE time OF REFUNDING the Mackinac Bridge Authority [Act] shall be [repealed] ABOLISHED and the operation of the bridge SHALL be assumed by the state highway department. THE LEGISLATURE MAY IMPLEMENT THIS SECTION BY LAW.

Sec. 16. This constitution shall be submitted to the people for their adoption or rejection at the general election to be held on the Tuesday after the first Monday of November, 1962. It shall be the duty of the secretary of state forthwith to give notice of such submission to all other officers required to give or publish any notice in regard to A GENERAL [such] election. He shall give notice that this constitution will be duly submitted to the electors at such election. The notice shall be given in the manner required for the election of governor.

Sec. 17. Every registered elector may vote

1 on the adoption of the constitution. The board
 2 of election commissioners in each county shall
 3 cause to be printed on a ballot separate from
 4 the ballot containing the names of the nominees
 5 for office, the words: ["] Shall the revised con-
 6 stitution be adopted? () Yes. () No. ["] All
 7 votes cast at THE [this] election shall be taken,
 8 counted, canvassed and returned as provided by

law for the election of state officers. [Should]
 IF the revised constitution so submitted receiveS
 more votes in its favor than were cast against
 it, it shall be the supreme law of the state on
 and after the first day of January OF THE YEAR
 FOLLOWING ITS ADOPTION [,1963, except as
 otherwise provided in this constitution].

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

VICE PRESIDENT HUTCHINSON: That is correct, Mr. Murphy.

MR. MURPHY: Then I will leave it as I presented it at first. I believe some people have argued that we should leave this to the courts. I think if we just use the words that I have presented here, then it would be up to the court to make a decision.

SECRETARY CHASE: Mr. Murphy revises his amendment again to stand as originally offered:

1. Amend article I, section 11 (column 1, line 7) after "seizures," by striking out the balance of the section.

VICE PRESIDENT HUTCHINSON: Mr. Nord.

MR. NORD: Mr. President, I would like to speak in support of the amendment. As the amendment now stands, we have nothing but the bare statement of principles: persons, houses, papers, possessions of every person shall be secure from unreasonable searches and seizures. It says nothing whatever about admissibility or inadmissibility of evidence. That is not to be a constitutional question. That will be entirely a judicial question. Now, the reason I speak in favor of this — there are 2 reasons, as a matter of fact: 1, because the statement, I believe, is one we could not disagree with. It's a clean statement of principle; and 2, it leaves it to the law to decide how this is to be carried out and to the courts to decide what permissible ways there are.

The main reason why I support this provision, however, is as follows: when we had the search and seizure discussions near the beginning of the convention, many of us argued, many of us concluded that the language presently found before us, the so called proviso, is unconstitutional. There are many of us who have taken an extremely strong view on that, and I would like to state for the record that my view is this strong that I cannot support any document, I cannot urge any document on any person which I know, as a matter of conviction, to be unconstitutional. I believe there are many of us here who are absolutely certain, we are certain on the basis of professional experience that the proviso is unconstitutional, and I certainly do not intend to support any document that contains an unconstitutional provision and ask the people to adopt it. And I will state for the record that if this proviso is not removed, as is now suggested, it would be sufficient, in my opinion, to cause me to refuse to vote for the constitution when the convention completes its work, no matter what else is in it, and to argue before the people the same way, that they should not fly in the face of the law and adopt what they call a constitution but is actually an anti constitution. I therefore conclude, Mr. President, that we ought to stick to the principles and remove unconstitutional matter from the constitution.

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen.

MR. VAN DUSEN: Have you any further speakers, Mr. President?

VICE PRESIDENT HUTCHINSON: One at the moment.

MR. VAN DUSEN: I move that further debate be limited to 3 minutes.

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen moves to limit further debate to 3 minutes upon this amendment. All those in favor will say aye. Opposed, no.

The motion prevails. The Chair recognizes Mr. Sharpe.

MR. SHARPE: Mr. President, I'd like to ask Dr. Nord a question, if he would care to answer. Dr. Nord, you just stated you wouldn't support this document if this proviso that was added was left in it. I'd like to ask you if you'd support the document with the proviso out of it.

MR. NORD: Which provides what? I didn't hear the end. Which provides what?

MR. SHARPE: I beg your pardon?

MR. NORD: I didn't hear the end of your question.

MR. SHARPE: Would you support the document if this proviso was eliminated?

MR. NORD: I would not support it because there is another proviso which is unconstitutional as well. (laughter) But I'll tell you what. I'll make a deal with you. If you'll strike this unconstitutional one and the other one, which is one on the senate, I will support it. Just try me. (laughter)

VICE PRESIDENT HUTCHINSON: The question is upon

the amendment offered by Mr. Murphy, which has been read. All those in favor will say aye. Mr. Hodges.

MR. HODGES: Mr. President, I rise with some trepidation to oppose this amendment. I feel that the sentence that is being left out is a very important one. I think this opens the door to some further problems. When you're taking away the warrant to search a place of residence, without going before a court, I think you're raising a very serious question. Now, I realize that this is probably covered under federal law, but the reverse argument can be made for the proviso. And I think we wouldn't be gaining anything here by adopting this except perhaps knocking out some obnoxious language. But in doing so, we would be also knocking out some very important language and, for this reason, I would very hesitatingly oppose the amendment.

VICE PRESIDENT HUTCHINSON: Mr. Tubbs.

MR. TUBBS: Mr. President, may I remind Delegate Nord that matters of constitutional law are pretty generally matters of opinion. And if he is so sure that his opinion is always right, then I'll go along with it. But I am not sure of that fact and I'm sure he isn't either.

VICE PRESIDENT HUTCHINSON: The question is upon the amendment offered by Mr. Murphy. Mr. Woolfenden.

MR. WOOLFENDEN: I would like to observe to Dr. Nord that if he votes against this constitution for this reason, the existing constitution has got virtually the identical language in it. So he is no better off.

MR. RADKA: I would like to make a deal too. I would like to make a deal with the people of this state and ask the delegates of this convention to vote against this amendment and, at least in this state, have an expression of a majority of the delegates who will say: we would like to reverse the trend of sentimentality for the criminal.

VICE PRESIDENT HUTCHINSON: Time for debate has expired. The question is upon the amendment of Mr. Murphy. All those in favor will say aye. Opposed will say no.

The amendment is not adopted.

VICE PRESIDENT HUTCHINSON: Is that all of the amendments?

SECRETARY CHASE: That's the last one.

VICE PRESIDENT HUTCHINSON: The question is upon the adoption of article I, as amended, of the constitution, declaration of rights. All those in favor —

MR. DOWNS: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Downs.

MR. DOWNS: Mr. President, it is with a certain reluctance that I rise to urge a no vote on this article that has some fine provisions. However, we did try to get this section 11, that is repulsive to certain delegates for reasons we've discussed at some length in committee of the whole; and on second reading we moved it be put in as a separate item from the rest of the constitution. I regret very much that this is part of the package of the section dealing with the declaration of rights, since it does, in effect, limit the people's rights beyond what the federal constitution guarantees. So I therefore urge a no vote on this article and hope that by the time we have the entire document before us, we will have substitute language that will protect the good parts of article I and leave out the undesirable part. Thank you.

VICE PRESIDENT HUTCHINSON: The question is upon the passage of article I. All those in favor of the article will vote aye. Those opposed will vote no. Have you all voted?

MISS DONNELLY: Mr. President.

VICE PRESIDENT HUTCHINSON: Miss Donnelly.

MISS DONNELLY: I announce my intent to abstain.

VICE PRESIDENT HUTCHINSON: Miss Donnelly abstains. Mr. Habermehl abstains. Mr. Shanahan abstains. Mr. Lawrence abstains. Mr. King abstains. Have you all voted? If so, the secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

| Yeas — 98 | | |
|--------------|---------------|-----------|
| Allen | Hanna, W. F. | Prettie |
| Andrus, Miss | Hannah, J. A. | Pugsley |
| Anspach | Haskill | Radka |
| Batchelor | Hatch | Rajkovich |

| | | |
|----------------|---------------|-----------------|
| Beaman | Heideman | Richards, J. B. |
| Bentley | Higgs | Richards, L. W. |
| Binkowski | Howes | Romney |
| Blandford | Hoxie | Rush |
| Boothby | Hubbs | Seyferth |
| Brake | Hutchinson | Shackleton |
| Brown, G. E. | Iverson | Shaffer |
| Butler, Mrs. | Judd, Mrs. | Sharpe |
| Conklin, Mrs. | Karn | Sleder |
| Cudlip | Kirk, S. | Spitler |
| Cushman, Mrs. | Koeze, Mrs. | Stafseth |
| Danhof | Krolikowski | Staiger |
| Dehnke | Kuhn | Stamm |
| Dell | Leibrand | Sterrett |
| DeVries | Leppien | Stevens |
| Doty, Dean | Mahinske | Thomson |
| Doty, Donald | Martin | Tubbs |
| Durst | McAllister | Turner |
| Elliott, A. G. | McCauley | Tweedie |
| Erickson | McGowan, Miss | Upton |
| Everett | McLogan | Van Dusen |
| Farnsworth | Millard | Wanger |
| Figy | Mosier | White |
| Finch | Norris | Wilkowski |
| Follo | Page | Wood |
| Gadola | Perras | Woolfenden |
| Goebel | Plank | Yeager |
| Gover | Pollock | Youngblood |
| Gust | Powell | |

Nays — 30

| | | |
|--------------|---------------------|-------------|
| Austin | Elliott, Mrs. Daisy | Marshall |
| Baginski | Faxon | Murphy |
| Balcer | Garvin | Nord |
| Barthwell | Greene | Ostrow |
| Bradley | Hart, Miss | Pellow |
| Brown, T. S. | Hatcher, Mrs. | Perlich |
| Buback | Hodges | Sablich |
| Dade | Jones | Stopczynski |
| Douglas | Lesinski | Suzore |
| Downs | Madar | Young |

SECRETARY CHASE: On the passage of article I, as amended, the yeas are 98; the nays, 30.

VICE PRESIDENT HUTCHINSON: A majority of the delegates elect having voted in favor thereof, **article I**, as amended, is passed.

For sections 1, and 3 through 23 of article I as passed, see above, page 3047.

Following is section 2 of article I as amended and passed:

Sec. 2. No person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of race, color, religion, or national origin. The legislature shall implement this section by appropriate legislation.

Following is explanation of vote submitted by Messrs. Jones, Young, Marshall, Barthwell, Faxon, Lesinski, Garvin, Sablich, Bradley, Downs, Buback, Mrs. Daisy Elliott and Miss Hart:

We voted against article I because it has included an unconstitutional search and seizure provision.

We favor in preference the language of the United States constitution, which guarantees citizens' rights against unreasonable search and seizure by police and law enforcement officials.

We offered and supported language which would make the provisions of the Michigan constitution identical with that of the federal constitution so Michigan citizens would get the same protection under the state constitution that is received under the federal constitution. Unfortunately these amendments were rejected and the citizens of Michigan under the proposed language of article I would not have the same clearcut state protection that is guaranteed by the federal constitution.

We believe citizens should have clearcut language in both the federal and state constitutions protecting them against

unreasonable search and seizure without any ifs, ands or buts.

We, therefore, voted against article I and hope that before third reading is completed this language will be revised to meet the standards of the federal constitution.

Following is explanation of vote submitted by Mr. Madar:

I voted against article I because it has included an unconstitutional search and seizure provision.

I favor in preference the language of the United States constitution, which guarantees citizens' rights against unreasonable search and seizure by police and law enforcement officials.

There has been offered and supported language which would make the provisions of the Michigan constitution identical with that of the federal constitution so Michigan citizens would get the same protection under the state constitution that is received under the federal constitution. Unfortunately, these amendments were rejected and the citizens of Michigan under the proposed language of article I would not have the same clearcut state protection that is guaranteed by the federal constitution.

I believe citizens should have clearcut language in both the federal and state constitutions protecting them against unreasonable search and seizure without any ifs, ands or buts.

Therefore, I voted against article I and hope that before third reading is completed, this language will be revised to meet the standards of the federal constitution.

VICE PRESIDENT HUTCHINSON: The secretary will read.

SECRETARY CHASE: **Article III**, general government.

[Article III, sections 1 and 2, was read by the secretary. For text, see above, page 3050.]

MR. GUST: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Gust.

MR. GUST: Sometime in the course of this convention somebody will not object that these provisions be approved as read. Do we have to read each and every one? I move that the sections of this article be printed in the journal and be considered read.

VICE PRESIDENT HUTCHINSON: Is there objection?

A DELEGATE: Objection.

VICE PRESIDENT HUTCHINSON: Objection is heard and so the secretary will read.

SECRETARY CHASE: Section 3:

[Article III, sections 3 through 8, was read by the secretary. For text, see above, page 3050.]

VICE PRESIDENT HUTCHINSON: Mr. Cudlip.

MR. CUDLIP: Mr. President, members of the convention, the printed draft that you have before you was received on this floor about 10:30 today, and since that time, the committee on style and drafting and our research department has been reviewing it. It went to bed last night at 4:30 with the printer. We found some typographical errors. These are errors, as you well know, that were made — and I'm not blaming anybody; they did a great job — at the printing establishment and they were contrary to the proofs submitted. When we get to article V I will point out the typographical errors which you should correct on your draft before amendments are offered thereto or before any debate is in line.

VICE PRESIDENT HUTCHINSON: The question is upon the adoption of article III. All those in favor of the passage of article III will vote aye. Those opposed will vote nay. Have you all voted on the passage of article III? If so, the secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas — 128

| | | |
|--------------|--------|--------|
| Allen | Goebel | Page |
| Andrus, Miss | Gover | Pellow |

PREAMBLE

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

Article I

Declaration of Rights

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

Sec. 2. No person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color or national origin. The legislature shall implement this section by appropriate legislation.

Sec. 3. The people have the right peaceably to assemble, to consult for the common good, to instruct their representatives and to petition the government for redress of grievances.

Sec. 4. Every person shall be at liberty to worship God according to the dictates of his own conscience. No person shall be compelled to attend, or, against his consent, to contribute to the erection or support of any place of religious worship, or to pay tithes, taxes or other rates for the support of any minister of the gospel or teacher of religion. No money shall be appropriated or drawn from the treasury for the benefit of any religious sect or society, theological or religious seminary; nor shall property belonging to the state be appropriated for any such purpose. The civil and political rights, privileges and capacities of no person shall be diminished or enlarged on account of his religious belief.

Sec. 5. Every person may freely speak, write, express and publish his views on all subjects, being responsible for the abuse of such right; and no law shall be enacted to restrain or abridge the liberty of speech or of the press.

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

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

Sec. 8. No soldier shall, in time of peace, be quartered in any house without the consent of the owner or occupant, nor in time of war, except in a manner prescribed by law.

Sec. 9. Neither slavery, nor involuntary servitude unless for the punishment of crime, shall ever be tolerated in this state.

Sec. 10. No bill of attainder, ex post facto law or law impairing the obligation of contract shall be enacted.

Sec. 11. The person, houses, papers and possessions of every person shall be secure from unreasonable searches and seizures. No warrant to search any place or to seize any person or things shall issue without describing them, nor without probable cause, supported by oath or affirmation. The provisions of this section shall not be construed to bar from evidence in any criminal proceeding any narcotic drug, firearm, bomb, explosive or any other dangerous weapon, seized by a peace officer outside the curtilage of any dwelling house in this state.

Sec. 12. The privilege of the writ of habeas corpus shall not be suspended unless in case of rebellion or invasion the public safety may require it.

Sec. 13. A suitor in any court of this state has the right to prosecute or defend his suit,

either in his own proper person or by an attorney.

Sec. 14. The right of trial by jury shall remain, but shall be waived in all civil cases unless demanded by one of the parties in the manner prescribed by law. In all civil cases tried by 12 jurors a verdict shall be received when 10 jurors agree.

Sec. 15. No person shall be subject for the same offense to be twice put in jeopardy. All persons shall, before conviction, be bailable by sufficient sureties, except for murder and treason when the proof is evident or the presumption great.

Sec. 16. Excessive bail shall not be required; excessive fines shall not be imposed; cruel or unusual punishment shall not be inflicted; nor shall witnesses be unreasonably detained.

Sec. 17. No person shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property, without due process of law. The right of all individuals, firms, corporations and voluntary associations to fair and just treatment in the course of legislative and executive investigations and hearings shall not be infringed.

Sec. 18. No person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief.

Sec. 19. In all prosecutions for libels the truth may be given in evidence to the jury; and, if it appears to the jury that the matter charged as libelous is true and was published with good motives and for justifiable ends, the accused shall be acquitted.

Sec. 20. In every criminal prosecution, the accused shall have the right to a speedy and public trial by an impartial jury, which may consist of less than 12 jurors in all courts not of record; to be informed of the nature of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to have the assistance of counsel for his defense; to have an appeal as a matter of right; and in courts of record, when the trial court so orders, to have such reasonable assistance as may be necessary to perfect and prosecute an appeal.

Sec. 21. No person shall be imprisoned for debt arising out of or founded on contract, express or implied, except in cases of fraud or breach of trust.

Sec. 22. Treason against the state shall consist only in levying war against it or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless upon the testimony of two witnesses to the same overt act or on confession in open court.

Sec. 23. The enumeration in this constitution of certain rights shall not be construed to deny or disparage others retained by the people.

Article II Elections

Sec. 1. Every citizen of the United States who has attained the age of 21 years, who has resided in this state six months, and who meets the requirements of local residence provided by law, shall be an elector and qualified to vote in any election except as otherwise provided in this constitution. The legislature shall define residence for voting purposes.

Sec. 2. The legislature may by law exclude persons from voting because of mental incompetence or commitment to a jail or penal institution.

Sec. 3. For purposes of voting in the election for president and vice-president of the United States only, the legislature may by law establish lesser residence requirements for citizens who have resided in this state for less than six months and may waive residence requirements for former citizens of this state who have removed herefrom. The legislature shall not permit voting by any person who meets the voting residence requirements of the state to which he has removed.

Sec. 4. The legislature shall enact laws to regulate the time, place and manner of all nominations and elections, except as otherwise provided in this constitution or in the constitution and laws of the United States. The legislature shall enact laws to preserve the purity of elections, to preserve the secrecy of the ballot, to guard against abuses of the elective franchise, and to provide for a system of voter registration and absentee voting. No law shall be enacted which permits a candidate in any partisan primary or partisan election to have a ballot designation except when required for identification of candidates for the same office who have the same or similar surnames.

Sec. 5. Except for special elections to fill vacancies, or as otherwise provided in this constitution, all elections for national, state, county and township offices shall be held on the first Tuesday after the first Monday in November in each even-numbered year or on such other date as members of the congress of the United States are regularly elected.

Sec. 6. Whenever any question is required to be submitted by a political subdivision to the electors which involves the increase of any ad valorem tax rate limitation for a period of more than five years, or the issue of bonds, only electors in, and who have property assessed for any ad valorem taxes in, any part of the district or territory to be affected by the result of such election or electors who are the lawful husbands or wives of such persons shall be entitled to vote thereon. All electors in the district or territory affected may vote on all other questions.

Sec. 7. A board of state canvassers of four

members shall be established by law. No candidate for an office to be canvassed nor any inspector of elections shall be eligible to serve as a member of a board of canvassers. A majority of any board of canvassers shall not be composed of members of the same political party.

Sec. 8. Laws shall be enacted to provide for the recall of all elective officers except judges of courts of record upon petition of electors equal in number to 25 percent of the number of persons voting in the last preceding election for the office of governor in the electoral district of the officer sought to be recalled. The sufficiency of any statement of reasons or grounds procedurally required shall be a political rather than a judicial question.

Sec. 9. The people reserve to themselves the power to propose laws and to enact and reject laws, called the initiative, and the power to approve or reject laws enacted by the legislature, called the referendum. The power of initiative extends only to laws which the legislature may enact under this constitution. The power of referendum does not extend to acts making appropriations for state institutions or to meet deficiencies in state funds and must be invoked in the manner prescribed by law within 90 days following the final adjournment of the legislative session at which the law was enacted. To invoke the initiative or referendum, petitions signed by a number of registered electors, not less than eight percent for initiative and five percent for referendum of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected shall be required.

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

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

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

Any law submitted to the people by either initiative or referendum petition and approved by

a majority of the votes cast thereon at any election shall take effect 10 days after the date of the official declaration of the vote. No law initiated or adopted by the people shall be subject to the veto power of the governor, and no law adopted by the people at the polls under the initiative provisions of this section shall be amended or repealed, except by a vote of the electors or three-fourths of the members elected to and serving in each house of the legislature. Laws approved by the people under the referendum provision of this section may be amended by the legislature at any subsequent session thereof. If two or more measures approved by the electors at the same election conflict, that receiving the highest affirmative vote shall prevail.

The legislature shall implement the provisions of this section.

Article III

General Government

Sec. 1. The seat of government shall be at Lansing.

Sec. 2. The powers of government are divided into three branches: legislative, executive and judicial. No person exercising powers of one branch shall exercise powers properly belonging to another branch except as expressly provided in this constitution.

Sec. 3. There shall be a great seal of the State of Michigan and its use shall be provided by law.

Sec. 4. The militia shall be organized, equipped and disciplined as provided by law.

Sec. 5. Subject to provisions of general law, this state or any political subdivision, any governmental authority or any combination thereof may enter into agreements for the performance, financing or execution of their respective functions, with any one or more of the other states, the United States, the Dominion of Canada, or any political subdivision thereof unless otherwise provided in this constitution. Any other provision of this constitution notwithstanding, an officer or employee of the state or of any such unit of government or subdivision or agency thereof may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service. The legislature may impose such restrictions, limitations or conditions on such service as it may deem appropriate.

Sec. 6. The state shall not be a party to, nor be financially interested in, any work of internal improvement, nor engage in carrying on any such work, except for public internal improvements provided by law.

Sec. 7. The common law and the statute laws now in force, not repugnant to this consti-

tution, shall remain in force until they expire by their own limitations, or are changed, amended or repealed.

Sec. 8. Either house of the legislature or the governor may request the opinion of the supreme court on important questions of law upon solemn occasions as to the constitutionality of legislation after it has been enacted into law but before its effective date.

Article IV Legislative Branch

Sec. 1. The legislative power of the State of Michigan is vested in a senate and a house of representatives.

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

In districting the state for the purpose of electing senators after the official publication of the total population count of each federal decennial census, each county shall be assigned an apportionment factor equal to the sum of its percentage of the state's population as shown by the last regular federal decennial census computed to the nearest one-one hundredth of one percent multiplied by four and its percentage of the state's land area computed to the nearest one-one hundredth of one percent.

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

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

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

(3) Counties entitled to two or more senate districts shall be divided into single member districts. The population of such districts shall be as nearly equal as possible but shall not be less than 75 percent nor more than 125 percent of a number determined by dividing the population of the county by the number of senators to which it is entitled. Each such district shall follow incorporated city or township boundary lines to the extent possible and shall be compact, contiguous, and as nearly uniform in shape as possible.

Sec. 3. The house of representatives shall consist of 110 members elected for two-year terms from single member districts apportioned on a basis of population as provided in this article. The districts shall consist of compact and convenient territory contiguous by land.

Each county which has a population of not less than seven-tenths of one percent of the population of the state shall constitute a separate representative area. Each county having less than seven-tenths of one percent of the population of the state shall be combined with another county or counties to form a representative area of not less than seven-tenths of one percent of the population of the state. Any county which is isolated under the initial allocation as provided in this section shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.

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

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

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

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

Any representative area consisting of more than one county, entitled to more than one representative, shall be divided into single member districts as equal as possible in population adhering to county lines.

Sec. 4. In counties having more than one representative or senatorial district, the territory in the same county annexed to or merged with a city between apportionments shall become a part of a contiguous representative or senatorial dis-

1 | trict in the city with which it is combined, if
2 | provided by ordinance of the city. The district
3 | or districts with which the territory shall be
4 | combined shall be determined by such ordinance
5 | certified to the secretary of state. No such change
6 | in the boundaries of a representative or senatorial
7 | district shall have the effect of removing a legis-
8 | lator from office during his term.

9 | Sec. 5. Island areas are considered to be con-
10 | tiguous by land to the county of which they are
11 | a part.

12 | Sec. 6. A commission on legislative apportion-
13 | ment is hereby established consisting of eight
14 | persons, four of whom shall be selected by the
15 | state organizations of each of the two political
16 | parties whose candidates for governor received
17 | the highest vote at the last general election at
18 | which a governor was elected preceding each ap-
19 | portionment. If a candidate for governor of a third
20 | political party has received at such election more
21 | than 25 percent of such gubernatorial vote, the
22 | commission shall consist of 12 members, four of
23 | whom shall be selected by the state organization of
24 | the third political party. One member of the com-
25 | mission shall be selected by each political party or-
26 | ganization from each of the following four regions:
27 | (1) The upper peninsula; (2) The northern part of
28 | the lower peninsula, north of a line drawn along
29 | the northern boundaries of the counties of Bay,
30 | Midland, Isabella, Mecosta, Newaygo and Oceana;
31 | (3) Southwestern Michigan, those counties south
32 | of region (2) and west of a line drawn along
33 | the western boundaries of the counties of Bay,
34 | Saginaw, Shiawassee, Ingham, Jackson and Hills-
35 | dale; (4) Southeastern Michigan, the remaining
36 | counties of the state.

37 | No officers or employees of the federal, state
38 | or local governments, excepting notaries public
39 | and members of the armed forces reserve, shall
40 | be eligible for membership on the commission.
41 | Members of the commission shall not be eligible
42 | for election to the legislature until two years after
43 | the apportionment in which they participated
44 | becomes effective.

45 | The commission shall be appointed immediately
46 | after the adoption of this constitution and when-
47 | ever apportionment or districting of the legislature
48 | is required by the provisions of this constitution.
49 | Members of the commission shall hold office until
50 | each apportionment or districting plan becomes
51 | effective. Vacancies shall be filled in the same
52 | manner as for original appointment.

53 | The secretary of state shall be secretary of
54 | the commission without vote, and in that capacity
55 | shall furnish, under the direction of the commis-
56 | sion, all necessary technical services. The com-
57 | mission shall elect its own chairman, shall make
58 | its own rules of procedure, and shall receive com-
59 | pensation provided by law. The legislature shall
60 | appropriate funds to enable the commission to

carry out its activities.

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

16 | Each final apportionment and districting plan
17 | shall be published as provided by law within 30
18 | days from the date of its adoption and shall be-
19 | come law 60 days after publication. The secre-
20 | tary of state shall keep a public record of all the
21 | proceedings of the commission and shall be re-
22 | sponsible for the publication and distribution of
23 | each plan.

24 | If a majority of the commission cannot agree
25 | on a plan, each member of the commission, indi-
26 | vidualy or jointly with other members, may sub-
27 | mit a proposed plan to the supreme court. The
28 | supreme court shall determine which plan com-
29 | plies most accurately with the constitutional re-
30 | quirements and shall direct that it be adopted
31 | by the commission and published as provided
32 | in this section.

33 | Upon the application of any elector filed not
34 | later than 60 days after final publication of the
35 | plan, the supreme court, in the exercise of origi-
36 | nal jurisdiction, shall direct the secretary of
37 | state or the apportionment commission to per-
38 | form their duties, may review any final plan
39 | adopted by the commission, and shall remand
40 | such plan to the commission for further action
41 | if it fails to comply with the requirements of
42 | this constitution.

43 | Sec. 7. Each senator and representative
44 | must be a citizen of the United States, at least
45 | 21 years of age, and an elector of the district
46 | he represents. The removal of his domicile from
47 | the district shall be deemed a vacation of the
48 | office. No person who has been convicted of sub-
49 | version or who has within the preceding 20 years
50 | been convicted of a felony involving a breach
51 | of public trust shall be eligible for either house
52 | of the legislature.

53 | Sec. 8. No person holding any office under the
54 | United States or this state or a political subdivi-
55 | sion thereof, except notaries public and officers
56 | of the armed forces reserve, may be a member of
57 | either house of the legislature.

58 | Sec. 9. No person elected to the legislature
59 | shall receive any civil appointment within this
60

1 state from the governor, except notaries public,
2 from the legislature, or from any other state
3 authority, during the term for which he is elected.

4 Sec. 10. No member of the legislature nor any
5 state officer shall be interested directly or in-
6 directly in any contract with the state or any
7 political subdivision thereof which shall cause a
8 substantial conflict of interest. The legislature
9 shall further implement this provision by appro-
10 priate legislation.

11 Sec. 11. Senators and representatives shall be
12 privileged from civil arrest and civil process dur-
13 ing sessions of the legislature and for five days
14 next before the commencement and after the
15 termination thereof. They shall not be ques-
16 tioned in any other place for any speech in either
17 house.

18 Sec. 12. The compensation and expense al-
19 lowances of the members of the legislature shall
20 be determined by law. Changes in compensation
21 or expense allowances shall become effective only
22 when legislators commence their terms of office
23 after a general election.

24 Sec. 13. The legislature shall meet at the seat
25 of government on the second Wednesday in Janu-
26 ary of each year at twelve o'clock noon. Each
27 regular session shall adjourn without day, on a
28 day determined by concurrent resolution, at
29 twelve o'clock noon. Any business, bill or joint
30 resolution pending at the final adjournment of
31 a regular session held in an odd numbered year
32 shall carry over with the same status to the
33 next regular session.

34 Sec. 14. A majority of the members elected
35 to and serving in each house shall constitute a
36 quorum to do business. A smaller number in
37 each house may adjourn from day to day, and
38 may compel the attendance of absent members in
39 the manner and with penalties as each house may
40 prescribe.

41 Sec. 15. There shall be a bi-partisan legisla-
42 tive council consisting of legislators appointed in
43 the manner prescribed by law. The legislature
44 shall appropriate funds for the council's opera-
45 tions and provide for its staff which shall main-
46 tain bill drafting, research and other services
47 for the members of the legislature. The council
48 shall periodically examine and recommend to the
49 legislature revision of the various laws of the
50 state.

51 Sec. 16. Each house, except as otherwise pro-
52 vided in this constitution, shall choose its own
53 officers and determine the rules of its proceedings,
54 but shall not adopt any rule that will prevent a
55 majority of the members elected thereto and
56 serving therein from discharging a committee
57 from the further consideration of any measure.
58 Each house shall be the sole judge of the quali-
59 fications, elections and returns of its members,
60 and may, with the concurrence of two-thirds of

1 all the members elected thereto and serving
2 therein, expel a member. The reasons for such
3 expulsion shall be entered in the journal, with
4 the votes and names of the members voting upon
5 the question. No member shall be expelled a
6 second time for the same cause.

7 Sec. 17. Each house of the legislature may
8 establish the committees necessary for the effi-
9 cient conduct of its business and the legislature
10 may create joint committees. Each committee
11 shall by roll call vote record the vote and name
12 of all action on bills and resolutions taken in
13 the committee. Such vote shall be available for
14 public inspection. Notice of all committee hear-
15 ings and a clear statement of all subjects to be
16 considered at each hearing shall be published in
17 the journal in advance of the hearing.

18 Sec. 18. Each house shall keep a journal of
19 its proceedings, and publish the same unless the
20 public security otherwise requires. The record
21 of the vote and name of the members of either
22 house voting on any question shall be entered
23 in the journal at the request of one-fifth of the
24 members present. Any member of either house
25 may dissent from and protest against any act,
26 proceeding or resolution which he deems injuri-
27 ous to any person or the public, and have the
28 reason for his dissent entered in the journal.

29 Sec. 19. All elections in either house or in
30 joint convention and all votes on appointments
31 submitted to the senate for advice and consent
32 shall be published by vote and name in the journal.

33 Sec. 20. The doors of each house shall be open
34 unless the public security otherwise requires.

35 Sec. 21. Neither house shall, without the con-
36 sent of the other, adjourn for more than two
37 intervening calendar days, nor to any place other
38 than where the legislature may then be in session.

39 Sec. 22. All legislation shall be by bill and
40 may originate in either house.

41 Sec. 23. The style of the laws shall be: The
42 People of the State of Michigan enact.

43 Sec. 24. No law shall embrace more than one
44 object, which shall be expressed in its title. No
45 bill shall be altered or amended on its passage
46 through either house so as to change its original
47 purpose as determined by its total content and
48 not alone by its title.

49 Sec. 25. No law shall be revised, altered or
50 amended by reference to its title only. The section
51 or sections of the act altered or amended shall
52 be re-enacted and published at length.

53 Sec. 26. No bill shall be passed or become a
54 law at any regular session of the legislature until
55 it has been printed or reproduced and in the pos-
56 session of each house for at least five days. Every
57 bill shall be read three times in each house be-
58 fore the final passage thereof. No bill shall be-
59 come a law without the concurrence of a majority
60 of the members elected to and serving in each

house. On the final passage of bills, the votes and names of the members voting thereon shall be entered in the journal.

Sec. 27. No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.

Sec. 28. When the legislature is convened on extraordinary occasions in special session no bill shall be passed on any subjects other than those expressly stated in the governor's proclamation or submitted by special message.

Sec. 29. The legislature shall pass no local or special act in any case where a general act can be made applicable, and whether a general act can be made applicable shall be a judicial question. No local or special act shall take effect until approved by two-thirds of the members elected to and serving in each house and by a majority of the electors voting thereon in the district affected. Any act repealing local or special acts shall require only a majority of the members elected to and serving in each house and shall not require submission to the electors of such district.

Sec. 30. The assent of two-thirds of the members elected to and serving in each house of the legislature shall be required for the appropriation of public money or property for local or private purposes.

Sec. 31. The general appropriation bills for the succeeding fiscal period covering items set forth in the budget shall be passed or rejected in either house of the legislature before that house passes any appropriation bill for items not in the budget except bills supplementing appropriations for the current fiscal year's operation. Any bill requiring an appropriation to carry out its purpose shall be considered an appropriation bill. One of the general appropriation bills as passed by the legislature shall contain an itemized statement of estimated revenue by major source in each operating fund for the ensuing fiscal period, the total of which shall not be less than the total of all appropriations made from each fund in the general appropriation bills as passed.

Sec. 32. Every law which imposes, continues or revives a tax shall distinctly state the tax.

Sec. 33. Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law. If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not be-

come law. If he does not approve, and the legislature continues the session at which the bill was passed, he shall return it within such 14-day period with his objections, to the house in which it originated. That house shall enter such objections in full in its journal and reconsider the bill. If two-thirds of the members elected to and serving in that house pass the bill notwithstanding the objections of the governor, it shall be sent with the objections to the other house for reconsideration. The bill shall become law if passed by two-thirds of the members elected to and serving in that house. The vote of each house shall be entered in the journal with the votes and names of the members voting thereon. If any bill is not returned by the governor within such 14-day period, the legislature continuing in session, it shall become law as if he had signed it.

Sec. 34. Any bill passed by the legislature and approved by the governor, except a bill appropriating money, may provide that it will not become law unless approved by a majority of the electors voting thereon.

Sec. 35. All laws enacted at any session of the legislature shall be published in book form within 60 days after final adjournment of the session, and shall be distributed in the manner provided by law. The prompt publication of judicial decisions shall be provided by law. All laws and judicial decisions shall be free for publication by any person.

Sec. 36. No general revision of the laws shall be made. The legislature may provide for a compilation of the laws in force, arranged without alteration, under appropriate heads and titles.

Sec. 37. The legislature may by concurrent resolution empower a joint committee of the legislature acting between sessions to suspend until the end of the next regular legislative session any rule or regulation of an administrative agency promulgated when the legislature is not in regular session.

Sec. 38. The legislature may provide by law the cases in which any office shall be vacant and the manner of filling vacancies where no provision is made in this constitution.

Sec. 39. In order to insure continuity of state and local governmental operations in periods of emergency only, resulting from disasters occurring in this state caused by enemy attack on the United States, the legislature may provide by law for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices; and enact other laws necessary and proper for insuring the continuity of governmental operations. Notwithstanding the power conferred by this section, elections shall always

be called as soon as possible to fill any vacancies in elective offices temporarily occupied by operation of any legislation enacted pursuant to the provisions of this section.

Sec. 40. The legislature may by law establish a liquor control commission which, subject to statutory limitations, shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof. The legislature may provide for an excise tax on such sales. Neither the legislature nor the commission may authorize the manufacture or sale of alcoholic beverages in any county in which a majority of the electors voting thereon shall prohibit the same.

Sec. 41. The legislature shall not authorize any lottery nor permit the sale of lottery tickets.

Sec. 42. The legislature may provide for the incorporation of ports and port districts, and confer power and authority upon them to engage in work of internal improvements in connection therewith.

Sec. 43. No general law providing for the incorporation of trust companies or corporations for banking purposes, or regulating the business thereof, shall be enacted, amended or repealed except by a vote of two-thirds of the members elected to and serving in each house.

Sec. 44. The legislature may authorize a trial by a jury of less than 12 jurors in civil cases.

Sec. 45. The legislature may provide for indeterminate sentences as punishment for crime and for the detention and release of persons imprisoned or detained under such sentences.

Sec. 46. No law shall be enacted providing for the penalty of death.

Sec. 47. The legislature may authorize the employment of chaplains in state institutions of detention or confinement.

Sec. 48. The legislature may enact laws providing for the resolution of disputes concerning public employees, except those in the state classified civil service.

Sec. 49. The legislature may enact laws relative to the hours and conditions of employment.

Sec. 50. The legislature may provide safety measures and regulate the use of atomic energy and forms of energy developed in the future, having in view the general welfare of the people of this state.

Sec. 51. The public health and general welfare of the people of the state are hereby declared to be matters of primary public concern. The legislature shall pass suitable laws for the protection and promotion of the public health.

Sec. 52. The conservation and development of the natural resources of the state are hereby declared to be of paramount public concern in the interest of the health, safety and general welfare of the people. The legislature shall provide for the protection of the air, water and other

natural resources of the state from pollution, impairment and destruction.

Sec. 53. The legislature by a majority vote of the members elected to and serving in each house, shall appoint an auditor general, who shall be a certified public accountant licensed to practice in this state, to serve for a term of eight years. He shall be ineligible for appointment or election to any other public office in this state from which compensation is derived while serving as auditor general and for two years following the termination of his service. He may be removed for cause at any time by a two-thirds vote of the members elected to and serving in each house. The auditor general shall conduct post audits of financial transactions and accounts of the state and of all branches, departments, offices, boards, commissions, agencies, authorities and institutions of the state established by this constitution or by law, and performance post audits thereof.

The auditor general upon direction by the legislature may employ independent accounting firms or legal counsel and may make investigations pertinent to the conduct of audits. He shall report annually to the legislature and to the governor and at such other times as he deems necessary or as required by the legislature. He shall be assigned no duties other than those specified in this section.

Nothing in this section shall be construed in any way to infringe the responsibility and constitutional authority of the governing boards of the institutions of higher education to be solely responsible for the control and direction of all expenditures from the institutions' funds.

The auditor general, his deputy and one other member of his staff shall be exempt from classified civil service. All other members of his staff shall have classified civil service status.

Article V

Executive Branch

Sec. 1. The executive power is vested in the governor.

Sec. 2. All executive and administrative offices, agencies and instrumentalities of the executive branch of state government and their respective functions, powers and duties, except for the office of governor and lieutenant governor and the governing bodies of institutions of higher education provided for in this constitution, shall be allocated by law among and within not more than 20 principal departments. They shall be grouped as far as practicable according to major purposes.

Subsequent to the initial allocation, the governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these

changes require the force of law, they shall be set forth in executive orders and submitted to the legislature. Thereafter the legislature shall have 60 calendar days of a regular session, or a full session if of shorter duration, to disapprove each executive order. Unless disapproved in both houses by a resolution concurred in by a majority of the members elected to and serving in each house, each order shall become effective at a date thereafter to be designated by the governor.

Sec. 3. The head of each principal department shall be a single executive unless otherwise provided in this constitution or by law. The single executives heading principal departments shall include a secretary of state, a state treasurer and an attorney general. When a single executive is the head of a principal department, unless elected or appointed as otherwise provided in this constitution, he shall be appointed by the governor by and with the advice and consent of the senate and he shall serve at the pleasure of the governor.

When a board or commission is at the head of a principal department, unless elected or appointed as otherwise provided in this constitution, the members thereof shall be appointed by the governor by and with the advice and consent of the senate. The term of office and procedure for removal of such members shall be as prescribed in this constitution or by law.

Terms of office of any board or commission created or enlarged after the effective date of this constitution shall not exceed four years except as otherwise authorized in this constitution. The terms of office of existing boards and commissions which are longer than four years shall not be further extended except as provided in this constitution.

Sec. 4. Temporary commissions or agencies for special purposes with a life of no more than two years may be established by law and need not be allocated within a principal department.

Sec. 5. At no time shall an examining or licensing board of a profession include less than a majority of members of that profession.

Sec. 6. Appointment by and with the advice and consent of the senate when used in this constitution or laws in effect or hereafter enacted means appointment subject to disapproval by a majority vote of the members elected to and serving in the senate if such action is taken within 60 session days after the date of such appointment. Any appointment not disapproved within such period shall stand confirmed.

Sec. 7. Vacancies in any office, appointment to which requires advice and consent of the senate, shall be filled by the governor by and with the advice and consent of the senate. A person whose appointment has been disapproved by the senate shall not be eligible for an interim appointment

to the same office.

Sec. 8. Each principal department shall be under the supervision of the governor unless otherwise provided by this constitution. The governor shall take care that the laws be faithfully executed. He shall transact all necessary business with the officers of government and may require information in writing from all executive and administrative state officers, elective and appointive, upon any subject relating to the duties of their respective offices.

The governor may initiate court proceedings in the name of the state to enforce compliance with any constitutional or legislative mandate, or to restrain violations of any constitutional or legislative power, duty or right by any officer, department or agency of the state or any of its political subdivisions. This authority shall not be construed to authorize court proceedings against the legislature.

Sec. 9. Single executives heading principal departments and the chief executive officers of principal departments headed by boards or commissions shall keep their offices at the seat of government except as otherwise provided by law, superintend them in person and perform duties prescribed by law.

Sec. 10. The governor shall have power and it shall be his duty to inquire into the condition and administration of any public office and the acts of any public officer, elective or appointive. He may remove or suspend from office for gross neglect of duty or for corrupt conduct in office, or for any other misfeasance or malfeasance therein, any elective or appointive state officer, except legislative or judicial, and shall report the reasons for such removal or suspension to the legislature.

Sec. 11. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an appointed or elected officer, other than a legislative or judicial officer, until he is reinstated or until the vacancy is filled in the manner prescribed by law or this constitution.

Sec. 12. The governor shall be commander-in-chief of the armed forces and may call them out to execute the laws, suppress insurrection and repel invasion.

Sec. 13. The governor shall issue writs of election to fill vacancies in the senate or house of representatives. Any such election shall be held in a manner prescribed by law.

Sec. 14. The governor shall have power to grant reprieves, commutations and pardons after convictions for all offenses, except cases of impeachment, upon such conditions and limitations as he may direct, subject to procedures and regulations prescribed by law. He shall inform the legislature annually of each reprieve, commutation and pardon granted, stating reasons

therefor.

Sec. 15. The governor may convene the legislature on extraordinary occasions.

Sec. 16. The governor may convene the legislature at some other place when the seat of government becomes dangerous from any cause.

Sec. 17. The governor shall communicate by message to the legislature at the beginning of each session and may at other times present to the legislature information as to the affairs of the state and recommend measures he considers necessary or desirable.

Sec. 18. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state. Proposed expenditures from any fund shall not exceed the estimated revenue thereof. On the same date, the governor shall submit to the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills to provide new or additional revenues to meet proposed expenditures. The amount of any surplus created or deficit incurred in any fund during the last preceding fiscal period shall be entered as an item in the budget and in one of the appropriation bills. The governor may submit amendments to appropriation bills to be offered in either house during consideration of the bill by that house, and shall submit any bills to meet deficiencies in current appropriations.

Sec. 19. The governor may disapprove any distinct item or items appropriating moneys in any appropriation bill. The part or parts approved shall become law, and the item or items disapproved shall be void unless re-passed according to the method prescribed for the passage of other bills over the executive veto.

Sec. 20. No appropriation shall be a mandate to spend. The governor, with the approval of the appropriating committees of the house and senate, shall reduce expenditures authorized by appropriations whenever it appears that actual revenues for a fiscal period will fall below the revenue estimates on which appropriations for that period were based. Reductions in expenditures shall be made in accordance with procedures prescribed by law. The governor may not reduce expenditures of the legislative and judicial branches or from funds constitutionally dedicated for specific purposes.

Sec. 21. The governor, lieutenant governor, secretary of state and attorney general shall be elected for four-year terms at the general election in each alternate even-numbered year.

The lieutenant governor, secretary of state and attorney general shall be nominated by party conventions in a manner prescribed by law. In the general election one vote shall be cast jointly

for the candidates for governor and lieutenant governor nominated by the same party.

Vacancies in the office of the secretary of state and attorney general shall be filled by appointment by the governor.

Sec. 22. To be eligible for the office of governor or lieutenant governor a person must have attained the age of 30 years, and have been a registered elector in this state for four years next preceding his election.

Sec. 23. The governor, lieutenant governor, secretary of state and attorney general shall each receive the compensation provided by law in full payment for all services performed and expenses incurred during his term of office. Such compensation shall not be changed during the term of office except as otherwise provided in this constitution.

Sec. 24. An executive residence suitably furnished shall be provided at the seat of government for the use of the governor. He shall receive an allowance for its maintenance as provided by law.

Sec. 25. The lieutenant governor shall be president of the senate, but shall have no vote except in case of equal division. He may perform duties requested of him by the governor, but no power vested in the governor shall be delegated.

Sec. 26. In case of the conviction of the governor on impeachment, his removal from office, his resignation or his death, the lieutenant governor, the elected secretary of state, the elected attorney general and such other persons designated by law shall in that order be governor for the remainder of the governor's term.

In case of the death of the governor-elect, the lieutenant governor-elect, the secretary of state-elect, the attorney general-elect and such other persons designated by law shall become governor in that order at the commencement of the governor-elect's term.

If the governor or the person in line of succession to serve as governor is absent from the state, or suffering under an inability, the powers and duties of the office of governor shall devolve in order of precedence until the absence or inability giving rise to the devolution of powers ceases.

The inability of the governor or person acting as governor shall be determined by a majority of the supreme court on joint request of the president pro tempore of the senate and the speaker of the house of representatives. Such determination shall be final and conclusive. The supreme court shall upon its own initiative determine if and when the inability ceases.

Sec. 27. The legislature shall provide that the salary of any state officer while acting as governor shall be equal to that of the governor.

Sec. 28. There is hereby established a state highway commission, which shall administer the state highway department and have jurisdiction

and control over all state trunkline highways and appurtenant facilities, and such other public works of the state, as provided by law.

The state highway commission shall consist of four members, not more than two of whom shall be members of the same political party. They shall be appointed by the governor by and with the advice and consent of the senate for four-year terms, no two of which shall expire in the same year as provided by law.

The state highway commission shall appoint and may remove a state highway director, who shall be a competent highway engineer and administrator. He shall be the principal executive officer of the state highway department and shall be responsible for executing the policy of the state highway commission.

Sec. 29. There is hereby established a civil rights commission which shall consist of eight persons, not more than four of whom shall be members of the same political party, who shall be appointed by the governor, by and with the advice and consent of the senate, for four-year terms not more than two of which shall expire in the same year. It shall be the duty of the commission in a manner which may be prescribed by law to investigate alleged discrimination against any person because of religion, race, color or national origin in the enjoyment of the civil rights guaranteed by law and by this constitution, and to secure the equal protection of such civil rights without such discrimination. The legislature shall provide an annual appropriation for the effective operation of the commission.

The commission shall have power, in accordance with the provisions of this constitution and of general laws governing administrative agencies, to promulgate rules and regulations for its own procedures, to hold hearings, administer oaths, through court authorization to require the attendance of witnesses and the submission of records, to take testimony, and to issue appropriate orders. The commission shall have other powers provided by law to carry out its purposes. Nothing contained in this section shall be construed to diminish the right of any party to direct and immediate legal or equitable remedies in the courts of this state.

Appeals from final orders of the commission, including cease and desist orders and refusals to issue complaints, shall be tried de novo before the circuit court having jurisdiction provided by law.

Article VI Judicial Branch

Sec. 1. The judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction

known as the circuit court, one probate court, and other courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.

Sec. 2. The supreme court shall consist of seven justices elected at non-partisan elections as provided by law. The term of office shall be eight years and not more than two terms of office shall expire at the same time. Nominations for justices of the supreme court shall be in the manner prescribed by law. Any incumbent justice whose term is to expire may become a candidate for re-election by filing an affidavit of candidacy, in the form and manner prescribed by law, not less than 180 days prior to the expiration of his term.

Sec. 3. One justice of the supreme court shall be selected by the court as its chief justice as provided by rules of the court. He shall perform other duties required by the court. The supreme court shall appoint an administrator of the courts and other assistants of the supreme court as may be necessary to aid in the administration of the courts of this state. The administrator shall perform administrative duties assigned by the court.

Sec. 4. The supreme court shall have general superintending control over all courts; power to issue, hear, and determine prerogative and remedial writs; and appellate jurisdiction as provided by rules of the supreme court. The supreme court shall not have the power to remove a judge.

Sec. 5. The supreme court shall by general rules establish, modify, amend and simplify the practice and procedure in all courts of this state. The distinctions between law and equity proceedings shall, as far as practicable, be abolished. The office of master in chancery is prohibited.

Sec. 6. Decisions of the supreme court, including all decisions on prerogative writs, shall be in writing and shall contain a concise statement of the facts and reasons for each decision and reasons for each denial of leave to appeal. When a judge dissents in whole or in part he shall give in writing the reasons for his dissent.

Sec. 7. The supreme court may appoint, may remove, and shall have general supervision of its staff. It shall have control of the preparation of its budget recommendations and the expenditure of moneys appropriated for any purpose pertaining to the operation of the court or the performance of activities of its staff except that the salaries of the justices shall be established by law. All fees and perquisites collected by the court staff shall be turned over to the state treasury and credited to the general fund.

Sec. 8. The court of appeals shall consist initially of nine judges who shall be nominated and elected at non-partisan elections from districts drawn on county lines and as nearly as possible of equal population, as provided by law. The

supreme court may prescribe by rule that the court of appeals may sit in divisions and for the terms of court and the times and places thereof. Each such division shall consist of not fewer than three judges. The number of judges comprising the court of appeals may be increased, and the districts from which they are elected may be changed by law.

Sec. 9. Judges of the court of appeals shall hold office for a term of six years and until their successors are elected and qualified. The terms of office for the judges in each district shall be arranged by law to provide that not all terms will expire at the same time.

Sec. 10. The jurisdiction of the court of appeals shall be provided by law and the practice and procedure therein shall be prescribed by rules of the supreme court.

Sec. 11. The state shall be divided into judicial circuits along county lines in each of which there shall be elected one or more circuit judges as provided by law. Sessions of the circuit court shall be held at least four times in each year in every county organized for judicial purposes. Each circuit judge shall hold court in the county or counties within the circuit in which he is elected, and in other circuits as may be provided by rules of the supreme court. The number of judges may be changed and circuits may be created, altered and discontinued by law and the number of judges shall be changed and circuits shall be created, altered and discontinued on recommendation of the supreme court to reflect changes in judicial activity. No change in the number of judges or alteration or discontinuance of a circuit shall have the effect of removing a judge from office during his term.

Sec. 12. Circuit judges shall be nominated and elected at non-partisan elections in the circuit in which they reside, and shall hold office for a term of six years and until their successors are elected and qualified. In circuits having more than one circuit judge their terms of office shall be arranged by law to provide that not all terms will expire at the same time.

Sec. 13. The circuit court shall have original jurisdiction in all matters not prohibited by law; appellate jurisdiction from all inferior courts and tribunals except as otherwise provided by law; power to issue, hear and determine prerogative and remedial writs; supervisory and general control over inferior courts and tribunals within their respective jurisdictions in accordance with rules of the supreme court; and jurisdiction of other cases and matters as provided by rules of the supreme court.

Sec. 14. The clerk of each county organized for judicial purposes or other officer performing the duties of such office as provided in a county charter shall be clerk of the circuit court for such

county. The judges of the circuit court may fill a vacancy in an elective office of county clerk or prosecuting attorney within their respective jurisdictions.

Sec. 15. In each county organized for judicial purposes there shall be a probate court. The legislature may create or alter probate court districts of more than one county if approved in each affected county by a majority of the electors voting on the question. The legislature may provide for the combination of the office of probate judge with any judicial office of limited jurisdiction within a county with supplemental salary as provided by law. The jurisdiction, powers and duties of the probate court and of the judges thereof shall be provided by law. They shall have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

Sec. 16. One or more judges of probate as provided by law shall be nominated and elected at non-partisan elections in the counties or the probate districts in which they reside and shall hold office for terms of six years and until their successors are elected and qualified. In counties or districts with more than one judge the terms of office shall be arranged by law to provide that not all terms will expire at the same time.

Sec. 17. No judge or justice of any court of this state shall be paid from the fees of his office nor shall the amount of his salary be measured by fees, other moneys received or the amount of judicial activity of his office.

Sec. 18. Salaries of justices of the supreme court, of the judges of the court of appeals, of the circuit judges within a circuit, and of the probate judges within a county or district, shall be uniform, and may be increased, but shall not be decreased during a term of office except and only to the extent of a general salary reduction in all other branches of government.

Each of the judges of the circuit court shall receive an annual salary as provided by law. In addition to the salary received from the state, each circuit judge may receive from any county in which he regularly holds court an additional salary as determined from time to time by the board of supervisors of the county. In any county where an additional salary is granted, it shall be paid at the same rate to all circuit judges regularly holding court therein.

Sec. 19. The supreme court, the court of appeals, the circuit court, the probate court and other courts designated as such by the legislature shall be courts of record and each shall have a common seal. Justices and judges of courts of record must be persons who are licensed to practice law in this state. No person shall be elected or appointed to a judicial office after reaching the age of 70 years.

1 Sec. 20. Whenever a justice or judge removes
2 his domicile beyond the limits of the territory
3 from which he was elected, he shall have vacated
4 his office.

5 Sec. 21. Any justice or judge of a court of
6 record shall be ineligible to be nominated for
7 or elected to an elective office other than a judicial
8 office during the period of his service and for
9 one year thereafter.

10 Sec. 22. Any elected judge of the court of
11 appeals, circuit court or probate court may be-
12 come a candidate in the primary election for the
13 office of which he is the incumbent by filing an
14 affidavit of candidacy in the form and manner
15 prescribed by law.

16 Sec. 23. A vacancy in the elective office of a
17 judge of any court of record shall be filled at a
18 general or special election as provided by law.
19 The supreme court may authorize persons who
20 have served as judges and who have retired, to
21 perform judicial duties for the limited period of
22 time from the occurrence of the vacancy until
23 the successor is elected and qualified. Such per-
24 sons shall be ineligible for election to fill the
25 vacancy.

26 Sec. 24. There shall be printed upon the ballot
27 under the name of each elected incumbent justice
28 or judge who is a candidate for nomination or
29 election to the same office the designation of
30 that office.

31 Sec. 25. For reasonable cause, which is not
32 sufficient ground for impeachment, the governor
33 shall remove any judge on a concurrent resolution
34 of two-thirds of the members elected to and serv-
35 ing in each house of the legislature. The cause
36 for removal shall be stated at length in the
37 resolution.

38 Sec. 26. The offices of circuit court commis-
39 sioner and justice of the peace are abolished at
40 the expiration of five years from the date this
41 constitution becomes effective or may within this
42 period be abolished by law. Their jurisdiction,
43 compensation and powers within this period shall
44 be as provided by law. Within this five-year period,
45 the legislature shall establish a court or courts
46 of limited jurisdiction with powers and jurisdic-
47 tion defined by law. The location of such court
48 or courts, and the qualifications, tenure, method
49 of election and salary of the judges of such court
50 or courts, and by what governmental units the
51 judges shall be paid, shall be provided by law,
52 subject to the limitations contained in this Article.

53 Statutory courts in existence at the time this
54 constitution becomes effective shall retain their
55 powers and jurisdiction, except as provided by
56 law, until they are abolished by law.

57 Sec. 27. The supreme court, the court of ap-
58 peals, the circuit court, or any justices or judges
59 thereof, shall not exercise any power of appoint-
60 ment to public office except as provided in this

constitution.

1 Sec. 28. All final decisions, findings, rulings
2 and orders of any administrative officer or agency
3 existing under the constitution or by law, which
4 are judicial or quasi-judicial and affect private
5 rights or licenses, shall be subject to direct re-
6 view by the courts as provided by law. This re-
7 view shall include, as a minimum, the determina-
8 tion whether such final decisions, findings, rulings
9 and orders are authorized by law; and, in cases in
10 which a hearing is required, whether the same
11 are supported by competent, material and sub-
12 stantial evidence on the whole record. Findings
13 of fact in workmen's compensation proceedings
14 shall be conclusive in the absence of fraud un-
15 less otherwise provided by law.

16 Sec. 29. Justices of the supreme court, judges
17 of the court of appeals, circuit judges and other
18 judges as provided by law shall be conservators
19 of the peace within their respective jurisdictions.

Article VII

Local Government

1 Sec. 1. Each organized county shall be a body
2 corporate with powers and immunities provided
3 by law.

4 Sec. 2. Any county may frame, adopt, amend
5 or repeal a county charter in a manner and with
6 powers and limitations to be provided by general
7 law, which shall among other things provide for
8 the election of a charter commission. The law
9 may permit the organization of county govern-
10 ment in form different from that set forth in this
11 constitution and shall limit the rate of ad valorem
12 property taxation for county purposes, and re-
13 strict the powers of charter counties to borrow
14 money and contract debts. Each charter county
15 is hereby granted power to levy other taxes for
16 county purposes subject to limitations and pro-
17 hibitions set forth in this constitution or law.
18 Subject to law, a county charter may authorize
19 the county through its regularly constituted
20 authority to adopt resolutions and ordinances re-
21 lating to its concerns.

22 The board of supervisors by a majority vote
23 of its members may, and upon petition of five
24 percent of the electors shall, place upon the ballot
25 the question of electing a commission to frame a
26 charter.

27 No county charter shall be adopted, amended
28 or repealed until approved by a majority of elec-
29 tors voting on the question.

30 Sec. 3. No organized county shall be reduced
31 by the organization of new counties to less than
32 16 townships as surveyed by the United States,
33 unless approved in the manner prescribed by law
34 by a majority of electors voting thereon in each
35 county to be affected.

36 Sec. 4. There shall be elected for four-year
37 terms in each organized county a sheriff, a county

clerk, a county treasurer, a register of deeds and a prosecuting attorney, whose duties and powers shall be provided by law. The board of supervisors in any county may combine the offices of county clerk and register of deeds in one office or separate the same at pleasure.

Sec. 5. The sheriff, county clerk, county treasurer and register of deeds shall hold their principal offices at the county seat.

Sec. 6. The sheriff may be required by law to renew his security periodically and in default of giving such security, his office shall be vacant. The county shall never be responsible for his acts, except that the board of supervisors may protect him against claims by prisoners for unintentional injuries received while in his custody. He shall not hold any other office except in civil defense.

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

Sec. 8. Boards of supervisors shall have legislative, administrative and such other powers and duties as provided by law.

Sec. 9. Boards of supervisors shall have exclusive power to fix the compensation of county officers not otherwise provided by law.

Sec. 10. A county seat once established shall not be removed until the place to which it is proposed to be moved shall be designated by two-thirds of the members of the board of supervisors and a majority of the electors voting thereon shall have approved the proposed location in the manner prescribed by law.

Sec. 11. No county shall incur any indebtedness which shall increase its total debt beyond 10 percent of its assessed valuation.

Sec. 12. A navigable stream shall not be bridged or dammed without permission granted by the board of supervisors of the county as provided by law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and political subdivisions therein.

Sec. 13. Two or more contiguous counties may combine into a single county if approved in each affected county by a majority of the electors voting on the question.

Sec. 14. The board of supervisors of each organized county may organize and consolidate townships under restrictions and limitations provided by law.

Sec. 15. Any county, when authorized by its board of supervisors shall have the authority to enter or to intervene in any action or certificate proceeding involving the services, charges or rates of any privately owned public utility furnishing services or commodities to rate payers within the county.

Sec. 16. The legislature may provide for the laying out, construction, improvement and maintenance of highways, bridges, culverts and airports by the state and by the counties and townships thereof; and may authorize counties to take charge and control of any highway within their limits for such purposes. The legislature may provide the powers and duties of counties in relation to highways, bridges, culverts and airports; may provide for county road commissioners to be appointed or elected, with powers and duties provided by law. The ad valorem property tax imposed for road purposes by any county shall not exceed in any year one-half of one percent of the assessed valuation for the preceding year.

Sec. 17. Each organized township shall be a body corporate with powers and immunities provided by law.

Sec. 18. In each organized township there shall be elected for terms of not less than two nor more than four years as prescribed by law a supervisor, a clerk, a treasurer, and not to exceed four trustees, whose legislative and administrative powers and duties shall be provided by law.

Sec. 19. No organized township shall grant any public utility franchise which is not subject to revocation at the will of the township, unless the proposition shall first have been approved by a majority of the electors of such township voting thereon at a regular or special election.

Sec. 20. The legislature shall provide by law for the dissolution of township government whenever all the territory of an organized township is included within the boundaries of a village or villages notwithstanding that a village may include territory within another organized township and provide by law for the classification of such village or villages as cities.

Sec. 21. The legislature shall provide by general laws for the incorporation of cities and villages. Such laws shall limit their rate of ad valorem property taxation for municipal purposes, and restrict the powers of cities and villages to borrow money and contract debts. Each city and village is granted power to levy other taxes for public purposes, subject to limitations and prohibitions provided by this constitution or by law.

Sec. 22. Under general laws the electors of each city and village shall have the power and authority to frame, adopt and amend its charter, and to amend an existing charter of the city or village heretofore granted or enacted by the legislature for the government of the city or village. Each such city and village shall have power to adopt resolutions and ordinances relating to its municipal concerns, property and government, subject to the constitution and law. No enumeration of powers granted to cities and villages in this constitution shall limit or restrict the general grant of authority conferred by this section.

1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60

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. 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, 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.

1 Sec. 2. The legislature shall maintain and sup-
 2 port a system of free public elementary and sec-
 3 ondary schools as defined by law. Every school
 4 district shall provide for the education of its
 5 pupils without discrimination as to religion, creed,
 6 race, color or national origin.

7 Sec. 3. Leadership and general supervision over
 8 all public education, including adult education and
 9 instructional programs in state institutions, except
 10 as to institutions of higher education granting
 11 baccalaureate degrees, is vested in a state board
 12 of education. It shall serve as the general plan-
 13 ning and coordinating body for all public educa-
 14 tion, including higher education, and shall advise
 15 the legislature as to the financial requirements
 16 in connection therewith.

17 The state board of education shall appoint a
 18 superintendent of public instruction whose term
 19 of office shall be determined by the board. He
 20 shall be the chairman of the board without the
 21 right to vote, and shall be responsible for the
 22 execution of its policies. He shall be the principal
 23 executive officer of a state department of educa-
 24 tion which shall have powers and duties provided
 25 by law.

26 The state board of education shall consist of
 27 eight members who shall be nominated by party
 28 conventions and elected at large for terms of
 29 eight years as prescribed by law. The governor
 30 shall fill any vacancy by appointment for the
 31 unexpired term. The governor shall be ex-officio
 32 a member of the state board of education with-
 33 out the right to vote.

34 The power of the boards of institutions of higher
 35 education provided in this constitution to super-
 36 vise their respective institutions and control and
 37 direct the expenditure of the institutions' funds
 38 shall not be limited by this section.

39 Sec. 4. The legislature shall appropriate
 40 moneys to maintain the university of Michigan,
 41 Michigan State University, Wayne State Univer-
 42 sity, Eastern Michigan University, Michigan Col-
 43 lege of Science and Technology, Central Michi-
 44 gan University, Northern Michigan University,
 45 Western Michigan University, Ferris Institute,
 46 Grand Valley State College, by whatever names
 47 such institutions may hereafter be known, and
 48 other institutions of higher education established
 49 by law. The legislature shall be given an annual
 50 accounting of all income and expenditures by each
 51 of these educational institutions. Formal sessions
 52 of governing boards of such institutions shall be
 53 open to the public.

54 Sec. 5. The regents of the University of Michi-
 55 gan and their successors in office shall constitute
 56 a body corporate known as the Regents of the
 57 University of Michigan; the trustees of Michigan
 58 State University and their successors in office shall
 59 constitute a body corporate known as the Board
 60 of Trustees of Michigan State University; the

governors of Wayne State University and their
 successors in office shall constitute a body corpor-
 ate known as the Board of Governors of Wayne
 State University. Each board shall have general
 supervision of its institution and the control and
 direction of all expenditures from the institution's
 funds. Each board shall, as often as necessary,
 elect a president of the institution under its su-
 pervision. He shall be the principal executive of-
 ficer of the institution, be ex-officio a member of
 the board without the right to vote and preside
 at meetings of the board. The board of each in-
 stitution shall consist of eight members who shall
 hold office for terms of eight years and who shall
 be elected as provided by law. The governor shall
 fill board vacancies by appointment. Each ap-
 pointee shall hold office until a successor has been
 nominated and elected as provided by law.

Sec. 6. Other institutions of higher education
 established by law having authority to grant
 baccalaureate degrees shall each be governed by
 a board of control which shall be a body corporate.
 The board shall have general supervision of the
 institution and the control and direction of all
 expenditures from the institution's funds. It shall,
 as often as necessary, elect a president of the in-
 stitution under its supervision. He shall be the
 principal executive officer of the institution and
 be ex-officio a member of the board without the
 right to vote. The board may elect one of its mem-
 bers or may designate the president, to preside at
 board meetings. Each board of control shall con-
 sist of eight members who shall hold office for
 terms of eight years, not more than two of which
 shall expire in the same year, and who shall be
 appointed by the governor by and with the ad-
 vice and consent of the senate. Vacancies shall
 be filled in like manner.

Sec. 7. The legislature shall provide by law
 for the establishment and financial support of
 public community and junior colleges which shall
 be supervised and controlled by locally elected
 boards. The legislature shall provide by law for
 a state board for public community and junior
 colleges which shall advise the state board of
 education concerning general supervision and plan-
 ning for such colleges and requests for annual
 appropriations for their support. The board shall
 consist of eight members who shall hold office
 for terms of eight years, not more than two of
 which shall expire in the same year, and who shall
 be appointed by the state board of education. Va-
 cancies shall be filled in like manner. The super-
 intendent of public instruction shall be ex-officio
 a member of this board without the right to vote.

Sec. 8. Institutions, programs, and services for
 the care, treatment, education or rehabilitation of
 those inhabitants who are physically, mentally, or
 otherwise seriously handicapped shall always be
 fostered and supported.

1 Sec. 9. The legislature shall provide by law for
2 the establishment and support of public libraries
3 which shall be available to all residents of the state
4 under regulations adopted by the governing bodies
5 thereof. All fines assessed and collected in the
6 several counties, cities and townships for any
7 breach of the penal laws shall be exclusively ap-
8 plied to the support of such public libraries, and
9 county law libraries as provided by law.

Article IX

Finance and Taxation

13 Sec. 1. The legislature shall impose taxes suf-
14 ficient with other resources to pay the expenses of
15 state government.

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

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

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

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

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

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

17 The foregoing limitations shall not apply to
18 taxes imposed for the payment of principal and
19 interest on bonds or other evidences of indebted-
20 ness or for the payment of assessments or con-
21 tract obligations in anticipation of which bonds
22 are issued, which taxes may be imposed without
23 limitation as to rate or amount; or to taxes im-
24 posed for any other purpose by any city, vil-
25 lage, charter county, charter township, charter
26 authority or other authority, the tax limitations
27 of which are provided by charter or by general
28 law.

29 In any school district which extends into two
30 or more counties, property taxes at the highest
31 rate available in the county which contains the
32 greatest part of the area of the district may be
33 imposed and collected for school purposes through-
34 out the district.

35 Sec. 7. No income tax graduated as to rate
36 or base shall be imposed by the state or any of
37 its subdivisions.

38 Sec. 8. The legislature shall not impose a
39 sales tax on retailers at a rate of more than
40 four percent of their gross taxable sales of
41 tangible personal property.

42 Sec. 9. All specific taxes, except general sales
43 and use taxes and regulatory fees, imposed di-
44 rectly or indirectly on fuels sold or used
45 to propel motor vehicles upon highways and on
46 registered motor vehicles shall, after the payment
47 of necessary collection expenses, be used exclusi-
48 vely for highway purposes as defined by law.

49 Sec. 10. One-eighth of all taxes imposed on
50 retailers on taxable sales at retail of tangible
51 personal property shall be used exclusively for
52 assistance to townships, cities and villages, on
53 a population basis as provided by law. In de-
54 termining population the legislature may exclude
55 any portion of the total number of persons who
56 are wards, patients or convicts in any tax sup-
57 ported institution.

58 Sec. 11. There shall be established a state
59 school aid fund which shall be used exclusively
60 for the support of public education and school

employees' retirement systems, as provided by law. One-half of all taxes imposed on retailers on taxable sales at retail of tangible personal property, and other tax revenues provided by law, shall be dedicated to this fund. Payments from this fund shall be made in full on a scheduled basis, as provided by law.

Sec. 12. No evidence of state indebtedness shall be issued except for debts authorized pursuant to this constitution.

Sec. 13. Public bodies corporate shall have power to borrow money and to issue their securities evidencing debt, subject to this constitution and law.

Sec. 14. To meet obligations incurred pursuant to appropriations for any fiscal year, the legislature may by law authorize the state to issue its full faith and credit notes in which case it shall pledge undedicated revenues to be received within the same fiscal year for the repayment thereof. Such indebtedness in any fiscal year shall not exceed 15 percent of undedicated revenues received by the state during the preceding fiscal year and such debts shall be repaid at the time the revenues so pledged are received, but not later than the end of the same fiscal year.

Sec. 15. The state may borrow money for specific purposes in amounts as may be provided by acts of the legislature adopted by a vote of two-thirds of the members elected to and serving in each house, and approved by a majority of the electors voting thereon at any general election. The question submitted to the electors shall state the amount to be borrowed, the specific purpose to which the funds shall be devoted, and the method of repayment.

Sec. 16. The state, in addition to any other borrowing power, may borrow from time to time such amounts as shall be required, pledge its faith and credit and issue its notes or bonds therefor, for the purpose of making loans to school districts as provided in this section.

If the minimum amount which would otherwise be necessary for a school district to levy in any year to pay principal and interest on its qualified bonds, including any necessary allowances for estimated tax delinquencies, exceeds 13 mills on each dollar of its assessed valuation as finally equalized, or such lower millage as the legislature may prescribe, then the school district may elect to borrow all or any part of the excess from the state. In that event the state shall lend the excess amount to the school district for the payment of principal and interest. If for any reason any school district will be or is unable to pay the principal and interest on its qualified bonds when due, then the school district shall borrow and the state shall lend to it an amount sufficient to enable the school district to make the payment.

The term "qualified bonds" means general obli-

gation bonds of school districts issued for capital expenditures, including refunding bonds, issued prior to May 4, 1955, or issued thereafter and qualified as provided by law pursuant to Section 27 or Section 28 of Article X of the Constitution of 1908 or pursuant to this section.

After a school district has received loans from the state, each year thereafter it shall levy for debt service, exclusive of levies for nonqualified bonds, not less than 13 mills or such lower millage as the legislature may prescribe, until the amount loaned has been repaid, and any tax collections therefrom in any year over and above the minimum requirements for principal and interest on qualified bonds shall be used toward the repayment of state loans. In any year when such levy would produce an amount in excess of the requirements and the amount due to the state, the levy may be reduced by the amount of the excess.

Subject to the foregoing provisions, the legislature shall have the power to prescribe and to limit the procedure, terms and conditions for the qualification of bonds, for obtaining and making state loans, and for the repayment of loans.

The power to tax for the payment of principal and interest on bonds hereafter issued which are the general obligations of any school district, including refunding bonds, and for repayment of any state loans made to school districts, shall be without limitation as to rate or amount.

All rights acquired under Sections 27 and 28 of Article X of the Constitution of 1908, by holders of bonds heretofore issued, and all obligations assumed by the state or any school district under these sections, shall remain unimpaired.

Sec. 17. No money shall be paid out of the state treasury except in pursuance of appropriations made by law.

Sec. 18. The credit of the state shall not be granted to, nor in aid of any person, association or corporation, public or private, except as authorized in this constitution.

This section shall not be construed to prohibit the investment of public funds until needed for current requirements or the investment of funds accumulated to provide retirement or pension benefits for public officials and employees, as provided by law.

Sec. 19. The state shall not subscribe to, nor be interested in the stock of any company, association or corporation, except that funds accumulated to provide retirement or pension benefits for public officials and employees may be invested as provided by law; and endowment funds created for charitable or educational purposes may be invested as provided by law governing the investment of funds held in trust by trustees.

Sec. 20. No state money shall be deposited in banks other than those organized under the national or state banking laws. No state money

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-

dence. 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 & 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. The governor shall appoint a qualified resident of the same district to fill a vacancy in the office of any delegate 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. The state shall be districted for the purpose of electing senators in accordance with the provisions of Section 2 of Article IV of this constitution, after the official publication of the total population count of the 1970 decennial federal census. Until the apportionment of the senate following the 1970 census, the senatorial districts under the 1908 constitution shall remain intact except that upon the adoption of this constitution each of the counties of Kent, Genesee, Macomb and Oakland shall be divide by the apportionment commission into two senatorial districts and Wayne county into eight senatorial districts in accordance with this constitution. The legislature may give prior effect to Section 2 of Article IV of this constitution, which action shall not be subject to veto by the governor.

Sec. 7. Notwithstanding the provisions of this constitution that the supreme court shall consist of seven justices it shall consist of eight justices until the time that a vacancy occurs as a result of death, retirement or resignation of a justice. The first such vacancy shall not be filled.

Sec. 8. Any judge of probate serving on the effective date of this constitution may serve the remainder of the term and be eligible to succeed himself for election regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

Sec. 9. The provisions of Article VI providing that terms of judicial offices shall not all expire at the same time, shall be implemented by law providing that at the next election for such offices judges shall be elected for terms of varying length, none of which shall be shorter than the regular term provided for the office.

Sec. 10. The members of the state board of education provided for in Section 3 of Article VIII of this constitution shall first be elected at the first general election after the effective date of this constitution for the following terms: two shall be elected for two years, two for four years, two for six years, and two for eight years as prescribed by law.

The State Board of Education provided for in the constitution of 1908 is abolished at twelve o'clock noon January 1 of the year following the first general election under this constitution and the terms of members thereof shall then expire.

Sec. 11. The provisions of this constitution providing for members of boards of control of institutions of higher education and the State Board of Public Community and Junior Colleges shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be

extended, and may further provide that the initial terms of office of members may be less than eight years.

Sec. 12. The provisions of this constitution increasing the number of members of the Board of Trustees of Michigan State University and of the Board of Governors of Wayne State University to eight, and of their term of office to eight years, shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended one year, and may further provide that the initial terms of office of the additional members may be less than eight years.

Sec. 13. The initial allocation of departments by law pursuant to Section 2 of Article V of this constitution, shall be completed within two years after the effective date of this constitution. If such allocation shall not have been completed within such period, the governor, within one year thereafter, by executive order, shall make the initial allocation.

Sec. 14. Contractual obligations of the state incurred pursuant to the constitution of 1908 shall continue to be obligations of the state.

For the retirement of notes and bonds issued under Section 26 of Article X of the 1908 constitution, there is hereby appropriated from the general fund each year during their life a sum equal to the amount of principal and interest payments due and payable in each year.

Sec. 15. The legislature by a vote of two-thirds of the members elected to and serving in each house may provide that the state may bor-

row money and may pledge its full faith and credit for refunding any bonds issued by the Mackinac Bridge Authority and at the time of refunding the Mackinac Bridge Authority shall be abolished and the operation of the bridge shall be assumed by the state highway department. The legislature may implement this section by law.

Sec. 16. This constitution shall be submitted to the people for their adoption or rejection at the general election to be held on the Tuesday after the first Monday of November, 1962. It shall be the duty of the secretary of state forthwith to give notice of such submission to all other officers required to give or publish any notice in regard to a general election. He shall give notice that this constitution will be duly submitted to the electors at such election. The notice shall be given in the manner required for the election of governor.

Sec. 17. Every registered elector may vote on the adoption of the constitution. The board of election commissioners in each county shall cause to be printed on a ballot separate from the ballot containing the names of the nominees for office, the words: Shall the revised constitution be adopted? () Yes. () No. All votes cast at the election shall be taken, counted, canvassed and returned as provided by law for the election of state officers. If the revised constitution so submitted receives more votes in its favor than were cast against it, it shall be the supreme law of the state on and after the first day of January of the year following its adoption.

against the secretary of state, by Mr. Van Dusen, chairman, submits the following report:

In accordance with Resolution 96, the committee on action against secretary of state on May 14, 1962, filed with the circuit court for the county of Ingham, a petition for declaration of rights in an action entitled, Stephen S. Nisbet, President of the Michigan Constitutional Convention of 1961-1962 v. James M. Hare, Secretary of State. The relief sought was a declaration that the convention has the right to provide for submission of the proposed new constitution to the electors at the general election to be held November 6, 1962. The summons and petition were served on the secretary of state on the same day.

On May 22, having had no response from the attorney general, petitioner filed a motion for the entry of a decree. On May 25, the secretary of state appeared specially by the attorney general and moved to dismiss the petition on the ground that the case did not present an actual controversy. The trial court heard argument on the attorney general's motion on June 1 and on June 6 rendered an opinion denying the motion to dismiss. An order to that effect was entered on June 11.

Instead of proceeding to file an answer, the attorney general then filed an application to the supreme court for leave to appeal. This application was granted by the supreme court and the attorney general, on July 2, filed a claim of appeal.

The attorney general has not yet filed a brief and he states that he does not intend to do so until after August 7.

It is obvious that no judicial determination of the right of the constitutional convention to require submission of the proposed constitution to the electors on November 6 will be made in time to be useful to the convention. Accordingly, the committee recommends:

1) That section 15 [formerly section 16] of the schedule and temporary provisions of the proposed constitution be amended by striking from the first sentence the words "Tuesday after the first Monday of November, 1962" and inserting "first Monday in April, 1963."

2) That the committee be authorized to discontinue the action entitled, Nisbet v. Hare.

Richard C. Van Dusen, chairman.

MR. VAN DUSEN: Mr. President, I move the adoption of the report.

PRESIDENT NISBET: The question is on the motion of Mr. Van Dusen that the report be adopted. Those in favor will say aye. Opposed, no.

The report is adopted. Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, in compliance with our rules, I think it would now be necessary to take a roll call vote on the amendment to the constitution changing the date.

PRESIDENT NISBET: Mr. Chase will read the amendment.

SECRETARY CHASE: The amendment recommended in the report is as follows:

1. Amend the schedule, section 15 [formerly section 16] (column 2) line 11, after "held on the" by striking out "Tuesday after the first Monday of November, 1962.", and inserting "first Monday in April, 1963."

PRESIDENT NISBET: The secretary will call the roll. Those in favor of the amendment will vote aye as your name is called. Those opposed will vote no.

The roll was called and the delegates voted as follows:

Yeas—141

| | | |
|--------------|---------------|---------|
| Allen | Goebel | Page |
| Andrus, Miss | Gover | Pellow |
| Anspach | Greene | Perlich |
| Austin | Gust | Perras |
| Baginski | Habermehl | Plank |
| Balcer | Hanna, W. F. | Pollock |
| Barthwell | Hannah, J. A. | Powell |
| Batchelor | Hart, Miss | Prettie |
| Beaman | Haskill | Pugsley |
| Bentley | Hatch | Radka |

| | |
|---------------------|---------------|
| Binkowski | Hatcher, Mrs. |
| Blandford | Heideman |
| Bledsoe | Higgs |
| Bonisteel | Hood |
| Boothby | Howes |
| Bowens | Hoxie |
| Bradley | Hubbs |
| Brake | Hutchinson |
| Brown, G. E. | Iverson |
| Brown, T. S. | Jones |
| Buback | Judd, Mrs. |
| Butler, Mrs. | Karn |
| Conklin, Mrs. | Kelsey |
| Cudlip | Kirk, S. |
| Cushman, Mrs. | Knirk, B. |
| Danhof | Koeze, Mrs. |
| Dehnke | Krolkowski |
| Dell | Kuhn |
| DeVries | Lawrence |
| Donnelly, Miss | Lebrand |
| Doty, Dean | Leppien |
| Doty, Donald | Lesinski |
| Douglas | Liberato |
| Downs | Madar |
| Durst | Mahinske |
| Elliott, A. G. | Martin |
| Elliott, Mrs. Daisy | McAllister |
| Erickson | McCauley |
| Everett | McGowan, Miss |
| Farnsworth | McLogan |
| Faxon | Millard |
| Figy | Mosier |
| Finch | Murphy |
| Follo | Nisbet |
| Ford | Nord |
| Gadola | Norris |
| Garvin | Ostrow |

Nays—0

SECRETARY CHASE: On the adoption of the amendment, the yeas are 141; the nays are none.

PRESIDENT NISBET: The amendment is adopted. The question now is on the final passage of the constitution as amended this morning. Those who are in favor will answer aye as your names are called. Those opposed will answer nay. The secretary will call the roll.

The roll was called and the delegates voted as follows:

Yeas—98

| | | |
|----------------|---------------|-----------------|
| Allen | Gover | Powell |
| Andrus, Miss | Gust | Prettie |
| Anspach | Habermehl | Pugsley |
| Balcer | Hanna, W. F. | Radka |
| Batchelor | Hannah, J. A. | Rajkovich |
| Beaman | Haskill | Richards, J. B. |
| Bentley | Hatch | Richards, L. W. |
| Blandford | Heideman | Romney |
| Bonisteel | Higgs | Rood |
| Boothby | Howes | Rush |
| Brake | Hoxie | Seyferth |
| Brown, G. E. | Hubbs | Shackleton |
| Butler, Mrs. | Hutchinson | Shaffer |
| Conklin, Mrs. | Iverson | Sharpe |
| Cudlip | Judd, Mrs. | Sleder |
| Cushman, Mrs. | Karn | Spitler |
| Danhof | Kirk, S. | Stafseth |
| Dehnke | Knirk, B. | Staiger |
| Dell | Koeze, Mrs. | Stamm |
| DeVries | Kuhn | Sterrett |
| Donnelly, Miss | Lawrence | Stevens |
| Doty, Dean | Leppien | Thomson |
| Doty, Donald | Martin | Tubbs |
| Durst | McCauley | Turner |
| Elliott, A. G. | McGowan, Miss | Tweedie |
| Erickson | McLogan | Upton |
| Everett | Millard | Van Dusen |
| Farnsworth | Mosier | Wanger |
| Figy | Nisbet | White |
| Finch | Page | Wood |

Follo
Gadola
Goebel

Perras
Plank
Pollock

Woolfenden
Yeager

Nays—43

Austin
Baginski
Barthwell
Binkowski
Bledsoe
Bowens
Bradley
Brown, T. S.
Buback
Douglas
Downs
Elliott, Mrs. Daisy
Faxon
Ford
Garvin

Greene
Hart, Miss
Hatcher, Mrs.
Hood
Jones
Kelsey
Krolikowski
Leibrand
Lesinski
Liberato
Madar
Mahinske
McAllister
Murphy

Nord
Norris
Ostrow
Pellow
Perlich
Sablich
Shanahan
Snyder
Stopczynski
Suzore
Walker
Wilkowski
Young
Youngblood

SECRETARY CHASE: On the adoption of the constitution as amended, the yeas are 98; the nays are 43. (applause)
PRESIDENT NISBET: The **constitution** is adopted.

For the constitution as adopted, see below, page 3317.

Because of the hour, it being almost noon, the Chair recognizes Mr. Van Dusen.

MR. VANDUSEN: Mr. President, I move that the convention now stand in recess until 2:00 p.m.

PRESIDENT NISBET: The question is on the motion of Mr. Van Dusen that we recess until 2:00 p.m. Those in favor will say aye. Opposed, no.

The motion prevails. We are recessed until 2:00 o'clock.

[Whereupon, at 11:50 o'clock a.m., the convention recessed; and, at 2:00 o'clock p.m., reconvened.]

Will the delegates please take their seats. The convention will please come to order.

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

PRESIDENT NISBET: I think we should recognize the fact that many of our employees are voluntarily back with us today, meeting with the delegates. I'm sure all of us are very happy to have them here. It brings about a happy result to see them and I think we ought to give them a good hand. (applause) Mr. Chase has an announcement.

SECRETARY CHASE: There are 3 announcements that possibly should have been made before we recessed for lunch.

First, there is mail for all of the delegates in the mail room downstairs.

Just prior to the May 11 adjournment, several of the delegates took out, on loan, sets of convention slides which have not been returned. Missing from our files are 12 complete sets of slides. Since we frequently have call from other delegates for the use of these slides, we would appreciate their return as soon as possible. Ink White, chairman of the committee on public information.

I am sure the delegates recall the lady on the civic center staff who took such good care of keeping the windows clean and the place well slicked up, who had to go to the hospital for a very critical operation. A number of the delegates contributed to a fund to help her over her financial difficulties. I have the following card:

It is very difficult to express my appreciation to all the wonderful people of con con. Let me say, with my heart, your kindness and generosity will always be remembered.

Sincerely,
Freda Adams.

PRESIDENT NISBET: Since the adjournment on May 11, we have added 2 new associate members to the delegation: Mrs. Charles Follo and Mrs. Gil Wanger.

I asked Charlie if Mrs. Follo was present so that he might present her, but he said she isn't. We are sorry, Charlie, she couldn't be with us.

Mr. Wanger, is your associate delegate present? Would you present her?

[Whereupon, the delegates accorded Mrs. Wanger a standing ovation.]

At the final session before the long recess the president was authorized to name a reunion committee for the constitutional convention. Accordingly, the **president appoints**, as members of the reunion committee: Mr. Erickson, Mrs. Koeze, Messrs. Jones, Bowens, Brake, Mrs. Conklin, Mr. Dean Doty, Mrs. Daisy Elliott, Messrs. Faxon, Kelsey, Kuhn, Powell, Sharpe, Wanger, White and Norris.

Without objection, the appointments are approved. You will notice that most of these delegates are within the area of Lansing, Detroit or Grand Rapids for their ease in getting together when they have to meet. Mr. Claud Erickson is chairman of the committee.

Returning to the order of business, **approval of address to people**. We will take up the **report of the committee on public information**. Mr. White, chairman.

MR. WHITE: Mr. President, under date of June 26, 1962, each delegate was mailed proof copies of the proposed address to the people. Since that time our committee has received numerous suggestions for corrections, additions, deletions and so on. Our committee has met and gone over these suggestions and they have been, for the most part, agreed to. I might say, parenthetically, the address in its present corrected form represents the writing and editing of upwards of 50 of our delegates.

Under date of July 27, 1962, each of you was mailed a 16 page multilith report which outlined in detail some 108 corrections. This communication also carried the recommendation that we be authorized to correct the text of the constitution as it appears in the address to conform with the style and drafting changes adopted at today's session, and to offer comments accordingly, if necessary. All of this material has been delivered again to each delegate's desk today. Additionally, you have a single white multilith sheet from our committee containing brief addenda to this 16 page report.

It seems to me, Mr. President, the delegates have had ample time to consider these matters, and to expedite our final deliberations, I move that the report of the public information committee, with the recommended addenda, be considered read.

PRESIDENT NISBET: Without objection, it is so ordered.

Following is the report as submitted and considered read:

After careful consideration of suggestions from delegates, your committee on public information recommends the adoption of the following changes in the proof copy of the address to the people:

For document incorporating following changes, see below, page 3355. Page numbers in report refer to document pages.

1. Amend page 2, second full paragraph, line 3, after "that one" by striking out "must" and inserting "should"; to improve phraseology.

2. Amend page 2, third full paragraph, line 1, by striking out "Ordered by popular vote, its delegates selected by the people on the basis of one from each senatorial and representative district, the Constitutional Convention of 1961-62 met in Lansing on October 3, 1961.", and inserting "The convention was ordered by popular vote in April of 1961. There were 144 delegates, representing Michigan's 34 State Senatorial districts and 110 State Representative seats. They were elected in statewide voting on September 12, 1961, and convened at Lansing on October 3, 1961."; to improve awkward sentence construction and correct error by indicating "seats" rather than representative "districts."

3. Amend page 2, fifth full paragraph, line 2, after "overlapped" by striking out "each other"; to improve phraseology.

4. Amend page 2, fifth full paragraph, line 6, after

**CONSTITUTION
OF THE
STATE OF MICHIGAN**

**as finally adopted
by the Convention
August 1, 1962**

PREAMBLE

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

ARTICLE I

Declaration of Rights

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

Sec. 2. No person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color or national origin. The legislature shall implement this section by appropriate legislation.

Sec. 3. The people have the right peaceably to assemble, to consult for the common good, to instruct their representatives and to petition the government for redress of grievances.

Sec. 4. Every person shall be at liberty to worship God according to the dictates of his own conscience. No person shall be compelled to attend, or, against his consent, to contribute to the erection or support of any place of religious worship, or to pay tithes, taxes or other rates for the support of any minister of the gospel or teacher of religion. No money shall be appropriated or drawn from the treasury for the benefit of any religious sect or society, theological or religious seminary; nor shall property belonging to the state be appropriated for any such purpose. The civil and political rights, privileges and capacities of no person shall be diminished or enlarged on account of his religious belief.

Sec. 5. Every person may freely speak, write, express and publish his views on all subjects, being responsible for the abuse of such right; and no law shall be enacted to restrain or abridge the liberty of speech or of the press.

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

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

Sec. 8. No soldier shall, in time of peace, be quartered in any house without the consent of the owner or occupant, nor in time of war, except in a manner prescribed by law.

Sec. 9. Neither slavery, nor involuntary servitude unless for the punishment of crime, shall ever be tolerated in this state.

Sec. 10. No bill of attainder, ex post facto law or law impairing the obligation of contract shall be enacted.

Sec. 11. The person, houses, papers and possessions of every person shall be secure from unreasonable searches and seizures. No warrant to search any place or to seize any person or things shall issue without describing them, nor without probable cause, supported by oath or affirmation. The provisions of this section shall not be construed to bar from evidence in any criminal proceeding any narcotic drug, firearm, bomb, explosive or any other dangerous weapon, seized by a peace officer outside the curtilage of any dwelling house in this state.

Sec. 12. The privilege of the writ of habeas corpus shall not be suspended unless in case of rebellion or invasion the public safety may require it.

Sec. 13. A suitor in any court of this state has the right to prosecute or defend his suit, either in his own proper person or by an attorney.

Sec. 14. The right of trial by jury shall remain, but shall be waived in all civil cases unless demanded by one of the parties in the manner prescribed by law. In all civil cases tried by 12 jurors a verdict shall be received when 10 jurors agree.

Sec. 15. No person shall be subject for the same offense to be twice put in jeopardy. All persons shall, before conviction, be bailable by sufficient sureties, except for murder and treason when the proof is evident or the presumption great.

Sec. 16. Excessive bail shall not be required; excessive fines shall not be imposed; cruel or unusual punishment shall not be inflicted; nor shall witnesses be unreasonably detained.

Sec. 17. No person shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property, without due process of law. The right of all individuals, firms, corporations and voluntary associations to fair and just treatment in the course of legislative and executive investigations and hearings shall not be infringed.

Sec. 18. No person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief.

Sec. 19. In all prosecutions for libels the truth may be given in evidence to the jury; and, if it appears to the jury that the matter charged as libelous is true and was published with good motives and for justifiable ends, the accused shall be acquitted.

Sec. 20. In every criminal prosecution, the accused shall have the right to a speedy and public trial by an impartial jury, which may consist of less than 12 jurors in all courts not of record; to be informed of the nature of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to have the assistance of counsel for his defense; to have an appeal as a matter of right; and in courts of record, when the trial court so orders, to have such reasonable assistance as may be necessary to perfect and prosecute an appeal.

Sec. 21. No person shall be imprisoned for debt arising out of or founded on contract, express or implied, except in cases of fraud or breach of trust.

Sec. 22. Treason against the state shall consist only in levying war against it or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless upon the testimony of two witnesses to the same overt act or on confession in open court.

Sec. 23. The enumeration in this constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE II

Elections

Sec. 1. Every citizen of the United States who has attained the age of 21 years, who has resided in this state six months, and who meets the requirements of local residence provided by law, shall be an elector and qualified to vote in any election except as otherwise provided in this constitution. The legislature shall define residence for voting purposes.

Sec. 2. The legislature may by law exclude persons from voting because of mental incompetence or commitment to a jail or penal institution.

Sec. 3. For purposes of voting in the election for president and vice-president of the United States only, the legislature may by law establish lesser residence requirements for citizens who have resided in this state for less than six months and may waive residence requirements for former citizens of this state who have removed herefrom. The legislature shall not permit voting by any person who meets the voting residence requirements of the state to which he has removed.

Sec. 4. The legislature shall enact laws to regulate the time, place and manner of all nominations and elections, except as otherwise provided in this constitution or in the constitution and laws of the United States. The legislature shall enact laws to preserve the purity of elections, to preserve the secrecy of the ballot, to guard against abuses of the elective franchise, and to provide for a system of voter registration and absentee voting. No law shall be enacted which permits a candidate in any partisan primary or partisan election to have a ballot designation except when required for identification of candidates for the same office who have the same or similar surnames.

Sec. 5. Except for special elections to fill vacancies, or as otherwise provided in this constitution, all elections for national, state, county and township offices shall be held on the first Tuesday after the first Monday in November in each even-numbered year or on such other date as members of the congress of the United States are regularly elected.

Sec. 6. Whenever any question is required to be submitted by a political subdivision to the electors for the increase of the ad valorem tax rate limitation imposed by Section 6 of Article IX for a period of more than five years, or for the issue of bonds, only electors in, and who have property assessed for any ad valorem taxes in, any part of the district or territory to be affected by the result of such election or electors who are the lawful husbands or wives of such persons shall be entitled to vote thereon. All electors in the district or territory affected may vote on all other questions.

Sec. 7. A board of state canvassers of four members shall be established by law. No candidate for an office to be canvassed nor any inspector of elections shall be eligible to serve as a member of a board of canvassers. A majority of any board of canvassers shall not be composed of members of the same political party.

Sec. 8. Laws shall be enacted to provide for the recall of all elective officers except judges of courts of record upon petition of electors equal in number to 25 percent of the number of persons voting in the last preceding election for the office of governor in the electoral district of the officer sought to be recalled. The sufficiency of any statement of reasons or grounds procedurally required shall be a political rather than a judicial question.

Sec. 9. The people reserve to themselves the power to propose laws and to enact and reject laws, called the initiative, and the power to approve or reject laws enacted by the legislature, called the referendum. The power of initiative extends only to laws which the legislature may enact under this constitution. The power of referendum does not extend to acts making appropriations for state institutions or to meet deficiencies in state funds and must be invoked in the manner prescribed by law within 90 days following the final adjournment of the legislative session at which the law was enacted. To invoke the initiative or referendum, petitions signed by a number of registered electors, not less than eight percent for initiative and five percent for referendum of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected shall be required.

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

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

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

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

The legislature shall implement the provisions of this section.

ARTICLE III

General Government

Sec. 1. The seat of government shall be at Lansing.

Sec. 2. The powers of government are divided into three branches: legislative, executive and judicial. No person exercising powers of one branch shall exercise powers properly belonging to another branch except as expressly provided in this constitution.

Sec. 3. There shall be a great seal of the State of Michigan and its use shall be provided by law.

Sec. 4. The militia shall be organized, equipped and disciplined as provided by law.

Sec. 5. Subject to provisions of general law, this state or any political subdivision thereof, any governmental authority or any combination thereof may enter into agreements for the performance, financing or execution of their respective functions, with any one or more of the other states, the United States, the Dominion of Canada, or any political subdivision thereof unless otherwise provided in this constitution. Any other provision of this constitution notwithstanding, an officer or employee of the state or of any such unit of government or subdivision or agency thereof may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service. The legislature may impose such restrictions, limitations or conditions on such service as it may deem appropriate.

Sec. 6. The state shall not be a party to, nor be financially interested in, any work of internal improvement, nor engage in carrying on any such work, except for public internal improvements provided by law.

Sec. 7. The common law and the statute laws now in force, not repugnant to this constitution, shall remain in force until they expire by their own limitations, or are changed, amended or repealed.

Sec. 8. Either house of the legislature or the governor may request the opinion of the supreme court on important questions of law upon solemn occasions as to the constitutionality of legislation after it has been enacted into law but before its effective date.

ARTICLE IV

Legislative Branch

Sec. 1. The legislative power of the State of Michigan is vested in a senate and a house of representatives.

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

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

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

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

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

(3) Counties entitled to two or more senators shall be divided into single member districts. The population of such districts shall be as nearly equal as possible but shall not be less than 75 percent nor more than 125 percent of a number determined by dividing the population of the county by the number of senators to which it is entitled. Each such district shall follow incorporated city or township boundary lines to the extent possible and shall be compact, contiguous, and as nearly uniform in shape as possible.

Sec. 3. The house of representatives shall consist of 110 members elected for two-year terms from single member districts apportioned on a basis of population as provided in this article. The districts shall consist of compact and convenient territory contiguous by land.

Each county which has a population of not less than seven-tenths of one percent of the population of the state shall constitute a separate representative area. Each county having less than seven-tenths of one percent of the population of the state shall be combined with another county or counties to form a representative area of not less than seven-tenths of one percent of the population of the state. Any county which is isolated under the initial allocation as provided in this section shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.

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

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

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

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

Any representative area consisting of more than one county, entitled to more than one representative, shall be divided into single member districts as equal as possible in population, adhering to county lines.

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

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

Sec. 6. A commission on legislative apportionment is hereby established consisting of eight electors, four of whom shall be selected by the state organizations of each of the two political parties whose candidates for governor received the highest vote at the last general election at which a governor was elected preceding each apportionment. If a candidate for governor of a third political party has received at such election more than 25 percent of such gubernatorial vote, the commission shall consist of 12 members, four of whom shall be selected by the state organization of the third political party. One resident of each of the following four regions shall be selected by each political party organization: (1) the upper peninsula; (2) the northern part of the lower peninsula, north of a line drawn along the northern boundaries of the counties of Bay, Midland, Isabella, Mecosta, Newaygo and Oceana; (3) southwestern Michigan, those counties south of region (2) and west of a line drawn along the western boundaries of the counties of Bay, Saginaw, Shiawassee, Ingham, Jackson and Hillsdale; (4) southeastern Michigan, the remaining counties of the state.

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

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

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

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

Each final apportionment and districting plan shall be published as provided by law within 30 days from the date of its adoption and shall become law 60 days after

publication. The secretary of state shall keep a public record of all the proceedings of the commission and shall be responsible for the publication and distribution of each plan.

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

Upon the application of any elector filed not later than 60 days after final publication of the plan, the supreme court, in the exercise of original jurisdiction, shall direct the secretary of state or the commission to perform their duties, may review any final plan adopted by the commission, and shall remand such plan to the commission for further action if it fails to comply with the requirements of this constitution.

Sec. 7. Each senator and representative must be a citizen of the United States, at least 21 years of age, and an elector of the district he represents. The removal of his domicile from the district shall be deemed a vacation of the office. No person who has been convicted of subversion or who has within the preceding 20 years been convicted of a felony involving a breach of public trust shall be eligible for either house of the legislature.

Sec. 8. No person holding any office, employment or position under the United States or this state or a political subdivision thereof, except notaries public and members of the armed forces reserve, may be a member of either house of the legislature.

Sec. 9. No person elected to the legislature shall receive any civil appointment within this state from the governor, except notaries public, from the legislature, or from any other state authority, during the term for which he is elected.

Sec. 10. No member of the legislature nor any state officer shall be interested directly or indirectly in any contract with the state or any political subdivision thereof which shall cause a substantial conflict of interest. The legislature shall further implement this provision by appropriate legislation.

Sec. 11. Senators and representatives shall be privileged from civil arrest and civil process during sessions of the legislature and for five days next before the commencement and after the termination thereof. They shall not be questioned in any other place for any speech in either house.

Sec. 12. The compensation and expense allowances of the members of the legislature shall be determined by law. Changes in compensation or expense allowances shall become effective only when legislators commence their terms of office after a general election.

Sec. 13. The legislature shall meet at the seat of government on the second Wednesday in January of each year at twelve o'clock noon. Each regular session shall adjourn without day, on a day determined by concurrent resolution, at twelve o'clock noon. Any business, bill or joint resolution pending at the final adjournment of a regular session held in an odd numbered year shall carry over with the same status to the next regular session.

Sec. 14. A majority of the members elected to and serving in each house shall constitute a quorum to do business. A smaller number in each house may adjourn from day to day, and may compel the attendance of absent members in the manner and with penalties as each house may prescribe.

Sec. 15. There shall be a bi-partisan legislative council consisting of legislators appointed in the manner prescribed by law. The legislature shall appropriate funds for the council's operations and provide for its staff which shall maintain bill drafting, research and other services for the members of the legislature. The council shall periodically examine and recommend to the legislature revision of the various laws of the state.

Sec. 16. Each house, except as otherwise provided in this constitution, shall choose its own officers and determine the rules of its proceedings, but shall not adopt any rule that will prevent a majority of the members elected thereto and serving therein from discharging a committee from the further consideration of any measure. Each house shall be the sole judge of the qualifications, elections and returns of its members, and may, with the concurrence of two-thirds of all the members elected thereto and serving therein, expel a member. The reasons for such expulsion shall be entered in the journal, with the votes and names of the members voting upon the question. No member shall be expelled a second time for the same cause.

Sec. 17. Each house of the legislature may establish the committees necessary for the efficient conduct of its business and the legislature may create joint committees. On all actions on bills and resolutions in each committee, names and votes of members shall be recorded. Such vote shall be available for public inspection. Notice of all committee hearings and a clear statement of all subjects to be considered at each hearing shall be published in the journal in advance of the hearing.

Sec. 18. Each house shall keep a journal of its proceedings, and publish the same unless the public security otherwise requires. The record of the vote and name of the members of either house voting on any question shall be entered in the journal at the request of one-fifth of the members present. Any member of either house may dissent from and protest against any act, proceeding or resolution which he deems injurious to any person or the public, and have the reason for his dissent entered in the journal.

Sec. 19. All elections in either house or in joint convention and all votes on appointments submitted to the senate for advice and consent shall be published by vote and name in the journal.

Sec. 20. The doors of each house shall be open unless the public security otherwise requires.

Sec. 21. Neither house shall, without the consent of the other, adjourn for more than two intervening calendar days, nor to any place other than where the legislature may then be in session.

Sec. 22. All legislation shall be by bill and may originate in either house.

Sec. 23. The style of the laws shall be: The People of the State of Michigan enact.

Sec. 24. No law shall embrace more than one object, which shall be expressed in its title. No bill shall be altered or amended on its passage through either house so as to change its original purpose as determined by its total content and not alone by its title.

Sec. 25. No law shall be revised, altered or amended by reference to its title only. The section or sections of the act altered or amended shall be re-enacted and published at length.

Sec. 26. No bill shall be passed or become a law at any regular session of the legislature until it has been printed or reproduced and in the possession of each house for

at least five days. Every bill shall be read three times in each house before the final passage thereof. No bill shall become a law without the concurrence of a majority of the members elected to and serving in each house. On the final passage of bills, the votes and names of the members voting thereon shall be entered in the journal.

Sec. 27. No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.

Sec. 28. When the legislature is convened on extraordinary occasions in special session no bill shall be passed on any subjects other than those expressly stated in the governor's proclamation or submitted by special message.

Sec. 29. The legislature shall pass no local or special act in any case where a general act can be made applicable, and whether a general act can be made applicable shall be a judicial question. No local or special act shall take effect until approved by two-thirds of the members elected to and serving in each house and by a majority of the electors voting thereon in the district affected. Any act repealing local or special acts shall require only a majority of the members elected to and serving in each house and shall not require submission to the electors of such district.

Sec. 30. The assent of two-thirds of the members elected to and serving in each house of the legislature shall be required for the appropriation of public money or property for local or private purposes.

Sec. 31. The general appropriation bills for the succeeding fiscal period covering items set forth in the budget shall be passed or rejected in either house of the legislature before that house passes any appropriation bill for items not in the budget except bills supplementing appropriations for the current fiscal year's operation. Any bill requiring an appropriation to carry out its purpose shall be considered an appropriation bill. One of the general appropriation bills as passed by the legislature shall contain an itemized statement of estimated revenue by major source in each operating fund for the ensuing fiscal period, the total of which shall not be less than the total of all appropriations made from each fund in the general appropriation bills as passed.

Sec. 32. Every law which imposes, continues or revives a tax shall distinctly state the tax.

Sec. 33. Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law. If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves, and the legislature continues the session at which the bill was passed, he shall return it within such 14-day period with his objections, to the house in which it originated. That house shall enter such objections in full in its journal and reconsider the bill. If two-thirds of the members elected to and serving in that house pass the bill notwithstanding the objections of the governor, it shall be sent with the objections to the other house for reconsideration. The bill shall become law if passed by two-thirds of the members elected to and serving in that house. The vote of each house shall be entered in the journal with the votes and names of the members voting thereon. If any bill is not returned by the governor within such 14-day period, the legislature continuing in session, it shall become law as if he had signed it.

Sec. 34. Any bill passed by the legislature and approved by the governor, except a bill appropriating money, may provide that it will not become law unless approved by a majority of the electors voting thereon.

Sec. 35. All laws enacted at any session of the legislature shall be published in book form within 60 days after final adjournment of the session, and shall be distributed in the manner provided by law. The prompt publication of judicial decisions shall be provided by law. All laws and judicial decisions shall be free for publication by any person.

Sec. 36. No general revision of the laws shall be made. The legislature may provide for a compilation of the laws in force, arranged without alteration, under appropriate heads and titles.

Sec. 37. The legislature may by concurrent resolution empower a joint committee of the legislature, acting between sessions, to suspend any rule or regulation promulgated by an administrative agency subsequent to the adjournment of the last preceding regular legislative session. Such suspension shall continue no longer than the end of the next regular legislative session.

Sec. 38. The legislature may provide by law the cases in which any office shall be vacant and the manner of filling vacancies where no provision is made in this constitution.

Sec. 39. In order to insure continuity of state and local governmental operations in periods of emergency only, resulting from disasters occurring in this state caused by enemy attack on the United States, the legislature may provide by law for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices; and enact other laws necessary and proper for insuring the continuity of governmental operations. Notwithstanding the power conferred by this section, elections shall always be called as soon as possible to fill any vacancies in elective offices temporarily occupied by operation of any legislation enacted pursuant to the provisions of this section.

Sec. 40. The legislature may by law establish a liquor control commission which, subject to statutory limitations, shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof. The legislature may provide for an excise tax on such sales. Neither the legislature nor the commission may authorize the manufacture or sale of alcoholic beverages in any county in which a majority of the electors voting thereon shall prohibit the same.

Sec. 41. The legislature shall not authorize any lottery nor permit the sale of lottery tickets.

Sec. 42. The legislature may provide for the incorporation of ports and port districts, and confer power and authority upon them to engage in work of internal improvements in connection therewith.

Sec. 43. No general law providing for the incorporation of trust companies or corporations for banking purposes, or regulating the business thereof, shall be enacted, amended or repealed except by a vote of two-thirds of the members elected to and serving in each house.

Sec. 44. The legislature may authorize a trial by a jury of less than 12 jurors in civil cases.

Sec. 45. The legislature may provide for indeterminate sentences as punishment for crime and for the detention and release of persons imprisoned or detained under such sentences.

Sec. 46. No law shall be enacted providing for the penalty of death.

Sec. 47. The legislature may authorize the employment of chaplains in state institutions of detention or confinement.

Sec. 48. The legislature may enact laws providing for the resolution of disputes concerning public employees, except those in the state classified civil service.

Sec. 49. The legislature may enact laws relative to the hours and conditions of employment.

Sec. 50. The legislature may provide safety measures and regulate the use of atomic energy and forms of energy developed in the future, having in view the general welfare of the people of this state.

Sec. 51. The public health and general welfare of the people of the state are hereby declared to be matters of primary public concern. The legislature shall pass suitable laws for the protection and promotion of the public health.

Sec. 52. The conservation and development of the natural resources of the state are hereby declared to be of paramount public concern in the interest of the health, safety and general welfare of the people. The legislature shall provide for the protection of the air, water and other natural resources of the state from pollution, impairment and destruction.

Sec. 53. The legislature by a majority vote of the members elected to and serving in each house, shall appoint an auditor general, who shall be a certified public accountant licensed to practice in this state, to serve for a term of eight years. He shall be ineligible for appointment or election to any other public office in this state from which compensation is derived while serving as auditor general and for two years following the termination of his service. He may be removed for cause at any time by a two-thirds vote of the members elected to and serving in each house. The auditor general shall conduct post audits of financial transactions and accounts of the state and of all branches, departments, offices, boards, commissions, agencies, authorities and institutions of the state established by this constitution or by law, and performance post audits thereof.

The auditor general upon direction by the legislature may employ independent accounting firms or legal counsel and may make investigations pertinent to the conduct of audits. He shall report annually to the legislature and to the governor and at such other times as he deems necessary or as required by the legislature. He shall be assigned no duties other than those specified in this section.

Nothing in this section shall be construed in any way to infringe the responsibility and constitutional authority of the governing boards of the institutions of higher education to be solely responsible for the control and direction of all expenditures from the institutions' funds.

The auditor general, his deputy and one other member of his staff shall be exempt from classified civil service. All other members of his staff shall have classified civil service status.

ARTICLE V

Executive Branch

Sec. 1. The executive power is vested in the governor.

Sec. 2. All executive and administrative offices, agencies and instrumentalities of the executive branch of state government and their respective functions, powers and

duties, except for the office of governor and lieutenant governor and the governing bodies of institutions of higher education provided for in this constitution, shall be allocated by law among and within not more than 20 principal departments. They shall be grouped as far as practicable according to major purposes.

Subsequent to the initial allocation, the governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these changes require the force of law, they shall be set forth in executive orders and submitted to the legislature. Thereafter the legislature shall have 60 calendar days of a regular session, or a full regular session if of shorter duration, to disapprove each executive order. Unless disapproved in both houses by a resolution concurred in by a majority of the members elected to and serving in each house, each order shall become effective at a date thereafter to be designated by the governor.

Sec. 3. The head of each principal department shall be a single executive unless otherwise provided in this constitution or by law. The single executives heading principal departments shall include a secretary of state, a state treasurer and an attorney general. When a single executive is the head of a principal department, unless elected or appointed as otherwise provided in this constitution, he shall be appointed by the governor by and with the advice and consent of the senate and he shall serve at the pleasure of the governor.

When a board or commission is at the head of a principal department, unless elected or appointed as otherwise provided in this constitution, the members thereof shall be appointed by the governor by and with the advice and consent of the senate. The term of office and procedure for removal of such members shall be as prescribed in this constitution or by law.

Terms of office of any board or commission created or enlarged after the effective date of this constitution shall not exceed four years except as otherwise authorized in this constitution. The terms of office of existing boards and commissions which are longer than four years shall not be further extended except as provided in this constitution.

Sec. 4. Temporary commissions or agencies for special purposes with a life of no more than two years may be established by law and need not be allocated within a principal department.

Sec. 5. A majority of the members of an appointed examining or licensing board of a profession shall be members of that profession.

Sec. 6. Appointment by and with the advice and consent of the senate when used in this constitution or laws in effect or hereafter enacted means appointment subject to disapproval by a majority vote of the members elected to and serving in the senate if such action is taken within 60 session days after the date of such appointment. Any appointment not disapproved within such period shall stand confirmed.

Sec. 7. Vacancies in any office, appointment to which requires advice and consent of the senate, shall be filled by the governor by and with the advice and consent of the senate. A person whose appointment has been disapproved by the senate shall not be eligible for an interim appointment to the same office.

Sec. 8. Each principal department shall be under the supervision of the governor unless otherwise provided by this constitution. The governor shall take care that the laws be faithfully executed. He shall transact all necessary business with the officers of

government and may require information in writing from all executive and administrative state officers, elective and appointive, upon any subject relating to the duties of their respective offices.

The governor may initiate court proceedings in the name of the state to enforce compliance with any constitutional or legislative mandate, or to restrain violations of any constitutional or legislative power, duty or right by any officer, department or agency of the state or any of its political subdivisions. This authority shall not be construed to authorize court proceedings against the legislature.

Sec. 9. Single executives heading principal departments and the chief executive officers of principal departments headed by boards or commissions shall keep their offices at the seat of government except as otherwise provided by law, superintend them in person and perform duties prescribed by law.

Sec. 10. The governor shall have power and it shall be his duty to inquire into the condition and administration of any public office and the acts of any public officer, elective or appointive. He may remove or suspend from office for gross neglect of duty or for corrupt conduct in office, or for any other misfeasance or malfeasance therein, any elective or appointive state officer, except legislative or judicial, and shall report the reasons for such removal or suspension to the legislature.

Sec. 11. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an appointed or elected officer, other than a legislative or judicial officer, until he is reinstated or until the vacancy is filled in the manner prescribed by law or this constitution.

Sec. 12. The governor shall be commander-in-chief of the armed forces and may call them out to execute the laws, suppress insurrection and repel invasion.

Sec. 13. The governor shall issue writs of election to fill vacancies in the senate or house of representatives. Any such election shall be held in a manner prescribed by law.

Sec. 14. The governor shall have power to grant reprieves, commutations and pardons after convictions for all offenses, except cases of impeachment, upon such conditions and limitations as he may direct, subject to procedures and regulations prescribed by law. He shall inform the legislature annually of each reprieve, commutation and pardon granted, stating reasons therefor.

Sec. 15. The governor may convene the legislature on extraordinary occasions.

Sec. 16. The governor may convene the legislature at some other place when the seat of government becomes dangerous from any cause.

Sec. 17. The governor shall communicate by message to the legislature at the beginning of each session and may at other times present to the legislature information as to the affairs of the state and recommend measures he considers necessary or desirable.

Sec. 18. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state. Proposed expenditures from any fund shall not exceed the estimated revenue thereof. On the same date, the governor shall submit to the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills to provide new or additional revenues to meet proposed expenditures. The amount of any surplus created or deficit incurred in any fund during the last preceding fiscal period shall be entered as an item in the budget and in one of the appropriation bills. The governor may submit amendments to appropriation bills to be offered in either house during consideration of the bill by that house, and shall submit bills to meet deficiencies in current appropriations.

Sec. 19. The governor may disapprove any distinct item or items appropriating moneys in any appropriation bill. The part or parts approved shall become law, and the item or items disapproved shall be void unless re-passed according to the method prescribed for the passage of other bills over the executive veto.

Sec. 20. No appropriation shall be a mandate to spend. The governor, with the approval of the appropriating committees of the house and senate, shall reduce expenditures authorized by appropriations whenever it appears that actual revenues for a fiscal period will fall below the revenue estimates on which appropriations for that period were based. Reductions in expenditures shall be made in accordance with procedures prescribed by law. The governor may not reduce expenditures of the legislative and judicial branches or from funds constitutionally dedicated for specific purposes.

Sec. 21. The governor, lieutenant governor, secretary of state and attorney general shall be elected for four-year terms at the general election in each alternate even-numbered year.

The lieutenant governor, secretary of state and attorney general shall be nominated by party conventions in a manner prescribed by law. In the general election one vote shall be cast jointly for the candidates for governor and lieutenant governor nominated by the same party.

Vacancies in the office of the secretary of state and attorney general shall be filled by appointment by the governor.

Sec. 22. To be eligible for the office of governor or lieutenant governor a person must have attained the age of 30 years, and have been a registered elector in this state for four years next preceding his election.

Sec. 23. The governor, lieutenant governor, secretary of state and attorney general shall each receive the compensation provided by law in full payment for all services performed and expenses incurred during his term of office. Such compensation shall not be changed during the term of office except as otherwise provided in this constitution.

Sec. 24. An executive residence suitably furnished shall be provided at the seat of government for the use of the governor. He shall receive an allowance for its maintenance as provided by law.

Sec. 25. The lieutenant governor shall be president of the senate, but shall have no vote, unless they be equally divided. He may perform duties requested of him by the governor, but no power vested in the governor shall be delegated.

Sec. 26. In case of the conviction of the governor on impeachment, his removal from office, his resignation or his death, the lieutenant governor, the elected secretary of state, the elected attorney general and such other persons designated by law shall in that order be governor for the remainder of the governor's term.

In case of the death of the governor-elect, the lieutenant governor-elect, the secretary of state-elect, the attorney general-elect and such other persons designated by law shall become governor in that order at the commencement of the governor-elect's term.

If the governor or the person in line of succession to serve as governor is absent from the state, or suffering under an inability, the powers and duties of the office of governor shall devolve in order of precedence until the absence or inability giving rise to the devolution of powers ceases.

The inability of the governor or person acting as governor shall be determined by a majority of the supreme court on joint request of the president pro tempore of the senate and the speaker of the house of representatives. Such determination shall be final

and conclusive. The supreme court shall upon its own initiative determine if and when the inability ceases.

Sec. 27. The legislature shall provide that the salary of any state officer while acting as governor shall be equal to that of the governor.

Sec. 28. There is hereby established a state highway commission, which shall administer the state highway department and have jurisdiction and control over all state trunkline highways and appurtenant facilities, and such other public works of the state, as provided by law.

The state highway commission shall consist of four members, not more than two of whom shall be members of the same political party. They shall be appointed by the governor by and with the advice and consent of the senate for four-year terms, no two of which shall expire in the same year, as provided by law.

The state highway commission shall appoint and may remove a state highway director, who shall be a competent highway engineer and administrator. He shall be the principal executive officer of the state highway department and shall be responsible for executing the policy of the state highway commission.

Sec. 29. There is hereby established a civil rights commission which shall consist of eight persons, not more than four of whom shall be members of the same political party, who shall be appointed by the governor, by and with the advice and consent of the senate, for four-year terms not more than two of which shall expire in the same year. It shall be the duty of the commission in a manner which may be prescribed by law to investigate alleged discrimination against any person because of religion, race, color or national origin in the enjoyment of the civil rights guaranteed by law and by this constitution, and to secure the equal protection of such civil rights without such discrimination. The legislature shall provide an annual appropriation for the effective operation of the commission.

The commission shall have power, in accordance with the provisions of this constitution and of general laws governing administrative agencies, to promulgate rules and regulations for its own procedures, to hold hearings, administer oaths, through court authorization to require the attendance of witnesses and the submission of records, to take testimony, and to issue appropriate orders. The commission shall have other powers provided by law to carry out its purposes. Nothing contained in this section shall be construed to diminish the right of any party to direct and immediate legal or equitable remedies in the courts of this state.

Appeals from final orders of the commission, including cease and desist orders and refusals to issue complaints, shall be tried de novo before the circuit court having jurisdiction provided by law.

ARTICLE VI

Judicial Branch

Sec. 1. The judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court, one probate court, and courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.

Sec. 2. The supreme court shall consist of seven justices elected at non-partisan elections as provided by law. The term of office shall be eight years and not more than

two terms of office shall expire at the same time. Nominations for justices of the supreme court shall be in the manner prescribed by law. Any incumbent justice whose term is to expire may become a candidate for re-election by filing an affidavit of candidacy, in the form and manner prescribed by law, not less than 180 days prior to the expiration of his term.

Sec. 3. One justice of the supreme court shall be selected by the court as its chief justice as provided by rules of the court. He shall perform duties required by the court. The supreme court shall appoint an administrator of the courts and other assistants of the supreme court as may be necessary to aid in the administration of the courts of this state. The administrator shall perform administrative duties assigned by the court.

Sec. 4. The supreme court shall have general superintending control over all courts; power to issue, hear and determine prerogative and remedial writs; and appellate jurisdiction as provided by rules of the supreme court. The supreme court shall not have the power to remove a judge.

Sec. 5. The supreme court shall by general rules establish, modify, amend and simplify the practice and procedure in all courts of this state. The distinctions between law and equity proceedings shall, as far as practicable, be abolished. The office of master in chancery is prohibited.

Sec. 6. Decisions of the supreme court, including all decisions on prerogative writs, shall be in writing and shall contain a concise statement of the facts and reasons for each decision and reasons for each denial of leave to appeal. When a judge dissents in whole or in part he shall give in writing the reasons for his dissent.

Sec. 7. The supreme court may appoint, may remove, and shall have general supervision of its staff. It shall have control of the preparation of its budget recommendations and the expenditure of moneys appropriated for any purpose pertaining to the operation of the court or the performance of activities of its staff except that the salaries of the justices shall be established by law. All fees and perquisites collected by the court staff shall be turned over to the state treasury and credited to the general fund.

Sec. 8. The court of appeals shall consist initially of nine judges who shall be nominated and elected at non-partisan elections from districts drawn on county lines and as nearly as possible of equal population, as provided by law. The supreme court may prescribe by rule that the court of appeals sit in divisions and for the terms of court and the times and places thereof. Each such division shall consist of not fewer than three judges. The number of judges comprising the court of appeals may be increased, and the districts from which they are elected may be changed by law.

Sec. 9. Judges of the court of appeals shall hold office for a term of six years and until their successors are elected and qualified. The terms of office for the judges in each district shall be arranged by law to provide that not all terms will expire at the same time.

Sec. 10. The jurisdiction of the court of appeals shall be provided by law and the practice and procedure therein shall be prescribed by rules of the supreme court.

Sec. 11. The state shall be divided into judicial circuits along county lines in each of which there shall be elected one or more circuit judges as provided by law. Sessions of the circuit court shall be held at least four times in each year in every county organized for judicial purposes. Each circuit judge shall hold court in the county or

counties within the circuit in which he is elected, and in other circuits as may be provided by rules of the supreme court. The number of judges may be changed and circuits may be created, altered and discontinued by law and the number of judges shall be changed and circuits shall be created, altered and discontinued on recommendation of the supreme court to reflect changes in judicial activity. No change in the number of judges or alteration or discontinuance of a circuit shall have the effect of removing a judge from office during his term.

Sec. 12. Circuit judges shall be nominated and elected at non-partisan elections in the circuit in which they reside, and shall hold office for a term of six years and until their successors are elected and qualified. In circuits having more than one circuit judge their terms of office shall be arranged by law to provide that not all terms will expire at the same time.

Sec. 13. The circuit court shall have original jurisdiction in all matters not prohibited by law; appellate jurisdiction from all inferior courts and tribunals except as otherwise provided by law; power to issue, hear and determine prerogative and remedial writs; supervisory and general control over inferior courts and tribunals within their respective jurisdictions in accordance with rules of the supreme court; and jurisdiction of other cases and matters as provided by rules of the supreme court.

Sec. 14. The clerk of each county organized for judicial purposes or other officer performing the duties of such office as provided in a county charter shall be clerk of the circuit court for such county. The judges of the circuit court may fill a vacancy in an elective office of county clerk or prosecuting attorney within their respective jurisdictions.

Sec. 15. In each county organized for judicial purposes there shall be a probate court. The legislature may create or alter probate court districts of more than one county if approved in each affected county by a majority of the electors voting on the question. The legislature may provide for the combination of the office of probate judge with any judicial office of limited jurisdiction within a county with supplemental salary as provided by law. The jurisdiction, powers and duties of the probate court and of the judges thereof shall be provided by law. They shall have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

Sec. 16. One or more judges of probate as provided by law shall be nominated and elected at non-partisan elections in the counties or the probate districts in which they reside and shall hold office for terms of six years and until their successors are elected and qualified. In counties or districts with more than one judge the terms of office shall be arranged by law to provide that not all terms will expire at the same time.

Sec. 17. No judge or justice of any court of this state shall be paid from the fees of his office nor shall the amount of his salary be measured by fees, other moneys received or the amount of judicial activity of his office.

Sec. 18. Salaries of justices of the supreme court, of the judges of the court of appeals, of the circuit judges within a circuit, and of the probate judges within a county or district, shall be uniform, and may be increased but shall not be decreased during a term of office except and only to the extent of a general salary reduction in all other branches of government.

Each of the judges of the circuit court shall receive an annual salary as provided by law. In addition to the salary received from the state, each circuit judge may receive from any county in which he regularly holds court an additional salary as determined

from time to time by the board of supervisors of the county. In any county where an additional salary is granted, it shall be paid at the same rate to all circuit judges regularly holding court therein.

Sec. 19. The supreme court, the court of appeals, the circuit court, the probate court and other courts designated as such by the legislature shall be courts of record and each shall have a common seal. Justices and judges of courts of record must be persons who are licensed to practice law in this state. No person shall be elected or appointed to a judicial office after reaching the age of 70 years.

Sec. 20. Whenever a justice or judge removes his domicile beyond the limits of the territory from which he was elected, he shall have vacated his office.

Sec. 21. Any justice or judge of a court of record shall be ineligible to be nominated for or elected to an elective office other than a judicial office during the period of his service and for one year thereafter.

Sec. 22. Any elected judge of the court of appeals, circuit court or probate court may become a candidate in the primary election for the office of which he is the incumbent by filing an affidavit of candidacy in the form and manner prescribed by law.

Sec. 23. A vacancy in the elective office of a judge of any court of record shall be filled at a general or special election as provided by law. The supreme court may authorize persons who have served as judges and who have retired, to perform judicial duties for the limited period of time from the occurrence of the vacancy until the successor is elected and qualified. Such persons shall be ineligible for election to fill the vacancy.

Sec. 24. There shall be printed upon the ballot under the name of each elected incumbent justice or judge who is a candidate for nomination or election to the same office the designation of that office.

Sec. 25. For reasonable cause, which is not sufficient ground for impeachment, the governor shall remove any judge on a concurrent resolution of two-thirds of the members elected to and serving in each house of the legislature. The cause for removal shall be stated at length in the resolution.

Sec. 26. The offices of circuit court commissioner and justice of the peace are abolished at the expiration of five years from the date this constitution becomes effective or may within this period be abolished by law. Their jurisdiction, compensation and powers within this period shall be as provided by law. Within this five-year period, the legislature shall establish a court or courts of limited jurisdiction with powers and jurisdiction defined by law. The location of such court or courts, and the qualifications, tenure, method of election and salary of the judges of such court or courts, and by what governmental units the judges shall be paid, shall be provided by law, subject to the limitations contained in this article.

Statutory courts in existence at the time this constitution becomes effective shall retain their powers and jurisdiction, except as provided by law, until they are abolished by law.

Sec. 27. The supreme court, the court of appeals, the circuit court, or any justices or judges thereof, shall not exercise any power of appointment to public office except as provided in this constitution.

Sec. 28. All final decisions, findings, rulings and orders of any administrative officer or agency existing under the constitution or by law, which are judicial or quasi-judicial and affect private rights or licenses, shall be subject to direct review by the courts as

provided by law. This review shall include, as a minimum, the determination whether such final decisions, findings, rulings and orders are authorized by law; and, in cases in which a hearing is required, whether the same are supported by competent, material and substantial evidence on the whole record. Findings of fact in workmen's compensation proceedings shall be conclusive in the absence of fraud unless otherwise provided by law.

In the absence of fraud, error of law or the adoption of wrong principles, no appeal may be taken to any court from any final agency provided for the administration of property tax laws from any decision relating to valuation or allocation.

Sec. 29. Justices of the supreme court, judges of the court of appeals, circuit judges and other judges as provided by law shall be conservators of the peace within their respective jurisdictions.

ARTICLE VII

Local Government

Sec. 1. Each organized county shall be a body corporate with powers and immunities provided by law.

Sec. 2. Any county may frame, adopt, amend or repeal a county charter in a manner and with powers and limitations to be provided by general law, which shall among other things provide for the election of a charter commission. The law may permit the organization of county government in form different from that set forth in this constitution and shall limit the rate of ad valorem property taxation for county purposes, and restrict the powers of charter counties to borrow money and contract debts. Each charter county is hereby granted power to levy other taxes for county purposes subject to limitations and prohibitions set forth in this constitution or law. Subject to law, a county charter may authorize the county through its regularly constituted authority to adopt resolutions and ordinances relating to its concerns.

The board of supervisors by a majority vote of its members may, and upon petition of five percent of the electors shall, place upon the ballot the question of electing a commission to frame a charter.

No county charter shall be adopted, amended or repealed until approved by a majority of electors voting on the question.

Sec. 3. No organized county shall be reduced by the organization of new counties to less than 16 townships as surveyed by the United States, unless approved in the manner prescribed by law by a majority of electors voting thereon in each county to be affected.

Sec. 4. There shall be elected for four-year terms in each organized county a sheriff, a county clerk, a county treasurer, a register of deeds and a prosecuting attorney, whose duties and powers shall be provided by law. The board of supervisors in any county may combine the offices of county clerk and register of deeds in one office or separate the same at pleasure.

Sec. 5. The sheriff, county clerk, county treasurer and register of deeds shall hold their principal offices at the county seat.

Sec. 6. The sheriff may be required by law to renew his security periodically and in default of giving such security, his office shall be vacant. The county shall never be responsible for his acts, except that the board of supervisors may protect him against

claims by prisoners for unintentional injuries received while in his custody. He shall not hold any other office except in civil defense.

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

Sec. 8. Boards of supervisors shall have legislative, administrative and such other powers and duties as provided by law.

Sec. 9. Boards of supervisors shall have exclusive power to fix the compensation of county officers not otherwise provided by law.

Sec. 10. A county seat once established shall not be removed until the place to which it is proposed to be moved shall be designated by two-thirds of the members of the board of supervisors and a majority of the electors voting thereon shall have approved the proposed location in the manner prescribed by law.

Sec. 11. No county shall incur any indebtedness which shall increase its total debt beyond 10 percent of its assessed valuation.

Sec. 12. A navigable stream shall not be bridged or dammed without permission granted by the board of supervisors of the county as provided by law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and political subdivisions therein.

Sec. 13. Two or more contiguous counties may combine into a single county if approved in each affected county by a majority of the electors voting on the question.

Sec. 14. The board of supervisors of each organized county may organize and consolidate townships under restrictions and limitations provided by law.

Sec. 15. Any county, when authorized by its board of supervisors shall have the authority to enter or to intervene in any action or certificate proceeding involving the services, charges or rates of any privately owned public utility furnishing services or commodities to rate payers within the county.

Sec. 16. The legislature may provide for the laying out, construction, improvement and maintenance of highways, bridges, culverts and airports by the state and by the counties and townships thereof; and may authorize counties to take charge and control of any highway within their limits for such purposes. The legislature may provide the powers and duties of counties in relation to highways, bridges, culverts and airports; may provide for county road commissioners to be appointed or elected, with powers and duties provided by law. The ad valorem property tax imposed for road purposes by any county shall not exceed in any year one-half of one percent of the assessed valuation for the preceding year.

Sec. 17. Each organized township shall be a body corporate with powers and immunities provided by law.

Sec. 18. In each organized township there shall be elected for terms of not less than two nor more than four years as prescribed by law a supervisor, a clerk, a treasurer, and not to exceed four trustees, whose legislative and administrative powers and duties shall be provided by law.

Sec. 19. No organized township shall grant any public utility franchise which is not subject to revocation at the will of the township, unless the proposition shall first have been approved by a majority of the electors of such township voting thereon at a regular or special election.

Sec. 20. The legislature shall provide by law for the dissolution of township government whenever all the territory of an organized township is included within the boundaries of a village or villages notwithstanding that a village may include territory within another organized township and provide by law for the classification of such village or villages as cities.

Sec. 21. The legislature shall provide by general laws for the incorporation of cities and villages. Such laws shall limit their rate of ad valorem property taxation for municipal purposes, and restrict the powers of cities and villages to borrow money and contract debts. Each city and village is granted power to levy other taxes for public purposes, subject to limitations and prohibitions provided by this constitution or by law.

Sec. 22. Under general laws the electors of each city and village shall have the power and authority to frame, adopt and amend its charter, and to amend an existing charter of the city or village heretofore granted or enacted by the legislature for the government of the city or village. Each such city and village shall have power to adopt resolutions and ordinances relating to its municipal concerns, property and government, subject to the constitution and law. No enumeration of powers granted to cities and villages in this constitution shall limit or restrict the general grant of authority conferred by this section.

Sec. 23. Any city or village may acquire, own, establish and maintain, within or without its corporate limits, parks, boulevards, cemeteries, hospitals and all works which involve the public health or safety.

Sec. 24. Subject to this constitution, any city or village may acquire, own or operate, within or without its corporate limits, public service facilities for supplying water, light, heat, power, sewage disposal and transportation to the municipality and the inhabitants thereof.

Any city or village may sell and deliver heat, power or light without its corporate limits in an amount not exceeding 25 percent of that furnished by it within the corporate limits, except as greater amounts may be permitted by law; may sell and deliver water and provide sewage disposal services outside of its corporate limits in such amount as may be determined by the legislative body of the city or village; and may operate transportation lines outside the municipality within such limits as may be prescribed by law.

Sec. 25. No city or village shall acquire any public utility furnishing light, heat or power, or grant any public utility franchise which is not subject to revocation at the will of the city or village, unless the proposition shall first have been approved by three-fifths of the electors voting thereon. No city or village may sell any public utility unless the proposition shall first have been approved by a majority of the electors voting thereon, or a greater number if the charter shall so provide.

Sec. 26. Except as otherwise provided in this constitution, no city or village shall have the power to loan its credit for any private purpose or, except as provided by law, for any public purpose.

Sec. 27. Notwithstanding any other provision of this constitution the legislature may establish in metropolitan areas additional forms of government or authorities with powers, duties and jurisdictions as the legislature shall provide. Wherever possible, such additional forms of government or authorities shall be designed to perform multi-purpose functions rather than a single function.

Sec. 28. The legislature by general law shall authorize two or more counties, townships, cities, villages or districts, or any combination thereof among other things to:

enter into contractual undertakings or agreements with one another or with the state or with any combination thereof for the joint administration of any of the functions or powers which each would have the power to perform separately; share the costs and responsibilities of functions and services with one another or with the state or with any combination thereof which each would have the power to perform separately; transfer functions or responsibilities to one another or any combination thereof upon the consent of each unit involved; cooperate with one another and with state government; lend their credit to one another or any combination thereof as provided by law in connection with any authorized publicly owned undertaking.

Any other provision of this constitution notwithstanding, an officer or employee of the state or any such unit of government or subdivision or agency thereof, except members of the legislature, may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service.

Sec. 29. No person, partnership, association or corporation, public or private, operating a public utility shall have the right to the use of the highways, streets, alleys or other public places of any county, township, city or village for wires, poles, pipes, tracks, conduits or other utility facilities, without the consent of the duly constituted authority of the county, township, city or village; or to transact local business therein without first obtaining a franchise from the township, city or village. Except as otherwise provided in this constitution the right of all counties, townships, cities and villages to the reasonable control of their highways, streets, alleys and public places is hereby reserved to such local units of government.

Sec. 30. No franchise or license shall be granted by any township, city or village for a period longer than 30 years.

Sec. 31. The legislature shall not vacate or alter any road, street, alley or public place under the jurisdiction of any county, township, city or village.

Sec. 32. Any county, township, city, village, authority or school district empowered by the legislature or by this constitution to prepare budgets of estimated expenditures and revenues shall adopt such budgets only after a public hearing in a manner prescribed by law.

Sec. 33. Any elected officer of a political subdivision may be removed from office in the manner and for the causes provided by law.

Sec. 34. The provisions of this constitution and law concerning counties, townships, cities and villages shall be liberally construed in their favor. Powers granted to counties and townships by this constitution and by law shall include those fairly implied and not prohibited by this constitution.

ARTICLE VIII

Education

Sec. 1. Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

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

Sec. 3. Leadership and general supervision over all public education, including adult education and instructional programs in state institutions, except as to institutions of higher education granting baccalaureate degrees, is vested in a state board of education. It shall serve as the general planning and coordinating body for all public education, including higher education, and shall advise the legislature as to the financial requirements in connection therewith.

The state board of education shall appoint a superintendent of public instruction whose term of office shall be determined by the board. He shall be the chairman of the board without the right to vote, and shall be responsible for the execution of its policies. He shall be the principal executive officer of a state department of education which shall have powers and duties provided by law.

The state board of education shall consist of eight members who shall be nominated by party conventions and elected at large for terms of eight years as prescribed by law. The governor shall fill any vacancy by appointment for the unexpired term. The governor shall be ex-officio a member of the state board of education without the right to vote.

The power of the boards of institutions of higher education provided in this constitution to supervise their respective institutions and control and direct the expenditure of the institutions' funds shall not be limited by this section.

Sec. 4. The legislature shall appropriate moneys to maintain the University of Michigan, Michigan State University, Wayne State University, Eastern Michigan University, Michigan College of Science and Technology, Central Michigan University, Northern Michigan University, Western Michigan University, Ferris Institute, Grand Valley State College, by whatever names such institutions may hereafter be known, and other institutions of higher education established by law. The legislature shall be given an annual accounting of all income and expenditures by each of these educational institutions. Formal sessions of governing boards of such institutions shall be open to the public.

Sec. 5. The regents of the University of Michigan and their successors in office shall constitute a body corporate known as the Regents of the University of Michigan; the trustees of Michigan State University and their successors in office shall constitute a body corporate known as the Board of Trustees of Michigan State University; the governors of Wayne State University and their successors in office shall constitute a body corporate known as the Board of Governors of Wayne State University. Each board shall have general supervision of its institution and the control and direction of all expenditures from the institution's funds. Each board shall, as often as necessary, elect a president of the institution under its supervision. He shall be the principal executive officer of the institution, be ex-officio a member of the board without the right to vote and preside at meetings of the board. The board of each institution shall consist of eight members who shall hold office for terms of eight years and who shall be elected as provided by law. The governor shall fill board vacancies by appointment. Each appointee shall hold office until a successor has been nominated and elected as provided by law.

Sec. 6. Other institutions of higher education established by law having authority to grant baccalaureate degrees shall each be governed by a board of control which shall be a body corporate. The board shall have general supervision of the institution and the control and direction of all expenditures from the institution's funds. It shall, as often as necessary, elect a president of the institution under its supervision.

He shall be the principal executive officer of the institution and be ex-officio a member of the board without the right to vote. The board may elect one of its members or may designate the president, to preside at board meetings. Each board of control shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the governor by and with the advice and consent of the senate. Vacancies shall be filled in like manner.

Sec. 7. The legislature shall provide by law for the establishment and financial support of public community and junior colleges which shall be supervised and controlled by locally elected boards. The legislature shall provide by law for a state board for public community and junior colleges which shall advise the state board of education concerning general supervision and planning for such colleges and requests for annual appropriations for their support. The board shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the state board of education. Vacancies shall be filled in like manner. The superintendent of public instruction shall be ex-officio a member of this board without the right to vote.

Sec. 8. Institutions, programs and services for the care, treatment, education or rehabilitation of those inhabitants who are physically, mentally or otherwise seriously handicapped shall always be fostered and supported.

Sec. 9. The legislature shall provide by law for the establishment and support of public libraries which shall be available to all residents of the state under regulations adopted by the governing bodies thereof. All fines assessed and collected in the several counties, townships and cities for any breach of the penal laws shall be exclusively applied to the support of such public libraries, and county law libraries as provided by law.

ARTICLE IX

Finance and Taxation

Sec. 1. The legislature shall impose taxes sufficient with other resources to pay the expenses of state government.

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

Sec. 3. The legislature shall provide for the uniform general ad valorem taxation of real and tangible personal property not exempt by law. The legislature shall provide for the determination of true cash value of such property; the proportion of true cash value at which such property shall be uniformly assessed, which shall not, after January 1, 1966, exceed 50 percent; and for a system of equalization of assessments. The legislature may provide for alternative means of taxation of designated real and tangible personal property in lieu of general ad valorem taxation. Every tax other than the general ad valorem property tax shall be uniform upon the class or classes on which it operates.

Sec. 4. Property owned and occupied by non-profit religious or educational organizations and used exclusively for religious or educational purposes, as defined by law, shall be exempt from real and personal property taxes.

Sec. 5. The legislature shall provide for the assessment by the state of the property of those public service businesses assessed by the state at the date this constitution becomes effective, and of other property as designated by the legislature,

and for the imposition and collection of taxes thereon. Property assessed by the state shall be assessed at the same proportion of its true cash value as the legislature shall specify for property subject to general ad valorem taxation. The rate of taxation on such property shall be the average rate levied upon other property in this state under the general ad valorem tax law, or, if the legislature provides, the rate of tax applicable to the property of each business enterprise assessed by the state shall be the average rate of ad valorem taxation levied upon other property in all counties in which any of such property is situated.

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

The foregoing limitations shall not apply to taxes imposed for the payment of principal and interest on bonds or other evidences of indebtedness or for the payment of assessments or contract obligations in anticipation of which bonds are issued, which taxes may be imposed without limitation as to rate or amount; or to taxes imposed for any other purpose by any city, village, charter county, charter township, charter authority or other authority, the tax limitations of which are provided by charter or by general law.

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

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

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

Sec. 9. All specific taxes, except general sales and use taxes and regulatory fees, imposed directly or indirectly on fuels sold or used to propel motor vehicles upon highways and on registered motor vehicles shall, after the payment of necessary collection expenses, be used exclusively for highway purposes as defined by law.

Sec. 10. One-eighth of all taxes imposed on retailers on taxable sales at retail of tangible personal property shall be used exclusively for assistance to townships, cities and villages, on a population basis as provided by law. In determining population the legislature may exclude any portion of the total number of persons who are wards, patients or convicts in any tax supported institution.

Sec. 11. There shall be established a state school aid fund which shall be used exclusively for aid to school districts, higher education and school employees' retirement systems, as provided by law. One-half of all taxes imposed on retailers on taxable sales at retail of tangible personal property, and other tax revenues provided by law, shall

be dedicated to this fund. Payments from this fund shall be made in full on a scheduled basis, as provided by law.

Sec. 12. No evidence of state indebtedness shall be issued except for debts authorized pursuant to this constitution.

Sec. 13. Public bodies corporate shall have power to borrow money and to issue their securities evidencing debt, subject to this constitution and law.

Sec. 14. To meet obligations incurred pursuant to appropriations for any fiscal year, the legislature may by law authorize the state to issue its full faith and credit notes in which case it shall pledge undedicated revenues to be received within the same fiscal year for the repayment thereof. Such indebtedness in any fiscal year shall not exceed 15 percent of undedicated revenues received by the state during the preceding fiscal year and such debts shall be repaid at the time the revenues so pledged are received, but not later than the end of the same fiscal year.

Sec. 15. The state may borrow money for specific purposes in amounts as may be provided by acts of the legislature adopted by a vote of two-thirds of the members elected to and serving in each house, and approved by a majority of the electors voting thereon at any general election. The question submitted to the electors shall state the amount to be borrowed, the specific purpose to which the funds shall be devoted, and the method of repayment.

Sec. 16. The state, in addition to any other borrowing power, may borrow from time to time such amounts as shall be required, pledge its faith and credit and issue its notes or bonds therefor, for the purpose of making loans to school districts as provided in this section.

If the minimum amount which would otherwise be necessary for a school district to levy in any year to pay principal and interest on its qualified bonds, including any necessary allowances for estimated tax delinquencies, exceeds 13 mills on each dollar of its assessed valuation as finally equalized, or such lower millage as the legislature may prescribe, then the school district may elect to borrow all or any part of the excess from the state. In that event the state shall lend the excess amount to the school district for the payment of principal and interest. If for any reason any school district will be or is unable to pay the principal and interest on its qualified bonds when due, then the school district shall borrow and the state shall lend to it an amount sufficient to enable the school district to make the payment.

The term "qualified bonds" means general obligation bonds of school districts issued for capital expenditures, including refunding bonds, issued prior to May 4, 1955, or issued thereafter and qualified as provided by law pursuant to Section 27 or Section 28 of Article X of the Constitution of 1908 or pursuant to this section.

After a school district has received loans from the state, each year thereafter it shall levy for debt service, exclusive of levies for nonqualified bonds, not less than 13 mills or such lower millage as the legislature may prescribe, until the amount loaned has been repaid, and any tax collections therefrom in any year over and above the minimum requirements for principal and interest on qualified bonds shall be used toward the repayment of state loans. In any year when such levy would produce an amount in excess of the requirements and the amount due to the state, the levy may be reduced by the amount of the excess.

Subject to the foregoing provisions, the legislature shall have the power to prescribe and to limit the procedure, terms and conditions for the qualification of bonds, for obtaining and making state loans, and for the repayment of loans.

The power to tax for the payment of principal and interest on bonds hereafter issued which are the general obligations of any school district, including refunding bonds, and for repayment of any state loans made to school districts, shall be without limitation as to rate or amount.

All rights acquired under Sections 27 and 28 of Article X of the Constitution of 1908, by holders of bonds heretofore issued, and all obligations assumed by the state or any school district under these sections, shall remain unimpaired.

Sec. 17. No money shall be paid out of the state treasury except in pursuance of appropriations made by law.

Sec. 18. The credit of the state shall not be granted to, nor in aid of any person, association or corporation, public or private, except as authorized in this constitution.

This section shall not be construed to prohibit the investment of public funds until needed for current requirements or the investment of funds accumulated to provide retirement or pension benefits for public officials and employees, as provided by law.

Sec. 19. The state shall not subscribe to, nor be interested in the stock of any company, association or corporation, except that funds accumulated to provide retirement or pension benefits for public officials and employees may be invested as provided by law; and endowment funds created for charitable or educational purposes may be invested as provided by law governing the investment of funds held in trust by trustees.

Sec. 20. No state money shall be deposited in banks other than those organized under the national or state banking laws. No state money shall be deposited in any bank in excess of 50 percent of the capital and surplus of such bank. Any bank receiving deposits of state money shall show the amount of state money so deposited as a separate item in all published statements.

Sec. 21. The legislature shall provide by law for the annual accounting for all public moneys, state and local, and may provide by law for interim accounting.

The legislature shall provide by law for the maintenance of uniform accounting systems by units of local government and the auditing of county accounts by competent state authority and other units of government as provided by law.

Sec. 22. Procedures for the examination and adjustment of claims against the state shall be prescribed by law.

Sec. 23. All financial records, accountings, audit reports and other reports of public moneys shall be public records and open to inspection. A statement of all revenues and expenditures of public moneys shall be published and distributed annually, as provided by law.

Sec. 24. The accrued financial benefits of each pension plan and retirement system of the state and its political subdivisions shall be a contractual obligation thereof which shall not be diminished or impaired thereby.

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

ARTICLE X

Property

Sec. 1. The disabilities of coverture as to property are abolished. The real and personal estate of every woman acquired before marriage and all real and personal

property to which she may afterwards become entitled shall be and remain the estate and property of such woman, and shall not be liable for the debts, obligations or engagements of her husband, and may be dealt with and disposed of by her as if she were unmarried. Dower may be relinquished or conveyed as provided by law.

Sec. 2. Private property shall not be taken for public use without just compensation therefor being first made or secured in a manner prescribed by law. Compensation shall be determined in proceedings in a court of record.

Sec. 3. A homestead in the amount of not less than \$3,500 and personal property of every resident of this state in the amount of not less than \$750, as defined by law, shall be exempt from forced sale on execution or other process of any court. Such exemptions shall not extend to any lien thereon excluded from exemption by law.

Sec. 4. Procedures relating to escheats and to the custody and disposition of escheated property shall be prescribed by law.

Sec. 5. The legislature shall have general supervisory jurisdiction over all state owned lands useful for forest preserves, game areas and recreational purposes; shall require annual reports as to such lands from all departments having supervision or control thereof; and shall by general law provide for the sale, lease or other disposition of such lands.

The legislature by an act adopted by two-thirds of the members elected to and serving in each house may designate any part of such lands as a state land reserve. No lands in the state land reserve may be removed from the reserve, sold, leased or otherwise disposed of except by an act of the legislature.

Sec. 6. Aliens who are residents of this state shall enjoy the same rights and privileges in property as citizens of this state.

ARTICLE XI

Public Officers and Employment

Sec. 1. All officers, legislative, executive and judicial, before entering upon the duties of their respective offices, shall take and subscribe the following oath or affirmation: I do solemnly swear (or affirm) that I will support the Constitution of the United States and the constitution of this state, and that I will faithfully discharge the duties of the office of according to the best of my ability. No other oath, affirmation, or any religious test shall be required as a qualification for any office or public trust.

Sec. 2. The terms of office of elective state officers, members of the legislature and justices and judges of courts of record shall begin at twelve o'clock noon on the first day of January next succeeding their election, except as otherwise provided in this constitution. The terms of office of county officers shall begin on the first day of January next succeeding their election, except as otherwise provided by law.

Sec. 3. Neither the legislature nor any political subdivision of this state shall grant or authorize extra compensation to any public officer, agent or contractor after the service has been rendered or the contract entered into.

Sec. 4. No person having custody or control of public moneys shall be a member of the legislature, or be eligible to any office of trust or profit under this state, until he shall have made an accounting, as provided by law, of all sums for which he may be liable.

Sec. 5. The classified state civil service shall consist of all positions in the state service except those filled by popular election, heads of principal departments, members of boards and commissions, the principal executive officer of boards and commissions heading principal departments, employees of courts of record, employees of the legislature, employees of the state institutions of higher education, all persons in the armed forces of the state, eight exempt positions in the office of the governor, and within each principal department, when requested by the department head, two other exempt positions, one of which shall be policy-making. The civil service commission may exempt three additional positions of a policy-making nature within each principal department.

The civil service commission shall be non-salaried and shall consist of four persons, not more than two of whom shall be members of the same political party, appointed by the governor for terms of eight years, no two of which shall expire in the same year.

The administration of the commission's powers shall be vested in a state personnel director who shall be a member of the classified service and who shall be responsible to and selected by the commission after open competitive examination.

The commission shall classify all positions in the classified service according to their respective duties and responsibilities, fix rates of compensation for all classes of positions, approve or disapprove disbursements for all personal services, determine by competitive examination and performance exclusively on the basis of merit, efficiency and fitness the qualifications of all candidates for positions in the classified service, make rules and regulations covering all personnel transactions, and regulate all conditions of employment in the classified service.

No person shall be appointed to or promoted in the classified service who has not been certified by the commission as qualified for such appointment or promotion. No appointments, promotions, demotions or removals in the classified service shall be made for religious, racial or partisan considerations.

Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year. Within 60 calendar days following such transmission, the legislature may, by a two-thirds vote of the members elected to and serving in each house, reject or reduce increases in rates of compensation authorized by the commission. Any reduction ordered by the legislature shall apply uniformly to all classes of employees affected by the increases and shall not adjust pay differentials already established by the civil service commission. The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases authorized by the commission.

The appointing authorities may create or abolish positions for reasons of administrative efficiency without the approval of the commission. Positions shall not be created nor abolished except for reasons of administrative efficiency. Any employee considering himself aggrieved by the abolition or creation of a position shall have a right of appeal to the commission through established grievance procedures.

The civil service commission shall recommend to the governor and to the legislature rates of compensation for all appointed positions within the executive department not a part of the classified service.

To enable the commission to exercise its powers, the legislature shall appropriate to the commission for the ensuing fiscal year a sum not less than one percent of the aggregate payroll of the classified service for the preceding fiscal year, as certified by the commission. Within six months after the conclusion of each fiscal year the commission shall return to the state treasury all moneys unexpended for that fiscal year.

The commission shall furnish reports of expenditures, at least annually, to the governor and the legislature and shall be subject to annual audit as provided by law.

No payment for personal services shall be made or authorized until the provisions of this constitution pertaining to civil service have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

Sec. 6. By ordinance or resolution of its governing body which shall not take effect until approved by a majority of the electors voting thereon, unless otherwise provided by charter, each county, township, city, village, school district and other governmental unit or authority may establish, modify or discontinue a merit system for its employees other than teachers under contract or tenure. The state civil service commission may on request furnish technical services to any such unit on a reimbursable basis.

Sec. 7. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office or for crimes or misdemeanors, but a majority of the members elected thereto and serving therein shall be necessary to direct an impeachment.

When an impeachment is directed, the house of representatives shall elect three of its members to prosecute the impeachment.

Every impeachment shall be tried by the senate immediately after the final adjournment of the legislature. The senators shall take an oath or affirmation truly and impartially to try and determine the impeachment according to the evidence. When the governor or lieutenant governor is tried, the chief justice of the supreme court shall preside.

No person shall be convicted without the concurrence of two-thirds of the senators elected and serving. Judgment in case of conviction shall not extend further than removal from office, but the person convicted shall be liable to punishment according to law.

No judicial officer shall exercise any of the functions of his office after an impeachment is directed until he is acquitted.

ARTICLE XII

Amendment and Revision

Sec. 1. Amendments to this constitution may be proposed in the senate or house of representatives. Proposed amendments agreed to by two-thirds of the members elected to and serving in each house on a vote with the names and vote of those voting entered in the respective journals shall be submitted, not less than 60 days thereafter, to the electors at the next general election or special election as the legislature shall direct. If a majority of electors voting on a proposed amendment approve the same, it shall become part of the constitution and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved.

Sec. 2. Amendments may be proposed to this constitution by petition of the registered electors of this state. Every petition shall include the full text of the proposed amendment, and be signed by registered electors of the state equal in number to at least 10 percent of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected. Such petitions shall be filed with the person authorized by law to receive the same at least 120 days before the election at which the proposed amendment is to be voted upon. Any such petition shall be in the form, and shall be signed and circulated in such manner, as prescribed by law. The person authorized by law to receive such petition shall upon its receipt determine, as provided by law, the validity and sufficiency of the signatures on the petition, and make an official announcement thereof at least 60 days prior to the election at which the proposed amendment is to be voted upon.

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

The ballot to be used in such election shall contain a statement of the purpose of the proposed amendment, expressed in not more than 100 words, exclusive of caption. Such statement of purpose and caption shall be prepared by the person authorized by law, and shall consist of a true and impartial statement of the purpose of the amendment in such language as shall create no prejudice for or against the proposed amendment.

If the proposed amendment is approved by a majority of the electors voting on the question, it shall become part of the constitution, and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved. If two or more amendments approved by the electors at the same election conflict, that amendment receiving the highest affirmative vote shall prevail.

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

The convention shall choose its own officers, determine the rules of its proceedings and judge the qualifications, elections and returns of its members. To fill a vacancy in the office of any delegate, the governor shall appoint a qualified resident of the same district who shall be a member of the same party as the delegate vacating the office. The convention shall have power to appoint such officers, employees and assistants as it deems necessary and to fix their compensation; to provide for the printing and distribution of its documents, journals and proceedings; to explain and disseminate information about the proposed constitution and to complete the business of

the convention in an orderly manner. Each delegate shall receive for his services compensation provided by law.

No proposed constitution or amendment adopted by such convention shall be submitted to the electors for approval as hereinafter provided unless by the assent of a majority of all the delegates elected to and serving in the convention, with the names and vote of those voting entered in the journal. Any proposed constitution or amendments adopted by such convention shall be submitted to the qualified electors in the manner and at the time provided by such convention not less than 90 days after final adjournment of the convention. Upon the approval of such constitution or amendments by a majority of the qualified electors voting thereon the constitution or amendments shall take effect as provided by the convention.

Schedule and Temporary Provisions

To insure the orderly transition from the constitution of 1908 to this constitution the following schedule and temporary provisions are set forth to be effective for such period as are thereby required.

Sec. 1. The attorney general shall recommend to the legislature as soon as practicable such changes as may be necessary to adapt existing laws to this constitution.

Sec. 2. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights existing on the effective date of this constitution shall continue unaffected except as modified in accordance with the provisions of this constitution.

Sec. 3. Except as otherwise provided in this constitution, all officers filling any office by election or appointment shall continue to exercise their powers and duties until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

No provision of this constitution, or of law or of executive order authorized by this constitution shall shorten the term of any person elected to state office at a statewide election on or prior to the date on which this constitution is submitted to a vote. In the event the duties of any such officers shall not have been abolished or incorporated into one or more of the principal departments at the expiration of his term, such officer shall continue to serve until his duties are so incorporated or abolished.

Sec. 4. All officers elected at the same election that this constitution is submitted to the people for adoption shall take office and complete the term to which they were elected under the 1908 constitution and existing laws and continue to serve until their successors are elected and qualified pursuant to this constitution or law.

Sec. 5. Notwithstanding any other provision in this constitution, the governor, the lieutenant governor, the secretary of state, the attorney general and state senators shall be elected at the general election in 1964 to serve for two-year terms beginning on the first day of January next succeeding their election. The first election of such officers for four-year terms under this constitution shall be held at the general election in 1966.

Sec. 6. Notwithstanding the provisions of this constitution that the supreme court shall consist of seven justices it shall consist of eight justices until the time that a vacancy occurs as a result of death, retirement or resignation of a justice. The first such vacancy shall not be filled.

Sec. 7. Any judge of probate serving on the effective date of this constitution may serve the remainder of the term and be eligible to succeed himself for election

regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

Sec. 8. The provisions of Article VI providing that terms of judicial offices shall not all expire at the same time, shall be implemented by law providing that at the next election for such offices judges shall be elected for terms of varying length, none of which shall be shorter than the regular term provided for the office.

Sec. 9. The members of the state board of education provided for in Section 3 of Article VIII of this constitution shall first be elected at the first general election after the effective date of this constitution for the following terms: two shall be elected for two years, two for four years, two for six years, and two for eight years as prescribed by law.

The state board of education provided for in the constitution of 1908 is abolished at twelve o'clock noon January 1 of the year following the first general election under this constitution and the terms of members thereof shall then expire.

Sec. 10. The provisions of this constitution providing for members of boards of control of institutions of higher education and the state board of public community and junior colleges shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended, and may further provide that the initial terms of office of members may be less than eight years.

Sec. 11. The provisions of this constitution increasing the number of members of the Board of Trustees of Michigan State University and of the Board of Governors of Wayne State University to eight, and of their term of office to eight years, shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended one year, and may further provide that the initial terms of office of the additional members may be less than eight years.

Sec. 12. The initial allocation of departments by law pursuant to Section 2 of Article V of this constitution, shall be completed within two years after the effective date of this constitution. If such allocation shall not have been completed within such period, the governor, within one year thereafter, by executive order, shall make the initial allocation.

Sec. 13. Contractual obligations of the state incurred pursuant to the constitution of 1908 shall continue to be obligations of the state.

For the retirement of notes and bonds issued under Section 26 of Article X of the 1908 constitution, there is hereby appropriated from the general fund each year during their life a sum equal to the amount of principal and interest payments due and payable in each year.

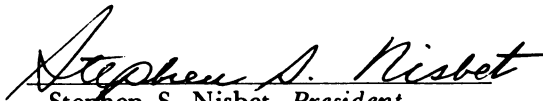
Sec. 14. The legislature by a vote of two-thirds of the members elected to and serving in each house may provide that the state may borrow money and may pledge its full faith and credit for refunding any bonds issued by the Mackinac Bridge Authority and at the time of refunding the Mackinac Bridge Authority shall be abolished and the operation of the bridge shall be assumed by the state highway department. The legislature may implement this section by law.

Sec. 15. This constitution shall be submitted to the people for their adoption or rejection at the general election to be held on the first Monday in April, 1963. It shall be the duty of the secretary of state forthwith to give notice of such submission to all

other officers required to give or publish any notice in regard to a general election. He shall give notice that this constitution will be duly submitted to the electors at such election. The notice shall be given in the manner required for the election of governor.

Sec. 16. Every registered elector may vote on the adoption of the constitution. The board of election commissioners in each county shall cause to be printed on a ballot separate from the ballot containing the names of the nominees for office, the words: Shall the revised constitution be adopted? () Yes. () No. All votes cast at the election shall be taken, counted, canvassed and returned as provided by law for the election of state officers. If the revised constitution so submitted receives more votes in its favor than were cast against it, it shall be the supreme law of the state on and after the first day of January of the year following its adoption.

Adopted by the Constitutional Convention of nineteen hundred sixty-one at Constitution Hall in Lansing on the first day of August, nineteen hundred sixty-two.


Stephen S. Nisbet, *President*


Fred I. Chase, *Secretary*

[ADDRESS TO THE PEOPLE]

***What the Proposed
New State Constitution
Means to You***

- A report to the people of Michigan
by their elected delegates to the
Constitutional Convention of 1961-62.

Lansing, Michigan

August 1, 1962

No change from Sec. 18, Article II, of the present constitution except for improvement in phraseology.

Rights of accused.

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.

This is a revision of Sec. 19, Article II, of the present constitution. The word "jurors" is substituted for "men" in recognition of the fact that women as well as men are now eligible to serve on juries. The clause, "to have an appeal as a matter of right," is added as a guarantee of the right of a defendant to at least one appeal in a criminal case. The provision is not intended to restrict the legislature in its power to provide by law for additional appeals.

Imprisonment for debt or military fine.

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. ****

This is a revision of Sec. 20, Article II, of the present constitution. Stricken from the concluding sentences of the section are the words: "or moneys collected by public officers or in any professional employment. No persons shall be imprisoned for military fine in time of peace."

The language relating to moneys collected by public officers is excess verbiage adequately covered by the earlier provisions of the section. The guarantee against imprisonment for military fine in time of peace is unnecessary. The more general guarantees in the constitution with respect to the supremacy of the civil over the military power and the writ of habeas corpus are adequate to take care of the matter of the jurisdiction of military courts.

Treason; definition, evidence.

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.

No change from Sec. 21, Article II, of the present constitution.

Enumeration of rights not to deny others.

Sec. 23. *The enumeration in this constitution of certain rights shall not be construed to deny or disparage others retained by the people.*

This is a new section taken from the 9th amendment to the U. S. Constitution. It recognizes that no Declaration of Rights can enumerate or guarantee all the rights of the people — that it is presently difficult to specify all such rights which may encompass the future in a changing society.

Article II

ELECTIONS

Qualifications.

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.* ****

This is a revision of Sections 1, 2 and 3, Article III, of the present constitution to eliminate a mass of legislative matter which has accumulated in the constitution since the Article on Elections was first written in the Constitution of 1835.

The section maintains the age requirement of 21 years for electors and the six months' state residence requirement. A major feature of the section is found in the last sentence which reposes in the legislature the duty of defining residence for voting purposes. The convention has determined that it is not possible to define residence in a manner which will offer any assurance of future adequacy and has therefore left the matter to the legislature, as one of its continuing responsibilities in the field of elections.

The section does not limit the legislature's authority to establish a local residence requirement.

Legislature may exclude certain persons from voting.

Sec. 2. *The legislature may by law exclude persons from voting because of mental incompetence or commitment to a jail or penal institution.*

This is a new section which permits, but does not require, the legislature to exclude from voting two groups of persons generally felt to be unsuitable: those who are mentally incompetent and those committed to a jail or penal institution.

Presidential electors; residence.

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.*

This is a new section which permits the legislature to allow new arrivals in Michigan to cast their votes for president and vice-president before the expiration of the normal six months' waiting period. It also makes it possible