Michigan Constitutional Convention of 1961
Committee Proposal 12
Const 1963, Art 10, § 3

Relevant Material From the Constitutional Convention Record

Cross-Reference and Indices . . . . . pp. 3437, 3441, 3473

First Reading . . . . . pp. 435-446, 449-458, 955

Second Reading . . . . . pp. 2973-2974

Draft Constitution (Art 10, § 3) . . . . . pp. 3047-3075 (p. 3069)

Third Reading, Article-by-Article . . . . . p. 3154

Draft Constitution (Art 10, § 3) . . . . . pp. 3215-3237 (p. 3233)

Third Reading, Full Constitution . . . . . pp. 3300-3301

Adopted Constitution (Art 10, § 3) . . . . . pp. 3319-3353 (p. 3347)

Address to the People . . . . . p. 3403

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.

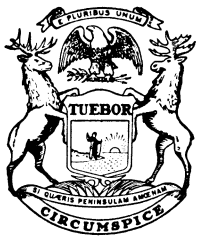
The convention used ALL CAPS to denote added material and [brackets] to denote removed material.

State of Michigan

CONSTITUTIONAL CONVENTION

1961

OFFICIAL RECORD



FRED I. CHASE
Secretary of the Convention

AUSTIN C. KNAPP
Editor

LYNN M. NETHAWAY
Associate Editor

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

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
Art.	Sec.	Art.	Sec.	
IX	7	none		51
IX	8	X	23	39a
IX	9	X	11	38
IX	10	none		39a
IX	11	X	23	39b
IX	12	X	22	23a
IX	13	VIII	10, 15a, 20,24	49
IX	14	X	10	23b
IX	15	X	10,20a, 23a,24, 25,26	23b
		S	4	
IX	16	X	27,28	23d
IX	17	X	16	37b
IX	18	X	12	23c
IX	19	X	13	37d
IX	20	X	15	37a
IX	21	X	18	37c,78
IX	22	VI	20	74
IX	23	X	17,18	37c[1]
IX	24	none		40
X	1	XVI	8	63
X	2	XIII	1,2	67
X	3	XIV	1,2,3,4	12
X	4	VI	20	74
X	5	none		129
X	6	XVI	9	43
XI	1	XVI	2	25
XI	2	XVI	1	61
XI	3	XVI	3	62
XI	4	X	19	55
XI	5	VI	22	22
XI	6	none		76,81m
XI	7	IX	1,2,3,4	42a,b,c,d
XII	1	XVII	1	64
XII	2	XVII	2,3	65
XII	3	XVII	4	66

1963	1908	Committee Proposal
Schedule	Schedule	44
1	S 8	44d
2	S 2,3,4	44b
3	S 5	44c,71g
4	S 6	68b
5	VI 1	71a
	V 2	80b
6	none	91a
7	none	96f
8	VII 23	96j
9	XI 2,6	47
10	none	98c
11*	XI 7,16	...
12	none	71b
13	X 10,20a, 23a,24, 25,26	6
	S 4	
14	none	23b
15	S 10	68a
16	S 11	68c

Committee Proposal No. — Page

8: Cont'd.
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

Committee Proposal No. — Page

12: Cont'd.
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

Page

Article X, Section 2: Cont'd.
May 8, read third time; amended; passed 3149-3154
May 9, referred to committee on style and drafting 3210
May 11, reported; placed on order of third reading; considered read third time; amended; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3347
For text, and comments in address to the people.... 3403

Section 3. Homestead and personalty, exemption from process. (Committee Proposal 12)
May 7, reported; placed on order of third reading .. 3045
May 8, read third time; passed 3149-3154
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 3347
For text, and comments in address to the people.... 3403

Section 4. Escheats. (Committee Proposal 74)
May 7, reported; placed on order of third reading 3045
May 8, read third time; passed 3149-3154
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 3347
For text, and comments in address to the people 3403

Section 5. State lands. State land reserve. (Committee Proposal 129)
May 7, reported; placed on order of third reading 3045
May 8, read third time; passed 3149-3154
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 3347
For text, and comments in address to the people .. 3403

Section 6. Resident aliens, property rights. (Committee Proposal 43)
May 7, reported; placed on order of third reading 3045
May 8, read third time; passed 3149-3154
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 3347
For text, and comments in address to the people 3403

ARTICLE XI. Public officers and employment. (Committee Proposals 22, 25, 42a, b, c, d, 55, 61, 62, 76 and 81m)
May 7, reported; placed on order of third reading.. 3045
May 9, read third time; sections 5 (originally section 8) and 6 (originally section 13) amended; passed 3187-3198
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 3347-3349
For text, and comments in address to the people 3404-3406

Section 1. Oath of public officers. (Committee Proposal 25)
May 7, reported; placed on order of third reading.. 3045
May 9, read third time; passed 3187-3198
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 3347
For text, and comments in address to the people 3404

Section 2. Terms of office of state and county officers. (Committee Proposal 61)
May 7, reported; placed on order of third reading.. 3045
May 9, read third time; passed 3187-3198
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 3347
For text, and comments in address to the people 3404

Page

Article XI: Cont'd.
Section 3. Extra compensation. (Committee Proposal 62)
May 7, reported; placed on order of third reading.. 3045
May 9, read third time; passed 3187-3198
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 3347
For text, and comments in address to the people 3404

Section 4. Custodian of public moneys; eligibility to office, accounting. (Committee Proposal 55)
May 7, reported; placed on order of third reading.. 3045
May 9, read third time, passed 3187-3198
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 3347
For text, and comments in address to the people 3404

Section 5, paragraph 1. State civil service; exemptions. (Committee Proposal 22)
May 7, reported; placed on order of third reading.. 3045
May 9, read third time, passed 3187-3198
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 3348
For text, and comments in address to the people 3404

Section 5, paragraphs 2 and 3 (originally section 6). Civil service commission; members, terms. State personnel director. (Committee Proposal 22)
May 7, reported (as section 6); placed on order of third reading 3045
May 9, read third time, passed 3187-3198
May 9, referred to committee on style and drafting.. 3210
May 11, reported (as section 5, paragraphs 2 and 3); placed on order of third reading; considered read third time; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3348
For text, and comments in address to the people 3404

Section 5, paragraphs 4 and 5 (originally section 7). Commission's duties as to classification, compensation, examinations, personnel transactions and conditions of employment. Certification of appointments or promotions; discrimination. (Committee Proposal 22)
May 7, reported (as section 7); placed on order of third reading 3045
May 9, read third time; passed 3187-3198
May 9, referred to committee on style and drafting.. 3210
May 11, reported (as section 5, paragraphs 4 and 5); placed on order of third reading; considered read third time; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3348
For text, and comments in address to the people 3404

Section 5, paragraph 6 (originally section 8). Increases or decreases in compensation. (Committee Proposal 22)
May 7, reported (as section 8); placed on order of of third reading 3045
May 9, read third time; amended; passed 3187-3198
May 9, referred to committee on style and drafting.. 3210
May 11, reported (as section 5, paragraph 6); placed on order of third reading; considered read third time; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3348
For text, and comments in address to the people 3404

Section 5, paragraph 7 (originally section 9). Creation or abolition of positions. (Committee Proposal 22)
May 7, reported (as section 9); placed on order of third reading 3045
May 9, read third time; passed 3187-3198
May 9, referred to committee on style and drafting.. 3210

As the committee will see, the committee on education has decided to adopt the last of these 3 recommendations by the citizens research council, which will provide for the entire exclusion of article XI, section 13, and the incorporation of the existing funds, along with the funds derived from other sources for this purpose, into a single fund for education.

I think that completes the explanation of this recommendation, Mr. Chairman. As I say, the action of the committee on education was unanimous, and it is our recommendation that the exclusion report be approved by the committee of the whole.

CHAIRMAN MARTIN: Are there any amendments to the exclusion report? If not, it will be passed.

Exclusion Report 2004 is passed.

The secretary will read.

SECRETARY CHASE: Item 3 on the calendar, from the committee on legislative powers, by Mr. Hoxie, chairman, **Committee Proposal 12,** A proposal pertaining to exemptions as a substitute for all of article XIV.

Following is Committee Proposal 12 as read by the secretary, and the reasons submitted in support thereof:

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

THE LEGISLATURE SHALL PROVIDE BY LAW FOR THE EXEMPTION OF REAL PROPERTY IN THE AMOUNT OF NOT LESS THAN $3,500.00, AND PERSONAL PROPERTY IN THE AMOUNT OF NOT LESS THAN $750.00, AS DEFINED BY LAW, FROM FORCED SALE OR EXECUTION OR OTHER PROCESS OF THE COURT.

Mr. Hoxie, chairman of the committee on legislative powers, submits the following reasons in support of Committee Proposal 12:

The committee on legislative powers proposes the indicated language in lieu of all existing language in article XIV entitled "Exemptions" for the following reasons:

The original 1908 constitution of Michigan set forth an exemption of $500.00 for personal property and a homestead exemption of $1,500.00. Because of the change in value of property due to inflation and the subsequent decreased purchasing power of the dollar, this was amended in 1943 by raising the homestead exemption from the original $1,500.00 to $2,500.00. This change should have been allowed by legislation rather than through the necessity of a constitutional amendment. Furthermore, exemptions on real and personal property have always been provided for by law enacted by the legislature, and such laws recently have provided for greater exemptions than stated in the constitution. All exemptions, both real and personal, have been set forth in detail in act 236 of the public acts of 1961 which is a compilation of all judicial proceedings in all courts and takes effect January 1, 1963.

The committee believes, however, that minimum exemptions on both real and personal property should be placed in the constitution in order that the legislature shall not have the complete power of wiping out all exemptions in the future. Testimony was taken as to the minimum amounts thought advisable and the amounts mentioned above in the proposed section were those recommended by the state bar association of Michigan and other members of the legal profession who testified before the committee.

Fifteen states have no provision in their respective constitutions for exemptions. Twenty states have short provisions, as suggested by this committee in its proposal. The committee believes that specific exemptions should be set forth in the statutes and only a general expression of legislative power is necessary in the constitution, limited, however, to limited amounts as stated in the proposal.

It is therefore recommended that article XIV of the 1908 constitution entitled "Exemptions" be deleted from any proposed new constitution and that a section be added to the legislative powers article embodying the language in the committee proposal.

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

CHAIRMAN MARTIN: Mr. Hoxie.

MR. HOXIE: Mr. Chairman and fellow delegates, this particular article, article XIV, was referred to one of our subcommittees for study and research. The report that was just read is rather abbreviated, considering all the work that was done on it. Mr. Millard is chairman of this subcommittee, along with Mr. Downs, Mr. Wanger and Mrs. Koeze. I'm sure Mr. Millard or any other member of the committee has some further information on that particular article, if they would like to give it to us.

CHAIRMAN MARTIN: Mr. Millard.

MR. MILLARD: Mr. Chairman and members of the committee, the subcommittee referred to by Chairman Hoxie met quite early in the session of this convention. In order to get a proper background, we took the treatise prepared by Professor Robert E. Childs, professor of law of Wayne State University, which is entitled State Constitutional Provisions on Exemptions. It is a white pamphlet, of which each and every one of you, I presume, received a copy. We had Professor Childs appear as a witness and he confirmed all that he had stated in this treatise.

Also, Professor Kelly was present, and he came to the same conclusion, which was that a short statement of the power delegated to the legislature should be all that was necessary.

However, I think maybe I should go a little more into the history, and maybe also define what exemptions are. I know the lawyers present are all familiar with this, but maybe some of the laymen have not come in contact with it. "Exemptions" may be defined as a statutory freedom of the personal property of debtors from liability to seizure and sale under legal process for the the payment of their debts. "Homestead exemptions" may be defined as a statutory freedom of the real property of debtors from liability to seizure and sale under legal process for payment of their debts.

There were no personal property or homestead exemptions at common law, and going back into the history of our own state, there was no provision for exemptions in the first Constitution of 1835. However, the legislature, in its wisdom, saw that it was necessary to provide for relief of debtors who had, maybe through something not of their own making, gotten into financial difficulties. And so, in 1848, a statute was passed which provided for exemptions of $500 on personal property, and homestead exemptions of $1,500.

The constitutional convention which was convened in 1849 and produced the Constitution of 1850 thought so much of this provision in the statute that they adopted it practically in toto in the Constitution of 1850. And that was carried over with hardly any change into the Constitution of 1908. Now, the original provisions, as stated, set forth an exemption of $500 on personal property and $1,500 on real property, and those 2 figures were carried over into the 1908 constitutional convention. But we had a change in economic conditions, and it was found that those provisions were not enough.

I want, first, to call to your attention that in both the 1850 and the 1908 constitutions personal property was exempted to the amount of not less than $500—both of them the same wording—but that real property, the homestead exemption, is exempted not to exceed the value of $1,500. In other words, there was a floor put on the personal property, but a ceiling put on real property. So that when our economic conditions changed, it was found that $1,500 was not enough exemption for a homestead. Consequently, in 1943 an amendment was passed to the constitution in which that amount was raised to $2,500, as it now stands.

Now, there have been two or three attempts to get the constitution changed, and one of them was by a Michigan constitutional revision study commission of 1942. On this particular subject, I would like to read a quotation from that report. The following quotation was taken from the final report of the subcommittee on taxation and finance of the Michigan constitutional revision study commission of 1942. That report, submitted by the committee chairman, E. Blythe Stason, dean of the University of Michigan law school, was unanimously adopted by the commission and was deemed to be of such importance

that it was appended to the commission's report in its entirety. I'm quoting:

Article XIV. Exemptions.

The provisions for exemptions were taken verbatim from the 1850 constitution, which for the most part simply adopted existing statutes. Apparently there was no need of writing them into the constitution, other than the fact that the constitutional convention mistrusted the legislature and felt inclined to place many limitations on the power of that body.

Perhaps an added factor was the novel character of the exemption statutes. They were first enacted in the late 1840s. It was said in the convention that Michigan was the first state to have any such legislation, and there may have been a desire to insure their continuance.

The committee feels that these sections do not constitute proper constitutional provision. Instead, they should be incorporated in statute law if found desirable by the state legislature.

The committee does not take exception to any of the specific provisions of article XIV, but it recognizes that there are probably more exemptions that might just as appropriately be included. The article, however, is of slight importance, and no recommendation is made.

That's what they thought about this article in 1942.

Now, just what has the legislature done in regard to exemptions for the protection of, might I say, legitimate debtors? I hope that they are. In the session of 1961 the legislature passed act 236, which was quoted in our report. It was an act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state, the powers and duties of such courts, and so forth. In this revision of the statutes and the compilation, the exemptions have been set forth, and I would like to call your attention to some of the exemptions. Chapter 53—and I'm reading on page 576 of the Compiled Laws of the Public Acts of 1961 — is Receivership for Wage Earners, and that has nearly 4 pages. Chapter 60, page 595, has Enforcement of Judgment, and that has, oh, 20 pages or more. In that particular chapter are included the provisions in the constitution, and I am now quoting from section 600.6022, on page 598 of the public acts of 1961, in which it says "Executions shall not issue," and then it goes on and it designates a lot of things that are not mentioned in the constitution, of course, such as family pictures; household goods; a seat, pew or slip occupied by the judgment debtor or his family in a house of worship; tools and implements; and so forth. But it raises the amount to $1,000. In other words, the legislature has increased the exemption on personal property from $500 to $1,000. And they could do that because it was only a floor in the constitution. Now, the homestead exemption is cut down a little bit from the verbiage in the constitution, but it is all there. Everything is there.

We have had the statutes and the exemptions checked—both real and personal property—by our research man, Professor Gay, and he says that every provision that is in the constitution is covered in the statutes, with a lot more, as I am pointing out.

We have other sections in this act 236. Chapter 62, Installment Judgments; and chapter 75, Garnishment in Justice Court; so that the debtors are very well taken care of by statute. In fact, members of the committee, if we were to give the debtors the benefit of all of the rights that they have and all of the exemptions that they have by statutes, we would have a constitution which would be twice as large as the one we have now.

Now, as I said, Professor Childs recommends that a clause be inserted in the article of the proposed constitution entitled Legislative Department, as follows "The legislature shall pass homestead and exemption laws." Your committee, after hearing the professors, referred it to research; and Professor Joiner, of the University of Michigan law school, prepared the provision which you have in front of you, with the exception of the floors on personal and real property.

After the committee had started its hearings, several proposals came in to raise the ceiling on real property. We had proposals all the way from $5,000 to $10,000. So we had a hearing last week, and had all the people in that were interested—representatives of the state bar, and so forth—and everybody talked about a ceiling, and finally we came to the conclusion that it would be better to put a floor under it than put a ceiling on it. If we said there would be a ceiling of $10,000 then people would expect the legislature to put in an exemption of $10,000. Your committee decided that inasmuch as the legislature had increased the personal exemption from $500 to $1,000, which was an increase of about 100 per cent, and whereas the original homestead exemption was $1,500, that we would increase that 100 per cent; so we put a floor in this proposal of $3,500 on real property, and $750 on personal property.

We feel that this is sufficient protection for the debtor; that he will always have some exemptions, but looking back over the history of our legislature, we find that the exemptions have always been higher than was in any constitution, and probably would have been higher if it had been allowable on real property after the 1908 convention. Your committee therefore feels that the question of amount is a legislative function; that protection has been amply given by statute; and therefore recommends that this proposal be passed as submitted.

CHAIRMAN MARTIN: Mr. Norris.

MR. NORRIS: Mr. Chairman, I wonder if I might ask a question or 2 of Delegate Millard. First, I note that the suggested language states that "The legislature shall provide by law," and I wanted to ask the question as to why this was made less than constitutionally mandatory. In other words, you have the matter of moment of the homestead exemption resting upon the discretion of the legislature, and not a specific requirement by constitution, which is now being changed—or at least offered to be changed.

The second question is, I note that the words homestead exemption are not found in the suggested language, but what we have are the words "real property." I wondered what the thinking was of the committee in making that alteration.

CHAIRMAN MARTIN: Mr. Millard.

MR. MILLARD: Professor Norris, I will answer the second one first. The thinking of the committee—and this was proposed by Dr. Joiner—is that "homestead" is a limitation. Homestead has been defined by our supreme court in a great many cases, and it requires occupancy by the person claiming the homestead. Your committee felt that we could put a floor of $3,500 on real property, and leave it up to the legislature as to whether they wanted to make it a homestead or not. It is a homestead now in the statutes. However, this is really lifting a restriction. This is giving more power, so that they can lift it from the homestead provision and apply it to any real estate.

Now, on your first question, it has been told here many, many times that this convention has no power over the legislature except to express its intention, and by putting the word "shall" in we certainly mean what we say; that they shall do this. As has been pointed out, you can't mandamus the legislature. But, by putting the word "shall" in there, we think that that is showing enough of the intention of this convention that they would adopt it, as they already have for the last 100 years. Does that answer your question?

CHAIRMAN MARTIN: Mr. Hodges.

MR. HODGES: Mr. Chairman, I think the committee has shown a great deal of wisdom in setting floors. I think this is what we need. But I really question the $3,500 floor limit. Mr. Millard talks about a 100 per cent increase since 1908, but if we try to reflect on what the $1,500 meant in a homestead in 1908 and what $3,500 means today, there's a great discrepancy.

While I realize this is a floor, I think there always is the pressure on the legislature to maintain this floor. I'm not suggesting that we should set a reasonable figure today, but at least I think it should be more in line with what reasonably can be expected in the near and distant future. I think $3,500 certainly is very little protection for the average home owner and homesteader. This is actually what we are trying to

protect. I have no set figure, but I would like to suggest that we set a much more realistic figure.

CHAIRMAN MARTIN: Are there any amendments to the body of the proposal?

Mr. Nord.

MR. NORD: Mr. Chairman, I would speak against the passage of the committee proposal at this time. I believe there are 2 defects in it which ought to be rectified before it is reported out. These are not serious defects, and they could be rectified easily, but I don't think we could do it on the floor. I would like to point out anyway what I believe these defects are. They have both been alluded to briefly by Mr. Norris, and I would like to go a little further into them. I'm not satisfied that these are cured as well as they can be cured.

First of all, as to the compulsoriness of the exemption, it seems to me it would be very simple to make these exemptions absolutely compulsory by using language similar to the language presently in the constitution—not as detailed, perhaps, but language which says point blank that property of a certain type shall be exempt. If it says it shall be exempt, then it is exempt. But if it says the legislature shall provide laws, then if the legislature should happen not to provide laws, there is obviously no exemption.

Actually, there are 2 parts of the language which I object to in connection with the lack of compulsoriness of the exemptions. One is in the first line, where it says, "The legislature shall provide by law . . ." We have had a lot of experience with legislatures being required to do things by law which they have not done. I will just mention, for example, the apportionment problem, which has existed in 40 states, and legislatures as we know have not always done what has been required of them. Whereas, if it states in the constitution that a certain result shall exist, then it does exist.

The other language that I find objectionable on this point about compulsoriness is the last 4 lines, which are as follows: "as defined by law . . ." That is to say, the legislature shall provide by law for these exemptions on personal property and real property, and the type of exemption shall be as defined by law. Now, if the legislature fails to make such definitions, we won't know what kind of property is involved. For example, we won't know whether it is a homestead or not. So, obviously, the legislature must act. These are not self executing provisions as they now read. They could easily be made self executing, but they are not at the present time, and I believe they should be made self executing.

The other problem has to do with homesteads. Nearly all of the constitutions that have been referred to from other states mention the word homestead. If they mention exemptions at all, they almost always mention the word homestead. Now, of course, that doesn't mean that we must do so. We don't in this particular section. We do in the present constitution. The explanation that was offered doesn't convince me that it is an improvement. The language that is offered is this, "the exemption of real property . . ."

Now, the problem that I can foresee is this. The legislature might exempt real property other than homesteads, and not exempt homesteads. They might provide a broadened definition, as was suggested, which would include real property which we don't really wish to be exempted, but at the same time not provide an exemption against real property which we feel must be exempted; namely, homesteads. It seems to me it is very important that we mention that homesteads are the things that are to be exempted. We don't really care whether other real property is exempted or not. But if it is a homestead, it should be exempted. That is the big reason why we have exemption laws; so that nobody will be kicked out of their house.

Both of these, it seems to me, could easily be corrected. Instead of saying "real property," we could say "homestead." Instead of saying "the legislature shall provide" and "as defined by law," we could substitute some other language. I can't give the exact language myself at the moment, but it seems to me the best thing is to refer this back to the committee and ask it to bring it forward with other language.

I move that the proposal be rereferred to the committee for that purpose.

CHAIRMAN MARTIN: The motion to rerefer takes priority. The question is on the motion that when the committee rises, it recommend that Committee Proposal 12 be rereferred to the committee on legislative powers. All those in favor will say aye. Those opposed will say no.

The Chair is in some doubt. Those in favor will rise.

SECRETARY CHASE: Forty-seven.

CHAIRMAN MARTIN: Those opposed will rise.

SECRETARY CHASE: Seventy-four.

CHAIRMAN MARTIN: The motion to rerefer does not prevail.

Are there any amendments to the body of the proposal?

Miss Donnelly.

MISS DONNELLY: I had recently placed on my desk a copy of my amendment which I placed with the secretary. I find that it is incorrect in monetary amounts, and I will ask the secretary to read it with these corrections:

In section 1, $750; in section 2, $5,000.

SECRETARY CHASE: Miss Donnelly offers the following amendment:

1. Amend page 1 by striking out all of lines 6 through 9, which is the present language of the proposal and inserting the following, which is the present 4 sections of article XIV, with the changes as just noted by Miss Donnelly:

"Sec. 1. The personal property of every resident of this state, to consist of such property only as shall be designated by law, shall be exempted to the amount of not less than $750.00 from sale on execution or other final process of any court.

Sec. 2. Every homestead of not exceeding 40 acres of land and the dwelling house thereon and the appurtenances to be selected by the owner thereof and not included in any town plat, city or village; or instead thereof, at the option of the owner, any lot in any city, village or recorded town plat, or such parts of lots as shall be equal thereto, and the dwelling house thereon and its appurtenances, owned and occupied by any resident of the state, not exceeding in value $5,000.00 shall be exempt from forced sale on execution or any other final process from a court. Such exemption shall not extend to any mortgage thereon lawfully obtained, but such mortgage or other alienation of such land by the owner thereof, if a married man, shall not be valid without the signature of his wife to the same: Provided, That notwithstanding anything in this section to the contrary, such mortgage or other alienation of such land shall be valid without the signature of said wife, after 25 years unless within said 25 years from the date of the recording thereof in the office of the register of deeds of the county or counties wherein the property is located, there is filed in said office notice of claim of the invalidity of such mortgage or alienation under this section, excepting that in case of every mortgage or alienation recorded prior to January 1, 1920, said notice of claim may be filed prior to January 1, 1950.

Sec. 3. The homestead of a family, after the death of the owner thereof, shall be exempt from the payment of his debts in all cases during the minority of his children.

Sec. 4. If the owner of a homestead dies, leaving a widow but no children, such homestead shall be exempt, and the rents and profits thereof shall accrue to her benefit during the time of her widowhood, unless she be the owner of a homestead in her own right.".

CHAIRMAN MARTIN: Miss Donnelly.

MISS DONNELLY: Mr. Chairman, briefly, my reason for offering the amendment to the report of the committee is that originally it does not include the exclusion report. I think they have spent a great deal of time discussing the amount of money that we are talking about. This to me is not the most substantive part. There is a basic, fundamental attitude that certain debtors shall be protected; that they shall have a right to go forward in the future and not be badgered forever, not only by their claims in bankruptcy, but also having a chance to reestablish themselves.

The intent of this constitutional provision at this time, in

my opinion, is to protect not only the individual debtor, but his wife and children. Obviously, I'm not doing this for my own self, inasmuch as I don't have this problem. However, this statute, as taken care of by Mr. Millard, in my opinion—I haven't read it recently—but I do not think it includes the alienation of property on mortgaging; I do not think it excludes the mortgage value; it does not include the requirement that the wife must join, or in 25 years time to allow this dower interest to be barred. We've got a lot of statutes on real property law that have determined this. We have a lot of claims against title; we have instances of forgeries and fraud wherein someone other than the wife has signed to bar this dower. We also have provisions to allow a minor 18 years of age to join with her husband and mortgage the homestead in the case of certain mortgages, but not to convey the title to realty. We have many statutes to take care of certain aspects of this, but none prohibit this alienation, without this addition.

In addition, without this constitutional prohibition, they could be changed legislatively. In addition to this, the attitude of the committee in discussing real property, in my opinion, does not adequately take care of a land contract vendee's interest. They have not indicated whether they are going to consider this personalty or realty.

Generally, I feel that they are in haste to shorten this constitution, and will not necessarily benefit it by this change. Therefore, I speak in favor, naturally, of my amendment, which reinstates these provisions. I'm not particularly concerned about the monetary aspects, but I am concerned as to the approach. And I think that these provisions keep the approach—keep the protection to not only the individual debtor, but to his family.

CHAIRMAN MARTIN: The question is on the amendment. Mr. Stafseth.

MR. STAFSETH: I would like to ask a question of Mr. Millard, because I think it would have a relationship to how I vote on the amendment. But I see under section 2, under the homestead exemption in the middle—and this is what Miss Donnelly spoke to—that it specifically exempts a mortgage. In other words, you can have a mortgage written so that it wouldn't guarantee a man who has an equity of $3,500 in his property when actually he may only pay $500.

Now, are there provisions in your original proposal, or the committee proposal, to take care of the situation that they can write a mortgage of a lesser down payment than $3,500 and not be in the position where they would have to guarantee that amount? Because this would have a very definite effect on the size of down payments in buying homes and might make it very difficult.

CHAIRMAN MARTIN: Mr. Millard.

MR. MILLARD: I think that your question in regard to the mortgage is taken care of in the statute which I cited to you, being 600.6022 at page 598 of the public acts of 1961. And it says:

> But this exemption does not apply to any mortgage on the homestead lawfully obtained, except that such mortgage is not valid without the signature of a married judgment debtor's wife unless:
>
> A. The mortgage is given to secure the payment of the purchase money or portion thereof; or
>
> B. The mortgage is recorded in the office of the register of deeds of the county wherein the property is located for a period of 25 years, and notice of a claim of invalidity is filed in such office during the 25 years following the recording of the mortgage.

I think that answers your question.

MR. STAFSETH: According to your proposal, if you have a floor, if you set a definite floor, there shall be this limit. What provision have you in this that would allow the statutory provision to be exercised? This would take precedence, wouldn't it?

MR. MILLARD: This provision that we propose lodges the power in the legislature to make provision for the exemption. That is the reason for it. And we did that because the legislature has, in the past, and in this particular public act 236 of 1961, provided for all of the exemptions that are in the constitution plus a great, great many more.

CHAIRMAN MARTIN: The question is on the amendment. Mr. Hubbs.

MR. HUBBS: I have an amendment of my own, but I would first like to answer Miss Donnelly and Mr. Stafseth, and comment on what Mr. Millard said. I'm a member of the committee on legislative powers, and we were given to understand during our study of this problem that all of the exemptions and dates and times and amounts and everything that were matters of statutory detail were covered in house bill 3, which has been recently revised, and that in general most of the provisions that were in there were more than adequate and far exceeded what was already in the constitution.

My amendment, if I may proceed with it at this point, is this. I would amend the proposal—

CHAIRMAN MARTIN: Mr. Hubbs, maybe we should stay with the Donnelly amendment, and then let you offer your amendment; and then we can discuss that. Otherwise we will get confused as to which amendment we are talking about.

MR. HUBBS: With reference to Miss Donnelly's amendment and what has been said, I think Mr. Millard adequately covered the thing; that house bill 3 and the present statutory laws covering exemptions in all fields take care of the situation; and the amendment that I propose to offer is in a slightly different direction.

CHAIRMAN MARTIN: We will come to your amendment in a moment.

The question is on the Donnelly amendment.

Mr. Farnsworth.

MR. FARNSWORTH: I would like to speak to the Donnelly amendment. There is another party that probably hasn't been given too much consideration. That is the man to whom money might be owed. We are talking all the while about the man that owes money and what his exemptions and rights are.

In the Donnelly amendment we are restoring some sanity to it, I believe, by retaining this ceiling on the homestead exemption. I'm not in agreement with Miss Donnelly in the amount of that, but I agree with the principle that if you're going to have a floor, likewise you should have a ceiling. That is the only protection that the man has who has the money coming to him.

I would be quite willing to turn the entire matter over to the legislature, but I am not willing to have a floor that you cannot go under without having a ceiling that you cannot go above. So, Miss Donnelly, I like that very, very much.

I would like to offer an amendment to the Donnelly amendment, to amend $5,000 to $3,750.

CHAIRMAN MARTIN: Will you submit your amendment to the secretary, please, Mr. Farnsworth?

MR. FARNSWORTH: Yes.

SECRETARY CHASE: Mr. Farnsworth offers the following amendment to Miss Donnelly's amendment:

1. Amend section 2 of the amendment by striking out "$5,000.00" and inserting "$3,750.00".

CHAIRMAN MARTIN: The question is on Mr. Farnsworth's amendment to the Donnelly amendment.

Miss Donnelly.

MISS DONNELLY: I would just like to state I have no particular objection to his amendment. My whole point is that I think these constitutional provisions must be maintained so that the legislature cannot remove them eventually if it so chooses.

The fact that house bill 3 or public act 236 is going to cover it is fine. I had no intent to try to change that. I just feel that this is a statement of limit on power, which is a constitutional purpose in the first instance, and to remove it and entrust all this to the legislature is, I think, too hasty. Also, I want to restate that I certainly oppose "real property." If this would allow an individual who was not living there but was, for instance, collecting rent—he was living in an apartment; this is not his homestead, but it is just an investment—to keep this investment, and his creditors can't reach

this investment, it isn't protecting him; it is acting against his creditors.

I think the purpose of this is to protect the individual and give him a chance for him and his family to live on this property as a homestead, and not just to protect real property.

CHAIRMAN MARTIN: The question is on Mr. Farnsworth's amendment to the amendment.

Mr. Higgs.

MR. HIGGS: Mr. Chairman, in order to vote intelligently upon the amendment, I would like to ask a question of Mr. Millard. If I read this correctly, is this not the way this reads, "shall provide by law for the exemption of real property and personal property as defined by law"?

I would understand that the legislature would have the power to define by law what is intended by real property and what is intended by personal property; is that correct?

CHAIRMAN MARTIN: Mr. Millard.

MR. MILLARD: That is true, Mr. Higgs. At the present time the statute defines the homestead exemption for real property. That is defined in the law, and it will stay there until changed by the legislature. So you are absolutely correct.

MR. HIGGS: Mr. Chairman, I would oppose the amendment then, inasmuch as the committee apparently has given consideration to the matter of defining real property, and I would feel confident that the legislature, in making that definition, would take into account such matters as the land contract vendee's interests; and with that assurance I think I would favor the proposal.

CHAIRMAN MARTIN: The question is on the Farnsworth amendment to the amendment.

Mr. Hodges.

MR. HODGES: Mr. Chairman, speaking in opposition to the Farnsworth amendment to the amendment, our basic idea is to protect homesteaders. In 1908 we protected them to the extent of $1,500, which was a realistic figure in 1908. The figure proposed by Mr. Farnsworth—and I think any figure that you set as a ceiling is unrealistic, and what you need is a floor—just negates for all practical purposes the homestead protection. It is really not any protection at all.

I think what we need is a floor, and therefore I'm opposed to the Farnsworth amendment and to the Donnelly amendment also.

CHAIRMAN MARTIN: Mr. Mahinske.

MR. MAHINSKE: I have a point of information I would like to ask both Mr. Farnsworth and Miss Donnelly. Are you setting a floor on personal property and a ceiling on real property, or are you setting both floors and ceilings?

CHAIRMAN MARTIN: Mr. Farnsworth.

MR. FARNSWORTH: Mr. Mahinske, if I understand the proposal correctly, it would set a ceiling on real property, or a homestead, but it would set only a floor on personal property.

Is that right, Miss Donnelly?

CHAIRMAN MARTIN: Miss Donnelly.

MISS DONNELLY: I would say that is the intent of the Constitution of 1908. The constitution, section 1, says, "not less than $500.00," and section 2 says, "every homestead of not exceeding 40 acres of land," and it goes forward to eventually pick up the monetary amount, "not exceeding in value $2,500.00."

MR. MAHINSKE: Then your amendment is a repeat of the 1908 provision, as revised in 1943, with just a change in the money figures?

MISS DONNELLY: Yes.

MR. MAHINSKE: And you are not going to bring up a 25 year change in your date figures from 1920—

MISS DONNELLY: Frankly, I intended to. Specifically, I was in a meeting of the committee on judicial branch all morning, and that's the reason why it came out incorrectly. In the first instance, I rather hurriedly gave instructions to research, and they apparently misunderstood me. And I do believe that if that last year were retained as it is, we would not necessarily have to go into alienation recorded prior to January 1, 1920. We are now at 1962. The 40 years would handle it. The 25 years would handle it. We don't need to go back to that, and it should really be removed.

MR. MAHINSKE: Wouldn't your mortgages and land contracts be covered by impairment of contracts in the federal constitution, at any rate, whether we put it in here or not?

MISS DONNELLY: Off hand, my answer, I think, is no. I think that is a very broad statement, and the impairment of mortgages is not the same as to the validity as to who may make. And I think at this moment that if we say who may mortgage this land—which I believe this could allow changes in, or who may make this mortgage—that that would be an impairment of contract, so we couldn't do it anyway, if I follow your logic.

MR. MAHINSKE: If you follow me, then we may as well throw out this whole section on land contracts and mortgages. It is statutory to begin with, and we couldn't statutorily impair any contract, and a land contract or a mortgage is a contract.

MISS DONNELLY: You're talking about in the past. I'm talking about going forward in the future, too. I think this constitution will act in future years if it's passed.

CHAIRMAN MARTIN: The question is on Mr. Farnsworth's amendment to the Donnelly amendment.

Mr. Danhof.

MR. DANHOF: I wish to speak to the entire matter.

CHAIRMAN MARTIN: The question is on the Farnsworth amendment to the Donnelly amendment.

Mr. Downs.

MR. DOWNS: Mr. Chairman, I just wish to repeat that in the committee, when this matter was considered, I believe Mr. Millard pointed out very well that the 1908 constitution had set a floor on personal property and a ceiling on the homestead or real property. Now, with the changes that we all anticipate in the price index, I think it is very hard for us to set a maximum amount; and that was the thinking on putting in the floor. Now, there was the original recommendation that no particular amount be put in. This was the recommendation, I believe, of Professor Childs.

However, from a very practical viewpoint, and I'm thinking not only of the convention, but when some of us are out, I presume, selling the new document that we have, I think it will be much easier to sell if we can say that the protection we had in the 1908 constitution is still in there and, if anything, it has been slightly improved. I don't pretend to get into a discussion as to just what the amounts should be. I think that is subject to legitimate discussion and difference. But I do think that if a reasonable floor is set on both, it does make it much easier for us to get the support for the document when we are completed. I do think that really what we were looking at in the committee was not only draftsmanship, but also the problem of selling the document. And I hope this gives some of the background of the discussions that were had in the committee.

CHAIRMAN MARTIN: Mr. Farnsworth.

MR. FARNSWORTH: Mr. Chairman, in defense of the amount that I am suggesting as an amendment to the Donnelly amendment, it is exactly 50 per cent higher than what is now in the constitution. I note that the committee, in setting an amount on personal property, used that exact ratio in their proposal. They proposed from $500 to $750. So it is an exact ratio that I have stated. That is why the $3,750. I take it that you are going to vote on that quite soon now.

CHAIRMAN MARTIN: The question is on the Farnsworth amendment to the Donnelly amendment.

Mr. Lawrence.

MR. LAWRENCE: I would like to ask Miss Donnelly a question, in view of the fact that I may not have heard the amendment read correctly. But is it the intent of the amendment to prohibit the complete collection of a mortgage not signed by a wife if it is a purchase money mortgage?

CHAIRMAN MARTIN: Miss Donnelly.

MISS DONNELLY: It certainly is not. If it is a purchase money mortgage in the first instance, dower would not have attached, and you would not have had any interest anyway. So I'm going to real property, and not to this language.

The whole intent of my amendment is—contrary to what Mr. Downs said—to guarantee that we have not interfered

with these guarantees. If we change it and take the committee's report, we have not made a constitutional guarantee of this. We have allowed the legislature to do what it will.

Now, certainly in the past the legislature has acted, I think, very properly in increasing it. But that doesn't mean that it won't go in the other direction, and I think that there should be a guarantee of an exemption, and certain rights that cannot be changed by legislative action. That is the whole purpose of my amendment. I am not particularly concerned with the monetary amounts; but it certainly has nothing to do with the purchase money mortgage.

CHAIRMAN MARTIN: Mr. Lawrence.

MR. LAWRENCE: Certainly some time has gone by since this amendment has been read, and it is a little bit technical. I would like to have it read again, because, as I heard it, it specifically precluded the taking of property if it was not signed by a wife in certain instances, and I didn't hear the exception of a purchase money mortgage not signed by the wife. It was later brought out, I believe, by Mr. Millard in the statutory language.

CHAIRMAN MARTIN: The secretary will read the amendment.

Mr. Ford.

MR. FORD: Maybe we can save some time. I followed this in the book, and you got a little bit ahead of me. Is the language of your amendment the same as sections 1 through 4 of the present article XIV?

MISS DONNELLY: Yes, it is. But it shouldn't be exactly the same, because the amount of money and the dates are incorrect. Frankly, I just had them throw it in so I could have it technically in writing. I think this "alienation recorded prior to January 1, 1920," is unnecessary. But I want the intent of the protections, and the requirement of the wife joining in the mortgage or alienation of the land.

Now, back to your purchase money mortgage, Mr. Lawrence, I think the fact that the statute is spelled out on a purchase money mortgage is merely reiterating the common law. Certainly the title does not vest in the husband in the purchase money mortgage. The dower could not have attached, because he couldn't have been seized of both the equitable and the legal at the same time—or am I being too argumentative on real property?

CHAIRMAN MARTIN: Mr. Lawrence.

MR. LAWRENCE: I still would like to hear the amendment read.

CHAIRMAN MARTIN: The secretary will read the amendment.

SECRETARY CHASE: The amendment offered by Miss Donnelly is:

[The Donnelly amendment was again read by the secretary. For text, see above, page 437.]

To section 2 Mr. Farnsworth has offered an amendment to strike out the sum of $5,000 and insert $3,750.

CHAIRMAN MARTIN: The question is on the Farnsworth amendment to the Donnelly amendment. All those in favor of the amendment proposed will say aye. All those opposed will say no. The nays have it.

The amendment to the amendment is not adopted.

The question is now on Miss Donnelly's amendment.

Mr. Wanger.

MR. WANGER: Mr. Chairman and members of the committee, I think the entire issue in this amendment which is before us is whether or not on the matter of exemptions we can trust the legislature at this time in our history and in the foreseeable future. I suggest that there's no question whatsoever but that based on the present and past legislative history the legislature can be fully trusted with this matter of exemptions. As pointed out by Mr. Millard, the law most recently passed compiles previous laws in this area which go far beyond the constitutional minimum which was established in the document of 1908.

Furthermore, as you will note from looking at your copy of the constitution, the homestead exemption was increased by constitutional amendment in 1943 to the figure of over $2,000. That constitutional amendment was put on the ballot pursuant to a proposal not initiated by the people, but rather proposed by the legislature itself, by a vote of 2/3 of both of the houses.

I think it is further very well known that today we live in what has been variously described as a credit economy, with many, many people who owe money. Those people also possess votes, and to suggest for a moment that the legislature would pull the rug out from underneath honest debtors in this society is to ignore political reality and to suggest that it would do something to the people of Michigan which the entire legislative history of this subject is against.

Therefore, I urge you to vote no on this particular amendment, and vote yes on the proposal as recommended by the committee.

CHAIRMAN MARTIN: The question is on the Donnelly amendment.

Mr. Danhof.

MR. DANHOF: I, too, would join in urging a no vote on the amendment. As it now stands, it would appear that the majority of us who dwell in the cities are being discriminated against. It is perfectly obvious that in 1908 it was thought that 40 acres of land and $1,500 were approximately equal. I submit that it seems to be a pretty poor farm if 40 acres of land would not be worth whatever amount we have now, $2,500. I see no reason that there should be any distinguishment when we talk of acreage in one sense and value in another. That is one of the reasons that I think these particular sections should be revised.

So far as the mortgage requirement is concerned, I agree with Mr. Wanger. I think that this is statutory, and can be handled by statute as we now have it.

I have some reservations regarding the committee proposal, and I think that they were brought out by Mr. Stafseth, and I think they were valid. I think perhaps when we get to that particular portion of our discussion, if we do, we should consider it. I think what Mr. Stafseth was bringing out was the question of assuming a mortgage which is in default under which the owner has a $2,500 equity, and a mortgagee forecloses. He then points to this specific section and says, "I am entitled to an exemption of at least $3,500. Why can't I have it?" Because as the committee proposal now reads it says that the legislature shall provide for the exemption of real property in the amount of not less than $3,500 from any forced sale, execution or other process of the court, which would include a decree and a mortgage foreclosure.

I think that the exemption which we now have as it relates to mortgages is one that we should consider, because with the idea of low down payments that we have now, and practically nothing down, and 30 or 40 year mortgages, this gets to be a particular problem; and I see no exemption for mortgages as we now have in the present section 2.

As to the remaining sections, I submit that under the present system of welfare programs that we have on the local, state and federal levels, that widows and orphans are usually well taken care of and normally are protected by the legislature; everybody wanting to be on the side of widows and orphans. Consequently, I would urge that we vote no on the amendment; but that we give consideration to an exemption of which I understand an amendment will be filed to allow for the exemption of mortgages. I understand there is one on the secretary's desk at this time. Thank you.

CHAIRMAN MARTIN: The question is on the Donnelly amendment.

Mr. Nord.

MR. NORD: Mr. Chairman, I believe the best argument against Miss Donnelly's amendment was the one made by Mr. Wanger, and therefore I would like to attack that on several grounds and speak against his argument.

His argument is that we don't trust the legislature if we adopt the constitution as it is now written. That's what it boils down to. When you look at it that way, you can see a number of glaring defects in that type of argument. In the first place, if you follow that argument all the way down the

line, we might as well get rid of almost everything in the constitution.

It is true that we don't trust the legislature in the abstract. That's why we have a constitution limiting the legislature. We don't distrust the individual people. We just have a history in the United States of distrusting legislatures to the extent that we must have a constitution, and we still want to have a constitution. Therefore, let's not get worried about the fact that we distrust the legislature. That's quite typical in America.

Secondly, we have already had this in the constitution. We are not adding anything. We are not increasing our distrust of the legislature. We are simply continuing our distrust of the legislature, if you want to call it distrust.

Thirdly, I think this misses the whole point, in any event, when you say that all Miss Donnelly is trying to do is show distrust of the legislature. That's not so. It isn't the only thing that is involved. Another thing that is involved is, taking up the original argument of Mr. Millard that a floor should be provided, some sort of security should be provided for such exemptions in the constitution.

Now, if we take it for granted that some sort of floor should be in the constitution, and then we look at the provision that has been proposed and we see that it does not provide any floor, then we know that there's something wrong with the original proposal. Therefore, it is clear that we do have to have some sort of a floor; some sort of a provision in the constitution which absolutely guarantees, with no ifs, ands or buts, that there will be some sort of exemptions.

The committee proposal does not do that. Miss Donnelly's does do that. As between the 2, therefore, it seems to me, if we really want to guarantee exemptions, we must go to Miss Donnelly's. I urge that you do.

CHAIRMAN MARTIN: Mr. Wanger.

MR. WANGER: Mr. Chairman and members of the committee, just a comment upon Delegate Nord's answer to the argument of trusting the legislature. I think we all agree that there are certain things that we don't trust the legislature with. After all, we have a bill of rights which is a restriction on the power of the legislature and the rest of the government.

But that's not the question. That ignores the entire question of what we should be considering on this particular amendment that is before us. That is, simply, should we trust the legislature on this particular subject at this time in our history and in the foreseeable future? That's the question. And, as I pointed out, there's no question but that we can. This is a subject which was put into law in Michigan—as Mr. Millard pointed out citing Dean Stason's report—back in the 1840s, when these exemptions were passed. They were something new at that time in the history of American government. Therefore, in the upsurge of great distrust of the legislature in 1850, this was frozen into the constitution. Now, whether it should have been put in or should not have been put in back then is one question. But whether it should be kept in at this time is entirely different. And for the reasons which I gave when I previously spoke, I think it is quite clear that any need to have this in the constitution as a protection against abuse of legislative power has now long passed.

CHAIRMAN MARTIN: The question is on the Donnelly amendment. All those in favor will say aye. All those opposed will say no.

The amendment is not adopted.

Now, are there any other amendments to the body of the proposal?

Mr. Hubbs.

MR. HUBBS: Mr. Chairman, I have an amendment with the secretary.

SECRETARY CHASE: Mr. Hubbs has the following amendments:

1. Amend line 7, after "property" by striking out "in the amount of not less than $3,500.00,".

2. Amend line 8, after "property" by striking out "in the amount of not less than $750.00".

The language will then read:

The legislature shall provide by law for the exemption of real property and personal property, as defined by law, from forced sale or execution or other process of the court.

CHAIRMAN MARTIN: Mr. Hubbs.

MR. HUBBS: Mr. Chairman and my fellow delegates, I have been very patiently awaiting my opportunity to explain my position on this point. As you can see, I feel that there should be no dollar amount specified in the constitution, floors or ceilings. We are writing a constitution here; we are not writing a bankruptcy law, with all kinds of dates, stipulations, times, places and things of that sort, and having to do with acres and homesteads and things like that. In the committee on legislative powers I have been assured that house bill 3 covers every single detail that has been brought up here today, to the advantage of all debtors and people in dire circumstances.

Now, I think that what we need to do, as Mr. Wanger so admirably stated, is trust the legislature to implement a constitution which is sound in its basic principles, and not be sticking in a lot of dollar amounts, which Mr. Farnsworth, like myself, being an automobile dealer, would tend to haggle on to begin with. We had no sooner started then we were going from $3,500 to $5,000 to $3,750 and in the committee we were as high as $7,500. It is ridiculous to put dollar amounts into a constitution.

I feel that neither floors nor ceilings should be put in; that the legislature, which has served us admirably in the past, will serve us in the future, and that we can depend on it through statute to take care of all of the details which need to be taken care of. I thank you.

CHAIRMAN MARTIN: The question is on the Hubbs amendments.

Mr. Farnsworth.

MR. FARNSWORTH: Mr. Chairman, I would like to support the Hubbs amendments—believe it or not. My objection to this whole process as the committee proposed it was that it set only a floor, and did not set a ceiling. If they want to remove both, I'm for it. But I don't want to have a floor and not a ceiling.

The Hubbs amendments would leave it all up to the legislature, and I'm for it. I will support that.

CHAIRMAN MARTIN: Mr. Brown.

MR. G. E. BROWN: Mr. Chairman, I have a substitute amendment with the secretary. It is very similar to Mr. Hubbs', and I would like either to amend his amendments in accordance with the language of mine, or ask him to withdraw his and substitute mine. (laughter) I think for the benefit of both of us, if the secretary would read it, conceivably either Mr. Hubbs would withdraw his, or mine could be substituted.

CHAIRMAN MARTIN: Without objection, the secretary will read the substitute amendment of Mr. Brown.

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

1. Amend page 1 by striking out all of lines 6 through 9 and inserting:

"Real and personal property shall be exempt from forced sale on execution or process of any court in such amounts and under such provisions and conditions as the legislature shall provide by law.".

CHAIRMAN MARTIN: Mr. Brown.

MR. G. E. BROWN: Mr. Chairman, if I may speak on that—. First I would ask Mr. Hubbs if he would withdraw his amendments in favor of my substitute.

CHAIRMAN MARTIN: Mr. Hubbs.

MR. HUBBS: At the moment, I would like to hear what Mr. Brown has to say before I withdraw.

CHAIRMAN MARTIN: Without objection, Mr. Brown may proceed.

MR. G. E. BROWN: For the sake of brevity, I have outlined a couple of points, Mr. Chairman. First of all, it seems to me that the legislature has periodically increased the exemptions by law, and once having done so, has not reduced these exemptions; second, the committee report as presented by Mr. Millard admits that most of the present language of

this article is statutory in nature and should be excluded from the new constitution; and, third, the present statutory enactments could and would remain in full force under this proposal, there being no conflict with such enactments. Judicial interpretation of present laws would apply. For example, where the exemption now applies to proceeds of sales where there has been a homestead sold, the proceeds are clothed with the same exemption.

If it is our purpose and intent to write a good fundamental law—leaving to the legislature those things which are legislative in nature—amounts, such as amounts of exemptions, should not be included in the constitution.

I would like to add further that in view of some of the comments made today, I'm awfully glad to see that the Republican party does not have a corner on the status quo proponents.

CHAIRMAN MARTIN: Mr. Hubbs.

MR. HUBBS: Mr. Brown, I would say that the proposal, with my amendment, is basically what the committee came forth with; and in effect your substitute wording doesn't radically change it. Since, however, our words were suggested to us by some eminent legal authorities—of course, I know you are also an eminent legal authority (laughter)—but these gentlemen are classified as egghead advisers, and I kind of like the words that they have come up with, and I'll stand with my committee's wording with my amendments, for the time being. I think that either one of them will accomplish the thing that we are trying to accomplish.

CHAIRMAN MARTIN: Mr. Brown, then, do you wish to offer your amendment as a substitute amendment?

MR. G. E. BROWN: In effect, wouldn't this be a substitute for his amendments? Mr. Chairman, if I might, I would like to point out to Mr. Hubbs there are a couple of things that I think are different than the committee's language. First of all, I think the committee should have used the words "forced sale on execution" instead of "forced sale or execution." There are forced sales presently which are not subject to the exemption, such as tax sales, mortgage foreclosures, and so forth. Furthermore, it says "as defined by law" in the committee proposal, whereas in mine it says "in such amounts and under such provisions and conditions as the legislature shall provide by law."

CHAIRMAN MARTIN: Mr. Brown, Mr. Hubbs has offered amendments to the committee proposal. I think that your amendment is essentially a substitute for the committee proposal. I think, therefore, that we should vote on the Hubbs amendments to the committee proposal, and then let you offer your substitute to the committee proposal, if you wish to do so.

The question is on Mr. Hubbs' amendments.

Mr. Kuhn.

MR. KUHN: I wish to speak in support of the Hubbs amendments. As a member of the committee on legislative powers, we discussed this subject at great length. Professor Kelly came in and spoke to us, and we told him of our thoughts on the question, and he did not agree with us. He thought we should put a floor in this section as far as exemptions went. We asked him to think about it and talk to some other authorities and report back, which Professor Kelly did; and when he reported back, he said he had now changed his mind, that he had talked to Professor Kauper, and the language that Mr. Hubbs had proposed was agreeable with Professor Kauper, and they thought this was the best language. I understand that Professor Kauper is an authority on constitutional law, being the author of one of the books which is used in the law schools in this state.

We do believe that this is a legislative function. To be absolutely honest with you, this is the original way it passed the subcommittee; that is, the Hubbs amendments. But after some reflection on the part of certain members, they decided that we should have a floor, because this would be possibly the only way we could get the constitution accepted. As Tom Downs has said, he thought it was a practical way. In other words, it is the belief—and an honest belief—of several members that the people would not accept it unless it had a floor. All agree that a floor was not necessary, because house bill 3 covers the subject matter perfectly.

Therefore, I am in support of Mr. Hubbs' amendments, and I would like to report to you that some other states—notably, Colorado, Illinois, Maryland, Mississippi and Montana—have substantially the same language. And this was a very close vote in our committee. In fact, I believe it was 7 to 6. Thank you.

CHAIRMAN MARTIN: The question is on the Hubbs amendments.

Mr. Habermehl.

MR. HABERMEHL: I think that the Hubbs amendments and the one that Garry Brown suggested both seem to miss the point of the committee proposal.

Neither—and I'll speak specifically to the Hubbs amendments—gives the legislature any more power than the legislature has now. The committee proposal would, in fact, limit the legislative power to a certain extent. It would say in effect that the legislature has this power, but subject to certain limits. That any exemption that might be granted could not be less than $3,500 in the case of real estate and $750 in the case of personal property. In other words, we will trust the legislature, but not quite completely. We will still put a floor there so that the figures as set by the legislature could not be reduced to a merely nominal figure, such as a dollar.

From the standpoint of selling it, as has been mentioned, I believe that the people would look for that sort of assurance; that the legislative power would not be wholly unrestricted in this field, but would be limited to the amounts as set in the committee proposal. For that purpose I believe that the committee proposal is a reasonable compromise between the power of the legislature and the wish, I believe, of the people to assure themselves that the legislature could not in effect abolish the exemptions.

For that reason, I would oppose the Hubbs amendments and support the committee proposal.

CHAIRMAN MARTIN: The question is on the Hubbs amendments.

Mr. Ford.

MR. FORD: Mr. Chairman, to make it clear from the outset, I want to oppose both the Hubbs and Brown amendments, because they are worse than the committee proposal when we look at the basic issue here, and this is the question of whether or not we are going to continue in the constitution some sort of a minimum guarantee of a homestead exemption.

The act, incidentally, that Frank Millard is talking about, act 236 of 1961, is the new judicature act. It has been before the legislature in every session for a number of years, and it finally squeaked by the last session with the entire bar association, through its various committees, pushing for one section or another of that act.

In the course of examining what the legislature might do if we don't have a floor and say they shall provide at least a minimum, as the committee proposal does—and to that extent we have to agree—I call your attention to article VII, section 5, which says—and this is in the 1908 constitution; it is not an amendment thereto—that the legislature shall abolish the distinction between law and equity proceedings in the courts in this state.

The act that Frank Millard is talking about finally did that in 1961. And that's what the Michigan legislature has done historically when you say to it you shall do thus and so.

After brief conference with eminent counsel over here, I voted against Miss Donnelly's amendment because it was pointed out that there was discrimination in the present provisions between platted and unplatted land, and if we went back to the committee and brought this to their attention, perhaps they could clean up the language a little bit. But I certainly would oppose either of the amendments that would permit us to go out of here and permit the people of the state of Michigan, examining the document that we present to them, to observe the possibility that the homestead exemption in Michigan could come to an end. I fear that this is the sort of thing that the people are not going to accept.

It is all very well to say that the legislature has gone along. But let's ask the question: what really has the legislature done? It hasn't done a thing that the constitution hasn't guar-

anteed to the people in this act. And to correct eminent counsel Brown, the legislature has never raised the amount of the exemption on real property. It was raised by a vote of the people in 1943 by way of a constitutional amendment.

The one advantage that the committee report has over the amendments that are now being considered by us is that it does put a floor which says that if there is a homestead exemption, it will be something more than a dollar; it would be at least the amount of money that they set forth. To that extent we have some protection left. But any of these amendments opens the door for the death of the homestead exemption in Michigan.

CHAIRMAN MARTIN: Mr. Downs.

MR. DOWNS: Mr. Chairman, I wish, too, to point out that if we simply adopt the language saying the legislature shall provide for exemptions, etc., we might as well leave that out. Because I think there is agreement that the legislature has that inherent power unless there is constitutional language to the contrary.

Now, we have talked about drawing up a sound document and a document that is acceptable. I think the two statements are not inconsistent.

But I do think that we need to distinguish between the statutory right and a constitutional right. I, for one, feel there is good argument for continuing the historic practice of saying there is a certain amount of property that the individual can keep regardless of any unfortunate debt situation he shall fall into.

We have been talking a lot about the rights of individuals. It would seem to me that this is one very good right of the individual to keep, though I do think there is a very logical question on what is a reasonable amount. And certainly none of us can anticipate exactly what is going to happen for the life of the ensuing document.

While in committee discussions I was not in complete agreement—as I don't believe anybody was—with the exact figures, this concept that there should be a floor did come out as a consensus feeling; and it would seem to me that having this protection that the committee recommended as a floor does have considerable merit.

There is a point that is raised when we say, "The legislature shall . . ." — and I'm sure there are people more familiar with constitutional law than I am. I think the fact that we now have the personal exemption in excess of this amount would, in my offhand judgment, mean that the legislature could not eliminate that, because that would be in the constitution. Now, if there were nothing in the statute, then I agree there would be the problem of getting the legislature to do anything where there wasn't an already existing statute. But it would seem to me that when we do have basic exemption statutes, this saying, "The legislature shall . . ." would mean the legislature could not go below the floor set here. That's one reason why I think the floor is of a low nature in the dollar figures, and so perhaps there is not the need for a comparable ceiling figure which has been brought up. Thank you.

CHAIRMAN MARTIN: Mr. Farnsworth.

MR. FARNSWORTH: In further support of the Hubbs amendments, without any amounts, there seems to have been a fear expressed by a couple of delegates that people might not be inclined to vote for the constitution if there are not floor amounts in there.

I just want to tell you it has been my observation over a great many years that the great multitude of people are strictly honest. When they are going into debt, they invariably have no thought whatsoever of ever making use of any kind of an exemption that is ever granted to them by statutory or constitutional provision. I think that when people are looking at the constitution and are going to decide whether they are going to vote for or against it, they are not going to be looking at whether there is a floor in there or not. This little provision saying that the legislature shall provide for it, I think, is plenty adequate. People just do not look for those things. The average person, the great majority of them—I don't know what the percentage is, but the great majority of them—are strictly honest. They are not looking for those loopholes.

It is not going to be something that people are going to vote against when you leave those amounts out.

CHAIRMAN MARTIN: Mr. Hubbs.

MR. HUBBS: Mr. Chairman, I appreciate the support of Mr. Farnsworth and the others who have agreed with me in removing the floor from the proposal and entirely eliminating dollar amounts. However, I detect the note in the argument that there should be some floor amount in there which will give people some degree of protection and persuade them to say yes when we vote on the constitution.

However, I would like to make this argument against dollar amounts. As far as I am concerned, I entered into a contract not long ago which based something on the bureau of labor statistics' consumer price index, and my contract hadn't been in force one month before they decided to change the base year and to change the consumer price index from 128.6, where it now stands, to probably 103 after the first of the year. Now, this is done to keep people thinking that things aren't changing, and it is ridiculous.

Now, a dollar today is not a dollar tomorrow; it wasn't a dollar yesterday. I don't think in any case that we should put a dollar amount into the constitution. If you must have a floor —and I submit that I trust the legislature to do what is right by the people; I don't think we need it—but if you must have a floor, let's change it to this kind of situation, where we express the minimum in terms of so many times a day's pay, as currently being paid in a particular labor market, or something of that sort.

If you use a standard that will change with the times, and not be variable from one day to the next, then this constitution will last. It won't be out of date 2 or 3 weeks from now. So I'm against putting dollar amounts in. I don't think we need them in this instance. But if we do have to put minimums in, let's do it by means of a rule which will produce an equitable settlement at any given time in the future, based on what a man earns when he goes to work at an 8 hour day or a 40 hour week, or whatever it may be.

CHAIRMAN MARTIN: The question is on the Hubbs amendments.

Will the secretary read the amendments again?

SECRETARY CHASE: Mr. Hubbs has offered the following amendments to Committee Proposal 12:

1. Amend line 7, after "property" by striking out "in the amount of not less than $3,500.00,".

2. Amend line 8, after "property" by striking out "in the amount of not less than $750.00"; so that the language will then read:

> The legislature shall provide by law for the exemption of real property and personal property, as defined by law, from forced sale or execution or other process of the court.

CHAIRMAN MARTIN: The question is on the Hubbs amendments. As many of those as are in favor will say aye. As many as are opposed will say no.

The amendments are not adopted.

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

1. Amend page 1 by striking out all of lines 6 through 9 and inserting:

"Real and personal property shall be exempt from forced sale on execution or process of any court in such amounts and under such provisions and conditions as the legislature shall provide by law.".

CHAIRMAN MARTIN: The question is on the Brown amendment.

Mr. Brown.

MR. G. E. BROWN: Mr. Chairman, I will be very brief, having already explained my position on this matter. I think that this language is a little better, because of the few little areas—which are drafting matters—that eliminate some question that I think exists in the committee proposal which was used by Mr. Hubbs in his amendments.

I think, on the matter of exemptions, that the legislature has taken care of this in the past, and will continue to do so;

that this is not something that needs to be put in the constitution as far as amounts are concerned.

Mr. Childs, of course, in his manual, suggested a proposal or language that would not include dollar amounts. Other states do not do so. It has worked out elsewhere very well. I think this is a good area to make a change for the better and show that we do have some confidence in the legislature, which is the duly elected body to pass the laws that we will be guided by, whether a dollar is worth 10 cents today or worth $4 tomorrow. Thank you.

CHAIRMAN MARTIN: The question is on the Brown amendment. Mr. Hutchinson.

MR. HUTCHINSON: Mr. Chairman, I would like to say that I would go along pretty much with Mr. Brown's amendment except for the fact that in his amendment he has not got any reference to a floor, and it seems to me as though the committee has just now decided that it is going to have a floor in there. Consequently, I just want to serve notice on the committee that if Mr. Brown's amendment is voted down, I have still another amendment up there which does include the stated floors, but is worded more consistently, I think, with the expression on the floor here than is the committee proposal.

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

The amendment is not adopted.

SECRETARY CHASE: Mr. Hodges has offered the following amendment to the committee proposal:

1. Amend page 1 by striking out all of lines 6 through 9 and inserting:

"Real property shall be exempt in the amount of not less than $3,500.00 and personal property in the amount of not less than $750.00 from forced sale or execution or other process of the court.".

CHAIRMAN MARTIN: The question is on the Hodges amendment.

Mr. Hodges.

MR. HODGES: Just to explain the amendment, I think this might meet the criticism of Dr. Nord that we refer it to the legislature. What this does is set a floor as a statement of policy, without reference to the legislature. Although I think it is within the langauge, it is clear that the legislature would have the power to increase the amount.

CHAIRMAN MARTIN: Dr. Nord.

MR. NORD: Mr. Chairman, I would like to point out, in this connection, that I also have an amendment before the secretary, and it is almost identical with that read by Mr. Hodges, except there are a few differences. But the main one is that instead of saying "real property," mine says "homestead property." On that basis, it would seem to me that if we said, "homestead property shall be exempt," and so on, there's no question then that we have a floor on homestead property, and also on the basis of the Hodges amendment we would have a floor on personal property reasonably well established; and I wonder whether Mr. Hodges would accede to changing the word from "real" to "homestead"?

CHAIRMAN MARTIN: Mr. Hodges.

MR. HODGES: I don't believe so. I am a little concerned. I think that possibly the legislature in its wisdom, with this floor set, might conceivably set a different rate for homesteads than it would for other real property. But, in the absence of a homestead, there may be circumstances and times where real property should not be executed against. I think that this rate of $3,500 is not an unreasonable one. I think it is certainly inclusive of homesteads. Therefore, I think I would stay with my language.

CHAIRMAN MARTIN: The question is on the Hodges amendment. Will you read it again, please, Mr. Secretary?

SECRETARY CHASE: Mr. Hodges has offered an amendment to the committee proposal:

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

CHAIRMAN MARTIN: Mr. Staiger.

MR. STAIGER: Again, speaking on the Hodges amendment, the original provision made an exception that such exemption should not extend to any mortgage thereon lawfully obtained. The Hodges amendment would not make this exception. This, in effect, would mean that it wouldn't be the banks or the loaning institutions that would be harmed by this; it would, in effect, mean that the bank just wouldn't loan money unless they had a $3,500 down payment on it. I think it is going far beyond what we want to do, unless there is some exception made for mortgage payments. I think that that will have to be provided for at this or at some point in here before we are going to have the clear intent of the convention.

CHAIRMAN MARTIN: Mr. Hutchinson.

MR. HUTCHINSON: Mr. Chairman, I would like to support Mr. Staiger in this point. Let's get ourselves reoriented here, ladies and gentlemen, if we can, as to just exactly what we do in a constitution. At least it is my theory—and I think it is a very sound one—that it is the function of a state constitution to limit the power of the legislature. It is not a matter of granting power; it is a matter of limiting power.

Consequently, every word in this particular section that we are working on now, every word of this proposal, is to be construed as a limitation upon legislative power. And when you say that real property shall be exempt in the amount of not less than $3,500 and personal property shall be exempt in the amount of not less than $500, there is a limitation upon the legislature from which it cannot depart. It cannot make any conditions; it cannot make any exclusions from the exemption. It could not say that a mortgage could be lawfully obtained against property which otherwise would be exempt, because the constitution itself takes precedence; and the constitutional provision as the Hodges wording would have it would so far restrict the legislature in this field that it would be impossible to mortgage a homestead or any other real property that was of less than $3,500 in value.

Therefore, I respectfully oppose Mr. Hodges' proposition, and if we ever get to it, I have a substitute up there which takes care of the mortgage matter and takes care of the homestead matter, and I will discuss it when we get to it.

CHAIRMAN MARTIN: Mr. Everett.

MR. EVERETT: Mr. Chairman, I would like to offer an amendment to the Hodges amendment, which I have given to Mr. Chase.

CHAIRMAN MARTIN: The secretary will read it.

SECRETARY CHASE: Mr. Everett has filed the following amendment to the amendment offered by Mr. Hodges:

1. Amend the amendment after "court.", by inserting "Such exemption shall not extend to any mortgage lawfully obtained on said real or personal property.".

CHAIRMAN MARTIN: Mr. Everett?

MR. EVERETT: I think the amendment speaks for itself.

CHAIRMAN MARTIN: Mr. Brown.

MR. G. E. BROWN: Mr. Chairman, it occurs to me that in view of the self implementing language that we are suggesting for this constitution at the present time, and others that will be suggested later on, that very conceivably, taking a page from Dr. Nord's book, this should be referred back to the committee on legislative powers. Because very conceivably we won't have a legislature, and therefore there will be no necessity for this committee to be handling this proposal.

I therefore would move that when the committee rises, that we refer this back to the committee on legislative powers.

MR. BENTLEY: Mr. Chairman, I make a point of order under rule 47 against that motion.

CHAIRMAN MARTIN: The secretary, as parliamentarian, advises me that there has been intervening business, and that though this is the same motion that was previously made, because there has been intervening business it is in order, and it takes precedence over other matters.

The question is now on Mr. Brown's motion that when the committee do rise, it recommend that Committee Proposal 12 be referred back to the committee on legislative powers. As many as are in favor will say aye. As many as are opposed will say no.

The motion does not prevail.

Now, the question is on Mr. Everett's amendment to the Hodges amendment. Will the secretary read the amendment.

SECRETARY CHASE: Mr. Everett has offered the following amendment to Mr. Hodges' amendment, adding at the end thereof, after "court.", the following language "Such exemption shall not extend to any mortgage lawfully obtained on said real or personal property.".

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

The amendment to the amendment is not adopted.

Now, the question is on Mr. Hodges' amendment. Mr. Secretary, will you read that, just so we don't get confused here.

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

1. Amend page 1, by striking out all of lines 6 through 9 and inserting:

"Real property shall be exempt in the amount of not less than $3,500.00 and personal property in the amount of not less than $750.00 from forced sale or execution or other process of the court.".

CHAIRMAN MARTIN: As many as are in favor of the Hodges amendment will say aye. As many as are opposed will say no.

The amendment is not adopted.

SECRETARY CHASE: Mr. Prettie has filed the following amendment:

1. Amend page 1 by striking out all of lines 6 through 9 and inserting:

"A homestead in the amount of not less than $3,500.00 and personal property in the amount of not less than $750.00 shall be exempt from forced sale or execution or other final process of any court. Such exemption shall not extend to any mortgage lawfully obtained on said real or personal property.".

CHAIRMAN MARTIN: Mr. Prettie.

MR. PRETTIE: This is an attempt, Mr. Chairman and ladies and gentlemen of the committee, to shorten the article. I think the work of the committee on legislative powers in that direction has been commendable. Its sole purpose is to establish a floor, which is what we have been talking about here for the last hour and a half. It does provide a definite floor, whereas the committee proposal leaves it to the legislature to establish such floor.

If this proposal has any place in the constitution whatsoever, I believe it is to assure the people of this state that there is a minimum amount of real and personal property that they may own and which shall not be subject to forced sale on execution or other legal process.

I fully recognize that the problem of a mortgage exists, and hence the amendment that I offer. I feel that the present provision of the constitution, which extends an exemption to personal property, has created no problem to the loan companies, who have loaned millions of dollars on the security of chattel mortgages covering household property which under the terms of article XIV, section 1, is presently exempt.

I don't think it raises any question, but to avoid any possibility of that question I have included in the amendment that I propose the clear language that the exemption does not apply to a mortgage validly obtained against either real or personal property so exempted.

CHAIRMAN MARTIN: The question is on the Prettie amendment. The secretary will read the amendment.

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

1. Strike out the language of the committee proposal and insert:

"A homestead in the amount of not less than $3,500.00 and personal property in the amount of not less than $750.00 shall be exempt from forced sale or execution or other final process of any court. Such exemption shall not extend to any mortgage lawfully obtained on said real or personal property.".

CHAIRMAN MARTIN: The question is on the amendment. Mr. Hutchinson.

MR. HUTCHINSON: Mr. Chairman, I would like to ask Mr. Prettie a couple of questions, if he would care to answer. The first question I want to ask you about is where you use the language of the committee proposal—and I think it is definitely different than the present language—where you say "exempt from forced sale or execution or other final process," don't you think that that really should read, "forced sale on execution or other final process"?

MR. PRETTIE: I do not, sir.

MR. HUTCHINSON: You do not?

MR. PRETTIE: The reason for that answer: a forced sale may arise through the foreclosure of a mortgage by advertisement, which does not contemplate legal process. A forced sale may arise through property taken upon a writ of replevin or upon a foreclosure of a chattel mortgage by constable sale. No legal process is necessary.

MR. HUTCHINSON: I understand that. That's why I said I understood that there was a difference in meaning there. I just wonder whether what you are doing is further restricting the legislative discretion in the matter. You want to further restrict the legislature on this matter?

MR. PRETTIE: I don't think it is restricting it any further than it is presently, Mr. Hutchinson.

MR. HUTCHINSON: I submit to you that at the present time under the constitution the only thing that the legislature has to recognize is that there should be an exemption from a forced sale on execution. The legislature may go further. You and I will both agree that the legislature may go further than the constitution provides, because the constitution is not a grant of authority, but a limitation upon the legislature.

Consequently, at the present time all the constitution requires is that the legislature provide for an exemption upon forced sale on execution. Now, then, when you say "or execution," you are further limiting the power of the legislature.

MR. PRETTIE: Well, that may be your opinion. It doesn't happen to be in accord with mine, sir.

MR. HUTCHINSON: All right. Reasonable men may differ. But, on that point, you and I do differ, and that's one reason why I guess I can't support your amendment.

The other question I would like to ask of you is this. I think that your amendment pretty much follows the language of the first section of the present article, when you add to it the concept of homestead, except in that first section of the present article, "The personal property and homestead of every resident of this state . . . shall be exempted." In your amendment here that we are now debating, you do not refer to this matter of "resident of this state." Therefore, I submit that you are further restricting the power of the legislature, in that under your amendment the legislature could not limit this exemption to residents of the state.

Do you think that it is important—constitutionally, at least—that the power of the legislature should be limited only insofar as residents of this state are concerned?

MR. PRETTIE: I think your point is well taken, sir, and I would be happy to agree to any amendment that you might propose that would limit the personal property exemption to residents of the state. The homestead exemption, of course, would necessarily be restricted to residents of the state.

MR. HUTCHINSON: That's right. Now, Mr. Chairman, I would like to point out this situation. Of course, I have had no time to prepare any such amendment in writing. You see, I wanted to first discuss it with Mr. Prettie and get his reaction. We are right here on the question of voting for Mr. Prettie's amendment. Is it the ruling of the Chair that I have no power to offer from the floor orally an amendment to accomplish those purposes?

CHAIRMAN MARTIN: The Chair would rule that an amendment can be offered. I would indulge the delegate with sufficient time to write it out, if he would care to do so.

MR. HUTCHINSON: Of course, I can't write it out until I have the text of Mr. Prettie's amendment before me, which I do not have. I don't like to embarrass the progress of the committee by asking for an informal recess of the committee solely to accommodate me; but, on the other hand, we seem to be doing things here differently than we do in the senate. In the senate Mr. Chase was willing to accept an amendment made

by me or any other senator from the floor without the necessity of putting it in writing, and therefore the progress could go on.

CHAIRMAN MARTIN: Mr. Hutchinson, without objection, the Chair will rule that you may offer such an amendment from the floor, if we can get it in proper order here.

MR. HUTCHINSON: Will you then read the Prettie amendment?

SECRETARY CHASE: Mr. Prettie's language is as follows:

A homestead in the amount of not less than $3,500 and personal property in the amount of not less than $750 shall be exempt—

MR. HUTCHINSON: At which point I would add "of every resident of this state".

[Following is Mr. Hutchinson's amendment:

1. Amend the first sentence of the amendment after "property" by inserting "of every resident of this state".]

MR. PRETTIE: I rise to accept the amendment, sir.

SECRETARY CHASE: May the secretary ask Mr. Hutchinson just where you wish this inserted? After the sum $750.00?

MR. HUTCHINSON: Yes, because, as Mr. Prettie points out, a homestead necessarily would be of a resident of the state, and it couldn't be a homestead unless they lived on it.

SECRETARY CHASE: The only question in the secretary's mind, Mr. Hutchinson, is whether the language should be inserted after the words "personal property"—

MR. HOXIE: Mr. Chairman, I think we are dealing with an awfully important subject when we are dealing with the exemptions that people are entitled to. The committee on legislative powers has done considerable work. We don't mean to say that we are infallible at all. Certainly we welcome any suggestions that perhaps will improve the particular proposal before you.

I do not wish to delay your consideration of this matter. There is only one way that it can be done at this time, and that would be with a motion for the committee to rise to give Mr. Hutchinson or any other member adequate time in which to consider any amendment judiciously before it is presented to this committee; and I so move, Mr. Chairman, that the committee do now rise.

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

I believe the nays have it. A division is called for. Those who are in favor will rise.

SECRETARY CHASE: Fifty-nine.

CHAIRMAN MARTIN: Those who are opposed will rise.

SECRETARY CHASE: Fifty-seven.

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

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

VICE PRESIDENT HUTCHINSON: The convention will be in order.

The delegate from the seventeenth senatorial district, Mr. Martin, is recognized.

MR. MARTIN: Mr. President, the committee of the whole has had under consideration several items regarding which the secretary will give a detailed report.

SECRETARY CHASE: Mr. President, the committee of the whole has had under consideration **Committee Proposal 8,** A proposal to provide that the governor may convene the legislature on extraordinary occasions. It reports this proposal back to the convention without amendment, and with the recommendation that it do pass.

VICE PRESIDENT HUTCHINSON: Pursuant to rule 57, **Committee Proposal 8** is referred to the committee on style and drafting.

For Committee Proposal 8, as referred to the committee on style and drafting, see above, page 375.

SECRETARY CHASE: The committee of the whole has also had under consideration **Exclusion Report 2004,** A report recommending the exclusion of article XI, section 13. It reports this exclusion report back to the convention without amendment and with the recommendation that it be adopted.

VICE PRESIDENT HUTCHINSON: The question is upon agreeing to the recommendation made by the committee of the whole that this exclusion report be adopted. All those in favor will say aye.

Mr. Ford.

MR. FORD: Mr. President, I would like to make a parliamentary inquiry. Are we now considering both items simultaneously?

VICE PRESIDENT HUTCHINSON: No, Mr. Ford. The question is upon the recommendation of the committee of the whole relative to this exclusion report as to section 13 of article XI. That's the salt spring lands matter.

MR. FORD: And this is the only thing before it?

VICE PRESIDENT HUTCHINSON: I asked the secretary, as a matter of procedure, whether it might not be a good practice to have these exclusion reports actually voted upon by the convention when the committee rises.

This for the reason that these exclusion reports going to the committee on style and drafting represent a final action of the convention upon the matter; and it does seem as though there should be a convention action as well as a committee of the whole action on these exclusion reports.

Therefore, I put the question this way. As many as are in favor of the adoption of the exclusion report will say aye. Those opposed will say no.

Exclusion Report 2004 is adopted and is referred to the committee on style and drafting.

For Exclusion Report 2004 as referred to the committee on style and drafting, see above, page 434.

SECRETARY CHASE: Mr. President, the committee of the whole has also had under consideration **Committee Proposal 12,** and has come to no final resolution thereon.

This completes the report of the committee of the whole.

VICE PRESIDENT HUTCHINSON: Mr. Ford.

MR. FORD: Mr. President, another inquiry, if I may. As I understood what happened when we got through here, there was almost a meeting of the minds on some language here. Is it my understanding that we would have to pass on this matter now, or at tomorrow's session, unless it is tabled?

VICE PRESIDENT HUTCHINSON: It is the opinion of the Chair that when the committee of the whole next meets, this matter which was last under consideration will be up for further debate.

Announcements?

Mr. Leppien.

MR. LEPPIEN: Mr. President, I think our administrative committee has done a splendid job in all of its work. However, I think there is one suggestion I would like to make. Now that the Chair has ruled that this convention is going to vote on exclusion matters by a vote of this convention, I wonder if I could dare suggest that the powers that be bring those committee exclusion reports back to us on different colored paper, one item on a sheet, for the record.

I don't think a motion is necessary, Mr. President. However, I would make it if you do so rule.

VICE PRESIDENT HUTCHINSON: Yes, I think the secretary can find another color.

Mr. Brake.

MR. BRAKE: Mr. President, while the hour is very late, there will be a very short meeting of the committee on finance and taxation starting about 10 minutes after we adjourn.

SECRETARY CHASE: I have the following announcements of committee meetings other than those enumerated in the composite calendar:

The committee on administration will meet in the conference room tomorrow, Thursday, at 11:15 p.m. Walter De Vries, chairman.

A note of change of time of the meeting of the subcommittee

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

PRESIDENT NISBET: Reports of select committees.

SECRETARY CHASE: None.

PRESIDENT NISBET: Communications from state officers.

SECRETARY CHASE: None.

PRESIDENT NISBET: Second reading of proposals.

SECRETARY CHASE: Nothing on that calendar.

PRESIDENT NISBET: Third reading of proposals.

SECRETARY CHASE: Nothing.

PRESIDENT NISBET: Motions and resolutions.

SECRETARY CHASE: There are no motions or resolutions on file.

PRESIDENT NISBET: Unfinished business.

SECRETARY CHASE: None.

PRESIDENT NISBET: Special orders of the day.

SECRETARY CHASE: None.

PRESIDENT NISBET: **General orders of the day.**

The Chair recognizes Mr. Martin.

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

PRESIDENT NISBET: The question is on the motion of Mr. Martin that we resolve ourselves into committee of the whole. All in favor say aye; opposed, no.

The motion prevails.

Mr. Martin, will you take the Chair.

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

CHAIRMAN MARTIN: The committee will be in order.

The secretary will read the matter now pending before the committee of the whole.

SECRETARY CHASE: From the committee on legislative powers, by Mr. Hoxie, chairman, **Committee Proposal 12,** A proposal pertaining to exemptions as a substitute for all of article XIV.

When the committee of the whole rose on yesterday afternoon, there was pending an amendment offered by Mr. Prettie to which an amendment had been offered by Mr. Hutchinson.

For last previous action by the committee of the whole on Committee Proposal 12, see above, page 435.

CHAIRMAN MARTIN: The Chair recognizes Mr. Prettie.

MR. PRETTIE: Mr. Chairman and fellow delegates, in the hope that we may unwind ourselves from the parliamentary snarl in which we found ourselves yesterday and expedite our procedure, I wish to withdraw the amendment submitted yesterday.

CHAIRMAN MARTIN: The amendment is withdrawn. There was an amendment to that amendment, Mr. Chase, and the amendment to the amendment falls automatically.

Is that satisfactory, Mr. Hutchinson?

MR. HUTCHINSON: Yes, we have another. (laughter)

SECRETARY CHASE: Mr. Hutchinson had previously filed another amendment.

CHAIRMAN MARTIN: Mr. Hutchinson.

MR. HUTCHINSON: Mr. Chairman, I withdraw the amendment that I offered.

CHAIRMAN MARTIN: The amendment is withdrawn.

SECRETARY CHASE: Dr. Nord had filed an amendment.

CHAIRMAN MARTIN: Dr. Nord.

MR. NORD: Mr. Chairman, I have already withdrawn that, too.

CHAIRMAN MARTIN: All right, Dr. Nord's amendment is withdrawn.

SECRETARY CHASE: Mr. Hoxie, for the committee on legislative powers, offers the following sustitute for Committee Proposal 12:

A proposal pertaining to exemptions as a substitute for all of article XIV.

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

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 the court. Such exemptions shall not extend to any mortgage or other lien thereon lawfully obtained.

CHAIRMAN MARTIN: Are there any amendments to the body of the substitute?

Mr. Hoxie, do you wish to discuss this? Or Mr. Millard?

MR. HOXIE: Mr. Chairman and fellow delegates, Mr. Millard will carry on in the discussion that the membership feels advisable. You will note that we had delivered to the desk of each delegate a copy of the substitute proposal. If there are any questions, I am sure Mr. Millard will be happy to answer them.

CHAIRMAN MARTIN: Mr. Millard.

MR. MILLARD: Mr. Chairman, members of the committee, yesterday we saw the legislative process in one of its active moments. I think that everybody learned a lot from the matters as they emerged. That seems to be a new word around this convention, "emerging."

At the time of the adjournment, we were in the process of hammering out what I thought would be an acceptable proposal. After the session I got together with Mr. Hutchinson, who had an amendment in, and Mr. Prettie and with the research director, Dr. Joiner, and we have a substitute proposal on your desk which I think covers all of the objections that were made yesterday. I might add that I think the proposal, the original proposal of the committee, was satisfactory; however, I realize there were certain objections and we have tried to take care of them.

You all have the substitute proposal in front of you. You will note that instead of "real estate" we substituted the word "homestead" for which there was some sentiment yesterday. Then we made it self executing rather than having it left to the will of the legislature. As I said yesterday, the word "shall" in there made it practically mandatory because the legislature does do what is in the constitution, but nevertheless, we made this a self executing provision. Now, this was not new, because this same provision was self executing as far as personal property was concerned in section 1 of the old article. So all we did was make it self executing as far as the real property or the homestead property was concerned.

I think the reason that there was a distinction made in the 1908 constitution was the fact that there was a floor on personal property and a ceiling on real property. Now we have put a floor under both of them. We have made this a self executing clause in both of them, so that it will read:

A homestead in the amount of not less than $3,500.00 and personal property of every resident of this state . . .

We added those words which were in the old section.

. . . every resident of this state in the amount of not less than $750.00, as defined by law, ...

There has been a definition of homestead law in the statutes since 1848 — that was the original statute — and it has gone right down through the years and is still the law. So we put in there

. . . as defined by law, shall be exempt from forced sale on execution or other process of the court. Such exemptions shall not extend to any mortgage or other lien thereon lawfully obtained.

We added that clause, that sentence, because some of the lawyers had raised the question. However, I wish to state that there has been that provision since 1848; before there was any constitutional provision there was this exemption. The exemption did not extend to mortgages, and that has been carried down, right down to the present time. If any of the lawyers present want to take the citation, I have it here. It is section 27.1573, Michigan Statutes Annotated, and this was amended after the amendment of 1943. It was amended by the legislature in 1945, containing the same language that was in that amendment; so that I think we have taken care

of all of the objections of yesterday and, therefore, I move the adoption of the substitute proposal as presented.

CHAIRMAN MARTIN: Are there any amendments to the body of the substitute proposal?

SECRETARY CHASE: Messrs. Mahinske and Erickson offer the following amendment to the substitute:

1. Amend the first sentence after "process of" by striking out "the" and inserting "any"; so the language will then read: ". . . shall be exempt from forced sale on execution or other process of any court."

CHAIRMAN MARTIN: Mr. Mahinske.

MR. MAHINSKE: Mr. Chairman, under the wording of the committee proposal, I am not so sure that the phrase "the court" may not be strictly construed to exclude some courts.

I notice under the 1908 constitution in section 1, the reference is made to "final process of any court," and in section 2, the reference is made to "final process from a court." I interpret both of these words as being inclusive of all courts that we now have or may have in this state, and I do not know that the phrase "the court" includes all courts. Now if we would interpret this as "the court," I immediately think of the supreme court and, at the same time, this conflicts with what has been said prior to this, that is, "the court" may not necessarily be interpreted to exclude, say, justice courts or municipal courts.

CHAIRMAN MARTIN: Mr. Millard.

MR. MILLARD: Mr. Chairman, I have no objection to that.

CHAIRMAN MARTIN: The question is on the amendment of Messrs. Mahinske and Erickson.

Mr. Yeager.

MR. YEAGER: Mr. Chairman, I would like to ask Mr. Millard one question for purposes of clarity. The expression "as defined by law" should that follow the words "personal property" or does it refer to every resident of the state? Is there going to be any conflict because of the way "as defined by law" is put there?

MR. MILLARD: We discussed that in the committee this morning. There was a comma after "$3,500." At one time I was at a meeting of the style and drafting committee and they talked about loose commas and tight commas, so we considered this was a loose comma and we unloosed it and took it out; so that now "defined by law" refers to everything ahead of that comma after "$750" and includes both the "homestead" and the "personal property" and includes that whole section.

CHAIRMAN MARTIN: The question is on Messrs. Mahinske and Erickson's amendment. As many as are in favor will say aye. As many as are opposed will say no.

The amendment to the substitute is adopted.

Mr. Woolfenden.

MR. WOOLFENDEN: Mr. Chairman, I have another amendment to suggest which I have submitted to the secretary.

SECRETARY CHASE: Mr. Woolfenden offers the following amendment to the substitute:

1. Amend the second sentence after "extend to" by inserting "property subject to"; so that the language will then read "Such exemptions shall not extend to property subject to any mortgage or other lien thereon lawfully obtained."

CHAIRMAN MARTIN: Mr. Woolfenden.

MR. WOOLFENDEN: I believe the amendment is self explanatory. As I read the sentence without the amendment, it is ambiguous and it would appear that the "mortgage or other lien thereon" would be on the exemptions, and I believe this clarifies the intent of the sentence.

I move adoption of the amendment.

CHAIRMAN MARTIN: The question is on the amendment of Mr. Woolfenden.

Mr. Downs.

MR. DOWNS: I think we all have trouble trying to understand things without having them before us. I wonder if I could ask the maker of the amendment for a little further explanation. For example, if, say, a home worth $15,000 had a $5,000 mortgage on it, would the person still get the exemption for the $10,000 value? I just wanted to have that point cleared up by the proposed language.

MR. WOOLFENDEN: I don't think that the language I suggested changes the intent of the sentence, but the sentence as it comes back from the committee is not intelligible to me. Maybe I am the only delegate who does not understand it, but it seems to me that is is merely a matter of grammar.

CHAIRMAN MARTIN: Mr. Hutchinson.

MR. HUTCHINSON: Mr. Chairman, this matter that Mr. Woolfenden now brings up was mentioned to me yesterday by Mr. Joiner, and I pointed out to Mr. Joiner that the phrase as it is now here, "Such exemption shall not extend to any mortgage . . .", is the phraseology exactly as it is in the present constitution and as it always has been.

What I fear if you add the words "property subject to" is that it might then be construed, if you had a $5,000 mortgage on your homestead, that you would lose the entire exemption. I don't think that was the intent.

CHAIRMAN MARTIN: Mr. Woolfenden.

MR. WOOLFENDEN: May I ask Delegate Hutchinson a question? I think the thing that perplexes me is the word "thereon." I believe that what I have in mind might be accomplished if the word "thereon" were eliminated. To what does the word "thereon" refer in this sentence?

MR. HUTCHINSON: I see your point, Mr. Woolfenden. I would hope that it would refer to a homestead or to the personal property which is exempt.

MR. WOOLFENDEN: I think that was the intent, but I don't think that is the way it reads.

MR. HUTCHINSON: Well, I see your point. On the other hand, I trust you see my problem here that if you just put in that "property subject to," you might be wiping out the entire exemption and not just to the extent of the mortgage or lien.

MR. WOOLFENDEN: Perhaps if the period after the words "process of the court" were changed to a semicolon, it would accomplish what we are after, but as the language now stands the word "thereon" in an independent sentence, I think, refers to nothing unless it refers to exemptions.

CHAIRMAN MARTIN: Mr. Nord.

MR. NORD: I would like to suggest that Mr. Hutchinson's view on this is correct. It would be preferable to take a risk that the grammar is not perfect, especially in connection with the word "thereon," but it would not be safe to take the risk and add the words as Mr. Woolfenden has suggested because that, I believe, is absolutely unambiguous and means what we do not wish it to mean.

It says, "Such exemptions shall not extend to property subject to" a mortgage. That obviously means property interests which are bigger than the mortgage debt, the entire property. So, therefore, as was pointed out by Mr. Hutchinson and, I believe, Mr. Downs as well, if property which is homestead property, for example, has any mortgage no matter how small, the entire exemption on the homestead is lost according to this. Of course, it is true, the legislature could put it back again, but the point is that the guarantee is lost.

I see no reason to risk wiping out the exemption just on account of grammar. It seems to me that although there may be some possible grammatical objection to the language here, it is not a serious objection and we would be better off leaving the language as it is. I would also like to add, while I am on my feet, that I believe the language as we now have it satisfies all the objections I raised and everyone raised yesterday, and we ought to decide to adopt the language as we have it now.

CHAIRMAN MARTIN: Mr. Ford.

MR. FORD: Mr. Chairman, I would like to ask Mr. Millard a question with respect to the language. Now the present constitution reads:

> . . . shall be exempt from forced sale on execution or any other final process from a court. Such exemption shall not extend to any mortgage thereon lawfully obtained, but such mortgage or other alienation of such land. . . .

and it is very clear in the present constitution that the only

way you can waive this exemption and create a lien that would have priority over the exemption is by a deliberate act, either a mortgage or some other form of alienation that would divest you of the right to title.

Now I don't know what "or any other lien thereon lawfully obtained" might be construed to mean, and it is conceivable that the legislature might say that a lien obtained for a tort judgment, for example, is a lien "lawfully obtained" within the meaning of this, and we get back to where we started yesterday. So I have this question, does this language express the intent of what you are trying to do?

CHAIRMAN MARTIN: Mr. Millard.

MR. MILLARD: There have been court decisions that mechanics' liens are excepted and these exemptions are not extended to them when the contract is signed by both the wife and the husband on the homestead property, and we made that to go also. We say "such exemptions." Now that "s" refers both to the exemptions of personal property and to homestead property, so that it goes to chattel mortgages as well as encumbrances on land, and liens, land contracts, and conditional sales contracts which are properly recorded that are lawful.

CHAIRMAN MARTIN: Mr. Ford.

MR. FORD: You see, this is where the problem arises. The present language of the constitution makes it eminently clear that they intended the exception from this to be only where the people voluntarily placed their property outside of the protection of this lien and, as Mr. Millard points out, where the husband and wife sign a contract for improvements to the property, it has been held that a mechanics' lien based on that contract is not within the purview of the present language. But the question here is why put in "or other lien"? Why don't we use the language that has been good since 1850 and has been interpreted by the courts and play safe?

CHAIRMAN MARTIN: Mr. Boothby.

MR. BOOTHBY: Mr. Chairman, I would like to direct a question to Mr. Woolfenden. I would like to ask him if he would have any objection to adding the following words after the conclusion of the last sentence, after the word "obtained," adding the words "to the extent of the mortgage or lien"?

MR. WOOLFENDEN: I would have no objection to that. I am persuaded by Delegates Hutchinson and Nord that the language submitted in my amendment is subject to abuse and I would like to withdraw the amendment.

CHAIRMAN MARTIN: The amendment is withdrawn.

MR. BOOTHBY: I would like to redirect the question to Mr. Woolfenden and ask him whether he feels this abuse would be present if the sentence did in fact read, "Such exemptions shall not extend to property subject to any mortgage or other lien thereon lawfully obtained to the extent of the mortgage or lien." Would then the objection of Mr. Hutchinson be present? Maybe I should address that question, also, to Mr. Hutchinson.

CHAIRMAN MARTIN: Mr. Hutchinson.

MR. HUTCHINSON: Mr. Chairman, I would like to ask again — Mr. Boothby, would you tell me how this sentence would read if your amendment were adopted?

MR. BOOTHBY: Well, I do not have an amendment in. I only raised the question. The wording would be "Such exemptions shall not extend to property subject to any mortgage or other lien thereon lawfully obtained to the extent of the mortgage or lien."

MR. HUTCHINSON: Well, Mr. Chairman, in answer to the inquiry, I would like to invite the attention of everybody to the fact that the present language of the constitution has to do — and I refer to the section 2 — and the language there is, and has been for over 100 years, "Such exemption shall not extend to any mortgage thereon lawfully obtained . . ."

Now that is the phraseology as it has been interpreted for 100 years, ". . . any mortgage thereon lawfully obtained."

The courts have not construed that that applied to the mortgage and not to the property. That is a separate sentence just as it is in this proposal. In other words, this language, "Such exemption shall not extend to any mortgage theron lawfully obtained . . ." is the same context independent of any other statement in this proposal and just as it is in the present constitution. The only thing is that they have added "or other lien". I don't think that would change it at all.

I do not see, in view of the long history of this, that we have got anything substantive to argue about, and I prefer to have the language continue just as it has been for 100 years. I might suggest to you that if upon further reflection there did appear to be an inconsistency which genuinely does concern the attenders of commas, periods and question marks in the style and drafting committee of which I am a member, we could perhaps fix it up there or send it back and ask the convention to consider it further, rather than try to hammer out some language here on the floor at this present time which has not been thoroughly thought out and agreed upon.

CHAIRMAN MARTIN: Mr. Boothby.

MR. BOOTHBY: I agree to that.

CHAIRMAN MARTIN: Mr. King.

MR. KING: Mr. Chairman, my question was somewhat along the lines of Mr. Boothby's. I thought that perhaps the wording, "Such exemptions shall not extend to the amount of any mortgage or other lien thereon lawfully obtained" would solve the problem, but I am somewhat persuaded by Mr. Hutchinson's remarks that in view of the long standing court interpretation of the present language we might be all right, but I am not satisfied that the wording "or other lien thereon lawfully obtained" does not present a new problem in line with what Mr. Ford had suggested. I think we ought to discuss that, so I will withdraw my suggestion and would like to hear more from Mr. Ford with regard to these other liens "lawfully obtained."

CHAIRMAN MARTIN: Mr. Lawrence.

MR. LAWRENCE: Mr. Chairman, I would like to speak in support of Mr. Hutchinson's suggestion in view of the long standing wording and the fact that this has been interpreted. I would be concerned — and I think you should give some thought to this — that if you added the words "to the extent of the mortgage or lien," it might be construed not to cover taxes, insurance premiums, and expenses that would be incurred by a mortgagee or a lien holder in the foreclosing or closing of that lien. In other words, "to the extent of the mortgage or lien" might be construed to be words of limitation rather than as words of permission.

CHAIRMAN MARTIN: Thank you, Mr. Lawrence.

Mr. Ford.

MR. FORD: Mr. Hutchinson and I, I think, are in agreement and, as I say, I would like to retain the present language. Now the present language says, ". . . shall not extend to any mortgage thereon lawfully obtained," and the only thing new we are putting in is "or other lien," and I am fearful that people are going to seize upon this as a reason for imposing other forms of lien than those which are deliberately placed upon the homestead by the parties who benefit by the protection we are trying to put into the constitution, and I would ask him if he might consider deleting those 3 words so that we would go back to the original language.

CHAIRMAN MARTIN: Judge Dehnke.

MR. DEHNKE: Mr. Chairman and fellow members of the committee, I think that language is of some importance. I can conceive of a possibility of a husband and wife obtaining title to a piece of property and a court later finding that they obtained that title through misrepresentation or fraud, and in that case the decree would provide that the opposite party is entitled to a rescission and a lien on the property, and including this language would eliminate any room for argument on that. Also, in a divorce decree the title might be given to the husband and the wife might be given a lien on it, and then the question could be raised.

If we strike out this language — it was the intent of this convention not to — how should it apply to that kind of lien? Those are merely 2 illustrations of others that might be found.

CHAIRMAN MARTIN: Thank you.

Mr. Cudlip.

MR. CUDLIP: Mr. Chairman, this last sentence, I think,

is bothersome. I think what Delegate Ford is getting at is this, and he made himself clear. Liens arise in 2 ways: by operation of law or by contract, and by voluntary act of the parties. Those that arise by operation of law are those such as mechanics' liens, tax liens, liens that are imposed by law despite your wishes. Now we speak of mortgages. We really mean mortgage indebtedness, I suppose, that pertains to real estate and that is there because of the constitutional history.

Personal property, of course, can be mortgaged by chattel mortgage, but it can also be subject to other liens such as pledges, et cetera, and I am just making these observations because I am not clear as to whether "or other lien" is intended to cover liens arising by operation of law as well as those that are contracted for, such as pledges of security with a bank, and I am not sure that if you throw this into the lap of another committee that we will have an idea of the full meaning, because if we are going to exempt, as planned here, real and personal property liens, we ought to make it clear that we mean only voluntary liens, or voluntary liens plus those imposed by operation of law, and mechanics' liens were cited as one illustration in the case of real property, and there are many other types of such liens. I am just making an observation.

CHAIRMAN MARTIN: Thank you. Are there any other amendments to the body of the substitute proposal?

SECRETARY CHASE: Mr. Ford offers the following amendment:

1. Amend the substitute following the last line by inserting 2 paragraphs to read as follows:

"The homestead of a family, after the death of the owner thereof, shall be exempt from the payment of his debts in all cases during the minority of his children.

If the owner of a homestead dies, leaving a widow but no children, such homestead shall be exempt, and the rents and profits thereof shall accrue to her benefit during the time of her widowhood unless she be the owner of a homestead in her own right.".

CHAIRMAN MARTIN: Mr. Ford.

MR. FORD: I came to Lansing expecting to be one of the last delegates to be pleading for something because we have had it for 100 years and that makes it good, but this is merely what Miss Donnelly had yesterday, adding sections 3 and 4 of the present constitution in that. They are very short sections. We have now condensed this section — 1 and 2 — into a single paragraph, a simple paragraph that is contained in the committee report, and all this would do would be to continue the tradition of extending the homestead benefits to the immediate family.

Now if you take a quick look at the statutes that have implemented this exemption, you find that if the family is very clearly defined, the conditions under which they can continue to claim the exemption are clearly defined, and, as was pointed out by Mr. Millard, the judicature act will continue this provision starting in 1963, assuming that we adopt this constitution without putting it in; but I think that a careful examination of the statutes will indicate that what the statute actually does is not create the right but define the right that is created by the constitution.

I am fearful that if we do not continue the protection for the widow and the children in the tradition that it has been continued that the legislature standing alone is not going to be sufficient. I do not want to precipitate a discussion of whether we can trust the legislature to take care of widows and children. This is not my fear. My fear is that we are departing from a tradition, that we have a body of law including a new statute that has a lot of work in it that contemplates this language that is in the present constitution and I do not think that it does violence to the principles that we are trying to espouse and the object we are trying to accomplish here. That is the reason for my amendment.

CHAIRMAN MARTIN: Thank you. The question is on the Ford amendment.

Mr. Millard.

MR. MILLARD: Mr. Chairman, your committee has gone over that very carefully. It is covered very fully in the statutes, and it is unnecessary and I hope you will vote the amendment down.

CHAIRMAN MARTIN: The question is on the Ford amendment. All those in favor —

Miss Donnelly.

MISS DONNELLY: I must naturally rise to support this and also to recall to people that the statute that we are relying on is not effective yet, and it could be changed.

CHAIRMAN MARTIN: Mr. Millard.

MR. MILLARD: Miss Donnelly, I would like to say that this is a compilation of the present statutes. They are all in effect right now. This is a compilation that only goes into effect in 1963. The exemptions are still in the statute operative today.

CHAIRMAN MARTIN: Miss Donnelly.

MISS DONNELLY: However, the judicature act is not in effect yet and can still be changed; is that not true?

MR. MILLARD: The so called compilation which is called the judicature act goes into effect January 1, 1963. That judicature act is a compilation that embodies all of the exemptions which are now in existence. They are still in existence until this act goes into effect. It is the same thing that was taken out by our research man, Professor Gay.

MISS DONNELLY: You have not answered my second question, Mr. Millard.

MR. MILLARD: What is that?

MISS DONNELLY: Could it not be changed between now and then?

MR. MILLARD: Well, any act can be changed at any time.

MISS DONNELLY: For that reason I support Mr. Ford's amendment.

CHAIRMAN MARTIN: Mr. Farnsworth.

MR. FARNSWORTH: I would like to direct a question to Mr. Ford. Does the Ford amendment, where it mentions homestead, mean $3,500 exemption or would that be a $25,000 homestead, Mr. Ford?

CHAIRMAN MARTIN: Mr. Ford.

MR. FORD: I think that since it is contained in the same section, it's homestead as defined by the statute that Mr. Millard describes—both the present law and the laws that will be — and by the decisions of our courts over a long period of time, and it is complementary. Paragraphs 2 and 3 of this section would be complementary to the first paragraph and would draw their meaning from the first paragraph.

MR. FARNSWORTH: That is a typical reply from an attorney. Would it be $3,500?

MR. FORD: My interpretation would be that it would be an exemption of not less than $3,500, in such sum as the legislature from time to time establishes but not less than $3,500, and that a homestead would be as defined by our courts over a period of time and by the legislature.

MR. FARNSWORTH: Thank you very much.

CHAIRMAN MARTIN: Mr. Farnsworth, if you reflect on the attorneys, we are going to have a lot of people claiming personal privilege around here. (laughter)

The question is on the Ford amendment. As many as are in favor will say aye. As many as are opposed will say no.

The amendment is not adopted.

Any further amendments to the body of the substitute proposal?

Mr. Hubbs.

MR. HUBBS: Mr. Chairman, I do not wish to amend the proposal, but I do wish to ask a question of Mr. Millard. I would like to know how the dollar amounts stated were determined and are they related to any basic factors of minimum cost of shelter and basic necessities for survival?

MR. MILLARD: The answer is no.

MR. HUBBS: You mean somebody just sat down and fished them out of the air?

MR. MILLARD: Mr. Hubbs, if you will notice the original exemption was $500. The legislature has put it up to $1,000, and we have put a floor of $750. In other words, it increased it 100 per cent. The original exemption was $1,500 in 1908; it moved up to $2,500 in 1943, and we have moved

the floor — that was the ceiling — we have moved the floor to $3,500 which we think is in proportion with that which we have recommended for personal property.

MR. HUBBS: Your last statement intrigues me. You say you think it is in proportion to what you think is right for personal property, but it is between homesteads and personal property. But there was no statistical method used in determining what minimum factor — dollar amount — should be considered.

MR. MILLARD: I do not think there was an accountant upon our committee. I do not think we went into the gross national income or anything like that to make a determination of it. I think that we all used our common sense and we felt that $3,500 as a floor was reasonable.

MR. HUBBS: Well, I would like to ask the committee to use further common sense and consider the suggestion that the committee on emerging problems set up a method of providing a measured value for use in the constitution which does not express measures of value in terms of dollars but relates them to some basic economic factor and that this study be done by the research department and we, therefore, translate all dollar amounts into multipliers of this basic factor. Thank you. (laughter)

CHAIRMAN MARTIN: Mr. Norris.

MR. NORRIS: Mr. Chairman, I am somewhat apprehensive about the 3 words "or other lien" in the formulation which we have before us. I realize the good and cogent reasons that have been advanced by Judge Dehnke and some of the other delegates and there may be an argument with regard to it. However, the absence of such language for some 100 years and the fact that, as Mr. Cudlip indicated, by operation of law potential future liens may become operative in such fashion as to jeopardize the purpose of the homestead exemption, I feel somewhat moved to offer an amendment that we strike the words "or other lien" and I so move, Mr. Chairman.

CHAIRMAN MARTIN: Mr. Norris, would you care to submit that in writing? Oh, you have it in writing.

SECRETARY CHASE: Mr. Norris submits the following amendment to the substitute:

1. Amend the second sentence after "mortgage" by striking out "or other lien"; so the language will then read, "Such exemption shall not extend to any mortgage thereon lawfully obtained."

CHAIRMAN MARTIN: The question is on the Norris amendment to the substitue proposal.

Mr. Lawrence.

MR. LAWRENCE: I would like to speak in support of the amendment of Mr. Norris and of Mr. Cudlip, just to point out 2 situations. Then we come to the matter of the use of the words and their being construed as limiting. Liens could lawfully be obtained by a lis pendens and by an execution levy, both of which would defeat the purpose of what we are trying to do.

CHAIRMAN MARTIN: Miss Donnelly.

MISS DONNELLY: I have an amendment which perhaps Mr. Norris would agree to. Otherwise, it would be a substitute to his, I would presume, by my verbiage. It is on the secretary's desk. I agree with him in theory; that is, I have some other language.

SECRETARY CHASE: Miss Donnelly has filed an amendment to add after the word "obtained" at the end of the second sentence, the words "by voluntary alienation."

CHAIRMAN MARTIN: I think we had better consider things one at a time.

Mr. King.

MR. KING: Mr. Chairman and members of the committee, my position is somewhat similar to Miss Donnelly's. I have an amendment on the secretary's desk which inserts "contract or tax" after the words "or other" and before the word "lien." I don't think that Miss Donnelly's amendment considers tax liens, which I believe are not included.

CHAIRMAN MARTIN: The question is on the Norris amendment.

Mr. King.

MR. KING: Mr. Chairman, would it not be proper to offer my amendment as a substitute amendment for that of Mr. Norris?

CHAIRMAN MARTIN: We are voting on an amendment to a substitute proposal now. I think we had better do this one at a time or the delegates will become confused, Mr. King.

The question is on the Norris amendment. Will you read it again, Mr. Secretary?

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

1. Amend the second sentence after "mortgage" by striking out "or other lien"; so the language will then read, "Such exemptions shall not extend to any mortgage thereon lawfully obtained."

CHAIRMAN MARTIN: Mr. Cudlip.

MR. CUDLIP: Mr. Chairman, again adverting to my previous remarks — and I am not doing other than observing — if we accomplish what Delegate Norris desires, I understand that then a chattel mortgage — and a chattel mortgage only — will be involved as respects personal property in this exemption process, and a real estate mortgage — and a real estate mortgage only — will be involved in connection with the real estate. All other types of voluntarily contracted liens — and there are many others, as the lawyers at least know — and all liens arising by operation of law and there accomplished would not be involved in this provision, and I just again make the observation.

CHAIRMAN MARTIN: Mr. Prettie.

MR. PRETTIE: Much of which I wished to say has been covered by Mr. Cudlip, Mr. Chairman, but while some advertence has been made to land contracts, I wish to point out that a mortgage is not a land contract, that this was a method of financing not widely in acceptance at the time of the Constitution of 1908, that it is now probably a much more common means of financing than the mortgage, and, certainly, in order to encompass the subjugation of homestead rights to the equities of a contract vendor, some language such as "or other lien" must be retained in this section.

CHAIRMAN MARTIN: Dr. Nord.

MR. NORD: I rise to support the amendment of Mr. Norris and on further reflection, I believe these 3 words could be better removed. The reasons are first of all, that they are not in the present constitutional provision and, therefore, I believe it is clear that the language that we would have is the language that we now have on the subject of mortgages. That language does not cause any difficulty in the subject of exemptions. The language that is about to be added, could—we have seen how—could cause trouble, because on certain liens we probably would want the exemptions and on others we would not. That is a matter that should be left to the legislature. I would like to point out that by taking out these words "or other lien", we do not preclude the legislature from passing other laws relating to exemptions and those laws might relate to exemptions in connection with liens or not in connection with liens, and they might distinguish between one kind of lien and another kind of lien, and it may have no effect on that law.

For example, Judge Dehnke's remark as to equitable liens — they would not be affected one way or another by the constitutional provision, because all that is provided in these sections as it would read with these 3 words removed is that there are certain guaranteed exemptions. Additional exemptions can be provided by the legislature. As a result, it seems to me that we would be better off to take out the words "or other lien" and go back to the language that we now have in the constitution.

CHAIRMAN MARTIN: Miss Hart.

MISS HART: Mr. Chairman, this is a field day for the attorneys and I am sympathetic with them. I think they should have their questions answered. I think this kind of thing should be thrashed out, but I wonder for the benefit of those of us who are not attorneys if, after a proposal is placed on the general orders, the people who have this type of question about it might not appear before that committee, if time could not be given and people appear before that committee, thrash

out the legalities, and then let the rest of us vote on the merits of the proposal. (applause)

CHAIRMAN MARTIN: The suggestion seems to be a popular one. I do not know whether it is practical or not, but the delegates can certainly give it consideration.

Mr. Ford.

MR. FORD: To continue the field day, if I may, I would like to take exception to the analysis that Mr. Cudlip has made because, really, the present proposal of the committee incorporates some key words from the present constitution that save us from the problem that we were talking about, Mel, and these words are "as defined by law," which follow the figure of $750.

Now this makes it clear that the legislature can specify such property, and I call attention of the lawyers particularly to the fact that again we have a long history of necessities versus television sets and the arguments about whether a sewing machine — I think we went to the supreme court on that one — about whether a sewing machine is included as part of household goods, and the legislature has limited this and I believe that the legislature in various statutes protects people's rights in things such as title retaining contracts and other pledges of property, even leasing arrangements, and they do not find themselves coming under this protection of the constitution because of these words that leave it to the legislature with respect to personal property. This section is only specific, self executing, and limiting as to the word "homestead" and not with respect to "personal property."

CHAIRMAN MARTIN: Mr. Habermehl.

MR. HABERMEHL: Mr. Chairman, I have submitted a substitute amendment to the Norris amendment, which the secretary now has.

CHAIRMAN MARTIN: The secretary will read it.

SECRETARY CHASE: Mr. Habermehl offers a substitute amendment for the amendment to the substitute that is pending:

1. Amend the amendment by striking out the entire last sentence which reads as follows:

"Such exemptions shall not extend to any mortgage or other lien thereon lawfully obtained.".

CHAIRMAN MARTIN: Mr. Habermehl.

MR. HABERMEHL: I am inclined, Mr. Chairman, to agree with Miss Hart. The discussion for the past 30 minutes has resembled a lawsuit far more than it has the work of the convention. I think, generally, attorneys will agree that the importance of that last sentence is very debatable. The existence or the priority of a voluntarily incurred mortgage or lien would certainly be greater than that of the homestead exemption. In other words, if people want to create a lien against property they can do so voluntarily. It is certainly going to come ahead of the homestead exemption.

In committee we agreed that there was no point to the last sentence. It was added there only for the purpose of satisfying some objections that had been made on the floor yesterday. It adds nothing to the constitutional provision that we propose and to spend a great deal of time on something that has no actual effect seems to me to be a waste of this committee's time. I have moved that we strike the entire last sentence.

CHAIRMAN MARTIN: The question is on the Habermehl amendment.

Mr. Austin.

MR. AUSTIN: Mr. Chairman, could I ask Mr. Habermehl a question? We have in the first sentence the term "as defined by law." Would that take care of the mortgage situation? In other words, in defining a homestead, if there has been a voluntary mortgage or debt, would the law which defines a homestead give consideration to a mortgage? This is a non-lawyer getting involved in a legal fight.

MR. HABERMEHL: No, I don't believe, Mr. Austin, that that language takes care of it. I believe that the nature of a mortgage or a lien that is created takes care of it. The fact that people have voluntarily incurred this lien certainly is a waiver of their homestead or their personal property exemption. That is really all there is to it. It is a waiver of it when they incur these liens.

CHAIRMAN MARTIN: Mr. King.

MR. KING: Mr. Chairman, I would say in my opinion that this is not so, that there would not be any waiver; I mean, any contractual arrangement of an individual is not going to do away with the constitution of the state of Michigan. I think that last sentence is necessary.

I would like at this time to once again move my substitute amendment because I think it clarifies it.

CHAIRMAN MARTIN: I do not think we can have a substitute on a substitute.

MR. KING: You just entertained one, Mr. Chairman.

CHAIRMAN MARTIN: Mr. Hutchinson, can you clarify this, or are you going to—

MR. HUTCHINSON: Mr. Chairman, I was not going to clarify the matter procedurally. I was going to debate on the merits of Mr. Habermehl's amendment. If the Chair rules it is not now in order, I will wait until it is in order.

CHAIRMAN MARTIN: I am going to rule that Mr. King's substitute amendment is out of order for the time being and hold that the question is on the Habermehl substitute amendment.

Mr. Hutchinson.

MR. HUTCHINSON: Mr. Chairman, I just wanted to make this observation. In listening to Mr. Habermehl's argument, I was reminded of the provision in the Constitution of the United States that no state shall impair the obligation of a contract. If it is a matter of contract — and a mortgage or any other kind of a voluntary lien based upon a contract is contractual — although, of course, even the constitution of Michigan could not by an exemption provision impair the obligation of that contract. Is that what I understand you to say, Mr. Habermehl?

MR. HABERMEHL: That's right, Mr. Hutchinson, plus the fact that any constitutional right, for that matter, can be waived and when people sign an obligation that in effect waives it, it is waived.

MR. HUTCHINSON: I think that Mr. Habermehl has a very sound point there, and while I was one yesterday who was of the opinion that some reference to a mortgage might be necessary in here, I am inclined to believe perhaps that if we went along with this amendment now offered, it would be all right. I would be interested to hear some other observations on the matter.

CHAIRMAN MARTIN: The question is on the —

Mr. Farnsworth.

MR. FARNSWORTH: Now that Mr. Hutchinson has asked for another observation, I would like to make one. Being a layman, I am a member of this group of 88 people in the convention who are not lawyers; I understand we have 56 of them here. You can readily see that they have quite a time agreeing.

Now I would like to believe what I can see here on paper, and this tells the man loaning the money that he has a certain amount of protection if he makes the loan, and I think it is essential that you have it in there. But look at the time we are taking now. I might make a mortgage loan and I might end up in court finding out whether it was good or not, with this $3,500 exemption in it. I would like very much to see that remain in the language of the proposal.

CHAIRMAN MARTIN: Mr. Hutchinson.

MR. HUTCHINSON: I would just like to observe, Mr. Farnsworth, that neither he nor anybody else would look up the constitution of Michigan to see what it says whenever he decides whether he was going to loan money or not. If there is any question about it, he can go to a lawyer and the lawyer would undoubtedly look to the statutes first. They ordinarily do. The matter is covered in the statute. The matter is covered by principles of law, and I doubt very much whether Mr. Farnsworth would hunt up the provisions of the constitution of Michigan in that regard whenever he was going to take a chattel mortgage on an automobile.

MR. FARNSWORTH: I just want to say that that opinion of Mr. Hutchinson has changed slightly since yesterday. Suppose I go to that lawyer and I get that advice and it changes the next day. That is exactly — (laughter) that is exactly the point that I am trying to make. I like to believe

what I can read, and this proposal has my protection in it. I would like to see it stay in.

CHAIRMAN MARTIN: You have scored, Mr. Farnsworth. Mr. Higgs.

MR. HIGGS: Mr. Chairman, following the invitation of Mr. Hutchinson for observations, I have a further observation. Speaking as a lawyer — hesitantly — and being in agreement, actually, with Mr. Habermehl in substance, I think part of our difficulty in either including or in excluding this last sentence lies in the area outlined by Mr. Cudlip.

I think, unquestionably, if we exclude the whole sentence we leave open the voluntary contract to the intrepretation that he has given, but we still do not resolve the question of the tax lien, which does not fit nicely into a voluntary contract situation. I do not think we want to extend this exemption to exclude the tax lien. Of course, I do not believe that is the interpretation of the language as presently written, either, and I am wondering, however, whether or not this is not a responsibility of style and drafting to examine this language. I do not think there is too much difference of opinion as to what we are trying to do. We are trying to seek language to cover it, and I think that style and drafting could do that.

CHAIRMAN MARTIN: Mr. Perras.

MR. PERRAS: Mr. Chairman, after 2 days of deliberation on this proposal, I would like to make a motion that when the committee rises, it recommend that this be sent back to committee and I would suggest that all the proposers of amendments to this proposal be made honorary members of this committee and thrash it out with them and save the time of all of us.

CHAIRMAN MARTIN: Mr. Romney.

MR. ROMNEY: I would like to support the Perras motion, and I would also like to support Delegate Hart in her suggestion and Delegate Farnsworth. As far as I can sense the attitude of the delegates at this time, we are ready to act on this matter and, really, there is sense to dealing with these questions of language either before the committee or in the style and drafting; but, furthermore, there is plenty of opportunity for the lawyers in this body to run for the legislature and engage in such debate in that body, which is appropriate.

CHAIRMAN MARTIN: The secretary points out that the provision of rule 47 provides that whenever a proposal is up for consideration at any stage of procedure and a motion is made to postpone indefinitely or to recommit, amendments to the proposal shall be in order before taking a vote on any such motion. So I think if your motion were made in earnest, Mr. Perras, I think we should dispose of the amendments before we can vote on that.

Mr. Norris.

MR. NORRIS: Mr. Chairman, I rise to oppose the motion of Mr. Perras, because I feel that we are not recognizing as much as we ought the deliberative process that this convention must go through. There is an unseemly undercurrent here with regard to the fact that when we probe deeply into the meaning of words and contingencies which such words are going to cover, that we are getting into a lawyers' discussion.

I think we ought to get the record straight that for this convention from this point forward we are going to be getting into minutiae in the question of what a constitution is and how it is going to apply to the many circumstances that 8 million people live in in the state of Michigan.

The lawyers have a certain discipline of perhaps a more probing nature with regard to some of the matters that come before us, and I do not think it is a question of lawyer versus nonlawyer; it is a question of depth perception here as to just what is involved in the particular matter that is before us. I do not think that we ought to say that when we get to a certain stage in our deliberations the only appropriate action is to revert back to committee. We are getting through a certain process. We are working out the will of this committee. It reaches a certain stage. We are now at a dispositive stage with regard to this proposal and we ought to get together and dispose of it, rather than to say that every time we get to this dispositive stage we ought to send it back.

CHAIRMAN MARTIN: Mr. Sterrett.

MR. STERRETT: Mr. Chairman, I would like to speak to Mr. Norris' opposition. I personally do not care to be here a year from now, but I would like to support Mr. Perras' motion to send it back to committee. I feel that if this is reported back out of the committee with the adequate report, the report will go in the journal. If there is any question in any court of law, the intent can be discovered within the verbatim journal of this convention. Therefore, I would like to support Mr. Perras' motion.

CHAIRMAN MARTIN: Mrs. Butler.

MRS. BUTLER: I would like to know what the meaning of the word "minutiae" is. (laughter)

CHAIRMAN MARTIN: Mr. Perras.

MR. PERRAS: I would like to answer Mr. Norris, too. I happen to be a member of the legislative powers committee. It seemed we hired research assistants here. We have men that are on the style and drafting that are supposed to put these things in order; so if we are going to have to fight everything on the floor, we might as well dispose of our research assistants and all these other things and let the floor take care of everything.

CHAIRMAN MARTIN: The question is on the amendments which we have on file.

Do you wish to speak to any of those, Miss Donnelly?

MISS DONNELLY: Yes, I wish to oppose Mr. Habermehl's substitute to the Norris substitute which, in effect, is my substitute. Is that what you want me to speak to, or do you want me to defend the lawyers, which I think we need at this moment?

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

MISS DONNELLY: I am opposed to it because I feel that the clarity of the intent of voluntary exemptions — voluntary alienation — should not deprive the creditor from collection against this, and I feel that this intent should be clear and, speaking as a lawyer, what a lawyer should do, the lawyer also has a duty to look at the constitution besides the statute.

CHAIRMAN MARTIN: Mr. Walker.

MR. WALKER: We have had considerable conversation about Mr. Perras' motion. May I voice one alternate along that same line that I think would possibly be of great benefit to the committee?

CHAIRMAN MARTIN: Providing we are talking about the Habermehl amendment.

MR. WALKER: There has been, Mr. Chairman, considerable comment one way or the other on Mr. Perras' motion that we refer it to the committee again. Would it be, as a suggestion, reasonable to presume that, so that we might possibly reach our April first deadline imposed by the majority of the delegates here, would it be sensible to take a 30 minute recess for the committee to consider this thing with the amenders and one thing or another, then come back and fight this thing out, thrash it out and be done with it today?

CHAIRMAN MARTIN: The committee of the whole does not recess, Mr. Walker. The committee can rise but it does not recess.

MR. WALKER: Thank you.

CHAIRMAN MARTIN: Mr. Stevens.

MR. STEVENS: Mr. Chairman, I think we have a solution to this. Vote down this amendment, all other amendments, pass the proposal as submitted by the committee and leave it to style and drafting to come up with something, if it can. If it cannot, it can again return to the committee, which is what you want to do now. There seems to be no question about the intent. The question of wording would be one, I think, for the style and drafting committee. I assure you they will spend much more than 30 minutes on it if it goes there.

CHAIRMAN MARTIN: The question is on the Habermehl amendment.

Mr. Nord..

MR. NORD: Mr. Chairman, there have been a number of remarks on this subject which, I think, are extremely inappropriate, and I want to go on record as opposing them. There

have been a number of remarks that somebody else ought to figure this thing out. I do not think somebody else is going to figure this out. We are going to figure this out. Now, let us not get nervous or impatient. We are going to figure this out and we are going to get through by March 31; I have no doubt about it. What we are doing now is simply going through the initial phases of teaching our committees that they have got to do their homework and get it out on the floor right the first time. I believe they will learn the lesson sooner or later and it will come out right the first time. I also believe that we are going to learn our lesson. We have not learned ours either. We have not learned that we should make our objections to the committee before we get on the floor, and I believe we are going to do that, too.

But I do not like the idea that lawyers should be quiet just because they see a problem. After their convention role is over and when the law comes out backwards, opposite to what we want, they are going to say why did we not object. So we are objecting, and I do not believe we can leave it to the original committee. We have left it to the committee twice. Yesterday I wanted to give this back to the committee. That would have been an appropriate time but after we spend 2 days on it, that is not an appropriate time to put it back to the committee. Now is the appropriate time for us to act. The argument that we have people paid to do research and drafting and, therefore, we do not need to do our work does not impress me either. I think we have got to buckle down and do the job and, if we are not satisfied with something when it comes on the floor, we should send it back immediately. But after we have had it for 2 days, we should make up our mind that we are going to decide it. We are very close to deciding this now and let us not put it off. Let us decide it.

CHAIRMAN MARTIN: Mr. Kuhn.

MR. KUHN: I agree with Delegate Stevens that we should vote down all the amendments and pass this as it was reported out of the committee by unanimous vote.

I want to say that even Delegate Nord agreed to this language when he first spoke today, and I think your first thoughts are your best thoughts.

CHAIRMAN MARTIN: Mr. Hoxie.

MR. HOXIE: Mr. Chairman, I am not going to take exception to Dr. Nord's remarks which could be interpreted as criticism for the many hours of work that we in the legislative powers committee have spent in trying to bring something that we felt would be realistic to the floor of the convention. All I will say is let us wait until some proposals come out of his committee. (laughter)

CHAIRMAN MARTIN: Mr. Wanger.

MR. WANGER: Mr. Chairman and fellow delegates, I believe that the committee in adopting this substitute proposed today did not hold a particularly strong brief for this last sentence, as Delegate Millard indicated.

I would like to suggest that we can solve this thing very appropriately by adopting Mr. Habermehl's amendment to strike that sentence, and I do not think there is any danger in striking it for the reason that the legislature has protected the mortgagor, as Mr. Habermehl himself points out. There are questions under the United States constitution which would protect mortgagors and, finally, from a matter of simple, practical politics, should the legislature remove the protection from the mortgagor, the mortgagors would stop loaning money to mortgagees and no one would be able to put up their property as security except under, perhaps, very unusual circumstances, and this would create a very difficult situation for all concerned.

CHAIRMAN MARTIN: The question is on the Habermehl amendment.

Mr. Stafseth.

MR. STAFSETH: Mr. Chairman, I rise to speak against the amendments. I feel that the committee has offered a substitute proposal that has curtailed some of the objections that some of us had yesterday. I think that there is something more than just a legal interpretation of this and there seem to be questions on both sides of this. I support Mr. Farnsworth in his observation that certainly this is something that shows a person that is going to obtain a mortgage or a person that is going to give a mortgage what the intent of this body is.

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

The amendment is not adopted.

Now the question is on the Norris amendment.

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

1. Amend the second sentence after "mortgage" by striking out "or other lien".

CHAIRMAN MARTIN: The question is on the Norris amendment.

Mr. Cudlip.

MR. CUDLIP: I am in sympathy with the Norris amendment. Since it was proposed, Delegate Ford spoke about some language up in front which I do not interpret as he does. "As defined by law" relates to the property, not to the exemption. Mr. Nord, before he spoke the last time, made some wise remarks about what the legislature could do by statute.

All I was trying to find out earlier is whether the committee intended in the case of these exemptions to have the exemptions relate to liens created by operation of law as well as contractually, or whether just the plain, old, contractually created mortgage in the case of both types of property. If they want to cover every kind of lien, I think it will be covered if we leave the language as it is. If we take it out, as I see it, it only relates to mortgages covering both types of property. The rest will be up to the legislature. That is to say that the legislature, then, will decide what other types of contractual liens — and there are many more than mortgages, I emphasize — and what types of liens arising by operation of law — and they have been mentioned here before — are intended. That would be a legislative matter.

Again, this is just an observation that that will be the effect if you adopt the Norris amendment, which I favor.

CHAIRMAN MARTIN: Mr. Hutchinson.

MR. HUTCHINSON: Mr. Chairman, I believe that perhaps these 3 words got in here yesterday after the session because I mentioned to Dr. Joiner that there were some delegates who raised the point that other liens should be included. I, however, think that in the spirit of drawing this thing to a conclusion, keeping in mind the fact that we have got committee meetings set up this afternoon and also keeping in mind the fact that this language "Such exemptions shall not extend to any mortgage thereon lawfully obtained" is the wording that has been in the constitution for 100 years and it caused no embarrassment. It has been interpreted. The legislature has statutorily recognized that it could go beyond what the constitution provided. The legislature will undoubtedly continue to go on beyond what the constitution provides. The legislature will take care of this "or other lien" problem in the future as it has in the past. So, if we just adopt Mr. Norris' amendment and strike out "or other lien", we will be left with the language that we have had for 100 years and, as I say, it has been proved adequate, and there is not any reason to believe that it will not be adequate in the future.

So I support Mr. Norris' amendment.

CHAIRMAN MARTIN: The question is on the Norris amendment.

Mr. King.

MR. KING: Mr. Chairman, I, too, feel that if we go along with the present language which has been proven over the years that we will not be in any trouble. We do leave the door open to the legislature to add on to it. My amendment concerns the inclusion of the words "or other liens" and if those words are not in there then I do not have any reservations about the Norris amendment.

CHAIRMAN MARTIN: Then you would withdraw your pending amendment? Is that it?

MR. KING: Well, I will wait and see how this vote goes.

CHAIRMAN MARTIN: All right. The question is on the Norris amendment to the substitute. As many as are in favor will say aye. As many as are opposed will say no.

The amendment is adopted.

Mr. King has an amendment pending. Mr. King, do you wish to withdraw that?

MR. KING: Yes, Mr. Chairman, I wish to withdraw my amendment.

CHAIRMAN MARTIN: All right, the amendment is withdrawn. Do we have any other amendments?

SECRETARY CHASE: Miss Donnelly has the following amendment:

1. Amend the second sentence after "obtained" by inserting "by voluntary alienation"; so the language will then read, "Such exemptions shall not extend to any mortgage thereon lawfully obtained by voluntary alienation."

CHAIRMAN MARTIN: Miss Donnelly.

MISS DONNELLY: Originally I intended, and I still would like to make it, because I am now disturbed by equitable mortgages; and I know that people don't like to hear lawyers talk at this stage of the game, but I do think it is a point. I do think that the language has been clear in the constitution for umpteen years according to Mr. Hutchinson, and what have you, because of the alienation provision therein having been voluntary alienation. This clarifies what they meant. If you strike the voluntary alienation by requiring how it should be done, we can still have involuntary or equitable mortgages. The court could appoint.

Now I think we have got to make up our minds — some way or another — whether we mean voluntary or involuntary. This is the language — the reason why I added these words is to indicate that we mean voluntary, willful acts of the individual debtors to pledge their property and nothing that the court would construe, and I had intended any other lien would be, also.

That is the reason I meant it as a substitute to the Norris amendment, and I thought it should have been first, so that it would include that sentence, too; but I still believe that the voluntary aspect of it should be clearly set forth in this constitution.

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

The amendment is not adopted.

Are there any other amendments?

SECRETARY CHASE: There are no other amendments on file.

CHAIRMAN MARTIN: If there are no other amendments on file, the question is on the substitute committee proposal, as amended, and the secretary will read.

SECRETARY CHASE: The substitute, as amended, is as follows:

> 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 mortgage thereon lawfully obtained.

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

The substitute, as amended, is adopted.

Any further amendments?

If not, I recognize Mr. Perras on his motion to rerefer.

MR. PERRAS: I will withdraw the motion, Mr. Chairman.

CHAIRMAN MARTIN: If there is no further discussion, the proposal will pass.

Committee Proposal 12, as substituted, is passed.

Mr. Lawrence.

MR. LAWRENCE: Mr. Chairman, I wonder if, before we rise, I might say a word in defense of the lawyers here. Now we have been pounded on the back to get things before the convention and we have not done it with any great haste and then when things come out the lawyers get criticized. It seems to me that the words — so that these laymen will understand what is going to come from the lawyers — are well summed up in a poem which is very short. It goes:

> Catsup's in a funny bottle;
> At first none comes
> And then a lottle. (laughter)

CHAIRMAN MARTIN: Mr. Dehnke.

MR. DEHNKE: I have a couple of observations to make while observations are being made. I am sympathetic toward the attitude expressed by Miss Hart. I have been wondering whether this idea I am about to suggest would be practicable. Once a committee proposal is presented, it is a little more difficult for an individual member to make his thought, his objections, his questions known; at least, it makes it much more complicated if the questions are not raised until the proposal comes before us in committee of the whole.

If it could be arranged that the convention could be notified 2 or 3 days in advance, at least, of the broad outlines of the committee proposal that seems to be near the completion stage, then we would have an opportunity to talk to the chairman of the committee and if he is impressed, he might call a meeting of the committee to discuss it before it gets to the stage of being before the committee of the whole.

I think the other point I would like to suggest is we have had ample opportunity now to learn that in our discussions it makes a great deal of difference as to the definitions we attach — the meanings we attach — to the phrases and expressions we use. We sometimes use the same word and then find out afterward we have been talking about two different things.

In that connection I found a little illustration in The Lion's Magazine a few days ago:

> A peasant in a Russian village went to the polls on election day and was handed a sealed envelope to drop in the ballot box. He began to tear the envelope open when a Soviet official shouted, "What do you think you are doing?" The peasant said he wanted to see for whom he was voting. "Are you crazy?" exclaimed the official, "This is a secret ballot!" (laughter)

CHAIRMAN MARTIN: Mr. Danhof.

MR. DANHOF: I move the committee now rise.

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

The motion prevails. The committee will rise.

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

PRESIDENT NISBET: The convention will come to order. Mr. Martin.

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

PRESIDENT NISBET: Mr. Secretary.

SECRETARY CHASE: Mr. President, the committee of the whole has had under consideration **Committee Proposal 12,** A proposal pertaining to exemptions as a substitute for all of article XIV. It reports the same back to the convention with a substitute therefor, recommending that the substitute be agreed to and that the committee proposal, as substituted, do pass.

PRESIDENT NISBET: The question is on our agreement to the substitute for Committee Proposal 12. Those in favor say aye; those opposed, no.

The substitute is agreed to and **Committee Proposal 12,** as substituted, is referred to the committee on style and drafting.

Following is Committee Proposal 12 as substituted and referred to the committee on style and drafting:

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

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 mortgage thereon lawfully obtained.

Dr. Anspach.

MR. ANSPACH: Mr. President, Judge Dehnke made part of my speech. However, for the encouragement of all the delegates after this long session, I heard one the other day that I think that we would profit by, the story of the 2 fellows who had been places and had seen things and they got back in the hotel late at night. One chap said to the hotel clerk, "What we want is 2 rooms with one bed." The clerk said, "You don't mean 2 rooms with one bed; you mean one room with 2 beds." And they said, "All right." Both drunks got into the same bed. After awhile Bill said, "There's somebody in bed with me and I don't like it." And Jim said, There's somebody in bed with me. Let's kick them out." So they started to roughhouse and after awhile Jim landed on the floor with a thud. He said, "How did you come out, Bill? I got kicked out of bed." "Well," Bill said, "I got along all right. I kicked a fellow out of bed." "Well, Bill," Jim said, "I'm out of bed." Bill said, "That's all right. Get in bed with me." (laughter)

PRESIDENT NISBET: I might say that after this experience this afternoon, we will need more of Charlie's stories and comments during our sessions.

I hope you will not be disturbed, however, because, after all, we only have been meeting for an hour and a half and starting next week as our committee reports get in, we are going to be very fortunate if we can meet in less than 3 or 4 hours a session, and after the first month we will be meeting morning and afternoon; so I think we might as well accomplish this and at the same time have a good time, enjoying ourselves and in the meantime doing our work. And let us not get too disturbed about it, because we are just going to have to put the time in. It is a very interesting time.

[Without objection, the convention returned to the order of motions and resolutions.]

Did you have a motion you wanted to make, Mr. Downs?

MR. DOWNS: Mr. President, Miss Hart and I have filed a motion with the secretary. It is along the line of what Judge Dehnke said. He said he would like to cosponsor the motion. We would be glad to have him do it. I wonder if we could ask the secretary to read the motion.

SECRETARY CHASE: Miss Hart and Mr. Downs have filed the following motion:

> Miss Hart and Mr. Downs move that committees hold a meeting of their full committee or a subcommittee after a committee proposal is printed in the journal and before it is on general orders, at which committee meeting any delegate may appear.

PRESIDENT NISBET: Mr. Chase, would you mind reading that motion again?

SECRETARY CHASE: That committees hold a meeting of their full committee or a subcommittee after a committee proposal is printed in the journal and before it is on general orders, at which committee meeting any delegate may appear.

PRESIDENT NISBET: Mr. Downs.

MR. DOWNS: Mr. President, the purpose of this motion is to provide what some of the other delegates have mentioned. That is, mainly, that after a proposal is printed in the journal that there be an additional opportunity for delegates to appear before a committee in the hope that some of the problems could be cleared up there and prevent the whole discussion being had before the committee of the whole.

I realize this is something different in parliamentary procedure and, certainly, if the Chair wishes to refer this to the committee on rules and resolutions to get their additional thinking, there is no attempt to try to get immediate action on it; but I think as long sessions will develop, this might be a means of screening out some questions so that we can confine our committee of the whole to the basic issues.

PRESIDENT NISBET: Mr. Hutchinson.

MR. HUTCHINSON: Mr. President, I move that the motion be referred to the committee on rules and resolutions. I make this motion in the same spirit that Mr. Downs suggested that he would not oppose it.

It does introduce something different in the parliamentary procedure. As a technical matter, of course, once the committee has reported its proposal to the floor and it is printed in the journal, it has no technical jurisdiction over it. I think there are several avenues to be explored. Also I think that the attitude of the committee chairmen on the matter should be ascertained and, for that reason, would move that the matter be referred to the committee on rules and resolutions.

PRESIDENT NISBET: Mr. Downs.

MR. DOWNS: Mr. President, I will support the motion of Mr. Hutchinson.

PRESIDENT NISBET: Mr. Romney.

MR. ROMNEY: Mr. President, I would like to support the motion, but I would like to suggest that when the motion is considered by the committee on rules and resolutions they consider adding the language which may appear for the purpose of improving the wording used to express the intent of the committee. In other words, it does not seem to me that we should set up another hearing at which the substance of the matter dealt with by the committee should be reopened, but it does seem to me that there should certainly be an opportunity for the thing we have been talking about today, which is an opportunity to express technical viewpoints on the adequacy of the language being used, and it is for that reason that I make this suggestion.

PRESIDENT NISBET: Mr. Erickson.

MR. ERICKSON: I would just like to add that when the committee on rules and resolutions considers this, they also add "on application of any member," so that it does not have to sit there for awhile, after all, if nobody wants to come and talk.

PRESIDENT NISBET: Mr. Heideman.

MR. HEIDEMAN: Mr. President, I simply wish to ask what is the function of the committee of the whole?

PRESIDENT NISBET: Mr. Chase, would you like to give a definition of the committee of the whole?

SECRETARY CHASE: No, I don't want to.

PRESIDENT NISBET: Mr. Mahinske.

MR. MAHINSKE: I would like to remark that Mr. Romney has made a statement here that if the committee makes a report and then delegates can appear in front of this additional hearing of the committee to change the wording of the report, then the committee report is no longer the report as such and it may change from time to time as delegates appearing in front of that committee report.

PRESIDENT NISBET: Mr. Leppien.

MR. LEPPIEN: Mr. President and fellow delegates, I think we have missed the point of the procedure concerning committee proposals. According to my understanding, a committee proposal is brought in, is debated to some degree, and then is sent to style and drafting. Now it seems to me that if this convention would resolve that when a committee proposal comes in, we would merely adopt it and then, if we have any objections, take it to the style and drafting committee and let them hear the complaint, and then they would be in position to either bring it back to this convention for action or recommend it be sent back to the committee from whence it came.

PRESIDENT NISBET: Mr. King.

MR. KING: Mr. President, I do not oppose the idea of having an opportunity for the delegates to express their ideas, but I do oppose the idea of a proposal being printed and laying over for the required 3 days and then when we come back to consider it, the first thing that happens is that the committee offers a substitute proposal without having the opportunity of the 3 days. Now this has happened once. I would not want it to happen on a regular basis, and I

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.

greater in years to come. I agree with Delegate Baginski, and urge a no vote on the proposal.

PRESIDENT NISBET: Mr. Wanger.

MR. WANGER: Mr. President, fellow delegates, I feel that Delegates Baginski and Downs have used the arguments which they had — and used with obvious effectiveness —against the original committee proposal, but those arguments don't apply to what is left of it — what we have before us here at the present time — because under the committee proposal as it is before you on second reading, having undergone the rather liberal surgery which Mr. Hoxie spoke of, the state can enter into any of these works of internal improvement and can be interested in them financially and otherwise as long as they are public in nature. We at least have in this section the prevention of the state getting into the business of providing or being financially interested in works of private enterprise — private water systems, if you will, private roads, private ports, private harbors, things of this type. We believe that that restriction, small as it is, is nevertheless most important and should be retained. By voting in favor of this committee proposal, you will be retaining this one limitation which the committee believes to be of the greatest importance.

PRESIDENT NISBET: Mr. King.

MR. KING: Mr. President and fellow delegates, I would be inclined to agree with Mr. Wanger. There is something left here, and that primarily centers around the word "public." I think that this particular committee proposal did undergo major surgery, and we think we removed most of the malignancy, and we wouldn't want to kill the patient right at this time because there is a little bit left here and what is left is very good, I think. So I would hope that you would find it possible to support this particular proposal and make sure that although we allow the state, at the discretion of the legislature, to enter into and be interested in internal improvements, that we keep them out of purely private internal improvements. That really is the purpose served by this proposal as it now exists.

PRESIDENT NISBET: Mr. Allen.

MR. ALLEN: Mr. President, as the other speakers have said, we had fought all one afternoon on this one, and the position we came up with was somewhere in between the position of Mr. Downs, who wanted to strike the whole section, and the committee report, which was to keep the original language, substantially. Now, Delegate Downs, what I am afraid of is, if there is too much opposition to this, the gains that have been made by this language may be lost. I think we better go along with what we have now in the proposed second reading, because if we don't get this one through, we don't know where we will come out. I do think there is something to what you say, but I think this offers a tremendous amount of flexibility and still insures some protection against the kind of activity that those who oppose any change at all feared most.

PRESIDENT NISBET: Mr. Hubbs.

MR. HUBBS: Mr. President, I just wanted to remark that Mr. Hoxie's patient was so near dead that I would support a mercy killing. (laughter)

PRESIDENT NISBET: Mr. Hoxie.

MR. HOXIE: Mr. President, it is now after 5:00 o'clock. I believe everybody has made up their minds how they want to vote on this particular proposal. I would like to move the previous question.

PRESIDENT NISBET: There are no other speakers. The question now is on the committee proposal, Mr. Hoxie. The question is on Committee Proposal 101. Those in favor will vote aye. Those opposed will vote nay. 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—89

Allen	Hanna, W. F.	Pugsley
Andrus, Miss	Haskill	Radka
Anspach	Hatch	Rajkovich
Beaman	Heideman	Richards, J. B.
Bentley	Howes	Richards, L. W.
Blandford	Hoxie	Romney
Bonisteel	Hubbs	Rood
Bradley	Hutchinson	Rush
Brake	Judd, Mrs.	Seyferth
Brown, G. E.	Karn	Shackleton
Butler, Mrs.	King	Shaffer
Cushman, Mrs.	Kirk, S.	Shanahan
Danhof	Knirk, B.	Sharpe
Dehnke	Koeze, Mrs.	Spitler
DeVries	Kuhn	Stafseth
Donnelly, Miss	Lawrence	Staiger
Doty, Dean	Leibrand	Stamm
Doty, Donald	Leppien	Stevens
Durst	Mahinske	Thomson
Elliott, A. G.	Martin	Tubbs
Erickson	McAllister	Turner
Everett	McCauley	Tweedie
Farnsworth	Millard	Upton
Figy	Nisbet	Van Dusen
Finch	Page	Wanger
Gadola	Perras	White
Goebel	Plank	Wood
Gover	Pollock	Woolfenden
Gust	Powell	Yeager
Habermehl	Prettie	

Nays—30

Austin	Faxon	Murphy
Baginski	Hart, Miss	Norris
Balcer	Hatcher, Mrs.	Ostrow
Barthwell	Hood	Sablich
Binkowski	Jones	Stopczynski
Brown, T. S.	Kelsey	Suzore
Buback	Krolikowski	Walker
Douglas	Lesinski	Wilkowski
Downs	Liberato	Young
Elliott, Mrs. Daisy	Madar	Youngblood

SECRETARY CHASE: On the passage of Committee Proposal 101, the yeas are 89; the nays, 30.

PRESIDENT NISBET: **Committee Proposal 101** is passed and referred to the committee on style and drafting.

For Committee Proposal 101 as rereferred to the committee on style and drafting, see above, page 2972.

The secretary will read the next proposal. Will the delegates please clear the board?

SECRETARY CHASE: Item 34 on the calendar, **Committee Proposal 12,** A proposal pertaining to exemptions as a substitute for all of article XIV.

Following is Committee Proposal 12 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 457.):

Sec. a. 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 [mortgage] LIEN thereon [lawfully obtained] EXCLUDED BY LAW.

PRESIDENT NISBET: Mr. Hoxie.

MR. HOXIE: Mr. President, fellow delegates, when this proposal was returned to the convention by style and drafting, it was the thinking of the committee that they had gone far beyond the intent of the committee that considered this matter in first reading. However, research has been made, and I am going to yield to Mr. Millard, who was responsible for this particular proposal.

PRESIDENT NISBET: Mr. Millard.

MR. MILLARD: Mr. President and members of the convention, we found that the language in this proposal as inserted by amendment by the committee of the whole was more restrictive than is now in the statutes and actually was in the old constitution. It just said "mortgage" and that could be inferred to mean only a real estate mortgage. It didn't say anything

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

about chattel mortgages or any other liens. We found on research of the statutes that many other exemptions are provided by statute, and we feel that style and drafting made a good change when they substituted the word "lien" for "mortgage." I recommend the adoption of this proposal.

PRESIDENT NISBET: Mr. Baginski.

MR. BAGINSKI: Mr. President and delegates, I would ask a yes vote on this. There are some improvements in this proposal as compared to 1908, and I urge the adoption of this proposal.

PRESIDENT NISBET: Mr. Garry Brown.

MR. G. E. BROWN: Mr. President, I would like to address a question to Mr. Hoxie or Mr. Millard. What exactly does the last sentence mean?

PRESIDENT NISBET: Mr. Millard or Mr. Hoxie.

MR. MILLARD: It means a lien which has been established by law is not included in the exemptions.

MR. G. E. BROWN: Mr. President, Mr. Hoxie or Mr. Millard, the last sentence reads, "Such exemptions shall not extend to any lien thereon excluded by law." Do you mean excluded as an exemption by law?

MR. MILLARD: No, not as an exemption.

MR. G. E. BROWN: Excluded as being exempt?

MR. MILLARD: Excluded by law and is outside the exemptions.

PRESIDENT NISBET: Mr. Lawrence.

MR. LAWRENCE: The matter that was bothering Mr. Brown was bothering me. I wonder if it wouldn't be plainer if "excluded" were changed to "allowed."

PRESIDENT NISBET: Mr. Millard.

MR. MILLARD: That is what style and drafting gave to us, and I will ask them to define the word now. I approved it, but let style and drafting come up with their explanation as to why they chose this particular word.

PRESIDENT NISBET: The chairman of style and drafting doesn't happen to be here. Oh, excuse me, Mr. Cudlip.

MR. MILLARD: I will yield to Mr. Sablich, the vice chairman of the committee.

PRESIDENT NISBET: Mr. Sablich.

MR. SABLICH: Fellow delegates, when this came to us it was obvious that the liens that were established by law, such as the liens created by the department of revenue and your tax liens, would be exempt to the extent of $3,500 for real property and $750 for personal property. We were quite sure, in style and drafting, that the committee of the whole did not desire this particular exemption, so we tried to equate the problem, and we eliminated the term "mortgage" and we inserted the language, any lien for which the legislature prohibited the exemption.

You will recall the former constitution only stated that an exemption could be had against real estate up to the extent of $2500. The emphasis in this particular proposal is in reverse to say that a homestead in the amount of not less than $3500 shall be exempt. So it was clear to us that the department of revenue and the various other departments which have liens on property — that this particular property would have been exempt — and what we attempted to do was to merely place us now in the present state of the law, so the intent of "excluded" actually was, that the legislature could provide that in certain situations this property would not be exempt from execution.

PRESIDENT NISBET: Mr. Lawrence.

MR. LAWRENCE: Do I still have the floor?

PRESIDENT NISBET: Yes, you still have the floor.

MR. LAWRENCE: Well, all that I am afraid of is that it isn't clear and that we might end up prohibiting people from putting valid liens on property to obtain money or in buying property. It just doesn't seem to me that that is clear. "Authorized by law," or "specifically authorized by law" or something would be much clearer, it seems to me.

MR. SABLICH: Mr. President, Mr. Lawrence, I believe it was our intention to permit the legislature to do whatever it wished in this particular field. We didn't feel that we should legislate here. We found out in committee of the whole that we ran into a problem when we tried to designate the various types of liens. We went through the gamut of chattel mortgages, real estate mortgages. Then we attempted to exempt all liens. So we reached the conclusion that we should leave this up to the legislature, and that is the proposal as it sits before you.

PRESIDENT NISBET: The question is on the adoption of Committee Proposal 12. Those in favor will vote aye. Those opposed will vote nay. 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—105

Allen	Hart, Miss	Powell
Andrus, Miss	Haskill	Prettie
Anspach	Hatch	Rajkovich
Austin	Hatcher, Mrs.	Richards, J. B.
Baginski	Heideman	Richards, L. W.
Balcer	Higgs	Romney
Barthwell	Hood	Rood
Batchelor	Howes	Rush
Beaman	Hoxie	Sablich
Bentley	Hutchinson	Seyferth
Binkowski	Jones	Shackleton
Blandford	Judd, Mrs.	Shaffer
Bonisteel	Karn	Shanahan
Brown, T. S.	Kelsey	Sharpe
Buback	King	Sleder
Butler, Mrs.	Knirk, B.	Spitler
Cudlip	Koeze, Mrs.	Staiger
Cushman, Mrs.	Kuhn	Stamm
Danhof	Lawrence	Sterrett
Doty, Dean	Leibrand	Stopczynski
Douglas	Lesinski	Thomson
Downs	Liberato	Tubbs
Durst	Madar	Turner
Elliott, A. G.	McAllister	Tweedie
Elliott, Mrs. Daisy	McCauley	Upton
Erickson	McGowan, Miss	Van Dusen
Everett	McLogan	Walker
Farnsworth	Mosier	Wanger
Figy	Nisbet	White
Finch	Norris	Wilkowski
Ford	Ostrow	Wood
Garvin	Page	Woolfenden
Goebel	Perras	Yeager
Gover	Plank	Young
Gust	Pollock	Youngblood

Nays—13

Bradley	Faxon	Mahinske
Brake	Follo	Pugsley
Brown, G. E.	Hubbs	Radka
Dell	Leppien	Suzore
Doty, Donald		

SECRETARY CHASE: On the passage of Committee Proposal 12, the yeas are 105; the nays, 13.

PRESIDENT NISBET: **Committee Proposal 12 is passed** and referred to the committee on style and drafting.

For Committee Proposal 12 as rereferred to the committee on style and drafting, see above, page 2973.

The secretary will read the next proposal. Will you please clear the board?

SECRETARY CHASE: Item 35, **Committee Proposal 122,** A proposal to include in the constitution the substance of section 5 of article XVI, entitled "vacancies in office; continuity of government in emergencies."

Following is Committee Proposal 122 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 2418.):

Sec. a. 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. In order to insure continuity of state and local governmental operations in periods of emergency only,

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.		Com. Proposal
1.	Political Power	15– 1
2.	Equal Protection under the Law	26a
3.	Right of Assembly and Petition	15– 2
4.	Freedom of Worship	15– 3
5.	Liberty of Speech and Press	15– 4
6.	Right to bear arms	15– 5
7.	Civil Power Supreme	15– 6
8.	Quartering of Soldiers	15– 7
9.	Slavery Prohibited	15– 8
10.	Attainder; ex post facto laws; impairment of contracts	15– 9
11.	Searches and Seizures	15–10
12.	Habeas Corpus	15–11
13.	Appearance in Person or by Counsel	15–12
14.	Jury trial	15–13
15.	Former Jeopardy; Bailable Offenses	15–14
16.	Bail; Fines; Punishments, detention of witnesses	15–15
17.	Self-incrimination; due process of law	15–16
18.	Competency of witnesses	15–17
19.	Libels; truth as defense	15–18
20.	Rights of accused	15–19
21.	Imprisonment for debt or military fine	15–20
22.	Treason; definition, evidence	15–21
23.	Enumeration of Rights not to deny others	15– 1

Article I
Declaration of Rights

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

Sec. 2. No person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of race, COLOR, religion, sex or national origin. The legislature shall implement this section by appropriate legislation. This SECTION shall not be construed to [prevent] PROHIBIT reasonable [classification] LEGISLATION for the protection of women.

Sec. 3. The people have the right peaceably to assemble, to consult for the common good, to instruct their representatives and to petition the government for redress of grievances.

Sec. 4. Every person shall be at liberty to worship God according to the dictates of his own conscience. No person shall be compelled to attend, or, against his consent, to contribute to the erection or support of any place of religious worship, or to pay tithes, taxes or other rates for the support of any minister of the gospel or teacher of religion. No money shall be appropriated or drawn from the treasury for the benefit of any religious sect or society, theological or religious seminary; nor shall property belonging to the state be appropriated for any such purpose. The civil and political rights, privileges and capacities of no person shall be diminished or enlarged on account of his religious belief.

Sec. 5. Every person may freely speak, write, express[,] and publish his views on all subjects, being responsible for the abuse of such right; and no law shall be [passed] ENACTED to restrain or abridge the liberty of speech or of the press.

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

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

Sec. 8. No soldier shall, in time of peace, be quartered in any house without the consent of the owner or occupant, nor in time of war, except in a manner prescribed by law.

Sec. 9. Neither slavery, nor involuntary servitude unless for the punishment of crime, shall

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

ever be tolerated in this state.

Sec. 10. No bill of attainder, ex post facto law or law impairing the obligation of contract shall be ENACTED [passed].

Sec. 11. The person, houses, papers and possessions of every person shall be secure from unreasonable searches and seizures. No warrant to search any place or to seize any person or things shall issue without describing them, nor without probable cause, supported by oath or affirmation. The provisions of this section shall not be construed to bar from evidence in any criminal proceeding[,] any narcotic drug, [any] firearm, bomb, explosive[,] or any other dangerous weapon, seized by A [any] peace officer outside the curtilage of any dwelling house in this state.

Sec. 12. The privilege of the writ of habeas corpus shall not be suspended unless in case of rebellion or invasion the public safety may require it.

Sec. 13. [Any] A suitor in any court of this state [shall have] HAS the right to prosecute or defend his suit, either in his own proper person or by an attorney.

Sec. 14. The right of trial by jury shall remain, but shall be [deemed to be] waived in all civil cases unless demanded by one of the parties in THE [such] manner [as shall be] prescribed by law. In all civil [actions in circuit courts] CASES TRIED BY 12 JURORS a verdict shall be received when 10 jurors [shall] agree.

Sec. 15. No person shall be subject for the same offense to be twice put in jeopardy. All persons shall, before conviction, be bailable by sufficient sureties, except for murder and treason when the proof is evident or the presumption great.

Sec. 16. Excessive bail shall not be required; excessive fines shall not be imposed; cruel or unusual punishment shall not be inflicted; nor shall witnesses be unreasonably detained.

Sec. 17. No person shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property, without due process of law. The right of all individuals, firms, corporations and voluntary associations to fair and just treatment in the course of legislative and executive investigations and hearings shall not be infringed.

Sec. 18. No person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief.

Sec. 19. In all prosecutions for libels the truth may be given in evidence to the jury; and, if it appears to the jury that the matter charged as libelous is true and was published with good motives and for justifiable ends, the accused shall be acquitted.

Sec. 20. In every criminal prosecution, the accused shall have the right to a speedy and public trial by an impartial jury, which may consist of less than 12 jurors in all courts not of record; to be informed of the nature of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to have the assistance of counsel for his defense; to have an appeal as a matter of right; and in courts of record, when the trial court so orders, to have such reasonable assistance as may be necessary to perfect and prosecute an appeal.

Sec. 21. No person shall be imprisoned for debt arising out of[,] or founded on contract, express or implied, except in cases of fraud or breach of trust.

Sec. 22. Treason against the state shall consist only in levying war against it or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless upon the testimony of [2] TWO witnesses to the same overt act[,] or on confession in open court.

Sec. 23. The enumeration in this constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE II
ELECTIONS

Sec.		Com. Proposal
1.	Qualifications	58a
2.	Legislature may exclude certain persons from voting	58b
3.	Presidential electors, residence	58c
4.	Elections, Place and Manner	58d
5.	Elections, Time	58e
6.	Expenditure of Money	58f
7.	Board of Canvassers	58h
8.	Recall	58g
9.	Initiative and Referendum	118b

Article II
Elections

Sec. 1. Every citizen of the United States who has attained the age of 21 years, who has resided in this state [6] SIX months, and who meets the requirements of local residence provided by law, shall be an elector and qualified to vote in any election except as otherwise provided in this constitution. The legislature shall define residence for voting purposes.

Sec. 2. The legislature may by law exclude persons from voting because of mental incompetence[,] or commitment to a jail or penal institution.

Sec. 3. For purposes of voting in the election for president and vice-president of the United States only, the legislature may by law establish lesser residence requirements for citizens who have resided in this state for less than [6] SIX months and may waive residence requirements [of] FOR FORMER citizens of this state who have

removed [t]herefrom. The legislature [may provide the manner of voting by such persons but] shall not permit voting by any [such] person who meets the voting residence requirements of the state to which he has removed.

Sec. 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 [persons who are] candidates for the same office WHO [and] 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 [may hereafter be provided by the Constitution of the United States or by congress for election of members thereof].

Sec. 6. Whenever any question is REQUIRED TO BE submitted BY A POLITICAL SUBDIVISION to [a vote of] the electors which involves THE INCREASE OF ANY AD VALOREM TAX RATE LIMITATION FOR A PERIOD OF MORE THAN FIVE YEARS, the direct expenditure of public money, OR the issue of bonds, [or the increase of any ad valorem tax rate for a period of more than 5 years,] only [persons having the qualifications of] electors in, and who have property assessed for any ad valorem taxes in, any part of the district or territory to be affected by the result of such election or the lawful husbands or wives of such persons shall be entitled to vote thereon. All ELECTORS IN THE DISTRICT OR TERRITORY AFFECTED [persons having the qualifications of electors] may vote on all other questions. [involving an increase in any ad valorem tax rate and on borrowing by this state.]

Sec. 7. A board of state canvassers [consisting] of [4] 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 [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 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 [8] EIGHT percent for initiative 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 INVOKED 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 legislature without change or amendment within 40 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 [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 rejection at the next [ensuing] 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 [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

19. Legislature, elections, recorded vote . 117a
20. Legislature, open public meetings ... 103a
21. Legislature, consent to adjourn 103a
22. Bills 35a
23. Style of laws 29a
24. Laws, object and title
First sentence 121a
Last sentence 105a
25. Laws, revision 121a
26. Bills, requirements for passage
First sentence 105a
Remainder 104a
27. Acts, immediate effect 121a
28. Bills, subjects at special session 105a
29. Local or special acts, referendum 119a
30. Appropriations for local purposes ... 41a
31. General appropriations, priority 46b
32. Tax laws, title 53a
33. Bills passed, approval and veto by governor 70a
34. Referendum on certain bills 113a
35. Publication of laws 24a
36. Revision of laws, compilation 108a
37. Administrative rules, suspension 123a
38. Filling vacancies 122a
39. Continuity of government 122a
40. Liquor Control Commission 27a
41. Lotteries 100a
42. Ports and port districts 87a
43. Banking and trust company laws 5a
44. Jury in civil cases 99a
45. Indeterminate sentences 106a
46. Prohibition against death penalty 20a
47. Chaplains 111a
48. Resolution of public disputes 109a
49. Regulation of employment 110a
50. Atomic energy 127a
51. Public Health 126a
52. Natural resources 125a
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 percentage 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.

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 [2/3] of all the members elected thereto and serving therein, expel a member. The reasons for such expulsion shall be entered IN [upon] the journal, with the [yeas and nays] 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. Each committee shall [keep a recorded] BY roll call vote RECORD THE VOTE AND NAME [by yeas and nays] of all action on bills and resolutions taken in the committee. Such vote shall be available FOR [to] 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 security otherwise requires. The [yeas and nays] 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 [1/5] 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 [recommended to the senate for confirmation] SUBMITTED TO THE SENATE FOR ADVICE AND CONSENT shall be [taken by yeas and nays and] 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 [3] TWO INTERVENING CALENDAR days, nor to any place other than where the legislature may then be in session.

Sec. 22. All legislation [by the legislature] 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 [5] FIVE days. Every bill shall be read THREE [3] times in each house before the final passage thereof. No bill shall become a law without the concurrence of a majority of [all] the members elected to and serving in each house. On the final passage of [all] bills, the voteS AND NAMES OF THE MEMBERS VOTING THEREON shall be [by yeas and nays and] entered in the journal.

Sec. 27. No act shall take effect [or be in force] 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 [2/3] 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 [2/3] of the members elected to and serving in each house [of the legislature] and by a majority of the electors voting thereon in the district [to be] affected. Any act repealing local or special acts [in effect as of the effective date of this constitution] 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 [2/3] 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 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

Sec.		Com. Proposal
1.	Executive Power—where vested	2a
2.	Principal Departments (part Schedule)	71b
3.	Same, Appointment	71b
4.	Licensing Boards	71b
5.	Advice and Consent, Definition (part Schedule)	71g
6.	Appointments, Senate not in Session	71e
7.	Principal Departments, supervision of governor	71d
8.	Principal Departments, offices	71c
9.	Power of Removal	71g
10.	Provisional Appointment	71f
11.	Governor—Commander in Chief	3a
12.	Same—Writs of Election	7a
13.	Same—Reprieves and Pardons	16a
14.	Same—Convene Legislature	8a
15.	Same—Convene Legislature away from Seat	9a
16.	Same—Communicate to Legislature	4a
17.	Same—Budget	46a
18.	Same—Disapproval Appropriation	46c
19.	Appropriation—No mandate to spend	46d
20.	State Officers (part Schedule)	71a
21.	Eligibility for Office	17a
22.	State Officer Compensation	75a
23.	Executive Residence	77a
24.	Lieutenant Governor, duties	71b
25.	Succession to Governorship	59–60a
26.	Same—Salary	72a

27. Highway Commission 71h
28. Civil Rights Commission 71A

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 [devolvement] of powers ceases.

The inability of the governor[, governor-elect] or person[s serving] ACTING as governor shall be determined by a majority of the supreme court on joint request of the president pro tempore of the senate and the speaker of the house of representatives. Such determination shall be final and conclusive. The supreme court shall upon its own initiative determine if and when the inability ceases.

Sec. 26. The legislature shall provide that the salary of any state officer WHILE ACTING AS [performing the duties of] governor [is] SHALL BE equal to that of the governor.

Sec. 27. There is hereby established a state highway commission, which shall administer the state highway department and have jurisdiction and control over all state trunkline highways and appurtenant facilities, and such other public works of the state, as [shall be prescribed] PROVIDED by law.

The state highway commission shall consist of [4] FOUR members, not more than [2] TWO of whom shall be members of the same political party. They shall be appointed by the governor BY AND with the advice and consent of the senate for [4] FOUR-year terms, no [2] TWO of which shall expire in the same year AS PROVIDED BY LAW.

The state highway commission shall appoint AND MAY REMOVE a state highway director, who shall be a competent highway engineer and administrator. He shall be the PRINCIPAL [chief] executive OFFICER of the state highway department and shall be responsible for executing the policy of the state highway commission.

Sec. 28. There is hereby established a civil rights commission which shall consist of [8] EIGHT persons, not more than [4] FOUR of whom shall be members of the same political party, who shall be appointed by the governor, with the advice and consent of the senate, for [4] FOUR-year terms not more than [2] TWO of which shall expire in the same year. It shall be the duty of the commission in a manner which may be prescribed by law to investigate alleged discrimination against any person because of [race] religion, RACE, color or national origin in the enjoyment of the civil rights guaranteed by law and by this constitution, and to secure the equal protection of such civil rights without such discrimination. The legislature shall provide an annual appropriation for the effective operation of the commission.

The commission shall have [the] power, in accordance with the provisions of this constitution and of general laws governing administrative agencies, to promulgate rules and regulations for its own procedures, to hold hearings, administer oaths, through court authorization to require the attendance of witnesses and the submission of records, to take testimony, and to issue appropriate orders. The commission shall have other powers provided by law to carry out its purposes. Nothing contained in this section shall be construed to diminish the right of any party to direct and immediate legal or equitable remedies in the courts of this state.

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

ARTICLE VI
JUDICIAL BRANCH

Sec.		Com. Proposal
1.	Judicial power	90a
2.	Supreme Court; justices, election, term	91a
3.	Supreme Court; chief justice	91b
4.	Supreme Court; jurisdiction	91c
5.	Supreme Court; rules	91d
6.	Supreme Court; written decisions	91e
7.	Supreme Court, staff supervision	91f
8.	Court of Appeals; judges, elections	92a
9.	Court of Appeals; terms	92b
10.	Court of Appeals; jurisdiction	92c
11.	Judicial Circuits; districts	93a
12.	Circuit Courts; elections, terms	93b
13.	Circuit Courts; jurisdiction	93c
14.	Clerk; vacancies	93d
15.	Probate Courts; jurisdiction	94a
16.	Probate Courts; judges, elections	94b
17.	Salaries; restriction	96a-1
18.	Salaries; uniformity	96g
19.	Courts of Record; seal	96a
20.	Judge; removal from domicile	96b
21.	Judges; ineligibility for other office	96c
22.	Candidacy; affidavit	96l
23.	Vacancy; courts of record	96d
24.	Judges; ballot designation	96e
25.	Removal	96h
26.	Certain offices abolished	96i
27.	Prohibition; power of appointment	96n
28.	Administrative decisions; review	95a
29.	Conservators of peace	96o

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] 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. [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 APPROVED IN EACH AFFECTED COUNTY BY A MAJORITY OF THE ELECTORS VOTING ON THE QUESTION. [or combine] THE LEGISLATURE 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

Sec.		Com. Proposal
1.	Counties; corporate character	81a
2.	Counties; charter	89a
3.	Townships in county	81b
4.	County officers	81c
5.	Offices at County Seat	81d
6.	Sheriff, ineligibility other office, security responsibility for acts	81e
7.	Board of Supervisors; representation from cities	81f
8.	Board of Supervisors; powers	81g
9.	Board of Supervisors; power over compensation	81h
10.	Removal of County Seat	81j
11.	Indebtedness; limitation	81i
12.	Navigable Streams; permission to bridge or dam	81k
13.	County Consolidation	81n
14.	Townships; organization and consolidation	81l
15.	Counties; Intervention in rate proceedings	85c
16.	Highways; powers of supervisors; county or district road system; tax limitation	86a
17.	Township; corporate character	82a
18.	Township officers	82c
19.	Public Utility Franchises	82e
20.	Townships, dissolution	82d
21.	Cities & Villages; incorporation	83a
22.	Charters; law and ordinances	83b
23.	Power to acquire and maintain parks, hospitals	83c
24.	Public utilities; power to own and operate	83e
25.	Elective franchise; public utilities	83f

26. Taxation for private purposes 83d
27. Metropolitan Areas 88a
28. Intrastate Cooperation 88b
29. Highways, streets, etc.; use by utilities; control 85a
30. Franchises; limitations 85b
31. Highways, streets, etc.; vacation, alteration 86b
32. Local Government 57a
33. Local Government article liberal construction 84a

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 institions 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

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 [this] election shall be taken, 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.

I think, too, that if we wanted to be very critical and analytical about some of the things that are happening right here in this convention, we could point out that we have violated the state labor laws affecting women constantly throughout the length and breadth of this convention, because women have worked more than 9 hours a day and more than 10 hours a day, and I believe the state statute speaks out and is opposed to women working those hours. So we have not reduced ourselves to this childish prank and jest and so on.

It is true that a lot of women should be at home as one of the brothers back here just said, but a lot of them don't have homes to go to — not unless they are working — and the intent and purpose that was behind "sex" being included was not for women who have great inheritance to share or stocks to share and so on. It was for women who work for a living and those who work for a livelihood, and I think that that would be the sense and the seriousness of the inclusion of the word "sex" in the equal protection section that we voted against yesterday.

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen.

MR. VAN DUSEN: Have you any further amendments on the desk?

VICE PRESIDENT HUTCHINSON: No further amendments.

MR. VAN DUSEN: In that event —

VICE PRESIDENT HUTCHINSON: The question is upon the passage of the article.

MR. VAN DUSEN: If there are no speakers seeking recognition — does Mr. Hoxie seek recognition?

MR. HOXIE: Well, I just wanted to make a motion that the Chair had the privilege of recording his vote in the journal. (laughter)

VICE PRESIDENT HUTCHINSON: Well, the Chair would have voted against the amendment, if that is what you meant (laughter) if his vote had been seasonably demanded.

MR. VAN DUSEN: If there are no speakers, Mr. President, I will just sit down and let you put the question.

VICE PRESIDENT HUTCHINSON: The question is upon the passage of article X. All those in favor of the passage of article X, as amended, will vote aye. Those 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—125

Allen	Garvin	Page
Anspach	Gover	Pellow
Baginski	Greene	Perlich
Balcer	Gust	Perras
Barthwell	Hanna, W. F.	Plank
Batchelor	Hannah, J. A.	Pollock
Beaman	Haskill	Powell
Bentley	Hatch	Prettie
Binkowski	Hatcher, Mrs.	Pugsley
Blandford	Heideman	Rajkovich
Bledsoe	Higgs	Richards, J. B.
Bonisteel	Hodges	Richards, L. W.
Boothby	Howes	Rood
Bradley	Hoxie	Rush
Brake	Hubbs	Sablich
Brown, G. E.	Hutchinson	Seyferth
Buback	Iverson	Shackleton
Butler, Mrs.	Jones	Shaffer
Conklin, Mrs.	Judd, Mrs.	Sharpe
Cudlip	Karn	Sleder
Cushman, Mrs.	Kelsey	Snyder
Dade	King	Spitler
Danhof	Kirk, S.	Stafseth
Dehnke	Knirk, B.	Stamm
Dell	Koeze, Mrs.	Sterrett
DeVries	Krolikowski	Stevens
Donnelly, Miss	Kuhn	Stopczynski
Doty, Dean	Lawrence	Suzore
Doty, Donald	Leibrand	Thomson
Douglas	Leppien	Tubbs
Downs	Lesinski	Turner
Durst	Madar	Upton
Elliott, A. G.	Mahinske	Van Dusen
Elliott, Mrs. Daisy	Marshall	Walker
Erickson	Martin	Wanger
Everett	McAllister	White
Farnsworth	McGowan, Miss	Wilkowski
Faxon	McLogan	Wood
Figy	Millard	Woolfenden
Finch	Mosier	Young
Follo	Murphy	Youngblood
Ford	Nord	

Nays—1

Yeager

SECRETARY CHASE: On the passage of article X, as amended, the yeas are 125; the nays are 1.

VICE PRESIDENT HUTCHINSON: A majority of the delegates elect having voted in favor thereof, **article X, as amended,** is passed.

For sections 3, 4, 5 and 6 of article X as passed, see above, page 3069.

Following is section 1 of article X as amended and passed:

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 by her as if she were unmarried. Dower may be relinquished or conveyed as provided by law.

Following is section 2 of article X as amended and passed:

Sec. 2. Private property shall not be taken for public use except in a court of record and without just compensation therefor being first made or secured in a manner prescribed by law.

VICE PRESIDENT HUTCHINSON (continuing): Any announcements?

SECRETARY CHASE: Yes. I have the following request: Delegates Dean Doty and Sterrett ask the whereabouts of their small blue delegate handbooks with their names thereon. These have been circulating for the past 2 weeks for signatures. (laughter) They would like to have their books returned.

The committee on administration will meet tomorrow at 12:00 noon. Walter DeVries, chairman.

The public information committee will meet at 8:00 o'clock this evening in room C. Ink White, chairman.

VICE PRESIDENT HUTCHINSON: Mrs. Butler.

MRS. BUTLER: Mr. President and fellow delegates, some time ago Mr. Bonisteel spoke to the convention about the Michigan historical society of which he is president. He thought and the historical board thought it would be very nice if each of the members of the constitutional convention would for this year be a member of the Michigan historical society. Our time is getting very short and so I thought tonight I would suggest that either Mr. Bonisteel or I would be very glad to take your money to make you a member of the Michigan historical society for this year. I am not an officer; I am just his henchman.

SECRETARY CHASE: I have the following requests for leave: Mr. Rush asks to be excused from the sessions of Wednesday afternoon and of Thursday; and Mr. Anspach asks to be excused from the first part of the morning session on Friday, May 11. He agreed to speak at a conference at the University of Michigan at 9:00 a.m. on that date.

VICE PRESIDENT HUTCHINSON: Without objection the several requests will be granted. Miss Donnelly.

MISS DONNELLY: I move this convention adjourn.

VICE PRESIDENT HUTCHINSON: Miss Donnelly moves that the convention do now adjourn. All those in favor will say aye. Opposed, no.

The motion prevails and the convention stands adjourned until tomorrow morning at 9:00 o'clock.

[Whereupon, at 5:50 o'clock p.m., the convention adjourned until 9:00 o'clock a.m., Wednesday, May 9, 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 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-

trict 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 persons, 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 member of the commission shall be selected by each political party organization from each of the following 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 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 apportionment 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 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 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. Each committee shall by roll call vote record the vote and name of all action on bills and resolutions taken in the committee. 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 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.

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.

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, 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 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 nonprofit 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 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 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. 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 disbursments 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 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 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. 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.	Rajkovich
Blandford	Heideman	Richards, J. B.
Bledsoe	Higgs	Richards, L. W.
Bonisteel	Hood	Romney
Boothby	Howes	Rood
Bowens	Hoxie	Rush
Bradley	Hubbs	Sablich
Brake	Hutchinson	Seyferth
Brown, G. E.	Iverson	Shackleton
Brown, T. S.	Jones	Shaffer
Buback	Judd, Mrs.	Shanahan
Butler, Mrs.	Karn	Sharpe
Conklin, Mrs.	Kelsey	Sleder
Cudlip	Kirk, S.	Snyder
Cushman, Mrs.	Knirk, B.	Spitler
Danhof	Koeze, Mrs.	Stafseth
Dehnke	Krolikowski	Staiger
Dell	Kuhn	Stamm
DeVries	Lawrence	Sterrett
Donnelly, Miss	Leibrand	Stevens
Doty, Dean	Leppien	Stopczynski
Doty, Donald	Lesinski	Suzore
Douglas	Liberato	Thomson
Downs	Madar	Tubbs
Durst	Mahinske	Turner
Elliott, A. G.	Martin	Tweedie
Elliott, Mrs. Daisy	McAllister	Upton
Erickson	McCauley	Van Dusen
Everett	McGowan, Miss	Walker
Farnsworth	McLogan	Wanger
Faxon	Millard	White
Figy	Mosier	Wilkowski
Finch	Murphy	Wood
Follo	Nisbet	Woolfenden
Ford	Nord	Yeager
Gadola	Norris	Young
Garvin	Ostrow	Youngblood

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	Perras	Woolfenden
Gadola	Plank	Yeager
Goebel	Pollock	

Nays—43

Austin	Greene	Nord
Baginski	Hart, Miss	Norris
Barthwell	Hatcher, Mrs.	Ostrow
Binkowski	Hood	Pellow
Bledsoe	Jones	Perlich
Bowens	Kelsey	Sablich
Bradley	Krolikowski	Shanahan
Brown, T. S.	Leibrand	Snyder
Buback	Lesinski	Stopczynski
Douglas	Liberato	Suzore
Downs	Madar	Walker
Elliott, Mrs. Daisy	Mahinske	Wilkowski
Faxon	McAllister	Young
Ford	Murphy	Youngblood
Garvin		

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. VAN DUSEN: 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

Stephen S. Nisbet, *President*

Fred I. Chase

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

Article X

PROPERTY

Married women.

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.*

This is a revision of Sec. 8, Article XVI, of the present constitution. The first sentence is new language which declares that "the disabilities of coverture as to property are abolished." Added to the section is the concluding sentence: "Dower may be relinquished or conveyed as provided by law."

Eminent domain.

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.*

This is a revision of Sec. 1, Article XIII, of the present constitution which, in the judgment of the convention, is sufficient safeguard against taking of private property for public use. Further provisions relative to eminent domain and procedures appearing in Sections 2, 3, 4 and 5, Article XIII, of the present constitution have been eliminated.

This section clearly indicates that proper procedures for the acquisition of private property for public use are to be determined by the legislature and that compensation for such property must be determined in proceedings in a court of record.

Homestead exemption.

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.*

This section is a condensation of pertinent provisions in the four sections dealing with exemptions in Article XIV of the present constitution. The homestead exemption minimum figure is increased from a maximum of $2,500 to a minimum of $3,500 and personal property minimum is set at $750 instead of the $500 specified at present. The power to increase the exemptions is left with the legislature but in no case may they be lower than the minimums stated.

Escheats.

Sec. 4. Procedures relating to escheats and to the custody and disposition of escheated property shall be prescribed by law.

This is a new section recognizing the authority of the legislature to determine procedures relating to escheats and disposition of escheated property. It covers certain of the provisions in Sec. 20, Article VI, of the present constitution.

State lands.

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.

This is a new section recognizing the public interest in state-owned lands and reposing in the legislature general supervisory jurisdiction over them. It provides that the legislature may, by two-thirds vote of the members elected to and serving in each house, designate any part of these properties as a state land reserve. No lands so designated can be removed from the reserve, sold, leased or otherwise disposed of except by an act of the legislature.

Alien rights.

Sec. 6. Aliens who are *** residents of this state shall enjoy the same rights *** *and privileges in* property *as* citizens *of this state.*

No change from Sec. 9, Article XVI, of the present constitution except for improvement in phraseology.