

Michigan Constitutional Convention of 1961

Committee Proposals 76 & 81m

Const 1963, Art 11, § 6

Relevant Material From the Constitutional Convention Record

Cross-Reference and Indices	pp. 3437, 3449-3450, 3474
First Reading	pp. 738, 929-931, 961-974, 980, 982, 985-986, 1743-1747, 1749-1760, 1762-1766, 1784, 1890, 2505-2506, 2512-2513, 2620
Second Reading	pp. 2796-2798
Draft Constitution (Art 11, § 13)	pp. 3047-3075 (p. 3071)
Third Reading, Article-by-Article	pp. 3145-3146, 3195-3198
Draft Constitution (Art 11, § 6)	pp. 3215-3237 (p. 3234)
Third Reading, Full Constitution	pp. 3238, 3300-3301
Adopted Constitution (Art 11, § 6)	pp. 3319-3353 (p. 3349)
Address to the People	pp. 3405-3406

Overview of the Constitutional Convention Process

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

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

State of Michigan
CONSTITUTIONAL CONVENTION
1961 - 1962
OFFICIAL RECORD



FRED I. CHASE
Secretary of the Convention

AUSTIN C. KNAPP
Editor
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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	1963		1908		Committee Proposal	1963		1908		Committee Proposal
Art.	Sec.	Art.	Sec.		Art.	Sec.	Art.	Sec.		Schedule		Schedule		
IX	7		none	51	IX	23	X	17,18	37c ¹	1		S	8	44d
IX	8	X	23	39a	IX	24		none	40	2		S	2,3,4	44b
IX	9	X	11	38						3		S	5	44c,71g
IX	10		none	39a	X	1	XVI	8	63	4		S	6	68b
IX	11	X	23	39b	X	2	XIII	1,2	67	5		VI	1	71a
IX	12	X	22	23a	X	3	XIV	1,2,3,4	12			V	2	80b
IX	13	VIII	10, 15a, 20,24	49	X	4	VI	20	74	6			none	91a
					X	5		none	129	7			none	96f
IX	14	X	10	23b	X	6	XVI	9	43	8		VII	23	96j
IX	15	X	10,20a, 23a,24, 25,26	23b						9		XI	2,6	47
		S	4		XI	1	XVI	2	25	10			none	98c
IX	16	X	27,28	23d	XI	2	XVI	1	61	11*		XI	7,16	71b
IX	17	X	16	37b	XI	3	XVI	3	62	12			none	...
IX	18	X	12	23c	XI	4	X	19	55	13		X	10,20a, 23a,24, 25,26	6
IX	19	X	13	37d	XI	5	VI	22	22			S	4	
IX	20	X	15	37a	XI	6		none	76,81m					
IX	21	X	18	37c,78	XI	7	IX	1,2,3,4	42a,b,c,d	14			none	23b
IX	22	VI	20	74	XII	1	XVII	1	64	15		S	10	68a
					XII	2	XVII	2,3	65	16		S	11	68c
					XII	3	XVII	4	66					

Committee Proposal No.	Page
71A. A proposal to provide for a civil rights commission. [For creation of Committee Proposal 71A, see page 2746.]	
For text as offered (as section i of Committee Proposal 71)	1921
As referred to style and drafting (as section i of Committee Proposal 71)	2212
As reported by style and drafting (as section i of Committee Proposal 71)	2744
As rereferred to style and drafting (as Committee Proposal 71A)	2755
Mar. 28, offered by executive branch (as section i of Committee Proposal 71), amended by committee of the whole	1921-1951
Mar. 29, consideration postponed by committee of the whole	1954
Mar. 29, considered, amended, adopted, amended, passed; committee proposal as amended considered by committee of the whole	1976-1986, 1988-2006
Mar. 30, committee proposal as amended considered, passed by committee of the whole	2008
Mar. 30, reported by committee of the whole as an amendment; consideration postponed to Apr. 3 2009-2013	
Apr. 3, report of committee of the whole postponed	2075-2076
Apr. 5, considered (as amendment 11 of report of committee of the whole)	2182-2190
Apr. 6, considered (as amendment 11 of report of committee of the whole); substituted; amended; referred to style and drafting	2192-2212
Apr. 19, reported by style and drafting (Report 72); placed on order of second reading	2620
Apr. 24, consideration postponed	2737
Apr. 24, read second time; passed; rereferred to style and drafting	2755-2764
72. A proposal to provide for compensation of acting governor. Retains section 18 of article VI.	
For text as offered and reasons	1721
As referred to style and drafting	1987
As reported by style and drafting	2766
As rereferred to style and drafting	2766
Feb. 1, reported by executive branch; referred to committee of the whole	738
Mar. 19, read first time; considered, postponed by committee of the whole	1721-1724
Mar. 29, considered, amended, passed by committee of the whole	1969-1973
Mar. 29, reported by committee of the whole with 1 amendment; amendment concurred in; referred to style and drafting	1987
Apr. 19, reported by style and drafting (Report 75); placed on order of second reading	2620
Apr. 24, read second time; passed; rereferred to style and drafting	2766
73. Lieutenant governor as president of the senate. Article VI, section 19.	
Feb. 2, reported and withdrawn by executive branch	756
74. A proposal to provide by law for the administration of claims against the state, escheats and escheated property, and the investment of state funds. Revises article VI, section 20.	
For text as offered and reasons	1731
As referred to style and drafting	1747
As reported by style and drafting	2770
As rereferred to style and drafting	2770
Feb. 1, reported by executive branch; referred to committee of the whole	738
Mar. 19, read first time; considered, amended, passed by committee of the whole	1731-1738
Mar. 19, reported by committee of the whole with 3 amendments; amendments concurred in; referred to style and drafting	1747
Apr. 19, reported by style and drafting (Report 76); placed on order of second reading	2620
Apr. 24, read second time; passed; rereferred to style and drafting	2770

Committee Proposal No.	Page
75. A proposal to provide for compensation of state officers. Amends article VI, section 21.	
For text as offered and reasons	1720
As referred to style and drafting	1720
As reported by style and drafting	2766
As rereferred to style and drafting	2766
Feb. 1, reported by executive branch; referred to committee of the whole	738
Mar. 19, read first time; considered, passed by committee of the whole	1720-1721
Mar. 19, reported by committee of the whole without amendment; referred to style and drafting	1730
Apr. 19, reported by style and drafting (Report 77); placed on order of second reading	2620
Apr. 24, read second time; passed; rereferred to style and drafting	2766-2767
76. A proposal pertaining to the passage of permissive legislation to allow civil divisions of the state to establish local civil service systems and to receive assistance from the state civil service system. Amends article VI.	
For text as offered and reasons	1743
As referred to style and drafting	1784
As reported by style and drafting	2796
As rereferred to style and drafting	2798
Feb. 1, reported by executive branch; referred to committee of the whole	738
Mar. 19, read first time; considered by committee of the whole	1743-1747
Mar. 20, considered, amended, passed by committee of the whole	1749-1760, 1762-1766
Mar. 20, reported by committee of the whole with 1 amendment; amendment concurred in; referred to style and drafting	1784
Apr. 19, reported by style and drafting (Report 78); placed on order of second reading	2620
Apr. 25, read second time; amended, passed; rereferred to style and drafting	2796-2798
77. A proposal to provide a suitable residence for the governor and to authorize an allowance for maintenance. Amends article VI.	
For text as offered and reasons	1738
As referred to style and drafting	1747
As reported by style and drafting	2778
As rereferred to style and drafting	2778
Feb. 2, reported by executive branch; referred to committee of the whole	756
Mar. 19, read first time; considered, amended, passed by committee of the whole	1738-1743
Mar. 19, reported by committee of the whole with 2 amendments; amendments concurred in; referred to style and drafting	1747
Apr. 19, reported by style and drafting (Report 79); placed on order of second reading	2620
Apr. 24, read second time; passed; rereferred to style and drafting	2778
78. A proposal to provide for the office of legislative auditor general. Adds a new section to article V.	
For text as offered and reasons	1672
For minority reports and reasons	1673
As referred to style and drafting	1715
As reported by style and drafting	2770
As rereferred to style and drafting	2778
Feb. 1, reported by legislative powers and executive branch; referred to committee of the whole	738
Mar. 15, read first time; substitute offered, adopted, amended by committee of the whole	1672-1676 1680-1696
Mar. 16, substitute considered, amended, passed by committee of the whole	1705-1715
Mar. 16, reported by committee of the whole with a substitute; substitute concurred in; referred to style and drafting	1715
Apr. 19, reported by style and drafting (Report 80); placed on order of second reading	2620
Apr. 24, read second time; amended, passed; rereferred to style and drafting	2770-2778

Committee Proposal No.	Page	Committee Proposal No.	Page
79. A proposal pertaining to a commission on legislative apportionment. Replaces article V, section 4.		82. A proposal pertaining to townships. Amends article VIII, sections 16, 17, 18 and 19.	
For text as offered and reasons	2014	For text as offered and reasons	980
As referred to style and drafting	2029	For minority report and reasons	981
As reported by style and drafting	2799	As referred to style and drafting	1024
As rereferred to style and drafting	2799	As reported by style and drafting	2513
Feb. 2, reported by legislative organization; referred to committee of the whole	756	As rereferred to style and drafting	2513
Feb. 9, made a special order on general orders for Feb. 14	939-940	Feb. 1, reported by local government; referred to committee of the whole	738
Feb. 13, returned to regular order on general orders	1026	Feb. 12, read first time; section a considered, passed by committee of the whole	980-982
Mar. 30, read first time; considered, amended, passed by committee of the whole	2014-2029	Feb. 13, sections b, c, d, e considered; sections b, d amended, passed; sections c, e passed; committee proposal as amended considered, passed by committee of the whole	988-1005
Mar. 30, reported by committee of the whole with 6 amendments; amendments concurred in; referred to style and drafting	2029	Feb. 13, reported by committee of the whole with 2 amendments; amendments concurred in; referred to style and drafting	1023-1024
Apr. 23, reported by style and drafting (Report 81); placed on order of second reading	2670	Mar. 27, reported by style and drafting (Report 40); placed on order of second reading	1890
Apr. 25, read second time; passed; rereferred to style and drafting	2799-2803	Apr. 17, read second time; passed; rereferred to style and drafting	2513-2516
80. A proposal pertaining to the reapportionment of the legislature: (a) the senate; (b) the house of representatives; (c) districting of territories annexed to cities and municipalities. Replaces article V, sections 2 and 3.		83. A proposal pertaining to cities and villages. Amends article VIII, sections 20, 21, 22, 23 and 25.	
For text as offered and reasons	2034	For text as offered and reasons	1005
For minority report and reasons	2036	For minority reports and reasons	1007
As referred to style and drafting	2178	As referred to style and drafting	1070
As reported by style and drafting	2805	As reported by style and drafting	2516
As rereferred to style and drafting	2821	As rereferred to style and drafting	2536
Feb. 2, reported by legislative organization; referred to committee of the whole	756	Feb. 1, reported by local government; referred to committee of the whole	738
Feb. 9, made a special order on general orders for Feb. 14	939-940	Feb. 13, read first time; sections a, b considered; section a amended, passed; section b amended by committee of the whole	1005-1023
Feb. 13, returned to regular order on general orders	1026	Feb. 14, sections b, c, d, e, f considered; sections b, d, f amended, passed; sections c, e passed; committee proposal as amended considered, passed by committee of the whole	1029-1048
Apr. 2, read first time; section a considered by committee of the whole	2034-2059	Feb. 14, reported by committee of the whole with 6 amendments	1065-1066
Apr. 3, section a considered, amended by committee of the whole	2062-2074, 2076-2096	Feb. 15, report considered; amendments concurred in; referred to style and drafting	1068-1070
Apr. 4, sections a, b, c considered; section a amended, sections b, c passed by committee of the whole	2098-2153	Mar. 27, reported by style and drafting (Report 41); placed on order of second reading	1890
Apr. 5, section a considered, amended, passed; committee proposal as amended considered, passed by committee of the whole	2154-2177	Apr. 17, read second time; amended, passed; rereferred to style and drafting	2516-2536
Apr. 5, reported by committee of the whole with 7 amendments; referred, as amended, to style and drafting	2178	84. A proposal to provide for liberal construction of provisions concerning municipal corporations. Amends article VIII.	
Apr. 23, reported by style and drafting (Report 82); placed on order of second reading	2670	For text as offered and reasons	1048
Apr. 25, motion to postpone until Aug. 1 defeated	2803-2805	As referred to style and drafting	1048
Apr. 25, read second time; amended, passed; rereferred to style and drafting	2805-2822	As reported by style and drafting	2536
81. A proposal pertaining to county government. Amends article VIII, sections 1, 2, 3, 4, 5, 7, 8, 9, 12, 13, 14 and 15.		As rereferred to style and drafting	2536
For text as offered and reasons	929	Feb. 1, reported by local government; referred to committee of the whole	738
For minority reports and reasons	930	Feb. 14, read first time; considered, passed by committee of the whole	1048-1055
As referred to style and drafting	985	Feb. 14, reported by committee of the whole without amendment; referred to style and drafting	1065
As reported by style and drafting	2505	Mar. 27, reported by style and drafting (Report 42); placed on order of second reading	1890
As rereferred to style and drafting	2512	Apr. 17, read second time; passed; rereferred to style and drafting	2536-2538
Feb. 1, reported by local government; referred to committee of the whole	738	85. A proposal to provide that public utilities may use public property with consent of local authorities and a limitation on the length of franchise. Amends article VIII, sections 28 and 29.	
Feb. 9, read first time; sections a, b, c, d, e, f considered, passed by committee of the whole	929-938, 940-952	For text as offered and reasons	1055
Feb. 12, sections g, h, i, j, k, l, m considered; sections g, h, i, j, k, l passed; section m amended, passed; committee proposal as amended considered, passed by committee of the whole	957-980	As referred to style and drafting	1107
Feb. 12, reported by committee of the whole with 1 amendment; amendment concurred in; referred to style and drafting	982-985	As reported by style and drafting	2538
Mar. 27, reported by style and drafting (Report 39); placed on order of second reading	1890	As rereferred to style and drafting	2538
Apr. 17, read second time; amended, passed; rereferred to style and drafting	2505-2513	Feb. 1, reported by local government; referred to committee of the whole	739
		Feb. 14, read first time; sections a, b considered; section a amended, passed; section b passed; committee proposal as amended considered; passed until 2:00 p.m., Feb. 15, by committee of the whole	1055-1057

	Page		Page
Article XI, Section 5, paragraph 7: Cont'd.		ARTICLE XII. Amendment and revision. (Committee Proposals 64, 65 and 66)	
May 11, reported (as section 5, paragraph 7); placed on order of third reading; considered read third time; passed	3213-3275	May 7, reported; placed on order of third reading	3045
Aug. 1, considered; adopted	3291-3301	May 9, read third time; sections 2 and 3 amended; passed	3198-3206
For text as adopted	3348	May 9, referred to committee on style and drafting	3210
For text, and comments in address to the people	3405	May 11, reported; placed on order of third reading; considered read third time; passed	3213-3275
Section 5, paragraph 8 (originally section 10). Compensation for unclassified service, recommendations. (Committee Proposal 22)		Aug. 1, considered; adopted	3291-3301
May 7, reported (as section 10); placed on order of third reading	3045	For text as adopted	3349-3350
May 9, read third time; passed	3187-3198	For text, and comments in address to the people	3406-3407
May 9, referred to committee on style and drafting	3210	Section 1. Amendment by legislative proposal and vote of electors. (Committee Proposal 64)	
May 11, reported (as section 5, paragraph 8); placed on order of third reading; considered read third time; passed	3213-3275	May 7, reported; placed on order of third reading	3045
Aug. 1, considered; adopted	3291-3301	May 9, read third time; passed	3198-3206
For text as adopted	3348	May 9, referred to committee on style and drafting	3210
For text, and comments in address to the people	3405	May 11, reported; placed on order of third reading; considered read third time; passed	3213-3275
Section 5, paragraphs 9 and 10 (originally section 11). Appropriations; return of unexpended moneys. Reports and audits of expenditures. (Committee Proposal 22)		Aug. 1, considered; adopted	3291-3301
May 7, reported (as section 11); placed on order of third reading	3045	For text as adopted	3349
May 9, read third time; passed	3187-3198	For text, and comments in address to the people	3406
May 9, referred to committee on style and drafting	3210	Section 2. Amendment by petition and vote of electors. Submission of proposal; publication. Ballot, statement of purpose. Approval of proposal, effective date; conflicting amendments. (Committee Proposal 65)	
May 11, reported (as section 5, paragraphs 9 and 10); placed on order of third reading; considered read third time; passed	3213-3275	May 7, reported; placed on order of third reading	3045
Aug. 1, considered; adopted	3291-3301	May 9, read third time; amended; passed	3198-3206
For text as adopted	3349	May 9, referred to committee on style and drafting	3210
For text, and comments in address to the people	3405	May 11, reported; placed on order of third reading; considered read third time; passed	3213-3275
Section 5, paragraph 11 (originally section 12). Payments for personal service; judicial remedies. (Committee Proposal 22)		Aug. 1, considered; adopted	3291-3301
May 7, reported (as section 12); placed on order of third reading	3045	For text as adopted	3350
May 9, read third time; passed	3187-3198	For text, and comments in address to the people	3406
May 9, referred to committee on style and drafting	3210	Section 3. General revision of constitution; submission of question, convention delegates and meeting. Convention officers, rules, membership, personnel, publications. Submission of proposed constitution or amendment. (Committee Proposal 66)	
May 11, reported (as section 5, paragraph 11); placed on order of third reading; considered read third time; passed	3213-3275	May 7, reported; placed on order of third reading	3045
Aug. 1, considered; adopted	3291-3301	May 9, read third time; amended; passed	3198-3206
For text as adopted	3349	May 9, referred to committee on style and drafting	3210
For text, and comments in address to the people	3405	May 11, reported; placed on order of third reading; considered read third time; passed	3213-3275
Section 6 (originally section 13). Merit systems for local governments. (Committee Proposals 76 and 81m)		Aug. 1, considered; adopted	3291-3301
May 7, reported (as section 13); placed on order of third reading	3045	For text as adopted	3350
May 9, read third time; amended; passed	3187-3198	For text, and comments in address to the people	3407
May 9, referred to committee on style and drafting	3210	SCHEDULE AND TEMPORARY PROVISIONS. (Committee Proposals 6, 23b, 44b, c, d, 47, 68a, b, c, 71a, b, g, 80a, b, 91a and 96f, j)	
May 11, reported (as section 6); placed on order of third reading; considered read third time; passed	3213-3275	May 7, reported; placed on order of third reading	3045
Aug. 1, considered; adopted	3291-3301	May 9, read third time; original section 6 amended; passed	3208-3210
For text as adopted	3349	May 9, referred to committee on style and drafting	3210
For text, and comments in address to the people	3405	May 11, reported; placed on order of third reading; considered read third time; passed	3213-3275
Section 7 (originally section 14). Impeachment of civil officers. Prosecution by 3 members of house of representatives. Trial by senate; oath, presiding officer. Conviction; vote, penalty. Judicial officers, functions after impeachment. (Committee Proposal 42a, b, c and d)		Aug. 1, considered; original section 6 deleted, balance of sections renumbered, section 15 (originally section 16) amended; adopted	3291-3301
May 7, reported (as section 14); placed on order of reading	3045	For text as adopted	3351-3353
May 9, read third time; passed	3187-3198	For text, and comments in address to the people	3408-3410
May 9, referred to committee on style and drafting	3210	Section 1. Recommendations by attorney general for changes in laws. (Committee Proposal 44d)	
May 11, reported (as section 7); placed on order of third reading; considered read third time; passed	3213-3275	May 7, reported; placed on order of third reading	3045
Aug. 1, considered; adopted	3291-3301	May 9, read third time; passed	3208-3210
For text as adopted	3349	May 9, referred to committee on style and drafting	3210
For text, and comments in address to the people	3406	May 11, reported; placed on order of third reading; considered read third time; passed	3213-3275
[For section 15 as originally reported by style and drafting, see history of section 33 of article VII above, page 3470.]		Aug. 1, considered; adopted	3291-3301
		For text as adopted	3351
		For text, and comments in address to the people	3408
		Section 2. Existing public and private rights, continuance. (Committee Proposal 44b)	
		May 7, reported; placed on order of third reading	3045
		May 9, read third time; passed	3208-3210
		May 9, referred to committee on style and drafting	3210
		May 11, reported; placed on order of third reading; considered read third time; passed	3213-3275
		Aug. 1, considered; adopted	3291-3301
		For text as adopted	3351-3353
		For text, and comments in address to the people	3408-3410

Committee Proposal 65, A proposal to amend article XVII, sections 2 and 3, pertaining to amendment and revision of the constitution;

with the recommendation that it pass.

Claud R. Erickson, chairman.

For Committee Proposal 65 and the reasons submitted in support thereof, see below under date of April 16.

Mr. Erickson, for the committee on miscellaneous provisions and schedule, introduced

Committee Proposal 66, A proposal relative to amendment and revision. Amends section 4 of article XVII;

with the recommendation that it pass.

Claud R. Erickson, chairman.

For Committee Proposal 66 and the reasons submitted in support thereof, see below under date of April 16.

Mr. Erickson, for the committee on miscellaneous provisions and schedule, introduced

Committee Proposal 68, A proposal pertaining to the schedule. Amends sections 10, 6 and 11 of the schedule;

with the recommendation that it pass.

Claud R. Erickson, chairman.

For Committee Proposal 68 and the reasons submitted in support thereof, see below under date of April 16.

Mr. Erickson, for the committee on miscellaneous provisions and schedule, introduced

Committee Proposal 69, A proposal pertaining to the boundaries of the state of Michigan. Substitute for article I, section 1;

with the recommendation that it pass.

Claud R. Erickson, chairman.

For Committee Proposal 69 and the reasons submitted in support thereof, see below under date of April 13.

Messrs. Hoxie and Martin, for the committees on legislative powers and executive branch, introduced

Committee Proposal 70, A proposal to revise provisions of section 36 of article V regarding the veto power of the governor;

with the recommendation that it pass.

T. Jefferson Hoxie, chairman,
committee on legislative powers.

John B. Martin, chairman, committee on executive branch.

For Committee Proposal 70 and the reasons submitted in support thereof, see below under date of March 19.

Mr. Martin, for the committee on executive branch, introduced **Committee Proposal 72**, A proposal to provide for compensation of acting governor. Retains section 18 of article VI;

with the recommendation that it pass.

John B. Martin, chairman.

For Committee Proposal 72 and the reasons submitted in support thereof, see below under date of March 29.

Mr. Martin, for the committee on executive branch, introduced **Committee Proposal 74**, A proposal to provide by law for the administration of claims against the state, escheats and escheated property, and the investment of state funds. Revises article VI, section 20;

with the recommendation that it pass.

John B. Martin, chairman.

For Committee Proposal 74 and the reasons submitted in support thereof, see below under date of March 19.

Mr. Martin, for the committee on executive branch, introduced

Committee Proposal 75, A proposal to provide for compensation of state officers. Amends article VI, section 21;

with the recommendation that it pass.

John B. Martin, chairman.

For Committee Proposal 75 and the reasons submitted in support thereof, see below under date of March 19.

Mr. Martin, for the committee on executive branch, introduced **Committee Proposal 76**, A proposal pertaining to the passage of permissive legislation to allow civil divisions of the state to establish local civil service systems and to receive assistance from the state civil service system. Amends article VI;

with the recommendation that it pass.

John B. Martin, chairman.

For Committee Proposal 76 and the reasons submitted in support thereof, see below under date of March 20.

Messrs. Hoxie and Martin, for the committees on legislative powers and executive branch, introduced

Committee Proposal 78, A proposal to provide for the office of legislative auditor general. Adds a new section to article V;

with the recommendation that it pass.

T. Jefferson Hoxie, chairman, committee on legislative powers.

John B. Martin, chairman, committee on executive branch.

For Committee Proposal 78 and the reasons submitted in support thereof, see below under date of March 15.

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

Committee Proposal 81, A proposal pertaining to county government. Amends article VIII, sections 1, 2, 3, 4, 5, 7, 8, 9, 12, 13, 14 and 15;

with the recommendation that it pass.

Arthur G. Elliott, chairman.

For Committee Proposal 81 and the reasons submitted in support thereof, see below under date of February 9.

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

Committee Proposal 82, A proposal pertaining to townships. Amends article VIII, sections 16, 17, 18 and 19;

with the recommendation that it pass.

Arthur G. Elliott, chairman.

For Committee Proposal 82 and the reasons submitted in support thereof, see below under date of February 12.

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

Committee Proposal 83, A proposal pertaining to cities and villages. Amends article VIII, sections 20, 21, 22, 23 and 25;

with the recommendation that it pass.

Arthur G. Elliott, chairman.

For Committee Proposal 83 and the reasons submitted in support thereof, see below under date of February 13.

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

Committee Proposal 84, A proposal to provide for liberal construction of provisions concerning municipal corporations. Amends article VIII;

with the recommendation that it pass.

Arthur G. Elliott, chairman.

For Committee Proposal 84 and the reasons submitted in support thereof, see below under date of February 14.

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

Following is Committee Proposal 57 as read by the secretary, and the reasons submitted in support thereof:

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

Sec. a. ANY MUNICIPAL CORPORATION, COUNTY, TOWNSHIP OR SCHOOL DISTRICT EMPOWERED BY THE LEGISLATURE OR BY THIS CONSTITUTION TO PREPARE BUDGETS OF ESTIMATED EXPENDITURES AND REVENUES, SHALL ADOPT SAID BUDGETS ONLY AFTER A PUBLIC HEARING UNDER SUCH TERMS AND CONDITIONS AS THE LEGISLATURE SHALL ESTABLISH BY GENERAL LAW.

Mr. Brake, chairman of the committee on finance and taxation, submits the following reasons in support of Committee Proposal 57:

This proposal, new in language and substance, is self explanatory. A review of the budgets of the counties, townships and schools will no longer be required before the allocation board, if the committee's recommendation concerning the 15 mill limitation is adopted, which emphasizes the need for this requirement of a public hearing before adoption.

CHAIRMAN BENTLEY: The Chair recognizes the chairman of the committee, the gentleman from Stanton, Mr. Brake.

MR. BRAKE: Mr. Chairman, ladies and gentlemen, I yield to Herb Turner.

CHAIRMAN BENTLEY: The gentleman from Saginaw is recognized.

MR. TURNER: Mr. Chairman, I am slightly confused here. I understood that this language was to take care of the necessities for the original Committee Proposal 56, and now I would like to yield to Mr. Brake. (laughter)

CHAIRMAN BENTLEY: The gentleman from Stanton, the chairman of the committee, retains the floor.

MR. BRAKE: So far as I can see, Mr. Turner, the fact that the committee has been completely overturned in connection with the 15 mill does not do away with the necessity of a provision requiring public bodies that fix budgets to notify the public when that decision is going to be made or notify them before it is going to be made, so that the public has a chance to be heard.

The cities quite generally take care of that item under their charters. The public does have notice, and interested parties can appear. Some of the other units do, but most of them do not. And perhaps the worst offenders of all are the school districts. I think it will be a very healthful thing if all public bodies that have budgets to adopt are required to give notice of a time of hearing before that budget is adopted, and that any interested citizen shall have the right to appear and be heard.

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

Committee Proposal 57 is passed. The secretary will read.

SECRETARY CHASE: From the committee on finance and taxation, by Mr. Brake, chairman, **Exclusion Report 2028**, A report recommending the exclusion of sections 3, 4, 5, 7 and 8 of article X.

Following is Exclusion Report 2028 as read by the secretary, and the reasons submitted in support thereof:

The committee on finance and taxation recommends that sections 3, 4, 5, 7 and 8 of article X of the present constitution be excluded from the new constitution.

Mr. Brake, chairman of the committee on finance and taxation, submits the following reasons in support of Exclusion Report 2028:

The committee on finance and taxation feels that the subject matter of sections 3, 4, 7 and 8 of article X of the 1908 constitution is all covered by Committee Proposal 51, offered by the committee.

The committee feels that the subject matter of section

5 of the 1908 constitution is covered by Committee Proposal 52, dealing with the matter of taxation of certain utilities.

CHAIRMAN BENTLEY: The chairman of the committee is recognized.

MR. BRAKE: Mr. Chairman, ladies and gentlemen, those sections are the ones that were combined in the section on uniform taxation, which we passed. All of the material that is needed from the 4 sections was included in that section which has been approved by the committee.

CHAIRMAN BENTLEY: Are there any amendments to the exclusion report? If not, it will pass.

Exclusion Report 2028 is passed.

In accordance with the decision of the committee of the whole last Friday, the secretary will report item 5 on the general orders calendar.

SECRETARY CHASE: Item 5, from the committee on local government, by Mr. Arthur Elliott, chairman, **Committee Proposal 81**, A proposal pertaining to county government. Amends article VIII, sections 1, 2, 3, 4, 5, 7, 8, 9, 12, 13, 14 and 15.

Following is Committee Proposal 81 as read by the secretary, and the reasons submitted in support thereof:

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

Sec. a. Each organized county shall be a body corporate, with such powers and immunities as shall be established by law. [All suits and proceedings by or against a county shall be in the name thereof.]

Sec. b. No organized county shall be reduced by the organization of new counties to less than 16 townships as surveyed by the United States, unless in pursuance of law a majority of electors voting on the question in each county to be affected thereby shall so decide. [When any city has attained a population of 100,000 inhabitants, the legislature may organize it into a separate county without reference to geographical extent, if a majority of the electors of such city and of the remainder of the county in which such city may be situated voting on the question shall each determine in favor of organizing said city into a separate county.]

Sec. c. There shall be elected [biennially] FOR 4 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 by law. The board of supervisors in any county may unite the offices of county clerk and register of deeds in one office or separate the same at pleasure.

Sec. d. The sheriff, county clerk, county treasurer, judge of probate and register of deeds shall hold their offices at the county seat.

Sec. e. [The sheriff shall hold no other office. He shall be elected at the general election for the term of 2 years. He] THE SHERIFF may be required by law to renew his security from time to time 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 ACCIDENTAL INJURIES RECEIVED WHILE IN HIS CUSTODY. HE SHALL NOT HOLD ANY OTHER OFFICE EXCEPT IN CONNECTION WITH CIVIL DEFENSE.

Sec. f. A board of supervisors, consisting of 1 from each organized township, shall be established in each county, with such powers as shall be prescribed by law. Cities shall have such representation in the boards of supervisors of the counties in which they are situated as may be provided by law.

Sec. g. The legislature may by general law confer upon the boards of supervisors of the several counties [such] powers of a local, legislative and administrative

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

character[,] not inconsistent with the provisions of this constitution, [, as it may deem proper.]

Sec. h. The boards of supervisors shall have exclusive power to fix the salaries and compensation of all county officials not otherwise provided for by law. [The boards of supervisors, or in counties having county auditors, such auditors, shall adjust all claims against their respective counties; appeals may be taken from such decisions of the boards of supervisors or auditors to the circuit court in such manner as shall be prescribed by law.]

Sec. i. No county shall incur any indebtedness which shall increase its total debt beyond [3] 10 per cent of its assessed valuation. [, except counties having an assessed valuation of \$5 million or less, which counties may increase their total debt to 5 per cent of their assessed valuation.]

Sec. j. No county seat once established shall be removed until the place to which it is proposed to be removed shall be designated by 2/3 of the board of supervisors of the county, and a majority of the electors voting thereon shall have voted in favor of the proposed location, in such manner as shall be prescribed by law.

Sec. k. No navigable stream of this state shall be either bridged or dammed without permission granted by the board of supervisors of the county under the provisions of 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 the municipalities therein. [No such law shall preclude the state from improving the navigation of any such stream, nor prejudice the right of individuals to the free navigation thereof.]

Sec. l. The board of supervisors of each organized county may organize and consolidate townships under such restrictions and limitations as shall be prescribed by law.

Sec. m. THE BOARD OF SUPERVISORS OF ANY COUNTY WITH A POPULATION OF 1 MILLION OR MORE SHALL HAVE THE POWER BY ORDINANCE TO ESTABLISH A MERIT SYSTEM FOR COUNTY EMPLOYMENT. THE ORDINANCE OR ANY AMENDMENTS THERETO SHALL BE APPROVED BY THE ELECTORS OF THE COUNTY.

Mr. Arthur Elliott, chairman of the committee on local government, submits the following reasons in support of Committee Proposal 81:

These proposed 12 sections of the article on local government provide for the government of counties. They apply to all counties except as provided in another report of this committee covering county home rule. We have taken the first 15 sections of article VIII in the present constitution as our point of departure. Our procedure has been: (1) To exclude those provisions which (a) have no application, or (b) are unnecessary in the light of legislative power; (2) To retain with the least possible change those provisions which are fundamental to our present form of county government.

Section a comments: The committee recommends the retention of this section with the deletion of the last sentence of section 1 in the interest of brevity and simplicity, and because the language is superfluous, adding nothing to meaning or legal effect.

Section b comments: The first sentence of section 2 of the present constitution is retained in the belief such assurance is desired by the citizens of many counties. Embodied in it is a remedy for situations where the retention by a county of 16 townships becomes unfeasible, the decision resting in the hands of the voters of the county. We assume this provision does not prevent consolidation of 2 or more counties if desired by the people. The second sentence is deleted. This provision, originally placed in the constitution in 1850 with the population minimum increased from time to time, has never been used.

Section c comments: This section remains the same

as section 3 in the present constitution with the one change of extending the term of the elected county officers from 2 years to 4 years. The committee on declaration of rights, suffrage and elections, having concurrent jurisdiction, offers no objections.

Section d comments: This section remains the same as section 4 of the present constitution.

Section e comments: The first sentence of section 5 of the present constitution prohibits the sheriff from holding any other office. This has been modified to permit him to hold an office in connection with civil defense. The second sentence of section 5 was deleted as repetitious (see Sec. c.). To the last sentence of section 5 was added an exception permitting the board of supervisors to protect the sheriff against claims by prisoners. Such protection by the board of supervisors appears to be necessary as a means of reassuring the sheriff in his risks against accidental injuries to prisoners in his custody.

Section f comments: This provision is the same as the present section 7 in the present constitution.

Section g comments: This section is the same as section 8 of the present constitution except for elimination of unnecessary language.

Section h comments: The power of the board of supervisors over salaries is retained. The sentence with respect to claims against the county has been deleted because it is covered by statute.

Section i comments: The limitation in section 12 of the present constitution on the power of the county to incur debt is increased from 3 per cent to 10 per cent of its assessed valuation. The exception relating to counties of an assessed valuation of \$5 million or less was deleted because there are no longer any such counties. The committee has increased the debt limit to give counties greater flexibility to meet current problems. Our counties are now extending their credit for both primary and secondary purposes. Secondary obligations are incurred by placing the full faith and credit of the county behind bonds of cities and townships to enable them to borrow at the lowest possible interest rate for the construction of water and sewage systems and other public works. The county also backs revenue bonds for airports. This secondary debt may easily exceed the 3 per cent limitation set in the present constitution. Such secondary debt is payable out of the revenues of the water works, sewage fees, airport activities, etc. The committee on finance and taxation, having concurrent jurisdiction, has no objection.

Section j comments: This section is retained as in section 13 of the present constitution.

Section k comments: The committee felt that the first sentence of section 14 of the present constitution should be retained. The last sentence has been deleted. The committee believes the phrase, "No such law shall preclude the state from improving the navigation of any such stream" added no power to the legislature it does not already possess and that it was highly unlikely the legislature would ever divest itself of such power. The committee believes the last phrase of the paragraph unduly restrictive in that it may prevent the use of streams for a public purpose of greater importance than navigation. The committee believes the rights of navigation can be adequately protected by statute.

Section l comments: Section 15 of the present constitution was retained in its present form.

Section m comments: This section transfers control of the merit system in civil service in counties of 1 million or more population from the legislature to the county's governing board upon approval of the electors of the county.

Following is minority report A to Committee Proposal 81 as offered, and the reasons submitted in support thereof:

Delegates Sharpe, Hatcher and Madar, a minority of the committee on local government, submit the following minority report A to Committee Proposal 81:

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

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

When [any] A city IN ANY COUNTY has attained a population of [100,000] 500,000 inhabitants, the legislature may organize it into a separate county without reference to geographical extent, if a majority of the electors of [such city and the remainder of the county] THE COUNTY voting on the question shall [each] determine in favor of organizing said city into a separate county.

Delegates Sharpe, Hatcher and Madar, a minority of the committee on local government, submit the following reasons in support of the foregoing minority report, which accompanied Committee Proposal 81:

The minority report will allow the city of Detroit, at the present time, and other growing cities in the future, the opportunity to use taxes paid by the city to benefit its residents.

At the present time between large cities and the county in which they are located there is much overlapping of functions and much waste.

In the Detroit-Wayne county area the following examples may be pointed to: 1) the county sheriff; 2) the county road commission; 3) the county general hospital. In each of these cases the city of Detroit provides adequate services for its own residents. However, the city which pays the bulk of county taxes must support these activities in areas of the county outside of the city limits. No benefit accrues to the city from these expenditures. What is being done is to use Detroit tax money to subsidize programs which are of benefit to the outcounty population.

The committee proposal takes away the right of a city to organize into a separate county when it has attained a certain size. The minority proposes to put this right back into the constitution. Moreover, the right of veto which the outcounty area retained in the present constitution, if it voted against the question of creation of a new county, is removed. The supporters of the minority report are of the opinion that a large city should not have to support projects from which no benefit accrues to it.

At the present time the city in effect is being used by the outcounty area for its own benefit in many areas. The city does receive benefit from county services, but these do not compensate for tax moneys paid where there is no benefit. The city can adequately provide for those services it would lose if it became a separate county.

Following is minority report B to Committee Proposal 81 as offered and the reasons submitted in support thereof:

Messrs. Madar, Baginski and Mrs. Hatcher, a minority of the committee on local government, submit the following Minority Report B to Committee Proposal 81:

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

THE LEGISLATURE SHALL PROVIDE PROCEDURES BY WHICH ANY COUNTY MAY, BY A MAJORITY VOTE OF THE ELECTORS, ADOPT A COUNTY SYSTEM OF ASSESSMENT. THE METHOD OF SELECTING A COUNTY ASSESSOR OR BOARD OF ASSESSORS SHALL BE DETERMINED BY LAW UNLESS OTHERWISE PROVIDED FOR BY THE CHARTER OF COUNTIES HAVING CHARTERS.

Messrs. Madar, Baginski and Mrs. Hatcher, a minority of the committee on local government, submit the following reasons in support of the foregoing minority report, which accompanied Committee Proposal 81:

We believe the constitution in article VIII should provide for a county assessor system on a permissive basis. Michigan is one of the few states in the union that does not use the counties, or the cities and counties as assessing units. In many parts of the state, we rely primarily — and unnecessarily — on an outmoded, often amateur

method for deriving the valuation of real and personal property. Assessing, in fact, is primarily a technical task that should be performed by experts, for that is the only way that equity can be accorded to all. It would be a great mistake, if not a tragedy, should we write a constitution for the next generation or more and continue in effect assessment practices based on a social system characteristic of the nineteenth rather than the twentieth century.

The purpose of this minority report is to urge upon the convention the importance of adopting a professional, equitable, modern system of assessment, using the county as the assessing unit.

CHAIRMAN BENTLEY: The gentleman from Pleasant Ridge, the chairman of the committee, is recognized.

MR. A. G. ELLIOTT: Mr. Chairman, ladies and gentlemen of the committee, it would be an understatement to assert that the deliberations of the committee on local government were difficult. Behind each one of our proposals lies endless hours of research, testimony, debate, as well as soul searching. From the very beginning our entire committee displayed a keen insight into its many responsibilities, and endeavored to discharge those responsibilities in the best interests of the state of Michigan.

We approached our work from 3 basic standpoints. First, we recognized that with modern Michigan's rapid sociological changes, an effective constitutional provision on local government demanded a realistic approach toward the autonomy of local units of government. We felt that it was our responsibility to provide in the constitution that degree of autonomy which would enable local units to provide the most effective possible service to the community. In addition, we felt that any committee action in this regard should provide a flexibility that would stand the test of time.

Secondly, our committee, like all other substantive committees, was faced with the responsibility of eliminating from the present constitution many cumbersome provisions which have outlived their usefulness. This also applied to the wording of our proposals. In every instance we attempted to communicate the intent of the provision clearly and concisely, without room for ambiguity or misinterpretation.

And, finally, we felt that one of the major committee responsibilities was to positively reflect Michigan's growing problem of urbanization. This is something that was of relatively minor concern in the Constitution of 1907, but since that time the growing concentration of most of the state's population in urban communities has created unique problems that must be recognized in any effective constitution. This we endeavored to do.

And so, as we begin deliberations on these local government proposals, I would say only this. They are the product of a dedicated group of men and women who rose far beyond the call of duty, willing to give much of their time and effort to measuring up to their responsibilities. The proposals before you are the result of that dedication. Their desire has been to strengthen each unit of local government in a way that Michigan can move forward as rapidly as possible. As chairman of this committee, I'm proud of the work that they did.

The procedure that we will follow will be that the chairman will yield to various members of his committee, first to the subcommittee chairmen, and they in turn will yield to members of our committee who will discuss the proposals and the particular section in question.

It's with a great deal of pleasure that I yield at this time to Mrs. Judd, who is the subcommittee chairman on the county portion of our article.

CHAIRMAN BENTLEY: Before the gentleman yields, the Chair would like to ask the chairman of the committee if it is his intention to deal with the proposal in its entirety or on a section by section basis?

MR. A. G. ELLIOTT: The chairman feels that it would be better to deal with it on a section by section basis.

CHAIRMAN BENTLEY: In other words, section a is under consideration at this time?

MR. A. G. ELLIOTT: That is correct.

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

any decision definitely de novo to the circuit court and I don't want any question on that issue. Now, if there is some reason that this delegation of authority could not be made—I can't understand why it couldn't be made, either within the charter or the home rule in a broader section later. Now, I may be just destroying all of this.

CHAIRMAN DeVRIES: Does the lady from Highland Park yield to the chairman of the committee, Delegate Elliott?

MISS DONNELLY: Yes, unless Mr. Mahinske wishes to finish it, and I believe that was his question.

CHAIRMAN DeVRIES: Delegate Elliott.

MR. A. G. ELLIOTT: Mr. Chairman, the committee has no desire to eliminate anything from the constitution that should be needed. May I suggest that inasmuch as this is something we came back to, that we pass over this for the moment. Let Mr. Tweedie contact Dr. Joiner and Dr. Adrian in the meantime, and see if we can get a review of this statute and come back with a clearer picture to the committee of the whole on this particular thing a little later on in our proceedings today.

I am not saying pass this, you understand. What I am saying is to pass over this section h for the moment and go on to sections i, j, k and l.

CHAIRMAN DeVRIES: Delegate Elliott moves that the committee of the whole pass temporarily section h. All those in favor, say aye. Opposed, no.

Section h is passed temporarily and the secretary will read section i.

SECRETARY CHASE: Section i:

[Section i was again read by the secretary. For text, see above, page 929.]

CHAIRMAN DeVRIES: The Chair recognizes the lady from East Grand Rapids, Delegate Judd.

MRS. JUDD: Mr. Chairman, we did already start discussing this. Mr. Buback presented it to the committee. I can't recall how far we got in it.

CHAIRMAN DeVRIES: Are there any amendments to section i? If not, it will pass.

Section i is passed.

The secretary will read the next section.

SECRETARY CHASE: Section j:

[Section j was read by the secretary. For text, see above, page 929.]

CHAIRMAN DeVRIES: The Chair recognizes the lady from East Grand Rapids, Delegate Judd.

MRS. JUDD: Mr. Chairman, I'd like to yield the floor to Mr. Gover.

CHAIRMAN DeVRIES: Delegate Gover.

MR. GOVER: Mr. Chairman and delegates, this section of the constitution is left just the way it was in the 1908 constitution. The comment coming from our committee is that the section be retained the same as section 13 in our present constitution. I recommend this section be passed.

CHAIRMAN DeVRIES: The gentleman from Bessemer, Delegate Pellow.

MR. PELLOW: I have just one question. Assuming that there is a different method of selecting under the home rule provision for counties which will be introduced, as I understand it, Committee Proposal 89, will this have any effect on the method of changing the county seat?

CHAIRMAN DeVRIES: Delegate Pellow yields to Delegate Gover.

MR. GOVER: That is a question that I would have to yield to some other member of the committee on. Mr. Brake, could you answer that?

CHAIRMAN DeVRIES: Delegate Brake.

MR. BRAKE: It would have no effect whatsoever. It wouldn't apply to it.

CHAIRMAN DeVRIES: Are there any amendments to section j? If not, it will pass.

Section j is passed. The secretary will read.

SECRETARY CHASE: Section k:

[Section k was read by the secretary. For text, see above, page 929.]

CHAIRMAN DeVRIES: The Chair recognizes the lady from East Grand Rapids, Delegate Judd.

MRS. JUDD: Mr. Chairman, I'd like to yield the floor to Mr. Sharpe.

CHAIRMAN DeVRIES: Delegate Judd yields to Delegate Sharpe.

MR. SHARPE: Mr. Chairman, members of the committee:

[The supporting reasons for section k were read by Mr. Sharpe. For text, see above, page 929.]

We urge the passage of this section.

CHAIRMAN DeVRIES: Are there any amendments to section k? If not, it will pass.

Section k is passed. The secretary will read:

SECRETARY CHASE: Section l:

[Section l was read by the secretary. For text, see above, page 929.]

CHAIRMAN DeVRIES: The Chair recognizes the lady from East Grand Rapids, Delegate Judd.

MRS. JUDD: Mr. Chairman, I'd like to yield the floor to Mr. Burton Richards.

CHAIRMAN DeVRIES: Delegate Judd yields to Delegate Richards.

MR. J. B. RICHARDS: Mr. Chairman and members of the committee, this is section 15 of the present article VIII. There are no changes. It's the same authority we've had since 1908 and I think before that.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Muskegon, Delegate Hanna.

MR. W. F. HANNA: Question, Mr. Chairman, of Mr. Richards. Would that prevent the people of 2 adjoining townships from consolidating by local vote or referendum?

MR. J. B. RICHARDS: It is my understanding that this would have to be approved by the board of supervisors. I think that later on we will come to a place where they can contract together. It is still up to the board of supervisors.

MR. W. F. HANNA: Did the committee consider at all allowing townships to consolidate by their own vote?

MR. J. B. RICHARDS: No, we did not.

CHAIRMAN DeVRIES: Are there any amendments to section l? If not, it will pass.

Section l is passed. The secretary will read.

SECRETARY CHASE: Section m:

[Section m was read by the secretary. For text, see above, page 929.]

CHAIRMAN DeVRIES: The Chair recognizes the lady from East Grand Rapids, Delegate Judd.

MRS. JUDD: Mr. Chairman and members of the committee, by the size of the print you can see that this is new material and I would like to yield the floor to Delegate Baginski.

CHAIRMAN DeVRIES: Delegate Judd yields to Delegate Baginski.

MR. BAGINSKI: Mr. Chairman and delegates, this is new matter and the wording, of course, is:

[Section m and the supporting reasons were read by Mr. Baginski. For text, see above, page 929.]

We in Wayne have had a civil service or merit system for 19 years and it has been a success and we ask for the same privileges in our county civil service that we have in our state civil service. We want protection in the constitution so that there is no possibility of endangering our merit system in Wayne. I urge the adoption of this section.

CHAIRMAN DeVRIES: Are there any amendments to section m? Delegate Hanna.

MR. W. F. HANNA: Mr. Chairman, a question to Mr. Baginski. By the usual construction of such matters, would this exclude counties of under 1 million from adopting civil service or should this permission be specifically granted so that it is not clear that by establishing civil service for counties of 1 million or over, that you have forbidden the legislature from allowing civil service to be established in counties of lesser population?

CHAIRMAN DeVRIES: Delegate Baginski.

MR. BAGINSKI: Mr. Hanna and fellow delegates, it was the impression that we received in the committee that no other county cared to come under this provision. Therefore, we set the figure at 1 million.

MR. W. F. HANNA: Then you agree with the construction that the legislature could not under this provision provide for civil service either on a local option basis or otherwise for counties of under 1 million?

MR. BAGINSKI: The construction now is that it be set up and controlled by the board of supervisors.

MR. W. F. HANNA: But only in counties of over 1 million?

MR. BAGINSKI: That's right.

MR. W. F. HANNA: In counties of 1 million, the legislature could not grant to that county the power to establish civil service?

MR. BAGINSKI: Not according to the words here.

CHAIRMAN DeVRIES: The Chair recognizes the delegate from Lansing, Delegate Wanger.

MR. WANGER: A question for Mr. Baginski or any other member of the committee. I notice the final sentence of section m says, "The ordinance or any amendments thereto shall be approved by the electors of the county." Now, first of all, the electors—well, taken literally, I suppose that would mean all voters of the county. And again taken literally, that would mean a majority vote was not enough. You'd have to get a 100 per cent vote. Most places in the constitution, I think, always say by a majority of those voting on the subject. I just wondered what the intent was behind the committee proposal and what the consideration was behind this aspect of the committee proposal.

CHAIRMAN DeVRIES: Delegate Elliott.

MR. A. G. ELLIOTT: Mr. Chairman, Mr. Baginski and Mr. Wanger, it just goes to prove to you that you need a committee of the whole (laughter) because this is not the intention of the committee at all to make this the requirement, the majority vote of all the electors, but merely of those voting on the issue. Whatever language Mr. Wanger or some member of our committee could submit to the Chair, I'm sure would clear that up once and for all.

Speaking on the other issue, if I may, as long as I'm on my feet, the question of Mr. Hanna from Muskegon, I do not concur in the report that Mr. Baginski gave because while he is correct that this says that they shall have the power by ordinance to establish, it was not our intention in the committee by this language to prevent the legislature from passing any general law which would make it possible for any county to establish a merit system should they want to.

MR. BAGINSKI: Mr. Chairman, I stand corrected.

CHAIRMAN DeVRIES: Does the gentleman from Eau Claire, Mr. Richards, seek recognition?

MR. J. B. RICHARDS: Mr. Chairman and fellow delegates, we first started this off with 300,000, thinking that probably there might be 6 or 7 or 8 counties in the state who would be interested in having a civil service or a merit system for their employees. There seemed to be no interest and so the population was moved up to a million to take care of it.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from East Grand Rapids, Delegate Martin.

MR. MARTIN: Mr. Chairman, I think it is quite clear that the language as now contained in the committee proposal does exclude any county which has a population of less than a million from having a merit system. I know that we have an amendment on the desk which would bear on this if it might be read.

CHAIRMAN DeVRIES: The secretary will read the amendment.

SECRETARY CHASE: Mr. Martin, Dr. Pollock, Mr. Faxon, Mrs. Cushman and Mr. W. F. Hanna have all filed the same identical amendment as follows:

1. Amend page 3, line 20, by striking out "with a population of 1 million or more"; so the language will read, "The board of supervisors of any county shall have the power by ordinance to establish a merit system for county employment."

CHAIRMAN DeVRIES: The Chair recognizes the author of the amendment, Delegate Martin.

MR. MARTIN: The amendment would make it possible for any county, regardless of population, to establish a merit system if it saw fit to do so, if its board of supervisors saw fit to do so, and if it were approved by the electorate of the county.

It would seem that we have to look a long way ahead in drafting this constitution. We are talking about 40 or 50 years perhaps and certainly many of these counties, before that time rolls by, will want to have a merit system in their counties. It seems undesirable to have any limitation by population as to whether a county can or cannot do it. I think we should leave this question to the judgment of the board of supervisors and the electors of the county. If they don't want it, they have no necessity for having it. But if they do want it, they certainly ought to have it possible to set up such a system and provide the necessary mechanics for making it work.

CHAIRMAN DeVRIES: Was the delegate from Pontiac, Mr. King, seeking recognition on the Martin, Faxon, et al, amendment?

MR. KING: Mr. Chairman, I would support the amendment. I just would like to state for the record that I do not agree with the interpretation that Mr. Baginski has placed upon the present language nor that that Mr. Martin has placed upon it, but rather that Mr. Elliott has placed upon it, that this does not preclude the legislature from acting in this area with regard to smaller counties. In the event that this is defeated, I think we ought to make that very clear on the record. But in the meantime I'll support Mr. Martin's amendment.

CHAIRMAN DeVRIES: The Chair recognizes the lady from East Grand Rapids, Delegate Judd.

MRS. JUDD: I would like to explain to the committee a little bit as to how we finally arrived at this proposal. We did start in talking about making it permissive for counties of every population to have civil service but then we also began going back to the policy we had been pursuing of making these provisions with respect to all 83 counties just as they are in the present constitution and leaving these privileges due to aspects of government, civil service and other matters that will come up later to those counties that might wish to reorganize their form of government under home rule.

We finally arrived at the Wayne county problem due to the difficulties that the county has had with its some 7,000 employees under civil service with the legislature changing their system in various details for many years. Therefore, we wished to transfer it to the Wayne county board of supervisors. It certainly was not our thought that that sentence would make it impossible for any other county to have civil service. If the best legal advice indicates that we were wrong in this assumption, I think we would be quite open to changing it later.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Detroit, Delegate Baginski.

MR. BAGINSKI: Mr. Chairman and delegates, as one of the proponents of this section, we would have no objection to the amendment offered that is on the desk to include all counties. Our concern here was that we would protect the 7,000 employees in Wayne county. However, if you care to amend it as the amendment is proposed, we have no objections.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Fennville, Vice President Hutchinson.

MR. HUTCHINSON: Mr. Chairman, I want to raise this line of thought with regard to this proposed section and the matter comes into more striking attention in my mind in view of Mr. Martin's amendment. It is that at the present time, with nothing in the constitution on the matter, we will concede that the legislature has the power to pass laws which provide

for merit systems in counties. The fact of the matter is they have done it as to Wayne county. It is the purpose of this proposal here to take that power away from the legislature and to vest it in the county boards of supervisors. Now then, suppose then that we left similar powers to create merit systems by county ordinance in the boards of supervisors of all counties in the state. This matter then will be completely taken away from the legislature with the result that there will be no uniformity of county merit systems. Maybe that isn't at all important now and maybe it wouldn't be in the future except that it occurs to me that in the future—let us keep in mind Wayne, Oakland and Macomb counties, for instance—it would seem as though it might in the future become desirable to have it possible perhaps to transfer seniority as between counties and among counties within the merit system. I don't know, but it might come about, particularly in the metropolitan areas of the state where the county lines are not quite as important, I think perhaps as maybe somewhere else. Well, then, if you vest a constitutional power in each one of 83 different boards of supervisors, they can write their merit systems completely independent of any other board of supervisors, with the result that there may be a complete lack of uniformity throughout the state, a complete lack—in fact, no ability whatever in the legislature to require a uniformity or to require any kind of a reciprocity or anything of the sort. Now this is the kind of a constitutional rigidity which I think we should steer clear of. I think in my own mind, we'd be much better off to leave this within the power of the legislature. I am aware of the fact that Wayne county perhaps is impatient from time to time with bills that are introduced in the legislature to change the details of the merit system down there but nevertheless, I think it is important to keep in mind this other aspect of it: that in the future, we may find it very desirable to have a uniformity as between these various municipal systems. That uniformity I think will be destroyed and any ability to make it uniform will be destroyed by this provision.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Pleasant Ridge, Delegate Elliott.

MR. A. G. ELLIOTT: This problem again also received considerable consideration within our committee. The problem of the merit system involving all 83 counties is a difficult one to decide and it became very evident it should not be constitutional in nature. On that point, we agree completely with Mr. Hutchinson. The point, however, that brought this to the committee's attention in the first place was that the legislature in its operation over the past several years had from time to time by law changed the merit system provisions in such a way that they have affected Wayne county and its employees to the detriment of the system. At least, there was a great deal of concern as to what these changes did. It was therefore decided in the committee that when a county having a merit system became as large as 1 million inhabitants, then at that time, it should have the freedom of controlling its own system with the adoption by a majority vote of its people.

That will give you a little better background. I don't think that the amendment as offered by Mr. Martin does at all what the committee in its wisdom wanted to do or wanted to suggest to you. I do think that the comment made by Mr. Wanger was appropriate and that language will have to be added to accommodate that particular situation which I believe one of the members of the committee already has on the desk. But as to the amendment of Mr. Martin, this was given serious consideration and it was felt that with the exception of counties when they reach the size of 1 million or more, the legislature should in its wisdom be able to develop a merit system which, perhaps as Mr. Hutchinson suggested, would have a certain uniformity and so forth. But that was the rationale.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Ionia, Delegate Powell.

MR. POWELL: Mr. Chairman, I would like to ask for a definition of "county employment". Does that include deputy sheriff, deputy treasurer, deputy clerk?

CHAIRMAN DeVRIES: The chairman of the committee, Delegate Elliott.

MR. A. G. ELLIOTT: I would like to bring to the gentleman's attention this merely allows the county to have control of its merit system under its charter and as adopted by the people so that if this were adopted, it would be within the province of Wayne county to establish its own rules and this would not in any way determine where the line would be drawn.

MR. POWELL: Well then, am I to understand that by this provision the sheriff could be brought into the county employment, the prosecutor blanketed in under a merit system?

MR. A. G. ELLIOTT: As to those elected officials, I would say that the answer is decidedly no. Those that are employed, the employables that are not elected, I would think that the answer would be that if their system so desired and if the people adopted it and passed it by a majority vote, then it would be within their province. We are giving to the county the freedom of adopting its own merit system in this proposal if they have a million or more people in the county.

MR. POWELL: If I understand the amendment, it would strike the 1 million or more and the only thing that I am referring to is this: assume that a sheriff comes in and he appoints his deputy sheriff. Now, after that sheriff goes out of office, if they adopt this merit system, they can blanket all deputy sheriffs and deputy clerks and do away with the democratic process of elections.

MR. A. G. ELLIOTT: It would not in any way do away with the democratic process of elections. It might very well do away with the democratic process of appointing your own deputies or something like that. However, I bring to Mr. Powell's attention that as chairman of this committee, I am speaking against the amendment because it does not express the intent of the committee. Our intent will give to those counties of a million or more the right of self determination in regard to their merit system and that all other counties should have whatever rights were provided for by law.

CHAIRMAN DeVRIES: The question before the committee is the amendment offered by Delegates Faxon, Cushman, Martin and Pollock. Delegate Martin.

MR. MARTIN: Mr. Chairman, Mr. Hutchinson has raised a very important point. The proposal as it now stands would clearly make it impossible for any county other than one of a million or more population to have a merit system. He points out that the amendment proposed, while it would extend the possibility of a merit system to other counties, would take the responsibility for general provisions on the merit system away from the legislature, and the committee on executive branch has a proposal pending before the committee of the whole on the general orders calendar which would provide that the legislature shall by law establish a system under which the civil divisions of the state, including cities and villages, may choose to provide for the merit principle in employment, such civil divisions' appointments and promotions under civil service shall be made according to merit and fitness to be ascertained as far as practicable by examination, which as far as practicable shall be competitive, and authorizes the state civil service commission to be of assistance to local civil divisions in setting up their own personnel systems.

If Mr. Hutchinson is correct, and this proposal actually would then take away from the legislature any authority with respect to the merit systems, I am opposed to it because we believe that there should be a permissive system for local units of government to set up their own civil service systems, if they want to do so.

Others who have offered the amendment may want to retain it, but I think on that basis, I would withdraw my amendment and vote against the proposal of the committee.

CHAIRMAN DeVRIES: The Chair recognizes the chairman of the committee, Delegate Elliott.

MR. A. G. ELLIOTT: Mr. Chairman, Mr. Martin, I don't believe that the committee is out of sympathy with what the executive committee is going to offer when it gets its day in court. However, this does not, in our belief, eliminate from the right of the legislature to do just exactly what you say. The only thing that this does do—and I can repeat—is that it gives to the county of a million or more the opportunity of

making this a self determining feature and that it would eliminate them from any jurisdiction by the legislature in the future once the electors by a majority vote had so passed.

I don't believe that there has been anything here on the floor that has convinced me that we have eliminated or taken away from the legislature the power to enact laws which would cover all counties, including counties of a million or more until such time as that county of a million or more should by vote of its people determine to come under a charter or a merit system which they adopt and then from that date on, they would be free from legislative instruction or interference or whatever you want to call it. If, however, the legal minds of this convention find that the committee is wrong, I would suggest if you are in favor of the intent of the committee, that somebody suggest some language or amend some language which will make it perfectly clear that the legislature retains the right of law for all other counties.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Muskegon, Delegate Hanna.

MR. W. F. HANNA: Mr. Chairman, speaking to the amendment—and I would agree with Mr. Hutchinson that this may remove some of the legislature's power to establish uniform civil service for counties—I believe, however, that there is nothing wrong with each county being able to determine its own civil service if it wishes it, and if it wishes to make interchange or give credit for prior service within a state or other political subdivisions, be it city, county or township, that it could by its ordinance so do.

I think it is important—and I think most people would agree—that if you specifically grant a power by this constitution to a class of counties, you have thereby eliminated it as to all other counties. Certainly, this language has the implication that only in counties over 1 million or more does the board of supervisors have any power to pass a civil service or merit system. I would assume that the legislature could establish a merit system in detail for all the other counties, but I would assume that the legislature by this language could not grant to the board of supervisors or to the electorate of any other county having a population of 1 million or less, the power to establish a merit system. Certainly, in view of the general feeling that this constitution is for all the counties and not for only one county, we should provide a general provision that would give my county or any other county the power to pass on whether or not it wants civil service. If it wants to allow interchange and credit for experience in other systems, the local system may so provide. I urge the adoption of the amendment.

CHAIRMAN DeVRIES: The secretary will read the amendment offered by Delegates Faxon, Cushman, Martin, Pollock and Hanna.

SECRETARY CHASE: The amendment is as follows:

[The amendment was again read by the secretary. For text, see above, page 962.]

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from East Grand Rapids, Delegate Martin.

MR. MARTIN: Mr. Chairman, in the light of the discussion, I should like to add to my amendment by inserting the words "as provided by law" after the word "employment" in line 22, so that the proviso of the proposal would then read, "The board of supervisors of any county shall have the power by ordinance to establish a merit system for county employment, as provided by law." This will give the legislature the necessary authority to spell out a system whereby counties can establish that system that will make it possible for any county which wishes to do so to have a civil service system.

CHAIRMAN DeVRIES: Is the addition of the language acceptable to the other cosponsors of the amendment? Delegate Faxon?

MR. FAXON: I want it read as revised.

SECRETARY CHASE: 1. Amend page 3, line 20, by striking out "with a population of 1 million or more"; and in line 22, after "employment" by inserting "as provided by law"; so that it would then read:

The board of supervisors of any county shall have the power by ordinance to establish a merit system for county employment as provided by law. The ordinance or any amendments thereto shall be approved by the electors of the county.

CHAIRMAN DeVRIES: Do the cosponsors agree to the additional language? Delegate Faxon?

MR. FAXON: Yes sir.

CHAIRMAN DeVRIES: Delegate Cushman?

MRS. CUSHMAN: Yes, Mr. Chairman.

CHAIRMAN DeVRIES: Delegate Pollock?

MR. POLLOCK: Yes, sir.

CHAIRMAN DeVRIES: Delegate Hanna?

MR. W. F. HANNA: Of course.

CHAIRMAN DeVRIES: The question now is on the amendment, as revised, offered by Messrs. Martin, Pollock, Hanna, Mrs. Cushman and Mr. Faxon. The Chair recognizes Delegate Cudlip.

MR. CUDLIP: Mr. Chairman and members, in reading from previous sections that we have just adopted whereby pursuant to law these boards of supervisors may fix salaries and compensation for county officers, and up above that that they have such powers of administrative character and otherwise as may be provided by law, it looks to me as if we are going to start following this high road, that this has no place in this constitution. There is ample authority for all this sort of thing on a sensible uniform basis in the sections we have been over since 4:15.

CHAIRMAN DeVRIES: The Chair recognizes the delegate from Detroit, Mr. Mahinske.

MR. MAHINSKE: I would like to ask Mr. Martin under his proposed change who would have to act first?

CHAIRMAN DeVRIES: Delegate Martin.

MR. MARTIN: Well, it would mean that the legislature would have to set up a general statute under which such civil service systems could be provided.

MR. MAHINSKE: But then aren't we going right back, if there is nothing in here at all?

MR. MARTIN: What we want is to have it possible for the legislature to set up such a system so that individual counties, cities, villages and so on can establish their own merit systems.

MR. MAHINSKE: Thank you.

CHAIRMAN DeVRIES: Does the gentleman from Detroit, Delegate Madar, seek recognition on the amendment, as revised?

MR. MADAR: Well, all I wanted to do is speak on the general proposal and all I wanted to say is we wanted to do the same thing here for the county employees that the state employees now have and all city home rule units have. City home rule units can go ahead and establish a civil service system by going to the electors and we now want to do the same thing for the county. We want to make sure that we do this and the only reason that we didn't leave it at 100,000 or 200,000 was because we wanted to bring it up here before you people to protect these county employees. The only way we could get it up here was to put it at the 1 million mark.

CHAIRMAN DeVRIES: The Chair recognizes the delegate from Saginaw, Mr. Leppien.

MR. LEPPIEN: Mr. Chairman, I'd like to direct this question to the chairman of the committee, the gentleman from Pleasant Ridge, Mr. Elliott. Section g of this proposal reads as follows:

The legislature may by general law confer upon the boards of supervisors of the several counties powers of a local, legislative and administrative character not inconsistent with the provisions of this constitution.

My question of the chairman is, sir, is it not true that this takes care of that without the proviso as far as the section under discussion with its attendant amendment?

CHAIRMAN DeVRIES: Delegate Elliott.

MR. A. G. ELLIOTT: Mr. Chairman, Mr. Leppien, I think that you're right if you're putting it in the context of the legislature doing it. If I understand your question, though, it doesn't take care of the problem that we thought we were re-

solving and that is, that when the county gets such size as having a million people or more, that it then is of a size and stature that it should have complete freedom in decision on its merit system. Do you see the difference in the 2 provisions?

MR. LEPPHEN: That is correct. But without the amendment to section m of the proposal, this section g covers all other counties. Isn't that correct, sir?

MR. A. G. ELLIOTT: It was the feeling of the committee that it did and that we had this provision. But I point out to you that I am not a lawyer and I have heard lawyers say that it does and I've heard some say that it does not. But we had thought that this in no way precluded the legislature from granting to the counties of our state, provisions of the merit system within the framework of general law.

MR. LEPPHEN: Chairman Elliott, you also would agree that one of the attorneys in this committee did agree that it did and that was what Delegate Cudlip just said, if I understood his remarks correctly.

MR. A. G. ELLIOTT: Well, there have been attorneys on both sides of the issue. This is par for the course.

CHAIRMAN DeVRIES: The Chair will recognize an attorney, the delegate from Muskegon, Delegate Danhof.

MR. DANHOF: Mr. Chairman, I'd like to direct a question to Mr. Martin. As I understand it, there is presently on the books a civil service statute relating to counties relative to a million or more; that it was the obvious intent of the committee proposal in its original form to transfer the control of that system from the legislature to the Wayne county board of supervisors, as I understand Mr. Baginski. Is this right?

CHAIRMAN DeVRIES: Delegate Martin.

MR. MARTIN: I'm not sure I can answer that, Mr. Danhof. I don't know if there is a statute specifically providing for your civil service system in Wayne county. Maybe Mr. Baginski can answer that.

CHAIRMAN DeVRIES: Delegate Baginski.

MR. BAGINSKI: Mr. Chairman, in answer to this, we do have a special statute. We are now setting up civil service for a million or more.

MR. DANHOF: My next question is: is there anything that is in the present constitution that would prohibit, insofar as Mr. Martin is aware, the legislature from extending this down to the counties of 2,300 or more, which would include everybody, including Keweenaw? Do you think it would?

MR. MARTIN: Yes, Mr. Danhof. I think quite clearly if the original proposal here is adopted with regard to counties of a population of a million or more, by exclusion it would appear to mean that counties under that could not establish such a system. That is what brought about my amendment in the first place.

MR. DANHOF: What I wish to get to, Mr. Martin, with your amendment, are we not right back to the present constitution, that the board of supervisors of any county shall have the power to establish a merit system for county employment as provided by law? If they can do it by law now, why do we need the additional language that they shall? We all know that we cannot mandamus the legislature and if they do not do it, there isn't anything that a county employee could do if a system were not set up for all counties as provided by law. I fail to see—we are just adding words and accomplishing nothing.

I can see the original proposal and whether I am in agreement with it or not is one thing. I can see what they intended to accomplish but if we adopt the amendment, as revised, I think we are right back to where we were if we say nothing and the legislature can then pass such statutes as it desires, as it has done, for counties of a million or more. If it wants to amend the statute it can go down to 100,000.

CHAIRMAN DeVRIES: Are you asking a question of Delegate Martin?

MR. DANHOF: I would like to inquire from Mr. Martin what he feels the provision, assuming the revised amendment, adds to the power of legislature.

MR. MARTIN: I think Mr. Danhof is possibly right, that we are bringing it around to the power which the legislature has now. As a matter of fact, I think that there should be a

directive to the legislature to pass such permissive legislation but I don't want the proposal as it stood without my amendment to go through because I think that will prevent the legislature from passing any legislation with respect to counties under a million.

CHAIRMAN DeVRIES: Is the lady from East Grand Rapids seeking recognition on this amendment? Delegate Judd.

MRS. JUDD: Mr. Chairman, I think that the difficulty the committee is having is exactly the difficulty that we had in the committee. That is, that we are trying to dictate to any 1 of the 83 counties the kind of system we think they ought to have and this we find extremely difficult to do. So we pursued the policy of not asking new things in the constitution of the 83 counties but hopefully of the setting up by a home rule provision whereby a county, when it does become something more than an arm of the state and does have more and more municipal functions, could draft its own charter and set up its own civil service system. I would presume that if Wayne county knew that they were going to have the opportunity for writing a home rule charter and could then write their own civil service system, that this provision would not be necessary. But we propose this now because of a particular situation in that county.

CHAIRMAN DeVRIES: Is the gentleman from Ann Arbor seeking recognition on the Martin amendment?

MR. POLLOCK: I was really wanting to repeat, Mr. Chairman, what Mr. Martin had indicated: that the committee on executive branch is already proposing to bring out a permissive framework law which would not only cover Wayne county but all counties on a permissive basis and if there is any conflict after Mr. Martin's amendment, if it is adopted, if there is any conflict between this amended provision and the new one, which is on general orders, it then becomes a matter of resolving that conflict here in the committee.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Ionia, Delegate Powell.

MR. POWELL: Mr. Chairman, just for the record, I would like to point this out then: that as far as I am concerned, my interpretation of this is that the committee is drawing a distinction between officials and employees and that this provision does not apply to section d or their appointed officials. Am I correct on that, Mr. Chairman?

CHAIRMAN DeVRIES: The Chair recognizes Delegate Elliott.

MR. A. G. ELLIOTT: I think the gentleman is asking for an interpretation that I am not prepared to make completely because the committee did not have this discussion. I will, however, make a comment of a personal nature. This obviously does not involve any elected officer. However, I do believe that it does involve any officer, anyone that is employed by the county, who within the framework of the merit system is included, and it would become incumbent upon that particular merit system to determine whether or not certain employment should be under the system or whether it should not.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Bay City, Delegate Higgs.

MR. HIGGS: Mr. Chairman and fellow delegates, the arguments that we are hearing here today sound familiar whenever we get into the area of legislative matters. I too can find things about section m that raise questions in my mind, such as: how will this be reconciled with the county home rule provision? Should you have some governing body other than a board of supervisors? Questions with regard to the manner of submission of this article to the electors; when would the amendment proposed by Delegate Martin—I think it clearly points out, as Delegate Danhof has stated, that's what we are doing. The legislature already has the power to establish merit systems.

I have on the desk an amendment which I would like to propose as a substitute for the committee proposal, striking out the entire section, if that is in order.

CHAIRMAN DeVRIES: Mr. Higgs, your amendment is not a substitute amendment. It is a motion to strike out the entire section and we will consider it after we have considered the amendment offered by Mr. Martin and the other delegates.

The Chair recognizes the gentleman from Detroit, Delegate Hodges.

MR. HODGES: Mr. Chairman, it seems what is involved here is the same thing we had when we were talking about state civil service. Are we going to trust the legislature to keep changing civil service? I think it was ably demonstrated through the discussion on that score that many people have grave reservations about the legislature and its power to change the civil service section. Apparently—I know in my county—the people would rather have the power to change left with the board of supervisors.

Now it seems to me that the original Martin amendment, before it was revised, is proper. This leaves it up to the people in each county whether they want it or not. But certainly, I would have to speak against this Martin amendment because it absolutely is of no value to the people that are most vitally concerned with this amendment. It's just throwing it back in the lap of the legislature where it is already by statute. For this reason, I urge you to oppose the amendment.

CHAIRMAN DeVRIES: Mr. Stevens.

MR. STEVENS: Mr. Chairman and members of the committee, I have 2 or 3 questions here. I don't know if I'm in order. First, on Mr. Powell's question, I certainly question the validity of the answer. I feel that a deputy clerk or a deputy sheriff might well be considered an official since he can perform the duties of his superior who appointed him.

The other thing, Mr. Wanger's statement regarding the last sentence I think is even more defective than that. It seems to say to me that all of the voters of the county must approve this. I suppose what it means is that the amendment shall not take effect until a majority of those voting thereon have voted for it.

CHAIRMAN DeVRIES: Delegate Elliott, do you wish to answer the question?

MR. A. G. ELLIOTT: Mr. Chairman, Mr. Stevens, I believe that my answer to Mr. Powell was certainly as correct as I could make it—and I would again repeat that it does not cover elected officials but that in my judgment it would cover all employees of the county if the system included their office, whether it be a deputy clerk or what, within the system. But much as the merit system of the state does now, it would be my assumption that the county merit system would probably have some exempt offices within each of the major departments. However, that is merely an assumption. Did you have a second question, Mr. Stevens?

MR. STEVENS: I doubt your opinion on that. It may be questionable but I think a deputy sheriff, let's say an undersheriff, might well be considered an official. It's a matter of law.

MR. A. G. ELLIOTT: I said an elected official and I will say elected officer and leave it at that. I can't disagree with you. I am merely making a statement that I think is consistent with where we are at this time. Was there another question?

MR. STEVENS: Is that last sentence to be rewritten?

MR. A. G. ELLIOTT: Yes. There are many amendments on the desk to correct the context of the last sentence.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from East Grand Rapids, Mr. Martin.

MR. MARTIN: Mr. Chairman, it would be my suggestion in the light of the discussion that you adopt the amendment which I offered. But, if you don't adopt the amendment which several of us have offered, that you then defeat the basic proposal. Because if you don't do that, you will certainly freeze into the constitution a provision which will prevent us from making permissive civil service in all these other counties under a million. So you either ought to have the committee proposal with the amendment that has been offered, or you ought not to have any proposal at all on that particular point.

CHAIRMAN DeVRIES: The question is on the adoption of the amendment offered by Delegates Faxon, Cushman, et al to section m and the secretary will read the amendment.

SECRETARY CHASE: The pending amendment is:

[The amendment was again read by the secretary. For text, see above, page 964.]

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Detroit, Delegate Baginski.

MR. BAGINSKI: Mr. Chairman and delegates, a motion may not be apropos, but I was going to ask the chairman of our committee if we couldn't make this a special order of business at the end of local government and come up with the proper language on this.

CHAIRMAN DeVRIES: Do you move that, Delegate Baginski?

MR. BAGINSKI: I do.

CHAIRMAN DeVRIES: Delegate Baginski, the secretary informs me we cannot make special orders in the committee of the whole. We can postpone this temporarily.

MR. A. G. ELLIOTT: Mr. Chairman, I would like to urge that we not postpone it, not because I don't support Mr. Baginski's position, but because I think Mr. Martin's amendment should be defeated and we should go on from that point.

I believe that the language here with the suggestion made by Mr. Wanger and by many others by this time is the language that the committee felt was sound and proper for the constitution and for the situation as we saw it. I am not convinced, even with my great respect for him, that the language prevents the legislature from passing legislation which would allow merit systems in other counties at any time. Therefore, I would urge the defeat of the amendment and the adoption of the committee proposal with the minor amendments which would follow.

CHAIRMAN DeVRIES: The Chair recognizes the lady from Livonia, Delegate Conklin.

MRS. CONKLIN: I just wanted to ask a question, Mr. Chairman. When this last amendment was read, were they leaving off the last sentence? Are they going to attack that separately? "The ordinance or any amendments thereto. . . ." and so forth. Were they leaving this off?

CHAIRMAN DeVRIES: The secretary informs me, Delegate Conklin, that there are amendments on the secretary's desk to the last sentence. The amendment we are considering now covers only the first sentence.

MRS. CONKLIN: In their suggested amendment, they are leaving that sentence off; am I right?

CHAIRMAN DeVRIES: No, that is not right.

MRS. CONKLIN: I didn't understand you to read that.

CHAIRMAN DeVRIES: Would you like the secretary to read the amendment again, Delegate Conklin? The secretary will read.

SECRETARY CHASE: The secretary might point out to the committee of the whole that all that is being considered at the present time is the amendment to the first sentence. This leaves the second sentence to be considered later.

CHAIRMAN DeVRIES: The Chair recognizes the delegate from Detroit, Delegate Faxon.

MR. FAXON: I am speaking on behalf of the amendment. I think we are generally agreed that the constitution should be one which is applicable to the entire state and I cannot see how we can go ahead and write into the constitution a figure or a number of people necessary to enjoy certain privileges and deny this to the rest of the state. So I would urge the delegates to keep in mind that we are not writing special legislation for any one county, but we want something to be uniform and for the whole state. In this case I would urge your support for the amendment.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Taylor, Delegate Marshall.

MR. MARSHALL: Mr. Chairman and fellow delegates, I am not opposed to the amendment nor am I opposed to what I believe is the intent of the committee proposal. I do think that there are some differences of opinion as to what the language means and as to whether or not it is the proper language. There seems to be the general consensus of opinion on this particular proposal that we want something in the constitution. I am not going to make any amendment at this

time. I would request that the delegates think over the suggestion of Delegate Baginski during the dinner period and give some consideration to postponing that one particular section and let Marty and Art Elliott get together and come up with the appropriate language.

At this time, while I am on the floor, I would like to move that the committee rise.

CHAIRMAN DeVRIES: Delegate Marshall moves that the committee of the whole do now rise. All those in favor say aye. Opposed, no.

The committee has risen.

[Whereupon, the committee of the whole having risen, Acting President Bentley assumed the Chair.]

ACTING PRESIDENT BENTLEY: The convention will be in order. The Chair recognizes the gentleman from Grand Rapids, Mr. DeVries.

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

SECRETARY CHASE: Mr. President, the committee of the whole has had under consideration **Committee Proposal 81**, A proposal pertaining to county government. It has considered several amendments thereto and has come to no final resolution thereon. This completes the report of the committee of the whole, Mr. President.

I have the following announcements:

The committee on emerging problems will meet Wednesday, February 14, in room I on the third floor at 1:00 o'clock p.m. Frank G. Millard, chairman.

The committee on education will meet in its committee room immediately after the morning session on Wednesday, the fourteenth.

The committee on rules and resolutions will meet tomorrow morning at 8:00 a.m. Richard Van Dusen, chairman.

The committee on style and drafting will meet in room K tomorrow at 8:00 o'clock p.m. William B. Cudlip, chairman.

ACTING PRESIDENT BENTLEY: The Chair recognizes the gentleman from Detroit, Mr. Hodges.

MR. HODGES: Mr. President, I move the convention now recess until 8:00 p.m.

ACTING PRESIDENT BENTLEY: Those in favor will respond by saying aye. Those opposed, no.

The motion prevails.

The convention will be recessed until 8:00 p.m. this evening.

[Whereupon, at 6:00 o'clock p.m., the convention recessed; and, at 8:00 o'clock p.m., reconvened.]

PRESIDENT NISBET: The convention will please come to order.

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

PRESIDENT NISBET: The Chair recognizes Mr. DeVries.

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

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

The motion prevails.

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

CHAIRMAN DeVRIES: The committee will come to order. When last the committee met, it was considering **Committee Proposal 81**, section m, an amendment to the first sentence, which the secretary will read.

SECRETARY CHASE: Following is the amendment to section m that is presently pending:

1. Amend page 3, line 20, after "county" by striking out "with a population of 1 million or more"; and in line 22, after "employment" by inserting "as provided by law".

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Pleasant Ridge, Delegate Elliott.

MR. A. G. ELLIOTT: Mr. Chairman and delegates, during this recess, I have not reached all of the people who were on the amendment but the majority of them and it seems that the major problem here was one of interpretation. Mr. Martin felt that the way the committee language read it prevented other counties from having merit systems as provided by law.

Therefore, I have a suggestion to make to the makers of that amendment which may clear this up and that would be to leave the million count in there and add this language at the bottom: "All other counties may establish such merit systems as provided by law," leaving it as it is now, to the legislature. This should clear up any misinterpretation. I then have some additional language that would clear up the election procedure but that is not under discussion at this time.

The makers of this amendment originally were Messrs. Pollock, Martin, Faxon, Hanna and Mrs. Cushman. I talked to Mr. Martin and Mr. Faxon about this and they are agreeable to this substitution. If I felt we could reduce the discussion by having an agreement of that kind from Mrs. Cushman and Mr. Hanna and Dr. Pollock, I would introduce this as an amendment at this time.

CHAIRMAN DeVRIES: Do you introduce that as a substitute amendment?

MR. A. G. ELLIOTT: I would prefer to do it with the permission of the makers. If not, I think I'll just stand on these grounds and try to defeat the amendment as offered.

CHAIRMAN DeVRIES: Will Delegates Faxon, Cushman, Martin, Pollock and Hanna withdraw their amendment? Delegate Faxon.

MR. FAXON: There was some substantial degree of difference between the amendment and the proposition which Mr. Elliott refers to now and I've been thinking about it. As the statement now reads, you have any county of 1 million or over and then you're going to make a proviso that will project momentarily that the other counties will have merit systems that will be established by law by the legislature. "Any county of 1 million or over." Everybody knows what we're talking about, we know we are talking about Wayne county. I don't know whether there is an effort here to say it in any other way.

When I spoke before on the question, I felt that we should have all counties treated in a like manner insofar as the state is concerned. But I understand this is not a popular position; that there is a county that wants to be treated differently because of some experience that it may have had in the past with regard to the state legislature. If this is the case, I would wish for the proponents of the original proposal to more clearly spell out for me just what the difficulties have been over the past years that warrant 1 county getting special treatment in the constitution. This is what I would ask Mr. Elliott. If he could justify this for me, I would have no objection. I have objected to the idea of putting a number into the constitution to mean generally when we mean very specifically the county of Wayne. If I could have that cleared up, I might feel more amenable to the proposed suggestion.

CHAIRMAN DeVRIES: Delegate Faxon yields to Delegate Elliott.

MR. A. G. ELLIOTT: Mr. Chairman, I thought we made our position completely clear that the committee, after a great deal of discussion on this, arrived at the conclusion that you are reaching, Mr. Faxon: that it was necessary and wise to make this a constitutional provision. We thought we were making it possible for the legislature to have complete flexibility except after a county reached a population of 1 million. If you are not satisfied, then I would not offer this as a substitute amendment at this time and would urge the committee of the whole to defeat the amendment and I would offer it as a separate amendment.

CHAIRMAN DeVRIES: Does the gentleman from Detroit, Mr. Faxon, wish to object to the substitute amendment?

MR. FAXON: I would prefer to see a vote on the pending amendment before I would be willing to withdraw it, Mr. Chairman. (laughter)

CHAIRMAN DeVRIES: The question is on the amendment

offered by Delegates Faxon, Martin, Cushman, Pollock and Hanna. The gentleman from Ann Arbor, Dr. Pollock.

MR. POLLOCK: Mr. Chairman, I think I would agree with Mr. Faxon with the additional proviso that Mr. Martin added "as provided by law". It still keeps the whole thing within the framework of law at the same time that it indicates that there can be a classification to take care of different population groups. I think the Martin amendment clarifies the situation sufficiently and although I don't feel strongly about this, if the people from Wayne county are so fearful of the legislature and so anxious to have this vested with their own board of supervisors, I wouldn't want to fight over that particularly.

CHAIRMAN DeVRIES: Mr. Elliott.

MR. A. G. ELLIOTT: Mr. Chairman, I just would like to remind the delegates that the amendment that they have now before them completely changes the intent of the committee and I would urge its defeat.

CHAIRMAN DeVRIES: The question before the committee is the amendment offered by Delegates Faxon, Martin, Hanna, Pollock and Cushman and the secretary will read the amendment.

[The amendment was again read by the secretary. For text, see above, page 964.]

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Detroit, Delegate Baginski.

MR. BAGINSKI: Mr. Chairman and fellow delegates, we in Wayne, with 7,000 civil service employees, are not asking for any more than Dr. Pollock and some of the other gentlemen have asked for the state civil service commission. We are now regulated by statute and we are subject to possible ripping and tearing up of our rules in Wayne as the state civil service commission was and we are entitled to the same privileges. Wayne is the only county in the state of Michigan that has a civil service system.

We are not opposed to the amendment offered by Mr. Elliott allowing the other counties to have a civil service system by law, but we do have a system that is in operation at this time. It has been there for 19 years; it has been a success.

I do hope that the amendment will be voted down and we can consider the amendment that Mr. Elliott will offer after this amendment is voted down.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Muskegon, Delegate Hanna.

MR. W. F. HANNA: Mr. Chairman, if I may, I would like to have the question divided to vote on the "as provided by law" separate from giving county boards of supervisors power to set up civil service which would be the effect of the amendment that I put in.

I originally agreed with Mr. Martin's adding those words and I would like to withdraw that agreement, if permissible, because I think that there are 2 different things here. One is the question of whether or not the board of supervisors may of its own volition establish civil service. This is question one. If you divide them, it makes it a clear question of home rule powers.

CHAIRMAN DeVRIES: Delegate Hanna has requested that the question be divided. Is there objection? I hear none. The question will be divided. The secretary will read the first part of the question.

SECRETARY CHASE: The first amendment which is now being considered is as follows:

1. Amend page 3, line 20, by striking out "with a population of 1 million or more".

CHAIRMAN DeVRIES: The gentleman from Grand Rapids, Delegate Blandford.

MR. BLANDFORD: Mr. Chairman, I think that Bill Hanna and Art Elliott have pretty well covered this. We have 2 separate items that we are trying to discuss here. It is obvious to me that section m as it is now written is what the people of Wayne county desire and what they want and I think it should be passed as such. Now, the rest of the other 82 counties in the state of Michigan have a separate problem. If

they are going to have civil service, it will be under the jurisdiction of the state legislature. I feel that there should probably be another section added to this, covering the other 82 counties. I think it is as simple as that.

We have been trying to combine both of these into 1 section. I think it is impossible to do. You've got 2 separate items. I therefore feel that Bill Hanna has come the closest to my way of thinking on this: that we do have 2 separate things here. I feel section m should be passed as it is; the amendment of Mr. Martin, which in my opinion negates section m, should not be passed. Then after we pass section m, if you want to write another section covering the other 82 counties, go ahead and do so. I think that's the proper way to proceed.

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

CHAIRMAN DeVRIES: What is your point of order, Mr. King?

MR. KING: Mr. Chairman, it seems to me that we should be voting first on the Martin amendment. My understanding of parliamentary procedure is you vote on the last amendment which is proposed and when the question was divided, I thought we were back to where we were before. I would prefer to vote on the Martin amendment which concerns the "act provided by law" part before we vote on the amendment concerning the number of people that have to reside in the county.

CHAIRMAN DeVRIES: Delegate King, it is the Chair's understanding that we are voting on the Martin amendment as divided. The secretary will read the first part of the question on which we will vote.

SECRETARY CHASE: There are 2 sections to the amendment proposed by Mr. Martin. The first part of it was page 2, line 20, by striking out "with a population of 1 million or more". The second amendment was in line 22, after "employment" by inserting "as provided by law".

MR. KING: Wasn't that second part added on after the first part?

CHAIRMAN DeVRIES: Delegate Martin revised the language without objection of the cosponsors of the amendment. So we are working now on the Martin amendment and we have divided the question as the secretary has read. We will vote on the first sentence first. The Chair recognizes the gentleman from Escanaba, Delegate Follo.

MR. FOLLO: Mr. Chairman, members of the committee, I was a member of the minority that lost out on this particular section. I think I can speak for most of the minority when I say we favored extending this to the other counties of the state, but we were outvoted on it. Our chairman, who appears to be a very loyal chairman, and who like a good captain goes down with his ship, is protecting something which I think some of us would have no objection to: extending this to all the counties of the state, regardless of the population.

CHAIRMAN DeVRIES: Does Delegate Sharpe seek recognition on the question?

MR. SHARPE: Mr. Chairman, would it be permissible to ask Delegate Baginski a couple of questions?

CHAIRMAN DeVRIES: If the gentleman cares to answer.

MR. SHARPE: Being a member of the local government committee, Martin, you told us in the deliberations that there were specific reasons why you wanted this protection for the city of Detroit and I don't believe that you have expressed this to the delegation. I think if we divide this question up and we add to or subtract from it, we're going to defeat it and if it is something that the Detroit people need and want, I think they should have it and I don't think that the out-county people are against it. But I don't believe that you have told us the full story in regard to what the legislature has done in the past with some of your civil service employees. Maybe you'd like to do that.

CHAIRMAN DeVRIES: The Chair recognizes the delegate from Detroit, Delegate Baginski.

MR. BAGINSKI: Mr. Chairman and fellow delegates, the entire matter boils down to this: we have had a civil service system in Detroit for 19 years. This affords protection to career people who have devoted the past 19 years and perhaps even longer to work in the county—men who are trained for

specific work of this sort—and they are entitled to the protection that we can give them under civil service. We are asking for the continuation of this system in Wayne and Wayne only.

From what I could gather in the committee of 27 people on local government—and you were there, Mr. Sharpe, you know that we had to barter for this figure of 1 million—many of the committee members did not care to be included in the civil service proposal. So the local government committee said: "All right, we'll make it for a million."

Tonight on the floor, we are asking again that you allow us to have and continue our merit system in Wayne county; that you vote down all the other amendments and we have an amendment here that will make permissive for all the other 82 counties a civil service system if you want to have one, by law. Does that answer your question, Mr. Sharpe?

MR. SHARPE: Yes, I believe it does, Delegate Baginski.

Now I'd like to ask Delegate Hanna one question, if I could, Mr. Chairman. A few moments ago you mentioned something about home rule, Mr. Hanna. We are not in a home rule argument as yet and I am asking you now if you think that this amendment which would allow the city of Detroit to be recognized in the constitution would forever prohibit your county from having a civil service system if they so desired.

CHAIRMAN DeVRIES: The Chair recognizes the delegate from Muskegon, Delegate Hanna.

MR. W. F. HANNA: Not if the amendment which Mr. Baginski referred to and which Mr. Elliott referred to is adopted by this delegation.

MR. SHARPE: The original amendment?

MR. W. F. HANNA: The amendment that provides that counties under 1 million could have civil service as provided by law. At that point, I have no objection to the delegation adopting the amendment or the committee proposal word for word.

MR. SHARPE: I have no objections to the amendment.

CHAIRMAN DeVRIES: The question now is on the Martin amendment as divided. The secretary will read the amendment. Delegate Follo.

MR. FOLLO: May I suggest this: that the phraseology of that last part I proposed to the committee—I don't believe in getting up here and talking too much. I try not to and I haven't—but I suggested it to them to put it in so I certainly am in favor of it.

CHAIRMAN DeVRIES: The secretary will read the amendment as divided, the first part.

SECRETARY CHASE: The first part of the amendment:

[The first part of the amendment was again read by the secretary. For text, see above, page 968.]

CHAIRMAN DeVRIES: The question is on the amendment. All those in favor of the adoption of the first part of the amendment will say aye. Those opposed, no.

The amendment is not adopted. The secretary will read.

SECRETARY CHASE: The second part of the amendment is:

1. Amend page 3, line 22, after "employment" by inserting "as provided by law".

CHAIRMAN DeVRIES: The question is on the adoption of the second part of the amendment. Delegate Faxon, for what purpose does the gentleman rise?

MR. FAXON: I did not follow the way the question was to be divided. I understood when it was going to be divided we were going to get the Martin amendment first, that is "as provided by law."

CHAIRMAN DeVRIES: We are voting on the Martin amendment. We have not adopted the first half of the amendment. The question was divided. We are now voting on the second part of the Martin amendment. The secretary will read the amendment again.

SECRETARY CHASE: The second part of the Martin amendment presently under consideration is in line 22, after "employment" by inserting "as provided by law".

CHAIRMAN DeVRIES: The question is on the second

part of the amendment. All those in favor say aye. Opposed, no.

The amendment is not adopted.

SECRETARY CHASE: Mr. Elliott now offers the following amendment:

1. Amend page 3, line 23, after "shall" by striking out the balance of the section and inserting "not take effect until approved by a majority of the registered voters voting thereon. All other counties may establish such merit systems as provided by law."; so that the language will then read:

The ordinance or any amendment thereto shall not take effect until approved by a majority of the registered voters voting thereon. All other counties may establish such merit systems as provided by law.

CHAIRMAN DeVRIES: The question is on the Elliott amendment to section m. The Chair recognizes the gentleman from Detroit, Delegate Mahinske.

MR. MAHINSKE: I'd like to direct this to Mr. Elliott. How are these systems adopted in the other counties?

CHAIRMAN DeVRIES: Delegate Elliott.

MR. A. G. ELLIOTT: As provided by law. (laughter) The legislature will have the authority and will provide the procedure which will be followed.

CHAIRMAN DeVRIES: Delegate Pollock.

MR. POLLOCK: Mr. Mahinske, Mr. Martin this afternoon informed the committee that the committee on executive branch is bringing forth a provision on this subject.

CHAIRMAN DeVRIES: The question is on the Elliott amendment to section m. All those in favor, say aye. Opposed, no.

The amendment is adopted.

Are there any more amendments to section m?

SECRETARY CHASE: Mr. Faxon offers the following amendment:

1. Amend page 3, line 19, after "supervisors of" by striking out "any county with a population of 1 million or more" and inserting "Wayne county"; so the language will read, "The board of supervisors of Wayne county will have the power by ordinance to establish a merit system for county employment."

CHAIRMAN DeVRIES: The question is on the Faxon amendment. Delegate Faxon.

MR. FAXON: This is, in effect, what the proponents of the amendment here have said is for Wayne county. We say "any other county". You talk about any county. We are talking about Wayne county. When that's what they say it's for, why penalize other counties that may not feel this is an advisable means? We're putting the provision in. Call it what we say it is instead of deceiving it with language with regard to population figures. I think it's very misleading.

CHAIRMAN DeVRIES: The gentleman from Detroit, Delegate Stevens.

MR. STEVENS: I'm afraid Delegate Faxon needs a little lesson in civics. It is impossible under the law to pass a special act mentioning a county by name. That is the only reason that the population figure is used. This is a usual, common and ordinary practice in the legislature. It would apply to any other county if and when that county reaches the population of 1 million.

MR. FAXON: Mr. Chairman, I'll withdraw the amendment. I don't want to get Mr. Stevens upset about this amendment.

CHAIRMAN DeVRIES: Delegate Faxon withdraws the amendment.

The Chair recognizes the delegate from Grand Rapids, Delegate Tubbs.

MR. TUBBS: Mr. Chairman, it seems quite obvious that the intent of the committee report was to legalize or put into the constitution the statute which let Wayne county have the merit system. I objected the other day to an amendment which would have frozen into the constitution a statute that had been on the books for many years about tax exemptions. You may remember that it was Mr. DeVries' amendment. I object to this one on the same ground. But if we are going to vote for it, I suggest that everybody refrain from voting except those from Wayne county.

CHAIRMAN DeVRIES: Are there any further amendments to section m? The secretary will read.

SECRETARY CHASE: Mr. Higgs offers the following amendment:

1. Amend page 3 by striking out all of lines 19 through 24, inclusive, including the language just recently adopted.

CHAIRMAN DeVRIES: The Chair recognizes the sponsor of the amendment, Delegate Higgs.

MR. HIGGS: Mr. Chairman and fellow delegates, I think that the debate and discussion that we have had points out the problem with regard to special legislation being incorporated in the constitution. I feel that I was quite impressed first of all by the comments of Delegate Hutchinson when he said that by so restricting the legislature, we may be permitting a separate kind of merit system to be established in different counties. And I really believe that this would be a mistake.

I think that the proper way to develop a county merit system would be by general law applicable to all counties. I feel that this definitely should be left to the legislature. If my understanding is correct—and I would like to be corrected if I am wrong—the legislature now has the power to provide by general law for merit systems and they have done so for the benefit of Wayne county. Now we hear the people from Wayne county are here asking that we incorporate into the constitution something special to give constitutional recognition to a system that they have. I really feel that this is leading us into all kinds of difficulty.

And there are other things that could be raised with regard to this paragraph. We speak of the board of supervisors. I'm not certain under the county home rule provisions that that necessarily in all counties will be such; it may be a commission in some counties. In any event, I feel this is the proper time—I think we took a long step forward last week in recognizing that there were matters which should be left out of the constitution and that we should in the constitution lay out the broad, general framework where necessary.

Now, we did make an exception with regard to civil service at the state level. We recognize that this was contrary to good constitutional practice. I think that the proponents of civil service would so recognize today that this is contrary to good constitutional practice. However, we did it. But are we going to continue to do it? Are we going to take another step forward in incorporating into the constitution such a provision as this?

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Detroit, Delegate Binkowski.

MR. BINKOWSKI: Mr. Chairman, ladies and gentlemen, I'd like to speak against the Higgs amendment. I think that you have to remember that this provision is not the Wayne county as such. This is a very abstract concept. This is an opportunity to afford those thousands of civil servants who are employed by Wayne county the same type of protection that those civil servants at the state level have. I think that's very important. We have recognized the importance of the state civil service. Why not carry the idea forward and also constitutionally recognize those civil servants who are working for the county system?

Now, as to good form, I suggested and perhaps we will change; I don't know—but we have an awful lot of things in this new constitution to date which do not meet good constitutional form. This provision is a mere 45 or more words.

Secondly, we are discussing home rule. Now, what can be a better system for local self determination than to have the board of supervisors who are very close to problems, who know the problems and, of course, I think you all are fully aware that the problems of an urban community are distinct from those problems in a rural-urban or just strictly a rural community. And I suggest to you that there is no legislative body which is in a better position to experiment to determine those things in the County of Wayne than the board of supervisors or a legislative body which is located in that county. I think that this is a type of provision which will be most acceptable and provide the needed flexibility. Therefore, I am against the Higgs amendment.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Fennville, Vice President Hutchinson.

MR. HUTCHINSON: Mr. Chairman, I simply wanted to rise in support of the amendment, which Mr. Higgs now offers, to strike from the proposal this section m and for the reasons and arguments that I presented earlier in the day. I agree with Mr. Higgs that from the standpoint of proper constitutional considerations and what should properly go into a constitution, this does not belong there. I would hope that the committee would now strike it from the proposal.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Detroit, Delegate Norris.

MR. NORRIS: Mr. Chairman, I think what we really have here is a problem not of logic but of experience. Experience here demonstrates that it is proper for this convention to delegate to a particular legislative body the power to grant and to enforce civil service programs and what we are trying to do here is say that by virtue of the experience with the legislature with reference to merit systems, there is reasonable cause for skepticism and for some degree of alarm in terms of some 30 years of experience with the legislature in relation to the merit system. So that because of the apprehension in this regard, this convention can, without violating any precept of what constitutes a constitution or what is legislative, but merely on the basis of pragmatism and experience, say that the board of supervisors of this particular area ought to be able to deal with the precise problems in that particular area. And for that reason, I would urge that we vote against the Higgs amendment and for the committee proposal.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Detroit, Vice President Downs.

MR. DOWNS: Mr. Chairman and fellow delegates, I believe that we should support the principle of county civil service, and I would be glad to see this apply to all counties in the state. But I would not want us to deny the county employees of Wayne county this added protection. I think the argument has been made that we should only make a bare skeleton of a constitution, but I think we should remember that in writing a document that is a life and blood document that varies from model constitutions, depending on the feelings of people at the time, there is a strong feeling for preserving the concept of civil service as a constitutional right where it now exists in Wayne county. I think the classification of a million or more gives that protection. I urge the delegates not to take that away, but if it is amended, to amend it by strengthening it and making it more applicable to other counties in the state.

CHAIRMAN DeVRIES: The question before the committee is the Higgs amendment. The Chair recognizes the gentleman from Muskegon, Delegate Danhof.

MR. DANHOF: Mr. Chairman, the remarks of Mr. Binkowski have caused me a little difficulty. He thought that he wanted to have flexibility in allowing the board of supervisors to be able to change the civil service ordinance as it may deem fit to meet the changing times.

I submit that under the provision that is now before this committee, it is probably one of the most inflexible things that could be done for the reason that any time a change is desired—and I can sympathize with Mr. Baginski when he says that the legislature has made changes—but every time an amendment may be needed in view of the times regarding qualifications or rights of appeal or anything else, being technical or otherwise, it is going to necessitate a vote of the people of the county of Wayne as the matter now provides. And if I understand it, the gentlemen who are from Wayne are willing to go to the people every time they desire to make a change by deleting a small section or making some change in the civil service ordinance that is adopted. I may be mistaken when I said "amendment" but as I view it, it says the "ordinance" or "amendment" shall not become effective unless approved by a majority of the electorate. Now, you may have an original amendment or ordinance. This will be fine. But if you're going to require the vote of the people every time it is felt a change may be needed, I submit that you are tying yourself in a box from which you may find it very difficult to find a way out.

This is the way I read the proposal.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Detroit, Delegate Ostrow.

MR. OSTROW: Speaking with reference to Mr. Higgs' statement in which he objects to putting into the constitution provisions of a limited application, as in this case the application of this provision merely to Wayne county, I wanted to remind Delegate Higgs that at his insistence the judiciary committee included in Committee Proposal 94 a provision relating to probate judges in counties of less than 25,000 in order to take care of the needs of these small counties.

CHAIRMAN DeVRIES: The Chair recognizes the delegate from Detroit, Delegate Yeager.

MR. YEAGER: Mr. Chairman, ladies and gentlemen of the committee, everyone seems to agree that merit systems, as such, are desirable things for counties to have. But the question resolves itself down to how such merit systems shall be established. Shall they be established by statute through legislative authority or shall they have independent and constitutional authority? It seems to me the issue here is, we must decide which of these 2 should be applicable. If we decide that constitutional independent authority for establishing a merit system is the most desirable, then it would seem to me that it should rightfully apply to all counties in Michigan. In other words, you could paraphrase the statement: what is good for Wayne county, should be good for the rest of the state, if it is a sound basic principle.

It has been stated here a couple of times that for the past 19 years Wayne county has had a merit system. Now, the question to me has not been fully answered. What's wrong with the present system as it operates under legislative authority? Mr. Faxon raised that question much earlier and I don't think it's been sufficiently answered. Mr. Norris touched on it but he didn't bring out anything specific. If this is bad—if the legislature is unable to handle a merit system and the legislation surrounding it so that it operates effectively in a county—then this may be the wrong approach to having a merit system in a county. Therefore, we should adopt the independent constitutional authority.

The point I want to make is that if we adopt an independent constitutional authority for Wayne county, it should apply to the rest of the counties in the state. Thank you.

CHAIRMAN DeVRIES: The Chair recognizes the president of the convention for the purpose of making a preferential motion. President Nisbet.

MR. NISBET: Mr. Chairman, it has just come to my attention that the governor of our state is in the building tonight and sitting in the gallery. I would move that he be invited to come into convention hall and sit on the rostrum while we are in session.

CHAIRMAN DeVRIES: Without objection, it will be so ordered, and the governor is invited to the rostrum of the convention.

[Whereupon, Governor Swainson approached the rostrum, and received a standing ovation.]

On behalf of the delegates, I welcome Governor Swainson to our proceedings.

The Chair recognizes the gentleman from Detroit, Delegate Madar.

MR. MADAR: First I would like to make a comment about the remark that was just made about what is good for Wayne should be good for anybody else in the state. I wish he hadn't said that because the last time I heard a similar remark, it didn't go over very good in these United States. (laughter) I see there are some people who do read the papers and remember what happened a few years ago.

Anyway, Mr. Chairman, I just wanted to say in answer to Mr. Danhof that we know that the legislature and legislative bodies can pass legislation which gives departments and various enforcing agencies the right to set up rules and regulations and I just wanted to remind you that this does not take that same privilege away from the boards of supervisors. They can give the civil service system or the merit system the right

to draw up rules and regulations as to how this merit system would be operated.

CHAIRMAN DeVRIES: The Chair recognizes the delegate from Saginaw, Delegate Shackleton.

MR. SHACKLETON: Mr. Chairman and delegates, I have no objection to trying to take care of Wayne county. If they have been trying to struggle with the legislature for 19 years and to get a law that is satisfactory to them, how many years will it take the legislature to get a law that will satisfy 82 other counties? I support Mr. Higgs in his amendment.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Bessemer, Delegate Fellow.

MR. FELLOW: Mr. Chairman, ladies and gentlemen of the committee, I rise to oppose the Higgs amendment. As an out-state delegate, I can appreciate the problem that Wayne county has here because of the legislature and if there is a real fear upon their part because of the way the reactionary senate has acted over the years, I believe that we should give Wayne county the right to have civil service.

CHAIRMAN DeVRIES: The Chair recognizes the chairman of the committee, Delegate Elliott.

MR. A. G. ELLIOTT: Mr. Chairman and fellow delegates, I would like to oppose the Higgs amendment for practically every reason that Mr. Fellow didn't say; that is that this committee of ours, as I mentioned to you before, worked hard over this particular point and felt that the solution that we found was a sound one, was proper for the constitution and with the corrections that have been made, more properly clarifies the position that I think the majority of the committee took in its deliberations.

CHAIRMAN DeVRIES: The question before the committee is the Higgs amendment to section m, and the secretary will read the amendment.

[The amendment was again read by the secretary. For text, see above, page 970.]

CHAIRMAN DeVRIES: The Chair recognizes Delegate Hatch.

MR. HATCH: The comment has been made that Wayne county wants the same protection which state employees have. Now, the solution to their problem appears to be to give the board of supervisors or the legislative body of that county complete control over their civil service. I would like to remind those who favor this amendment that in 1940, the people passed a constitutional amendment which took away from the legislature the right to deal with their own employees here in the state. In other words, if the amendment were to set up a county civil service commission with full power to grant increases in pay, to fix classifications, I would say that maybe they do want the same protection. But by merely granting this authority to the board of supervisors, the legislative body of that county, I think we're opening the door to patronage and a possible return to the spoils system where it could be used in Wayne county and I don't think they'd want that. (applause) So I support the Higgs amendment.

CHAIRMAN DeVRIES: The Chair recognizes the delegate from Detroit, Delegate Hodges.

MR. HODGES: In answer to Mr. Hatch, the way the last sentence reads, "The ordinance or any amendments thereto shall be approved by the electors of the county," I would conclude from that they could have the power to set up any type of board or commission they wanted through the election. I think what this resolves itself down to is spoilsmanship or civil service or good government.

Now, the people from Wayne county are quite willing to allow the other 82 counties to have anything they particularly want just so we have a determination here to protect the civil service of Wayne county. I'm sure that every member from Wayne county will be glad to give the opportunity to the other 82 counties to vote for civil service if they so desire. If this would please the rest of the committee, I think it would make much more sense to do it that way, but at all costs, at least let us protect our own civil service system.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Grand Haven, Delegate Stafseth, speaking on the Higgs amendment.

MR. STAFSETH: I rise to oppose the Higgs amendment. I've had the occasion in public office as administrator to study the civil service system that they have down there and I have a good deal of admiration for what they have. Now, if they want to protect what they have and lock it in so that they have this good ordinance and they have the safety of the vote of the people for any change, I think it would be a good thing to leave it that way. It may be a little bit legislative but I think we should give it to them.

CHAIRMAN DeVRIES: The question is on the Higgs amendment to section m. The Chair recognizes the gentleman from Detroit, Delegate Stevens.

MR. STEVENS: I think Mr. Stafseth has explained this quite fully. It is simply a question of whether or not we are to have constitutional protection for the system we now have in Wayne county. I don't see how anybody could object to it. Perhaps it could be objectionable from a purely technical standpoint but so are many other things. But as I see it, all the employees of Wayne county are asking for is to protect through the constitution the civil service which we now have there.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Bay City, the author of the amendment, Delegate Higgs.

MR. HIGGS: Mr. Chairman and fellow delegates, I would like to bring to your attention once again that what is involved here is a principle.

I went home over the weekend and spoke with my constituents and I explained to them why I voted against the 15 mill limitation. I read in the newspaper and in talking with other delegates, I sensed a new spirit within this convention, a spirit opposed to placing restrictions upon the legislature, a feeling that perhaps we would review and examine what we were doing with earmarked funds. I told my people that I would come back here and I would look forward in this convention to doing what I thought was right without regard to all of the special interest groups and I think that is what they expect us to do.

Now, we haven't heard much here today from the proponents of civil service. But, as we were told earlier, what we did with regard to the establishment of a state civil service commission in the constitution was contrary to good constitutional practice. Now, what we are doing here is taking a step forward. We are carrying poor constitutional practice a step further. We are doing it under the most difficult circumstances. We've had all kinds of wording proposed here on the floor. I don't think any of us have before us the exact words of what we have come up with. We are trying to frame in the legislative language provisions adaptable to Wayne county and provisions adaptable to 82 other counties.

We have not given consideration to some of the implications of developing separate civil service systems in the differing counties. Delegate Hutchinson mentioned one possibility of seniority rights and the transfer of counties that we have not considered further. Delegate Danhof has pointed out that we are adopting a more rigid kind of provision in that after we adopt this, the people from Wayne, when they want any amendment to their system, must have first, action from the board of supervisors, and second, must go to the people. There is nothing here about initiating anything from the people. It must come first from the board of supervisors and then they have to go to a vote. There are all kinds of possibilities in here.

Again, what we are doing is we are going forward, protecting what they already have. Now, I suggest that since we already have it, there is authority for the legislature to do what they have done. There is authority for the legislature to go further by general law. I apologize for having spoken twice on this but I will speak no further. Thank you.

CHAIRMAN DeVRIES: The question before the committee is the Higgs amendment to section m. The Chair recognizes the lady from Highland Park, Delegate Donnelly.

MISS DONNELLY: I'd like to direct a question to the chairman of this committee regarding Committee Proposal 83. Isn't that handling this sufficiently so you don't need this amendment in this section? Particularly to this degree, I'm in favor of Mr. Higgs' amendment on the theory it is particularly specialized, and it seems to me 83 gives you broad enough powers to handle it. Am I wrong?

MR. A. G. ELLIOTT: We did not think so.

MISS DONNELLY: I don't think that's sufficient answer for me, Mr. Elliott. That's a conclusion of a fact. I'd like you to be a little more explicit, if you could.

MR. A. G. ELLIOTT: Just a second. What section of Committee Proposal 83 are you talking about?

MISS DONNELLY: The part that relates to cities and villages. We're talking about the city of Detroit, if I understand it correctly.

MR. A. G. ELLIOTT: We're talking about the county of Wayne.

MISS DONNELLY: Yes, I know, but we're talking about the city of Detroit's merit system, aren't we?

MR. A. G. ELLIOTT: We're talking about the county of Wayne's merit system.

CHAIRMAN DeVRIES: Delegate Donnelly, the question before the committee is the Higgs amendment, not Committee Proposal 83. It is on the Higgs amendment to section m of Committee Proposal 81.

Delegate Richards.

MR. L. W. RICHARDS: Mr. Chairman, I believe it's been covered very well as far as concerns the merit system. On this particular subject, I was hoping it would be able to be voted on. I'd like to give my position on it while I'm on my feet. It isn't very often that Mr. Madar and I agree. But I believe as we discussed this in local government, we were giving Detroit special consideration. We thought it was justified. I'll keep that position now. I don't think it would be too disturbing to have it in the constitution. I look a little bit forward in the future when I hope our friend Tom Downs and a few more will be concerned about the U.P. when we get to certain other issues, Tom. We're still considering Detroit now and I hope you'll be just as considerate of the upper peninsula at that time. (applause)

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Detroit, Delegate Young.

MR. YOUNG: Brother Chairman, I am speaking in opposition to the Higgs amendment. As I understand it, the employees of Wayne county are the only civil service employees in the state who have no form of constitutional or charter protection. Now, we have various civil service systems throughout the state, either municipal or state. State employees are covered by constitutional amendment. Municipal employees are covered through charter. The Wayne county and home rule—the Wayne county civil service employees are the only ones who have no constitutional or charter protection whatsoever. We are merely asking in the committee report that these employees be given some minimum type of constitutional and/or charter security. I think that's a minimum and reasonable request.

CHAIRMAN DeVRIES: The Chair recognizes the lady from Highland Park, Delegate Donnelly.

MISS DONNELLY: I direct my question to Mr. Elliott on Committee Proposal 89. I misquoted your charts—you've been amending them—for your county home rule. Won't that cover it? My point being, aren't you covering it someplace else and you needn't do it now?

MR. A. G. ELLIOTT: In fact, you are not, because it might be possible that if we pass 89 as it is now written, or in any other form, the county of Wayne might not adopt it. This is a provision which accommodates one specific section and I think that it would be unwise to consider this in relation with any section or any proposal which is coming up later.

Mr. Chairman, I would like to move that the committee rise at this time for a brief moment so that we can hear a word from the governor.

CHAIRMAN DeVRIES: Delegate Elliott moves that the committee do now rise. All those in favor, say aye. Opposed, no.

The motion prevails. The committee has risen.

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

PRESIDENT NISBET: Without objection, the report of the committee of the whole will be dispensed with at this time.

I am very happy to present to you our governor, Governor Swainson. (applause)

GOVERNOR SWAINSON: Thank you very much. President Nisbet and ladies and gentlemen of the constitutional convention, members of the staff and ladies and gentleman in the gallery, I certainly appreciate this opportunity to address the 1961 Constitutional Convention and assure you that I did not expect that my visit this evening would provide this opportunity. It is very appreciated. And to show my appreciation, I shall limit my remarks because in this last few minutes I have found out that legislative bodies have not changed very much since I had the opportunity to serve in the Michigan senate. And the thing you need least is some more remarks of harangue to assault your ears this evening.

But I will say this: I have not had the opportunity to visit this chamber very often during your deliberations. I know a great many other people have not had the opportunity either. But your efforts are being marked well and the challenge that you face to arrive at a document that will be acceptable to the majority of the citizens of this state is an awesome one indeed, and each of us who do not have this opportunity to be present each day for the debate and to hear the subtleties—the very important subtleties—and discussions, still are going to be called upon to vote on this instrument. And so, if you would lend your efforts to helping us have a clearer understanding of what the intent is, you will have been doing a very fine service. And I hope, as each one of you hope, that your efforts here will be rewarded by an acceptance by the people of the state of Michigan of the document that you write. Thank you. (applause)

PRESIDENT NISBET: Without objection, the convention will convene in committee of the whole for **general orders**.

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

CHAIRMAN DeVRIES: The committee will come to order. When last the committee met, it was considering the Higgs amendment to **Committee Proposal 81**. The Chair recognizes the gentleman from Detroit, Delegate Binkowski.

MR. BINKOWSKI: Mr. Chairman, ladies and gentlemen, I'd just like to take a few more minutes to read this very brief summarization of the statement by Mr. Mathivet, Jr., of the civil service commission of the County of Wayne contained in Journal 30 of the committee on local government:

Of the 83 counties in the state, Wayne county is the only one which has a civil service and merit system. With the advent of a merit system of employment, the county has been able to inaugurate many improvements in its employment conditions.

It is the general feeling by all segments of our county that our civil service system has been a good step toward more efficient county government.

It is the feeling of the civil service commission that the permanency of the county civil service and merit system should rest on a firmer foundation than merely statutory enactment. It is also felt that the board of supervisors should have permissive authority under the constitution to provide for a merit system in accordance with its local needs on the same basis that numerous city civil service systems are established in their respective city charters under the present constitutional provision. A choice should be permissible for each county as to whether it wants such a system or not and should not be obligatory. Then there is one question and answer.

Question: Just exactly why do you feel it has to be in the constitution?

Answer: First, permanency of the system. Secondly, the general act of the legislature does not provide for individual needs.

Now, ladies and gentlemen of the committee, I submit that the arguments advanced by Mr. Higgs as to this not being a constitutional form has no merit if we decide that county civil service along with state civil service demands constitutional recognition and I believe it does. And since we are writing a document which is going to be permanent in nature, I think that this system then should have some permanency in our constitution.

I think I emphasized the second point, that is, that our board of supervisors would then have the opportunity to provide for our individual needs down in Wayne county. Thank you.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Detroit, Delegate Norris.

MR. NORRIS: Mr. Chairman, we have heard a great deal this evening to the effect that this particular proposal of the committee is an accommodation to the people of Wayne county. I submit to you that it is not merely a recognition of needs in that county but it is an implementation of a state purpose, a purpose which serves the people of all the state, namely, a purpose which we have incorporated in a constitutional provision regarding the merit system itself. We have declared it to be a constitutional policy of this state to favor a full implementation of the merit system. And what we are doing by this committee proposal is implementing that policy to see that when the people of a given community have supported it and wanted to nourish and maintain and secure a merit system, they ought to be accorded that opportunity in a way that is effective. And I think that that's the precise policy behind the committee proposal.

Now, much point has been made with regard to: "well, it's already there; there's not much sense in having a constitutional protection for it." I might submit to Mr. Higgs and others that the very fundamental bill of rights itself was argued by a number of people at the founding convention as not being necessary because after all, they were rights that belonged to all and didn't have to be spelled out. And we have a premise there where the logic of experience, where all kinds of fact situations have grown up to justify the adoption of a bill of rights in the constitution as necessary.

I submit that the experience with regard to civil service, the same experience which has led the people of this state to adopt the constitutional amendment, the same experience which has led this convention to adopt a constitutional provision regarding the merit system, is the experience which has led to the promulgation of the committee proposal and I urge its adoption and the rejection of the Higgs amendment.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Taylor, Delegate Marshall.

MR. MARSHALL: Mr. Chairman and fellow delegates, it seems to me that we have spent about as much time on this particular proposal as we should. We have now spent, counting the time that we spent this afternoon and the time that we have spent tonight, approximately 2½ to 3 hours on this one proposal. I think that everyone has pretty well made up their minds. I don't mind stating that I think the committee has done a good job on this particular proposal, as amended. I would therefore oppose the Higgs amendment. I would support the committee proposal as amended.

I will repeat a statement I made the other day on this floor. We can talk for a while and I can keep up with what is going on but after 3 or 4 hours, I begin to lose my trend of thought and then I am at a complete loss and I think again, many of the speakers, after they have spoken for 3 hours on 1 single section in a proposal, as we have on this one, and have had to listen to a repetition of the same old thing over and over, the speakers get spenorous [sic], Mr. Chairman, and I would hope that we would vote. (laughter)

CHAIRMAN DeVRIES: The delegate's point is well taken. The question before the committee is the adoption of the Higgs amendment. The secretary will read the amendment once more.

SECRETARY CHASE: Mr. Higgs' amendment: page 3, strike out all of section m.

CHAIRMAN DeVRIES: The question before the committee is the Higgs amendment. All those in favor, say aye. Those opposed, no.

The amendment is not adopted.

A DELEGATE: Division.

CHAIRMAN DeVRIES: A division has been called for. Is there support? There is support for a division vote. All those in favor of the Higgs amendment will vote aye. Those opposed will vote no.

The Chair votes no.

The secretary will lock the machine and tally the vote. The secretary will announce the vote.

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Higgs, the yeas are 29; the nays are 100.

CHAIRMAN DeVRIES: The amendment is not adopted. Are there any further amendments to section m? If not, it will pass.

Section m, as amended, is passed.

The Chair recognizes the chairman of the committee, Delegate Elliott.

MR. A. G. ELLIOTT: Mr. Chairman, I move we now take up section h and I would like to yield to Mr. Tweedie for the purpose of answering some of the questions that were asked of us on section h.

CHAIRMAN DeVRIES: Without objection, we shall return to section h. The gentleman from Port Huron, Delegate Tweedie.

MR. TWEEDIE: Mr. Chairman and members of the committee, I believe there is an amendment pending to this section to include the old language that is in section 9 of the constitution. I believe that was offered by Miss Donnelly. Due to the fact that she had fears that there might not be an appeal that could be taken to the circuit court, I'd like to cite MSA 5.522 and direct it particularly toward Miss Donnelly. It says:

When a claim of any person, firm, or corporation against a county shall be disallowed in whole or in part by the board of supervisors or board of county auditors, such person, firm or corporation may appeal from the decision of such board to the circuit court for the same county, by causing a written notice. . . .
so forth and so forth. I hope that clears up the matter now and that the language can be deleted from the constitution as it is covered by statute.

CHAIRMAN DeVRIES: The question before the committee is the amendment offered by the lady from Highland Park, Delegate Donnelly. The secretary will read the amendment.

SECRETARY CHASE: Miss Donnelly's amendment is:

[The amendment was again read by the secretary. For text, see above, page 959.]

CHAIRMAN DeVRIES: The Chair recognizes the lady from Highland Park, Delegate Donnelly.

MISS DONNELLY: I regret to state that I was not here at the time that this language was beginning to be addressed to me and I hate to have everybody hear it again but I gathered at the end it seemed to me you are claiming—this is a very limited statute, isn't it? What does it refer to?

MR. TWEEDIE: It refers to:

[The statute was again read by Mr. Tweedie. For text, see above.]

MISS DONNELLY: This is any claim?

MR. TWEEDIE: Yes. "When a claim of any person, firm, or corporation. . . ."

MISS DONNELLY: For any nature of claim; we are not limiting it to wages or anything like that?

MR. TWEEDIE: No, any claim at all.

MISS DONNELLY: Your opinion would be that if we were to remove a constitutional provision, there would be no reason to fear that this would be removed?

MR. TWEEDIE: No, there is no reason to fear whatsoever. I mean—

MISS DONNELLY: But you are now somewhat reversing your earlier argument, are you not, saying it would be switched to some other board for appeal? I like this argument much better.

CHAIRMAN DeVRIES: Would you address your remarks through the Chair please, Miss Donnelly and Mr. Tweedie.

MISS DONNELLY: I think Mr. Tweedie can answer me.

MR. TWEEDIE: Mr. Chairman and Miss Donnelly, yes, I have found the statute with the help of the research department since our last discussion on the floor.

MISS DONNELLY: Well, I haven't had the opportunity to research it further but at this stage of the game, I am not so disturbed about it, quite frankly, although it still leaves it to the legislature to preserve this.

MR. TWEEDIE: Mr. Chairman, Miss Donnelly, yes, it leaves it to the legislature and they always could repeal this, but let's put some faith in them. (laughter)

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Detroit, Delegate Mahinske.

MR. MAHINSKE: I'd like to direct a question to Mr. Tweedie through the Chair.

CHAIRMAN DeVRIES: You may, if the gentleman cares to answer it.

MR. MAHINSKE: I was wondering from the initial reading of the statute if this statute is self executing or if it is based on the existing language of the constitution. Will the statute stand by itself?

MR. TWEEDIE: My opinion is that it will stand by itself, Mr. Mahinske, and I think —

MR. MAHINSKE: I wonder if you could give us the beginning phrases from the statute again.

MR. TWEEDIE: Well, I can start back from the enabling part.

[The statute was again read by Mr. Tweedie. For text, see above.]

MR. MAHINSKE: That's good enough up to that point. Now, the statute refers to the claim when it shall be allowed by the board of supervisors. Now I wonder if this is imposing an absolute right of a person to present their claim to the board of supervisors because of the language in the constitution or, if we take this language out of the constitution, will this right stand as such merely under the statute? This is the question I would like answered.

CHAIRMAN DeVRIES: Is your question addressed to Delegate Tweedie?

MR. MAHINSKE: Or anyone from the committee who cares to answer it.

MR. TWEEDIE: Mr. Chairman, Mr. Mahinske, perhaps I should go back to the statute. Section 5.331 authorizes the powers of the board of supervisors and says under "Salaries; claims":

The board of supervisors shall have power to prescribe and fix the salaries and compensation of all employees of their respective counties where not fixed by law, to adjust all claims against their respective counties except in counties having a board of county auditors and the sums allowed and such adjustment of claims shall be subject to appeal as shall be provided by law.

And then you go on further to section 5.522 and it outlines the method of appeal.

MR. MAHINSKE: Then your first statute is restricted to wage claims.

MR. TWEEDIE: ". . . to prescribe and fix the salaries and compensation of all employees . . . , to adjust all claims against their respective counties"

MR. MAHINSKE: So it is all claims.

MR. TWEEDIE: All claims.

MR. MAHINSKE: Thank you.

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Taylor, Delegate Ford.

county officer and I would encourage Delegate Sablich to offer that amendment. And when it is offered, I would also encourage the support of all the delegates to include this in the group because I believe the county mine inspector plays a very important role in our fine operations of the U.P.

CHAIRMAN DeVRIES: The secretary will read the Sablich amendment.

SECRETARY CHASE: Mr. Sablich offers the following amendment to Committee Proposal 81:

1. Amend page 1, line 22, after "attorney," by inserting "and such other elective officers as may be provided by law,".

CHAIRMAN DeVRIES: The question is on the Sablich amendment to section c. The Chair recognizes the gentleman from Fennville, Vice President Hutchinson.

MR. HUTCHINSON: Mr. Chairman, in listening to the language of the amendment offered, it doesn't refer to a mine inspector as such. I got up here to talk about that. My point that I wanted to make was to invite attention to the fact that there are other county officers whose existence are by reason of statute, such as county surveyors, county drain commissioners and so forth and they continue to be.

Now, I can't understand why it is necessary to add the phrase that Mr. Sablich now offers, "such other officers as may be provided by law," unless I take it that he wants to insure that it would be impossible for any county official to hold a term of less than 4 years. I don't understand the wisdom of that. Keep in mind that we are going to have to have elections in every county every 2 years anyway and it may follow that maybe the legislature might, in implementing this section of the statute, provide for the election of some county officers at one time and other county officers at another, even though they have 4 year terms. My point is that we are going to have to continue to have elections in every county every 2 years anyway, because under the Constitution of the United States, we have to elect congressmen every 2 years. So you aren't going to be able to avoid elections by this reason. And I don't understand the wisdom of writing into the constitution at this time that every officer that might be created by law in a county shall have a 4 year term, no less and no more. In other words, the legislature would be without power to create any kind of a county official having more than a 4 year term. Now, then, I don't know, maybe the judge of probate is to be considered a county officer and if so, my understanding is there is some talk about giving him a 6 year term and that would run in conflict with this. I can't support the amendment the way I look at it now.

CHAIRMAN DeVRIES: The gentleman from Caspian, Delegate Sablich, has the floor.

MR. SABLICH: Mr. Chairman and members of the committee, I just want to reemphasize that the mine inspector is a very important official in those upper peninsula counties in which metals and minerals are extracted. The man is elected. My amendment merely proposes that all elected officials—if the legislature does see fit to provide that the drain commissioners and other officials of the county are put on an elective basis—I cannot see why they should not have the security of a 4 year term as well as those that are enumerated here in section c. For that reason, I urge the adoption of the amendment.

CHAIRMAN DeVRIES: The question before the committee is the Sablich amendment to section c of Committee Proposal 81. All those in favor of the amendment will say aye. All those opposed, say no.

The amendment is not adopted.

A DELEGATE: Division.

CHAIRMAN DeVRIES: A division has been requested. Is there support for a division vote? There is support. All those in favor of the Sablich amendment will vote aye. All those opposed will vote no. The secretary will read the amendment once again.

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

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

CHAIRMAN DeVRIES: All those in favor of the Sablich amendment will vote aye. Those opposed will vote no. The secretary will lock the machine and tally the vote. The secretary will announce the vote.

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Sablich, the yeas are 45; the nays are 72.

CHAIRMAN DeVRIES: The amendment is not adopted.

Are there any further amendments to the body of Committee Proposal 81? If not, it will pass.

Committee Proposal 81, as amended, is passed.

Delegate Elliott.

MR. A. G. ELLIOTT: Mr. Chairman, when I came to this convention some months ago, I didn't know what or who Parkinson was. I am not so sure that I do now but I understand he has one law that I would like to have changed to Elliott's law, which says something to the effect that debate within legislative bodies is in reverse proportion to the quality of the subject matter being debated. And while I can't say that the quality of this particular issue is always so bad, as I look back over the various sections that we have debated, it seems to me that those things which at least to the chairman seemed to be the most important, were the ones that got through with the least amount of discussion and those which we spent the most time on were those on which we could well have avoided a lot of discussion.

The second comment I would like to make is that Mr. Van Dusen asked me to prepare a schedule of the number of hours that I thought the committee on local government would be discussing the 9 proposals and 6 exclusions. I had the total number of hours planned—7 hours. We have now debated on the first proposal 7 hours and 15 minutes. Therefore, if my schedule is right, there is nothing more in local government. But I'm afraid that there is.

It is now 10:15 p.m. and I don't want us to be delayed too long. I am not going to urge that the committee rise at this time. I think that this next proposal is one that can be done most quickly. If I find to the contrary, I'll be happy to ask for the floor.

CHAIRMAN DeVRIES: The Chair might suggest to Delegate Elliott that he be careful to which one of the Parkinson's laws he affixes his name. The one he is talking about is called the law of triviality. (laughter)

MR. A. G. ELLIOTT: I thank you so much. (laughter) Maybe you will join me. (laughter)

CHAIRMAN DeVRIES: The secretary will read.

SECRETARY CHASE: From the committee on local government, by Mr. Elliott, chairman, **Committee Proposal 82**, A proposal pertaining to townships. Amends article VIII, sections 16, 17, 18 and 19.

Following is Committee Proposal 82 as read by the secretary, and the reasons submitted in support thereof:

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

Sec. a. Each organized township shall be a body corporate[,] with such powers and immunities as shall be prescribed by law. [All suits and proceedings by or against a township shall be in the name thereof.]

Sec. b. The legislature may by general law confer upon organized townships [such] powers of a local, legislative, and administrative character, not inconsistent with the provisions of this constitution. [, as it may deem proper.]

Sec. c. There shall be elected [on the first Monday of April in each odd numbered year] for a term NOT LESS THAN [of] 2 years NOR MORE THAN 4 YEARS AS PROVIDED BY LAW in each organized township: 1 TOWNSHIP supervisor[.]; 1 township clerk[.]; [1 commissioner of highways,] 1 township treasurer[.]; and, not to exceed 4 [constables] TOWNSHIP TRUSTEES, whose powers and duties shall be [prescribed] PROVIDED by law. [Justices of the peace shall be reclassified as shall be prescribed by the legislature to conform with the pro-

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

[Sec. a was read by the secretary. For text, see above, page 980.]

CHAIRMAN DeVRIES: The Chair recognizes the gentleman from Rogers City, Delegate Radka.

MR. RADKA: At this hour, I'm not going to belabor the committee with the history of townships. We could start from 1850 and carry it forward to 1962. But I think that the less amount of background material that I give you, the less number of questions; it might lessen the quantity of speech making and it might limit the number of amendments. As I understand, there is only one minority report and just one amendment to this proposal. The subcommittee was made up of Bill Suzore, Bill Ford and Jim Farnsworth. The first section will be handled by Jim Farnsworth and I yield to Jim Farnsworth.

CHAIRMAN DeVRIES: Delegate Radka yields to Delegate Farnsworth.

MR. FARNSWORTH: Chairman DeVries and members of the committee, this language, of course, as you will recognize, has been in the constitution for quite some time. Your committee is recommending the deletion of the last sentence which said: "All suits and proceedings by or against a township shall be in the name thereof." The committee felt that the language was not needed; that it just naturally followed that that was true.

Since this was written, I think there is another proposal coming in which will say that in any court you will be represented by an attorney of your choice and further, we thought that any attorney would naturally know that if a suit was started against a township, that it would be in the name thereof. We just didn't think the language was necessary.

CHAIRMAN DeVRIES: Are there any amendments to section a?

SECRETARY CHASE: None, Mr. Chairman.

CHAIRMAN DeVRIES: If not, it will pass.

Section a is passed. The secretary will read section b. Mr. Elliott.

MR. A. G. ELLIOTT: I notice that section b is the section that has a minority report and I think since there may be some discussion on that, I'd like at this time to move that the committee rise.

CHAIRMAN DeVRIES: Delegate Elliott moves that the committee of the whole do now rise. All those in favor will say aye. Opposed, no.

The motion prevails and the committee will rise.

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

PRESIDENT NISBET: The Chair recognizes Mr. DeVries.

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

SECRETARY CHASE: Mr. President, the committee of the whole has had under consideration **Committee Proposal 81**, A proposal pertaining to county government; reports this back to the convention with an amendment, recommending the amendment be agreed to and the proposal as amended do pass.

[The following is the amendment recommended by the committee of the whole:

1. Amend page 3, line 23, after "shall" by striking out the balance of the section and inserting "not take effect until approved by a majority of the registered voters voting thereon. All other counties may establish such merit systems as provided by law."]

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

The amendment is agreed to.

SECRETARY CHASE: Mr. W. F. Hanna offers the following amendment to the proposal:

1. Amend page 2, line 12, after "consisting of 1" by inserting "or more"; and in line 13, after "township" by inserting

"and city"; and in line 14, after "Cities" by inserting "and townships"; and after "such" by inserting "additional"; so that the language of section f on page 2 would read:

A board of supervisors, consisting of 1 or more from each organized township and city shall be established in each county with such powers as shall be prescribed by law. Cities and townships shall have such additional representation in the boards of supervisors of the counties in which they are situated as may be provided by law.

PRESIDENT NISBET: The question is on the amendment of Mr. Hanna. Mr. Hanna.

MR. W. F. HANNA: Mr. President, this matter was debated at some length in committee of the whole. The vote was close. This is merely an attempt to treat the large suburban townships that are in the crossroads of whether to become a city or to annex or merge or remain as they are, and grant to them effective representation on the board of supervisors as are granted to many of the smaller cities throughout the same county.

PRESIDENT NISBET: The question is on the amendment of Mr. Hanna. Mr. Farnsworth.

MR. FARNSWORTH: Mr. President, I would only call the convention's attention to the fact that I agree with Mr. Hanna, that this matter was debated in committee of the whole and we came to a decision on it and let me remind you once again that the local government committee strongly urges you to vote against this amendment. It has been very carefully considered and it is the recommendation of the local government committee that you vote the amendment down.

Mr. President, I move the previous question.

PRESIDENT NISBET: Is the demand for the previous question seconded? Those in favor say aye. Sufficient number up.

The question now is: Shall the previous question be put? Those in favor say aye. Opposed, no.

The motion prevails and the previous question is ordered.

The question is on the Hanna amendment. Those in favor will say aye—

Mr. Ford.

MR. FORD: Parliamentary inquiry. What is my status when I am standing at the mike waiting for recognition and someone moves the previous question?

PRESIDENT NISBET: The previous question is ordered, Mr. Ford.

MR. FORD: Will I be able to present an amendment when Mr. Hanna's amendment is voted on, assuming it doesn't pass?

PRESIDENT NISBET: Not unless it has been filed with the secretary, Mr. Ford, before the previous question was ordered.

MR. FORD: I just got it back from Mr. Hanna or it would have been filed. I had it written out some time ago.

PRESIDENT NISBET: I take it it has not been filed, Mr. Ford.

Mr. Farnsworth.

MR. FARNSWORTH: Mr. President, I do not want to shut Mr. Ford off from offering a proper amendment. If it is the pleasure of this convention, I'd be glad to withdraw my motion for the previous question.

PRESIDENT NISBET: The previous question has already been ordered, Mr. Farnsworth. The vote is on the Hanna amendment. Those in favor will say aye. Opposed, no.

The Chair is in doubt.

MR. W. F. HANNA: The yeas and nays, Mr. President.

PRESIDENT NISBET: The yeas and nays have been demanded. Is the demand supported. It is supported. Those in favor will vote aye. Those opposed will vote no. Have you all voted? If so, the machine will be locked and the vote will be recorded.

The roll was called and the delegates voted as follows:

Yeas—55

Balcer	Garvin	Liberato
Binkowski	Gover	Marshall
Bledsoe	Habermehl	Murphy
Boothby	Hanna, W. F.	Nord

[The amendment was again read by the secretary. For text, see above, page 984.]

PRESIDENT NISBET: The question is on the amendment by Mr. Kuhn. Those in favor will vote aye. Those opposed will vote no. Have you all voted? If so, the machine will be locked and the vote recorded.

The roll was called and the delegates voted as follows:

Yeas—49

Binkowski	Habermehl	Nord
Bledsoe	Hanna, W. F.	Norris
Boothby	Hart, Miss	Radka
Brake	Haskill	Richards, J. B.
Brown, G. E.	Hatch	Richards, L. W.
Brown, T. S.	Hatcher, Mrs.	Sablich
Butler, Mrs.	Higgs	Shanahan
Conklin, Mrs.	Hodges	Sharpe
Donnelly, Miss	Hood	Snyder
Downs	Hubbs	Stafseth
Elliott, Mrs. Daisy	Hutchinson	Sterrett
Erickson	Iverson	Stopczynski
Everett	Kuhn	Walker
Faxon	Lawrence	Yeager
Finch	Lesinski	Young
Ford	Murphy	Youngblood
Gover		

Nays—71

Allen	Follo	Perlich
Andrus, Miss	Garvin	Perras
Anspach	Goebel	Plank
Austin	Gust	Powell
Baginski	Howes	Prettie
Balcer	Hoxie	Rajkovich
Barthwell	Judd, Mrs.	Romney
Batchelor	Karn	Rood
Beaman	Kelsey	Seyferth
Bentley	King	Shackleton
Blandford	Knirk, B.	Shaffer
Bonisteel	Krolkowski	Sleder
Buback	Leibrand	Spitler
Cudlip	Leppien	Staiger
Cushman, Mrs.	Liberato	Stevens
Danhof	Lundgren	Tubbs
Davis	Madar	Turner
Dehnke	Mahinske	Tweedie
Dell	McCauley	Upton
DeVries	McLogan	Van Dusen
Durst	Millard	White
Elliott, A. G.	Mosier	Wilkowski
Farnsworth	Ostrow	Woolfenden
Figy	Pellow	

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Kuhn, the yeas are 49; the nays are 71.

PRESIDENT NISBET: The amendment is not adopted. There is one more amendment. The secretary will read.

SECRETARY CHASE: Messrs. Sablich, Pellow, Perlich and L. W. Richards offer the following amendment to Committee Proposal 81:

1. Amend page 1, line 22, after "attorney," by inserting "and such other elective officers as may be provided by law,".

PRESIDENT NISBET: Mr. Sablich.

MR. SABLICH: No debate on this question, Mr. President. I just request a recorded roll call vote.

PRESIDENT NISBET: Is the demand for a roll call vote seconded? Sufficient number up. Those in favor of the amendment by Mr. Sablich will vote aye. Those opposed will vote no. Have you all voted? If so, the machine will be locked and the vote recorded.

The roll was called and the delegates voted as follows:

Yeas—55

Andrus, Miss	Ford	Perlich
Anspach	Garvin	Perras
Austin	Goebel	Plank
Baginski	Hart, Miss	Radka
Balcer	Hatcher, Mrs.	Rajkovich
Barthwell	Hodges	Richards, J. B.
Batchelor	Hood	Richards, L. W.

Binkowski	Kelsey	Sablich
Bledsoe	Lawrence	Snyder
Bonisteel	Lesinski	Stafseth
Brown, T. S.	Liberato	Sterrett
Buback	Lundgren	Stopczynski
Butler, Mrs.	Madar	Tubbs
Dell	Mahinske	Walker
Douglas	Murphy	Wilkowski
Downs	Nord	Woolfenden
Elliott, Mrs. Daisy	Norris	Young
Faxon	Pellow	Youngblood
Follo		

Nays—65

Allen	Gust	Mosier
Beaman	Habermehl	Ostrow
Bentley	Hanna, W. F.	Powell
Blandford	Haskill	Prettie
Boothby	Hatch	Romney
Brake	Higgs	Rood
Brown, G. E.	Howes	Seyferth
Conklin, Mrs.	Hoxie	Shackleton
Cushman, Mrs.	Hubbs	Shaffer
Danhof	Hutchinson	Sharpe
Davis	Iverson	Sleder
Dehnke	Judd, Mrs.	Spitler
DeVries	Karn	Staiger
Donnelly, Miss	King	Stevens
Durst	Knirk, B.	Turner
Elliott, A. G.	Krolkowski	Tweedie
Erickson	Kuhn	Upton
Everett	Leibrand	Van Dusen
Farnsworth	Leppien	Wanger
Figy	McCauley	White
Finch	McLogan	Yeager
Gover	Millard	

SECRETARY CHASE: On the adoption of the amendment offered by Messrs. Sablich, Pellow, Perlich and L. W. Richards, the yeas are 55; the nays are 65.

PRESIDENT NISBET: The amendment is not adopted.

SECRETARY CHASE: There are no further amendments on file, Mr. President.

PRESIDENT NISBET: If there are no further amendments, **Committee Proposal 81**, as amended, is referred to the committee on style and drafting.

Following is Committee Proposal 81 as amended and referred to the committee on style and drafting:

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

Sec. a. Each organized county shall be a body corporate, with such powers and immunities as shall be established by law.

Sec. b. No organized county shall be reduced by the organization of new counties to less than 16 townships as surveyed by the United States, unless in pursuance of law a majority of electors voting on the question in each county to be affected thereby shall so decide.

Sec. c. There shall be elected for 4 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 by law. The board of supervisors in any county may unite the offices of county clerk and register of deeds in one office or separate the same at pleasure.

Sec. d. The sheriff, county clerk, county treasurer, judge of probate and register of deeds shall hold their offices at the county seat.

Sec. e. The sheriff may be required by law to renew his security from time to time 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 accidental injuries received while in his custody. He shall not hold any other office except in connection with civil defense.

Sec. f. A board of supervisors, consisting of 1 from each organized township, shall be established in each

county, with such powers as shall be prescribed by law. Cities shall have such representation in the boards of supervisors of the counties in which they are situated as may be provided by law.

Sec. g. The legislature may by general law confer upon the boards of supervisors of the several counties powers of a local, legislative and administrative character not inconsistent with the provisions of this constitution.

Sec. h. The boards of supervisors shall have exclusive power to fix the salaries and compensation of all county officials not otherwise provided for by law.

Sec. i. No county shall incur any indebtedness which shall increase its total debt beyond 10 per cent of its assessed valuation.

Sec. j. No county seat once established shall be removed until the place to which it is proposed to be removed shall be designated by 2/3 of the board of supervisors of the county, and a majority of the electors voting thereon shall have voted in favor of the proposed location, in such manner as shall be prescribed by law.

Sec. k. No navigable stream of this state shall be either bridged or dammed without permission granted by the board of supervisors of the county under the provisions of 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 the municipalities therein.

Sec. l. The board of supervisors of each organized county may organize and consolidate townships under such restrictions and limitations as shall be prescribed by law.

Sec. m. The board of supervisors of any county with a population of 1 million 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 registered voters voting thereon. All other counties may establish such merit systems as provided by law.

SECRETARY CHASE: Mr. President, the committee of the whole has also had under consideration **Committee Proposal 82** and has come to no final resolution thereon. This completes the report of the committee of the whole, Mr. President.

PRESIDENT NISBET: Without objection, we will return to the order of motions and resolutions.

SECRETARY CHASE: Mr. DeVries offers **Resolution 70**, A resolution of the constitutional convention establishing a budget for post constitutional convention expenses.

Following is Resolution 70, as offered:

Whereas, It is necessary that the post convention commission meet on a regularly scheduled basis to formulate policy and make many decisions as to the disposition of the convention property and the printing and distribution of the official convention documents; and

Whereas, The commission will also be charged with informing Michigan's citizens of the work of the convention and a simplified explanation of the proposed document; and

Whereas, The commission will be assisted by an executive director who will supervise the administrative and housekeeping division, as well as coordinate all 3 divisions with the commission itself; and

Whereas, The executive director will supervise the renovation of the civic center in order that it may be returned in the same condition as leased and the disposition of convention property in a manner most beneficial to the state; and

Whereas, The other full time employees within the administrative and housekeeping division will be a secretary to both the executive director and the commission and a finance officer who will continue to handle the accounts of the convention and the commission; and

Whereas, The secretary's office will be in charge of preparing the official record and proceedings of the convention and the bound volumes of the daily action journal and the delegates' proposals, which record shall consist of a single convention record consisting of the verbatim proceedings, plus those portions of the daily action journal needed to make the record complete, will be prepared and 3,000 copies of this 3 volume work will be produced by letterpress printing. After distribution to delegates, colleges, universities, libraries, research centers, certain state officers and legislators, the remainder will be offered for public sale by the secretary of state. The 100 bound copies of the daily action journal and the 100 bound copies of the delegates' proposals will be distributed to libraries and research centers to make their records complete. The secretary's office estimates that it will take 3,000 man hours to prepare the convention proceedings for the printer. Bids will be accepted on the printing of the proceedings and other volumes; and

Whereas, The purpose of all post convention public information activities will be to prepare and distribute, through all possible media of communications, objective, factual data, of a purely informational character, on all aspects of the constitutional convention. This data will be prepared solely from the official convention record and the committee reports; and

Whereas, It is anticipated that the public information division's activities will embrace the following:

1. The preparation and distribution of 1 million copies of the 80 page official address to the people on the work of the convention;

2. The preparation and distribution of informational bulletins to all press media, interested civic groups, educational institutions, etc.;

3. The production of tape recorded informational bulletins to radio stations;

4. The production of suitable artwork, graphs, charts and other visual aids, to illustrate topics dealt with in informational bulletins;

5. Distribution of the documentary film on the work of the constitutional convention;

6. Assistance to working press members in preparing material on the constitutional convention;

7. Assistance to television stations in producing educational programs on the constitutional convention;

8. Fulfilling all requests for informational data from groups and private citizens; and

9. Providing all other necessary services of an informational character; now therefore be it

Resolved, That the convention adopt the following post constitutional convention commission budget:

For text of budget included as part of proposed Resolution 70, see below, page 1166.

PRESIDENT NISBET: Without objection, it will be referred to the committee on administration.

SECRETARY CHASE: I have the following announcements:

The committee on rules and resolutions will meet tomorrow morning at 8:00 a.m. in room I. (laughter) Richard Van Dusen, chairman.

The committee on administration will meet tomorrow at 1:30 in the conference room. The subject will be the post convention budget. Walter DeVries, chairman.

Mr. Bentley requests leave of absence from the morning and afternoon sessions of Thursday, February 15.

PRESIDENT NISBET: Without objection, he will be excused.

MR. HUTCHINSON: Mr. President, my recollection is that a motion was made sometime last week that, starting tomorrow in committee of the whole, we would take up the executive article. Is that the present understanding?

PRESIDENT NISBET: Is it, Mr. Van Dusen?

remarks made by our committee chairman, Mr. Martin, that the 2 have to go together. Right now in this state, in order to entertain visiting dignitaries and carry on the many functions that the governor has to do in a social way, he has to depend upon fund raising affairs, birthday dinners and what have you. I think that in itself is a disgrace and I think if we are to have a chief executive, let's make him a chief executive and let's give him the tools to do the job that the people of the state of Michigan want him to do.

CHAIRMAN MILLARD: Mr. Wanger.

MR. WANGER: Mr. Chairman, members of the committee, I urge you to support this amendment. It will in every way have the effect of the original upon the legislature and yet it will be shorter and it will contain the expression of popular will required to get the job done, without including fixtures, furniture and allowance for maintenance. These things are clearly statutory details, just as much statutory detail as the language of section 25 of article V of our present constitution which provides that fuel, stationery, blanks, printing and binding for the use of the state shall be furnished under contract or contracts with the lowest bidder, et cetera, et cetera. It is a natural thing which, upon reflection, the people will realize to be more legislative detail of the least desirable kind.

CHAIRMAN MILLARD: Mr. King.

MR. KING: Mr. Chairman and fellow members of the committee, it seems to me, as Mr. Martin has pointed out, and as I would reiterate, it is extremely important that we provide an allowance and furniture for this place. Now, conceivably the legislature could provide for a mansion, a very expensive to maintain mansion, and then because of a fallout with the governor, which has been known to happen, they might cut this allowance right off. It seems to me that the next governor or after the next one might not be in a position to maintain such a home and I think by all means we should defeat the amendment.

CHAIRMAN MILLARD: The question is on the Lesinski amendment. All in favor will say aye. Opposed, no.

The amendment is not adopted.

DELEGATES: Division.

CHAIRMAN MILLARD: Division has been called for. Is there support? Sufficient number up. All those in favor of the Lesinski amendment will vote aye. Those opposed will vote nay. Have you all voted? If so, the machine will be locked and the secretary will tally the vote.

SECRETARY CHASE: On the amendment offered by Mr. Lesinski, the yeas are 18; the nays are 85.

CHAIRMAN MILLARD: The amendment is not adopted. The secretary will read.

SECRETARY CHASE: Mr. Norris offers the following amendment:

1. Amend page 1, line 7, after "and" by striking out "he" and inserting "the governor"; so the language will then read, "The governor shall receive an allowance for maintenance of the residence as shall be prescribed by law." (laughter)

CHAIRMAN MILLARD: The Chair will recognize Dr. Norris.

MR. NORRIS: Mr. Chairman, I think Delegate Butler has made a point here which I hope will some day be a footnote to history and I hope that this amendment engenders the possibility that there will be a lady governor. (laughter) I think we ought to recognize that there has been considerable change in a number of respects with regard to the status of women since the 1908 constitution. We have recognized it in a number of provisions thus far adopted. I think also that this is not a matter which we can approach as lightly as it has thus far been approached. I think it does recognize a change in the status of women and we ought to recognize it in this particular proposition.

CHAIRMAN MILLARD: The question is on the Norris amendment. Delegate Stevens.

MR. STEVENS: Mr. Chairman and members of the committee, it seems to me we have forgotten our early English lessons and we don't know that the word "he" includes women

when used in this sense. Postmasters who are women are not called postmistresses. There is no such official term as "congresswomen". Those are things which people have used. We've had no trouble having women postmasters all through the state and the United States. We have women in congress and in the legislature. It hasn't been necessary to change the constitution in order to get these things. I'd like to oppose the amendment.

CHAIRMAN MILLARD: Delegate Sterrett.

MR. STERRETT: Mr. Chairman and members of the committee, I thoroughly agree with Delegate Stevens' English lesson. However, I would support this amendment for the particular reason of being consistent. Throughout the executive article, we have used the words "the governor" in most instances.

CHAIRMAN MILLARD: The question is on the Norris amendment. All in favor will say aye. Opposed, no.

The amendment is adopted.

DELEGATES: Division.

CHAIRMAN MILLARD: Are you serious? Is there support? No, there is not a sufficient number up. (laughter) Mrs. Butler.

MRS. BUTLER: Mr. Chairman, I just want to say, "Thank you, brother Norris." (laughter)

CHAIRMAN MILLARD: Are there any further amendments, Mr. Secretary?

SECRETARY CHASE: No other amendments on the desk, Mr. Chairman.

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

Committee Proposal 77, as amended, is passed. The secretary will read.

SECRETARY CHASE: Item 10 on the calendar, from the committee on executive branch, by Mr. Martin, chairman, **Committee Proposal 76**, A proposal pertaining to the passage of permissive legislation to allow civil divisions of the state to establish local civil service systems and to receive assistance from the state civil service system. Amends article VI.

Following is Committee Proposal 76 as read by the secretary, and the reasons submitted in support thereof:

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

Sec. a. THE LEGISLATURE SHALL BY LAW ESTABLISH A SYSTEM UNDER WHICH THE CIVIL DIVISIONS OF THE STATE, INCLUDING CITIES AND VILLAGES, MAY CHOOSE TO PROVIDE FOR THE MERIT PRINCIPLE IN EMPLOYMENT. IN SUCH CIVIL DIVISIONS, APPOINTMENTS AND PROMOTIONS IN THE CIVIL SERVICE SHALL BE MADE ACCORDING TO MERIT AND FITNESS TO BE ASCERTAINED, AS FAR AS PRACTICABLE, BY EXAMINATION WHICH, AS FAR AS PRACTICABLE, SHALL BE COMPETITIVE. THE STATE CIVIL SERVICE COMMISSION, WHEN AUTHORIZED BY LAW, SHALL ASSIST ON A REIMBURSABLE BASIS, THE CIVIL DIVISIONS OF THE STATE IN THE ESTABLISHMENT AND MAINTENANCE OF THEIR PERSONNEL SYSTEMS.

Mr. Martin, chairman of the committee on executive branch, submits the following reasons in support of Committee Proposal 76:

This proposal in its present form requires the legislature to establish a system under which civil subdivisions may choose to provide for the merit principle in employment. The provision does not impose any obligation upon such subdivisions to come under the merit system, but it is intended to encourage and assist them in doing so. A mandatory requirement that appointments and promotions in the civil service of civil divisions of the state shall be made according to merit and fitness was considered but this optional provision seemed preferable.

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

The constitution, if this provision is included in it, would make it obligatory on the legislature to establish by statute a system which civil divisions, including cities and villages, could choose to come under. In local units which exercise their option to enter the system, the provision specifies that appointments and promotions in the civil service shall be made according to merit and fitness to be ascertained by competitive examination, as far as practicable. The legislature is given discretion to legislate as to the details for conforming to these standards.

The provision also gives recognition to assistance on a reimbursable basis by the state civil service commission, when authorized by law, to the local units in installing and maintaining their personnel systems.

The intent of this proposal is to encourage local governmental units in adopting the merit principle, and to facilitate them by making assistance available from the state personnel agency, without making it a constitutional requirement that all civil divisions conform to the merit principle in civil service appointments and promotions.

It should be added that both New York and Ohio have had somewhat similar constitutional provisions for many years.

The committee on local government was asked for its opinion though no jurisdiction was specifically assigned on this matter. A majority of that committee are of the view that the subject matter of the proposal is legislative in character and not necessary in the constitution.

CHAIRMAN MILLARD: The Chair will recognize the chairman of the committee, Mr. Martin.

MR. MARTIN: Mr. Chairman, before commenting on the proposal, 2 or 3 of the delegates have asked me when I was planning to move that the committee rise. I indicated that I thought we could work through until 10:30. I don't think we will cover this proposal, but at 10:30, I will make that motion if it is agreeable to the delegates.

The present proposal is one which would make it possible on an optional basis for local units of government to establish the local civil service system. There is nothing mandatory in the proposal except to require the legislature to set up such an optional system and its adoption would entirely depend upon the action of the local unit in determining if they wanted the merit system. The details of the proposal, I am going to refer to Dr. Pollock. For that purpose, I yield the floor to him at this time.

CHAIRMAN MILLARD: The Chair will recognize the delegate from Ann Arbor, Professor Pollock.

MR. POLLOCK: Mr. Chairman and members of the committee, this proposal is explained in Journal 70 on pages 432, 433. As the chairman of the committee has already indicated, it is a permissive proposal. The committee decided to put it on the permissive rather than the mandatory basis. But the intent of the proposal is to encourage local government to adopt the merit principle and then to facilitate them by giving them assistance, if assistance is desirable.

I believe we are here in part as delegates in this convention to do what we can to strengthen state and local government. It is obvious that the functions of modern government, both at the state and local level, have become so technical and so difficult at times that they require trained personnel. We decided this 20 years ago at the state level and when we passed section 22, which is the basis for our present civil service system, I was pleased to find, as I listened to all the delegates over the hall, not one person was opposed to the principle of civil service. I am looking around this evening to see if there is anybody who wants to contend that civil service is not a good standing principle. That being the case, I think it applies equally to local government as it does to state government. And just by way of illustration of the importance of having good personnel standards to improve the efficiency of local service, I wonder if you realize that in the recent census of government we have something like 100,000 employees—compared

to about 32,000 employees at the state level—over 100,000 at the local level. This doesn't count, of course, school districts, counties, municipalities and townships. We have, according to that census of government, some 25,000 county employees, some 68,000 municipal employees, some 16,000 township employees. And since Mr. Gover and others are interested in the financial side, I think it is very interesting to find too that the expenditures of local government are of course higher than the expenditures of state government, the direct expenditures, the direct general expenditures, so that the need from the point of view of both dollars and cents and from the point of view of efficient service is greater at the local level and I think is much more needed in many cases than it is at the state level. However, the committee did not feel like making this mandatory but rather, as I have indicated, our intent was to encourage local governments to improve their local personnel systems, as of course many of them have already done.

The city of Detroit has one of the outstanding municipal civil service systems in the country. We have the same thing true, I believe, with Wayne county. However, rather widely over the state we have policemen and firemen organized on a merit basis, but many other employees are not. I am sure that especially in the metropolitan counties, metropolitan cities, and a good many of the urban townships, there is a crying need for something today. The purpose, as I say, is to encourage improvement along this line and to facilitate them if they need the assistance of the state civil service commission on a reimbursable basis to provide for it. I urge the support of this proposal, and I would like to yield the floor, Mr. Chairman, if I may, to Mrs. Judd.

CHAIRMAN MILLARD: The Chair will recognize Mrs. Judd.

MRS. JUDD: Mr. Chairman, fellow delegates, I am particularly interested in this proposal because of some rather vivid personal experiences I have had in this field. The proposal, as you see, is intended to provide the smaller units of government that could not afford and undoubtedly could not even secure a personnel technician or the technical help that is needed to do a good job. I had the experience a number of years ago in the city of Grand Rapids where the commission refused to put up money to secure technical help in writing rules for the Grand Rapids civil service commission—a rather ridiculous situation for a layman to be in. I had a further experience with the juvenile court in Kent county where the citizens had finally persuaded the judge to secure qualified people for his staff in helping to set up a job analysis and classification plan because there were no funds for technical help. So that I am well aware of the various ways in which technical help could be used, particularly in situations where a permanent technician would not be essential; where the services could be, for instance, assistance in the drafting of rules or in job analysis, setting up a classification and compensation plan, and also giving examinations. This is the kind of service that the Michigan municipal league renders more or less at cost to the smaller cities of the state that do not wish to employ permanent personnel technicians. So this coming from the state service might be particularly helpful to counties and to townships.

I'd like to point out that this would in no way give the state civil service department policymaking power over any local units of government. The proposal, as you see in the second sentence, does set up minimum standards provided the local unit desires to have a civil service system for its employees. And this, I think, is a protection to our state civil service department. We would not wish them to be wasting their time in local government service on a standard that was not adequate. However, the extent of the civil service in the local unit, the number of employees that would come under it, the level of the pay plan and so on would all be policies that would be made locally and this would simply be a service which would be rendered under contract. And lastly, I want to point out that it would not

cost the state any more money because the local government units would pay the cost of it.

MR. POLLOCK: Mr. Chairman.

CHAIRMAN MILLARD: Mr. Pollock.

MR. POLLOCK: I should now like to yield the floor to Mr. Downs.

CHAIRMAN MILLARD: The Chair will recognize Mr. Downs.

MR. DOWNS: Mr. Chairman, I would like to speak very much in favor of the principle of civil service. I see that as this is drawn it is optional. I, for one, think maybe at times we should have more teeth in it.

There are 2 points I would like to make. As I read this, where there is a satisfactory civil service established, that community or county would not need to avail itself of the facilities of the state civil service commission, though it could. Where there is a community that is planning to use civil service, it could get the advice or advantage of a long established system. The one point that I would like to raise—I feel somewhat as the end man in asking the question of Dr. Pollock—is to what extent, if a community participated in this plan, will it then hand over any control of its operations to the state civil service commission or would that be primarily an advice or technical facility for the community if it so desired? I think that point may be raised and I would appreciate Dr. Pollock's answer, if I may direct it through the Chair.

CHAIRMAN MILLARD: Dr. Pollock may answer if he wishes to.

MR. POLLOCK: Mr. Chairman and Mr. Downs, yes, very clearly the control remains with the locality, and the purpose is merely to provide a framework law within the terms of which localities may, if they see fit, set up their system. The control remains, of course, locally. There is no provision, as I believe there is in the New York constitution, for some kind of financial assistance, even of some kind of financial supervision over local civil service systems. This could be done. But it is not provided in this amendment.

CHAIRMAN MILLARD: If the chairman of the committee would yield the floor now so the Chair could—

MR. MARTIN: I yield, Mr. Chairman.

CHAIRMAN MILLARD: The Chair will now recognize Delegate Woolfenden.

MR. WOOLFENDEN: Mr. Chairman, I'd like to direct a question through the Chair to Dr. Pollock, if I may.

CHAIRMAN MILLARD: Dr. Pollock. He may answer if he wishes to.

MR. WOOLFENDEN: Dr. Pollock, within the contemplation of this language, are counties and townships civil divisions of the state?

MR. POLLOCK: They are so considered, yes.

MR. WOOLFENDEN: I am a little perplexed as to the clause "civil divisions of the state, including cities and villages" but saying nothing about counties and townships.

MR. POLLOCK: This language is somewhat a duplicate of the language in the New York constitution, where the matter has been litigated quite a bit, and where they do not have home rule in the same way as we do in Michigan. The idea is to avoid any possible conflict with the home rule act.

CHAIRMAN MILLARD: The Chair will recognize Delegate Madar.

MR. MADAR: Mr. Chairman, I just wish to ask a question of Dr. Pollock through you.

CHAIRMAN MILLARD: Dr. Pollock, you may answer if you wish to.

MR. MADAR: I just want to make sure that we get on record this one thought: as I understand it, this will in no way affect the city of Detroit's civil service or the county of Wayne's civil service?

MR. POLLOCK: Correct.

MR. MADAR: Thank you very much. I certainly am for this proposal.

CHAIRMAN MILLARD: The Chair will recognize Mr. William Hanna.

MR. W. F. HANNA: Mr. Chairman, a question to Dr. Pollock or Mrs. Judd.

CHAIRMAN MILLARD: Which one?

MR. W. F. HANNA: Dr. Pollock.

CHAIRMAN MILLARD: Dr. Pollock, you may answer if you wish to.

MR. W. F. HANNA: In line 10, you refer to "in such civil divisions of the state"—it goes back to line 9. Now, is it intended to say civil divisions adopting the merit principle or in all civil divisions, whether they adopt civil service or not, that appointments and promotions shall be according to the merit system?

MR. POLLOCK: The civil divisions which may choose to provide for the merit system.

CHAIRMAN MILLARD: The Chair will recognize Delegate Wanger.

MR. WANGER: Mr. Chairman, I desire to ask Dr. Pollock a question.

CHAIRMAN MILLARD: Dr. Pollock, if you care to answer.

MR. WANGER: Mr. Chairman, Dr. Pollock, the question is this: you say that the New York state constitution contains a somewhat similar provision; I merely wish to ask, is this necessarily a good comparison or a good model for us to use? Is not the New York constitution considered to be, among state constitutions, unnecessarily long, prolix and detailed?

MR. POLLOCK: I think in general, you are correct about the New York state constitution. I was trying to indicate that there are already similar systems and similar constitutional arrangements working. I mentioned New York as one example. I could equally well mention Ohio. I merely wanted to indicate that this is not unprecedented and we therefore have a lot of practical experience knowing exactly how these arrangements work.

MR. WANGER: The second question I should like to ask: I would like to ask if my understanding about the legal effect of this is correct, namely, that the legal effect of this section is exactly the same as the one providing for a governor's mansion. It merely sets out a goal to be achieved and places the legislature under a moral mandate to achieve it but it in fact is in no way self executing. Is that a correct understanding of it?

MR. POLLOCK: Yes, Mr. Chairman, we say the legislature shall. Of course, there is no way, as we have indicated a good many times, to force the legislature to do this.

MR. WANGER: My last question is this: we did this in the case of the governor's mansion because the legislature has evidently for a century and a quarter failed to act, although many people have desired the governor's mansion be built. Now, I understand that we do have local civil service systems. I wish to ask: is there any parallel problem here—a parallel? Does the legislature refuse to act in allowing local units of government to set up the merit system for the basis of this employment?

MR. POLLOCK: No. That's true, because we are principally concerned with large cities which usually have the means to do this. Now we have reached the point where we have a lot of smaller divisions, but with a great many employees unable to assist themselves in providing for a proper personnel system.

MR. WANGER: Then do I understand that many of these divisions of the state do not at present have the legal power to establish a merit system?

MR. POLLOCK: No, no. They do have the legal power but they haven't the financial means usually to do this. And also they haven't the knowhow or the framework within which to develop a modern personnel system. The idea here, of course, is to try to develop personnel systems rather universally and to develop them within a sound framework.

MR. WANGER: Mr. Chairman and Dr. Pollock, it would seem that the basic question then is one of financing the system and providing perhaps a uniform or suitable ideal framework for these units of government to adopt.

MR. POLLOCK: It's partly financial but it's also partly technical.

MR. WANGER: Is there an indication that the legislature has refused to step into this area and to help solve the situation or is there any history of difficulty?

MR. POLLOCK: There is a history of inaction. It is a history of failing to recognize that this serious problem exists.

MR. WANGER: Mr. Chairman and Dr. Pollock, my last question would be this then: do you think that the problem of inaction, from a practical political standpoint is so serious that it requires the insertion in the constitution of language of such length which has admittedly no legal effect whatsoever?

MR. POLLOCK: Yes. If the committee had not thought so, we wouldn't have gone to the trouble of framing this proposal. (laughter)

CHAIRMAN MILLARD: The Chair will recognize the delegate from Kalamazoo, Mr. Allen.

MR. ALLEN: Mr. Chairman, I'd like to ask a question of Dr. Pollock and I think he may know what I am going to ask. It seems to me, Dr. Pollock, that if we put the "proper interpretation"—that's in quotations—we don't have anything to worry about. But I would like to be sure we have a proper connotation in understanding. Let me give you an example. We have in existence today certain laws under which a city or a home rule village may adopt firemen and police pension retirement plans. Now, after these are passed, maybe 10 cities and some villages will adopt them, and this is all right. Then a few years later, one of the 10 cities wants some sort of an amendment, and because these are set up under a general act, the amendment has to come under a general act also. Now, one of the cities of the 10 wants a general amendment. So the legislature passes the amendment. It pleases 1 city. There are 10 cities already under the system. Nine cities are dissatisfied and they can't do anything about it.

Now, let us apply it in the case of what we are talking about here. The first sentence says, the legislature shall by law establish a system under which the local units of government, cities and villages, may choose to come under the merit principle. Now, let's say 10 of them choose to come in under a system. Now let us say later an amendment is made to the system. My question is: may any of the 10 cities which are already under the system, as soon as an amendment is made, pull out if the city wishes to do so, or are they all bound?

MR. POLLOCK: Mr. Chairman, Mr. Allen, that's a legal question beyond my competence but I would hazard a guess that the cities would be under the system in the first place and would continue under any general system which the legislature would provide, either by amendment or otherwise.

MR. ALLEN: Mr. Chairman, if I may continue on then. I'm wondering, Dr. Pollock, if this is really the right way to go about it. If a city wanted to come under it and had the liberty to pull out, I can see value, especially—and perhaps I ought to say primarily for the small city or the village or the small county, if a county wanted to come under it—

MR. POLLOCK: Or the large county.

MR. ALLEN: —or even a large county, if they did not wish to have a personnel system of their own. But I think we get away from the home rule principle if we get a whole number of diverse units—some large cities, some medium, some small, some large counties, small counties—all under a general act. And then if they are still bound, and the legislature changes the act, then aren't we really going back to what we thought we got away from in 1907, when it was Lansing and the state legislature that was setting the policy for cities and for villages? In other words, if a city is going to be bound under this, then isn't this an evil because we no longer really have home rule. If we could understand this constitutional amendment in terms of not being bound but the ability to pull out at any time and sort of an advisory technical assistance, I think that might be valuable. But to say that they have to be bound by it, then I think that we get into the obvious difficulty of a determination made by the legislature which will not fit all of them together, which

they may not all want, and we no longer have our home rule. In other words, I think with the interpretation which I understand you may be putting on it, we aren't strengthening home rule; we may be weakening it.

MR. POLLOCK: Mr. Chairman, Mr. Allen, I appreciate the point that you are raising and I yield to you or to no one in my respect and devotion for the principle of municipal home rule. But I really think you are raising a "boogeyman" when there is no reason to do so. The legislature, in the first place, is to set this up, as the amendment indicates, on a permissive basis. I am sure that when this matter is before the legislature, there will be plenty of people who will raise that point you are raising, to be sure that nothing in that framework law violates our tenets of municipal home rule. I think therefore that your objection is not a very good one.

CHAIRMAN MILLARD: Delegate Ostrow.

MR. OSTROW: I have a question or two of Dr. Pollock.

CHAIRMAN MILLARD: You may answer, if you care to, Dr. Pollock.

MR. OSTROW: In your first line you say "The legislature shall establish a system. . . ." I take it from that—and then it's permissive—that either the municipality chooses to adopt that system or they can adopt no other.

MR. POLLOCK: They can adopt any under their existing powers, of course.

MR. OSTROW: Well, that isn't what this language indicates to me.

MR. POLLOCK: The idea of adopting a framework law, Mr. Chairman, Mr. Ostrow, is to encourage civil subdivisions to do something within a modern framework as the framework law was laid down.

MR. OSTROW: Yes. But under the present situation before this proposal, any municipality could adopt any type of civil service.

MR. POLLOCK: Yes, consonant with the existing general law.

MR. OSTROW: Yes. Under this, the legislature is to establish a system under which the civil divisions of the state may choose to provide—

MR. POLLOCK: Yes. Not necessarily a system. There can be alternatives.

MR. OSTROW: Yes. But you say "a system".

MR. POLLOCK: Yes. There are various alternatives, Mr. Chairman.

CHAIRMAN MILLARD: Just a minute. This little set to here—will you speak through the Chair so that the rest of the committee can understand what is going on.

MR. OSTROW: You say "a system", which I read to mean a system which the municipality may choose. It says nothing about any other alternative. That's what is bothering me. At the moment, they can have a 100 per cent system or 75 per cent system or a system has this feature or that. If the legislature establishes a system, as I read this language, you either choose that system or nothing.

MR. POLLOCK: That would not be my interpretation. I suppose you would like the word "optional" put in, an "optional system."

MR. OSTROW: I would like something.

MR. POLLOCK: An "optional system" or "optional systems". This is probably what you are getting at.

MR. OSTROW: My second question. I am not familiar with your New York provision of civil divisions of the state. To me, there are civil divisions, criminal divisions. How broad is this definition of "civil division"?

MR. POLLOCK: It includes all the principal units of government under the state.

MR. OSTROW: Would that include university school districts?

MR. POLLOCK: No.

MR. OSTROW: What is the definition of "civil"? I know of no definition. I don't mean that there aren't any. I would like to know what your definition is.

MR. POLLOCK: Counties, cities, townships and villages.

MR. OSTROW: Just limited to those?

MR. POLLOCK: To those. That's the way I would interpret it. Not school districts.

MR. OSTROW: Or school boards?

MR. POLLOCK: School boards are obviously operated on a different financial and organizational basis.

MR. OSTROW: What I am talking about is the definition. When we get into the courts, if we do—and we are bound to with all of these things—the question will be: what is a civil division of the state? A moment ago, you said anything less than the state.

MR. POLLOCK: Yes. The civil subdivisions set up by the state for the carrying out of its general functions.

MR. OSTROW: Well, is there some standard of reference for the word "civil"?

MR. POLLOCK: Again, I say I use this as an accepted term under the New York provision, where there has been no difficulty in interpreting what it means.

MR. OSTROW: How broadly have they interpreted it?

MR. POLLOCK: Just as I—

CHAIRMAN MILLARD: Gentlemen, again, can you direct the questions through the Chair? And not this talk that is going back and forth, which nobody seems to understand. Direct your questions to the Chair and then to Dr. Pollock.

MR. OSTROW: Mr. Chairman, for the benefit of those who didn't hear or those who didn't understand, the 2 points that I wanted clarified were, first, that these civil divisions, whatever they may be, will not be limited to a system set up by the legislature, but may adopt any other system that they choose; and second, some standard of reference as far as definition of "civil divisions of the state" is concerned so that there could be no question about how broad or how narrow that definition is.

MR. MARTIN: Mr. Chairman.

CHAIRMAN MILLARD: Mr. Martin.

MR. MARTIN: There are at least 2 amendments and it is after 10:30. I move that the committee do now rise.

CHAIRMAN MILLARD: The question is, shall the committee rise. All in favor say aye. Opposed, no.

The motion prevails.

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

PRESIDENT NISBET: The Chair recognizes Mr. Millard.

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

SECRETARY CHASE: Mr. President, the committee of the whole has had under consideration **Committee Proposal 74**, A proposal to provide by law for the administration of claims against the state, escheats and escheated property, and the investment of state funds; reports this proposal back to the convention with 3 amendments thereto, recommending that the amendments be agreed to and that the proposal as thus amended be passed.

[The following are the amendments recommended by the committee of the whole:

1. Amend page 1, line 6, after "Sec. a.", by inserting "The procedure for the"; and after "state" by striking out the comma and inserting "and".

2. Amend page 1, line 8, after "property" by striking out the comma and "and the investment of state funds".

3. Amend page 1, line 8, after "be" by striking out "as".]

PRESIDENT NISBET: The question is on concurring in the amendments as adopted by the committee of the whole. Those in favor of concurring in the amendments will vote aye. Those opposed, no.

The amendments are adopted and **Committee Proposal 74**, as amended, is referred to the committee on style and drafting.

Following is Committee Proposal 74 as amended and referred to the committee on style and drafting:

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

Sec. a. The procedure 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 provided for by law.

SECRETARY CHASE: The committee of the whole has also had under consideration **Committee Proposal 77**, A proposal to provide a suitable residence for the governor and to authorize an allowance for maintenance; reports this proposal back to the convention with 2 amendments, recommending the amendments be agreed to and the proposal as thus amended be passed.

[The following are the amendments recommended by the committee of the whole:

1. Amend page 1, line 6, after "provided" by inserting a comma and "at the seat of government".

2. Amend page 1, line 7, after "and" by striking out "he" and inserting "the governor".]

PRESIDENT NISBET: The question is on concurring in the amendments of the committee of the whole. Those in favor will say aye. Opposed, no.

The amendments are adopted and **Committee Proposal 77**, as amended, is referred to the committee on style and drafting.

Following is Committee Proposal 77 as amended and referred to the committee on style and drafting:

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

Sec. a. There shall be provided, at the seat of government, for the governor's use a suitable executive residence with fixtures and furniture and the governor shall receive an allowance for maintenance of the residence as shall be prescribed by law.

SECRETARY CHASE: The committee of the whole, Mr. President, has also placed **Exclusion Report 2027** at the foot of the general orders calendar for the committee on executive branch; and also had under consideration **Committee Proposal 76**, A proposal pertaining to the passage of permissive legislation to allow civil divisions of the state to establish local civil service systems and to receive assistance from the state civil service system; and has come to no final resolution thereon. This completes the report of the committee of the whole, Mr. President.

PRESIDENT NISBET: Announcements. Mr. Danhof.

MR. DANHOF: Mr. President, fellow delegates, for the information of those who are interested, the latest election returns at 10:30, 28 out of 47 precincts reporting: Mr. Davis, 1872; Mr. Andrews, 371.

PRESIDENT NISBET: Announcements. Mr. Beaman.

MR. BEAMAN: I'd just like to call the attention of the delegates to another solemn occasion. You will recall that last year in setting up the budget, the administrative committee had to make certain estimates, and one in regard to the verbatim reporting was based on the fact that 1 million words of debate were used in the 1908 constitution. In arriving at our estimate for this convention, we felt that 2,500,000 words would be handled. I'd like to say that 40 minutes ago, we reached that 2,500,000 words. (laughter) From now on — and I hope it will have some effect on the delegates — we are deficit debating. (laughter)

PRESIDENT NISBET: Mr. Chase.

SECRETARY CHASE: I have the following announcements:

The committee on public information will meet Wednesday,

CHAIRMAN MILLARD: The committee will be in order. At last night's close, we were on Committee Proposal 76. The secretary will read so you will be advised what it is.

SECRETARY CHASE: Item 10 on the general orders calendar, from the committee on executive branch, by Mr. Martin, chairman, **Committee Proposal 76**, A proposal pertaining to the passage of permissive legislation to allow civil divisions of the state to establish local civil service systems and to receive assistance from the state civil service system. The committee proposal has been read.

For last previous action by the committee of the whole on Committee Proposal 76, see above, page 1743.

CHAIRMAN MILLARD: At the close, the Chair had 5 names on the list: Delegates Faxon, G. E. Brown, Norris, Judd and Lesinski. At this time, the Chair will recognize Delegate Faxon.

MR. FAXON: Mr. Chairman, I'd like to ask one question through the Chair to Dr. Pollock with regard to the—

CHAIRMAN MILLARD: Dr. Pollock, if you care to answer.

MR. FAXON: In the last sentence where it states "The state civil service commission, when authorized by law. . . ." The question is whether this is necessary or whether the legislature could do this without constitutional authorization, that is, to authorize a civil service commission, or is the fact that the civil service commission is a constitutional creation that requires some additional spelling out here.

MR. POLLOCK: I think the language was put in for several reasons. In the first place, the civil service commission is not reaching out for more power and authority. Obviously, this is one state, and if it could be helpful to local government, as well to the state service, it ought to be clear that it has that power. Therefore, we put it in and we also said, of course, on a reimbursable basis.

MR. FAXON: I'd like to yield to Delegate Martin for purposes of making some comments.

CHAIRMAN MILLARD: Delegate Martin.

MR. MARTIN: Mr. Chairman, when we adjourned last night, several questions had been raised with regard to this proposal and subsequent to that time, several of the delegates who had raised those questions worked on a possible amendment which I believe Mr. Hanna is offering. I wonder if it would be possible to have that read and then it may be that some of the other amendments which are pending would not be necessary.

CHAIRMAN MILLARD: The secretary will read the amendment.

SECRETARY CHASE: Mr. W. F. Hanna has filed the following amendment:

1. Amend page 1, line 8, after "Sec. a.", by striking out the remainder of the section and inserting "Each city, village, township, county, school district and metropolitan government may, by a majority vote of the electors voting thereon, establish a merit system for its employees. The state civil service commission may furnish technical services on a reimbursable basis to any city, village, township, county, school district or metropolitan government requesting the same."

CHAIRMAN MILLARD: This evidently is a substitute for the proposal. The Chair will recognize Mr. Martin as chairman of the committee.

MR. MARTIN: Mr. Chairman, this provides the self executing provision with respect to local civil service which would avoid the problem that Mr. Allen presented last night whereby if a general statute with respect to local civil service were set up, it would have to be changed every time any one unit wanted to make some change in its system and this would then affect everybody, whether they wanted that change or not. This is a self executing provision and it is protected by the proviso that the local community may authorize it by a majority vote of their electors. It contains the very essential provision also that the state civil service commission may furnish technical services on a reimbursable basis in order to help such local units work up or work out the problem of a

local civil service system. The provision is also broadened to make reference to other local units and cities and villages. Of course, if a city or village has a home rule charter, this would take precedence. The home rule charter will control in the event that there is a home rule charter and it makes either provision for civil service or provision for establishing a civil service system. Where there is no such provision, this would make it possible for them to establish such a local system with approval of the voters. It seems to me the amendment is a good amendment and takes account of the questions which were raised. I think that the committee would be happy to accept it. I would ask Dr. Pollock if he would want to comment on this at this time.

CHAIRMAN MILLARD: Just a moment. We have some other people that are talking to the original proposal. Your amendment will come up in order. The Chair recognizes Garry Brown.

MR. G. E. BROWN: Mr. Chairman and members of the committee, I find myself in a strange position of being more of a constitutional purist than Dr. Pollock. We have, in Committee Proposal 81, already adopted a provision much like this with respect to in counties of a million and over, where it is self executing. Counties under a million may adopt a similar provision for a merit program as provided for by law, the provision says. It seems to me with respect to counties we are providing a duplication here. I don't think there is any question but what the legislature may do that which we are now writing into the constitution. I would be opposed to any self implementing provision as has been suggested by the amendment and I think without the self implementing provision, this language is purely statutory and could just as well be left out of the constitution and, as I say, being a constitutional purist, I am forced to oppose the committee proposal and any amendments that would write it into the constitution.

CHAIRMAN MILLARD: The Chair will recognize the gentleman from Detroit, Dr. Norris. This is on the original proposal.

MR. NORRIS: Mr. Chairman, I had originally sought to ask some questions regarding this terminology of civil division. There were several questions of Dr. Pollock yesterday with regard to it. I notice, however, in the contemplated amendment that there is a spelling out of the governmental units that are involved in this particular situation. I think I would pass because apparently the problem is taken care of in the amendment.

CHAIRMAN MILLARD: The Chair will recognize the lady from Grand Rapids, Delegate Judd.

MRS. JUDD: Was this from yesterday's list?

CHAIRMAN MILLARD: That's right.

MRS. JUDD: Because I would like to speak to Bill Hanna's amendment when the time comes, I will pass at this point.

CHAIRMAN MILLARD: The Chair will recognize Delegate Lesinski.

MR. LESINSKI: Pass.

CHAIRMAN MILLARD: Delegate Brake.

MR. BRAKE: Mr. Chairman, ladies and gentlemen, I'd like to ask the chairman of the committee, Mr. Martin, a question, if I may.

CHAIRMAN MILLARD: Mr. Martin, do you care to answer?

MR. BRAKE: Mr. Martin, was there in your committee any demand from the cities for this proposal?

MR. MARTIN: Mr. Brake, I think I'd have to say there was no direct demand for it. The committee was conscious of the fact that in many areas there may well be, in the future, a desire to establish a civil service system and the purpose of this is simply to make that possible. This is a matter of a good many years ahead, of course. The civil service program has worked well generally and some local units have adopted it or have provided it under their home rule provision, which felt that we should have a flexible provision which would enable local units to adopt such a system with the approval of their electors if they felt it was desirable.

MR. BRAKE: You didn't hear from any townships or counties, I take it?

MR. MARTIN: I don't think we had any specific request that this be provided for, no.

MR. BRAKE: Mr. Chairman, the legislature without any possible question has the power to take care of everything that is here except possibly the matter of the aid from the state civil service system. And as Mr. Martin has just confirmed, and as far as I have ever heard, there is no demand from cities, counties, townships for this service whatsoever.

CHAIRMAN MILLARD: The Chair will recognize Delegate Boothby.

MR. BOOTHBY: Mr. Chairman, we have an amendment coming up and I'd like to reserve my time for that amendment.

CHAIRMAN MILLARD: Is there anyone else to speak on the proposal? Dr. Pollock. Is this on the proposal?

MR. POLLOCK: Mr. Chairman, it is in reply to Mr. Brake's comment. I can't recall that anybody in the state legislature or in the state government wanted civil service at the state level either. But it proved to be a very necessary thing and I think with the growing population and the growing complexities of the problems of government at the state level, it will become just as necessary there as it was at the state level.

While I am on my feet, I would like to add my comment to that of the chairman of the committee, that this substitute that Mr. Hanna has brought together is a good example of the deliberative process at work. They were able to come forth with language which I think is a distinct improvement over what we brought forward from the committee and clarifies some of the questions that were raised with me yesterday. I therefore hope that that amendment can pass. The only question I have heard about it is with regard to school districts. There may be some question of including school districts in the list.

CHAIRMAN MILLARD: The secretary will read the first amendment.

SECRETARY CHASE: Mr. Faxon has offered the following amendment to Committee Proposal 76:

1. Amend page 1, line 10, after "employment.," by striking out the balance of the section; leaving the section to stand as the first sentence only, to read:

Sec. a. The legislature shall by law establish a system under which the civil divisions of the state, including cities and villages, may choose to provide for the merit principle in employment.

CHAIRMAN MILLARD: The Chair will recognize Delegate Faxon.

MR. FAXON: Mr. Chairman, what happened to the Hanna amendment?

CHAIRMAN MILLARD: It will be offered in its order.

MR. FAXON: Well, I put this in yesterday before the discussion began because I felt that the first sentence took care of the merit principle in terms of spelling out what the legislature shall do and that the balance of the 2 sentences dealt more with details as to how it was to be carried out. I don't know that I care to say anything more about it because I am not quite certain whether I want to keep it in, in view of the new amendment that Mr. Hanna has offered. I wonder if Mr. Hanna would care to comment on it.

MR. W. F. HANNA: Mr. Chairman, point of inquiry. If I offer my amendment as a substitute for the committee proposal and amendments thereto, will it take precedence with the Chair?

CHAIRMAN MILLARD: The answer is, no. The ruling is that we perfect this proposal by any amendments that are on file before we take up the substitute.

MR. W. F. HANNA: May I ask Mr. Faxon if he will take my amendment as a substitute for his amendment?

MR. FAXON: Mr. Chairman, can I withdraw my amendment pending action upon Mr. Hanna's amendment?

CHAIRMAN MILLARD: You can withdraw your amendment.

MR. FAXON: So that we may act upon his?

CHAIRMAN MILLARD: Mr. Secretary, are there any amendments ahead of the Hanna amendment?

SECRETARY CHASE: There are 2 other amendments on file ahead of Mr. Hanna's amendment.

CHAIRMAN MILLARD: We will have to take those up. Will you withdraw your amendment?

MR. FAXON: This one here, yes.

CHAIRMAN MILLARD: Mr. Faxon withdraws his amendment. The secretary will read.

SECRETARY CHASE: Messrs. Shackleton, Seyferth, G. E. Brown, Brake and Boothby offer the following amendment:

1. Amend page 1, line 8, by striking out all of section a.

CHAIRMAN MILLARD: The Chair will recognize the delegate from Saginaw, Mr. Shackleton.

MR. SHACKLETON: Mr. Chairman, members of the committee, the reason for this amendment, or the reasons—there are several—this idealistic, innocent executive committee proposal may not be as innocuous as it might first appear. It says that the legislature "shall" pass a law which "may" make possible, for a fee, for the state's more than 1500 political subdivisions to use the state civil service commission's services to assist them in a supposed need for improvement in the employment and use of their public servants. Before hurriedly or lightly voting on this—we are led to believe—harmless proposal, some consideration should be given to some facts as to where resulting action could and might lead.

First, the background of what the convention has approved thus far: one, we have created an appointed commission of 4 members, not more than 2 of which shall be of the same party. If more than 2 parties are represented, the 2 of the same party can control the commission. If 2 are from one major party and the other 2 from the other major party, a deadlock would result. Staggered terms do not overcome such a possibility. Two, the acts of the commission are untouchable by the legislature, the governor or the administrative head of government. Thus we have, three, an unrecognized all powerful fourth branch of government in addition to the 3 recognized gubernatorial, legislative and judicial branches. Four, there are no effective checks on this unrecognized branch of government, whereas we do have checks on the 3 recognized branches. Five, the employed, the civil service commission, has more authority than the employer, the state of Michigan. Six, the allegiance of state employees, except for infinitesimal number of exempt positions, is to a bureaucracy and not to those who must carry out the work as provided by the legislature, the governor, the department heads, those responsible for getting the work done. Attempted interference by those whose duties are to direct the work puts those people on trial to carry the defense against inefficiency, shortcomings, refusal to carry out instructions, rather than the accused employee who can hide behind the civil service. Seven, the constitution has usurped a legislative function and duty. This has been conceded by one of the authors of the present section 22, article VI.

Some of the requirements to make the proposed section effective are, one, the legislature "shall" enact a law to make permissive certain so called beneficial objectives. Two, the law could not be sufficient in detail to take care of all contingencies for 1500 separate political subdivisions. On this floor, we have heard the statement that "laws could not meet our individual needs" as coming from, I believe, the director of either the Detroit or the Wayne civil service, and it was necessary to have spelled out something separate from them, which we have done. The civil service commission could not service even a small percentage of our political subdivisions, at any rate, for a reasonable fee, unless the provisions were sufficiently broad to establish a pattern for all, to fit into mass routine and the handling of a potential of 220,000 political subdivision employees. Incidentally, this figure does not coincide with the figure that was mentioned on the floor yesterday but it is a figure obtained from the librarian. To treat each township, village, city, town or county on an indi-

vidual basis would be essentially an impossible task. To obtain efficiency, it could well be that the present pattern used for the state would have to be used. Three, any such law would make permissive the surrender by a local government of a local governmental function, in the one area at least, to an all powerful, over powerful bureau or commission in Lansing. Four, it could be an opening wedge for state government to encroach further upon local governmental functions and control, making it ever easier to get away from home rule or from our grass roots control which should be preserved. Five, without specific prohibitions, wage scales, fringe benefits, working conditions and standards would no longer be established locally. This would result in the increasing of local taxes at a time when they do not have enough taxes. Based on past civil service actions, as far as raises and fringe benefits are concerned, they could become effective after local units had adopted their budgets. Six, much has been said about preserving rights in this convention. The rights of the government should be preserved and not surrendered to a commission or bureau.

Some of the possible results if this should become enacted: 1, the evils of present interim appointments could become statewide. This would be an extension of the present underground patronage system; 2, local government's employees would become subservient to a bureau in Lansing with its umbrella coverage to the fourth unrecognized branch of government and not to the local government from which their pay checks would come; 3, the civil service commission claims it needs 1 per cent of the total state payroll for operations. Unless the state expects to indirectly subsidize political subdivisions, all local payrolls would have to go up to meet the fee to be charged to the local units. There is no experience to judge how much the charge would have to be before such a large increase of work load. Present facilities would be grossly inadequate. Unless these services would be on a specific contract basis, again the local units might find their charges adjusted without notice and after budgets were approved; 4, it is the history of bureaus and commissions, when once given authority, that they exercise it on an ever expanding basis. Not being accountable to the legislature or to the governor for expenditures, it would be only human for the civil service commission to use funds to propagandize and bring pressure on local units of government in order to use this "permissive" service so that the commission would build its empire ever larger and seemingly more important. Many, particularly smaller political subdivisions, find it easier to submit to a higher form of government than to resist. That is why in the federal government and at the state level more and more political subdivisions rely on outside assistance rather than solve their own problems. That is why local state's rights have been surrendered to a more centralized government. Local rights, as well as state's rights, as President Eisenhower warned, should be recaptured and not surrendered; 5, such a law could readily be accepted by some local officials that they might escape local pressure for the responsibility of making salary adjustments. This could become a beautiful buck passing scheme, even though surrendering rights just to escape one of the disagreeable responsibilities for which they were elected by the people; 6, the civil service commissioners would be less than human if they did not try to achieve control over all public employees, other than federal, if the groundwork is laid; 7, there is no reason to believe that the commission would not ultimately try to get school employees under their empire and jurisdiction; 8, the following figures were given to me by our librarian: the number of employed persons in the state, September 1961, 2,723,300; state employees, approximately 34,000; all political subdivision employees, 220,000. As I said, this does not coincide with the figure given yesterday. Total state and political subdivision employees, if they were all to come under it, 254,000.

The civil service commission — not responsible to the legislature, not responsible to the governor, not responsible to the people or voters — now controls, without any checks, the

employment and wages of 1.6 per cent of the total employed in Michigan. If the state employees, plus political subdivision employees are included, their control would be 7.2 per cent of the employed population of the state. It would mean a 460 per cent increase in the number of employees serviced or controlled. There does not appear, as Mr. Brake brought out, to be any evidence of a demand recorded or suggested that the counties, townships, cities or villages are clamoring for this provision.

This does not mean that I am opposed to merit systems, either state or locally. I am not opposed to sound merit systems. Who ever dreamed in 1941 that the present section 22 would become an uncontrolled behemoth? You may think the imagination is running loose, imagining impossible results if this proposed section is adopted. There are about 10,000 more state employees now than in 1950. How many more state and local employees will there be by 1970? To build an empire takes an imagination. We are derelict in our duty if we do not try, in all our sections, to imagine what might happen the next 25 to 50 years. We should certainly try to imagine where our present oligarchy, the civil service commission, in its present framework of our constitution, may go unchecked if we permit their enlarged authority.

We have already adopted section m in Committee Proposal 81, which provides that all other counties may establish merit systems as established by law. We certainly don't need to spell out for a third time in the proposed constitution this section, along with 2 other sections on civil service. The committee on local government views this as a statutory provision. Mr. Ostrow and Mr. Allen pointed out very effectively some of the things here yesterday. Therefore, I suggest that you think well before you create an untouchable, uncontrollable, possible Frankenstein and urge the adoption of this amendment.

CHAIRMAN MILLARD: The Chair will recognize the gentleman from Kalamazoo, Delegate Allen.

MR. ALLEN: Mr. Chairman, I think that the remarks made by Mr. Shackleton and the Shackleton amendment would, if the choice before this convention were simply whether or not to take the committee proposal or to have nothing at all, be very much in point. In other words, if the choice before us today were to take the committee proposal or to take the Shackleton amendment, which would strike it out, then I certainly, personally, would favor the Shackleton amendment. However, if this Shackleton amendment should fail, we have coming up the Hanna amendment. And the Hanna amendment provides that any city, county or village which wishes to do so — and this is purely voluntary — may have its own civil service system. It then provides that if it wishes to do so, it may secure technical assistance from the state. So it is voluntary in both ways. Now, my feeling is that the Hanna amendment cures the defects which I mentioned last night, which Mr. Ostrow mentioned, and which Mr. Shackleton mentioned this morning, and that the real choice before us therefore is not whether we have nothing at all under the Shackleton amendment, if it passes, but the choice is whether we have a purely permissive basis which the Hanna amendment would permit. And, therefore, while last night I would have favored striking the whole thing, I think that the Hanna amendment, if we get to it, cures all the defects and I personally feel that the Hanna amendment would be a better thing to do since it allows the system of civil service on a purely voluntary basis, does not make the state come into it, establishes no state system. Therefore, because I feel that from a parliamentary point of view, that if the Shackleton amendment passes, there is nothing that the Hanna amendment can be substituted for, that it would be better to vote no on the Shackleton amendment with the intention of voting yes on the Hanna amendment which comes up next.

CHAIRMAN MILLARD: The Chair will recognize Delegate McCauley.

MR. MCCAULEY: Mr. Chairman, if it is permissible, I'd like to direct a question to Mr. Allen.

CHAIRMAN MILLARD: Mr. Allen, if you care to answer.

MR. ALLEN: Yes, sir.

MR. McCAULEY: Glenn, I would like to know—you were speaking against the Shackleton amendment—don't you feel this whole field is purely legislative in nature? Why does it have to be put into the constitution? It is my feeling that if the legislature wants to provide for local units of government to avail themselves of state service, they'll have that right by an act of the legislature. I don't see why it is necessary that we get embroiled in the constitution with this type of language.

MR. ALLEN: Mr. McCauley, if we took out everything that we have written so far that is legislative and could be put in by the legislature, I think we would reduce the work that we already have passed by at least 50 per cent. In other words, we aren't doing anything different in this than we have done in many other sections. I suppose the other answer is that the legislature hasn't passed such an act across the board. A city doesn't have to take advantage of it. This simply says a city may do it. So I see no harm.

CHAIRMAN MILLARD: The Chair will recognize Mrs. Judd.

MRS. JUDD: I'd like to attempt to reply to Mr. McCauley and also to Mr. Brown on the question as to whether this belongs in the constitution. It seems to me that the way the present committee proposal is worded, most all of it is statutory with the exception of the last sentence. I am not a lawyer but I think the question might be raised as to whether the state civil service commission would have power to render these services under contract to local government unless this were put in the constitution, in view of the fact that the entire workings of the civil service commission are in the constitution.

On the question of the relation of this proposal to the possibility of local government having civil service, I would like to refer you to the section in the local government article, which refers to civil service in counties. Counties over a million, the provision says, shall have the power. In other words, this is a self executing provision to a county and it would not have been possible by statute. If we wish to give similar power to counties under a million, we would, I think, also have to put it in the constitution. Now, it is true the legislature has the power to permit local units of government to have civil service if they want to. But what has happened through the years is that they have classified counties by population and for a long time, there was an act on the books which permitted counties of 300,000 or more to have the merit system. But what happened was that when Kent county and Genesee county reached that level, the legislature changed the law to raise it to 500,000. So obviously, the legislature is not very sympathetic to this sort of thing and consequently, we are proposing that it be made self executing in the constitution and this would be constitutional rather than statutory.

CHAIRMAN MILLARD: The Chair will recognize Mr. Garry Brown.

MR. G. E. BROWN: Mr. Chairman, members of the committee, in inverse order to which they were presented, I first would like to answer Mrs. Judd. That is, of course, that Committee Proposal 81 as amended by this committee does provide that all other counties may establish such merit systems as provided by law. So there is constitutional provision now for other counties to do it in accordance with whatever legislative enactment may be made by the legislature.

And I would answer to my good friend from Kalamazoo, Mr. Allen: it seems to me that in the past when we have put things into the constitution, which we thought to be in all honesty legislative detail, it was done because there had been a great hue and cry to the legislature to do something in this field and nothing had been done. The question was raised with respect to practically every one of these provisions, that the legislature has failed to do it, they need some direction, it needs to be mandatory; so, therefore, we have put in this legislative detail due to the fact the legislature has not acted. I have yet to hear testimony before this committee that there

has been such a great hue and cry to the legislature to do something in this field with respect to local units of government. If that is the case and it is presented here, I may change my view; but until that time, I think this is statutory detail that should not be in the constitution and that there is no real need for it. I would once again support the amendment to strike the whole language.

CHAIRMAN MILLARD: The Chair will recognize the delegate from Muskegon, William Hanna.

MR. W. F. HANNA: Mr. Chairman and fellow delegates, when we were discussing Committee Proposal 81 regarding the county home rule and county civil service, one of the problems raised by the delegate from Wayne county was the fact that the legislature from time to time by act tampered with the civil service provisions and that Wayne county could not run its own civil service program by its own legislative body and be subject to the right of referendum by its own people. Now, if we proceed to strike this out—Mr. Brake and others have argued that this is legislative power, that the legislature could do this, and I think this is true. But let me show you the danger to this. This means that the legislature could pass an act saying that all townships having a population of between 5,000 and 25,000 will be under civil service, and these are the provisions. And all townships would be under it, whether they liked it or not, and whether it applied specifically to their local unit or not. In my township, for instance, with a volunteer fire department, there seems to be little need for civil service as applied to fire departments. But supposing the legislature in its wisdom said that all townships had to place their fire departments under civil service. Now, if the legislature has the power to enact civil service, they have the power to enact a uniform statute, and under our language, we say they must act by general law whenever it is possible. Therefore, we are saying to the legislature, if civil service is required, you will act and then all these political subdivisions find themselves under a general law; and this has caused the problem today with cities; it has interfered with their effective home rule; it would interfere with township home rule, county home rule; and interfere with the people's rights within a given political subdivision to determine for themselves whether or not they want civil service.

Now, Mr. Brown raises the question: has there been legislative enactment? I'll give you a concrete example, Mr. Garry Brown. There was proposed by both the Democratic and Republican legislators from my county a proposal to place the sheriff's department in counties of our population under civil service. This was advocated by both Democrats and Republicans in Muskegon county, but because we had to classify counties by population, we obviously were stepping on the toes of Berrien county, or other counties falling within the population of approximately 150,000. Now, this provision, if stricken out, forces the legislature to adopt a uniform statute applied to sheriff's departments falling within the category of 150,000. Berrien county may not want it; Muskegon county may want it. If we defeat the Shackleton amendment, the amendment which I provide simply says that the people of Muskegon county could, if they wanted to, adopt, by a majority vote, the merit system—and they could apply it to the sheriff's department—it would apply only to Muskegon county. Berrien county could copy it or not copy it, as it saw fit, and we increase the home rule. Now, to the extent that we increase home rule, we are strengthening local government. To the extent that we strengthen local government, we keep the state out of our local affairs. And so I recommend that if it is the power of the legislature, which Mr. Shackleton and those who oppose the amendment admit, then we are creating a dangerous monster because the legislature could enact a uniform statute, in the terms of the committee proposal, to which we all object. The provision which I put in this amendment prevents the legislature from passing this civil service by a special amendment or special law, but says to each local unit: you may or may not, as you desire, by a vote of your people, have civil service, and you can have civil service

and tailor it to your local problem. It then goes on and says that if you are able to have good technical services, you may contract with the state civil service for technical service. It does not mean that state civil service can operate this system but they may furnish technical advice. All that we have heard about local, county, city and so forth civil service seems to indicate that the best civil service is that which is locally controlled, and this will guarantee it to the political subdivisions if we vote down the Shackleton amendment and adopt my amendment.

MR. WANGER: Point of information.

CHAIRMAN MILLARD: State your point.

MR. WANGER: If the Shackleton amendment passes, does that mean that we cannot consider the Hanna amendment?

CHAIRMAN MILLARD: The ruling is that the Hanna amendment could be offered as a new section if the Shackleton amendment carries. The Chair recognizes Mr. Shackleton.

MR. SHACKLETON: Mr. Chairman, Mrs. Judd did not read the last sentence of section m, which says, "All other counties may establish such merit systems as provided by law."

CHAIRMAN MILLARD: Mr. Seyferth, the delegate from Muskegon.

MR. SEYFERTH: Mr. Chairman, delegates, this is a rather confusing discussion. My notes are prepared to talk against the committee proposal. We have had so many amendments before us since then it somewhat confuses the issue. However, I think the basic premise is still there. First of all, I am one of those individuals who feels that civil service is a necessary evil. At its very best, it's not good. So starting from that premise and as a commissioner and a supervisor of Muskegon county, I have some potentially, I think, realistic boogeyman envisions. I feel that as the committee proposal has been presented, that certain exceptions could be taken not in the intent—the intent I respect and admire and the objectives that they're trying to do—I take exception to the method of implementation. Due to the very nature of the question, some boogeyman questions come to my mind, and they simply are these—and I am not asking for answers because I don't think that they can be logically answered.

First of all, in adopting a proposal such as this we are taking another step towards, shall we say, statehouse centralization. Now, bear in mind that at the moment I am speaking against the committee proposal and in favor of the Shackleton amendment. This proposal is permissive now. Would it at a later date be mandatory on the local units? Would the next step after merit principle implementation at the local level be a control in the form of suggested wages and salaries to fit the now suggested established classifications? These are just questions that come to my mind that I think could be very real. This entire subject is a function to be enjoyed by local units of government, for them to handle as they see fit.

I noticed on the bottom of the page of the journal that the committee on local government felt also by majority opinion that this matter was legislative and not constitutional. However, I am speaking now and adding further to the confusion, if I am in order, Mr. Chairman, on the Hanna amendment and some statements that Mr. Hanna just made. I wholeheartedly agree with the privilege of local units of government voting on whether or not they will entertain the merit system of civil service. But I object wholeheartedly to any tie in with the state civil service in any manner whatsoever. I feel that that is a control that the local units of government should entirely abandon and never allow to come under their sections of domain. If the local units of government desire to have civil service in this instance and they vote for it, then make it a part of the provision that they finance and pay and obtain counsel not in conjunction with the state civil service act. I move to support the Shackleton amendment.

CHAIRMAN MILLARD: The Chair will recognize the gentleman from Bay City, Judge Leibrand.

MR. LEIBRAND: Mr. Chairman and delegates, it would appear to me that under the original committee proposal and

the Hanna amendment, we are being asked to put something into this constitution that not one of the 1500 affected political units in the state wants badly enough to have asked this convention for. That being the case, I feel obliged to vote for the Shackleton amendment.

CHAIRMAN MILLARD: Mr. Wanger. Not here? Delegate Boothby.

MR. BOOTHBY: Mr. Chairman and ladies and gentlemen of the committee, some seem to believe that all you have to do is mention the words "merit system," especially if those words are drafted in the constitution, and then magically, all civil service positions are taken out of the political plum classification. Now let us read from the suggested provision which has come out as the committee recommendation, to see how effective it would be—and I call to your attention the wording beginning with line 10. It says:

In such civil divisions, appointments and promotions in the civil service shall be made according to merit and fitness to be ascertained, as far as practicable, by examination which, as far as practicable, shall be competitive. Now, I want you to watch those words "as far as practicable" because they are surely words which dilute the intention of the previous statement.

I think maybe we should read or take note of a newspaper report which appeared in one of my local county newspapers as late as March 16, 1962, last Friday. This appeared in the St. Joseph Herald Press. It is a report of an executive committee meeting of a major party in my county of which I am not a member. And it reads as follows—it mentions this particular party and it says:

... who have been arguing for months over patronage, now has a special committee to screen applicants for endorsement by the county committee. The executive committee at a meeting in February had approved the patronage committee, to serve as a screening board, for applicants for postal and other governmental jobs under civil service regulation. But there was some question over whether executive committee members also should serve on the patronage group. Questionnaires will be sent to each local committee which wants to recommend someone for a civil service job. Each city and township will be entitled to a 5 man committee to screen local applicants. Those will be forwarded to the county patronage committee, where they will be rated on the basis of 60 per cent for job qualifications, 20 per cent for local party activity, and 20 per cent pure patronage. (laughter)

Now what I want to know is under this committee report, when it starts talking about "as far as practicable," as far as fitness and merit is concerned, any examination "as far as practicable," does that mean that 20 per cent can go to party patronage, party activity and 20 per cent to pure patronage? Is that what those words mean?

It seems that the provision suggested is a sleeping pill approach. We don't cure the problem but we put the people to sleep so they don't know what the bad things are that are going on. I would not delude the people into thinking that this provision would take government jobs out of politics. I do not oppose the laudible objectives; in fact, I applaud them. But it would seem to me that we cannot remove this evil by worshipping at the shrine of the merit system and ignoring what actually is now taking place in my county and other counties of the state. I do oppose invisible politics which is now taking place and which is now existing in civil service.

CHAIRMAN MILLARD: Mrs. Judd.

MRS. JUDD: It appears to me that this debate is mostly centered against the principle of the merit system in civil service. And I would remind the committee that we have long ago settled this problem when we voted by good majority to adopt the state civil service system. And the question before us is simply whether we shall make the services of that department available to local government when and if they should want that kind of service. It strikes me that the proponents of this deletion are raising up a lot of

ghosts. I think that the very objections that have offered demonstrate how little and how slowly the merit principle would be adopted by local units of government and that it would indeed be the millenium when 1500 local units of government rush up on the state civil service department for help.

Secondly, I spoke a moment ago about the fact that the legislature had increased the minimum population basis for counties to have a merit system and Delegate Hutchinson informs me that this was done at the request of the supervisors of the 2 counties involved. This ties in with Mr. Brake's point that there has not been any great demand on this convention on the part of the people to give local units of government this opportunity. This same situation was reflected in our experience in the local government committee, where almost all of the demands for any kind of provisions came from the various 10 or 15 associations of county officers and we heard from only one citizens' organization in the state. Indeed if we had weighed the evidence by the ton, there would be no county home rule provision proposed for our constitution today.

I think that what we must ask ourselves in this question is: for whom are we writing the constitution and for when? Is it for the present or past? Is it for the future? Is it for the officers or is it for the people?

CHAIRMAN MILLARD: Does Delegate Bentley wish to be recognized? Apparently not. The question is on the Shackleton amendment. Mr. Martin.

MR. MARTIN: There have been several references to the idea that the state civil service commission would somehow in some manner dominate these local systems or be involved in them. The wording of the committee proposal and the subsequent amendments that have been offered, I think, are quite clear. They are only authorized to furnish technical services on a reimbursable basis. I don't think there is the slightest likelihood that the state civil service commission can be involved in any way in determining the policies or programs of these local units. It seems to me that it is desirable to defeat the present amendment and then to consider the Hanna amendment. I hope that the committee will vote in that manner.

CHAIRMAN MILLARD: The question is on the Shackleton amendment. A division has been asked for. Is the demand seconded? Enough up. All those in favor of the Shackleton amendment will vote aye. Those opposed will vote nay. Have you all voted? The secretary will lock the machine and tally the vote. Mrs. Judd.

MRS. JUDD: I was voting for the deletion on the assumption that the Hanna amendment may still be proposed. Am I correct in that?

CHAIRMAN MILLARD: You are correct. Mr. Madar.

MR. MADAR: I'd just like to suggest that it would be a good idea if we turned it all off, now that they're all in here, and take another vote so that we're sure that some haven't voted twice. (laughter)

CHAIRMAN MILLARD: The secretary says that's agreeable to him. He is kind of confused too. We are voting on the Shackleton amendment. Clear the machine, everybody. Will you please clear the machine, everybody. The question is on the Shackleton amendment. All in favor will vote aye. Those opposed will vote nay. Have you all voted? If so, the machine will be locked and the secretary will tally the vote. Will the sergeant at arms check the bell? It is stated that the bell is not ringing downstairs. Will you please check it?

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Shackleton and others, the yeas are 56; the nays are 50.

CHAIRMAN MILLARD: The amendment is not adopted. The secretary will read.

SECRETARY CHASE: Mr. Faxon has filed an amendment —

CHAIRMAN MILLARD: Is Mr. Faxon here? If not, his amendment will be passed.

SECRETARY CHASE: Mr. W. F. Hanna offers the following amendment:

1. Amend page 1, line 8, after "Sec. a.", by striking out the balance of the section and inserting "Each city, village, township, county, school district and metropolitan government may, by a majority vote of the electors voting thereon, establish a merit system for its employees. The state civil service commission may furnish technical services on a reimbursable basis to any city, village, township, county, school district or metropolitan government requesting the same."

CHAIRMAN MILLARD: The Chair recognizes Delegate Hanna.

MR. W. F. HANNA: Mr. Chairman and fellow delegates, I already explained this in answer to Mr. Shackleton's amendment and do not propose to go into it further. There is a minor typographical error on the second from the last line. There should be a comma between "county" and "school district" so that it is not "county school district" but it is "county" as distinguished from "school district."

[Correction made, see above.]

Now, a question has been raised as to why school districts? The committee proposal referred to civil subdivisions and I believe a school district is a civil subdivision of the state. The question then raised is: is it necessary for school districts in view of the possibility of school districts coming under the school tenure act? It is my understanding, and I would be glad to be corrected if wrong, that the tenure act only applies to educational staff, to wit, the teachers. It does not apply to the janitors, the secretaries or the other administrative personnel that are connected with the school districts. That is the reason for my leaving "school district" in. First it was a civil subdivision, and secondly, there are members, as I understand it, not covered by the tenure act. And it seems to me that if the people in the city of Detroit or in my school district wish to establish by their vote a merit principle with regard to the janitors in their school district, that they should have that privilege. But because some question has been raised with regard to school districts, I request at this time that when the vote is taken, that we divide this question and vote first upon the inclusion or noninclusion of school districts in the third line and in the second from the last line, and then vote on the amendment as I have submitted it, either without or with the words "school district" included, so that the persons perturbed about the inclusion of school districts shall have an opportunity to express their vote separate and distinct, if that is permissible. Mr. Chairman, may the question be divided so that we vote on school districts first and then the balance of the amendment?

CHAIRMAN MILLARD: You have a right to divide the question.

MR. W. F. HANNA: I so request, that the question be divided so that we vote first upon the school districts, and then subsequently on the balance of the amendment.

CHAIRMAN MILLARD: Mr. Allen requested to talk on this amendment some time ago. Do you wish to —

MR. ALLEN: I pass.

CHAIRMAN MILLARD: The Chair recognizes Delegate Danhof.

MR. DANHOF: Mr. Chairman, a question to Mr. Hanna. Mr. Hanna, is there anything in your amendment that the legislature could not do tomorrow if it so desired?

CHAIRMAN MILLARD: Do you have a point of order, Mr. Barthwell?

MR. BARTHWELL: Yes, Mr. Chairman, I think we got a ruling previously that to strike and insert was not a divisible question and I'd like the Chair's ruling on that.

CHAIRMAN MILLARD: The Chair thinks, Mr. Hanna, we have it straight now. Mr. Barthwell is right. You can offer an amendment to your amendment. That is the way it would have to be handled.

MR. W. F. HANNA: Mr. Chairman, I don't wish to argue with the Chair. It was my understanding that an amendment

to strike and insert was not divisible, but a request to divide the proposition was permissible.

CHAIRMAN MILLARD: An amendment to strike out and insert is not divisible under our rules but you may offer an amendment.

MR. W. F. HANNA: I'll leave it alone. In answer to Mr. Danhof: could the legislature do this now?

MR. DANHOF: Yes.

MR. W. F. HANNA: Yes, they could. They could go much further, and that is what worries me. I would like to prevent the legislature from passing a general act and blanketing all these people under a state system of civil service. This is the very thing I don't want to happen and this is the reason for this amendment.

MR. DANHOF: Thank you. Mr. Chairman, I favor home rule as much as anyone else and the right for a particular subdivision to determine their own fate, but I beg of the members of this committee that they look at this particular amendment and see what type of a Frankenstein they might be creating 50 years from now. We have in this state 1500 artificially made political subdivisions, all of which have been created under and by the authority of the legislature. There is no sanctity to school districts or to cities or to townships except as we make them. And what you are going to do is make it available for 1500 different types of civil service to exist in this state without any possibility of the legislature in the future having any type of control. You don't do it for city home rule. You haven't done it for county home rule. But you are now going to freeze into this constitution an absolute prohibition against the legislature ever trying to correct any of the evils or trying to make any sense out of a civil service jungle which is going to be created between town and town, between township and township, between county and county.

Now, the problem hasn't been that the legislature has gone too far. And I submit that this particular act is probably what the legislature would enact if the counties and the cities and the townships wanted it. But envision, if you will, 40 or 50 years from now, when perhaps there reside in this state 11 million people and you have numerous counties of over a half a million or approaching a million people, and each of them live side by side with a different type of merit system. There is no particular sanctity about school districts. If the legislature would desire, it could make the state of Michigan one school district, they are all creatures of the state. Sure, we allow home rule and we are going to have county home rule. But it is going to be under the supervision and the direction of the legislature.

We passed in this convention a type of home rule which the legislature would set up for the various counties. Now what you are going to do is tie one hamstring in it and state that when it comes to civil service, everybody can jump on their own horse and ride off in a 360 degree fashion. I repeat I am for home rule. I think again, we are getting into legislative detail. I think that you will be creating something which, if it proves unworkable, if it proves to become too complex, you have absolutely no way of getting any type or semblance of order out of the chaos which might develop. It is far better that we either grant or direct the legislature to pass whatever acts it deems necessary for civil service, or that we would have adopted the Shackleton amendment which in effect would have left it to the legislature also. If you adopt this particular type of amendment, I submit that you are creating and sowing the seeds for discord and discontent and a great deal of confusion — not today, not tomorrow, but 20, 30, 40 or 50 years from now, when you have counties which have become so entrenched and their systems are so different that, because of local pride, they won't change and yet you have a confused situation. Far better we leave it to the legislature under the committee proposal than to adopt this type of self executing, mandatory prohibition against the legislature from ever doing anything in the field of civil service. I will admit they may have tampered with it in the past. The problem lies then in our legislators. Now we're trying to

write this particular type of a provision into our constitution. For that reason, I cannot support the amendment and I would urge its defeat.

CHAIRMAN MILLARD: The Chair recognizes the gentleman from Taylor, Mr. Marshall.

MR. MARSHALL: The point that I was going to make was already taken care of by Delegate Barthwell. I would like to ask Delegate Hanna, though, if he can give me the reasoning behind his wanting to separate or divide the school districts.

CHAIRMAN MILLARD: Delegate Hanna, do you care to answer?

MR. W. F. HANNA: Mr. Chairman, Mr. Marshall, I made the statement, I thought, clearly; it is because some people raised the question whether this would conflict with the teacher tenure act. It is my feeling that it would, but that was the reason why I wanted to divide it.

CHAIRMAN MILLARD: Delegate Barthwell, do you wish to be recognized?

MR. BARTHWELL: No.

CHAIRMAN MILLARD: The Chair would like to make a comment. The Chair thinks Delegate Barthwell has now passed the second course toward his degree. (laughter)

The Chair recognizes the gentleman from Owosso, Delegate Bentley.

MR. BENTLEY: Mr. Chairman, since I feel that the Hanna amendment more clearly spells out the intent of the original proposal as coming from the committee on executive branch, I move to support it. I do not feel, Mr. Chairman, that Mr. Hanna needs to be too concerned about this matter of employees of school districts being included on a permissive basis. I think that since it is pretty clearly understood that this would not conflict with the teachers' tenure act, this would only apply to so called nonteaching employees in an administrative or custodial capacity, I think there is hardly any need myself to offer a separate amendment in this connection unless of course, he feels inclined to do so. As chairman of the education committee, I would have no hesitation in voting for the amendment as it stands, including these nonteaching employees of the school district, if so desired by the electors of that district.

CHAIRMAN MILLARD: Mr. Martin.

MR. MARTIN: Mr. Chairman, only with respect to Mr. Danhof's comment, if you are dealing with something like powers of taxation, something of that sort, of course, it is essential that specific limits be put on what kind of taxation the local units may use and employ. When you are dealing with civil service, you are dealing with an essentially local problem which doesn't require that there be uniformity. In fact, each local unit may want to establish a system that is somewhat different from some other local unit. And there is no reason why they shouldn't. And the Hanna amendment recognizes this and permits them to use their judgment. Some may want to have very extensive civil service systems. Some may not want any at all. Or some may want a very modest system applying only to a portion of their employees. It is the very flexibility that is needed in this particular field and it will not do any harm to have different local units using different civil service programs. In fact, it is desirable that the people be able to establish the kind of system in each particular unit which the people want. That's the purpose of the amendment, I am sure.

CHAIRMAN MILLARD: The Chair will recognize Delegate Downs.

MR. DOWNS: May I pass for a moment, Mr. Chairman?

CHAIRMAN MILLARD: Delegate Wanger.

MR. WANGER: Mr. Chairman, a question through the Chair to Delegate Hanna. The amendment states that the majority vote of the electors voting thereon is necessary to establish this merit system by the very reasoning that I would presume that any change in it would also have to be submitted to that electorate and any amendments would have to be submitted to that electorate and be adopted by it as well. Now, my question is this: do you think there is sufficient

flexibility under your amendment so that rules could be made by an appropriate body or agency of this established merit system which would not have to be voted upon by the people? As I read it, it says the merit system itself certainly would have to, in any case where a change is necessary, be submitted once again to the people for their adoption or rejection.

CHAIRMAN MILLARD: Do you care to answer, Mr. Hanna?

MR. W. F. HANNA: Mr. Chairman, Mr. Wanger, this is not what the amendment says. Your premise is not correct. Once the people voted to establish a merit system, the legislative body would establish such merit system, the details of which would be established by ordinance. Under our present law, all ordinances are subject to referendum, and I would assume that we are preserving that right so that minor amendments and so forth—changes that are necessary in the ordinance—would be taken care of, just as an ordinance that establishes the fire department in a given township or the police department, such ordinances are subject to referendum. It is true that to establish and to start and determine whether or not the employees shall be under a merit system or whether they should be under a personnel board or whether they should be simply political patronage pure and simple is the voice given to the people by my amendment.

MR. WANGER: Mr. Chairman, Delegate Hanna, it says the system shall be established by a vote of the people. I take it then that any part of the system could then be changed without going back to the people. Is that my understanding of your interpretation of the language?

MR. W. F. HANNA: Mr. Chairman, Mr. Wanger, this is just like the constitution says, that the legislature shall levy taxes. We don't say that it will levy a specific tax on a phone call that I make to Muskegon. We leave this to the legislature to implement by statute. The statute, however, is subject to referendum.

MR. WANGER: Well, you'd have to have a referendum then whenever there was any change in your system.

MR. W. F. HANNA: That is not correct.

MR. WANGER: In other words, the people could establish it and the local governing body could repeal it for all practical purposes?

MR. W. F. HANNA: Mr. Chairman, would Mr. Wanger repeat his last question?

CHAIRMAN MILLARD: Will you repeat your question, Mr. Wanger?

MR. WANGER: Mr. Chairman, Mr. Hanna, then I understand that the people could vote to establish a system and then following that at some time the legislative body of the division of government could repeal it or modify it to the extent as to operate as a repeal?

MR. W. F. HANNA: I would assume so, Mr. Wanger, and if the legislative body so circumscribed the merit system by ordinance that it did not in fact exist, that ordinance would be subject to referendum and those members of that board would be subject to retirement by a vote of the people at the next election or sooner if they desired, by recall.

MR. WANGER: Is there legal precedent for this proposition that when the constitution states that the voters may establish something, then the legislative body may repeal it? It seems to me to follow inexorably, from your language here, that any change in the system itself would have to be submitted to a popular vote before it becomes effective. I wonder if there is a precedent here.

MR. W. F. HANNA: Mr. Chairman, Mr. Wanger, I only point to the 1908 constitution concerning city home rule. It says that the legislature shall provide for city home rule. We didn't say how; we didn't give them the number of the charter commission; we didn't say if it was a majority vote of the property owners or the voters. We didn't say that each city that adopted home rule had to have a city clerk, an assessor, a legislative body, a mayor, an executive, a board of review. We did not spell it out in the constitution. There is considerable legal precedent for stating a principle in the constitution

and leaving it to the implementation of the legislative body or the people.

MR. WANGER: Do you recall the number of the section in the local government article?

CHAIRMAN MILLARD: Are you directing a question, Mr. Wanger?

MR. WANGER: Yes, Mr. Chairman.

CHAIRMAN MILLARD: To whom?

MR. WANGER: To Delegate Hanna, Mr. Chairman. (laughter) Mr. Chairman, Delegate Hanna, do you recall the section in the local government article establishing city home rule? I am looking for it now and I—

MR. W. F. HANNA: Mr. Wanger, I have never made it a practice to either memorize the constitution or the Bible by verse and chapter. I am sure it is in there.

CHAIRMAN MILLARD: Any further comments, Mr. Wanger?

MR. WANGER: Yes, Mr. Chairman, merely that the analogy which is drawn between the legal effect of this section and the legal effect of the city home rule section, as I recall that section, is not valid inasmuch as the language is not clearly the same.

CHAIRMAN MILLARD: Are you arising to speak on this amendment, Mr. Faxon?

MR. FAXON: Yes. I have an amendment to the amendment.

CHAIRMAN MILLARD: We are not to that yet. The Chair will recognize the delegate from Detroit, Dr. Norris.

MR. NORRIS: Mr. Chairman, a question to Delegate Hanna.

CHAIRMAN MILLARD: Delegate Hanna, if you desire to answer.

MR. NORRIS: Getting back to the matter with regard to the teachers' tenure act, as I understand the teachers' tenure act, it permits on an optional basis a community to come within the provisions of the state tenure act. Would this mean then that in those communities where you do not have a teacher tenure act then that if the words "school district" are incorporated in your amendment, then the teachers would then come within the comprehension of the language you propose?

MR. W. F. HANNA: Mr. Chairman, Dr. Norris, I would assume that if the merit system were to be applied to the teachers and the voters approved this, this could be done.

MR. NORRIS: Mr. Chairman, Mr. Hanna, it may then operate to encourage those communities that may not have a teacher tenure act to pass one in order that the merit system might apply to nonteacher personnel in the school districts and the teacher tenure act would apply to the teachers. Would that be a logical conclusion from that?

MR. W. F. HANNA: Mr. Chairman, Dr. Norris, in those districts that have adopted the teacher tenure act and felt the necessity to apply civil service to its other employees and I would assume desirable, this would allow them to do so. Those districts which have not adopted the teacher tenure act and wish to include their teachers as well as their nonteaching staff under civil service, and a majority of the people voted therefor, this would be permissible.

MR. NORRIS: It would be the intent of your amendment, Mr. Chairman, Delegate Hanna, to give priority to the teacher tenure act? In other words, if this amendment went through and a community did pass a teacher tenure act, that means the teacher tenure act would take care of the teachers and the rest of the personnel would be governed by whatever act was enacted pursuant to this provision of the constitution?

MR. W. F. HANNA: Mr. Chairman, Dr. Norris, I would assume that this is true.

MR. NORRIS: I just have one comment while I am on my feet. I appreciate Delegate Danhof's concern with regard to what might happen, but I think we ought to begin with where we are with regard to the principles of the merit system and the various units of government. The simple irrefragable fact is that the legislature has not acted and if we are going to plot a trajectory into the future on the basis of what the legislature has not done, it is reasonable to assume that it

will not do in the future that which it is asked by this amendment that it might do. It is only permissive and as I understand it the operative impact of this amendment would be simply this: that those that are interested in the merit system and good government in various communities throughout the state would have an argument to exercise moral suasion upon the city fathers to proceed here to make the request for assistance and to get on the ballot such provisions as may be necessary for the merit system. I would support the Hanna amendment.

CHAIRMAN MILLARD: Judge Leibrand.

MR. LEIBRAND: Mr. Chairman, I pass.

CHAIRMAN MILLARD: Mr. Faxon.

SECRETARY CHASE: Mr. Faxon offers the following amendment to the Hanna amendment:

1. Amend the amendment, first sentence, after "county" by striking out the comma and "school district"; and in the second sentence, after "county" by striking out the comma and "school district"; so that the language in each case would read:

Each city, village, township, county and metropolitan government may, by a majority vote of the electors voting thereon, establish a merit system for its employees. The state civil service commission may furnish technical services on a reimbursable basis to any city, village, township, county or metropolitan government requesting the same.

CHAIRMAN MILLARD: The Chair will recognize Mr. Faxon.

MR. FAXON: Mr. Chairman, members of the committee, I appreciate the concern which is being shown over the employees of the school district, but as has just been alluded to, the teacher tenure act takes care of the problems with regard to teaching personnel. The teacher tenure act is a permissive act which allows members in the school districts in the community to adopt tenure. So that this doesn't give anything new as far as teaching personnel is concerned. This doesn't add anything to what they already have and that has already been provided for by the legislature. As a matter of fact, I think that it has a serious setback by including the words "school district" here because of some other interpretation that could possibly be given to the use of the words "merit system". Now, I don't think I want to get into a lengthy argument on what interpretations might be attached to teaching personnel in a school district when you use the words "merit system," but I think you are opening up an avenue which was not intended by this amendment. The amendment was intended primarily to deal with the employees of cities, counties, townships and villages. As I understood it yesterday when Dr. Pollock was asked, with regard to what he meant by civil divisions, he answered cities, counties, townships and villages. This was the intent that he had alluded to, which was the intent of the committee in proposing its original draft. Therefore, I feel the inclusion of the words "school district" here adds a new dimension to it, one which was not originally intended by the committee, one which is not really necessary in terms of present protections already permitted by the legislature in the teacher tenure act, and one which would seriously hurt the intent of the whole amendment. I would urge your favorable consideration of the deletion of the words "school district" for these reasons and ask that you take action on it soon.

CHAIRMAN MILLARD: Delegate Wanger.

MR. WANGER: Mr. Chairman, members of the committee, I would appreciate it if any member of the committee could enlighten us very generally on the percentage of school district employees who are teaching personnel and the percentage of school district employees who are not teaching personnel. It would be quite clear that this teacher tenure act, of course, would apply only to the teachers.

CHAIRMAN MILLARD: To whom is your question directed, Mr. Wanger?

MR. WANGER: It was not a question. It was a statement that I would appreciate—and I am sure the other members here would appreciate—if any member with that experience

in education might be able to offer a statement of what the facts in this regard would be.

CHAIRMAN MILLARD: The Chair will recognize Delegate Madar.

MR. MADAR: Mr. Chairman, we've been listening now for quite some time. I was in hopes that no one would be putting in any more amendments. This one that was just given to the secretary by Delegate Faxon certainly just shows us that we've got to do something here because now we find that one of the teachers doesn't want to give the other employees of the school boards the opportunity to come under a merit system. I still think we ought to go ahead and keep the school districts in and vote down this amendment and vote for the amendment by Mr. Hanna.

CHAIRMAN MILLARD: Delegate Tubbs.

MR. TUBBS: Mr. Chairman, I am not sure that I can answer accurately Mr. Wanger's question. All I can tell you is that in the Grand Rapids school district, which is a second class school district—there are only 2 of them in the state—we have about 1/3 fewer nonteaching employees than we have teaching employees. In other words, there are about 1200 teaching employees and roughly 900 nonteaching employees in the Grand Rapids school district.

I do not share some of the lugubrious predictions by my former chairman, Mr. Danhof, nor do I quite share the enthusiasm of Mr. Bentley for the inclusion of school districts in this proposed amendment. I am inclined to believe that the school districts would be few in number that would take advantage of it because of the conditions generally existing in the smaller districts that there are many more teaching employees than other employees. Teachers are under contract. It would be difficult, I think, to put them under civil service if you insist that the boards of education make written contracts with their teachers in order to employ them. The qualifications for teaching in this state are all determined by the state department of education so that the local units can hire only those people who are qualified. A school district, as Mr. Danhof has said, is a peculiar animal. They can all be abolished this week or next by the legislature. I agree that this is legislative in nature, but so was the whole civil service amendment in 1940. It was voted in favorably by people of this state, all of whom live in school districts, towns, villages, counties and these other places that seem to be entirely on the brink of extinction if this goes through.

CHAIRMAN MILLARD: The question is on the Faxon amendment to the Hanna amendment which the secretary will read so that we will all know.

SECRETARY CHASE: Mr. Faxon's amendment is:

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

CHAIRMAN MILLARD: Mr. Faxon.

MR. FAXON: Mr. Chairman, members of the committee, everybody has been running up here in anxiety over the fact that I am trying to disinherit janitors, clerks, et cetera, in the schools. I am looking at this and I invite your looking at the words too, because I think this is a question where the words may mean different things to people. I am looking at the words "merit system" and the words "merit system" may have a very definite meaning when you talk with regard to civil employees of cities, townships, counties and villages. But it has a different connotation when you discuss it in terms of schools and teachers. Now, if the intent of this is not to include teachers, then you would have to put in nonteaching personnel in school districts and I would have no objection to such an addition. But if the language is going to be as encompassing as "school districts," then I would certainly ask that it be deleted. Mr. Hanna, if you care to comment on this, I would like to hear you.

CHAIRMAN MILLARD: The Chair will recognize Mr. Hanna.

MR. W. F. HANNA: Mr. Chairman, Mr. Faxon, my only question to you after listening to your comments: would you

hire or establish a procedure for employing teachers without regard to merit? I take it from your statement that you object to applying a merit system to teachers. I would assume that we should apply a merit system to teachers—and this is what the tenure act attempts to do, by saying that if you are a good teacher, they cannot retire you from that system by a capricious method. From listening to your argument, I am perturbed that we are going to apply a higher standard to the janitor of the school system than we do to the teacher.

CHAIRMAN MILLARD: Mr. Faxon, do you care to answer?

MR. FAXON: Mr. Hanna, I have already stated that the present teacher tenure act gives satisfactory protection for teaching employees in the school district and it is not my intent to see that the teachers are treated less well than the employees. They are already protected in the school district for those who choose to adopt the tenure in their district. My only worry is not in the teachers as far as the security of their job is concerned, but in the introduction of another idea which is that of a merit pay system. Now, I don't want to get into the whole merits of this, but it just seems to me that the use of the words here tends to give the impression that this is something that could be done just as one would adopt teacher tenure, or something of that sort. I, for one, choose not to get involved in that particular conflict.

MR. W. F. HANNA: Mr. Faxon, if I thought that I could slip into this constitution a provision for merit pay for teachers, I certainly would do it; but I am sure that a merit system merely means a classification based upon the job held and the length of time in grade and the qualification for that grade. And we have never applied the bonus or the piecework system to the janitor or to the top executive in any civil service. I think your worries that "merit system" may go to the argument in the school system concerning merit pay are unreasonable.

CHAIRMAN MILLARD: The Chair will recognize Mr. Madar.

MR. MADAR: I just wanted to say this: if I were worried, for instance, about the city of Detroit's merit system, like Delegate Faxon is worried about the teacher tenure, I'd be fighting here against this. Frankly, I feel like Delegate Norris, after the explanation from Delegate Hanna, that it doesn't bother these teachers—the tenure act—and where they haven't got it, if they wish to put it in, they'll be able to do so. However, where they don't want the tenure act, certainly the civil service system could be voted in there too if they wished to. I believe that Delegates Hanna and Norris were right in their opinions.

CHAIRMAN MILLARD: Delegate Judd.

MRS. JUDD: Mr. Chairman, I don't think that those of us who were interested in this amendment originally had any intentions of including the educational system and we're getting way off the subject. Let's vote in favor of Mr. Faxon's amendment and get back to the main subject.

CHAIRMAN MILLARD: The question is on the Faxon amendment to the Hanna amendment. All in favor of the Faxon amendment will say aye. Opposed, no.

The amendment is not adopted.

DELEGATES: Division.

CHAIRMAN MILLARD: Division has been called for. Is there support? Sufficient number up. Will the sergeant at arms check the bells in the basement to see if they are ringing all right? The question is on the Faxon amendment to the Hanna amendment. All in favor of the Faxon amendment will vote aye. Those opposed will vote nay. Have you all voted? If so, the machine will be locked and the secretary will tally the vote.

SECRETARY CHASE: On the Faxon amendment to strike out of the Hanna amendment the reference to school districts, the yeas are 32; the nays are 85.

CHAIRMAN MILLARD: The amendment is not adopted. The Chair understands there are 3 more amendments to the Hanna amendment. The secretary will read.

SECRETARY CHASE: Mr. Ostrow offers the following amendment to the Hanna amendment:

1. Amend the amendment, first sentence, after "establish" by inserting a comma and "modify or discontinue"; so that the language will then read:

Each city, village, township, county, school district and metropolitan government may, by a majority vote of the electors voting thereon, establish, modify or discontinue a merit system for its employees.

CHAIRMAN MILLARD: The Chair recognizes Mr. Ostrow.

MR. OSTROW: Mr. Chairman and delegates, the amendment is self explanatory. All it means is that they may establish, modify and discontinue.

CHAIRMAN MILLARD: Mr. Hanna.

MR. W. F. HANNA: Mr. Chairman, I have no objection to this amendment. I had assumed if you could establish, you could take away. I have no objection to spelling out that you can do it.

CHAIRMAN MILLARD: The question is on the Ostrow amendment to the Hanna amendment. Mr. Martin.

MR. MARTIN: Mr. Chairman, I think the committee would see no objection to this amendment. It seems to carry out the general purpose and clarify it.

CHAIRMAN MILLARD: The question is on the Ostrow amendment to the Hanna amendment. All in favor will say aye. Opposed, no.

The amendment is adopted. The secretary will read.

SECRETARY CHASE: Messrs. Downs and Danhof offer the following amendment to the Hanna amendment:

1. Amend the amendment, first sentence, after "employees" by inserting "unless otherwise provided by law"; so the language will then read, "... establish, modify or discontinue a merit system for its employees unless otherwise provided by law. . . ."

CHAIRMAN MILLARD: The Chair will recognize Delegate Downs.

MR. DOWNS: Mr. Chairman, my legal adviser, the chairman of the judiciary committee, consulted with me and I'd certainly be glad to yield to him to supplement the comments. The purpose of this is to continue the self executing part of the Hanna amendment, which I think we agree has a good value. Yet, Delegate Danhof brought up the concern that 20 or 30 years from now there might be an attempt to establish some more consistent principles, and this would permit that to be done. I think particularly it assures that the state has a right to set maximum hours for firemen and so on. Personally, if we follow Dr. Pollock's definition of the merit system, I think the matter is taken care of. But since there has been the concern on this, I do feel that this language will permit the self executing to start with and yet permit that legislative flexibility for the future. I'd be glad to yield to Mr. Danhof if he wants to supplement it.

CHAIRMAN MILLARD: The Chair recognizes Mr. Danhof.

MR. DANHOF: Mr. Chairman and members of the committee, I think this would take care of what Dr. Norris referred to. We have it; the counties will have it. If the legislature continues on the trajectory that he charted, then nothing will happen. On the other hand, I think that this would, as Mr. Downs states, give a provision to bring some order out of chaos if it would ever be needed. It is not as if you are granting it solely to the legislature because you are granting a self executing provision to the various local units of government. We used to talk about the 3 branches of government, then we got to 4 with the civil service, and we got 5 with the education; and we now have 6. Now, we have the local units who will be—if you adopt this amendment as it is—more powerful than the arm of government which in fact created them: the state. I submit that this would allow the legislature to make the necessary revisions if they are ever needed. It will be something that the legislature will have to take away from these local units of government and whenever you try to take anything away, you're going to run into a hue and cry. A buzz saw, as Mr. Karn says. But it will allow it to be done. I urge the adoption of the amendment.

CHAIRMAN MILLARD: Delegate William F. Hanna.

MR. W. F. HANNA: Mr. Chairman, a couple of questions to my friend, as of yesterday, from Muskegon. (laughter)

CHAIRMAN MILLARD: Mr. Danhof, if you desire to answer.

MR. W. F. HANNA: Mr. Danhof, would your amendment allow the continuation of the legislature to prescribe a specific civil service act in detail for counties of 1 million or more?

MR. DANHOF: I would imagine that it might allow that, yes, Mr. Hanna. I would envision that.

MR. W. F. HANNA: Mr. Danhof, would it allow the legislature by specific act to provide a specific act governing volunteer firemen as occurs in your township and mine?

MR. DANHOF: Certainly. This is what I want.

MR. W. F. HANNA: In other words, Mr. Danhof, this is a sly way of accomplishing the striking out of the provision, as you first advocated. (laughter)

MR. DANHOF: No, because it is going to be there, Mr. Hanna, and you and I both know that the legislature doesn't act unless it is really pushed, and I think there is a great difference between the legislature having to grant something and take it away. But I do think that we need something along this line or you are in fact setting up these local units of government superior to the state, with no other provision. No other place in the constitution do you have anything like this, not even under home rule, where at least there are guidelines laid down for the charters. But here you are giving a total complete grant of authority. The legislature—as I read this and as I think any court will—once a city has adopted it, the state, if it endeavors to set any minimum standards—you talk about a merit system—it may be necessary to set minimum standards. You are going to have cities right next to each other. The standards will vary up and down and around as to what is needed for a fireman or what is needed for a policeman. I hope that they will cooperate. If they do, it will never be necessary for the legislature to act. But I do feel that no unit of local government should in any way, except where absolutely necessary—and I don't think it's been necessary here—be made superior to the state of Michigan. And I submit that if you pass this amendment as it is, you are putting in these little kingdoms and perpetuating them ad infinitum.

MR. W. F. HANNA: Mr. Chairman, fellow delegates, we have had 50 years of experience under home rule for cities. The home rule act provides that a city may adopt a civil service provision in their charters. We have allowed cities to do this without little kingdoms except as civil service within the state or within the city creates a little kingdom. But I submit to you that even the best authorities recognize that providing for statewide standards is a dangerous practice. I submit to Mr. Danhof and the other delegates, the well worded provision of the recommended city charter under the national municipal league auspices, which clearly calls attention to a detailed chapter dealing with the merit system for city employees, and then in its comments provides that cities of a given size may wish to adopt only the first section of that chapter and the first section of that chapter merely says that employees shall be employed, promoted, discharged and transferred on a merit principle. Other cities go on and provide for detailed civil service management. Others merely take a second step and provide for a personnel board which may review any discharge or employment or set up general standards of employment even after an employee is discharged. The provisions vary. They provide that he appeal to the personnel board and they recommend to the city manager or city council as to the disciplinary action to be taken. Others give this personnel board final say and they are independent of the legislative or administrative body of a city. I submit to you, for the legislature to establish a statewide system or a statewide standard for civil service, is to make it impossible to have civil service based upon the local people. As between who we trust at this point, I prefer to trust my neighbors and not become involved in trying to establish a merit system or not establish a merit system in my township, city or county. I will trust my local voters and not get involved in the cross-

fire that you receive when you come to the legislature and try to impose a standard on all townships or counties of a given size. I certainly feel that the Danhof amendment also perpetuates all the objections we heard on this floor concerning the legislative interference with Wayne county civil service.

CHAIRMAN MILLARD: The Chair will recognize Mr. Marshall.

MR. MARSHALL: Mr. Chairman and fellow delegates, Delegate Hanna said most of what I had intended to say and he also asked questions of Mr. Danhof that I had intended to ask. I am not an attorney. Delegate Danhof is. But he hasn't convinced me that the Downs-Danhof amendment would not make it possible for the legislature to do away with civil service in Wayne county. Delegate Danhof talks about trying to make it impossible—he is opposed to any local unit of government setting itself up superior to the state. I cannot see the rationale of that statement. If my neighbors in my community and I desire, by a majority vote of the citizens in my community, to grant civil service status to our employees, I think we should have that right. In having that right, I do not believe that it sets us up superior to the state.

The other statement that I would like to comment on is the statement made by Delegate Danhof about trying to prohibit the perpetuation of little kingdoms. Now, I would submit that when township employees, village employees and city employees hold their jobs, whether he be the garbage truck driver, the street cleaner, the fellow that works down the road, the grass cutter, the janitor in the township hall, when he holds his job at the mercy of the powers to be in control of the political strings in a community, that we do not get the best employees. I further submit to you that when you have a change in administration in a community where you do not have a civil service status for your employees, you have a mass housecleaning of employees of loyal service, who sacrifice their jobs upon the altar of political expediency. In many, many communities township employees, city employees, village employees, where there is not civil service status, are compelled to campaign for candidates that they otherwise would not campaign for. I think this is another great injustice. And I do not agree that this perpetuates the little kingdoms. I think that if we have civil service status and if the communities are permitted to do this by a majority vote of the people of that community, that we stop in a large sense, perpetuation of little kingdoms.

As far as concerns the Downs-Danhof amendment, if this amendment were adopted, we might as well strike the entire section because it would mean absolutely nothing, in my considered judgment. Therefore, I oppose the amendment and ask the delegates to do likewise.

CHAIRMAN MILLARD: The Chair will recognize the gentleman from Ann Arbor, Professor Pollock.

MR. POLLOCK: Mr. Chairman, I do not desire to talk on this amendment.

CHAIRMAN MILLARD: Mr. Garry Brown.

MR. G. E. BROWN: Mr. Chairman and members of the committee, I think that we should at the outset correct what I believe to be inaccuracies that have been stated on the floor with respect to what may be done and what may not be done under provisions of this nature.

In the first place, Mr. Hanna sometime in the past said that anything that the local unit of government might do would be subject to referendum. There is no provision, to my knowledge, in townships, at least—and I think in other units of government, counties, for instance—that make any of their enactments subject to a referendum automatically. Those statutes that provide for referendums specifically do so. For instance, zoning provides for a referendum. So this is one thing I think we should keep clear in our minds. Another thing we should keep in mind is that a provision which is self executing in the constitution is to be interpreted that way and will be interpreted that way by the courts. Any legislative enactment which would tend to establish standards that in any way limit and provide uniformity, as Mr. Danhof has suggested is necessary, I am sure would be determined by the

courts to be unconstitutional. Where a right is granted in the broad language that would be granted under the Hanna amendment, this language could not be impaired or encroached upon by the legislature. And in respect to this, I cite the recall section of the constitution that has been interpreted by the courts, where this very language is used. The case, if Mr. Hanna would like to refer to it, is Wallace versus Tripp and Stamm.

I would certainly agree with Mr. Danhof that his amendment does tend to eliminate or seriously impair the effectiveness of the original amendment. And I think this is good. Whether it's sly or not sly, it is good, and I'll be frank to say so. It could abolish in effect the very thing that we put in the constitution. We recognize the legislature can do this for local units of government now and provide a self determination type of civil service if the local units of government desire to do so. Putting into the constitution a provision such as the Hanna amendment certainly should be limited, as a matter of principle, by the Danhof amendment. If we put the Danhof amendment into the constitution with the Hanna amendment, we end up where we would be if we had adopted the Seyferth-Shackleton amendment. And I propose before the day is over to move a reconsideration of that amendment.

CHAIRMAN MILLARD: Mrs. Judd.

MRS. JUDD: I've talked too much this morning but these fellows say too many things. I think that the Danhof-Downs amendment confuses the question of the power doctrine of local government. I would agree with them on the questions of substantive power, that is, if this related to the question, for example, of whether a local unit of government could provide fire protection or health service, then I think definitely the legislature should be in on the decision. But this is a question of how they are going to administer something and it is good home rule doctrine to leave completely in the hands of the local units what methods of administration they might wish to use. Therefore, I think it is proper here and I would oppose the Danhof-Downs amendment.

CHAIRMAN MILLARD: The Chair will recognize the delegate from Bessemer, Mr. Pellow.

MR. PELLOW: Ladies and gentlemen of the committee, I didn't really intend to talk on this one but since everyone has been wandering on it, the only thing that I can't understand about not only the amendment but about the whole proposal, is why the taxpayers, after they have paid to hire the state civil service, then go back again to the local units of government and again request them to pay additional tax moneys. For myself, I think that it's time that we leave in this constitution a little of "To the victors go the spoils." And I would oppose this whole proposal. (laughter)

CHAIRMAN MILLARD: The question is on the Danhof amendment to the Hanna amendment. All in favor will say aye. Opposed, no.

The amendment is not adopted.

DELEGATES: Division.

CHAIRMAN MILLARD: Division has been called for. Is there support? There is not sufficient support.

Mr. Martin.

MR. MARTIN: I move that the committee do now rise.

CHAIRMAN MILLARD: The motion is on the question that the committee do now rise. All in favor say aye. Opposed, no.

The motion prevails.

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

PRESIDENT NISBET: The Chair recognizes Mr. Millard.

MR. MILLARD: Mr. President, the committee of the whole has had under consideration a proposal, of which the secretary will give a detailed report.

SECRETARY CHASE: Mr. President, the committee of the whole has had under consideration Committee Proposal 76, a proposal pertaining to the passage of permissive legislation to allow civil divisions of the state to establish local civil service,

considered several amendments thereto, has come to no final resolution thereon. This completes the report of the committee of the whole.

PRESIDENT NISBET: Are there announcements?

SECRETARY CHASE: The committee on administration will meet at 1:15 today. Mr. Walter DeVries, chairman.

The committee on style and drafting will meet at 8:00 o'clock this evening in room K. Mr. William B. Cudlip, chairman.

The committee on rules and resolutions will meet in room I today immediately following this afternoon's session. R. C. Van Dusen, chairman.

The committee on emerging problems will meet today in committee room I, on the third floor, at 11:30 or immediately after the morning session. Frank G. Millard, chairman. P.S. We'll eat while we meet.

We have the following requests for leave: Mr. Romney requests to be excused from the session of this afternoon and tomorrow because of long time commitments in New York city and Detroit; and Miss McGowan wishes to be excused from the afternoon's session to attend a meeting of the Wayne county medical society and the Detroit bar association in Detroit.

PRESIDENT NISBET: Without objection, those excuses will be granted. The Chair recognizes Mr. Perras.

MR. PERRAS: Mr. President, at this time I move that we recess until 2:00 o'clock this afternoon.

PRESIDENT NISBET: The question is on the motion to recess. All those in favor will say aye. Opposed, no.

We are recessed until 2:00 o'clock.

[Whereupon, at 11:40 o'clock a.m., the convention recessed; and at 2:00 o'clock p.m., reconvened.]

The convention will please come to order.

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

During the recess there were filed with the secretary the following requests for leave: Mr. Kuhn requests leave of absence from the afternoon session; Mr. Madar requests leave from the afternoon session, he had to return to Detroit on personal business; and Mrs. Heideman called. Mr. Heideman has a very bad sore throat. The doctor has put him to bed. He wishes to be excused.

PRESIDENT NISBET: Without objection, those requests will be granted. The Chair recognizes Mr. Brake.

MR. BRAKE: Mr. President, ladies and gentlemen of the convention, before we settle into the afternoon's work, there is an item of important business that I think should be taken care of. The secretary has a list of distinguished members of this convention. If, as the secretary reads that list, those members will please very promptly come and line themselves up in front of the secretary's desk, we can get on with this matter. Mr. Secretary.

SECRETARY CHASE: Mr. Raymond Lawrence King; Mr. Hazen van den Berg Hatch; Mr. Clyne Ward Durst, Jr.; Mr. James Hoyt Sterrett; Mr. Frank Owen Staiger, Jr.; Mr. David Frederick Upton; Mr. Edward Austin McLogan; Mr. Walter Daniel DeVries; Mr. Sanford Martin Tweedie, III; Mr. Eugene Gilkison Wanger; Mr. Garry Eldridge Brown.

[Whereupon, the named delegates assembled before the rostrum.]

MR. BRAKE: Mr. President, I propose to confer upon these distinguished gentlemen a degree. It is all right for this convention to confer the degree because we are certainly an educational organization. No one can sit here hour after hour and day after day and week after week without learning something—if he can keep awake. Of course, quite a lot of what he learns would be wrong. (laughter) But that never keeps anyone from getting a degree. (laughter) This idea I did not originate. I was requested by these gentlemen to help them and I don't know why I was requested to do so. With a con-

CHAIRMAN MILLARD: The committee will be in order. The secretary will read.

SECRETARY CHASE: The presently pending business before the committee is **Committee Proposal 76** from the committee on executive branch, item 10 on the calendar, to which Mr. Hanna has offered an amendment. An amendment to that amendment has been adopted.

There is presently filed an additional amendment thereto by Messrs. Brake, Boothby, Finch and Seyferth:

1. Amend the Hanna amendment after "employees.", by striking out all of the second sentence, which reads, "The state civil service commission may furnish technical services on a reimbursable basis to any city, village, township, county, school district or metropolitan government requesting the same."

CHAIRMAN MILLARD: The Chair will recognize the first proposer, Delegate Brake.

MR. BRAKE: This simply takes the state out of the picture and leaves the constitutional provision for the local units of government. I yield to Mr. Seyferth.

CHAIRMAN MILLARD: Mr. Seyferth.

MR. SEYFERTH: Thank you, Mr. Chairman. I think we have pretty well covered the reasoning for deleting the last sentence in this amendment in our discussion this morning. Adding to Delegate Brake's comment, removing the state from the local element of civil service, which we do incidentally very much support, we had the feeling that in allowing, or permitting the state, as it is spelled out in this provision, to—even if reimbursed—supply the local units of government with rules and regulations under which they can set up their individual civil service requirements, in itself is forming a pattern of classifications and examinations that makes it very easy then at a later date—as my fears were expressed this morning—to write then also wage and salary requirements for these classifications at the state level. This, I feel is a very definite invasion of local political rights, local units' political rights. And for this reason, I feel that this amendment as presented would, by striking out the last sentence, carry greater import and do more good for the local units of government. I strongly support the amendment before us.

CHAIRMAN MILLARD: Do any of the other proposers wish to talk on this? If not, the Chair will recognize Delegate Downs.

MR. DOWNS: Mr. Chairman, fellow delegates, I rise in opposition to this amendment. I think if we read the second sentence, we see the word "may" there; "The state civil service commission may", which means there is nothing mandatory about that. And in the final 2 lines it says unit of government "requesting the same". In order for this advice to be given, first of all, the local unit of government would need to request it, and secondly, the state civil service commission would need to agree to it. Now, when we discussed this last night, I believe our good friend, Dr. Pollock, yielded to me and I expressed on the original proposal the question, not how far it went but perhaps it didn't go far enough.

I feel that from a very practical viewpoint, this sentence should remain. I'll just give one example. The state civil service commission recently inaugurated a system of insurance for state employees. Now, this was not done in a cavalier fashion. It was done after weeks and I believe months of intensive study of various plans of insurance for state employees. I would assume that if a local unit of government, with the civil service commission, were considering having an insurance program for its employees, that the most logical thing to do would be to call in the state civil service commission for a preliminary report on what they had done, so that the other unit of government would not need to re-research what had already been done by the state agency. I just cite that as one very practical example where a local unit of government could, with the aid of the state civil service commission, save much time and money. The fact that it is on a reimbursable basis would mean the state would neither ~~lose nor make money~~ but provide this service on a quality basis in much less time and really save the local units money

because they would be passing on the work that had already been done. Thank you.

CHAIRMAN MILLARD: The Chair recognizes the gentleman from Kalamazoo, Mr. Allen.

MR. ALLEN: Mr. Chairman, I would like to ask Mr. Brake a question, if I may.

CHAIRMAN MILLARD: Mr. Brake, if you care to answer.

MR. ALLEN: Mr. Brake, for purposes of clarification mostly, I am wondering, because the civil service commission is established primarily by constitutional action, let us assume that the second sentence is dropped as proposed in your amendment, and then local units of government would want to use the services of the civil service commission in a way that is originally provided. In your opinion, would the legislature have the power to authorize this?

MR. BRAKE: I would think not. I haven't researched it very carefully as a legal point but since all power and all limitations upon the civil service commission of the state are expressed in the constitution, I doubt if the legislature could make any change at all.

MR. ALLEN: Mr. Chairman, it would seem to me that if the legislature cannot do it—and I wasn't sure, but I am inclined to agree with Mr. Brake and feel that that probably is what would happen—then if we did have a demand develop by local units to use the services of the civil service commission, the legislature would be unable to respond to it inasmuch as this is "may" only. It is entirely permissive on the part of the local unit of government to ask for the services and the civil service commission "may" respond to it. I feel that it might be useful for those smaller units of government which might not have the funds otherwise to set up their own systems, to take advantage of this system. Therefore, I personally believe it would be better to leave the second sentence in.

CHAIRMAN MILLARD: The Chair will recognize the gentleman from Taylor, Mr. Ford.

MR. FORD: Mr. Chairman, I wanted to ask some questions concerning the Hanna amendment itself. I don't believe that the questions touch on this specific amendment. I'd like to pass until we get back to it.

CHAIRMAN MILLARD: Mr. Martin.

MR. MARTIN: Mr. Chairman, this last sentence is clearly—in the light of Mr. Brake's answer, with which I completely agree—a necessary thing if the local units of government, in setting up their systems, are to be able to obtain advice and assistance from a fully qualified and expertly developed civil service system. What they will have to do, if you don't let them do this, is to go outside the state and bring in outside experts, either from state commissions outside or from organizations of one kind or another which are familiar with civil service procedures. They'll have to go outside to get that kind of expert help. And all this does is to make it possible for the local unit, if its people vote to set up a civil service system of whatever kind, to obtain the help and advice if any kind is required, assistance upon a reimbursable basis in setting up a proper civil service system. It does not bring the state civil service commission into the thing for any other purpose than to enable them to have this kind of technical advice, and the civil service system does require some technical knowledge in getting it into operation and making it effective. This is an important part of this section and it will be almost useless to the local units if it is not included. I hope that the amendment will be defeated.

CHAIRMAN MILLARD: The question is on the Brake amendment to the Hanna amendment. All in favor will say aye; opposed, no.

The amendment is not adopted. The secretary will read.

SECRETARY CHASE: Mr. Faxon and Miss Hart offer the following amendment to the amendment:

1. Amend the amendment, first sentence, after "discontinue a" by striking out "merit" and inserting "civil service"; so that the first sentence will then read:

Each city, village, township, county, school district and metropolitan government may, by a majority vote of the

electors voting thereon, establish, modify or discontinue a civil service system for its employees.

CHAIRMAN MILLARD: The Chair will recognize Mr. Faxon.

MR. FAXON: I will yield to Miss Hart for the purpose of making a presentation on this amendment.

CHAIRMAN MILLARD: Miss Hart.

MISS HART: Mr. Chairman, fellow delegates, this isn't just a change in terminology. I think the term "merit" has a particular meaning to teachers, not only teachers in the state of Michigan, but this is a national issue. We will serve the same purpose by substituting "civil service" system for "merit" and avoid the difficulty that would come, I think, from use of the term "merit". I can think of nothing that is more disruptive or would be more disruptive in relationship to the schoolroom than establishment of the so called merit system. It is an issue on which I think all classroom teachers are pretty well united. I think all of us would like to have the opportunity for school employees, if the local communities so desired—that is, non-contract employees—to be placed under a merit system, but I am sure that I speak for the teachers of the state of Michigan when I ask that the term "merit" be changed to "civil service" system to avoid the problem that I am sure we would meet.

CHAIRMAN MILLARD: Mr. Martin.

MR. MARTIN: Mr. Chairman, I would think that the committee would have no objection to this change because what we were talking about when we talked in the committee sessions in preparing this proposal, was a civil service system. The word "merit" is interchangeable in most situations but it's not interchangeable in the school situation and, personally, I think the members of the committee would have no objection to this change.

CHAIRMAN MILLARD: Mrs. Judd.

MRS. JUDD: First a question, Mr. Chairman, and then I'd like to make a remark. Didn't we this morning delete the words "school district" from the Hanna amendment?

CHAIRMAN MILLARD: That was voted down.

MRS. JUDD: So it is still there?

CHAIRMAN MILLARD: That's right.

MRS. JUDD: This is why the concern of Miss Hart; is that it? I'm personally sorry it's there. It complicates matters, I think. I am not on Mr. Martin's committee, so I don't have to agree with him on this point, but I feel it just plain isn't good English to speak of a civil service system. It doesn't say what we want it to say. The civil service is the body of public employees who are not in the military service. So if we speak of establishing a civil service system, all we are saying is establishing an employment system, and we are not saying what kind of a system we want. I think the word "merit" is essential to indicate the type of employment system that we do want. I am sorry it is confused with the school district problem, but there must be some better way to handle that.

CHAIRMAN MILLARD: Mr. Martin.

MR. MARTIN: Mr. Chairman, I wonder if I might ask Miss Hart a question.

CHAIRMAN MILLARD: Miss Hart, do you care to answer it?

MISS HART: I'd be glad if we had a synonym for the word "merit." I do object to the word "merit." I don't care whether we use "civil service" system. If anybody can think of a better term, I would be delighted. It is the term "merit" I object to.

CHAIRMAN MILLARD: Mr. Martin hasn't asked his questions yet.

MISS HART: I beg your pardon.

MR. MARTIN: I just wondered if we said "a civil service merit system" if it would meet your problem.

MISS HART: I don't think it would, Mr. Martin. I would just prefer that that word "merit" be left out if we are talking about schools.

MR. MARTIN: I think the term "civil service" is clear and I say again I think we have no objection to the change.

CHAIRMAN MILLARD: The Chair recognizes Delegate Stevens.

MR. STEVENS: Mr. Chairman, along that line, as a member of the style and drafting committee, I would suggest that if you are going to change it, you make it "classified civil service." That is what we will probably do with the rest of the civil service. Mrs. Judd is correct. The term "civil service" applies to all employees in the government who are not in the military service. We will try to correct that—at least I anticipate we will—in style and drafting for the state civil service commission and call it "classified civil service" so it will mean something.

CHAIRMAN MILLARD: Delegate Hanna.

MR. W. F. HANNA: Mr. Chairman, to answer the objection of Miss Hart and Mr. Faxon, to put the issue squarely before us, civil service is all civilian employees, whether classified or not, and there are some people obviously that you don't want to classify. May I suggest that you withdraw your amendment and after the word "employees" put "except teachers under contract or tenure" so that it is clear that the civil service within school districts does not extend to teachers under contract or tenure.

CHAIRMAN MILLARD: Mr. Faxon.

MR. FAXON: Mr. Chairman, members of the committee, I would be very willing to withdraw the amendment and insert the language "except teachers under contract or tenure".

CHAIRMAN MILLARD: Will you prepare your amendment in writing and submit it to the secretary?

MR. FAXON: I'll do that right now.

CHAIRMAN MILLARD: You withdraw your amendment now?

MR. FAXON: So that we may take up this particular amendment.

CHAIRMAN MILLARD: The Faxon-Hart amendment is withdrawn. The secretary will read.

SECRETARY CHASE: The amendment now offered by Mr. Faxon and Miss Hart is:

1. Amend the amendment, first sentence, after "employees" by inserting "except teachers under contract or tenure"; so that the sentence will then read:

Each city, village, township, county, school district and metropolitan government may, by a majority vote of the electors voting thereon, establish, modify or discontinue a merit system for its employees except teachers under contract or tenure.

CHAIRMAN MILLARD: Mr. Faxon.

MR. FAXON: I think we have already gone over the arguments here. It seems clear that the intent of the amendment was not to encompass school teachers and the additional words here would take this into account. Of course, I hoped earlier today that we would just delete the whole subject of school districts entirely but the feeling for those people who were nonteaching personnel was strong, so that if you want to give them this opportunity, then I think we could keep this meaning by adopting this amendment.

CHAIRMAN MILLARD: Mr. Hatch.

MR. HATCH: Mr. Chairman, I would like to ask Mr. Hanna a question, if I may.

CHAIRMAN MILLARD: Mr. Hanna, do you desire to answer?

MR. HATCH: It is somewhat tied in with this particular amendment. Is it the intent of the amendment, where it refers to "employees," to include the superintendent of the school, the principal of the school, the city manager of a city, or its city attorney, officers of this sort, who are not elected?

MR. W. F. HANNA: Mr. Chairman and Delegate Hatch, you have answered your own question. Those gentlemen are officers as applied to municipal government. City managers, their deputies and so forth, are spelled out. Those are officers. The township clerk or his deputy would be an officer and not an employee. Now, with regard to the superintendents or principals, they are teachers under contract or tenure.

MR. HATCH: Mr. Chairman, my only thought would be that when we get into excepting only teachers from this provision, and with the possibility that for instance, say, a city

manager may be considered an employee of the city, that we may be thereby including all these other persons by the specific exemption of teachers alone.

MR. W. F. HANNA: Mr. Chairman, if I might add one remark to Mr. Hatch's: also, Mr. Hatch, you see, this requires a system to be voted on by the people and certainly, the people would never vote for a civil service that encompassed the policymaking officers that you have envisioned; so that you have a double safeguard—the word “employees” and the right of the people to vote approval.

CHAIRMAN MILLARD: The question is on this Faxon-Hart amendment to the Hanna amendment. All those in favor will say aye. Opposed, no. The Chair is in doubt. The secretary will read the amendment.

SECRETARY CHASE: The amendment immediately under consideration is an amendment by Mr. Faxon and Miss Hart, an amendment to the Hanna amendment:

[The amendment was again read by the secretary. For text, see above, page 1763.]

CHAIRMAN MILLARD: All those in favor of the Faxon-Hart amendment to the Hanna amendment, which has just been read, will vote aye. Those opposed will vote nay. Have you all voted? If so, the machine will be locked and the secretary will tally the vote.

SECRETARY CHASE: On the Faxon-Hart amendment to the Hanna amendment, the yeas are 62; the nays are 49.

CHAIRMAN MILLARD: The amendment is adopted. The secretary will read.

SECRETARY CHASE: There are no further amendments to the Hanna amendment.

CHAIRMAN MILLARD: The question now is on the Hanna amendment as amended. Mr. Ford.

MR. FORD: I'd like to direct some questions to Mr. Hanna, with the possibility that we can work out a couple of small adjustments on the floor.

CHAIRMAN MILLARD: If he cares to answer.

MR. FORD: One of the questions, Bill, that comes to mind is when you say “each city, village, township,” et cetera, do you mean this in its literal sense so that it might be construed not to apply to joint activities where we have 2 townships or 3, for example, operating special service operations, such as police and fire protection?

MR. W. F. HANNA: You are talking about those townships that jointly operate a police or fire department under the statute?

MR. FORD: Yes.

MR. W. F. HANNA: I would assume that under local government we have provided generally, Mr. Ford, that any power that a township may exercise singly may be exercised jointly.

MR. FORD: I think I am correct in saying that this only applies to metropolitan authorities.

MR. W. F. HANNA: We are still struggling with this term in style and drafting, Mr. Ford. I used “metropolitan government” here in the technical phrase that it has been loosely used before and not necessarily the joint government. Style and drafting will have to get this language consistent as we go through all of these local government units.

MR. FORD: Is it your intention that these joint functions would be covered?

MR. W. F. HANNA: Yes, sir. If a township were doing it jointly, then the 2 townships could establish a merit system by concurrent vote.

MR. FORD: Then also if you list several types of municipal corporations—and one of the dangers with listing specifics is that it might be construed to exclude those not mentioned—I wonder if your use of the phrase “metropolitan government” is broad enough to include such things as these park authorities, water authorities, sewage authorities, incinerators, the various authorities that may have substantial numbers of employees, but are actually separate municipal corporations apart from the municipal corporations that own them.

MR. W. F. HANNA: Mr. Chairman, Mr. Ford, under the present constitution and statute, I am sure it would be inclusive because they are generally incorporated under one or more of the metropolitan authority acts. Generally, it is the general metropolitan authority act, or in case of the Huron-Clinton, by special act, but it does refer to them by the loose term “metropolitan authority”.

MR. FORD: But we don't here extend to this type of municipal corporation the ability to have civil service?

MR. W. F. HANNA: We do under my language. That was my intent. This is a problem we have been struggling with in style and drafting, Mr. Ford. I assure you that it was my intent to include all these special forms of government that may be created pursuant to our new constitution or pursuant to the old metropolitan authority granted under the Constitution of 1908.

MR. FORD: Bill, this is where the problem is. You see, when you are talking about metropolitan government, as Glenn Allen's committee talked about it, you are talking about a governmental unit. But I am talking about a municipal corporation, which is merely a special service authority. I am not talking about a governmental unit at all. I am talking about a special service public corporation, municipal corporation, if you will, that doesn't perform governmental functions, it performs a specified set of functions without being a governmental entity as such.

MR. W. F. HANNA: Mr. Chairman, Mr. Ford—

MR. FORD: It has no boundaries or borders—

CHAIRMAN MILLARD: Will you kindly direct your questions through the Chair. You are having a little argument here amongst yourselves and the rest of the delegates here would like to know what it is all about.

MR. W. F. HANNA: Mr. Chairman, Mr. Ford, they do perform a governmental function. They do have boundaries. It is true that ordinarily many of them are set up as co-operative corporations and not as governmental units in the sense that they elect their own legislative or administrative bodies and so forth. If you will take my word for it, I mean to include not only the true metropolitan government but the metropolitan cooperative corporation—and believe me, it is giving us a great deal of concern in style and drafting as to whether we can use the term “body corporate” without cutting across the colleges and universities. We will have to try and get this term “metropolitan government” in line with the other provisions of local government and cover both the true metropolitan government and authority in the inter-governmental cooperative corporation. This is a struggle we are facing in style and drafting.

MR. FORD: One more question, Mr. Chairman. Again, this is something probably you can correct in style and drafting, but in most municipalities, they find it desirable to have more than 1 merit system, 1 covering the police and fire, for example, and 1 covering general governmental employees, because many of the philosophies are different in the 2, the trial board procedure and so on, and you wouldn't want this language to restrict the municipality to having a single overall merit system, would you?

MR. W. F. HANNA: Mr. Chairman, Mr. Ford, I do not interpret this language to require that. You can have a merit system only for police, only for fire or 1 merit system for police and 1 for fire. I do not believe that this requires that all employees be covered under the same merit system.

MR. FORD: Well, could we change “establish a merit system” to “establish merit systems?”

MR. W. F. HANNA: I have no objection.

MR. FORD: This is what you intended?

MR. W. F. HANNA: I have no objection. If this will clarify it for township attorneys, I'll be glad to cooperate.

MR. FORD: One final question, Mr. Chairman, and that is this: in the first sentence it reads, “. . . school district, . . . and metropolitan government may, by a majority vote of the electors. . . .” Now, is this intended to mean that upon approval by a majority vote the municipality will set this up, or does it mean that you actually have to present to the

electors the specific merit system and have them vote on it, and when you want to make an amendment, you submit that specific amendment to the voters, or does it mean that you ask the voters to approve the broad concept, within limits, of the merit system?

MR. W. F. HANNA: Mr. Chairman, Mr. Ford, I assume that the question to be submitted to the voters is much the same type of question that you submit if you are amending a charter to provide for a merit system. You would not go into the ordinance itself or the rules and regulations itself but ask, shall we have a merit system with a board applying to our policemen or our firemen? Much the same question, Mr. Ford, is provided when you decide within a township: do you want a personnel board for your police or your firemen under the statute? I mean, the details are left to ordinance. I certainly wouldn't want the whole civil service ordinance and all the rules and regulations subject to a vote every time you wanted to adjust it. I think the broad principle is what you submit.

MR. FORD: Thank you.

CHAIRMAN MILLARD: Mr. Ford, were you offering an amendment?

MR. FORD: No. I am satisfied that Mr. Hanna is going to take care of it in Mr. Cudlip's committee.

CHAIRMAN MILLARD: Mr. Garry Brown.

MR. G. E. BROWN: Mr. Chairman, parliamentary inquiry. While this amendment is pending, would a motion to reconsider a prior amendment be in order?

CHAIRMAN MILLARD: The Chair thinks that we should dispose of this amendment before we take up any other business.

MR. G. E. BROWN: I am interested in knowing what the Chair thinks, but is that the ruling of the Chair?

CHAIRMAN MILLARD: That is the ruling of the Chair.

MR. G. E. BROWN: Thank you.

CHAIRMAN MILLARD: Mr. Martin.

MR. MARTIN: Mr. Chairman, I think we are about ready to vote on this Hanna amendment but I want to say what I said to a group of students this noon, that I think this is the first good example of the way in which a constitutional convention, working hard and conscientiously, can hammer out material improvements to the original committee proposal and come up with a balanced proposal which meets the objections of various delegates and still accomplishes the broad objective of the committee. It seems to me that this is a good job and I hope that as a result we will have a good, resounding, favorable vote; that is, that we can clearly establish this general principle as part of our constitution.

CHAIRMAN MILLARD: The question is on the Hanna amendment. All in favor will say aye. Opposed, no.

The amendment is adopted.

DELEGATES: Division.

CHAIRMAN MILLARD: A division is called for. Is there support? There is support. All of those who are in favor will vote aye and those who are opposed will vote nay. The question is on the Hanna amendment. Have you all voted? If so, the machine will be locked and the secretary will tally the vote.

SECRETARY CHASE: On the adoption of the Hanna amendment as amended, the yeas are 83; the nays are 26.

CHAIRMAN MILLARD: The amendment, as amended, is adopted. The Chair will recognize Mr. Garry Brown.

MR. G. E. BROWN: Mr. Chairman, I move to reconsider the vote upon which the Shackleton, Seyferth, Brake, et al, amendment failed.

CHAIRMAN MILLARD: The secretary will read the Shackleton-Seyferth amendment.

SECRETARY CHASE: The amendment offered by Messrs. Shackleton, Seyferth, G. E. Brown, Brake and Boothby was:

1. Amend page 1, line 8, by striking out all of the proposal.

CHAIRMAN MILLARD: Mr. Martin.

MR. MARTIN: Mr. Chairman, this is the question we just finished voting on. If you voted for the Hanna amendment, as you have, with a rather strong vote, you wouldn't want to vote to reconsider the Shackleton amendment because that would

exactly reverse your vote. So I hope that this motion to reconsider will be defeated.

MR. G. E. BROWN: Mr. Chairman, I would only suggest to Mr. Martin that it is entirely conceivable that many felt if they had to have something, they'd rather have the Hanna amendment but would prefer to have nothing at all. I would therefore urge a yes vote on the motion to reconsider.

CHAIRMAN MILLARD: The question is on the motion to reconsider the Shackleton-Seyferth amendment. All in favor will say aye. Opposed, no.

DELEGATES: Division.

CHAIRMAN MILLARD: Division has been called for. Is there support? There is sufficient number up.

MR. POLLOCK: Parliamentary inquiry, Mr. Chairman.

CHAIRMAN MILLARD: Dr. Pollock.

MR. POLLOCK: Would you explain the parliamentary effect of this motion, please. As I recall the Shackleton amendment, it was to strike the original committee proposal. The original committee proposal now has had substituted for it Mr. Hanna's amendment which has been adopted by a large majority. I can't understand the purpose or the effect of this reconsideration.

CHAIRMAN MILLARD: The effect will be if you vote to reconsider, you then will vote upon the original Shackleton-Seyferth amendment, which is to strike section a in its present form.

MR. POLLOCK: In its present form?

CHAIRMAN MILLARD: That's right.

MR. POLLOCK: The Shackleton amendment was made, was it not, before the Hanna amendment was adopted?

MR. G. E. BROWN: Mr. Chairman, may I speak on this?

CHAIRMAN MILLARD: Just a moment. The Chair wants to answer Dr. Pollock. Section a has been amended so that the Shackleton-Seyferth amendment would go to the amended section a.

MR. POLLOCK: I understood, Mr. Chairman, that the Shackleton amendment was presented before the Hanna amendment and substituted.

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

CHAIRMAN MILLARD: State your point.

MR. FAXON: Didn't the Hanna amendment strike out all of section a and insert this new language?

CHAIRMAN MILLARD: That's right.

MR. FAXON: Now we are moving to reconsider a striking out which has just been accomplished by the committee in an affirmative way with the insertion of the Hanna amendment. I thought there was something in the rules about having one item of intervening business between an action to strike out or something that has already been accomplished. We just voted to strike out all of section a and insert the Hanna amendment.

MR. G. E. BROWN: Mr. Chairman.

CHAIRMAN MILLARD: Just a moment. The motion to reconsider is in order. Mr. Brown.

MR. G. E. BROWN: I was going to say, Mr. Chairman, your ruling is entirely correct because the Shackleton amendment says strike all of section a. Now, whether that was as it was in the committee proposal or as it is now, it still is to strike all of section a, whether it was amended once, twice or a dozen times. So it is in order, I'm sure.

CHAIRMAN MILLARD: Mr. Cudlip.

MR. CUDLIP: Mr. Chairman and members of the committee, I'd like to ask a point of information. Can one make such a motion if he hasn't voted on the prevailing side?

CHAIRMAN MILLARD: There is no limit in our rules on that point.

MR. CUDLIP: Thank you.

CHAIRMAN MILLARD: Mr. Sterrett.

MR. STERRETT: Mr. Chairman, I believe that the Shackleton amendment has already in effect been acted upon by striking section a under the Hanna amendment and the Hanna amendment substituted therefor.

CHAIRMAN MILLARD: The question is on the reconsideration of the Shackleton-Seyferth amendment. Division

has been ordered. Those who are in favor of reconsideration will vote aye. Those who are opposed will vote nay. Have you all voted? If so, the machine will be locked and the secretary will tally the vote.

SECRETARY CHASE: On the motion to reconsider, the yeas are 50; the nays are 59.

CHAIRMAN MILLARD: The motion does not prevail. Are there any further amendments to section a?

SECRETARY CHASE: That is all of the amendments on the desk, Mr. Chairman.

CHAIRMAN MILLARD: Is there any further amendment to the body of Committee Proposal 76? If not, it will pass.

Committee Proposal 76, as amended, is passed. The secretary will read.

SECRETARY CHASE: Item 11 on the calendar, from the committee on executive branch, by Mr. Martin, chairman, **Committee Proposal 71**, A proposal to provide for the election, term and duties of state officers, allocation of departments, administrative reorganization, appointment and removal of department heads, supervision of departments, appointments to fill vacancies, provisional appointments, and removal or suspension from office by the governor. Contains new language and amends or replaces article VI, sections 1, 3, 10 and 19, and article IX, sections 5 and 7.

Following is Committee Proposal 71 as read by the secretary, and the reasons submitted in support thereof:

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

Sec. a. [There shall be elected at each general biennial election a governor, a lieutenant governor, a secretary of state, a state treasurer, a commissioner of the state land office, an auditor general and an attorney general, for the term of 2 years.]

THE GOVERNOR AND THE LIEUTENANT GOVERNOR SHALL BE ELECTED AT THE GENERAL BIENNIAL ELECTION IN 1964 AND IN EACH ALTERNATE EVEN NUMBERED YEAR BEGINNING IN 1966. THEY SHALL, AFTER 1966, SERVE FOR TERMS OF 4 YEARS BEGINNING ON THE FIRST DAY OF JANUARY NEXT SUCCEEDING THEIR ELECTION.

THE LIEUTENANT GOVERNOR SHALL BE NOMINATED BY PARTY CONVENTION IN A MANNER PROVIDED BY LAW. IN THE GENERAL ELECTION THE VOTES CAST FOR A CANDIDATE FOR GOVERNOR SHALL BE CONSIDERED AS CAST ALSO FOR THE CANDIDATE FOR LIEUTENANT GOVERNOR RUNNING JOINTLY WITH HIM. THE CANDIDATE WHOSE NAME APPEARS ON THE BALLOT JOINTLY WITH THAT OF THE SUCCESSFUL CANDIDATE FOR GOVERNOR SHALL BE ELECTED LIEUTENANT GOVERNOR.

Sec. b. The lieutenant governor shall be president of the senate, but shall have no vote EXCEPT IN CASE OF EQUAL DIVISION. HE SHALL PERFORM SUCH ADDITIONAL DUTIES AS MAY BE DELEGATED TO HIM BY THE GOVERNOR.

ALL EXECUTIVE AND ADMINISTRATIVE OFFICES, AGENCIES AND INSTRUMENTALITIES OF THE STATE GOVERNMENT AND THEIR RESPECTIVE FUNCTIONS, POWERS AND DUTIES, EXCEPT FOR THE OFFICES 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, SO AS TO GROUP THEM AS FAR AS PRACTICABLE ACCORDING TO MAJOR PURPOSES. TEMPORARY COMMISSIONS OR AGENCIES FOR SPECIAL PURPOSES AND WITH A LIFE OF NO MORE THAN 2 YEARS MAY BE ESTABLISHED BY LAW AND NEED NOT BE ALLOCATED WITHIN A PRINCIPAL DEPARTMENT.

THE ALLOCATION OF DEPARTMENTS BY LAW PURSUANT TO THIS SECTION SHALL BE COMPLETED WITHIN 2 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 SUCH ALLOCATION.

SUBSEQUENT TO SUCH 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. THE LEGISLATURE SHALL HAVE 60 DAYS OF A REGULAR SESSION, OR A FULL SESSION IF OF SHORTER DURATION, TO DISAPPROVE THESE EXECUTIVE ORDERS. UNLESS DISAPPROVED IN BOTH HOUSES BY A RESOLUTION CONCURRED IN BY A MAJORITY OF THE MEMBERS ELECT OF EACH HOUSE, THESE ORDERS SHALL BECOME EFFECTIVE AT A DATE THEREAFTER TO BE DESIGNATED BY THE GOVERNOR.

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. AT THE CONCLUSION OF THE TERM OF OFFICE OF ALL STATE OFFICERS ELECTED UNDER THE CONSTITUTION OF 1908, AS AMENDED, WHEN A SINGLE EXECUTIVE IS THE HEAD OF A PRINCIPAL DEPARTMENT, HE SHALL BE NOMINATED AND, 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 SHALL BE NOMINATED AND, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE, APPOINTED BY THE GOVERNOR. THE TERM OF OFFICE AND REMOVAL OF SUCH MEMBERS SHALL BE AS PRESCRIBED IN THIS CONSTITUTION OR BY LAW. WHEN A CHIEF EXECUTIVE OFFICER OF A BOARD OR COMMISSION HEADING A PRINCIPAL DEPARTMENT IS APPOINTED BY SUCH BOARD OR COMMISSION AS PRESCRIBED BY LAW, HIS APPOINTMENT SHALL BE SUBJECT TO THE APPROVAL OF THE GOVERNOR EXCEPT AS OTHERWISE PROVIDED IN THIS CONSTITUTION.

Sec. c. [They shall keep their offices at the seat of government, superintend them in person and perform such duties as may be prescribed by law. The office of commissioner of the state land office may be abolished by law.] 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 SUCH DUTIES AS MAY BE PRESCRIBED BY LAW.

Sec. d. EACH PRINCIPAL DEPARTMENT SHALL BE UNDER THE SUPERVISION OF THE GOVERNOR. The governor shall take care that the laws be faithfully executed; shall transact all necessary business with the officers of government; and may require information in writing from all executive and administrative state officers,

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

good friend, Delgate Marshall is a fan of Alex J. Groesbeck. I too am, and I think had he been here today, he would have perhaps picked up one of these badges that I am wearing. But I don't want to see his thoughts and ideas misconstrued and, for the benefit of Mr. Marshall, who may have not gotten as far as page 258, I would like to quote as follows: "When the administrative board act was passed," he declared —

we're talking about Groesbeck now —

"a new era in the business administration of Michigan's affairs was ushered in. . . . It was to be expected," Groesbeck explained, "that any such departure in government would engender strong opposition, to say nothing of hatreds and animosities. The protagonists of this opposition have been most sedulous in the broadcasting of inexcusable untruths regarding not only the principles and purposes of the establishment of the board, but of the numerous beneficial results its operation has achieved for the public as well. . . . Instead of being weakened," he warned, "the administrative board should be strengthened." He suggested that could be accomplished through adoption of the short ballot, by which executive posts would be made appointive instead of elective, thus giving the governor a real cabinet.

There is one of the spokesmen that was around —

CHAIRMAN MILLARD: The question is on the motion to rise. All in favor will say aye. All opposed?

The motion prevails.

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

VICE PRESIDENT HUTCHINSON: The Chair recognizes the delegate from Genesee, Mr. Millard.

MR. MILLARD: Mr. President, the committee of the whole has had under consideration certain proposals, of which the secretary will give a detailed report.

SECRETARY CHASE: Mr. President, the committee of the whole has had under consideration **Committee Proposal 76**, A proposal pertaining to the passage of permissive legislation to allow civil divisions of the state to establish local civil service systems and to receive assistance from the state civil service system. The committee of the whole reports this back to the convention with the following amendment:

1. Amend page 1, line 8, after "Sec. a.", by striking out the balance of the section and inserting "Each city, village, township, county, school district and metropolitan government may, by a majority vote of the electors voting thereon, establish, modify or discontinue a merit system for its employees except teachers under contract or tenure. The state civil service commission may furnish technical services on a reimbursable basis to any city, village, township, county, school district or metropolitan government requesting the same."

The committee recommends the amendment be agreed to and the proposal as thus amended be passed.

VICE PRESIDENT HUTCHINSON: The question is upon concurring in the amendment made by the committee of the

whole to Committee Proposal 76. All those in favor will say aye. Opposed will say no.

The amendment is adopted and **Committee Proposal 76**, as amended, is referred to the committee on style and drafting.

Following is Committee Proposal 76 as amended and referred to the committee on style and drafting:

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

Sec. a. Each city, village, township, county, school district and metropolitan government may, by a majority vote of the electors voting thereon, establish, modify or discontinue a merit system for its employees except teachers under contract or tenure. The state civil service commission may furnish technical services on a reimbursable basis to any city, village, township, county, school district or metropolitan government requesting the same.

SECRETARY CHASE: The committee of the whole, Mr. President, has also had under consideration **Committee Proposal 71** relative to the election, term and duties and so forth of state officers and has come to no final resolution thereon. This completes the report of the committee of the whole.

VICE PRESIDENT HUTCHINSON: Announcements.

SECRETARY CHASE: Mr. John Hannah announces a meeting of the committee on legislative organization in room D tomorrow, Wednesday, after the session.

The secretary has the following requests for leave: Mr. Bledsoe requests an excuse for Wednesday to take care of a court matter committed prior to the convention; Mr. Bonisteel requests leave for Wednesday to attend to legal matters; and Mr. Mahinske asks leave from the sessions of March 21, 22 and 23 to appear in court on matters that have been pending over 2 years.

VICE PRESIDENT HUTCHINSON: Without objection, the several requests will be granted. The Chair hears no objection and the requests are granted.

The Chair recognizes the delegate from Oakland, Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, I'd just like to remind the members of the rules committee of a brief meeting immediately following the session in room I.

VICE PRESIDENT HUTCHINSON: Any further announcements?

SECRETARY CHASE: None, Mr. President.

VICE PRESIDENT HUTCHINSON: What is the pleasure of the convention? The Chair recognizes the delegate from Muskegon, Mr. Seyferth.

MR. SEYFERTH: Mr. President, I move we adjourn.

VICE PRESIDENT HUTCHINSON: The question is on the motion to adjourn. All those in favor will say aye. Opposed will say no.

The motion prevails. The convention stands adjourned until tomorrow morning at 9:30 a.m.

[Whereupon, at 5:20 o'clock p.m., the convention adjourned until 9:30 o'clock a.m., Wednesday, March 21, 1962.]

ONE HUNDRED EIGHTH DAY

Tuesday, March 27, 1962, 9:30 o'clock a.m.

PROCEEDINGS

VICE PRESIDENT HUTCHINSON: The convention will come to order.

The invocation this morning will be delivered by the delegate from Ingham, Mr. Wanger.

MR. WANGER: Let us pray. Father in heaven, we again acknowledge our weaknesses before You and humbly ask for Your blessing and Your guidance in our work. Remove all animosity, all partisan controversy and all selfish desire from our hearts; and give us the ambition, the courage and the understanding to write the best possible constitution for all the people of Michigan. Help us, dear God, to be wise statesmen, not foolish partisans; and always remind us that to whatever extent we should fail the people of our state, we fail You. Amen.

VICE PRESIDENT HUTCHINSON: The roll call will be taken by the secretary. All those present will vote aye. Have you all voted? If so, the secretary will lock the machine and take the roll.

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

Absent with leave: Mr. Bentley, Mrs. Cushman, Messrs. Dade, Farnsworth, W. F. Hanna, Mosier, Nisbet, Norris and L. W. Richards.

Absent without leave: Messrs. Bledsoe, Habermehl, Mrs. Hatcher, Messrs. King, Pugsley and Stamm.

VICE PRESIDENT HUTCHINSON: Without objection, the unexcused delegates will be excused from the morning session temporarily. The Chair hears no objection. Then they are excused.

[During the proceedings, the following delegates entered the chamber and took their seats: Mr. Stamm, Mrs. Hatcher, Mr. Dade and Mr. Bentley.]

Reports of standing committees.

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 39 of that committee, reporting back to the convention **Committee Proposal 81**, A proposal pertaining to county government; with the recommendation that the style and form be approved.

W. B. Cudlip, chairman.

For Committee Proposal 81 as reported by the committee on style and drafting, see under date of April 17.

VICE PRESIDENT HUTCHINSON: Referred to the order of second reading of proposals.

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 40 of that committee, reporting back to the convention **Committee Proposal 82**, A proposal pertaining to townships; with the recommendation that the style and form be approved.

W. B. Cudlip, chairman.

For Committee Proposal 82 as reported by the committee on style and drafting, see under date of April 17.

VICE PRESIDENT HUTCHINSON: Referred to the order of second reading of proposals.

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 41 of that committee, reporting back to the convention **Committee Proposal 83**, A proposal pertaining to cities and villages; with the recommendation that the style and form be approved.

W. B. Cudlip, chairman.

For Committee Proposal 83 as reported by the committee on style and drafting, see under date of April 17.

VICE PRESIDENT HUTCHINSON: Referred to the order of second reading of proposals.

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 42 of that committee, reporting back to the convention **Committee Proposal 84**, A proposal to provide for liberal construction of provisions concerning municipal corporations;

with the recommendation that the style and form be approved.

W. B. Cudlip, chairman.

For Committee Proposal 84 as reported by the committee on style and drafting, see under date of April 17.

VICE PRESIDENT HUTCHINSON: Referred to the order of second reading of proposals.

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 43 of that committee, reporting back to the convention **Committee Proposal 85**, A proposal to provide that public utilities may use public property with consent of local authorities and a limitation on the length of franchise;

with the recommendation that the style and form be approved.

W. B. Cudlip, chairman.

For Committee Proposal 85 as reported by the committee on style and drafting, see under date of April 17.

VICE PRESIDENT HUTCHINSON: Referred to the order of second reading of proposals.

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 44 of that committee, reporting back to the convention **Committee Proposal 86**, A proposal pertaining to highways and their maintenance; with the recommendation that the style and form be approved.

W. B. Cudlip, chairman.

For Committee Proposal 86 as reported by the committee on style and drafting, see under date of April 17.

VICE PRESIDENT HUTCHINSON: Referred to the order of second reading of proposals.

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 45 of that committee, reporting back to the convention **Committee Proposal 87**, A proposal relating to ports and port districts; with the recommendation that the style and form be approved.

W. B. Cudlip, chairman.

For Committee Proposal 87 as reported by the committee on style and drafting, see under date of April 17.

VICE PRESIDENT HUTCHINSON: Referred to the order of second reading of proposals.

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 46 of that committee, reporting back to the convention **Committee Proposal 88**, A proposal pertaining to metropolitan areas; with the recommendation that the style and form be approved.

W. B. Cudlip, chairman.

For Committee Proposal 88 as reported by the committee on style and drafting, see under date of April 17.

ONE HUNDRED TWENTY-THIRD DAY

Tuesday, April 17, 1962, 9:00 o'clock a.m.

PROCEEDINGS

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

Our **invocation** today will be given by the Reverend Duane Vore, superintendent, Michigan congregational conference, East Lansing. Will you please rise.

REVEREND VORE: Let us pray. Eternal God whose spirit moves in each of us that we may better understand ourselves and come to a better understanding of each other, grant to us in this day vision and courage to accept ourselves and each other in such a way that we shall build better under Thy guidance the ways in which men shall live.

It is not always easy to be patient; grant us Thy patience. It is not always easy to be firm without being stubborn, but grant us Thy firmness. It is not always easy to love, yet under Thy guidance and with Thy help, we shall not only love each other but shall like each other and in the liking discover the way that shall bind us one to another and unto Thee. Grant us Thy guidance and Thy care. We ask in Christ's name. Amen.

PRESIDENT NISBET: The **roll call** will be taken by the secretary. Those present please vote aye. Have you all recorded your attendance? If so, the secretary will lock the machine.

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

Prior to today's session, the secretary received the following requests for leave: Mrs. Conklin called in; she is not feeling too well and would like to be excused; and Mr. Marshall is ill and wishes to be excused indefinitely.

PRESIDENT NISBET: Without objection, the requests are granted.

SECRETARY CHASE: Absent with leave: Mr. Bonisteel, Mrs. Conklin, Messrs. Cudlip, Ford, Greene, Marshall, McAllister, Page, Fellow and Tubbs.

Absent without leave: Messrs. Dade, Habermehl, Mrs. Hatcher and Mr. Murphy.

PRESIDENT NISBET: Without objection, the delegates are excused.

MRS. CUSHMAN: Objection.

PRESIDENT NISBET: There is objection. Those who are unexcused will remain unexcused. Mr. Kuhn.

MR. KUHN: I move that those who are absent be excused.

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

The motion prevails. Those absent are excused.

[During the proceedings the following delegates entered the chamber and took their seats: Mrs. Hatcher, Mrs. Conklin, Messrs. Dade, Murphy, Habermehl and McAllister.]

We are very happy this morning to welcome back Martin Baginski, who has been gone for some time with illness. Martin, we are glad to have you back. (applause)

Just for your information and so as to make the work of recording votes a little easier, Mr. Jones and Mr. Bradley very kindly consented to change their seats; so their acquaintance will be broadened in the area.

Reports of standing committees.

SECRETARY CHASE: None.

PRESIDENT NISBET: Select committees.

SECRETARY CHASE: None.

PRESIDENT NISBET: Communications.

SECRETARY CHASE: No communications.

PRESIDENT NISBET: **Second reading of proposals.**

SECRETARY CHASE: Item 1 on the calendar, on second reading, **Committee Proposal 81**, A proposal pertaining to

county government. Amends article VIII, sections 1, 2, 3, 4, 5, 7, 8, 9, 12, 13, 14 and 15.

Following is Committee Proposal 81 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 985.):

Sec. a. Each organized county shall be a body corporate[,] with [such] powers and immunities [as shall be established] PRESCRIBED by law.

Sec. b. No organized county shall be reduced by the organization of new counties to less than 16 townships as surveyed by the United States, unless in pursuance of law a majority of electors voting on the question in each county to be affected thereby shall so decide.

Sec. c. There shall be elected for 4 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 by law. The board of supervisors in any county may unite the offices of county clerk and register of deeds in one office or separate the same at pleasure.

Sec. d. The sheriff, county clerk, county treasurer[, judge of probate] and register of deeds shall hold their PRINCIPAL offices at the county seat.

Sec. e. The sheriff may be required by law to renew his security from time to time 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 [accidental] UNINTENTIONAL injuries received while in his custody. He shall not hold any other office except in connection with civil defense.

Sec. f. A board of supervisors[, consisting of 1 from each organized township, shall be established in each county, with such powers] SHALL BE ESTABLISHED IN EACH COUNTY CONSISTING OF ONE MEMBER FROM EACH ORGANIZED TOWNSHIP AND SUCH REPRESENTATION FROM CITIES as shall be prescribed by law. [Cities shall have such representation in the boards of supervisors of the counties in which they are situated as may be provided by law.]

Sec. g. The [legislature may by general law confer upon the] boards of supervisors [of the several counties] SHALL HAVE SUCH powers AND DUTIES [of a local, legislative and administrative character] AS PROVIDED BY LAW not inconsistent with [the provisions of] this constitution.

Sec. h. The boards of supervisors shall have exclusive power to fix the [salaries and] compensation of all county officials not otherwise provided for by law.

Sec. i. No county shall incur any indebtedness which shall increase its total debt beyond 10 per cent of its assessed valuation.

Sec. j. No county seat once established shall be removed until the place to which it is proposed to be removed shall be designated by 2/3 of the board of supervisors of the county, and a majority of the electors voting thereon shall have voted in favor of the proposed location[,] in [such] A manner [as shall be] prescribed by law.

Sec. k. No navigable stream of this state shall be [either] bridged or dammed without permission granted by the board of supervisors of the county under the provisions of law, which permission shall be subject to such reasonable compensation and other conditions as may seem

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

best suited to safeguard the rights and interests of the county and the municipalities therein.

Sec. l. The board of supervisors of each organized county may organize and consolidate townships under [such] restrictions and limitations [as shall be] prescribed by law.

Sec. m. The board of supervisors of any county with a population of [1 million] 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 [registered voters] ELECTORS voting thereon. All other counties may establish [such] merit systems as provided by law.

PRESIDENT NISBET: The question is on the adoption of Committee Proposal 81. The Chair recognizes Mr. Elliott.

MR. A. G. ELLIOTT: Mr. President, ladies and gentlemen, I yield to Mrs. Judd to offer an amendment to Committee Proposal 81.

PRESIDENT NISBET: The Chair recognizes Mrs. Judd.

MRS. JUDD: Mr. President, I believe the amendment is on the secretary's desk.

PRESIDENT NISBET: The secretary will read it.

SECRETARY CHASE: Mrs. Judd offers the following amendment:

1. Amend page 3, line 4, [section m] after "thereon," by striking out "All other counties may establish merit systems as provided by law."

MRS. JUDD: Mr. President and members of the convention, later on, under the executive branch, a provision was adopted by this convention providing for the very thing that is indicated in this last sentence. Our committee, therefore, feels that that does cover this and so, on recommendation of the committee on style and drafting, we would like to delete the last sentence. I believe that style and drafting also was interested in deleting all of the section, but we feel that until we know what the convention will do with Committee Proposal 76, we want to keep the first part of this and delete only the last sentence.

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

The amendment is adopted.

SECRETARY CHASE: Mr. Pollock offers the following amendment:

1. Amend page 1, line 6, [section b] after "shall so decide" by inserting a comma and "except that the legislature may by general law provide for the consolidation of counties".

PRESIDENT NISBET: The Chair recognizes Dr. Pollock.

MR. POLLOCK: Mr. President, the members of the committee may remember that I asked the committee on local government a question about this during its progress through committee of the whole. I did not get a satisfactory answer and I find nothing in the proposal which on a permissive basis would look in the direction of the consolidation of counties.

It seems to me clearly the wave of the future is toward the elimination of some of our units of local government and their consolidation and strengthening. Otherwise, I do not see how they can carry on the tasks which confront them.

Since there is some doubt in my mind—I understand that there is different advice from research and drafting, and I had other advice from other people—I am myself in doubt as to whether the legislature without this addition which I have presented would have the power to take care of the matter I have in mind. It seems to me, in any case, to have this clause in the constitution indicates that members of this convention at any rate had in mind that consolidation of some sort should be within the power of the legislature to enact. A good many states have already moved in this general direction although, generally speaking, little progress has been made in the consolidation of counties. There has been some consolidation of cities and counties. There has been some slight consolidation of townships. There has been a good deal of consolidation of school districts. I just want to be sure, Mr.

President, that this power is possessed by the legislature, which by general law can regulate the matter in a satisfactory way.

PRESIDENT NISBET: The Chair recognizes Mr. Elliott.

MR. A. G. ELLIOTT: Mr. President, I will yield to Mrs. Judd.

PRESIDENT NISBET: Mr. Elliott yields to Mrs. Judd.

MRS. JUDD: Yes, Mr. President, I, too, would want to be very sure that the possibility of consolidating counties or consolidating townships in the future was not prohibited in the constitution. I did confer with Dr. Joiner on this and he felt that since it was not specifically prohibited that the power still lay with the legislature to achieve this. I would want to feel that if the convention votes this down, it votes it down not as an indication of opposition to consolidation but, rather, on the assumption that it is presently possible in the constitution as this provision is now worded.

PRESIDENT NISBET: The Chair recognizes Mr. Hutchinson.

MR. HUTCHINSON: Mr. President, I, rising as a member of style and drafting, would inquire whether Dr. Pollock might better have moved to strike the section, section b, because, if we put this language at the end of section b, we nullify the rest of it. Section b says, "No organized county shall be reduced by the organization of new counties to less than 16 townships as surveyed. . . ." Now, then, by the consolidation of counties, why, you do reduce a county to less than the 16, and it says that that may be done only by a vote of the majority of the electors. And then Dr. Pollock's amendment would go on to say that the legislature may provide for it by general law. What you might better do is strike section b and then the legislature will have that power without any doubt at all.

PRESIDENT NISBET: The question is on the amendment of Dr. Pollock. Dr. Pollock.

MR. POLLOCK: Mr. President, it was because of the legal doubt about this—when lawyers disagree, you have to go ahead on your own, which is exactly what I have done. I follow the reasoning of Mr. Hutchinson and the main point is to make sure that the legislature does have that power and will be able to act in this important field. I think his constitutional advice is the best and, with the permission of the convention, I should then like to move to strike section b in place of having the additional clause. It is the sentence that precedes my proposed amendment that gave me considerable doubt. I think Mr. Hutchinson's reasoning is very sound. If the convention will permit me, I should be glad to revise my amendment, to strike section b.

SECRETARY CHASE: Mr. Pollock revises his amendment to read:

1. Amend page 1, by striking out all of section b, lines 3 through 6, inclusive.

PRESIDENT NISBET: The Chair recognizes the chairman of the committee, Mr. Elliott.

MR. A. G. ELLIOTT: I yield to Mr. Farnsworth.

PRESIDENT NISBET: Mr. Farnsworth.

MR. FARNSWORTH: Mr. President, I think we should read very carefully section b and go on down and point out very clearly that this is not a prohibition against consolidation of counties to less than 16 townships—"unless in pursuance of law a majority of electors voting on the question in each county to be affected thereby shall so decide."

Now, the question is: are you going to turn it over to somebody other than the people who are affected? This simply provides that if and when it is done, the local people will by their vote indicate that they are in agreement. Now if you believe in home rule and if you believe in keeping government close to the people, then you let the committee proposal stand as it is in section b. I think I can say on behalf of the committee that we do not want this disturbed.

PRESIDENT NISBET: Mr. Leibrand.

MR. LEIBRAND: Mr. President, Mr. Farnsworth has said what I was about to say. I am opposed to any amendment that would take the home rule right away from the counties affected.

township and such representation from cities as shall be prescribed by law.

PRESIDENT NISBET: The Chair recognizes Mr. Kuhn.

MR. KUHN: Mr. President and members of the convention, now this will do what Mr. Farnsworth thought we could do earlier. At least that was the implication he gave me. He said: now, gentlemen, in the townships, if you don't like what you've got, go to the legislature and let them change it. And I would like to call it to your attention that if we did, the legislature couldn't do a thing about it because, by the constitution of 1908—and they want to continue it in this one—the legislature is prohibited from doing anything for any township. It is mandatory that they give them only one.

Now we do not want to write a formula here today and, therefore, we are offering this simple amendment which says only that they shall have at least one, and then if the legislature in their wisdom think a township should have more than one, we can petition the legislature. This is a very simple amendment but it would give the legislature the right to correct a bad situation if they thought it necessary.

I would like to point one thing out before I close: a city can have as little as 751 people and have 2 members on the board of supervisors, and I therefore think, without writing any formula, that we should at least allow the legislature to consider a township with a greatly larger population.

MR. FARNSWORTH: Mr. President, I am somewhat confused as to what I said, as stated by Mr. Kuhn. Mr. Kuhn apparently misunderstood what I said or else he misquoted me. I did not for one moment say that the townships should go to the legislature for relief. We well know they cannot do that because the constitution as we propose it says that they will have one supervisor. What I did say, Mr. Kuhn, was that if you thought you were not fairly represented, proportionately, between the cities and the townships that you could go to the legislature and have them revise the city formula reducing that.

Now I want to call your attention again that here is another back door approach to accomplish what all of these proposed amendments through the committee of the whole and prior to today tried. It is simply a back door approach to accomplish the same thing. When they say "at least one," that is a simple invitation for somebody to construe that the legislature could provide for one or more. It simply is a different way to say it. The committee is opposed to it and we hope that you will promptly vote it down.

PRESIDENT NISBET: The Chair recognizes Mr. Follo.

MR. FOLLO: The reasons I gave before when we were talking on Mr. Hanna's amendment are the same reasons I have for opposing this amendment.

PRESIDENT NISBET: The question is on the amendment of Mr. Kuhn. Those in favor will say aye. Opposed, no.

The amendment is not adopted. Any further amendments?

DELEGATES: Division.

PRESIDENT NISBET: A division has been requested. Is the demand seconded? Sufficient number up. Those in favor of the Kuhn amendment will vote aye. Those opposed will vote nay. Have you all voted? If so, the secretary will lock the machine and tally the vote.

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Kuhn, the yeas are 38; the nays are 84.

PRESIDENT NISBET: The amendment is not adopted. The question is on Committee Proposal 81, as amended. Those in favor of Committee Proposal 81 as amended will vote aye. Those opposed will vote nay. Have you all voted? If so, the secretary will lock the machine and record the vote.

MR. BRADLEY: Mr. President, I cast a no vote to express my general dissatisfaction with the work of the convention thus far on this article, but as a latecomer I realize that this is only an outsider's opinion. Therefore, I wish to change my vote at this time to make it unanimous.

PRESIDENT NISBET: How do you want to vote, Mr. Bradley?

MR. BRADLEY: I wish to change my vote to aye and go along with the convention.

PRESIDENT NISBET: Bradley votes aye.

The roll was called and the delegates voted as follows:

Yeas — 120

Allen	Gust	Perras
Andrus, Miss	Hanna, W. F.	Pollock
Anspach	Hannah, J. A.	Powell
Austin	Hart, Miss	Prettie
Baginski	Haskill	Pugsley
Balcer	Hatch	Radka
Barthwell	Hatcher, Mrs.	Rajkovich
Batchelor	Heideman	Richards, J. B.
Beaman	Higgs	Richards, L. W.
Bentley	Hodges	Romney
Binkowski	Hood	Rood
Bledsoe	Howes	Rush
Boothby	Hoxie	Sablich
Bradley	Hubbs	Seyferth
Brake	Hutchinson	Shackleton
Brown, G. E.	Jones	Shaffer
Buback	Judd, Mrs.	Shanahan
Butler, Mrs.	Karn	Sharpe
Cushman, Mrs.	Kelsey	Sleder
Dade	Kirk, S.	Snyder
Danhof	Knirk, B.	Spitler
Dehnke	Koeze, Mrs.	Stafseth
Dell	Krolikowski	Staiger
DeVries	Kuhn	Stamm
Doty, Dean	Lawrence	Sterrett
Doty, Donald	Leppien	Stevens
Downs	Lesinski	Stopezynski
Durst	Madar	Suzore
Elliott, A. G.	Mahinske	Thomson
Elliott, Mrs. Daisy	Martin	Turner
Erickson	McCauley	Tweedie
Everett	McLogan	Upton
Farnsworth	Millard	Van Dusen
Faxon	Mosier	Wanger
Figy	Murphy	White
Follo	Nisbet	Wilkowski
Gadola	Nord	Wood
Garvin	Norris	Woolfenden
Goebel	Ostrow	Yeager
Gover	Perlich	Youngblood

Nays — 7

Donnelly, Miss	King	Walker
Douglas	Plank	Young
Finch		

SECRETARY CHASE: On the final passage of Committee Proposal 81, the yeas are 120; the nays are 7.

PRESIDENT NISBET: Committee Proposal 81, as amended, is passed and referred to the committee on style and drafting.

Following is Committee Proposal 81 as amended and rereferred to the committee on style and drafting:

Sec. a. Each organized county shall be a body corporate with powers and immunities prescribed by law.

Sec. b. No organized county shall be reduced by the organization of new counties to less than 16 townships as surveyed by the United States, unless in pursuance of law a majority of electors voting on the question in each county to be affected thereby shall so decide.

Sec. c. There shall be elected for 4 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 by law. The board of supervisors in any county may unite the offices of county clerk and register of deeds in one office or separate the same at pleasure.

Sec. d. The sheriff, county clerk, county treasurer and register of deeds shall hold their principal offices at the county seat.

Sec. e. The sheriff may be required by law to renew his security from time to time 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. f. A board of supervisors shall be established in each county consisting of one member from each organized township and such representation from cities as shall be prescribed by law.

Sec. g. The boards of supervisors shall have such powers and duties as provided by law not inconsistent with this constitution.

Sec. h. The boards of supervisors shall have exclusive power to fix the compensation of all county officials not otherwise provided for by law.

Sec. i. No county shall incur any indebtedness which shall increase its total debt beyond 10 per cent of its assessed valuation.

Sec. j. No county seat once established shall be removed until the place to which it is proposed to be removed shall be designated by 2/3 of the board of supervisors of the county, and a majority of the electors voting thereon shall have voted in favor of the proposed location in a manner prescribed by law.

Sec. k. No navigable stream of this state shall be bridged or dammed without permission granted by the board of supervisors of the county under the provisions of 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 the municipalities therein.

Sec. l. The board of supervisors of each organized county may organize and consolidate townships under restrictions and limitations prescribed by law.

Sec. m. 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. n. Two or more counties may combine into a single county provided a majority of the voters voting on the question of each county, voting separately, approve such combination and the counties are contiguous.

SECRETARY CHASE: **Committee Proposal 82**, A proposal pertaining to townships. Amends article VIII, sections 16, 17, 18 and 19.

MR. A. G. ELLIOTT: Mr. President.

PRESIDENT NISBET: Mr. Elliott.

MR. A. G. ELLIOTT: Can I move to waive the reading of the proposal?

DELEGATES: No.

PRESIDENT NISBET: Without objection you can, but there is objection.

MR. A. G. ELLIOTT: Okay.

Following is Committee Proposal 82 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 1024.):

Sec. a. Each organized township shall be a body corporate with [such] powers and immunities [as shall be] prescribed by law[.] AND NOT INCONSISTENT WITH THIS CONSTITUTION.

[Sec. b. The legislature shall by general law confer upon organized townships powers of a local, legislative, and administrative character, not inconsistent with the provisions of this constitution.]

Sec. c. There shall be elected for a term OF not less than 2 years nor more than 4 years as provided by law in each organized township[: 1] A township supervisor[;], [1] A township clerk[;], [1] A township treasurer[;], and, not to exceed 4 township trustees, whose LEGISLATIVE AND ADMINISTRATIVE powers and duties shall be [provided] PRESCRIBED by law.

Sec. d. The legislature shall provide by law for the [elimination] DISSOLUTION of township government whenever [there is no] ALL THE territory [which is not]

OF A TOWNSHIP IS included within the [borders] BOUNDARIES of a village [within such township.] OR VILLAGES 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. e. No township shall grant any public utility franchise which is not subject to revocation at the will of the township, unless [such] THE proposition shall have first received the affirmative vote of a majority of the electors of such township voting thereon at a regular or special election.

PRESIDENT NISBET: The question is on Committee Proposal 82. There is an amendment.

SECRETARY CHASE: Mr. Garry Brown offers the following amendment:

1. Amend page 1, line 2,[section a] after "immunities" by reinserting "as shall be"; and after "law.", by striking out "and not inconsistent with this constitution."; and on line 4, by reinserting section b to read as follows:

"Sec. b. The legislature shall by general law confer upon organized townships powers of a local, legislative, and administrative character, not inconsistent with the provisions of this constitution."

PRESIDENT NISBET: The Chair recognizes Mr. Brown.

MR. G. E. BROWN: Mr. President and members of the convention, you will note that this amendment merely leaves the language as it was when it left the committee of the whole on first reading.

I am quite disturbed over what style and drafting has done in view of the argument that occurred on the floor at first reading with respect to this language. I think that the amendments—although they involve 2 sections—that the language should be treated together because it merely puts the language back as it was after first reading. There has been an attempt by the committee on style and drafting to eliminate some language. In doing so, I am convinced they have made a substantive change, which is not their prerogative. I would therefore respectfully submit that if this convention is to uphold its action on first reading, which I think it should do, if there is any integrity to what we have done on first reading when it comes to matters of substance, then this amendment should be adopted and the language should be reinserted as it was when it left committee of the whole. I would urge you to clearly and distinctly vote yes on this amendment, so we will not be re-fighting every argument that we fought in committee of the whole with respect to every issue that we are taking up on second reading.

PRESIDENT NISBET: The Chair recognizes Mr. Radka.

MR. RADKA: The subcommittee and the full committee on local government respectfully disagree with Mr. Brown's statement. We felt that the changes made by the committee on style and drafting did not change the substance. If you will read section b you will notice that the provisions that were originally contained in section b were moved to section a and section c. The words "and not inconsistent with this constitution" were added to section a, and the provision that the legislature—the legislative and administrative powers were moved down to section c. It was the opinion of many of our research men that section b could have been eliminated without making any other transfer of words to section a and section c and nothing would be lost.

PRESIDENT NISBET: The Chair recognizes Mr. Austin.

MR. AUSTIN: Mr. President and ladies and gentlemen of the convention, I am wondering, as a member of the committee on style and drafting, if I could ask Mr. Brown what substantive changes he thinks we have made.

PRESIDENT NISBET: If he cares to answer. Mr. Brown.

MR. G. E. BROWN: Mr. President, members of the convention and Mr. Austin, we have used in this constitution and will continue to use—we used it in the past constitution and in the present one—many times the phrase "as shall be pre-

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

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

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 72 of that committee, reporting back to the convention **Committee Proposal 71**, A proposal to provide for the election, term and duties of state officers; allocation of departments, administrative reorganization, appointment and removal of department heads, supervision of departments, appointments to fill vacancies, provisional appointments, and removal or suspension from office by the governor; with the recommendation that the style and form be approved. William B. Cudlip, chairman.

For Committee Proposal 71 as reported by the committee on style and drafting, see below under date of April 24.

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

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 75 of that committee, reporting back to the convention **Committee Proposal 72**, A proposal to provide for compensation of acting governor; with the recommendation that the style and form be approved. William B. Cudlip, chairman.

For Committee Proposal 72 as reported by the committee on style and drafting, see below under date of April 24.

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

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 76 of that committee, reporting back to the convention **Committee Proposal 74**, A proposal to provide by law for the administration of claims against the state, escheats and escheated property, and the investment of state funds; with the recommendation that the style and form be approved. William B. Cudlip, chairman.

For Committee Proposal 74 as reported by the committee on style and drafting, see below under date of April 24.

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

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 77 of that committee, reporting back to the convention **Committee Proposal 75**, A proposal to provide for compensation of state officers; with the recommendation that the style and form be approved. William B. Cudlip, chairman.

For Committee Proposal 75 as reported by the committee on style and drafting, see below under date of April 24.

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

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 78 of that committee, reporting back to the convention **Committee Proposal 76**, A proposal pertaining to the passage of permissive legislation to allow civil divisions of the state to establish local civil service systems and to receive assistance from the state civil service system; with the recommendation that the style and form be approved. William B. Cudlip, chairman.

For Committee Proposal 76 as reported by the committee on style and drafting, see below under date of April 25.

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

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 79 of that committee, reporting back to the convention **Committee Proposal 77**,

A proposal to provide a suitable residence for the governor and to authorize an allowance for maintenance; with the recommendation that the style and form be approved. William B. Cudlip, chairman.

For Committee Proposal 77 as reported by the committee on style and drafting, see below under date of April 24.

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

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 80 of that committee, reporting back to the convention **Committee Proposal 78**, A proposal to provide for the office of legislative auditor general; with the recommendation that the style and form be approved. William B. Cudlip, chairman.

For Committee Proposal 78 as reported by the committee on style and drafting, see below under date of April 24.

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

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

PRESIDENT NISBET: Communications.

SECRETARY CHASE: None.

PRESIDENT NISBET: It is always a marvel to me how the human body and brain can rebound so rapidly. When I went home last night it made me think of the fellow playing golf who had had a rather bad day. He was hooking or he was slicing, and finally on the thirteenth hole he missed his putt. He broke the putter over his knee, threw the ball into the lake and sat down on the green rather frustrated, saying, "I've got to give it up, I've got to give it up," and the caddy said, "Give up what, golf?" The fellow says, "No, the ministry." (laughter)

Before anything else happens here I wish you a happy Easter when we leave here, if we do. Today we have taxation. We hope we can get it through early in time for you all to get home, because I know you want to, but I am sure you realize we must keep on schedule. We have asked style and drafting now to do 2 weeks work in 4 days. In talking to Mr. Brake, I know his committee is in good shape today, and I hope we will keep our debating sharp and intensify our work to do the best job we can.

The Chair recognizes Mr. Brake on second reading.

MR. BRAKE: Mr. President, ladies and gentlemen of the convention, I wish to move for a change in the order in which the proposals from finance and taxation will be presented; namely, that we start with Committee Proposal 6, then 23, then 56, then 38, then 39, and otherwise follow the order that is already on your calendar. I make this motion for one reason, and for one reason only, and it is connected with what the president just said. Tomorrow is Good Friday. I understand from information here and there around the convention that there will be delegates leaving possibly before we get through. These are the 3 issues most likely to be controversial, and my purpose in making the motion is that we handle those while a maximum number of delegates are present. I have no other motive whatsoever in asking for the change in order. These cover the 15 mill limitation, the weight and gas state taxes and antidiversion, and the sales tax, and I want to get those off, if it's possible, before noon, while everyone is present.

PRESIDENT NISBET: The question is on the motion of Mr. Brake.

MR. DURST: Mr. Chairman, could Mr. Brake give us those again and give us the number that appears on the second reading calendar, rather than the committee proposal number?

MR. BRAKE: The numbers on the calendar, those are the numbers that I gave you. We start with Committee Proposal 6 and 23 as the calendar now is; then 56, that is the 15 mill limitation; then 38, that is the highway money; then 39, the sales tax.

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 article 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.

PRESIDENT NISBET (continuing): The secretary will read the next proposal. Mrs. Butler.

MRS. BUTLER: Mr. President, fellow delegates, on this floor a number of times, there has been quite a bit of name calling, and as I am in the party that that is directed to, I don't like it very well. One thing, one name was "hypocrite." Maybe we feel a little bit personal about it because we're all a little bit hypocritical, maybe, at times, but I don't like to be called a hypocrite. And then another time we were called "snots." I wish somebody would draw me a picture of that. (laughter) Then this morning, it was stated that what we were doing was for our own personal gain. There is nothing here that can give me any personal gain, only the gain that I hope to achieve for my own people. I think we should be careful about this name calling.

A long time ago in Michigan, we had a poet. He lived before the time of most people here, and his name was Carlton. And my mother used to quote to us, when we got a little nasty about our friends, a little verse, and I'm going to give that to you and I hope that maybe all of us can think about it. This man's name was Carlton, and in one of his poems he wrote:

Boys flying kites haul in their white winged birds,
But you can't do that when you're flying words.
Thoughts unexpressed may sometimes fall back dead,
But God himself can't kill them when they're said.

(applause)

PRESIDENT NISBET: Thank you, Mrs. Butler. The secretary will read.

MR. DOWNS: Mr. President, could I say that I concur with Mrs. Butler's statements, that while I know we all feel very intense and deeply on matters, I hope we can keep them in the idea realm and keep away from the personalities. (applause)

PRESIDENT NISBET: Thank you, Mr. Downs. The secretary will read.

SECRETARY CHASE: Item 20 on the calendar—

PRESIDENT NISBET: Just a minute. Mr. Lesinski.

MR. LESINSKI: Mr. President, I'd like to ask Mrs. Butler who her people are.

PRESIDENT NISBET: Never mind, Mrs. Butler. Please don't answer that question. We've got work to do.

SECRETARY CHASE: **Committee Proposal 76**, A proposal pertaining to the passage of permissive legislation to allow civil divisions of the state to establish local civil service systems and to receive assistance from the state civil service system. Amends article VI.

Following is Committee Proposal 76 as reported by the committee on style and drafting and read by the secretary. (For text as referred to said committee, see above, page 1784.):

Sec. a. Each city, village, township, county, school district, and OTHER GOVERNMENTAL UNITS OR AUTHORITIES PERFORMING THE SAME OR SIMILAR FUNCTIONS [metropolitan government] may, by a majority vote of the electors voting thereon OR AS PROVIDED BY LAW, establish, modify or discontinue a merit system for its employees OTHER THAN [except] teachers under contract or tenure. The state civil service commission may ON REQUEST furnish technical services TO THEM on a reimbursable basis, [to any city, village, township, county, school district or metropolitan government requesting the same.]

PRESIDENT NISBET: Mr. Martin.

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

MR. MARTIN: Mr. President, the committee on style and drafting made some changes in this proposal, one of which is clearly a change of substance and it appeared to the committee also that it was desirable to make clear the fact that action by the local governing body had to be taken by ordinance or resolution of the governing body—that is, the board of supervisors or council, or whatever it may be—subject to approval then by a majority of the electors voting thereon. There is an amendment pending to clarify this and to keep this as it was when it went to style and drafting. It is a self executing provision in which the local governing body would have to act and then a vote would have to be taken by the people. I hope you will go along with this amendment when it is read.

PRESIDENT NISBET: The secretary will read the amendment.

SECRETARY CHASE: Messrs. Durst, Martin and Mrs. Judd offer following amendment to Committee Proposal 76:

1. Amend page 1, line 3, after "may, by" by striking "a majority vote of the electors voting thereon or as provided by law" and inserting "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"; so that the language would then read:

Each city, village, township, county, school district, and other governmental units or authorities 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.

PRESIDENT NISBET: Mr. Martin.

MR. MARTIN: I think I've already offered the explanation, Mr. President.

PRESIDENT NISBET: Mr. Durst.

MR. DURST: Mr. President, I might add this to what Mr. Martin has said: in Committee Proposal 81, as he explained, we did pass a civil service provision for counties of 1 million or more. Adoption of this language would more or less make those 2 provisions the same, make them apply to all counties. We're not making any substantive change in the proposal adopted in the executive branch but it might be possible, in the wisdom of style and drafting, to combine these 2 proposals into 1.

PRESIDENT NISBET: The question is on the amendment offered by Mr. Durst and others. Mr. Allen.

MR. ALLEN: Mr. President, may I ask a question of Mr. Martin?

PRESIDENT NISBET: Mr. Martin.

MR. ALLEN: I wonder how this would be interpreted. I know the intent here is to broaden civil service opportunities for local units of government but I wonder if, inadvertently, there may not be some narrowing of it in this sort of situation. The city charters of some of our cities provide that the local governing body may put in a civil service plan. This is done by ordinance and it is not referred to a vote of the people. However, when the charter was adopted, the people voted on the charter. Now, I am wondering, under the language which is offered here, whether or not a city which has a charter which authorizes the city council to put in a civil service plan without a vote of the people would be permitted to do so.

MR. MARTIN: Mr. President, Mr. Allen, I think it would. I think that the provisions of the charter would, in that case, control the rights of the people in that particular community, that charter having been adopted under the home rule provisions.

MR. ALLEN: The language, Mr. Martin, if literally read, seems to say that the ordinance or resolution must be approved by a vote of the people.

PRESIDENT NISBET: Mr. Martin.

MR. MARTIN: Mr. Allen, if you wanted to make it clear by an amendment that the provisions of home rule charter shall in any event prevail, I would see no objection to that. The committee certainly would not object, I'm sure.

MR. ALLEN: Could I ask another question in connection with the same thing? We have also a number of cities which in their charter have provided, or even by an ordinance which has been referred to a vote of the people, have set up a civil service plan, but then they want to abolish it or they want to modify it in some way. Would your amendment require, in case civil service was to be given up, a vote of the people, even though the city charter provided that the city council could do it on its own vote?

MR. MARTIN: Mr. President, I think not. I think the local governing body would have authority in that situation without a further vote of the people. The vote of the people refers to—let's see, reading it here—refers to "establish, modify or discontinue." I'm sorry, I'll change my answer. I think a vote of the people would be required to modify or discontinue.

MR. ALLEN: Despite what the charter said?

MR. MARTIN: No. I am proposing that we add a sentence to the effect that no part of this proviso or this proposal, section, shall in any way abrogate the provisions of existing charters.

MR. ALLEN: Mr. President, I don't have such an amendment ready; because this language having just come in, there hasn't been the opportunity. I would be willing to have style and drafting do this.

MR. MARTIN: We have no objection to that, Mr. Allen.

MR. ALLEN: As long as our intent is clearly understood.

MR. MARTIN: It is clearly understood.

MR. ALLEN: That will be satisfactory. Thank you.

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

The amendment is adopted. The question now is on adoption of Committee Proposal 76. Those in favor of Committee Proposal 76 will vote aye. Those opposed—pardon me, Mr. Shackleton.

MR. SHACKLETON: Mr. President, fellow delegates, when this was in committee of the whole it passed by only 3 votes. It happened that that day there was a sparsity of population on the convention floor. There was barely 5 minutes' time spent in the executive committee discussing this proposal. There was no testimony from the outside that there had been any request for any such provision as this proposal provides. There was not demonstrated any need for this proposal in any way, shape or form.

The legislature already has it within its power to do legislatively what this proposal is trying to do constitutionally. If you will recall, a statute providing for the situation in Detroit was amended in this constitution because Detroit claimed that it did not fit their particular needs and requirements. If that is true for that one city, how can you pass a general law, as this would provide for, to take care of 1500 or more different political subdivisions of varying sizes, needs, requirements and have any kind of a law that could operate other than on a mass basis as far as the civil service commission is concerned, which obviously could not be done to take care of various sizes of communities or public subdivisions?

It was brought out in the debate, if you remember, that this would be the beginning of the surrender of local authority to the state bureaus; an excellent way for supervisors or councilmen to duck the responsibility of meeting the issue on salary adjustments by passing it on to the state. They, however, would have to pay the bill. It is a move to remove our government from grassroots control, which has been expressed here as so desirable so many times, by taking away from your grassroots control the control over employees: rating, salaries, fringe benefits and all that goes with it. It would create the most powerful bureau in the state government if this were brought to fruition throughout the state, with the greatest propaganda machine that could possibly be devised in any kind of a system. I sincerely urge that this proposal be soundly defeated.

MR. MARTIN: Mr. President.

PRESIDENT NISBET: Mr. Martin.

MR. MARTIN: These arguments were discussed in committee of the whole. It's clear that there is a misunderstanding

of this proposal, because it clearly puts the responsibility on the local unit of government to decide what kind of civil service, if any, it wants, subject to a vote of the people; and it does not bring the state into this matter in any way, shape or manner except to the extent that the local community, if it so decides, may request technical services and on a reimbursable basis whereby it will have to pay for them. So there is every possible safeguard in the thing and it does not involve the state civil service except on a purely technical level.

PRESIDENT NISBET: Dr. Pollock.

MR. POLLOCK: Mr. President, it is difficult for me to understand Mr. Shackleton's point or his feeling in the matter. This is, as the chairman of the committee has said, purely a permissive matter. It is to promote local control and self government and facilitation. It's in no way to impose on local government anything they don't want. This is merely to say that they may do this without waiting for any action by the state legislature and they may ask the assistance of the state civil service commission. I've understood that this is already so pleasing to local units of government that the civil service commission has already had a considerable number of requests for assistance, so that the idea that it creates a propaganda machine or develops a strong bureau that can tell local government what to do is simply not in the proposal.

PRESIDENT NISBET: Mr. Wanger.

MR. WANGER: Parliamentary inquiry, Mr. President. Do I understand correctly that the previous amendment to this proposal was adopted?

PRESIDENT NISBET: That's correct.

MR. WANGER: It's very difficult to read this projection machine when it's in operation and I would ask, therefore, that the secretary read the proposal as amended so we can all understand exactly what it says.

SECRETARY CHASE: The language of Committee Proposal 76 now reads, the amendment offered by Messrs. Durst, Martin and Mrs. Judd having been adopted:

Each city, village, township, county, school district, and other governmental units or authorities 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 on a reimbursable basis.

PRESIDENT NISBET: Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, may I ask how many speakers seek recognition?

PRESIDENT NISBET: Four.

MR. VAN DUSEN: In that event, Mr. President, I would move to limit debate on this proposal to 15 minutes.

PRESIDENT NISBET: The question is on the motion of Mr. Van Dusen. Those in favor will say aye. Opposed, no. The motion prevails. Mr. Marshall, you have the floor.

MR. MARSHALL: Mr. President and fellow delegates, I concur in the remarks made by Dr. Pollock and Delegate Martin and I urge support of the committee proposal.

PRESIDENT NISBET: Mr. Danhof.

MR. DANHOF: Mr. President and members of the convention, you will recall that when this matter was debated in committee of the whole it was sort of a Muskegon fight with my good friend over there, Bill Hanna. I opposed it then; I oppose it now. You're putting the cart before the horse. You're letting the creatures of the legislature, the municipal corporations that have been created by the legislature, now have constitutional power to create any civil service system they may desire with any type of rules. There is no uniformity. They can have any type of appeal process or requirements that they desire. You are giving them a constitutional authority in municipal corporations that are creatures of the state and of the legislature. I opposed the proposition at the time it was in committee of the whole. I urge it be rejected.

PRESIDENT NISBET: Mr. Brake.

MR. BRAKE: Mr. President, ladies and gentlemen of the convention, just a reminder of 2 things that were brought up in committee of the whole. In the first place, the legislature can do everything the proposal provides for except as to that expressed in the last sentence. No new power is needed in the legislature whatsoever. The last sentence, which gives the authority for the state department to help out the local units of government—I asked the chairman of the committee in the committee of the whole if there had been any demand from the cities, the counties, the townships, any local government for that service, and his answer was that there had been no particular demand from any of them. This is something manufactured in the committee itself. I urge the rejection of the proposal.

PRESIDENT NISBET: Mr. Gover.

MR. GOVER: Mr. President, fellow delegates, talking after Mr. Brake, I can say very few things to add to what he has said. I do have one question that I would like to ask of Mr. Martin, though.

PRESIDENT NISBET: Mr. Martin.

MR. GOVER: Mr. Martin, don't you think that civil service would try to build a special department to help these municipal units establish their civil service on the local level? And if so, don't you think that civil service then, when they were kind of slow, would go out and try to sell this to a lot of other communities in order to keep business in the bureaus and in the departments?

MR. MARTIN: Mr. Gover, I don't think so at all. I don't think there's the slightest likelihood of that. I do think that these local units of government, in setting up a civil service system, might very well like some technical advice about how to do it. If I were in a local community on a council or on a board of supervisors, I'd want to be able to have that opportunity provided. I'd paid for it and that's all that this does. The civil service system here hasn't got any stake at all in trying to build up local civil service systems. It has a stake, if they're going to be established, in helping them to whatever extent they want help and no more, I think.

MR. GOVER: Well, I want to make a statement now in connection with that. As a former village official, I find that just as soon as the state assists the villages or towns, they're in there pushing as hard as they can, trying to get everything they possibly can and pawn it off on them. Thank you.

PRESIDENT NISBET: Mr. Hanna.

MR. W. F. HANNA: Mr. President and fellow delegates, I had not intended to speak on this matter until the statements were made by Mr. Brake and Mr. Danhof. Now, nothing is more frustrating than to come down to the legislature and ask for an enabling act that a township or townships, as a class, could enact civil service to be faced by the answer: well, while your township may want it, all the other townships are scared to let the people vote on it. I, for one, have never been afraid to let the people in my township or county or village decide whether or not they wanted civil service. I believe this is all that this provides.

With regard to the demand that Mr. Brake comments on as to the last provision, I doubt if there has been very much demand when certainly these intelligent local civil servants know that it would be useless to request. If the request were available, I suspect that in all their good intelligence they would ask for some assistance.

PRESIDENT NISBET: The question is on Committee Proposal 76, as amended. 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—75

Andrus, Miss	Ford	Page
Anspach	Goebel	Pollock
Austin	Hanna, W. F.	Pugsley
Baginski	Hannah, J. A.	Rajkovich
Balcer	Hart, Miss	Romney
Barthwell	Hatch	Sablich

Batchelor	Hatcher, Mrs.	Snyder
Beaman	Heideman	Spitler
Bledsoe	Higgs	Staiger
Bonisteel	Hodges	Stamm
Bradley	Hood	Stevens
Buback	Howes	Stopczynski
Butler, Mrs.	Jones	Suzore
Conklin, Mrs.	Judd, Mrs.	Tubbs
Cudlip	Karn	Tweedie
Cushman, Mrs.	Kelsey	Upton
DeVries	Krolkowski	Van Dusen
Douglas	Lawrence	Walker
Downs	Madar	Wanger
Durst	Marshall	White
Elliott, A. G.	Martin	Wilkowski
Elliott, Mrs. Daisy	McLogan	Woolfenden
Everett	Murphy	Yeager
Faxon	Nisbet	Young
Follo	Norris	Youngblood

Nays—47

Allen	Hoxie	Powell
Blandford	Hutchinson	Prettie
Boothby	Iverson	Radka
Brake	Kirk, S.	Richards, L. W.
Danhof	Knirk, B.	Rood
Dehnke	Koeze, Mrs.	Rush
Dell	Leibbrand	Seyferth
Donnelly, Miss	Leppien	Shackleton
Doty, Dean	McAllister	Shanahan
Erickson	McCauley	Sharpe
Farnsworth	McGowan, Miss	Sleder
Figy	Millard	Stafseth
Finch	Mosier	Thomson
Gadola	Perlich	Turner
Gover	Perras	Wood
Haskill	Plank	

SECRETARY CHASE: On the adoption of Committee Proposal 76, as amended, the yeas are 75; the nays are 47.

PRESIDENT NISBET: Committee Proposal 76, as amended, is passed and referred to the committee on style and drafting.

Following is Committee Proposal 76, as amended and rereferred to the committee on style and drafting:

Sec. a. Each city, village, township, county, school district, and other governmental units or authorities 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 on a reimbursable basis.

PRESIDENT NISBET (continuing): The Chair recognizes Dean Doty.

MR. DEAN DOTY: Mr. President and members of this convention, I would like to make a statement at this time that this morning I was misinformed as to the identity of a gentleman who was in the halls or in the corridors of this convention. I would like the record to show that I mentioned Mr. Otis Hardy by name. I had mistaken him for someone else. The other gentleman, whom I thought was Mr. Hardy, was a registered lobbyist in this convention up until 3 weeks ago and he has been asked by the people whom he represented not to represent them any further. And I would like to apologize to Mr. Hardy for using his name.

PRESIDENT NISBET: Mr. Martin.

MR. MARTIN: Mr. President, we seem to have completed the proposals on the executive branch. I only want to thank the Chair for his consideration; the secretary; and to thank the delegates to this convention for their patience in staying with us on this until we got it disposed of in the best way we knew how. Thank you very much. (applause)

PREAMBLE

- I. DECLARATION OF RIGHTS
 - II. ELECTIONS
 - III. GENERAL GOVERNMENT
 - IV. LEGISLATIVE BRANCH
 - V. EXECUTIVE BRANCH
 - VI. JUDICIAL BRANCH
 - VII. LOCAL GOVERNMENT
 - VIII. EDUCATION
 - IX. FINANCE AND TAXATION
 - X. PROPERTY
 - XI. PUBLIC OFFICERS AND EMPLOYMENT
 - XII. AMENDMENT AND REVISION
- SCHEDULE AND TEMPORARY PROVISIONS

PREAMBLE

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

**ARTICLE I
DECLARATION OF RIGHTS**

Sec.	Proposal
1.	Political Power 15- 1
2.	Equal Protection under the Law 26a
3.	Right of Assembly and Petition 15- 2
4.	Freedom of Worship 15- 3
5.	Liberty of Speech and Press 15- 4
6.	Right to bear arms 15- 5
7.	Civil Power Supreme 15- 6
8.	Quartering of Soldiers 15- 7
9.	Slavery Prohibited 15- 8
10.	Attainder; ex post facto laws; impairment of contracts 15- 9
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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
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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

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1. Qualifications	58a
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Article II Elections

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

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

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

1 removed [t]herefrom. The legislature [may pro-
2 vide the manner of voting by such persons but]
3 shall not permit voting by any [such] person who
4 meets the voting residence requirements of the
5 state to which he has removed.

6 Sec. 4. The legislature shall enact laws to reg-
7 ulate the time, place [,] and manner of all nom-
8 inations and elections, except as otherwise pro-
9 vided in this constitution or in the constitution
10 and laws of the United States. The legislature
11 shall enact laws to preserve the purity of elec-
12 tions, to preserve the secrecy of the ballot, to
13 guard against abuses of the elective franchise,
14 and to provide for a system of voter registration
15 and absentee voting. No law shall be enacted
16 which permits a candidate in any partisan pri-
17 mary or partisan election to have a ballot desig-
18 nation except when required for identification
19 of [persons who are] candidates for the same
20 office WHO [and] have the same or similar sur-
21 names.

22 Sec. 5. Except for special elections to fill va-
23 cancies, OR AS OTHERWISE PROVIDED IN
24 THIS CONSTITUTION, all elections for national,
25 state, county and township offices shall be held on
26 the first Tuesday after the first Monday in Novem-
27 ber in each even-numbered year[,] or on such
28 other date as MEMBERS OF THE CONGRESS
29 OF THE UNITED STATES ARE REGULARLY
30 ELECTED [may hereafter be provided by the
31 Constitution of the United States or by congress
32 for election of members thereof].

33 Sec. 6. Whenever any question is REQUIRED
34 TO BE submitted BY A POLITICAL SUBDIVI-
35 SION to [a vote of] the electors which involves
36 THE INCREASE OF ANY AD VALOREM TAX
37 RATE LIMITATION FOR A PERIOD OF MORE
38 THAN FIVE YEARS, the direct expenditure
39 of public money, OR the issue of bonds, [or the
40 increase of any ad valorem tax rate for a period
41 of more than 5 years,] only [persons having the
42 qualifications of] electors in, and who have prop-
43 erty assessed for any ad valorem taxes in, any
44 part of the district or territory to be affected
45 by the result of such election or the lawful hus-
46 bands or wives of such persons shall be entitled
47 to vote thereon. All ELECTORS IN THE DIS-
48 TRICT OR TERRITORY AFFECTED [persons
49 having the qualifications of electors] may vote
50 on all other questions, [involving an increase in
51 any ad valorem tax rate and on borrowing by
52 this state.]

53 Sec. 7. A board of state canvassers [consisting]
54 of [4] FOUR members shall be established by law.
55 No candidate for an office to be canvassed nor any
56 inspector of elections shall be eligible to serve as
57 a member of a board of canvassers. A majority
58 of any board of canvassers shall not be composed
59 of members of the same political party.

60 Sec. 8. Laws shall be enacted to provide for the

recall of all elective officers except judges of courts
of record upon petition of electors equal in number
to 25 percent of the number of persons voting [at]
IN the last preceding election for the office of
governor in the electoral district of the officer
sought to be recalled. THE SUFFICIENCY OF
any statement of reasons or grounds procedurally
required shall be [deemed to pose] a political rather
than a judicial question.

Sec. 9. The people reserve to themselves the
power to propose laws and to enact and reject laws,
called the initiative, and the power to reject laws
enacted by the legislature, called the referendum.
The power of initiative extends only to laws which
the legislature may enact under this constitution.
The power of referendum does not extend to acts
making appropriations for state institutions or to
meet deficiencies in state funds AND MUST BE
INVOKED IN THE MANNER PRESCRIBED BY
LAW WITHIN 90 DAYS FOLLOWING THE
FINAL ADJOURNMENT OF THE LEGISLA-
TIVE SESSION AT WHICH THE LAW WAS
ENACTED. To invoke the initiative or referen-
dum, petitions signed by a number of registered
electors, not less than [8] EIGHT percent for initia-
tive and [5] FIVE percent for referendum of the
total vote cast for all candidates for governor at
the last preceding general election AT WHICH A
GOVERNOR WAS ELECTED shall be required.

NO LAW AS TO WHICH THE POWER OF
REFERENDUM PROPERLY HAS BEEN IN-
VOKED SHALL BE EFFECTIVE THEREAFTER
UNLESS APPROVED BY A MAJORITY OF
THE ELECTORS VOTING THEREON AT THE
NEXT GENERAL ELECTION.

[The] ANY law proposed by initiative petition
shall be either enacted or rejected by the legisla-
ture without change or amendment within 40 days
from the time such petition is received by the legis-
lature. If any law proposed by such petition shall
be enacted by the legislature it shall be subject to
referendum, as hereinafter provided.

If the law so [petitioned for] PROPOSED is not
enacted by the legislature within the 40 days, the
state officer authorized by law shall submit such
proposed law to the people for approval or rejec-
tion at the next [ensuing] general election. The
legislature may reject any measure so proposed
by initiative petition and propose a different meas-
ure upon the same subject by a yea and nay vote
upon separate roll calls, and in such event both
measures shall be submitted by such state officer
to the electors for approval or rejection at the
next [ensuing] general election.

Any [act] LAW submitted to the people by either
initiative or referendum petition and approved by
a majority of the votes cast thereon at any election
shall take effect 10 days after the date of the
official declaration of the vote. No [act] LAW

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

initiated or adopted by the people shall be subject to the veto power of the governor, and no [act] LAW adopted by the people at the polls under the initiative provisions of this section shall be amended or repealed, except by a vote of the electors or [3/4] THREE-FOURTHS of the members elected to and serving in each house of the legislature. [Acts] LAWS adopted by the people under the referendum provision of this section may be amended by the legislature at any subsequent session thereof. If [2] TWO or more measures approved by the electors at the same election conflict, THAT [the measure] receiving the highest affirmative vote shall prevail.

The legislature shall implement the provisions of this section.

ARTICLE III GENERAL GOVERNMENT

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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.

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Article IV

Legislative Branch

Sec. 1. The legislative power of the State of Michigan is vested in a senate and a house of representatives.

Sec. 2. The senate shall consist of 38 members[,] to be elected from single member districts at the same [time] ELECTION as the governor for [4] FOUR-year terms concurrent with the term of office of the governor.

In districting the state for the purpose of electing senators after the official publication of the total population count of each federal decennial census, each county shall be assigned an apportionment factor equal to the sum of its percentage of the state's population as shown by the last regular federal decennial census computed to the nearest [1/100] ONE-ONE HUNDREDTH of one percent multiplied by [4] FOUR and its per-

centage of the state's land area computed to the nearest [1/100] ONE-ONE HUNDREDTH of one percent.

In arranging the state into senatorial districts, the apportionment commission shall be governed by the following rules:

(1) Counties with 13 or more apportionment factors shall be entitled as a class to senators in the proportion that the total apportionment factors of such counties bear to the total apportionment factors of the state computed to the nearest whole number. After each such county has been allocated one senator, the remaining senators to which this class of counties [are] IS entitled shall be distributed among such counties by the method of equal proportions applied to the apportionment factors.

(2) Counties having less than 13 apportionment factors shall be entitled as a class to senators in the proportion that the total apportionment factors of such counties bear to the total apportionment FACTORS of the state computed to the nearest whole number. Such counties shall thereafter be arranged into senatorial districts that are compact, convenient, and contiguous by land, as rectangular in shape as possible, and having as nearly as possible 13 apportionment factors, but in no event less than 10 or more than 16. Insofar as possible, existing senatorial districts at the time of reapportionment shall not be altered unless there [shall be] IS a failure to comply with the above standards.

(3) Counties entitled to [2] TWO or more senate districts shall be [further sub]divided into single member districts. The population of such districts shall be as nearly equal as possible but shall not be less than 75 percent nor more than 125 percent of a number determined by dividing the population of the county by the number of senators to which it is entitled. Each such district shall follow incorporated city or township boundary lines to the extent possible and shall be compact, contiguous, and as nearly uniform in shape as possible.

Sec. 3. The house of representatives shall consist of 110 members elected for [2] TWO-year terms from single member districts apportioned on a basis of population as [hereinafter] provided IN THIS ARTICLE. The districts shall consist of compact and convenient territory contiguous by land.

Each county which has a population of not less than [7/10] SEVEN-TENTHS of one percent of the population of the state shall constitute a separate representative area. Each county having less than [7/10] SEVEN-TENTHS of one percent of the population of the state shall be combined with another county or counties to form a representative area of not less than [7/10] SEVEN-

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

TENTHS of one percent of the population of the state. Any county which is isolated under the initial allocation as [herein] provided IN THIS SECTION shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.

After the assignment of one representative to each of the representative areas, the remaining house seats shall be apportioned among the representative areas on the basis of population by the method of equal proportions.

Any county comprising a representative area entitled to [2] TWO or more representatives shall be divided into single member representative districts as follows:

(1) The population of [each] SUCH districtS shall be as nearly equal as possible but shall not be less than 75 percent nor more than 125 percent of a number determined by dividing the population of the representative area by the number of representatives to which it is entitled.

(2) Such single member districts shall follow city and township boundaries where applicable and shall be composed of compact and contiguous territory as nearly square in shape as possible.

Any representative area consisting of more than one county, entitled to more than one representative, shall be divided into single member districts as equal as possible in population adhering to county lines.

Sec. 4. In counties having more than one representative or senatorial district, the territory in the same county annexed to or merged with a city between apportionments shall become a part of a contiguous representative or senatorial district in the city with which it is combined upon the effective date of the annexation or merger[.]. THE DISTRICTS WITH WHICH THE TERRITORY SHALL BE COMBINED SHALL BE [as] determined by ordinance of the city certified to the secretary of state.

[No legislator shall be deemed to have vacated his office by virtue of the above section.] NO SUCH CHANGE IN THE BOUNDARIES OF A REPRESENTATIVE OR SENATORIAL DISTRICT SHALL HAVE THE EFFECT OF REMOVING A LEGISLATOR FROM OFFICE DURING HIS TERM.

Sec. 5. ISLAND AREAS ARE CONSIDERED TO BE CONTIGUOUS BY LAND TO THE COUNTY OF WHICH THEY ARE A PART.

Sec. 6. A commission on legislative apportionment is hereby established consisting of [8] EIGHT persons, [4] FOUR of whom shall be selected by the state organizations of each of the [2] TWO political parties whose candidates for governor received the highest vote at the last general election AT WHICH A GOVERNOR WAS ELECTED preceding each apportionment. If a candidate for

governor of a third political party has received at such election more than 25 percent of such gubernatorial vote, the commission shall consist of 12 members, [4] FOUR of whom shall be selected by the state organization of the third political party. One member of the commission shall be selected by each political party organization from each of the following [4] FOUR regions: (1) The upper peninsula; (2) The northern part of the lower peninsula, north of a line drawn along the northern boundaries of the counties of Bay, Midland, Isabella, Mecosta, Newaygo and Oceana; (3) Southwestern Michigan, those counties south of region (2) and west of a line drawn along the western boundaries of the counties of Bay, Saginaw, Shiawassee, Ingham, Jackson and Hillsdale; (4) Southeastern Michigan, the remaining counties of the state.

No officers or employees of the federal, state or local governments, excepting notaries public and members of the armed forces reserve, shall be eligible for membership on the commission. Members of the commission shall not be eligible for election to the legislature until [2] TWO years after the apportionment [plan] in which they participated becomes effective.

The commission shall be appointed immediately after the adoption of this constitution and whenever [Re]apportionment or districting OF THE LEGISLATURE is required by the provisions of this constitution. Members of the commission shall hold office until each apportionment or districting plan becomes effective. Vacancies shall be filled in the same manner as for original appointment.

The secretary of state shall be secretary of the commission without vote, and in that capacity shall furnish, under the direction of the commission, all necessary technical services. The commission shall elect its own chairman, shall make its own rules of procedure, and shall receive compensation provided by law. The legislature shall appropriate funds [necessary] to enable the commission to carry out its activities.

Within 30 days after the adoption of this constitution, and after the official total population count of each federal decennial census of the state and its political subdivisions is available, the secretary of state shall issue a call convening the commission not less than 30 nor more than 45 days thereafter. The commission shall complete its work within 180 days after all necessary census information is available. The commission shall proceed to DISTRICT AND apportion[, and district,] the senate and house of representatives according to the provisions of this constitution. All final decisions shall require the concurrence of a majority of [all of] the members of the commission. The commission shall hold public hearings as may be provided by law.

Each final apportionment and districting plan shall be published as provided by law within 30 days from the date of its adoption and shall become law 60 days after publication. The secretary of state shall keep a public record of all the proceedings of the commission and shall be responsible for the publication and distribution of each plan.

If a majority of the commission cannot agree on a plan, each member of the commission, individually or jointly with other members, may submit a proposed plan to the supreme court. The supreme court shall determine which plan complies most accurately with the constitutional requirements and shall direct that it be adopted BY THE COMMISSION and published as provided in this section.

Upon the application of any [qualified] elector filed not later than 60 days after final publication of the plan, the supreme court, in the exercise of original jurisdiction, shall direct the secretary of state or the apportionment commission to perform their duties, may review any final plan adopted by the commission, and shall make orders amending such plan if it fails to comply with the requirements of this constitution.

Sec. 7. Each senator and representative MUST [shall] be a citizen of the United States, at least 21 years of age, and AN [a qualified] elector of the district he represents[,] . [and] The removal of his domicile from the district shall be deemed a vacation of the office. No person who has been convicted of subversion or who has within the preceding 20 years been convicted of a felony involving a breach of public trust shall be eligible for either house of the legislature.

Sec. 8. No person holding any office under the United States or this state or a political subdivision thereof, except notaries public and officers of the armed forces reserve, may be a member of either house of the legislature.

Sec. 9. No person elected TO [a member of] the legislature shall receive any civil appointment within this state from the governor, except notaries public, [from the governor and senate,] from the legislature, or from any other state authority, during the term for which he is elected.

Sec. 10. No member of the legislature nor any state officer shall be interested directly or indirectly in any contract with the state or any political subdivision thereof which shall cause a substantial conflict of interest. The legislature shall further implement this provision by appropriate legislation.

Sec. 11. Senators and representatives shall be privileged from civil arrest and civil process during sessions of the legislature and for [5] FIVE days next before the commencement and after the termination thereof. They shall not be questioned in any other place for any speech in either

house.

Sec. 12. The annual salary of the members of the legislature shall be not less than \$9,000[.], AS PROVIDED BY LAW. Members of the legislature shall be entitled to REIMBURSEMENT FOR [2] TWO round trips home EACH [per] month while the legislature is in session, and expenses in connection with the work of interim committees. [No] ChangeS in salary or expenses shall beCOME effective [during the term of office for which the legislature making the change was elected] ONLY WHEN LEGISLATORS COMMENCE THEIR TERM OF OFFICE AFTER A GENERAL ELECTION except and only to the extent of a general salary reduction in all other branches of STATE government.

No person serving in the legislature shall receive at any time for his services as a member of the legislature any additional fees, compensation or financial benefits from the state or its political subdivisions. This section shall not be construed to [deny] AFFECT retirement benefits [to those] OF legislators [eligible to receive] WHICH HAVE [these benefits at] ACCRUED PRIOR TO the [time] EFFECTIVE DATE OF this constitution [becomes effective].

Sec. 13. The legislature shall meet at the seat of government on the second Wednesday in January of each year at [12:00] TWELVE o'clock noon. Each regular session shall adjourn without day, on a day determined by concurrent resolution, at TWELVE [12:00] o'clock noon. Any business, bill or joint resolution pending at the final adjournment of a regular session held in an odd numbered year shall carry over WITH THE SAME STATUS to the next regular session.

Sec. 14. A majority of the members elected to and serving in each house shall constitute a quorum to do business. A smaller number in each house may adjourn from day to day, and may compel the attendance of absent members in the manner and with penalties as each house may prescribe.

Sec. 15. There shall be a bi-partisan legislative council consisting of legislators appointed in the manner prescribed by law. The legislature shall appropriate [adequate] funds for the council's operations and provide for its staff which shall maintain bill drafting, research and other services for the members of the legislature. The council shall PERIODICALLY [from time to time] examine and recommend to the legislature revision of the various laws of the state.

Sec. 16. Each house, except as otherwise provided in this constitution, shall choose its own officers and determine the rules of its proceedings, but shall not adopt any rule that will prevent a majority of the members elected thereto and serving therein from discharging a committee

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

1 from the further consideration of any measure.
2 Each house shall BE THE SOLE judge of the
3 qualifications, elections and returns of its mem-
4 bers, and may, with the concurrence of TWO-
5 THIRDS [2/3] of all the members elected thereto
6 and serving therein, expel a member. The reasons
7 for such expulsion shall be entered IN [upon] the
8 journal, with the [yeas and nays] VOTES AND
9 NAMES of the members voting upon the ques-
10 tion. No member shall be expelled a second time
11 for the same cause.

12 Sec. 17. Each house of the legislature may
13 establish the committees necessary for the effi-
14 cient conduct of its business and the legislature
15 may create joint committees. Each committee
16 shall [keep a recorded] BY roll call vote RECORD
17 THE VOTE AND NAME [by yeas and nays] of
18 all action on bills and resolutions taken in the
19 committee. Such vote shall be available FOR [to]
20 public inspection. Notice of all committee hear-
21 ings and a clear statement of all subjects to be
22 considered at each hearing shall be published in
23 the journal in advance of the hearing.

24 Sec. 18. Each house shall keep a journal of
25 its proceedings, and publish the same unless se-
26 curity otherwise requires. The [yeas and nays]
27 RECORD OF THE VOTE AND NAME of the
28 members of either house VOTING on any question
29 shall be entered in the journal at the request of
30 [1/5] ONE-FIFTH of the members present. Any
31 member of either house may dissent from and
32 protest against any act, proceeding or resolution
33 which he deems injurious to any person or the
34 public, and have the reason for his dissent entered
35 in the journal.

36 Sec. 19. All elections in either house or in
37 joint convention and all votes on appointments
38 [recommended to the senate for confirmation]
39 SUBMITTED TO THE SENATE FOR ADVICE
40 AND CONSENT shall be [taken by yeas and
41 nays and] published BY VOTE AND NAME in
42 the journal.

43 Sec. 20. The doors of each house shall be open
44 unless the public security otherwise requires.

45 Sec. 21. Neither house shall, without the con-
46 sent of the other, adjourn for more than [3] TWO
47 INTERVENING CALENDAR days, nor to any
48 place other than where the legislature may then
49 be in session.

50 Sec. 22. All legislation [by the legislature]
51 shall be by bill and may originate in either house.

52 Sec. 23. The style of the laws shall be: The
53 People of the State of Michigan enact.

54 Sec. 24. No law shall embrace more than one
55 object, which shall be expressed in its title. No
56 bill shall be altered or amended on its passage
57 through either house so as to change its original
58 purpose as determined by its total content and
59 not alone by its title.

60 Sec. 25. No law shall be revised, altered or

1 amended by reference to its title only. The section
2 or sections of the act altered or amended shall
3 be re-enacted and published at length.

4 Sec. 26. No bill shall be passed or become a
5 law at any regular session of the legislature until
6 it has been printed or reproduced and in the pos-
7 session of each house for at least [5] FIVE days.
8 Every bill shall be read THREE [3] times in each
9 house before the final passage thereof. No bill
10 shall become a law without the concurrence of a
11 majority of [all] the members elected to and
12 serving in each house. On the final passage of [all]
13 bills, the voteS AND NAMES OF THE MEMBERS
14 VOTING THEREON shall be [by yeas and nays
15 and] entered in the journal.

16 Sec. 27. No act shall take effect [or be in force]
17 until the expiration of 90 days from the end of
18 the session at which it was passed, but the legis-
19 lature may give immediate effect to acts by a [2/3]
20 TWO-THIRDS vote of the members elected to and
21 serving in each house.

22 Sec. 28. When the legislature is convened on
23 extraordinary occasions in special session no bill
24 shall be passed on any subjects other than those
25 expressly stated in the governor's proclamation
26 or submitted by special message.

27 Sec. 29. The legislature shall pass no local
28 or special act in any case where a general act can
29 be made applicable, and whether a general act
30 can be made applicable shall be a judicial question.
31 No local or special act shall take effect until
32 approved by TWO-THIRDS [2/3] of the mem-
33 bers elected to and serving in each house [of the
34 legislature] and by a majority of the electors vot-
35 ing thereon in the district [to be] affected. Any
36 act repealing local or special acts [in effect as of
37 the effective date of this constitution] shall re-
38 quire only a majority of the members elected to
39 and serving in each house and shall not require
40 submission to the electors of such district.

41 Sec. 30. The assent of TWO-THIRDS [2/3] of
42 the members elected to and serving in each house
43 of the legislature shall be required for the appro-
44 priation of public money or property for local or
45 private purposes.

46 Sec. 31. The general appropriation bills for the
47 succeeding fiscal period covering items set forth
48 in the budget shall be passed or rejected in either
49 house of the legislature before that house passes
50 any appropriation bill for items not in the budget
51 except bills supplementing appropriations for the
52 current FISCAL year's operation. Any bill re-
53 quiring an appropriation to carry out its purpose
54 shall be considered an appropriation bill. One of
55 the general appropriation bills as passed by the
56 legislature shall contain an itemized statement of
57 estimated revenue by major source in each oper-
58 ating fund for the ensuing fiscal period, the total
59 of which shall not be less than the total of all
60 appropriations made from each fund in the gen-

eral appropriation bills as passed.

Sec. 32. Every law which imposes, continues or revives a tax shall distinctly state the tax.

Sec. 33. Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law. If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he does not approve, and the legislature continues the session at which the bill was passed, he shall return it within such 14-day period with his objections, to the house in which it originated. That house shall enter such objections in full in its journal and reconsider the bill. If TWO-THIRDS [2/3] of the members elected TO and serving in that house pass the bill notwithstanding the objections of the governor, it shall be sent with the objections to the other house for reconsideration. The bill shall become law if passed by TWO-THIRDS [2/3] of the members elected TO and serving in that house. The vote of each house shall be [determined by the yeas and nays, and the names of the members voting for and against the bill shall be] entered in the journal WITH THE VOTES AND NAMES OF THE MEMBERS VOTING THEREON. If any bill is not returned by the governor within such 14-day period, the legislature continuing in session, it shall become law as if he had signed it.

Sec. 34. Any bill passed by the legislature and approved by the governor, except A BILL appropriATING MONEY [ion bills], may [be referred by the legislature to the qualified electors. No bill so referred shall] PROVIDE THAT IT WILL NOT become [a] law unless approved by a majority of the electors voting thereon.

Sec. 35. All laws enacted at any session of the legislature shall be published in book form within 60 days after final adjournment of the session, and shall be distributed in the manner provided by law. The [speedy] PROMPT publication of judicial decisions shall be provided by law. All laws and judicial decisions shall be free for publication by any person.

Sec. 36. No general revision of the laws shall [hereafter] be made. The legislature may provide for a compilation of the laws in force, arranged without alteration, under appropriate heads and titles.

Sec. 37. The legislature may by concurrent resolution empower a joint committee of the legislature acting [in the interim] between sessions to suspend until the end of the next regular legislative session any rule or regulation [promulgated

by] OF an administrative agency PROMULGATED when the legislature is not in regular session.

Sec. 38. The legislature may provide by law the cases in which any office shall be [deemed] vacant and the manner of filling vacancies[,] where no provision is made in this constitution.

Sec. 39. In order to insure continuity of state and local governmental operations in periods of emergency only, resulting from disasters occurring in this state CAUSED by enemy attack on the United States, the legislature MAY [shall have the power to such extent as it deems advisable (1) to] provide by [legislative enactment] LAW for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices[.]; and ENACT [(2) to adopt by legislative enactment such] other [legislation] LAWS [as may be] necessary and proper for insuring the continuity of governmental operations. Notwithstanding the power conferred by this section, elections shall always be called as soon as possible to fill any [elective] vacancies in [any] ELECTIVE offices temporarily occupied by operation of any legislation enacted pursuant to the provisions of this section.

Sec. 40. The legislature may by law establish a liquor control commission[,] which, subject to statutory limitations, shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof. [and] THE LEGISLATURE may provide for an excise tax on such sales. Neither the legislature nor the commission may authorize the manufacture or sale of alcoholic beverages in any county in which a majority of the electors voting thereon shall prohibit the same.

Sec. 41. The legislature shall not authorize any lottery nor permit the sale of lottery tickets.

Sec. 42. The legislature may provide for the incorporation of ports and port districts, and confer power and authority upon them to engage in work of internal improvements in connection therewith.

Sec. 43. No general law providing for the incorporation of trust companies or corporations for banking purposes, or regulating the business thereof, shall be enacted, amended or repealed except by a vote of [2/3] TWO-THIRDS of the members elected to and serving in each house [of the legislature].

Sec. 44. The legislature may authorize a trial by a jury of less than 12 jurors in civil cases.

Sec. 45. The legislature may provide for indeterminate sentences as [a] punishment for crime and for the detention and release of per-

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

sons imprisoned or detained [on] UNDER such sentences.

Sec. 46. No law shall be enacted providing for the penalty of death.

Sec. 47. The legislature may authorize the employment of chaplains in state institutions of DETENTION OR confinement.

Sec. 48. The legislature may enact laws providing for the resolution of disputes [in] CONCERNING public [employment] EMPLOYEES, except THOSE IN THE state classified civil service.

Sec. 49. The legislature may enact laws relative to the hours and conditions of employment.

Sec. 50. The legislature may provide safety measures and regulate the use of atomic energy and forms of energy developed in the future, having in view the general welfare of the people of this state.

Sec. 51. The public health and general welfare of the people of the state are hereby declared to be matters of primary public concern. The legislature shall pass suitable laws for the protection and promotion of the public health.

Sec. 52. The conservation and development of the natural resources of the state are hereby declared to be of paramount public concern in the interest of the health, safety[,] and general welfare of the people. The legislature shall provide for the protection of the air, water[,] and other natural resources of the state from pollution, impairment and destruction.

Sec. 53. The legislature by a majority vote of the members elected to and serving in each house, shall appoint an auditor general, who shall be [an administrator and] a certified public accountant [duly] licensed to practice in this state, to serve for a term of [8] EIGHT years. He shall be ineligible for appointment or election to any other [paid] public office in this state FROM WHICH COMPENSATION IS DERIVED while serving as auditor general and for [2] TWO years following the termination of his service. He may be removed for cause at any time by a [2/3] TWO-THIRDS vote of the members elected to and serving in each house [of the legislature]. The auditor general shall conduct post audits of financial transactions and accounts of the state and of all branches, departments, offices, boards, commissions, agencies, authorities and institutions of the state established by this constitution or by law, and performance post audits thereof.

The auditor general upon direction by the legislature may employ independent accounting firms or legal counsel and may make investigations pertinent to the conduct of audits. He shall report annually to the legislature and to the governor and at such other times as he deems necessary or as required by the legislature. He shall be assigned no duties other than those [herein]

specified IN THIS SECTION.

Nothing in this section shall be construed in any way to infringe the responsibility and constitutional authority of the governing boards of the [universities and colleges] INSTITUTIONS OF HIGHER EDUCATION to be solely responsible for the control and direction of all expenditures from the institutions' funds.

[The legislature shall provide by law for the maintenance of uniform accounting systems by units of local government and the auditing of county accounts by competent state authority and other units of government as provided by law.]

The auditor general, his deputy and one other member of his staff shall be exempt from classified civil service. All other members of his staff shall have classified civil service status.

ARTICLE V

EXECUTIVE BRANCH

Sec.	Com. Proposal
1. Executive Power—where vested	2a
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Article V Executive Branch

Sec. 1. The executive power is vested in the governor.

Sec. 2. All executive and administrative offices, agencies and instrumentalities of the EXECUTIVE BRANCH OF state government and their respective functions, powers and duties, except for the office of governor and lieutenant governor and the governing bodies of institutions of higher education provided for in this constitution, shall be allocated by law among and within not more than 20 principal departments. They shall be grouped as far as practicable according to major purposes.

Subsequent to the initial allocation, the governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these changes require the force of law, they shall be set forth in executive orders AND SUBMITTED TO THE LEGISLATURE. THEREAFTER the legislature shall have 60 CALENDAR days of a regular session, or a full session if of shorter duration, to disapprove [these] EACH executive order[s]. Unless disapproved in both houses by a resolution concurred in by a majority of the members elected to and serving in each house, [these] EACH order[s] shall become effective at a date thereafter to be designated by the governor.

Sec. 3. The head of each principal department shall be a single executive unless otherwise provided in this constitution or by law. The single executives heading principal departments shall include a secretary of state, a state treasurer and an attorney general. When a single executive [other than an elective official,] is the head of a principal department, UNLESS ELECTED OR APPOINTED AS OTHERWISE PROVIDED IN THIS CONSTITUTION, he shall be [nominated and,] APPOINTED BY THE GOVERNOR by and with the advice and consent of the senate[, appointed by the governor] and he shall serve at the pleasure of the governor.

When a board or commission is at the head of a principal department, [the members thereof,] unless elected or appointed as otherwise provided in this constitution, THE MEMBERS THEREOF shall be [nominated and,] APPOINTED BY THE GOVERNOR by and with the advice and consent of the senate[, appointed by the governor]. The term of office and procedure for removal of such members shall be as prescribed in this constitution or by law.

Terms of office of any board or commission

created or enlarged after [adoption] THE EFFECTIVE DATE of this constitution shall not exceed [4] FOUR years except as otherwise authorized in this constitution. The terms of office of existing boards and commissions[,] which are [greater] LONGER than [4] FOUR years shall not be further extended except as provided in this constitution.

Sec. 4. At no time shall an examining or licensing board of a profession INCLUDE [be composed of] less than a majority of members of that profession. Temporary commissions or agencies for special purposes with a life of no more than [2] TWO years may be established by law and need not be allocated within a principal department.

Sec. 5. Appointment by and with the advice and consent of the senate when used in this constitution or [in statutes] LAWS in effect or hereafter enacted means appointment subject to disapproval by a majority vote of the members elected to and serving in the senate if such action is taken within 60 [legislative] SESSION days after the date of such appointment. [If the] ANY appointment [is] not disapproved within such period [of time the appointment] shall stand confirmed.

Sec. 6. [When the senate is not in session, the governor shall fill a vacancy] VACANCIES in any office, appointment to which requires advice and consent of the senate, [by appointment which may be disapproved by the senate in the manner provided for other] SHALL BE FILLED BY THE GOVERNOR BY AND WITH THE ADVICE AND CONSENT OF THE SENATE. [appointments requiring such advice and consent.] A person [who] WHOSE APPOINTMENT has been disapproved by the senate shall not be eligible for [another] AN interim appointment to the same office.

Sec. 7. Each principal department shall be under the supervision of the governor[, unless otherwise provided by this constitution. The governor shall take care that the laws be faithfully executed. He shall transact all necessary business with the officers of government and may require information in writing from all executive and administrative state officers, elective and appointive, upon any subject relating to the duties of their respective offices.]

The governor may initiate court proceedings in the name of the state to enforce compliance with any constitutional or legislative mandate, or to restrain violations of any constitutional or legislative power, duty[, or right by any officer, department[, or agency of the state or any of its political subdivisions. This authority shall not be construed to authorize court proceedings against the legislature.]

Sec. 8. Single executives heading principal departments and the chief executive officers of

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

principal departments headed by boards or commissions shall keep their offices at the seat of government except as otherwise provided by law, superintend them in person and perform duties prescribed by law.

Sec. 9. The governor shall have power and it shall be his duty[,] to inquire into the condition and administration of any public office and the acts of any public officer, elective or appointive. He may remove or suspend from office for gross neglect of duty or for corrupt conduct in office, or FOR any other misfeasance or malfeasance therein, any elective or appointive state officer, except legislative or judicial, and report the [causes of] REASONS FOR such removal or suspension to the legislature. [if in session or otherwise at its next session.]

Sec. 10. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an appointed or elected officer, other than a [judicial] LEGISLATIVE OR JUDICIAL officer, until he is REINSTATED [acquitted] or[, if convicted,] until the vacancy is filled in the manner prescribed by law or this constitution [for such office].

Sec. 11. The governor shall be commander-in-chief of the armed forces and may call them out to execute the laws, suppress insurrection and repel invasion.

Sec. 12. The governor shall issue writs of election to fill vacancies in the senate or house of representatives. Any such election shall be held in a manner prescribed by law.

Sec. 13. The governor shall have power to grant reprieves, commutations and pardons after convictions for all offenses, except cases of impeachment, upon such conditions and limitations as he may direct, subject to procedures and regulations [provided] PRESCRIBED by law. He shall inform the legislature annually of each reprieve, commutation and pardon granted, stating reasons therefor.

Sec. 14. The governor may convene the legislature on extraordinary occasions.

Sec. 15. The governor may convene the legislature at some other place when the seat of government becomes dangerous from any cause.

Sec. 16. The governor shall communicate by message to the legislature at the beginning of each session and may at other times present to the legislature information as to the affairs of the state and recommend measures he considers necessary or desirable.

Sec. 17. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state. Proposed expenditures from any fund shall not exceed the estimated revenue thereof. On the same date, the

governor shall submit to the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills to provide new or additional revenues to meet proposed expenditures. The amount of any surplus created or deficit incurred in any fund during the last preceding fiscal period shall be entered as an item in the budget and in one of the appropriation bills. The governor may submit amendments to appropriation bills to be offered in either house during consideration of the bill by that house, and shall submit any bills to meet deficiencies in current appropriations.

Sec. 18. The governor [shall have power to] MAY disapprove any distinct item or items APPROPRIATING MONEYS in any appropriation bill. The part or parts approved shall become law, and the item or items disapproved shall be void unless re-passed according to the method prescribed for the passage of other bills over the executive veto.

Sec. 19. No appropriation shall be [deemed] a mandate to spend. The governor, with the approval of the appropriating committees of the house and senate, shall reduce expenditures AUTHORIZED BY [of any bodies receiving] appropriations whenever it appears that actual revenues for a fiscal period will fall below the revenue estimates on which appropriations for that period were based. Reductions in expenditures shall be made in accordance with procedures [established] PRESCRIBED by law. The governor's power to reduce expenditures shall not apply to] MAY NOT REDUCE EXPENDITURES OF the legislative and judicial branches or FROM [to those services for which] funds CONSTITUTIONALLY DEDICATED FOR SPECIFIC PURPOSES. [are mandated by this constitution.]

Sec. 20. The governor, lieutenant governor, secretary of state and attorney general shall be elected FOR FOUR-YEAR TERMS at the general election in each alternate even-numbered year. [They shall serve for terms of 4 years beginning at 12:00 o'clock noon on the first day of January next succeeding their election.]

The lieutenant governor, secretary of state and attorney general shall be nominated by party conventions in a manner prescribed by law. In the general election one vote shall be cast jointly for the candidates for governor and lieutenant governor nominated by the same party.

VACANCIES IN THE OFFICE OF THE SECRETARY OF STATE AND ATTORNEY GENERAL SHALL BE FILLED BY APPOINTMENT BY THE GOVERNOR.

Sec. 21. [No person shall] TO be eligible for the office of governor or lieutenant governor [who shall not have] A PERSON MUST HAVE attained the age of 30 years, and [who shall] have [not] been [4 years next preceding his election] a registered elector in this state FOR FOUR

YEARS NEXT PRECEDING HIS ELECTION.

Sec. 22. The governor, lieutenant governor, secretary of state[, state treasurer] and attorney general shall each receive the compensation [prescribed] PROVIDED by law in full payment for all services performed and expenses incurred during his term of office. Such compensation shall not be changed during the term of office except as otherwise provided in this constitution.

Sec. 23. An executive residence suitably furnished shall be provided at the seat of government for the use of the governor. He shall receive an allowance for its maintenance as provided by law.

Sec. 24. The lieutenant governor shall be president of the senate, but shall have no vote except in case of equal division. He [shall] MAY perform [additional] duties [as] requested of him by the governor[.], BUT NO POWER VESTED IN THE GOVERNOR SHALL BE DELEGATED.

Sec. 25. In case of the conviction of the governor on impeachment, his removal from office, his resignation, or [the] HIS death, [of the governor or governor-elect, the powers and duties of the office shall vest, in the following order of precedence, in the person elected at the last election to the office of] THE lieutenant governor, THE ELECTED secretary of state, THE ELECTED attorney general, and such other persons designated by law[, who] shall IN THAT ORDER be governor [after the commencement of their term] for the [residue] REMAINDER of the governor's term.

IN CASE OF THE DEATH OF THE GOVERNOR-ELECT, THE LIEUTENANT GOVERNOR-ELECT, THE SECRETARY OF STATE-ELECT, THE ATTORNEY GENERAL-ELECT AND SUCH OTHER PERSONS DESIGNATED BY LAW SHALL BECOME GOVERNOR IN THAT ORDER AT THE COMMENCEMENT OF THE GOVERNOR-ELECT'S TERM.

If the governor or the person in line of succession to serve as governor is absent from the state, or suffering under an inability [as determined herein], the powers and duties of the office of governor shall devolve in order of precedence [upon such persons] until the absence or inability giving rise to the DEVOLUTION [devolvment] of powers ceases.

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

Sec. 26. The legislature shall provide that the

salary of any state officer WHILE ACTING AS [performing the duties of] governor [is] SHALL BE equal to that of the governor.

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

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

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

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

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

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

ARTICLE VI JUDICIAL BRANCH

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Article VI Judicial Branch

Sec. 1. The judicial power of the state is vested exclusively in one court of justice[,] which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court, one probate court, and other courts of limited jurisdiction that the legislature may establish by a [2/3] TWO-THIRDS vote of the members ELECTED TO AND SERVING IN [of] each house.

Sec. 2. The supreme court shall consist of [8] SEVEN justices [to be] elected at non-partisan elections as provided by law. [A vacancy hereafter created as the result of the death, retirement or resignation of one incumbent justice shall not be filled.] The term of office shall be [for 8] EIGHT years and not more than [3] TWO terms of office shall expire at the same time. Nominations for justices of the supreme court shall be in the manner [as provided] PRESCRIBED by law[.]. [except] Any incumbent justice whose term is to expire may become a candidate for re-election by filing an affidavit of candidacy, in the form and manner prescribed by law, not less than 180

days prior to the expiration of his term.

Sec. 3. One justice of the supreme court shall be selected by the court as its chief justice AS [in the manner and for the term] provided by [the] rules of the court. He shall perform other duties required by the court. The supreme court shall appoint an administrator of the courts and other assistants of the supreme court as [shall] MAY be [deemed] necessary to aid in the administration of the courts of this state. The administrator shall perform administrative duties assigned by the court.

Sec. 4. The supreme court shall have general superintending control over all courts; power to issue, hear, and determine prerogative and remedial writs; and appellate jurisdiction as provided by rules of the supreme court. The supreme court shall not have the power to remove a judge.

Sec. 5. The supreme court shall by general rules establish, modify, amend and simplify the practice and procedure in all courts of this state. The distinctions between law and equity proceedings shall, as far as practicable, be abolished. The office of master in chancery is prohibited.

Sec. 6. Decisions of the supreme court, including all decisions on prerogative writs, shall be in writing and shall contain a concise statement of the facts and reasons for each decision and reasons for each denial of leave to appeal. When a judge dissents in whole or in part he shall give in writing the reasons for his dissent.

Sec. 7. The supreme court may appoint, may remove, and shall have general supervision of its staff. It shall have control of the preparation of its budget recommendations and the expenditure of [the funds] MONEYS appropriated for any purpose pertaining to the operation of the court or the performance of activities of its staff except that the salaries of the justices shall be established by law. All fees and perquisites collected by the court staff shall be turned over to the state treasury and credited to the general fund.

Sec. 8. The court of appeals shall consist initially of [9] NINE judges who shall be nominated and elected [on a] AT non-partisan ELECTIONS [basis] from districts, and in the manner, prescribed by law. The supreme court may prescribe by rule that the court of appeals may sit in divisions and for the terms of court and the times and places thereof. Each such division shall consist of not fewer than three judges. The number of judges comprising the court of appeals may be increased, and the districts from which they are elected may be [altered] CHANGED by law.

Sec. 9. Judges of the court of appeals shall hold office for a TERM [period] of [6] SIX years and until their successors are elected and qualified. The terms of office for the judges in each district shall be arranged by law to provide that not all terms will expire at the same time.

Sec. 10. The jurisdiction of the court of appeals shall be provided by law and the practice and procedure therein shall be [as provided] PRE-SCRIBED by rules of the supreme court.

Sec. 11. The state shall be divided into judicial circuits along county lines in each of which there shall be elected one or more circuit judges as provided by law. [A] SESSIONS OF THE circuit court shall be held at least [4] FOUR times in each year in every county organized for judicial purposes. Each circuit judge shall hold court in the county or counties within the circuit in which he is elected, and in other circuits as may be provided by rules of the supreme court. The number of judges may be changed and circuits may be created, altered and discontinued by law and the number of judges shall be changed and circuits shall be created, altered and discontinued on recommendation of the supreme court to reflect changes in judicial activity. No change in the number of judges [n]or alteration or discontinuance of a circuit shall have the effect of removing a judge from office during his term.

Sec. 12. Circuit judges shall be nominated and elected at non-partisan elections in the circuit in which they reside, and shall hold office for a TERM [period] of [6] SIX years and until their successors are elected and qualified. In circuits having more than one circuit judge their terms of office shall be arranged by law to provide that not all terms will expire at the same time.

Sec. 13. THE circuit court[s] shall have original jurisdiction in all matters not prohibited by law; appellate jurisdiction from all inferior courts and tribunals except as otherwise provided by law; power to issue, hear and determine prerogative and remedial writs; supervisory and general control over inferior courts and tribunals within their respective jurisdictions[,] in accordance with rules of the supreme court; and jurisdiction of other cases and matters as provided by rules of the supreme court.

Sec. 14. The clerk of each county organized for judicial purposes or other officer performing the duties of such office as provided in a county charter shall be clerk of the circuit court for such county. The judges of the circuit court[s] may fill [any] A vacancy in an elective office of county clerk or prosecuting attorney within their respective jurisdictions.

Sec. 15. In each county organized for judicial purposes[,] there shall be a probate court. The legislature may [combine one or more counties into] CREATE OR ALTER probate COURT districts OF MORE THAN ONE COUNTY [upon the approval by a majority of the voters of each county voting separately on the question,] IF AP-PROVED IN EACH AFFECTED COUNTY BY A MAJORITY OF THE ELECTORS VOTING ON THE QUESTION. [or combine] THE LEGISLA-

TURE MAY PROVIDE FOR THE COMBINATION OF the office of probate judge with any judicial office of limited jurisdiction [in any] WITHIN A county with supplemental salary as provided by law. The jurisdiction, powers and duties of the probate court[s] and of the judges thereof shall be [prescribed] PROVIDED by law. They shall [also] have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

Sec. 16. ONE OR MORE judges of probate AS PROVIDED BY LAW shall be nominated and elected at non-partisan elections in the counties or the probate districtS in which they reside and shall hold office for [a period] TERMS of [6] SIX years and until their successors are elected and qualified. In counties or districts with more than one judge the terms of office shall be arranged by law to provide that NOT all terms will [not] expire at the same time.

Sec. 17. No judge or justice of any court of this state shall be paid from the fees of his office nor shall the amount of his salary be measured by fees, other moneys received or [by] the amount of judicial activity of his office.

Sec. 18. Salaries of justices of the supreme court, of the judges of the court of appeals, of the circuit judges within a [county or] circuit, and of the probate judges within a county or district, shall be uniform, and may be increased, but shall not be decreased during a term of office except and only to the extent of a general salary reduction in all other branches of government.

Each of the judges of the circuit court[s] shall receive an annual salary as provided by law. In addition to the salary received from the state, [treasury,] each circuit judge may receive from any county in which he regularly holds court [such] AN additional salary as [may be] determined from time to time by the board of supervisors of the county. In any county where [such] AN additional salary is granted, it shall be paid at the same rate to all circuit judges regularly holding court therein.

Sec. 19. The supreme court, the court of appeals, the circuit court, the probate court and other courts designated as such by the legislature shall be courts of record and [shall] each SHALL have a common seal. [Except as otherwise authorized by this constitution,] Justices and judges of [the] courts of record [of this state shall] MUST be PERSONS WHO ARE licensed to practice law in this state. [and] No person shall be elected or appointed to a judicial office after reaching the age of 70 years.

Sec. 20. Whenever a JUSTICE OR judge removes his domicile beyond the limits of the territory from which he was elected, he shall [be deemed to] have vacated his office.

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

Sec. 21. Any justice or judge of a court of record shall be ineligible to be nominated for or elected to an elective office other than a judicial office during the period of his service [as a judge] and for one year thereafter.

Sec. 22. Any elected judge of [a] THE court of appeals, circuit court or probate court may become a candidate in the primary election for the office of which he is the incumbent by filing an affidavit of candidacy in the form and manner [provided] PRESCRIBED by law.

Sec. 23. A vacancy in the elective office of a judge of any court of record shall be filled at a general or special election AS PROVIDED BY [according to] law. The supreme court may authorize persons who have served as judges and who have retired, to perform judicial duties for the limited period of time from the occurrence of the vacancy until the successor is elected and qualified. SUCH PERSONS SHALL BE INELIGIBLE FOR ELECTION TO FILL THE VACANCY.

Sec. 24. There shall be printed upon the ballot under the name of each elected incumbent justice or judge[,] who is a candidate for nomination or election to the same office[,] the designation of that office.

Sec. 25. For reasonable cause, which is not sufficient ground for impeachment, the governor shall remove any judge on a concurrent resolution of [2/3] TWO-THIRDS of the members elected to and serving in each house of the legislature. The cause for removal shall be stated at length in [such] THE resolution.

Sec. 26. The offices of circuit court commissioner and justice of the peace shall be abolished at the expiration of [5] FIVE years from the date this constitution becomes effective or may within this period be abolished by law. Their jurisdiction and powers within this period shall be as provided by law. Within [such] THIS [5] FIVE-year period, the legislature shall establish a court or courts of limited jurisdiction with powers and jurisdiction defined by law. The location of such court or courts, and the qualifications, tenure, method of election[,] and salary of the judges of such court or courts, and by what governmental units the JUDGES [same] shall be paid, shall be provided by law, subject to the limitations contained in this Article.

Statutory courts in existence at the time this constitution becomes effective shall retain their powers and jurisdiction, except as provided by law, until they are abolished by law.

Sec. 27. The supreme court, the court of appeals, the circuit court, or any justices or judges thereof, shall not exercise any power of appointment to public office except as [otherwise] provided in this constitution.

Sec. 28. All final decisions, findings, rulings

and orders of any administrative officer or [body] AGENCY existing under the constitution or by law, which are judicial or quasi-judicial and affect private rights [,] or licenses, shall be subject to direct review by the courts as [shall be] provided by law. This review shall include, as a minimum, the determination whether such final decisions, findings, rulings and orders are authorized by law[.]; and, in cases in which a hearing is required, whether the same are supported by competent, material[,] and substantial evidence on the whole record[:]. [Provided however, that the] Findings of fact [of the] IN workmen's compensation [commission] PROCEEDINGS shall be conclusive in the absence of fraud unless otherwise provided by law.

Sec. 29. Justices of the supreme court, judges of the court of appeals, circuit judges[,] and other judges as provided by law shall be conservators of the peace within their respective jurisdictions.

ARTICLE VII LOCAL GOVERNMENT

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Article VII

Local Government

Sec. 1. Each organized county shall be a body corporate with powers and immunities [prescribed] PROVIDED by law.

Sec. 2. Any county may frame, adopt, amend or repeal a county charter in a manner and with powers and limitations to be provided by general law, which shall among other things provide for the election of a charter commission. The law may permit the organization of county government in form different from that set forth in this constitution and shall limit the rate of ad valorem property taxation for county purposes, and restrict THE [their] powers of CHARTER COUNTIES TO borrow[ing] money and contract[ing] debts. Each charter county is hereby granted power to levy other taxes for county purposes subject to limitations and prohibitions set forth in this constitution or law. Subject to law, a county charter may authorize the county through its regularly constituted authority to [enact] ADOPT resolutions and ordinances relating to its concerns.

The board of supervisors by a majority vote of its members may, and upon petition of [5] FIVE percent of the electors shall, place upon the ballot the question of electing a commission to frame a charter.

No county charter shall be adopted, amended or repealed until approved by a majority of electors voting on the question.

Sec. 3. No organized county shall be reduced by the organization of new counties to less than 16 townships as surveyed by the United States, unless APPROVED in [pursuance of] THE MANNER PRESCRIBED BY law BY a majority of electors voting [on] THEREON [the question] in each county to be affected. [thereby shall so decide.]

Sec. 4. There shall be elected for [4] FOUR-year terms in each organized county a sheriff, a county clerk, a county treasurer, a register of deeds and a prosecuting attorney, whose duties and powers shall be [prescribed] PROVIDED by law. The board of supervisors in any county may COMBINE [unite] the offices of county clerk and register of deeds in one office or separate the same

at pleasure.

Sec. 5. The sheriff, county clerk, county treasurer and register of deeds shall hold their principal offices at the county seat.

Sec. 6. The sheriff may be required by law to renew his security [from time to time] PERIODICALLY and in default of giving such security, his office shall be [deemed] vacant. The county shall never be responsible for his acts, except that the board of supervisors may protect him against claims by prisoners for unintentional injuries received while in his custody. He shall not hold any other office except in [connection with] civil defense.

Sec. 7. A board of supervisors shall be established in each ORGANIZED county consisting of one member from each organized township and such representation from cities as [shall be prescribed] PROVIDED by law.

Sec. 8. [The] Boards of supervisors shall have LEGISLATIVE, ADMINISTRATIVE [such] AND SUCH OTHER powers and duties as provided by law [not inconsistent with this constitution].

Sec. 9. [The] Boards of supervisors shall have exclusive power to fix the compensation of [all] county [officials] OFFICERS not otherwise provided [for] by law.

Sec. 10. [No] A county seat once established shall NOT be removed until the place to which it is proposed to be [re]moved shall be designated by [2/3] TWO-THIRDS of the MEMBERS OF THE board of supervisors [of the county,] and a majority of the electors voting thereon shall have [voted in favor of] APPROVED the proposed location in [a] THE manner prescribed by law.

Sec. 11. No county shall incur any indebtedness which shall increase its total debt beyond 10 percent of its assessed valuation.

Sec. 12. [No] A navigable stream [of this state] shall NOT be bridged or dammed without permission granted by the board of supervisors of the county [under the provisions of] AS PROVIDED BY law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and POLITICAL SUBDIVISIONS [the municipalities] therein.

Sec. 13. Two or more CONTIGUOUS counties may combine into a single county [provided] IF APPROVED IN EACH AFFECTED COUNTY BY a majority of the [voters] ELECTORS voting on the question. [of each county, voting separately, approve such combination and the counties are contiguous.]

Sec. 14. The board of supervisors of each organized county may organize and consolidate townships under restrictions and limitations [prescribed] PROVIDED by law.

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

Sec. 15. Any county, when authorized by its BOARD OF SUPERVISORS [legislative body] shall have the authority to enter or to intervene in any ACTION [suit] or certificate proceeding involving the services, charges or rates of any privately owned public utility furnishing services or commodities to rate payers within the county.

Sec. 16. The legislature may provide for the laying out, construction, improvement and maintenance of highways, bridges, culverts and airports by the state and by the counties and townships thereof; and may authorize counties to take charge and control of any highway within their limits for such purposes. The legislature may [also prescribe] PROVIDE the powers and duties of counties in relation to highways, bridges, culverts and airports; may provide for county road commissioners to be appointed or elected, with powers and duties [as may be prescribed] PROVIDED by law. The ad valorem property tax IMPOSED for road purposes by any county shall not exceed in any year [1/2] ONE-HALF of one percent of the assessed valuation for the preceding year.

Sec. 17. Each organized township shall be a body corporate with powers and immunities [prescribed] PROVIDED by law [and not inconsistent with this constitution].

Sec. 18. IN EACH ORGANIZED TOWNSHIP there shall be elected for [a] terms of not less than [2 years] TWO nor more than [4] FOUR years as [provided] PRESCRIBED by law [in each organized township] a [township] supervisor, a [township] clerk, a [township] treasurer, and[,] not to exceed [4 township] FOUR trustees, whose legislative and administrative powers and duties shall be [prescribed] PROVIDED by law.

Sec. 19. No ORGANIZED township shall grant any public utility franchise which is not subject to revocation at the will of the township, unless the proposition shall FIRST have BEEN APPROVED BY [first received the affirmative vote of] a majority of the electors of such township voting thereon at a regular or special election.

Sec. 20. The legislature shall provide by law for the dissolution of township government whenever all the territory of [a] AN ORGANIZED township is included within the boundaries of a village or villages NOTWITHSTANDING THAT A VILLAGE MAY INCLUDE TERRITORY WITHIN ANOTHER ORGANIZED TOWNSHIP and provide by law for the classification of such village or villages as cities [notwithstanding that a village may include territory within another township].

Sec. 21. The legislature shall provide by general laws for the incorporation of cities and villages[;]. [such general laws] SUCH LAWS shall limit their rate of [general] AD VALOREM property taxation for municipal purposes, and

restrict [their] THE powers of CITIES AND VILLAGES TO borrow[ing] money and contract[ing] debts. Each city and village is granted power to levy other taxes for public purposes, subject to limitations and prohibitions provided by this constitution or by law.

Sec. 22. Under general laws the electors of each city and village shall have the power and authority to frame, adopt[,] and amend its charter, and to amend an existing charter of the city or village heretofore granted or enacted by the legislature for the government of the city or village. Each such city and village shall have power to [pass] ADOPT resolutions and ordinances relating to its municipal concerns, property and government, subject to the constitution and law. No enumeration of powers granted to cities and villages in this constitution shall [be deemed to] limit or restrict the general grant of authority conferred by this section.

Sec. 23. Any city or village may acquire, own, establish and maintain, within or without its corporate limits, parks, boulevards, cemeteries, hospitals[,] and all works which involve the public health or safety.

Sec. 24. Subject to this constitution, any city or village may acquire, own[,] and operate, within or without its corporate limits, public service facilities for supplying water, light, heat, power, sewage disposal and transportation to the municipality and the inhabitants thereof.

Any city or village may sell and deliver heat, power[, and] OR light without its corporate limits [to] IN an amount not [to exceed] EXCEEDING 25 percent of that furnished by it within the corporate limits, except as greater amounts may be permitted by law; may sell and deliver water and provide sewage disposal services[,] outside of its corporate limits in such amount as may be determined by the legislative body of the city or village; and may operate transportation lines [without] OUTSIDE the municipality within such limits as may be prescribed by law.

Sec. 25. No city or village shall acquire any public utility furnishing light, heat [and] OR power, or grant any public utility franchise which is not subject to revocation at the will of the city or village, unless the proposition shall FIRST have been approved by [3/5] THREE-FIFTHS of the electors voting thereon. No city or village may sell any such public utility unless the proposition shall FIRST have been approved by a majority of the electors voting thereon, or a greater number if the charter shall so provide.

Sec. 26. Except as otherwise provided in this constitution, no city or village shall have the power to loan its credit for any private purpose or, except as [authorized] PROVIDED by law, for any public purpose.

Sec. 27. Notwithstanding any other provision

of this constitution the legislature may establish in metropolitan areas additional forms of government or authorities with powers, duties and jurisdictions as the legislature shall provide. Whenever possible, such additional forms of government or authorities shall be designed to perform multi-purpose functions rather than a single function.

Sec. 28. The legislature by general law shall authorize two or more counties, cities, villages, townships or districts, or any combination thereof among other things to: enter into contractual undertakings or agreements with one another or with the state or with any combination thereof for the joint administration of any of the functions or powers which each would have the power to perform separately; share the costs and responsibilities of functions and services with one another or with the state or with any combination thereof which each would have the power to perform separately; transfer functions or responsibilities to one another or any combination thereof upon the consent of each unit involved; cooperate with one another and with state government [and with intergovernmental agencies]; lend their credit to one another or any combination thereof as PROVIDED [prescribed] by law in connection with any authorized publicly owned undertaking.

Any other provision of this constitution notwithstanding, an officer or employee of the state or any [of] such unit[s] of government or subdivision or agency thereof, except members of the legislature, may serve on or with any governmental body established for the [above] purposes SET FORTH IN THIS SECTION and shall not be required to relinquish his office or employment by reason of such service.

Sec. 29. No person, partnership, association or corporation, public or private, operating a public utility shall have the right to the use of the highways, streets, alleys or other public places of any county, city, village or township for wires, poles, pipes, tracks, conduits or other utility facilities, without the consent of the duly constituted authority of the county, city, village or township; or to transact local business therein without first obtaining a franchise from the city, village or township. Except as otherwise [authorized] PROVIDED in this constitution the right of all counties, cities, villages and townships to the reasonable control of their highways, streets, alleys and public places is hereby reserved to such local units of government.

Sec. 30. No franchise or license shall be granted by any city, village or township for a [longer] period LONGER than 30 years.

Sec. 31. The legislature shall not vacate or alter any road, street, alley, or public place under the jurisdiction of any county, township, city or village.

Sec. 32. Any county, township, city, village, authority or school district empowered by the legislature or by this constitution to prepare budgets of estimated expenditures and revenues shall adopt [said] SUCH budgets only after a public hearing in a manner prescribed by law.

Sec. 33. The provisions of this constitution and law concerning cities, villages, counties and townships shall be liberally construed in their favor. Powers granted to counties and townships by this constitution and by law shall include those fairly implied and not [inconsistent with nor] prohibited by this constitution.

ARTICLE VIII EDUCATION

Sec.	Com. Proposal
1. Principles	1a
2. Legislative duty to public education ..	30a
3. State Board of Education—Superintendent of Public Instruction	47a
4. Higher education appropriations	98a
5. Higher education—U of M, MSU, WSU	98b
6. Other institutions of higher education.	98c
7. Community and Junior colleges	98d
8. Instruction programs, etc.	13a
9. Public libraries, support of	31a

Article VIII Education

Sec. 1. Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

Sec. 2. The legislature shall maintain and support a system of free public elementary and secondary schools as defined by law. Every school district shall provide for the education of its pupils without discrimination as to race, creed, religion, color[,] or national origin.

Sec. 3. Leadership and general supervision over all public education, including adult education and instructional programs in state institutions, except as to [degree granting] institutions of higher education GRANTING BACCALAUREATE DEGREES, is vested in a state board of education. It shall serve as the general planning and coordinating body for all public education, including higher education, and shall advise the legislature as to the financial requirements in connection therewith.

The state board of education shall appoint a superintendent of public instruction whose term of office shall be determined by the board. He shall be the chairman of the board without the right to vote, and shall be responsible for the execution of its policies. He shall be the [chief administrative] PRINCIPAL EXECUTIVE officer of a state department of education which shall

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have powers and duties provided by law.

The state board of education shall consist of [8] EIGHT members[.] WHO [Of the members first elected 2 shall serve for 2 years, 2 for 4 years, 2 for 6 years and 2 for 8 years, and their successors shall be elected for terms of 8 years. Each member] shall be nominated by party conventionS and elected at large FOR TERMS OF EIGHT YEARS as prescribed by law. The governor shall fill any vacancy by appointment for the unexpired term. The governor shall [also] be ex-officio a member of the state board of education without the right to vote.

The power of the boards of institutions of higher education provided in this constitution to supervise their respective institutions and control and direct the expenditure of the institutions' funds shall not be limited by this section.

Sec. 4. The legislature shall appropriate MONEYS [funds] to maintain the University of Michigan, Michigan State University, Wayne State University, Eastern Michigan University, Michigan College of Science and Technology, Central Michigan University, Northern Michigan University, Western Michigan University, Ferris Institute, Grand Valley State College, by whatever names [said] SUCH institutions may hereafter be known, and other institutions of higher education established by law. The legislature shall be given an annual accounting of all income and expenditures by each of these educational institutions. Formal sessions of governing boards of such institutions shall be open to the public.

Sec. 5. The regents of the University of Michigan and their successors in office shall constitute a body corporate known as the Regents of the University of Michigan; the trustees of Michigan State University and their successors in office shall constitute a body corporate known as the Board of Trustees of Michigan State University; the governors of Wayne State University and their successors in office shall constitute a body corporate known as the Board of Governors of Wayne State University. [These] EACH board[s] shall have [the] general supervision of [their respective] ITS institution[s] and the control and direction of all expenditures from the institution's funds. EACH BOARD [They] shall, as often as necessary, elect a president of the institution under ITS [their respective] supervision. [who] HE shall be the principal executive officer of the institution, [and] be ex-officio a member of the board [but] without the right to vote[,] and preside at meetings of the board. The board[s] of each institution shall consist of [8] EIGHT members who shall hold office for TERMS OF [8] EIGHT years and who shall be elected [according to] AS PROVIDED BY law. The governor shall fill board

vacancies by appointment. Each appointee shall hold office until a successor has been nominated and elected as [prescribed] PROVIDED by law.

Sec. 6. Other institutions of higher education established by law having authority to grant baccalaureate degrees shall each be governed by a board of control which shall be a body corporate. The board shall have general supervision of the institution and the control and direction of all expenditures from the institution's funds. [and] IT shall, as often as necessary, elect a president of the institution under its supervision. [who] HE shall be the principal executive officer of the institution and be ex-officio a member of the board [but] without the right to vote. The board may elect one of ITS MEMBERS [their number], or may designate the president, to preside at board meetings. Each board of control shall consist of [8] EIGHT members who shall hold office for TERMS OF [8] EIGHT years, NOT MORE THAN TWO OF WHICH SHALL EXPIRE IN THE SAME YEAR, and WHO SHALL be appointed by the governor BY AND WITH THE ADVICE AND CONSENT OF THE SENATE, [in the same manner as executive appointments are provided in this constitution.] Vacancies shall be filled in like manner.

Sec. 7. The legislature shall provide by law for the establishment and financial support of public community and junior colleges[,] which shall be supervised and controlled by locally elected boards. The legislature shall provide by law for a state board for public community and junior colleges[,] which shall advise the state board of education concerning general supervision and planning for such colleges and requests for annual appropriations for their support. The board shall consist of [8] EIGHT members who shall hold office for TERMS OF [8] EIGHT years, NOT MORE THAN TWO OF WHICH SHALL EXPIRE IN THE SAME YEAR, and WHO SHALL be appointed by the state board of education. Vacancies shall be filled in like manner. The superintendent of public instruction shall be ex-officio a member of this board without the right to vote.

Sec. 8. Institutions, programs, and services for the care, treatment, education or rehabilitation of those inhabitants who are physically, mentally, or otherwise seriously handicapped shall always be fostered and supported.

Sec. 9. The legislature shall provide by law for the establishment and support of public libraries which shall be available to all residents of the state under regulations adopted by the governing bodies thereof. All fines assessed and collected in the several counties, cities[,] and townships for any breach of the penal laws shall be exclusively applied to the support of such public libraries, and county law libraries as provided by law.

ARTICLE IX FINANCE & TAXATION

Sec.	Com. Proposal
1. Tax for State Expenses	50a
2. No Surrender of Tax Power	54a
3. Uniform Rule of Taxation	51a
4. Non Profit Corporation	51a
5. Assessment, rate of	52a
6. Limits on Ad Valorem Taxes	56a
7. No graduated tax	51a
8. Sales Tax limit	39a
9. Gasoline and Motor Vehicle Taxes, Use, Exceptions	38a
10. Sales Taxes, Distribution of	39a
11. School Aid Fund	39b
12. Evidence of Indebtedness	23a
13. Public Bodies, Borrowing of	49a
14. State Pledge Full Faith and Credit .	23b
15. Additional Borrowing	23b
16. School Bonds	23d
17. Payments from Treasury	37b
18. Prohibition on Credit to Private Concerns	23c
19. Stock, Interest of State in	37d
20. State Depositories	37a
21. Annual Accounting of Public Moneys	37c, 78a
22. Adjustment of Claims	74a
23. Financial Records; open and public .	37c-1
24. Pensions, State Obligations	40a

Article IX

Finance and Taxation

Sec. 1. The legislature shall impose taxes sufficient with other resources to pay the expenses of state government.

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

Sec. 3. The legislature shall provide for the uniform general ad valorem taxation of real and tangible personal property not exempt by law. The legislature shall provide for the determination of true cash value of such property; the proportion of true cash value at which such property shall be uniformly assessed, which shall not, after January 1, 1966, exceed 50 percent; and for a system of equalization of assessments. The legislature may provide for alternative means of taxation of designated real and tangible personal property in lieu of general ad valorem taxation. Every tax other than the general ad valorem property tax shall be uniform upon the class or classes on which it operates.

Sec. 4. Property held by a non-profit corporation, association, or legal entity and used and occupied exclusively for religious, educational, charitable or burial grounds purposes, as defined by law, shall be exempt from real and personal property taxes.

Sec. 5. The legislature shall provide for the assessment by the state of the property of those PUBLIC SERVICE businesses [whose property is now] assessed by the state AT THE DATE THIS CONSTITUTION BECOMES EFFECTIVE, and of other property as designated by the legislature, and for the [levy] IMPOSITION and collection of taxes thereon. Property assessed by the state shall be assessed at the same proportion of its true cash value as the legislature shall specify for property subject to general ad valorem taxation. The rate of taxation on such property shall be the average rate levied upon other property in this state under the general ad valorem tax law, or, if the legislature provides, the rate of tax applicable to the property of each business enterprise assessed by the state shall be the average rate of ad valorem taxation levied upon other property in all counties in which any of such property is situated.

Sec. 6. Except as otherwise provided in this constitution, the total amount of general ad valorem taxes [levied against] IMPOSED UPON REAL AND TANGIBLE PERSONAL property for all purposes in any one year shall not exceed 15 mills on each dollar of the assessed valuation of [said] property as finally equalized. Under procedures provided by law, which shall guarantee the right of initiative, separate tax limitations for any county and FOR the townships and FOR school districts therein, the aggregate of which shall not exceed 18 mills on each dollar of such valuation, may be adopted and thereafter altered by the vote of a majority of the qualified electors of such county voting thereon, in lieu of the limitation hereinbefore established. The limitations established [herein] BY THIS CONSTITUTION or by county vote may be increased to an aggregate of not to exceed 50 mills, OR MORE IF PROVIDED BY LAW, on each dollar of [such] valuation, [except as otherwise provided by law,] for a period of not to exceed 20 years at any one time, [by the vote of] IF APPROVED BY a majority of the [qualified] electors, QUALIFIED UNDER [as defined in] Article II, [hereof] SECTION 6 OF THIS CONSTITUTION[,] VOTING ON THE QUESTION [of any such taxing authority voting thereon].

The foregoing limitations shall not apply to [(a)] taxes [levied] IMPOSED for the payment of principal and interest on bonds or other evidences of indebtedness[,] or for the payment of assessments or contract obligations in anticipation of which bonds are issued, which taxes may be [levied] IMPOSED without limitation as to rate or amount[,] or [(b)] TO taxes [levied] IMPOSED for any other purpose by any city, village, charter county, charter township or other charter authority the tax limitations of which are provided by charter or by general law.

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

In any school district which extends into [2] TWO or more counties, [there may be levied and collected for school purposes throughout the district] property taxes at the highest rate available in the county which contains the greatest part of the area of the district MAY BE IMPOSED AND COLLECTED FOR SCHOOL PURPOSES THROUGHOUT THE DISTRICT.

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

Sec. 8. [At no time shall] The legislature SHALL NOT [levy] IMPOSE a sales tax on retailers at a rate of more than [4] FOUR percent of their gross taxable sales of tangible personal property.

Sec. 9. All specific taxes, except general sales and use taxes and regulatory fees, imposed DIRECTLY OR INDIRECTLY on fuels sold or used to propel motor vehicles upon highways and on registered motor vehicles shall, after the payment of [the] necessary collection expenses, be used exclusively for highway purposes as defined by law.

Sec. 10. One-eighth of all taxes [upon the privilege of selling] IMPOSED ON RETAILERS ON TAXABLE SALES AT RETAIL OF tangible personal property [at retail] shall be used exclusively for assistance to cities, villages and townships, on a population basis as provided by law. IN DETERMINING POPULATION the legislature may exclude [from population] any portion of the total number of persons who are wards, patients or convicts [of] IN any tax supported institution.

Sec. 11. There shall be established a state school aid fund. The legislature may [from time to time] dedicate [certain] tax revenues to this fund which shall be used exclusively for the support of public education and [for] school employees' retirement systems, [in a manner] AS provided by law.

Sec. 12. No evidence of state indebtedness shall be issued except for debts authorized pursuant to this constitution.

Sec. 13. Public bodies corporate shall have power to borrow money and to issue their securities evidencing debt, subject to this constitution and law.

Sec. 14. To meet obligations incurred pursuant to appropriations for any fiscal year, the legislature may by law authorize the state to issue its full faith and credit notes in which case it shall pledge undedicated revenues to be received within the same fiscal year for the repayment thereof. Such indebtedness in any fiscal year shall not exceed 15 percent of undedicated revenues received by the state during the preceding fiscal year and such debts shall be repaid at the time the revenues so pledged are received, but not later than the end of the same fiscal year.

Sec. 15. The state may borrow money for specific purposes in amounts as may be provided by acts of the legislature adopted by a vote of [2/3] TWO-THIRDS of the members elected to and serving in each house, and approved by a majority of the electors voting thereon at any general election. The question submitted to the electors shall state the amount to be borrowed, the specific purpose to which the funds shall be devoted, and the method of repayment.

Sec. 16. The state, in addition to any other borrowing power, may borrow from time to time such amounts as shall be required, pledge its faith and credit and issue its notes or bonds therefor, for the purpose of making loans to school districts as provided in this section.

If the minimum amount which [it] would otherwise be necessary for a school district to levy in any year to pay principal and interest on its qualified bonds, including any necessary allowances for estimated tax delinquencies, exceeds 13 mills on each dollar of its assessed valuation as [last] FINALLY equalized [by the state], or such lower millage as the legislature may prescribe, then the school district may elect to borrow all or any part of the excess from the state. In that event the state shall LEND [loan] the excess amount to the school district for the payment of principal and interest. If for any reason any school district will be or is unable to pay the principal and interest on its qualified bonds when due, then the school district shall borrow and the state shall LEND [loan] to it an amount sufficient to enable the school district to make the payment.

The term "qualified bonds" means general obligation bonds of school districts issued for capital expenditures, including refunding bonds, issued prior to May 4, 1955, or issued thereafter and qualified as provided by law pursuant to Section 27 or Section 28, Article X, of the Constitution of 1908 or pursuant to this section.

After a school district has received loans from the state, each year thereafter it shall levy for debt service, exclusive of levies for nonqualified bonds, not less than 13 mills or such lower millage as the legislature may prescribe, until the amount loaned has been repaid, and any tax collections therefrom in any year over and above the minimum requirements for principal and interest on qualified bonds shall be used toward the repayment of state loans. In any year when such [a] levy would produce an amount in excess of the requirements and the amount due to the state, the levy may be reduced by the amount of the excess.

Subject to the foregoing provisions, the legislature shall have the power to prescribe and to limit the procedure, terms and conditions for the qualification of bonds, for obtaining and making state loans, and for the repayment of loans.

The power to tax for the payment of principal

and interest on bonds hereafter issued which are the general obligations of any school district, including refunding bonds, and for repayment of any state loans made to school districts, shall be without limitation as to rate or amount.

All rights acquired under Sections 27 and 28, Article X of the Constitution of 1908, by holders of bonds heretofore issued, and all obligations assumed by the state or any school district under these sections, shall remain unimpaired.

Sec. 17. No money shall be paid out of the state treasury except in pursuance of appropriations made by law.

Sec. 18. The credit of the state shall not be granted to, nor in aid of any person, association or corporation, public or private, except as authorized in this constitution.

This section shall not be construed to prohibit the investment of public funds until needed for current requirements [or the investment of public employee retirement system funds], as [may be] provided by law.

Sec. 19. The state shall not subscribe to, nor be interested in the stock of any company, association or corporation[,] . [except that] Funds accumulated to provide retirement or pension benefits for public officials and employees may be invested as provided by law[;] . [and except that] Endowment funds created for charitable or educational purposes may be invested as provided by law governing the investment of funds held in trust by trustees.

Sec. 20. No state money shall be deposited in banks other than those organized under the national or state banking laws. No state money shall be deposited in any bank in excess of 50 percent of the capital and surplus of such bank. Any bank receiving deposits of state money shall show the amount of state money so deposited as a separate item in all published statements.

Sec. 21. The legislature shall provide by law for the annual accounting for all public moneys, state and local, and may [also] provide by law for interim accounting.

The legislature shall provide by law for the maintenance of uniform accounting systems by units of local government and the auditing of county accounts by competent state authority and other units of government as provided by law.

Sec. 22. PROCEDURES FOR THE EXAMINATION AND ADJUSTMENT OF CLAIMS AGAINST THE STATE SHALL BE PRESCRIBED BY LAW.

Sec. 23. All financial records, accountings, audit reports and other reports of public moneys shall be public records and open to inspection. A statement of all revenues and expenditures of public moneys shall be published and distributed annually, as [prescribed] PROVIDED by law.

Sec. 24. The accrued financial benefits of each pension plan and retirement system of the state and its political subdivisions shall be a contractual obligation thereof which shall not be diminished or impaired thereby.

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

ARTICLE X PROPERTY

Sec.	Com. Proposal
1. Married Women	63a
2. Eminent Domain	67a
3. Homestead Exemption	12a
4. Escheats	74a
5. State Lands	129a
6. Alien Rights	43a

Article X Property

Sec. 1. The real and personal estate of every woman, acquired before marriage, and all property to which she may afterwards become entitled by gift, grant, inheritance or devise, shall be and remain the estate and property of such woman, and shall not be liable for the debts, obligations or engagements of her husband, and may be devised or bequeathed by her as if she were unmarried.

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

Sec. 3. A homestead in the amount of not less than \$3,500[.00] and personal property of every resident of this state in the amount of not less than \$750[.00], as defined by law, shall be exempt from forced sale on execution or other process of any court. Such exemptions shall not extend to any lien thereon excluded FROM EXEMPTION by law.

Sec. 4. Procedures [for the examination and adjustment of claims against the state and procedures] relating to escheats and to the custody and disposition of escheated property shall be prescribed by law.

Sec. 5. The legislature shall have general supervisory jurisdiction over all state owned lands useful for forest preserves, game areas and recreational purposes; shall require annual reports as to such lands from all departments having supervision or control thereof; and shall by general law provide for the sale, lease[,] or other disposition of such lands.

The legislature BY AN ACT ADOPTED [by a resolution concurred in] by TWO-THIRDS [2/3]

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

of the members elected to and serving in each house may [from time to time declare] DESIGNATE any part of such lands AS [to be] a state land reserve. [and may remove lands from such classification.] No lands in the state land reserve may be REMOVED FROM THE RESERVE, sold, leased or otherwise disposed of except by an act of the legislature.

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

ARTICLE XI PUBLIC OFFICERS AND EMPLOYMENT

Sec.	Com. Proposal
1. Oath of Office	25a
2. Terms of Office	61a
3. Extra Compensation	62a
4. Custodian of Funds, Accounting	55a
5. Classified Civil Service, creation	22a
6. Civil Service Commission	22a
7. Commission to make rules and fix compensation	22a
8. Increases in Compensation	22a
9. May abolish positions	22a
10. Commission to recommend increases to governor and legislature	22a
11. Commission to receive appropriations	22a
12. Violations of Civil Service Article ..	22a
13. Civil Service, Local Government, county	76a, 81m
14. Impeachment	42a, 42b, 42c, 42d
15. Removal of Elected Officers	42e

Article XI

Public Officers and Employment

Sec. 1. [Members of the legislature and] All officers, LEGISLATIVE, executive and judicial, [shall,] before [they enter] ENTERING upon the duties of their respective offices, SHALL take and subscribe the following oath or affirmation: ["I do solemnly swear (or affirm) that I will support the Constitution of the United States and the constitution of this state, and that I will faithfully discharge the duties of the office of according to the best of my ability.""] No other oath, affirmation, or any religious test shall be required as a qualification for any office or public trust.

Sec. 2. The terms of office of elective state officers, members of the legislature[,] and JUSTICES AND judges of courts of record shall begin at [12:00] TWELVE o'clock noon on the first day of January next succeeding their election, except as otherwise provided in this constitution. The terms of office of county officers shall begin on the first day of January next succeeding their election, except as otherwise provided

by law.

Sec. 3. Neither the legislature nor any political subdivision of this state shall grant or authorize extra compensation to any public officer, agent or contractor after the service has been rendered or the contract entered into.

Sec. 4. No person having custody or control of public moneys shall [have a seat in] BE A MEMBER OF the legislature, [n]or be eligible to any office of trust or profit under this state, until he shall have made an accounting, as provided by law, of all sums for which he may be liable.

Sec. 5. The classified state civil service shall consist of all positions in the state service except those filled by popular election, heads of principal departments, members of boards and commissions, the [chief] PRINCIPAL executive officer of boards and commissions heading principal departments, employees of courts of record, employees of the legislature, employees of the state institutions of higher education, all persons in the armed forces of the state, [8] EIGHT exempt positions in the office of the governor, and within each principal department, when requested by the department head, [2] TWO other exempt positions, one of which shall be policy-making. The civil service commission may exempt [3] THREE additional positions of a policy-making nature within each principal department.

Sec. 6. The civil service commission shall be non-salaried and shall consist of [4] FOUR persons, not more than [2] TWO of whom shall be members of the same political party, appointed by the governor for TERMS OF [8] EIGHT yearS, [overlapping terms.] NO TWO OF WHICH SHALL EXPIRE IN THE SAME YEAR.

The administration of the commission's powers shall be vested in a state personnel director who shall be a member of the classified service and who shall be responsible to and selected by the commission after open competitive examination.

Sec. 7. The commission shall classify all positions in the classified service according to their respective duties and responsibilities, fix rates of compensation for all classes of positions, approve or disapprove disbursements for all personal services, determine by competitive examination and performance exclusively on the basis of merit, efficiency and fitness the qualifications of all candidates for positions in the classified service, make rules and regulations covering all personnel transactions, and regulate all conditions of employment in the classified service.

No person shall be appointed to or promoted in the classified service who has not been certified BY THE COMMISSION as qualified for such appointment or promotion [by the commission]. No appointments, promotions, demotions or removals in the classified service shall be made for

partisan, racial or religious considerations.

Sec. 8. Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. Within 60 calendar days following such transmission, the legislature may, by a [2/3] TWO-THIRDS vote of the members elected to and serving in each house, reject, reduce, or modify increases in rates of compensation authorized by the commission[:]. [Provided however,] The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases authorized by the commission. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year.

Sec. 9. The appointing authorities may create or abolish positions for reasons of administrative efficiency without the approval of the commission. Positions shall not be created nor abolished except for reasons of administrative efficiency. Any employee considering himself aggrieved by the abolition of a position shall have a right of appeal to the commission through established grievance procedures.

Sec. 10. The civil service commission shall recommend to the governor and to the legislature rates of compensation for all appointed positions within the executive department not a part of the classified service.

Sec. 11. To enable the commission to exercise its powers, the legislature shall appropriate to the commission for the ensuing fiscal year a sum not less than one percent of the aggregate payroll of the classified service for the preceding fiscal year, as certified by the commission. Within [6] SIX months after the conclusion of each fiscal year the commission shall return to the state treasury all [funds] MONEYS unexpended for that fiscal year.

The commission shall furnish reports of expenditures, at least annually, to the governor and the legislature and shall be subject to annual audit as provided by law.

Sec. 12. No payment for personal services shall be made or authorized until the provisions of this [article] CONSTITUTION PERTAINING TO CIVIL SERVICE have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

Sec. 13. BY ORDINANCE OR RESOLUTION WHICH SHALL NOT TAKE EFFECT UNTIL APPROVED BY A MAJORITY OF THE ELECTORS VOTING THEREON, each city, village,

township, county, school district[,] and other governmental unit[s] or authorit[ies]Y [performing the same or similar functions] may[, by ordinance or resolution of the governing body which ordinance or resolution shall not take effect until approved by a majority of the electors voting thereon,] establish, modify or discontinue a merit system for its employees other than teachers under contract or tenure. The state civil service commission may on request furnish technical services [to them] TO ANY SUCH UNIT on a reimbursable basis.

[The board of supervisors of any county with a population of 1,000,000 or more shall have the power by ordinance to establish a merit system for county employment. The ordinance or any amendments thereto shall not take effect until approved by a majority of the electors voting thereon.]

Sec. 14. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office or for crimes or misdemeanors, but a majority of the members elected and serving shall be necessary to direct an impeachment.

When an impeachment is directed, the house of representatives shall elect [3] THREE of its members to prosecute the impeachment.

Every impeachment shall be tried by the senate immediately after the final adjournment of the legislature. The senators shall take an oath or affirmation truly and impartially to try and determine the impeachment according to the evidence. When the governor or lieutenant governor is tried, the chief justice of the supreme court shall preside.

No person shall be convicted without the concurrence of [2/3] TWO-THIRDS of the senators elected and serving. Judgment in case of conviction shall not extend further than removal from office, but the person convicted shall be liable to punishment according to law.

No judicial officer shall exercise ANY OF THE FUNCTIONS OF his office after an impeachment is directed until he is acquitted.

Sec. 15. Any elected officer of a political subdivision may be removed from office in the manner and for the causes [prescribed] PROVIDED by law.

ARTICLE XII AMENDMENT & REVISION

Sec.	Com. Proposal
1. By Legislature	64a
2. By Petition of Electors	65a
3. Constitutional Convention	66a

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

Article XII

Amendment & Revision

Sec. 1. Amendments to this constitution may be proposed in the senate or house of representatives. Proposed amendments agreed to by [2/3] TWO-THIRDS of the members elected to and serving in each house on a [yea and nay] vote WITH THE NAMES AND VOTE OF THOSE VOTING entered in the respective journals shall be submitted, not less than 60 days thereafter, to the electors at the next general election or special election as the legislature shall direct. If a majority of electors voting on [such] a proposed amendment approve [such amendment,] THE SAME, it shall become part of the constitution and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved.

Sec. 2. Amendments may be proposed to this constitution by petition of the registered electors of this state. Every petition shall include the full text of the proposed amendment, and be signed by registered electors of the state equal in number to at least 10 percent of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected, or 300,000 registered electors, whichever is less. Such petitions shall be filed with the person authorized by law to receive the same at least 120 days before the election at which the proposed amendment is to be voted upon. Any such petition shall be in the form, and shall be signed and circulated in such manner, as prescribed by law. The person authorized by law to receive such petition[,] shall[,] upon its receipt[,] determine, as provided by law, the validity and sufficiency of the signatures on the petition, and make an official announcement thereof at least 60 days prior to the election at which the proposed amendment is to be voted upon.

Any amendment proposed by such petition shall be submitted, not less than 120 days after it was filed, to the electors at the next GENERAL election. [at which any state officer is to be elected.] Such proposed amendment, existing provisions of the constitution which would be altered or abrogated thereby, and the question as it shall appear on the ballot [used in such election] shall be published in full as provided by law. Copies of such publication shall be posted in each polling place and furnished to news media as provided by law.

The ballot to be used in such election shall contain a statement of the purpose of the proposed amendment, expressed in not more than 100 words, exclusive of caption. Such statement of purpose and caption shall be prepared by the person authorized by law, and shall consist of a true and impartial statement of the purpose of the amendment in such language as shall create no prejudice

for or against the proposed amendment.

If the proposed amendment is approved by a majority of the electors voting on the question, the proposed amendment shall become part of the constitution, and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved. IF TWO OR MORE AMENDMENTS APPROVED BY THE ELECTORS AT THE SAME ELECTION CONFLICT, THAT AMENDMENT RECEIVING THE HIGHEST AFFIRMATIVE VOTE SHALL PREVAIL.

Sec. 3. At the general election to be held in the year 1978, and in each 16th year thereafter and at such times as may be provided by law, the question of a general revision of the constitution shall be submitted to the electors of the state. If a majority of the electors voting on the question decide in favor of a convention for such purpose, at an election to be held not later than [4] FOUR months after the proposal was certified as approved, the electors of each [house of] representative[s] district as then organized shall elect one delegate and the electors of each senatorial district as then organized shall elect one delegate. The delegates so elected shall convene at the SEAT OF GOVERNMENT [capital city] on the first Tuesday in October next succeeding such election or at an earlier date if provided by law.

The convention shall choose its own officers, determine the rules of its proceedings and judge the qualifications, elections and returns of its members. The governor shall appoint a qualified resident of the same district to fill a vacancy in the office of any delegate. [If the legislature shall determine that delegates shall be elected on a partisan basis, the governor shall appoint a qualified resident of the same district and of the same party.] WHO SHALL BE A MEMBER OF THE SAME PARTY AS THE DELEGATE VACATING THE OFFICE IF THE LEGISLATURE PROVIDES FOR PARTISAN ELECTION OF DELEGATES. The convention shall have power to appoint such officers, employees and assistants as it deems necessary and to fix their compensation; to provide for the printing and distribution of its documents, journals and proceedings; to explain and disseminate information about the proposed constitution and to complete the business of the convention in an orderly manner. Each delegate shall receive for his services compensation provided by law.

No proposed constitution or amendment adopted by such convention shall be submitted to the electors for approval as hereinafter provided unless by the assent of a majority of all the delegates elected to and serving in the convention, WITH THE NAMES AND VOTE OF THOSE VOTING [the yeas and nays being] entered in the journal. Any proposed constitution or amendments adopted

by such convention shall be submitted to the qualified electors in the manner and at the time provided by such convention not less than 90 days after final adjournment of the convention. Upon the approval of such constitution or amendments by a majority of the qualified electors voting thereon the constitution or amendments shall take effect as provided by the convention.

SCHEDULE AND TEMPORARY PROVISIONS

Sec.	Com. Proposal
1. Attorney general to recommend necessary laws	44d
2. Writs, actions, claims, etc. remain effective	44b
3. Officers continue their duties	44c and 71g
4. Terms of officers elected November, 1962	68b
5. Terms of governor, etc. elected 1964. When 4 year terms begin	80 and 71a
6. Senate Apportionment	80
7. Supreme Court, reduction to seven justices	91a
8. Judges of Probate, eligible for re-election	96f
9. Overlapping terms for judiciary	96j
10. State Board of Education	47a
11. Boards of Control	98c
12. Educational Boards	
13. Initial allocation	71b
14. Contractual obligations remain in force	6a
15. Mackinac Bridge refunding	23b
16. Constitution submitted to people, when	68a
17. Constitution submitted to people, manner	68c

TO INSURE THE ORDERLY TRANSITION FROM THE CONSTITUTION OF 1908 TO THIS CONSTITUTION THE FOLLOWING SCHEDULE IS SET FORTH TO BE EFFECTIVE FOR SUCH PERIOD AS ITS PROVISIONS REQUIRE.

Sec. 1. The attorney general [of the state] shall recommend to the legislature AS SOON AS PRACTICABLE [at the commencement of the next session] such changes AS MAY BE NECESSARY [in existing laws as may be deemed necessary] to adapt EXISTING LAWS [the same] to this constitution.

Sec. 2. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights [of individuals, partnerships, bodies corporate, and of this state or any subdivision or agency thereof] existing on the effective date [hereof] OF THIS CONSTITUTION shall continue unaffected except as modified in accordance with the provisions of this constitution.

Sec. 3. Except as otherwise provided in this constitution, all officers filling any office by election or appointment shall continue to exercise THEIR POWERS AND [the] duties [thereof, according to their respective commissions or appointments,] until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

No provision of this constitution, or of law or of executive order authorized by this constitution shall shorten the term of any person elected to state office at a statewide election ON [in] or prior to THE DATE ON WHICH THIS CONSTITUTION IS SUBMITTED TO A VOTE. [November, 1962.] In the event the duties of any [of] such officers shall not have been ABOLISHED OR incorporated into one or more of the principal departments at the expiration of his term, such officer shall continue to serve until his duties are so incorporated OR ABOLISHED.

Sec. 4. All officers elected [on the Tuesday after the first Monday of November, 1962] AT THE SAME ELECTION THAT THIS CONSTITUTION IS SUBMITTED TO THE PEOPLE FOR ADOPTION [under the 1908 Constitution as amended and existing laws] shall take office [on and after the first day of January, 1963,] and complete the term to which they were elected UNDER THE 1908 CONSTITUTION AND EXISTING LAWS AND CONTINUE TO SERVE UNTIL THEIR SUCCESSORS ARE ELECTED AND QUALIFIED PURSUANT TO THIS CONSTITUTION OR LAW.

Sec. 5. Notwithstanding any other provision in this constitution, the governor, THE lieutenant governor, THE secretary of state [and], THE attorney general, AND state senators shall be elected at the general election in 1964 to serve for [2] TWO year terms beginning on the first day of January next succeeding their election. The first [4 year] election OF SUCH OFFICERS FOR FOUR-YEAR TERMS under this constitution shall be held at the general election in 1966.

Sec. 6. The state shall be districted for the purpose of electing senators in accordance with the provisions of [Committee Proposal 80, section a,] ARTICLE IV, SECTION 2 after the official publication of the total population count of the 1970 decennial federal census. Until the [re]apportionment of the senate following the 1970 census, the senatorial districts under the 1908 constitution[, as amended,] shall remain intact except that upon the adoption of this constitution each of the counties of Kent, Genesee, Macomb and Oakland shall be divided by the apportionment commission into [2] TWO senatorial districts and Wayne county into [8] EIGHT senatorial districts in accordance with this constitution.

Sec. 7. [A vacancy hereafter created as the result of the death, retirement or resignation of one incumbent justice shall not be filled.]

NOTWITHSTANDING THE PROVISIONS OF THIS CONSTITUTION THAT THE SUPREME COURT SHALL CONSIST OF SEVEN JUSTICES IT SHALL CONSIST OF EIGHT JUSTICES UNTIL THE TIME THAT A VACANCY OCCURS AS A RESULT OF DEATH, RETIREMENT OR RESIGNATION OF A JUSTICE. THE FIRST SUCH VACANCY SHALL NOT BE FILLED.

Sec. 8. Any [supreme court justice, circuit judge,] judge of probate serving [at] ON the [time this constitution becomes] effective DATE OF THIS CONSTITUTION may serve the remainder of the term and be eligible TO SUCCEED HIMSELF for election [to his present office] regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

Sec. 9. The provisions of [this] Article VI providing that terms of JUDICIAL offices shall not all expire at the same time, shall be implemented BY LAW PROVIDING THAT at the next election for such offices [by legislation providing for elections] JUDGES SHALL BE ELECTED for terms of varying length, none of which shall be shorter than the [basic] REGULAR term provided for the office.

Sec. 10. THE MEMBERS OF THE STATE BOARD OF EDUCATION PROVIDED FOR IN ARTICLE VIII SECTION 3 SHALL FIRST BE ELECTED AT THE FIRST GENERAL ELECTION AFTER THE EFFECTIVE DATE OF THIS CONSTITUTION FOR THE FOLLOWING TERMS: TWO SHALL BE ELECTED FOR TWO YEARS, TWO FOR FOUR YEARS, TWO FOR SIX YEARS, AND TWO FOR EIGHT YEARS AS PRESCRIBED BY LAW.

THE STATE BOARD OF EDUCATION PROVIDED FOR IN THE CONSTITUTION OF 1908 IS ABOLISHED AT TWELVE O'CLOCK NOON JANUARY 1 OF THE YEAR FOLLOWING THE FIRST GENERAL ELECTION UNDER THIS CONSTITUTION AND THE TERMS OF MEMBERS THEREOF SHALL THEN EXPIRE.

Sec. 11. THE PROVISIONS OF THIS CONSTITUTION PROVIDING FOR MEMBERS OF BOARDS OF CONTROL OF INSTITUTIONS OF HIGHER EDUCATION AND THE STATE BOARD OF PUBLIC COMMUNITY AND JUNIOR COLLEGES SHALL BE IMPLEMENTED BY LAW. THE LAW MAY PROVIDE THAT THE TERM OF EACH MEMBER IN OFFICE ON THE DATE OF THE VOTE ON THIS CONSTITUTION MAY BE EXTENDED, AND MAY FURTHER PROVIDE THAT THE INITIAL TERMS OF OFFICE OF MEMBERS MAY BE LESS THAN EIGHT YEARS.

Sec. 12. THE PROVISIONS OF THIS CONSTITUTION INCREASING THE NUMBER OF MEMBERS OF THE BOARD OF TRUSTEES OF MICHIGAN STATE UNIVERSITY AND OF THE BOARD OF GOVERNORS OF WAYNE STATE UNIVERSITY TO EIGHT, AND OF THEIR TERMS OF OFFICE TO EIGHT YEARS, SHALL BE IMPLEMENTED BY LAW. THE LAW MAY PROVIDE THAT THE TERM OF EACH MEMBER IN OFFICE ON THE DATE OF THE VOTE ON THIS CONSTITUTION MAY BE EXTENDED ONE YEAR, AND MAY FURTHER PROVIDE THAT THE INITIAL TERMS OF OFFICE OF THE ADDITIONAL MEMBERS MAY BE LESS THAN EIGHT YEARS.

Sec. 13. The initial allocation of departments by law pursuant to Article V, Section 2 shall be completed within two years after the effective date of this constitution. If such allocation shall not have been completed within such period, the governor, within one year thereafter, by executive order, shall make the initial allocation.

Sec. 14. Contractual obligations of the state incurred pursuant to the constitution of 1908 [as amended] shall continue to be obligations of the state.

For the retirement of [such] notes and bonds [as may have been] issued under Section 26 of Article X of the 1908 constitution, there is hereby appropriated from the general fund each year during their life a sum equal to the amount of principal and interest payments due and payable in each [such] year.

Sec. 15. [Provided however, That] The legislature [is authorized to provide by general law adopted] by a vote of [2/3] TWO-THIRDS of the members elected to and serving in each house MAY PROVIDE THAT THE STATE MAY [for the] borrow[ing of] money AND MAY PLEDGE ITS FULL FAITH AND CREDIT for [the] refunding [of] any bonds issued by the Mackinac Bridge Authority[,] AND at [which] THE time OF REFUNDING the Mackinac Bridge Authority [Act] shall be [repealed] ABOLISHED and the operation of the bridge SHALL be assumed by the state highway department. THE LEGISLATURE MAY IMPLEMENT THIS SECTION BY LAW.

Sec. 16. This constitution shall be submitted to the people for their adoption or rejection at the general election to be held on the Tuesday after the first Monday of November, 1962. It shall be the duty of the secretary of state forthwith to give notice of such submission to all other officers required to give or publish any notice in regard to A GENERAL [such] election. He shall give notice that this constitution will be duly submitted to the electors at such election. The notice shall be given in the manner required for the election of governor.

Sec. 17. Every registered elector may vote

1 on the adoption of the constitution. The board
 2 of election commissioners in each county shall
 3 cause to be printed on a ballot separate from
 4 the ballot containing the names of the nominees
 5 for office, the words: ["] Shall the revised con-
 6 stitution be adopted? () Yes. () No. ["] All
 7 votes cast at THE [this] election shall be taken,
 8 counted, canvassed and returned as provided by

law for the election of state officers. [Should]
 IF the revised constitution so submitted receiveS
 more votes in its favor than were cast against
 it, it shall be the supreme law of the state on
 and after the first day of January OF THE YEAR
 FOLLOWING ITS ADOPTION [,1963, except as
 otherwise provided in this constitution].

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

ing body" there, taking that out, so that the local units of government don't have the power any more to do it but the state highway department or some place in the state of Michigan, down in Lansing, could grant all power to override that.

MR. A. G. ELLIOTT: The answer is, no.

VICE PRESIDENT HUTCHINSON: The question is upon the amendment offered by Mr. William F. Hanna and Mr. Arthur Elliott. Mrs. Cushman.

MRS. CUSHMAN: I would like to speak to the amendment. I think that actually we only have 2 changes here and I don't think they are bad. I think that actually, probably, we could make them in style and drafting and I don't think you would object to them.

In the first place you have changed — in response to Mr. Gover's question, actually, there is no change at all in the wording about franchises, not one change. In the second place, all we have said is, "No public utility" to substitute for all this business about "No person, partnership, association or corporation," and so on. And then in the other place, instead of saying all these involved words, which to my understanding is not good constitutional language, you say "wires, poles, pipes, tracks, conduits or other utility facilities;" for that we substitute just plain "utility facilities." So that it seems to me that there is really no substantive change here and, now that the other changes have been redone to correspond with the original language, I can't see that there is any particular problem at all with this.

VICE PRESIDENT HUTCHINSON: Mr. Hoxie.

MR. HOXIE: Mr. President and fellow delegates, we started out in consideration of this amendment on the premise that there was no substantive change intended, at least. However, I think it is admitted now that there was a substantive change.

I think that at this stage in our deliberations it is very unwise to start in making amendments unless we are sure that we know what we are doing. This particular section was considered by the committee and it appears now that we have 2 individuals who want to rewrite this section. The purpose I don't know or what their intent is but, as far as I am concerned, I am willing to accept the section as it came from the committee, as it was adopted by this convention, as it came back to us from style and drafting. I think it is very unwise for this convention to start amending sections unless we are sure we know what we are doing. I urge a no vote on the amendment.

VICE PRESIDENT HUTCHINSON: Mr. Hanna, just for 30 seconds.

MR. W. F. HANNA: I'll sit down.

VICE PRESIDENT HUTCHINSON: No, go ahead. The question is upon the adoption of the revised amendment offered by Mr. William F. Hanna and Mr. Arthur Elliott, which has been read. All those in favor will say aye. Opposed no.

The amendment is not adopted.

DELEGATES: Division.

VICE PRESIDENT HUTCHINSON: Division is called for. Is the demand for division supported? The demand is supported. A sufficient number up. All those in favor of the amendment will vote aye. Those opposed will vote no. Have you all voted? If so, the secretary will lock the machine and record the total.

SECRETARY CHASE: On the adoption of the amendment offered by Messrs. W. F. Hanna and A. G. Elliott, the yeas are 26; the nays are 88.

VICE PRESIDENT HUTCHINSON: The amendment is not adopted. Are there any further amendments? The question is upon the passage of article VII, local government.

MR. ALLEN: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Allen.

MR. ALLEN: I don't have an amendment but, if I could make a suggestion or a comment, I notice in the way we have set it up in the third reading, we start with an index and I assume that index will not be kept the same, particularly because it refers to committee proposals, but there are 2 sections that are very related: one is our old Committee Proposal 88, which is intergovernmental agreements as far as they apply within the state. And then there is the one that came out of emerging problems, which was 128. Now 128, as style and drafting has set it up, is now in article III under general government and I think this is all right, but the caption given it in the index

is "intergovernmental agreements;" whereas, the very similar one which we have in local government is given a different caption. I think it is called "intrastate cooperation."

I just wanted to make this suggestion and I don't know where the suggestion would go — probably to style and drafting, but each should be entitled the same but one of them is interstate and the other is intrastate. They each could be called "intergovernmental cooperation" or they each could be called "agreements," but I think if we keep the titles which we have now it could cause some confusion. And I just make this as a suggestion.

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, there are no further amendments, as I understand it?

VICE PRESIDENT HUTCHINSON: There are none.

MR. VAN DUSEN: I would move to limit further debate on this article to 5 minutes.

VICE PRESIDENT HUTCHINSON: On the motion to limit debate upon the article to 5 minutes, all those in favor will say aye. Opposed, no.

The motion prevails. The Chair recognizes Mr. Cudlip.

MR. CUDLIP: Mr. President and members, I rise just for the purpose of saying that these section captions in this brochure before you are not a part of the constitution. They are put in there for your convenience. The constitution as proposed will have article numbers and captions like judicial branch, executive branch, nothing else, and the schedule will not even bear a caption or an article number. These are purely for your convenience and if anybody puts them in future reprints of this document — if it is enacted or adopted by the people — it will be an editor, West Publishing or Callahan or somebody in the secretary of state's office, as in the present case. Thank you.

VICE PRESIDENT HUTCHINSON: Mr. Downs.

MR. DOWNS: Mr. President and fellow delegates, I did not put any amendments in on this because this had been done in committee of the whole and on second reading. In committee of the whole we did try to get certain standards for county home rule which did not pass and then in the second reading many delegates — and I was one of those — went all out for pure home rule.

I now rise in opposition to this article, urge a no vote, and want the delegates to know what the reasoning is, whether or not they individually or collectively agree. This provision now is that, "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. . . ." What I had urged in committee of the whole was that we assure that every county have partisan government. This was lost and then I supported the pure home rule concept, which would provide that any county could have either partisan or nonpartisan government, as the next best thing. This is the third best thing. My concern — and I feel it is a real one — is that by using the term "by general law" with the type of legislature we have created that there will be a classification so counties over a million, which include the one in which I reside, may end up with nonpartisan government and counties under a million may end up with the requirement of partisan government. I think this is a double standard that is, possibly, almost written into this. I think it is an unsound approach and there should be a single standard. I would take a different attitude if we had a legislature with equal representation for urban areas.

I regret that we did not improve the basic structure of the board of supervisors providing for election or providing for more equal representation therein.

I believe that in our other provisions here that we set up a double standard on cities or villages acquiring utilities where it takes 3/5 to buy and only a simple majority to reject.

Time and again through this article — such as section 27 — when we provide for metropolitan government, we use the term "the legislature may establish." I suppose the delegates are as tired of hearing as I am of saying that the concern here is that when we say "legislature may establish" — and I am greatly concerned — that this is almost meaningless when it comes to meeting the needs of those of us from industrial, urban areas with the type of legislative makeup we have. I therefore urge a

no vote and hope that there will be a substitute before we complete third reading, which will permit a more responsive, more responsible type of government and hope then that the delegates will be able to support a more positive substitute. Thank you.

VICE PRESIDENT HUTCHINSON: Mr. King.

MR. KING: Mr. President and fellow delegates, I should like to comment on this section in general, but before I do that I would like to point out to Mr. Allen and for the benefit of the record that Committee Proposal 128 deals with both intrastate and interstate governmental relations and I don't know that Mr. Allen was completely aware of that, but I should want the record to clearly reflect that fact.

I find myself, like Mr. Downs, dissatisfied and unhappy that we were not able to provide for the election of supervisors. I am also disappointed that we were not able to achieve what I considered to be essential: that is, pure home rule. However, I would point out to this delegation, and to Mr. Downs in particular, that the phrase "democratic process" is spelled with a small "d," and as such, I think it is absolutely essential that we all be prepared to win on some points and to lose on others. By and large, this is an excellent article and I support it.

VICE PRESIDENT HUTCHINSON: Time for debate has expired. The question is upon the passage of the article, article VII, local government. All those in favor of the article will vote aye. All those opposed —

MR. BINKOWSKI: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Binkowski.

MR. BINKOWSKI: I would like to announce my intention to abstain.

VICE PRESIDENT HUTCHINSON: All those in favor will vote aye. Those opposed will vote no. Mr. Binkowski abstains. Have you all voted? If so, the secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas—92

Allen	Gover	Prettie
Andrus, Miss	Gust	Pugsley
Anspach	Hanna, W. F.	Radka
Batchelor	Hannah, J. A.	Rajkovich
Beaman	Haskill	Richards, J. B.
Bentley	Hatch	Richards, L. W.
Bledsoe	Heideman	Romney
Bonisteel	Howes	Rush
Bradley	Hoxie	Sablich
Brake	Hubbs	Seyferth
Brown, G. E.	Iverson	Shackleton
Butler, Mrs.	Judd, Mrs.	Shaffer
Conklin, Mrs.	Karn	Sharpe
Cudlip	King	Sleder
Cushman, Mrs.	Kirk, S.	Spitler
Danhof	Knirk, B.	Stafseth
Dehnke	Koeze, Mrs.	Staiger
Dell	Kuhn	Stamm
DeVries	Lawrence	Sterrett
Donnelly, Miss	Leibbrand	Stevens
Doty, Dean	Leppien	Thomson
Doty, Donald	Mahinske	Tubbs
Durst	Martin	Turner
Elliott, A. G.	McAllister	Tweedie
Erickson	McLogan	Upton
Everett	Millard	Van Dusen
Farnsworth	Mosier	Wanger
Figy	Page	Wood
Follo	Plank	Woolfenden
Gadola	Pollock	Yeager
Goebel	Powell	

Nays—26

Austin	Elliott, Mrs. Daisy	Nord
Baginski	Faxon	Pellow
Balcer	Finch	Perlich
Barthwell	Ford	Stopczynski
Boothby	Greene	Suzore
Buback	Hart, Miss	Wilkowski
Dade	Jones	Young
Douglas	Krollkowski	Youngblood
Downs	Madar	

SECRETARY CHASE: On the passage of article VII, the yeas are 92; the nays are 26.

VICE PRESIDENT HUTCHINSON: A majority of the delegates elect having voted in favor thereof, **article VII** on local government is passed.

For article VII as passed, see above, page 3063.

Following is explanation of vote submitted by Mr. Finch:

I voted no on article VII because I object to a portion of section 21. I believe that cities and villages should not be able to impose a payroll tax or an income tax on nonresidents.

Following is explanation of vote submitted by Messrs. Hodges, Baginski, Madar, Buback, Downs, Ford, Jones and Miss Hart:

We voted no on article VII — local government, for several reasons.

The provision of county home rule provides that counties could have home rule only if authorized by the legislature. We are very concerned that the legislature, not based on population, would set a double standard of home rule — one for large urban counties and another for smaller, nonurban counties. We believe this double standard would frustrate effective home rule and regret that principles for standards of home rule were turned down in committee of the whole and on second reading. Self executing provisions to provide the people of a county the possibility of developing home rule independently of the legislature were also rejected.

The boards of supervisors throughout the counties in Michigan need strengthening. Unfortunately county boards of supervisors presently are selected on a basis that is not truly representative of people and violates the concept of equality of representation. We believe that local government can be strengthened effectively by strengthening county boards of supervisors through an elective process that assures equality of representation on a responsible basis.

Section 25 sets up a double standard for cities and villages in acquiring public utilities by requiring a 3/5 vote to obtain public utilities and permitting them to be sold by only a simple majority.

The creation of metropolitan areas so vital to a growing industrial economy is hamstrung by making it contingent upon the actions of a legislature that does not truly represent people. We therefore voted no on article VII and hope that the convention will take more positive action before we complete the third reading.

VICE PRESIDENT HUTCHINSON (continuing): The secretary will read article VIII, education.

SECRETARY CHASE: **Article VIII:**

[Article VIII, sections 1 through 9, was read by the secretary. For text, see above, page 3085.]

VICE PRESIDENT HUTCHINSON: Article VIII has been read a third time.

SECRETARY CHASE: Mr. Cudlip, on behalf of the committee on style and drafting, requests that the following corrections be made in article VIII of the proposed revision of the constitution:

sec-	col-	tion	umn	line	Corrections
3	2	45			After "institutions" insert "of higher education".
3	2	46-7			After "DEGREES" insert a comma and delete "[of higher education].".

VICE PRESIDENT HUTCHINSON: Without objection it is so ordered. [Corrections made above.] The question is upon the passage of the article. The secretary will report an amendment.

SECRETARY CHASE: Miss Hart, Messrs. Faxon, Barthwell, T. S. Brown, Follo and Douglas offer the following amendment:

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

VICE PRESIDENT HUTCHINSON: Without objection, the entry in the journal will be made.

MR. McALLISTER: Mr. President, we have another distinguished guest who has been here every day of the convention except on Friday, and I would like to recognize this gentleman. He has also furnished a great number of the delegates with ash trays. Mr. Byron Baker. (applause)

VICE PRESIDENT HUTCHINSON: The Chair recognizes Mr. Donald Doty.

MR. DONALD DOTY: Mr. President, Mr. President, I move we recess to the hour of 7:30.

VICE PRESIDENT HUTCHINSON: Prior to placing the motion to recess, the secretary has an announcement.

SECRETARY CHASE: The committee on administration will meet immediately. Walter DeVries, chairman.

There was found on the floor near the desk of Delegate Madar an Irish sweepstakes ticket. (laughter)

MR. MADAR: Mr. President, Mr. President, as much as I would like to claim the ticket, I am sorry, it isn't the one I had here; I can assure you.

SECRETARY CHASE: We have the following requests: Mr. King asks to be excused from the evening session because of an engagement of many months' standing which was reconfirmed last night; Mr. Romney asks to be excused from tonight's session to keep a long time commitment; and Mr. Danhof asks to be excused from a portion of the evening session.

VICE PRESIDENT HUTCHINSON: Without objection, the excuses are granted. The Chair hears none.

MR. VAN DUSEN: Mr. President, the committee on rules and resolutions will meet immediately to have its picture taken. I hope everyone will be present in room F.

MR. DADE: Mr. President. Mr. President.

VICE PRESIDENT HUTCHINSON: Oh, Mr. Dade.

MR. DADE: Mr. President, this morning we began these proceedings with a very happy note, a note of appreciation to others for the many things they have done for us. Mr. President, as the only clergyman in this body, may I end the afternoon session with a note of appreciation to 143 other delegates in this convention?

At all the times that I have been able to be present in the sessions, I want to say that the delegates have accorded me the greatest of respect, courtesy, kindness and consideration, and for that I am deeply grateful; and I hope that when the summons comes some day to cross the vale, they can hear the words from Saint Peter, "It will be passed, it is passed, you are passed." (laughter)

VICE PRESIDENT HUTCHINSON: The question is upon the motion of Mr. Donald Doty that the convention stand in recess until 7:30 this evening. All those in favor will say aye. Opposed, no.

The motion prevails. The convention stands in recess.

[Whereupon, at 5:55 o'clock p.m., the convention recessed; and, at 7:30 o'clock p.m., reconvened.]

The convention will be in order. Delegates will kindly take their seats.

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

VICE PRESIDENT HUTCHINSON: Third reading. The convention has under consideration article XI. The secretary will read the next amendment.

SECRETARY CHASE: Mr. Martin and Mr. J. B. Richards offer the following amendment:

1. Amend article XI, section 13 (column 1, line 57) after "resolution" by inserting "of its governing body"; so that section 13, the first part of the language, will read, "By ordinance or resolution of its governing body which shall not take effect until approved by a majority of the electors voting thereon...."

VICE PRESIDENT HUTCHINSON: Mr. Martin.

MR. MARTIN: Mr. President, this is just a perfecting amendment. The words "of its governing body" were taken out by style and drafting and were not put back in, and this is just to get the words "of the governing body" in there after the words "By ordinance or resolution" so that it will be clear who passes the

ordinance or resolution. Mr. Richards isn't here but — oh — he may wish to speak on this.

VICE PRESIDENT HUTCHINSON: The question is upon the adoption of the amendment.

MR. FAXON: What amendment is that?

VICE PRESIDENT HUTCHINSON: All those in favor of the amendment —

MR. FAXON: What is the amendment?

VICE PRESIDENT HUTCHINSON: The secretary will read the amendment once more. Mr. Stevens.

MR. STEVENS: I just want to ask Mr. Martin a question.

VICE PRESIDENT HUTCHINSON: You may proceed.

MR. STEVENS: I want to know why it made it any more clear.

MR. MARTIN: What's that?

MR. STEVENS: How does it make it any more clear?

MR. MARTIN: Well, Mr. Richards —

MR. STEVENS: You have over here a little farther "township, county, school district...."

MR. MARTIN: It just simply makes it clear that it is the governing body of the township, city or school district. It was in there but it was taken out when they recast the resolution or the paragraph there. I don't think they meant to take it out.

VICE PRESIDENT HUTCHINSON: The convention will be in order. Mr. Hanna.

MR. W. F. HANNA: Mr. President, a question to Mr. Martin.

VICE PRESIDENT HUTCHINSON: You may proceed.

MR. W. F. HANNA: Mr. Martin, a problem that has bothered us in style and drafting is: what do you mean by the governing body? Do you mean the legislative body?

MR. MARTIN: That's right.

MR. W. F. HANNA: Would you object if style and drafting changed it then to "legislative body?"

MR. MARTIN: No, I don't object.

MR. W. F. HANNA: All right.

VICE PRESIDENT HUTCHINSON: The question is upon the adoption of the amendment offered by Mr. Martin. All those in favor of the amendment will say aye. Opposed, no.

The amendment is adopted. The secretary will read the next amendment.

SECRETARY CHASE: Messrs. Allen, W. F. Hanna and Krolkowski offer the following amendment:

1. Amend article XI, section 13, (column 1, line 60) after "thereon," by inserting "unless otherwise provided by charter"; so the language will then read:

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 city, village, township, county, 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.

VICE PRESIDENT HUTCHINSON: Mr. Allen.

MR. ALLEN: Mr. President, this is what might be called a protecting amendment which is designed to take care of what I believe was the intent on second reading. I checked with style and drafting after the language came out and 2 members of style and drafting, who have joined in this, agreed.

You will recall that there are city charters and perhaps village charters which allow civil service now and which have been voted on and passed by a majority of the electors voting thereon. These charters in some instances provide that the city council may put in a civil service ordinance without again referring it to a second vote or, if it is already in existence, may modify it without a vote of the people. So the language is simply to make it clear, so there wouldn't be any argument about it, if it is already provided in a charter.

Now, I would say this: there might be this new element enter that we didn't think about on second reading. That is, we have provided now for county home rule with a county charter, and I suppose there might be counties which would adopt a charter which would provide that the county could put into effect civil service. And as long as this county charter is approved by a majority of the people, which of course it would have to be, then

in this case — it is a future case rather than past cases in the cases of cities or villages — it wouldn't have to take a second vote. I believe — and I will ask Mr. Hanna and Mr. Krollkowski, who are on style and drafting, to support this — that this was the intent of the convention on second reading and this language is only to make this point clear.

VICE PRESIDENT HUTCHINSON: Mr. Hanna.

MR. W. F. HANNA: Mr. President and fellow delegates, I had a note from Mr. Allen and somehow forgot to raise it in style and drafting. As I had something to do with drafting this when we were going through it on the floor, it seems to me perfectly clear that this was to make available to those units not having civil service the possibility of establishing civil service.

The home rule city and village act already provides that cities and villages may, by charter, provide for civil service, and those charters were adopted and will be adopted in the future by a vote of the people. If the charter so provides for civil service, and a method of amending the charter is of course provided, and so forth, it seems perfectly ridiculous to require a vote on the charter in the future or, if they wish to install or modify civil service in accordance with their charter, to require a vote of the people. So I urge to the delegates that those cities which now or hereafter provide for civil service by charter are not restricted under section 13 but that this is made available to all those units which do not have a charter or which, by omission from their charter, do not provide for civil service. I believe this is strictly a perfecting amendment and we did not intend to interfere with home rule charter provisions of cities and villages.

VICE PRESIDENT HUTCHINSON: Mr. Martin.

MR. MARTIN: Mr. President, we have no objection to this amendment. It was mentioned on the floor before and we have no objection to it.

VICE PRESIDENT HUTCHINSON: The question is upon the adoption of the amendment. Mr. Baginski.

MR. BAGINSKI: Mr. President, I would like to ask Mr. Allen a question. Mr. Allen, what happens in Wayne where we already have a merit system but we don't have a charter, in the county of Wayne?

MR. ALLEN: What is this, county or city?

MR. BAGINSKI: County.

MR. ALLEN: And you don't have a charter, of course.

MR. BAGINSKI: No, no.

MR. ALLEN: Well, if you already have a merit system, then I would say this doesn't take it away but I would say that, in the absence of a charter, if you wanted to modify it under this language it would require a vote of the people. I will ask Mr. Hanna. I will pass to him to verify this answer.

MR. W. F. HANNA: Mr. President and Mr. Baginski, —

VICE PRESIDENT HUTCHINSON: Mr. William F. Hanna is answering a question of Mr. Baginski, who has the floor.

MR. W. F. HANNA: Mr. Baginski, as I understand it, the Wayne county civil service is dependent upon an ordinance or state law; I mean, is statutory. One of the objections of yours has been that you have been at the mercy of the legislature as regards changes from time to time, and the legislature has made changes in your civil service rather than your local county government. Is this correct?

MR. BAGINSKI: That's right.

MR. W. F. HANNA: Now, previously, there was another clause which said that in counties the size of Wayne we had taken away from the legislature this power to keep changing your civil service. It left it to Wayne county itself. Do you recall that provision?

MR. BAGINSKI: That's right.

MR. W. F. HANNA: Now this provision, making available to all counties without the state law that they can have their own civil service, simply means that civil service can now be adopted by Wayne county and that you don't have to leave the legislature with the power to modify your civil service from now on. This will be your own civil service. You run it as you see fit.

MR. BAGINSKI: Another question, Mr. President, of Mr. Allen, if I may: Mr. Allen, aren't we confusing this section on this with the home rule section?

MR. ALLEN: No.

MR. BAGINSKI: The home rule section provides for a charter and civil service, if they want to adopt it. Isn't it so?

MR. ALLEN: No, I don't think we are confusing it. There are some home rule local units that have a provision for civil service. There are other units of government without a charter. Now those without a charter, Mr. Baginski, as I read this, would have to submit to a vote of the people the problem of whether to have or not have a civil service. However, if Wayne county should go to county home rule with its own charter, and if its charter should provide, as it probably would, that there may be civil service and, let's say, if its charter should provide that it didn't take an additional vote of the people and if the charter is approved by a majority vote of the people, then you are completely on your own. I don't think it confuses it. I think that it is part of the problem. It is part of the total units of government here. I really think this makes it clearer.

MR. BAGINSKI: I understand.

VICE PRESIDENT HUTCHINSON: Mr. Perras.

MR. PERRAS: At this time, Mr. President, I move the previous question.

VICE PRESIDENT HUTCHINSON: Well, there isn't anybody else seeking recognition. The question is upon the amendment offered by Messrs. Allen, W. F. Hanna and Krolkowski which has been read. All those in favor will say aye. Opposed will say no.

The amendment is adopted.

A DELEGATE: Division.

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

SECRETARY CHASE: One.

VICE PRESIDENT HUTCHINSON: Not a sufficient number up. The secretary will read the next amendment.

SECRETARY CHASE: Messrs. J. B. Richards, Brake, Boothby and Powell offer the following amendment:

1. Amend article XI, section 13 (column 2, line 9) after "tenure," by striking out "The state civil service commission may on request furnish technical services to any such unit on a reimbursable basis."

VICE PRESIDENT HUTCHINSON: The Chair recognizes Mr. J. B. Richards.

MR. J. B. RICHARDS: Mr. President and fellow delegates, the reason we are offering this amendment to strike the sentence is that we think the state has no responsibility and does not need to be in this type of business, helping even on a reimbursable basis. We probably could use our college and university people much better than that, probably at less cost.

It seems as though the more we add to government, the more it is going to cost us. Even though we reimburse, there will be times when people on the payroll will certainly have to continue on their jobs even though they have no work to do. So I think it is quite appropriate that we take this sentence out.

VICE PRESIDENT HUTCHINSON: Mr. Boothby.

MR. BOOTHBY: Mr. President and ladies and gentlemen of the convention, I really want to point out, refresh the memories of the delegates to this convention, that when this whole matter was before the convention before, Mr. Brake asked Mr. Martin if there had been any demand expressed before his committee for this type of assistance. Mr. Martin replied that no township or county or village or city had made any kind of request for this type of service being provided them. They have indicated they can handle this type of matter all by themselves; they don't need any assistance. I think it is improper for the state civil service commission to get into this kind of an area.

VICE PRESIDENT HUTCHINSON: Mr. Powell.

MR. POWELL: Mr. President and fellow delegates, I was glad to join in sponsoring this amendment because I feel that it would be a toe in the door proposition, that it would set in motion a dangerous trend. I would point out that the programs of local civil service that we now have were developed and have been maintained without any such provision in the constitution. I would join with even more enthusiasm in an amendment to delete the entire section 13, because I do not think it is necessary. They have a big program in Wayne county that was estab-

lished without any reference to it in the constitution. I don't think that it is needed. But certainly this particular sentence that is involved in this amendment is something that I feel should be removed from the section.

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, I would move to limit further debate on this amendment to 5 minutes.

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen moves to limit debate on this amendment to 5 minutes. All those in favor will say aye. Opposed.

The motion prevails. The Chair next recognizes Mr. Martin.

MR. MARTIN: Mr. President, this sentence doesn't create any of the dangers that Mr. Boothby sees at all. There are no ghosts in this picture. It is simply a provision which would enable the state civil service if it has a request — not on its own initiative but if it has a request — to furnish technical advice, to do so. It doesn't authorize any propagandizing or anything else. It just makes it possible for a local unit to get a little expert advice from the one place in the state where they have a good deal of experience. That's all there is to it, and to strike it out just makes it that much more difficult for local units to get their own systems established. So I hope you will not support this amendment.

VICE PRESIDENT HUTCHINSON: Mr. William Hanna.

MR. W. F. HANNA: Mr. President and fellow delegates —

VICE PRESIDENT HUTCHINSON: The convention will be in order.

MR. W. F. HANNA: Mr. President and fellow delegates, I feel that this is important. There are many townships and counties that would appreciate technical advice on a reimbursable basis from a body well versed and expert in civil service machinery. While there have been no requests, it has been because this has not been available and because the legislature has not seen fit to allow many local units to have civil service. Certainly this is not compulsory that it be used. They may turn to universities or other experts or other cities that have civil service for advice, but if they desire to turn to the state they have that privilege. I, as a township and county official, would appreciate this valuable information available to me at a known cost. I heartily reject the purposes behind this amendment.

VICE PRESIDENT HUTCHINSON: Mr. Pollock.

MR. POLLOCK: Mr. President, Mr. Martin, I think, has made it very clear, and Mr. Hanna also. I find it a little touching that the movers of this amendment should feel that the civil service commission, this great ogre, is likely to step in and take over some of the precious qualities of local government. They don't seem to worry when the road funds come rolling in or the welfare funds or any of the really significant sums of money that come from the state that enable local government to function but now when it comes to personnel, which, of course, is at the heart of everything, they are worried.

I think the basic point is, this is purely a permissible matter. I am sure the state civil service commission is not anxious to take this on but it would be obviously of great assistance to local government if they could turn to some body that has the technical skill to enable them to set up what is obviously so greatly needed today in the midst of all of the technical services which abound. I have no strong feeling about this, but I think this amendment is certainly not an improving amendment and, therefore, should be defeated.

VICE PRESIDENT HUTCHINSON: Mrs. Cushman.

MRS. CUSHMAN: Mr. President, I think that what I have to say has already been ably said by other people. I, too, would like to speak for the original language and against this amendment.

VICE PRESIDENT HUTCHINSON: The question is upon the amendment offered by Messrs. J. B. Richards, Brake, Boothby and Powell, which has been read. All those in favor of the amendment will say aye. Opposed will say no.

MR. GOVER: Division.

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

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

VICE PRESIDENT HUTCHINSON: Mr. Durst demands the yeas and nays. Is the demand supported?

SECRETARY CHASE: Twenty-one.

VICE PRESIDENT HUTCHINSON: Not a sufficient number up. It is a division. All those in favor of the amendment will vote aye. Those opposed will vote no. Have you all voted? If so, the secretary will lock the machine and record the total. The Chair would remind the delegates that this is not a record roll call and it is just a matter of totals; so that unless the vote is close it is not of any great importance whether votes are changed or not.

SECRETARY CHASE: On the amendment offered by Mr. J. B. Richards and others, the yeas are 45; the nays are 64.

VICE PRESIDENT HUTCHINSON: The amendment is not adopted. The secretary will read the next amendment.

SECRETARY CHASE: Mr. Boothby offers the following amendment:

1. Amend article XI, section 13 (column 1, beginning on line 57) by striking out all of section 13.

MR. BOOTHBY: Mr. President, ladies and gentlemen of the convention, I had not talked with Mr. Powell prior to my placing before the secretary this amendment. I would be very happy for him to support this amendment, however, as he indicated he would.

This particular amendment has been placed before the convention because I feel there are several problems that maybe have been ignored in the mad rush to endorse civil service. The same people that are in favor of placing this provision in the constitution have been those people that have been interested in having a flexible document. I would like to point out to the members of this convention —

VICE PRESIDENT HUTCHINSON: The convention will be in order.

MR. BOOTHBY: I would like to point out when you place this type of provision into a constitution, you are nullifying part of the statutes that have been written by the legislature. For instance, the home rule provision for cities provides that a civil service system may be set up in a home rule charter and it doesn't make any restrictive provision regarding what kind of a vote it will require to set up this civil service provision. Another statute provides that there may be a civil service system set up for fire and police people within cities, villages or municipalities and this does not require any specific vote of the people and by the board. So you see, when you place into the constitution a provision such as you have here, you are actually becoming more restrictive in nature and, consequently, you do not have that degree of flexibility that some of our brethren here at the convention have been arguing in favor of.

I would like to also point out the fact that one of the reasons why there has been indicated a desire to place this type of provision in the constitution is because some people have indicated that it is necessary to cause the legislature to act. I point out that those 2 particular statutes that I have just referred to were enacted by our legislature and there are several other provisions, several other pieces of legislation, that our legislature has provided for a civil service system for local units of government. In fact, in 1951, as late as 1951, the police departments were inserted in the act which allowed for villages, cities and municipalities to have civil service systems.

One further comment and that is this —

VICE PRESIDENT HUTCHINSON: Please be in order.

MR. BOOTHBY: — there is no question that this is purely legislative in nature. I see no reason to write in a legislative provision, especially when the legislature has acted in the past and especially when this particular area is one that I would feel might not be the type that you would want to tie down as restrictive, as you have here in this provision.

I would also like to point out that when the executive committee made their report, they made this statement in conclusion. They said:

The committee on local government was asked for its opinion though no jurisdiction was specifically assigned on this matter. A majority of that committee are of the view that the subject matter of the proposal is legislative in character and not necessary in the constitution.

I believe, for all these reasons that I have stated, that it would

be in the best interest of this constitution to strike these statutory words from the constitution.

VICE PRESIDENT HUTCHINSON: Mr. Perras.

MR. PERRAS: Mr. President, at this time I move the previous question.

VICE PRESIDENT HUTCHINSON: There is one other speaker is all. The Chair will receive the motion for the previous question, unless there is any — Mr. Martin.

MR. MARTIN: First, just let me say a word on —

VICE PRESIDENT HUTCHINSON: Do you insist upon your motion, Mr. Perras?

MR. PERRAS: We will listen to Mr. Martin.

VICE PRESIDENT HUTCHINSON: There's Mr. Martin, and Mrs. Judd is also on the list.

MR. PERRAS: No, one only. (laughter)

VICE PRESIDENT HUTCHINSON: The Chair will put the motion for the previous question. Is the demand for the previous question supported?

MR. FAXON: Mr. President, I move to limit debate to 5 minutes.

VICE PRESIDENT HUTCHINSON: Mr. Faxon offers a motion which takes precedence: to limit debate to 5 minutes. All those in favor of Mr. Faxon's motion to limit debate will say aye. Opposed, no.

The motion does not prevail. Mr. Perras moves the previous question. Is the demand for the previous question supported? It is supported. The question now is: shall the main question be put? All those in favor will say aye. Opposed, no.

The previous question is ordered. The question is upon the amendment offered by Mr. Boothby.

MR. BOOTHBY: Yeas and nays.

VICE PRESIDENT HUTCHINSON: Mr. Boothby demands the yeas and nays. Is the demand supported?

SECRETARY CHASE: Seventeen.

VICE PRESIDENT HUTCHINSON: Not a sufficient number up. The question is upon the amendment offered by Mr. Boothby. All those in favor will say aye. Opposed will say no. The amendment is not adopted. The secretary will read the next amendment.

SECRETARY CHASE: No further amendments.

VICE PRESIDENT HUTCHINSON: Are there any further amendments to the body of article XI, public officers and employment? If there are none, the question is upon the passage of the article as amended. All those in favor will vote aye. Those opposed will vote no. Have you all voted? If you have all voted, the secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas—92

Allen	Goebel	Perras
Andrus, Miss	Gover	Plank
Baginski	Gust	Pollock
Balcer	Habermehl	Powell
Barthwell	Hanna, W. F.	Prettey
Batchelor	Hannah, J. A.	Pugsley
Beaman	Haskill	Rajkovich
Bentley	Hatch	Richards, L. W.
Bonisteel	Heideman	Rood
Brake	Higgs	Seyferth
Brown, G. E.	Howes	Shaffer
Buback	Hoxie	Sharpe
Butler, Mrs.	Hubbs	Sleder
Conklin, Mrs.	Iverson	Spitler
Cudlip	Judd, Mrs.	Stafseth
Cushman, Mrs.	Karn	Staiger
Dehnke	Kirk, S.	Stamm
Dell	Knirk, B.	Sterrett
DeVries	Koeze, Mrs.	Stevens
Donnelly, Miss	Krollkowski	Suzore
Doty, Donald	Kuhn	Thomson
Douglas	Lawrence	Tubbs
Durst	Leppien	Turner
Elliott, A. G.	Lesinski	Tweedle
Erickson	Mahinske	Upton
Everett	Martin	Van Dusen
Farnsworth	McLogan	Wanger
Figy	Millard	White
Finch	Mosier	Wood

Follo
Gadola

Ostrow
Page

Yeager

Nays—31

Austin	Hatcher, Mrs.	Perlich
Bledsoe	Jones	Richards, J. B.
Boothby	Madar	Shackleton
Bradley	McAllister	Shanahan
Downs	McCauley	Snyder
Elliott, Mrs. Daisy	McGowan, Miss	Stopczynski
Faxon	Murphy	Walker
Ford	Nord	Wilkowski
Garvin	Norris	Young
Greene	Pellow	Youngblood
Hart, Miss		

SECRETARY CHASE: On the passage of article XI, as amended, the yeas are 92; the nays are 31.

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

For sections 1 through 7, 9, 10, 11, 12 and 14 of article XI as passed, see above, page 3070.

Following is section 8 of article XI as amended and passed:

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 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 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 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.

Following is section 13 of article XI as amended and passed:

Sec. 13. 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 city, village, township, county, 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.

Following is explanation of vote submitted by Messrs. Boothby and J. B. Richards:

We voted no on article XI — public officers and employment — for the reason that in our judgment section 13 of that article is not a proper or desirable constitutional provision. The language is clearly statutory and there was absolutely no evidence that the legislature had failed to provide needed legislation in this area.

VICE PRESIDENT HUTCHINSON (continuing): The secretary will read article XII.

SECRETARY CHASE: **Article XII**, amendment and revision.

[Article XII, sections 1, 2 and 3, was read by the secretary. For full text, see above, page 3072.]

VICE PRESIDENT HUTCHINSON: Article XII has been read a third time.

SECRETARY CHASE: Mr. Cudlip, on behalf of the committee on style and drafting, requests that the following correc-

PREAMBLE

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

Article I

Declaration of Rights

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

Sec. 2. No person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color or national origin. The legislature shall implement this section by appropriate legislation.

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

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

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

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

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

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

Sec. 9. Neither slavery, nor involuntary servitude unless for the punishment of crime, shall ever be tolerated in this state.

Sec. 10. No bill of attainder, ex post facto law or law impairing the obligation of contract shall be enacted.

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

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

Sec. 13. A suitor in any court of this state has the right to prosecute or defend his suit,

either in his own proper person or by an attorney.

Sec. 14. The right of trial by jury shall remain, but shall be waived in all civil cases unless demanded by one of the parties in the manner prescribed by law. In all civil cases tried by 12 jurors a verdict shall be received when 10 jurors agree.

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

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

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

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

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

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

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

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

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

Article II Elections

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

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

Sec. 3. For purposes of voting in the election for president and vice-president of the United States only, the legislature may by law establish lesser residence requirements for citizens who have resided in this state for less than six months and may waive residence requirements for former citizens of this state who have removed herefrom. The legislature shall not permit voting by any person who meets the voting residence requirements of the state to which he has removed.

Sec. 4. The legislature shall enact laws to regulate the time, place and manner of all nominations and elections, except as otherwise provided in this constitution or in the constitution and laws of the United States. The legislature shall enact laws to preserve the purity of elections, to preserve the secrecy of the ballot, to guard against abuses of the elective franchise, and to provide for a system of voter registration and absentee voting. No law shall be enacted which permits a candidate in any partisan primary or partisan election to have a ballot designation except when required for identification of candidates for the same office who have the same or similar surnames.

Sec. 5. Except for special elections to fill vacancies, or as otherwise provided in this constitution, all elections for national, state, county and township offices shall be held on the first Tuesday after the first Monday in November in each even-numbered year or on such other date as members of the congress of the United States are regularly elected.

Sec. 6. Whenever any question is required to be submitted by a political subdivision to the electors which involves the increase of any ad valorem tax rate limitation for a period of more than five years, or the issue of bonds, only electors in, and who have property assessed for any ad valorem taxes in, any part of the district or territory to be affected by the result of such election or electors who are the lawful husbands or wives of such persons shall be entitled to vote thereon. All electors in the district or territory affected may vote on all other questions.

Sec. 7. A board of state canvassers of four

members shall be established by law. No candidate for an office to be canvassed nor any inspector of elections shall be eligible to serve as a member of a board of canvassers. A majority of any board of canvassers shall not be composed of members of the same political party.

Sec. 8. Laws shall be enacted to provide for the recall of all elective officers except judges of courts of record upon petition of electors equal in number to 25 percent of the number of persons voting in the last preceding election for the office of governor in the electoral district of the officer sought to be recalled. The sufficiency of any statement of reasons or grounds procedurally required shall be a political rather than a judicial question.

Sec. 9. The people reserve to themselves the power to propose laws and to enact and reject laws, called the initiative, and the power to approve or reject laws enacted by the legislature, called the referendum. The power of initiative extends only to laws which the legislature may enact under this constitution. The power of referendum does not extend to acts making appropriations for state institutions or to meet deficiencies in state funds and must be invoked in the manner prescribed by law within 90 days following the final adjournment of the legislative session at which the law was enacted. To invoke the initiative or referendum, petitions signed by a number of registered electors, not less than eight percent for initiative and five percent for referendum of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected shall be required.

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

Any law proposed by initiative petition shall be either enacted or rejected by the legislature without change or amendment within 40 session days from the time such petition is received by the legislature. If any law proposed by such petition shall be enacted by the legislature it shall be subject to referendum, as hereinafter provided.

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

Any law submitted to the people by either initiative or referendum petition and approved by

a majority of the votes cast thereon at any election shall take effect 10 days after the date of the official declaration of the vote. No law initiated or adopted by the people shall be subject to the veto power of the governor, and no law adopted by the people at the polls under the initiative provisions of this section shall be amended or repealed, except by a vote of the electors or three-fourths of the members elected to and serving in each house of the legislature. Laws approved by the people under the referendum provision of this section may be amended by the legislature at any subsequent session thereof. If two or more measures approved by the electors at the same election conflict, that receiving the highest affirmative vote shall prevail.

The legislature shall implement the provisions of this section.

Article III

General Government

Sec. 1. The seat of government shall be at Lansing.

Sec. 2. The powers of government are divided into three branches: legislative, executive and judicial. No person exercising powers of one branch shall exercise powers properly belonging to another branch except as expressly provided in this constitution.

Sec. 3. There shall be a great seal of the State of Michigan and its use shall be provided by law.

Sec. 4. The militia shall be organized, equipped and disciplined as provided by law.

Sec. 5. Subject to provisions of general law, this state or any political subdivision, any governmental authority or any combination thereof may enter into agreements for the performance, financing or execution of their respective functions, with any one or more of the other states, the United States, the Dominion of Canada, or any political subdivision thereof unless otherwise provided in this constitution. Any other provision of this constitution notwithstanding, an officer or employee of the state or of any such unit of government or subdivision or agency thereof may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service. The legislature may impose such restrictions, limitations or conditions on such service as it may deem appropriate.

Sec. 6. The state shall not be a party to, nor be financially interested in, any work of internal improvement, nor engage in carrying on any such work, except for public internal improvements provided by law.

Sec. 7. The common law and the statute laws now in force, not repugnant to this consti-

tution, shall remain in force until they expire by their own limitations, or are changed, amended or repealed.

Sec. 8. Either house of the legislature or the governor may request the opinion of the supreme court on important questions of law upon solemn occasions as to the constitutionality of legislation after it has been enacted into law but before its effective date.

Article IV Legislative Branch

Sec. 1. The legislative power of the State of Michigan is vested in a senate and a house of representatives.

Sec. 2. The senate shall consist of 38 members to be elected from single member districts at the same election as the governor for four-year terms concurrent with the term of office of the governor.

In districting the state for the purpose of electing senators after the official publication of the total population count of each federal decennial census, each county shall be assigned an apportionment factor equal to the sum of its percentage of the state's population as shown by the last regular federal decennial census computed to the nearest one-one hundredth of one percent multiplied by four and its percentage of the state's land area computed to the nearest one-one hundredth of one percent.

In arranging the state into senatorial districts, the apportionment commission shall be governed by the following rules:

(1) Counties with 13 or more apportionment factors shall be entitled as a class to senators in the proportion that the total apportionment factors of such counties bear to the total apportionment factors of the state computed to the nearest whole number. After each such county has been allocated one senator, the remaining senators to which this class of counties is entitled shall be distributed among such counties by the method of equal proportions applied to the apportionment factors.

(2) Counties having less than 13 apportionment factors shall be entitled as a class to senators in the proportion that the total apportionment factors of such counties bear to the total apportionment factors of the state computed to the nearest whole number. Such counties shall thereafter be arranged into senatorial districts that are compact, convenient, and contiguous by land, as rectangular in shape as possible, and having as nearly as possible 13 apportionment factors, but in no event less than 10 or more than 16. Insofar as possible, existing senatorial districts at the time of reapportionment shall not be altered unless there is a failure to comply with the above standards.

(3) Counties entitled to two or more senate districts shall be divided into single member districts. The population of such districts shall be as nearly equal as possible but shall not be less than 75 percent nor more than 125 percent of a number determined by dividing the population of the county by the number of senators to which it is entitled. Each such district shall follow incorporated city or township boundary lines to the extent possible and shall be compact, contiguous, and as nearly uniform in shape as possible.

Sec. 3. The house of representatives shall consist of 110 members elected for two-year terms from single member districts apportioned on a basis of population as provided in this article. The districts shall consist of compact and convenient territory contiguous by land.

Each county which has a population of not less than seven-tenths of one percent of the population of the state shall constitute a separate representative area. Each county having less than seven-tenths of one percent of the population of the state shall be combined with another county or counties to form a representative area of not less than seven-tenths of one percent of the population of the state. Any county which is isolated under the initial allocation as provided in this section shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.

After the assignment of one representative to each of the representative areas, the remaining house seats shall be apportioned among the representative areas on the basis of population by the method of equal proportions.

Any county comprising a representative area entitled to two or more representatives shall be divided into single member representative districts as follows:

(1) The population of such districts shall be as nearly equal as possible but shall not be less than 75 percent nor more than 125 percent of a number determined by dividing the population of the representative area by the number of representatives to which it is entitled.

(2) Such single member districts shall follow city and township boundaries where applicable and shall be composed of compact and contiguous territory as nearly square in shape as possible.

Any representative area consisting of more than one county, entitled to more than one representative, shall be divided into single member districts as equal as possible in population adhering to county lines.

Sec. 4. In counties having more than one representative or senatorial district, the territory in the same county annexed to or merged with a city between apportionments shall become a part of a contiguous representative or senatorial dis-

1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60

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

1 state from the governor, except notaries public,
2 from the legislature, or from any other state
3 authority, during the term for which he is elected.

4 Sec. 10. No member of the legislature nor any
5 state officer shall be interested directly or in-
6 directly in any contract with the state or any
7 political subdivision thereof which shall cause a
8 substantial conflict of interest. The legislature
9 shall further implement this provision by appro-
10 priate legislation.

11 Sec. 11. Senators and representatives shall be
12 privileged from civil arrest and civil process dur-
13 ing sessions of the legislature and for five days
14 next before the commencement and after the
15 termination thereof. They shall not be ques-
16 tioned in any other place for any speech in either
17 house.

18 Sec. 12. The compensation and expense al-
19 lowances of the members of the legislature shall
20 be determined by law. Changes in compensation
21 or expense allowances shall become effective only
22 when legislators commence their terms of office
23 after a general election.

24 Sec. 13. The legislature shall meet at the seat
25 of government on the second Wednesday in Janu-
26 ary of each year at twelve o'clock noon. Each
27 regular session shall adjourn without day, on a
28 day determined by concurrent resolution, at
29 twelve o'clock noon. Any business, bill or joint
30 resolution pending at the final adjournment of
31 a regular session held in an odd numbered year
32 shall carry over with the same status to the
33 next regular session.

34 Sec. 14. A majority of the members elected
35 to and serving in each house shall constitute a
36 quorum to do business. A smaller number in
37 each house may adjourn from day to day, and
38 may compel the attendance of absent members in
39 the manner and with penalties as each house may
40 prescribe.

41 Sec. 15. There shall be a bi-partisan legisla-
42 tive council consisting of legislators appointed in
43 the manner prescribed by law. The legislature
44 shall appropriate funds for the council's opera-
45 tions and provide for its staff which shall main-
46 tain bill drafting, research and other services
47 for the members of the legislature. The council
48 shall periodically examine and recommend to the
49 legislature revision of the various laws of the
50 state.

51 Sec. 16. Each house, except as otherwise pro-
52 vided in this constitution, shall choose its own
53 officers and determine the rules of its proceedings,
54 but shall not adopt any rule that will prevent a
55 majority of the members elected thereto and
56 serving therein from discharging a committee
57 from the further consideration of any measure.
58 Each house shall be the sole judge of the quali-
59 fications, elections and returns of its members,
60 and may, with the concurrence of two-thirds of

1 all the members elected thereto and serving
2 therein, expel a member. The reasons for such
3 expulsion shall be entered in the journal, with
4 the votes and names of the members voting upon
5 the question. No member shall be expelled a
6 second time for the same cause.

7 Sec. 17. Each house of the legislature may
8 establish the committees necessary for the effi-
9 cient conduct of its business and the legislature
10 may create joint committees. Each committee
11 shall by roll call vote record the vote and name
12 of all action on bills and resolutions taken in
13 the committee. Such vote shall be available for
14 public inspection. Notice of all committee hear-
15 ings and a clear statement of all subjects to be
16 considered at each hearing shall be published in
17 the journal in advance of the hearing.

18 Sec. 18. Each house shall keep a journal of
19 its proceedings, and publish the same unless the
20 public security otherwise requires. The record
21 of the vote and name of the members of either
22 house voting on any question shall be entered
23 in the journal at the request of one-fifth of the
24 members present. Any member of either house
25 may dissent from and protest against any act,
26 proceeding or resolution which he deems injuri-
27 ous to any person or the public, and have the
28 reason for his dissent entered in the journal.

29 Sec. 19. All elections in either house or in
30 joint convention and all votes on appointments
31 submitted to the senate for advice and consent
32 shall be published by vote and name in the journal.

33 Sec. 20. The doors of each house shall be open
34 unless the public security otherwise requires.

35 Sec. 21. Neither house shall, without the con-
36 sent of the other, adjourn for more than two
37 intervening calendar days, nor to any place other
38 than where the legislature may then be in session.

39 Sec. 22. All legislation shall be by bill and
40 may originate in either house.

41 Sec. 23. The style of the laws shall be: The
42 People of the State of Michigan enact.

43 Sec. 24. No law shall embrace more than one
44 object, which shall be expressed in its title. No
45 bill shall be altered or amended on its passage
46 through either house so as to change its original
47 purpose as determined by its total content and
48 not alone by its title.

49 Sec. 25. No law shall be revised, altered or
50 amended by reference to its title only. The section
51 or sections of the act altered or amended shall
52 be re-enacted and published at length.

53 Sec. 26. No bill shall be passed or become a
54 law at any regular session of the legislature until
55 it has been printed or reproduced and in the pos-
56 session of each house for at least five days. Every
57 bill shall be read three times in each house be-
58 fore the final passage thereof. No bill shall be-
59 come a law without the concurrence of a majority
60 of the members elected to and serving in each

house. On the final passage of bills, the votes and names of the members voting thereon shall be entered in the journal.

Sec. 27. No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.

Sec. 28. When the legislature is convened on extraordinary occasions in special session no bill shall be passed on any subjects other than those expressly stated in the governor's proclamation or submitted by special message.

Sec. 29. The legislature shall pass no local or special act in any case where a general act can be made applicable, and whether a general act can be made applicable shall be a judicial question. No local or special act shall take effect until approved by two-thirds of the members elected to and serving in each house and by a majority of the electors voting thereon in the district affected. Any act repealing local or special acts shall require only a majority of the members elected to and serving in each house and shall not require submission to the electors of such district.

Sec. 30. The assent of two-thirds of the members elected to and serving in each house of the legislature shall be required for the appropriation of public money or property for local or private purposes.

Sec. 31. The general appropriation bills for the succeeding fiscal period covering items set forth in the budget shall be passed or rejected in either house of the legislature before that house passes any appropriation bill for items not in the budget except bills supplementing appropriations for the current fiscal year's operation. Any bill requiring an appropriation to carry out its purpose shall be considered an appropriation bill. One of the general appropriation bills as passed by the legislature shall contain an itemized statement of estimated revenue by major source in each operating fund for the ensuing fiscal period, the total of which shall not be less than the total of all appropriations made from each fund in the general appropriation bills as passed.

Sec. 32. Every law which imposes, continues or revives a tax shall distinctly state the tax.

Sec. 33. Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law. If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not be-

come law. If he does not approve, and the legislature continues the session at which the bill was passed, he shall return it within such 14-day period with his objections, to the house in which it originated. That house shall enter such objections in full in its journal and reconsider the bill. If two-thirds of the members elected to and serving in that house pass the bill notwithstanding the objections of the governor, it shall be sent with the objections to the other house for reconsideration. The bill shall become law if passed by two-thirds of the members elected to and serving in that house. The vote of each house shall be entered in the journal with the votes and names of the members voting thereon. If any bill is not returned by the governor within such 14-day period, the legislature continuing in session, it shall become law as if he had signed it.

Sec. 34. Any bill passed by the legislature and approved by the governor, except a bill appropriating money, may provide that it will not become law unless approved by a majority of the electors voting thereon.

Sec. 35. All laws enacted at any session of the legislature shall be published in book form within 60 days after final adjournment of the session, and shall be distributed in the manner provided by law. The prompt publication of judicial decisions shall be provided by law. All laws and judicial decisions shall be free for publication by any person.

Sec. 36. No general revision of the laws shall be made. The legislature may provide for a compilation of the laws in force, arranged without alteration, under appropriate heads and titles.

Sec. 37. The legislature may by concurrent resolution empower a joint committee of the legislature acting between sessions to suspend until the end of the next regular legislative session any rule or regulation of an administrative agency promulgated when the legislature is not in regular session.

Sec. 38. The legislature may provide by law the cases in which any office shall be vacant and the manner of filling vacancies where no provision is made in this constitution.

Sec. 39. In order to insure continuity of state and local governmental operations in periods of emergency only, resulting from disasters occurring in this state caused by enemy attack on the United States, the legislature may provide by law for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices; and enact other laws necessary and proper for insuring the continuity of governmental operations. Notwithstanding the power conferred by this section, elections shall always

be called as soon as possible to fill any vacancies in elective offices temporarily occupied by operation of any legislation enacted pursuant to the provisions of this section.

Sec. 40. The legislature may by law establish a liquor control commission which, subject to statutory limitations, shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof. The legislature may provide for an excise tax on such sales. Neither the legislature nor the commission may authorize the manufacture or sale of alcoholic beverages in any county in which a majority of the electors voting thereon shall prohibit the same.

Sec. 41. The legislature shall not authorize any lottery nor permit the sale of lottery tickets.

Sec. 42. The legislature may provide for the incorporation of ports and port districts, and confer power and authority upon them to engage in work of internal improvements in connection therewith.

Sec. 43. No general law providing for the incorporation of trust companies or corporations for banking purposes, or regulating the business thereof, shall be enacted, amended or repealed except by a vote of two-thirds of the members elected to and serving in each house.

Sec. 44. The legislature may authorize a trial by a jury of less than 12 jurors in civil cases.

Sec. 45. The legislature may provide for indeterminate sentences as punishment for crime and for the detention and release of persons imprisoned or detained under such sentences.

Sec. 46. No law shall be enacted providing for the penalty of death.

Sec. 47. The legislature may authorize the employment of chaplains in state institutions of detention or confinement.

Sec. 48. The legislature may enact laws providing for the resolution of disputes concerning public employees, except those in the state classified civil service.

Sec. 49. The legislature may enact laws relative to the hours and conditions of employment.

Sec. 50. The legislature may provide safety measures and regulate the use of atomic energy and forms of energy developed in the future, having in view the general welfare of the people of this state.

Sec. 51. The public health and general welfare of the people of the state are hereby declared to be matters of primary public concern. The legislature shall pass suitable laws for the protection and promotion of the public health.

Sec. 52. The conservation and development of the natural resources of the state are hereby declared to be of paramount public concern in the interest of the health, safety and general welfare of the people. The legislature shall provide for the protection of the air, water and other

natural resources of the state from pollution, impairment and destruction.

Sec. 53. The legislature by a majority vote of the members elected to and serving in each house, shall appoint an auditor general, who shall be a certified public accountant licensed to practice in this state, to serve for a term of eight years. He shall be ineligible for appointment or election to any other public office in this state from which compensation is derived while serving as auditor general and for two years following the termination of his service. He may be removed for cause at any time by a two-thirds vote of the members elected to and serving in each house. The auditor general shall conduct post audits of financial transactions and accounts of the state and of all branches, departments, offices, boards, commissions, agencies, authorities and institutions of the state established by this constitution or by law, and performance post audits thereof.

The auditor general upon direction by the legislature may employ independent accounting firms or legal counsel and may make investigations pertinent to the conduct of audits. He shall report annually to the legislature and to the governor and at such other times as he deems necessary or as required by the legislature. He shall be assigned no duties other than those specified in this section.

Nothing in this section shall be construed in any way to infringe the responsibility and constitutional authority of the governing boards of the institutions of higher education to be solely responsible for the control and direction of all expenditures from the institutions' funds.

The auditor general, his deputy and one other member of his staff shall be exempt from classified civil service. All other members of his staff shall have classified civil service status.

Article V

Executive Branch

Sec. 1. The executive power is vested in the governor.

Sec. 2. All executive and administrative offices, agencies and instrumentalities of the executive branch of state government and their respective functions, powers and duties, except for the office of governor and lieutenant governor and the governing bodies of institutions of higher education provided for in this constitution, shall be allocated by law among and within not more than 20 principal departments. They shall be grouped as far as practicable according to major purposes.

Subsequent to the initial allocation, the governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these

changes require the force of law, they shall be set forth in executive orders and submitted to the legislature. Thereafter the legislature shall have 60 calendar days of a regular session, or a full session if of shorter duration, to disapprove each executive order. Unless disapproved in both houses by a resolution concurred in by a majority of the members elected to and serving in each house, each order shall become effective at a date thereafter to be designated by the governor.

Sec. 3. The head of each principal department shall be a single executive unless otherwise provided in this constitution or by law. The single executives heading principal departments shall include a secretary of state, a state treasurer and an attorney general. When a single executive is the head of a principal department, unless elected or appointed as otherwise provided in this constitution, he shall be appointed by the governor by and with the advice and consent of the senate and he shall serve at the pleasure of the governor.

When a board or commission is at the head of a principal department, unless elected or appointed as otherwise provided in this constitution, the members thereof shall be appointed by the governor by and with the advice and consent of the senate. The term of office and procedure for removal of such members shall be as prescribed in this constitution or by law.

Terms of office of any board or commission created or enlarged after the effective date of this constitution shall not exceed four years except as otherwise authorized in this constitution. The terms of office of existing boards and commissions which are longer than four years shall not be further extended except as provided in this constitution.

Sec. 4. Temporary commissions or agencies for special purposes with a life of no more than two years may be established by law and need not be allocated within a principal department.

Sec. 5. At no time shall an examining or licensing board of a profession include less than a majority of members of that profession.

Sec. 6. Appointment by and with the advice and consent of the senate when used in this constitution or laws in effect or hereafter enacted means appointment subject to disapproval by a majority vote of the members elected to and serving in the senate if such action is taken within 60 session days after the date of such appointment. Any appointment not disapproved within such period shall stand confirmed.

Sec. 7. Vacancies in any office, appointment to which requires advice and consent of the senate, shall be filled by the governor by and with the advice and consent of the senate. A person whose appointment has been disapproved by the senate shall not be eligible for an interim appointment

to the same office.

Sec. 8. Each principal department shall be under the supervision of the governor unless otherwise provided by this constitution. The governor shall take care that the laws be faithfully executed. He shall transact all necessary business with the officers of government and may require information in writing from all executive and administrative state officers, elective and appointive, upon any subject relating to the duties of their respective offices.

The governor may initiate court proceedings in the name of the state to enforce compliance with any constitutional or legislative mandate, or to restrain violations of any constitutional or legislative power, duty or right by any officer, department or agency of the state or any of its political subdivisions. This authority shall not be construed to authorize court proceedings against the legislature.

Sec. 9. Single executives heading principal departments and the chief executive officers of principal departments headed by boards or commissions shall keep their offices at the seat of government except as otherwise provided by law, superintend them in person and perform duties prescribed by law.

Sec. 10. The governor shall have power and it shall be his duty to inquire into the condition and administration of any public office and the acts of any public officer, elective or appointive. He may remove or suspend from office for gross neglect of duty or for corrupt conduct in office, or for any other misfeasance or malfeasance therein, any elective or appointive state officer, except legislative or judicial, and shall report the reasons for such removal or suspension to the legislature.

Sec. 11. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an appointed or elected officer, other than a legislative or judicial officer, until he is reinstated or until the vacancy is filled in the manner prescribed by law or this constitution.

Sec. 12. The governor shall be commander-in-chief of the armed forces and may call them out to execute the laws, suppress insurrection and repel invasion.

Sec. 13. The governor shall issue writs of election to fill vacancies in the senate or house of representatives. Any such election shall be held in a manner prescribed by law.

Sec. 14. The governor shall have power to grant reprieves, commutations and pardons after convictions for all offenses, except cases of impeachment, upon such conditions and limitations as he may direct, subject to procedures and regulations prescribed by law. He shall inform the legislature annually of each reprieve, commutation and pardon granted, stating reasons

therefor.

Sec. 15. The governor may convene the legislature on extraordinary occasions.

Sec. 16. The governor may convene the legislature at some other place when the seat of government becomes dangerous from any cause.

Sec. 17. The governor shall communicate by message to the legislature at the beginning of each session and may at other times present to the legislature information as to the affairs of the state and recommend measures he considers necessary or desirable.

Sec. 18. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state. Proposed expenditures from any fund shall not exceed the estimated revenue thereof. On the same date, the governor shall submit to the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills to provide new or additional revenues to meet proposed expenditures. The amount of any surplus created or deficit incurred in any fund during the last preceding fiscal period shall be entered as an item in the budget and in one of the appropriation bills. The governor may submit amendments to appropriation bills to be offered in either house during consideration of the bill by that house, and shall submit any bills to meet deficiencies in current appropriations.

Sec. 19. The governor may disapprove any distinct item or items appropriating moneys in any appropriation bill. The part or parts approved shall become law, and the item or items disapproved shall be void unless re-passed according to the method prescribed for the passage of other bills over the executive veto.

Sec. 20. No appropriation shall be a mandate to spend. The governor, with the approval of the appropriating committees of the house and senate, shall reduce expenditures authorized by appropriations whenever it appears that actual revenues for a fiscal period will fall below the revenue estimates on which appropriations for that period were based. Reductions in expenditures shall be made in accordance with procedures prescribed by law. The governor may not reduce expenditures of the legislative and judicial branches or from funds constitutionally dedicated for specific purposes.

Sec. 21. The governor, lieutenant governor, secretary of state and attorney general shall be elected for four-year terms at the general election in each alternate even-numbered year.

The lieutenant governor, secretary of state and attorney general shall be nominated by party conventions in a manner prescribed by law. In the general election one vote shall be cast jointly

for the candidates for governor and lieutenant governor nominated by the same party.

Vacancies in the office of the secretary of state and attorney general shall be filled by appointment by the governor.

Sec. 22. To be eligible for the office of governor or lieutenant governor a person must have attained the age of 30 years, and have been a registered elector in this state for four years next preceding his election.

Sec. 23. The governor, lieutenant governor, secretary of state and attorney general shall each receive the compensation provided by law in full payment for all services performed and expenses incurred during his term of office. Such compensation shall not be changed during the term of office except as otherwise provided in this constitution.

Sec. 24. An executive residence suitably furnished shall be provided at the seat of government for the use of the governor. He shall receive an allowance for its maintenance as provided by law.

Sec. 25. The lieutenant governor shall be president of the senate, but shall have no vote except in case of equal division. He may perform duties requested of him by the governor, but no power vested in the governor shall be delegated.

Sec. 26. In case of the conviction of the governor on impeachment, his removal from office, his resignation or his death, the lieutenant governor, the elected secretary of state, the elected attorney general and such other persons designated by law shall in that order be governor for the remainder of the governor's term.

In case of the death of the governor-elect, the lieutenant governor-elect, the secretary of state-elect, the attorney general-elect and such other persons designated by law shall become governor in that order at the commencement of the governor-elect's term.

If the governor or the person in line of succession to serve as governor is absent from the state, or suffering under an inability, the powers and duties of the office of governor shall devolve in order of precedence until the absence or inability giving rise to the devolution of powers ceases.

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

Sec. 27. The legislature shall provide that the salary of any state officer while acting as governor shall be equal to that of the governor.

Sec. 28. There is hereby established a state highway commission, which shall administer the state highway department and have jurisdiction

and control over all state trunkline highways and appurtenant facilities, and such other public works of the state, as provided by law.

The state highway commission shall consist of four members, not more than two of whom shall be members of the same political party. They shall be appointed by the governor by and with the advice and consent of the senate for four-year terms, no two of which shall expire in the same year as provided by law.

The state highway commission shall appoint and may remove a state highway director, who shall be a competent highway engineer and administrator. He shall be the principal executive officer of the state highway department and shall be responsible for executing the policy of the state highway commission.

Sec. 29. There is hereby established a civil rights commission which shall consist of eight persons, not more than four of whom shall be members of the same political party, who shall be appointed by the governor, by and with the advice and consent of the senate, for four-year terms not more than two of which shall expire in the same year. It shall be the duty of the commission in a manner which may be prescribed by law to investigate alleged discrimination against any person because of religion, race, color or national origin in the enjoyment of the civil rights guaranteed by law and by this constitution, and to secure the equal protection of such civil rights without such discrimination. The legislature shall provide an annual appropriation for the effective operation of the commission.

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

Appeals from final orders of the commission, including cease and desist orders and refusals to issue complaints, shall be tried de novo before the circuit court having jurisdiction provided by law.

Article VI Judicial Branch

Sec. 1. The judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction

known as the circuit court, one probate court, and other courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.

Sec. 2. The supreme court shall consist of seven justices elected at non-partisan elections as provided by law. The term of office shall be eight years and not more than two terms of office shall expire at the same time. Nominations for justices of the supreme court shall be in the manner prescribed by law. Any incumbent justice whose term is to expire may become a candidate for re-election by filing an affidavit of candidacy, in the form and manner prescribed by law, not less than 180 days prior to the expiration of his term.

Sec. 3. One justice of the supreme court shall be selected by the court as its chief justice as provided by rules of the court. He shall perform other duties required by the court. The supreme court shall appoint an administrator of the courts and other assistants of the supreme court as may be necessary to aid in the administration of the courts of this state. The administrator shall perform administrative duties assigned by the court.

Sec. 4. The supreme court shall have general superintending control over all courts; power to issue, hear, and determine prerogative and remedial writs; and appellate jurisdiction as provided by rules of the supreme court. The supreme court shall not have the power to remove a judge.

Sec. 5. The supreme court shall by general rules establish, modify, amend and simplify the practice and procedure in all courts of this state. The distinctions between law and equity proceedings shall, as far as practicable, be abolished. The office of master in chancery is prohibited.

Sec. 6. Decisions of the supreme court, including all decisions on prerogative writs, shall be in writing and shall contain a concise statement of the facts and reasons for each decision and reasons for each denial of leave to appeal. When a judge dissents in whole or in part he shall give in writing the reasons for his dissent.

Sec. 7. The supreme court may appoint, may remove, and shall have general supervision of its staff. It shall have control of the preparation of its budget recommendations and the expenditure of moneys appropriated for any purpose pertaining to the operation of the court or the performance of activities of its staff except that the salaries of the justices shall be established by law. All fees and perquisites collected by the court staff shall be turned over to the state treasury and credited to the general fund.

Sec. 8. The court of appeals shall consist initially of nine judges who shall be nominated and elected at non-partisan elections from districts drawn on county lines and as nearly as possible of equal population, as provided by law. The

supreme court may prescribe by rule that the court of appeals may sit in divisions and for the terms of court and the times and places thereof. Each such division shall consist of not fewer than three judges. The number of judges comprising the court of appeals may be increased, and the districts from which they are elected may be changed by law.

Sec. 9. Judges of the court of appeals shall hold office for a term of six years and until their successors are elected and qualified. The terms of office for the judges in each district shall be arranged by law to provide that not all terms will expire at the same time.

Sec. 10. The jurisdiction of the court of appeals shall be provided by law and the practice and procedure therein shall be prescribed by rules of the supreme court.

Sec. 11. The state shall be divided into judicial circuits along county lines in each of which there shall be elected one or more circuit judges as provided by law. Sessions of the circuit court shall be held at least four times in each year in every county organized for judicial purposes. Each circuit judge shall hold court in the county or counties within the circuit in which he is elected, and in other circuits as may be provided by rules of the supreme court. The number of judges may be changed and circuits may be created, altered and discontinued by law and the number of judges shall be changed and circuits shall be created, altered and discontinued on recommendation of the supreme court to reflect changes in judicial activity. No change in the number of judges or alteration or discontinuance of a circuit shall have the effect of removing a judge from office during his term.

Sec. 12. Circuit judges shall be nominated and elected at non-partisan elections in the circuit in which they reside, and shall hold office for a term of six years and until their successors are elected and qualified. In circuits having more than one circuit judge their terms of office shall be arranged by law to provide that not all terms will expire at the same time.

Sec. 13. The circuit court shall have original jurisdiction in all matters not prohibited by law; appellate jurisdiction from all inferior courts and tribunals except as otherwise provided by law; power to issue, hear and determine prerogative and remedial writs; supervisory and general control over inferior courts and tribunals within their respective jurisdictions in accordance with rules of the supreme court; and jurisdiction of other cases and matters as provided by rules of the supreme court.

Sec. 14. The clerk of each county organized for judicial purposes or other officer performing the duties of such office as provided in a county charter shall be clerk of the circuit court for such

county. The judges of the circuit court may fill a vacancy in an elective office of county clerk or prosecuting attorney within their respective jurisdictions.

Sec. 15. In each county organized for judicial purposes there shall be a probate court. The legislature may create or alter probate court districts of more than one county if approved in each affected county by a majority of the electors voting on the question. The legislature may provide for the combination of the office of probate judge with any judicial office of limited jurisdiction within a county with supplemental salary as provided by law. The jurisdiction, powers and duties of the probate court and of the judges thereof shall be provided by law. They shall have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

Sec. 16. One or more judges of probate as provided by law shall be nominated and elected at non-partisan elections in the counties or the probate districts in which they reside and shall hold office for terms of six years and until their successors are elected and qualified. In counties or districts with more than one judge the terms of office shall be arranged by law to provide that not all terms will expire at the same time.

Sec. 17. No judge or justice of any court of this state shall be paid from the fees of his office nor shall the amount of his salary be measured by fees, other moneys received or the amount of judicial activity of his office.

Sec. 18. Salaries of justices of the supreme court, of the judges of the court of appeals, of the circuit judges within a circuit, and of the probate judges within a county or district, shall be uniform, and may be increased, but shall not be decreased during a term of office except and only to the extent of a general salary reduction in all other branches of government.

Each of the judges of the circuit court shall receive an annual salary as provided by law. In addition to the salary received from the state, each circuit judge may receive from any county in which he regularly holds court an additional salary as determined from time to time by the board of supervisors of the county. In any county where an additional salary is granted, it shall be paid at the same rate to all circuit judges regularly holding court therein.

Sec. 19. The supreme court, the court of appeals, the circuit court, the probate court and other courts designated as such by the legislature shall be courts of record and each shall have a common seal. Justices and judges of courts of record must be persons who are licensed to practice law in this state. No person shall be elected or appointed to a judicial office after reaching the age of 70 years.

1 Sec. 20. Whenever a justice or judge removes
2 his domicile beyond the limits of the territory
3 from which he was elected, he shall have vacated
4 his office.

5 Sec. 21. Any justice or judge of a court of
6 record shall be ineligible to be nominated for
7 or elected to an elective office other than a judicial
8 office during the period of his service and for
9 one year thereafter.

10 Sec. 22. Any elected judge of the court of
11 appeals, circuit court or probate court may be-
12 come a candidate in the primary election for the
13 office of which he is the incumbent by filing an
14 affidavit of candidacy in the form and manner
15 prescribed by law.

16 Sec. 23. A vacancy in the elective office of a
17 judge of any court of record shall be filled at a
18 general or special election as provided by law.
19 The supreme court may authorize persons who
20 have served as judges and who have retired, to
21 perform judicial duties for the limited period of
22 time from the occurrence of the vacancy until
23 the successor is elected and qualified. Such per-
24 sons shall be ineligible for election to fill the
25 vacancy.

26 Sec. 24. There shall be printed upon the ballot
27 under the name of each elected incumbent justice
28 or judge who is a candidate for nomination or
29 election to the same office the designation of
30 that office.

31 Sec. 25. For reasonable cause, which is not
32 sufficient ground for impeachment, the governor
33 shall remove any judge on a concurrent resolution
34 of two-thirds of the members elected to and serv-
35 ing in each house of the legislature. The cause
36 for removal shall be stated at length in the
37 resolution.

38 Sec. 26. The offices of circuit court commis-
39 sioner and justice of the peace are abolished at
40 the expiration of five years from the date this
41 constitution becomes effective or may within this
42 period be abolished by law. Their jurisdiction,
43 compensation and powers within this period shall
44 be as provided by law. Within this five-year period,
45 the legislature shall establish a court or courts
46 of limited jurisdiction with powers and jurisdic-
47 tion defined by law. The location of such court
48 or courts, and the qualifications, tenure, method
49 of election and salary of the judges of such court
50 or courts, and by what governmental units the
51 judges shall be paid, shall be provided by law,
52 subject to the limitations contained in this Article.

53 Statutory courts in existence at the time this
54 constitution becomes effective shall retain their
55 powers and jurisdiction, except as provided by
56 law, until they are abolished by law.

57 Sec. 27. The supreme court, the court of ap-
58 peals, the circuit court, or any justices or judges
59 thereof, shall not exercise any power of appoint-
60 ment to public office except as provided in this

constitution.

1 Sec. 28. All final decisions, findings, rulings
2 and orders of any administrative officer or agency
3 existing under the constitution or by law, which
4 are judicial or quasi-judicial and affect private
5 rights or licenses, shall be subject to direct re-
6 view by the courts as provided by law. This re-
7 view shall include, as a minimum, the determina-
8 tion whether such final decisions, findings, rulings
9 and orders are authorized by law; and, in cases in
10 which a hearing is required, whether the same
11 are supported by competent, material and sub-
12 stantial evidence on the whole record. Findings
13 of fact in workmen's compensation proceedings
14 shall be conclusive in the absence of fraud un-
15 less otherwise provided by law.

16 Sec. 29. Justices of the supreme court, judges
17 of the court of appeals, circuit judges and other
18 judges as provided by law shall be conservators
19 of the peace within their respective jurisdictions.

Article VII

Local Government

1 Sec. 1. Each organized county shall be a body
2 corporate with powers and immunities provided
3 by law.

4 Sec. 2. Any county may frame, adopt, amend
5 or repeal a county charter in a manner and with
6 powers and limitations to be provided by general
7 law, which shall among other things provide for
8 the election of a charter commission. The law
9 may permit the organization of county govern-
10 ment in form different from that set forth in this
11 constitution and shall limit the rate of ad valorem
12 property taxation for county purposes, and re-
13 strict the powers of charter counties to borrow
14 money and contract debts. Each charter county
15 is hereby granted power to levy other taxes for
16 county purposes subject to limitations and pro-
17 hibitions set forth in this constitution or law.
18 Subject to law, a county charter may authorize
19 the county through its regularly constituted
20 authority to adopt resolutions and ordinances re-
21 lating to its concerns.

22 The board of supervisors by a majority vote
23 of its members may, and upon petition of five
24 percent of the electors shall, place upon the ballot
25 the question of electing a commission to frame a
26 charter.

27 No county charter shall be adopted, amended
28 or repealed until approved by a majority of elec-
29 tors voting on the question.

30 Sec. 3. No organized county shall be reduced
31 by the organization of new counties to less than
32 16 townships as surveyed by the United States,
33 unless approved in the manner prescribed by law
34 by a majority of electors voting thereon in each
35 county to be affected.

36 Sec. 4. There shall be elected for four-year
37 terms in each organized county a sheriff, a county

clerk, a county treasurer, a register of deeds and a prosecuting attorney, whose duties and powers shall be provided by law. The board of supervisors in any county may combine the offices of county clerk and register of deeds in one office or separate the same at pleasure.

Sec. 5. The sheriff, county clerk, county treasurer and register of deeds shall hold their principal offices at the county seat.

Sec. 6. The sheriff may be required by law to renew his security periodically and in default of giving such security, his office shall be vacant. The county shall never be responsible for his acts, except that the board of supervisors may protect him against claims by prisoners for unintentional injuries received while in his custody. He shall not hold any other office except in civil defense.

Sec. 7. A board of supervisors shall be established in each organized county consisting of one member from each organized township and such representation from cities as provided by law.

Sec. 8. Boards of supervisors shall have legislative, administrative and such other powers and duties as provided by law.

Sec. 9. Boards of supervisors shall have exclusive power to fix the compensation of county officers not otherwise provided by law.

Sec. 10. A county seat once established shall not be removed until the place to which it is proposed to be moved shall be designated by two-thirds of the members of the board of supervisors and a majority of the electors voting thereon shall have approved the proposed location in the manner prescribed by law.

Sec. 11. No county shall incur any indebtedness which shall increase its total debt beyond 10 percent of its assessed valuation.

Sec. 12. A navigable stream shall not be bridged or dammed without permission granted by the board of supervisors of the county as provided by law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and political subdivisions therein.

Sec. 13. Two or more contiguous counties may combine into a single county if approved in each affected county by a majority of the electors voting on the question.

Sec. 14. The board of supervisors of each organized county may organize and consolidate townships under restrictions and limitations provided by law.

Sec. 15. Any county, when authorized by its board of supervisors shall have the authority to enter or to intervene in any action or certificate proceeding involving the services, charges or rates of any privately owned public utility furnishing services or commodities to rate payers within the county.

Sec. 16. The legislature may provide for the laying out, construction, improvement and maintenance of highways, bridges, culverts and airports by the state and by the counties and townships thereof; and may authorize counties to take charge and control of any highway within their limits for such purposes. The legislature may provide the powers and duties of counties in relation to highways, bridges, culverts and airports; may provide for county road commissioners to be appointed or elected, with powers and duties provided by law. The ad valorem property tax imposed for road purposes by any county shall not exceed in any year one-half of one percent of the assessed valuation for the preceding year.

Sec. 17. Each organized township shall be a body corporate with powers and immunities provided by law.

Sec. 18. In each organized township there shall be elected for terms of not less than two nor more than four years as prescribed by law a supervisor, a clerk, a treasurer, and not to exceed four trustees, whose legislative and administrative powers and duties shall be provided by law.

Sec. 19. No organized township shall grant any public utility franchise which is not subject to revocation at the will of the township, unless the proposition shall first have been approved by a majority of the electors of such township voting thereon at a regular or special election.

Sec. 20. The legislature shall provide by law for the dissolution of township government whenever all the territory of an organized township is included within the boundaries of a village or villages notwithstanding that a village may include territory within another organized township and provide by law for the classification of such village or villages as cities.

Sec. 21. The legislature shall provide by general laws for the incorporation of cities and villages. Such laws shall limit their rate of ad valorem property taxation for municipal purposes, and restrict the powers of cities and villages to borrow money and contract debts. Each city and village is granted power to levy other taxes for public purposes, subject to limitations and prohibitions provided by this constitution or by law.

Sec. 22. Under general laws the electors of each city and village shall have the power and authority to frame, adopt and amend its charter, and to amend an existing charter of the city or village heretofore granted or enacted by the legislature for the government of the city or village. Each such city and village shall have power to adopt resolutions and ordinances relating to its municipal concerns, property and government, subject to the constitution and law. No enumeration of powers granted to cities and villages in this constitution shall limit or restrict the general grant of authority conferred by this section.

1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60

Sec. 23. Any city or village may acquire, own, establish and maintain, within or without its corporate limits, parks, boulevards, cemeteries, hospitals and all works which involve the public health or safety.

Sec. 24. Subject to this constitution, any city or village may acquire, own or operate, within or without its corporate limits, public service facilities for supplying water, light, heat, power, sewage disposal and transportation to the municipality and the inhabitants thereof.

Any city or village may sell and deliver heat, power or light without its corporate limits in an amount not exceeding 25 percent of that furnished by it within the corporate limits, except as greater amounts may be permitted by law; may sell and deliver water and provide sewage disposal services outside of its corporate limits in such amount as may be determined by the legislative body of the city or village; and may operate transportation lines outside the municipality within such limits as may be prescribed by law.

Sec. 25. No city or village shall acquire any public utility furnishing light, heat or power, or grant any public utility franchise which is not subject to revocation at the will of the city or village, unless the proposition shall first have been approved by three-fifths of the electors voting thereon. No city or village may sell any public utility unless the proposition shall first have been approved by a majority of the electors voting thereon, or a greater number if the charter shall so provide.

Sec. 26. Except as otherwise provided in this constitution, no city or village shall have the power to loan its credit for any private purpose or, except as provided by law, for any public purpose.

Sec. 27. Notwithstanding any other provision of this constitution the legislature may establish in metropolitan areas additional forms of government or authorities with powers, duties and jurisdictions as the legislature shall provide. Whenever possible, such additional forms of government or authorities shall be designed to perform multi-purpose functions rather than a single function.

Sec. 28. The legislature by general law shall authorize two or more counties, townships, cities, villages or districts, or any combination thereof among other things to: enter into contractual undertakings or agreements with one another or with the state or with any combination thereof for the joint administration of any of the functions or powers which each would have the power to perform separately; share the costs and responsibilities of functions and services with one another or with the state or with any combination thereof which each would have the power to perform separately; transfer functions or responsibilities

to one another or any combination thereof upon the consent of each unit involved; cooperate with one another and with state government; lend their credit to one another or any combination thereof as provided by law in connection with any authorized publicly owned undertaking.

Any other provision of this constitution notwithstanding, an officer or employee of the state or any such unit of government or subdivision or agency thereof, except members of the legislature, may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service.

Sec. 29. No person, partnership, association or corporation, public or private, operating a public utility shall have the right to the use of the highways, streets, alleys or other public places of any county, township, city or village for wires, poles, pipes, tracks, conduits or other utility facilities, without the consent of the duly constituted authority of the county, township, city or village; or to transact local business therein without first obtaining a franchise from the township, city or village. Except as otherwise provided in this constitution the right of all counties, townships, cities and villages to the reasonable control of their highways, streets, alleys and public places is hereby reserved to such local units of government.

Sec. 30. No franchise or license shall be granted by any township, city or village for a period longer than 30 years.

Sec. 31. The legislature shall not vacate or alter any road, street, alley, or public place under the jurisdiction of any county, township, city or village.

Sec. 32. Any county, township, city, village, authority or school district empowered by the legislature or by this constitution to prepare budgets of estimated expenditures and revenues shall adopt such budgets only after a public hearing in a manner prescribed by law.

Sec. 33. Any elected officer of a political subdivision may be removed from office in the manner and for the causes provided by law.

Sec. 34. The provisions of this constitution and law concerning counties, townships, cities and villages shall be liberally construed in their favor. Powers granted to counties and townships by this constitution and by law shall include those fairly implied and not prohibited by this constitution.

Article VIII Education

Sec. 1. Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

1 Sec. 2. The legislature shall maintain and sup-
 2 port a system of free public elementary and sec-
 3 ondary schools as defined by law. Every school
 4 district shall provide for the education of its
 5 pupils without discrimination as to religion, creed,
 6 race, color or national origin.

7 Sec. 3. Leadership and general supervision over
 8 all public education, including adult education and
 9 instructional programs in state institutions, except
 10 as to institutions of higher education granting
 11 baccalaureate degrees, is vested in a state board
 12 of education. It shall serve as the general plan-
 13 ning and coordinating body for all public educa-
 14 tion, including higher education, and shall advise
 15 the legislature as to the financial requirements
 16 in connection therewith.

17 The state board of education shall appoint a
 18 superintendent of public instruction whose term
 19 of office shall be determined by the board. He
 20 shall be the chairman of the board without the
 21 right to vote, and shall be responsible for the
 22 execution of its policies. He shall be the principal
 23 executive officer of a state department of educa-
 24 tion which shall have powers and duties provided
 25 by law.

26 The state board of education shall consist of
 27 eight members who shall be nominated by party
 28 conventions and elected at large for terms of
 29 eight years as prescribed by law. The governor
 30 shall fill any vacancy by appointment for the
 31 unexpired term. The governor shall be ex-officio
 32 a member of the state board of education with-
 33 out the right to vote.

34 The power of the boards of institutions of higher
 35 education provided in this constitution to super-
 36 vise their respective institutions and control and
 37 direct the expenditure of the institutions' funds
 38 shall not be limited by this section.

39 Sec. 4. The legislature shall appropriate
 40 moneys to maintain the university of Michigan,
 41 Michigan State University, Wayne State Univer-
 42 sity, Eastern Michigan University, Michigan Col-
 43 lege of Science and Technology, Central Michi-
 44 gan University, Northern Michigan University,
 45 Western Michigan University, Ferris Institute,
 46 Grand Valley State College, by whatever names
 47 such institutions may hereafter be known, and
 48 other institutions of higher education established
 49 by law. The legislature shall be given an annual
 50 accounting of all income and expenditures by each
 51 of these educational institutions. Formal sessions
 52 of governing boards of such institutions shall be
 53 open to the public.

54 Sec. 5. The regents of the University of Michi-
 55 gan and their successors in office shall constitute
 56 a body corporate known as the Regents of the
 57 University of Michigan; the trustees of Michigan
 58 State University and their successors in office shall
 59 constitute a body corporate known as the Board
 60 of Trustees of Michigan State University; the

governors of Wayne State University and their
 successors in office shall constitute a body corpor-
 ate known as the Board of Governors of Wayne
 State University. Each board shall have general
 supervision of its institution and the control and
 direction of all expenditures from the institution's
 funds. Each board shall, as often as necessary,
 elect a president of the institution under its su-
 pervision. He shall be the principal executive of-
 ficer of the institution, be ex-officio a member of
 the board without the right to vote and preside
 at meetings of the board. The board of each in-
 stitution shall consist of eight members who shall
 hold office for terms of eight years and who shall
 be elected as provided by law. The governor shall
 fill board vacancies by appointment. Each ap-
 pointee shall hold office until a successor has been
 nominated and elected as provided by law.

Sec. 6. Other institutions of higher education
 established by law having authority to grant
 baccalaureate degrees shall each be governed by
 a board of control which shall be a body corporate.
 The board shall have general supervision of the
 institution and the control and direction of all
 expenditures from the institution's funds. It shall,
 as often as necessary, elect a president of the in-
 stitution under its supervision. He shall be the
 principal executive officer of the institution and
 be ex-officio a member of the board without the
 right to vote. The board may elect one of its mem-
 bers or may designate the president, to preside at
 board meetings. Each board of control shall con-
 sist of eight members who shall hold office for
 terms of eight years, not more than two of which
 shall expire in the same year, and who shall be
 appointed by the governor by and with the ad-
 vice and consent of the senate. Vacancies shall
 be filled in like manner.

Sec. 7. The legislature shall provide by law
 for the establishment and financial support of
 public community and junior colleges which shall
 be supervised and controlled by locally elected
 boards. The legislature shall provide by law for
 a state board for public community and junior
 colleges which shall advise the state board of
 education concerning general supervision and plan-
 ning for such colleges and requests for annual
 appropriations for their support. The board shall
 consist of eight members who shall hold office
 for terms of eight years, not more than two of
 which shall expire in the same year, and who shall
 be appointed by the state board of education. Va-
 cancies shall be filled in like manner. The super-
 intendent of public instruction shall be ex-officio
 a member of this board without the right to vote.

Sec. 8. Institutions, programs, and services for
 the care, treatment, education or rehabilitation of
 those inhabitants who are physically, mentally, or
 otherwise seriously handicapped shall always be
 fostered and supported.

1 Sec. 9. The legislature shall provide by law for
2 the establishment and support of public libraries
3 which shall be available to all residents of the state
4 under regulations adopted by the governing bodies
5 thereof. All fines assessed and collected in the
6 several counties, cities and townships for any
7 breach of the penal laws shall be exclusively ap-
8 plied to the support of such public libraries, and
9 county law libraries as provided by law.

Article IX

Finance and Taxation

13 Sec. 1. The legislature shall impose taxes suf-
14 ficient with other resources to pay the expenses of
15 state government.

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

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

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

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

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

1 assessed valuation of property as finally equalized.
2 Under procedures provided by law, which shall
3 guarantee the right of initiative, separate tax
4 limitations for any county and for the townships
5 and for school districts therein, the aggregate of
6 which shall not exceed 18 mills on each dollar of
7 such valuation, may be adopted and thereafter
8 altered by the vote of a majority of the qualified
9 electors of such county voting thereon, in lieu
10 of the limitation hereinbefore established. These
11 limitations may be increased to an aggregate of
12 not to exceed 50 mills on each dollar of valuation,
13 for a period of not to exceed 20 years at any one
14 time, if approved by a majority of the electors,
15 qualified under Section 6 of Article II of this
16 constitution, voting on the question.

17 The foregoing limitations shall not apply to
18 taxes imposed for the payment of principal and
19 interest on bonds or other evidences of indebted-
20 ness or for the payment of assessments or con-
21 tract obligations in anticipation of which bonds
22 are issued, which taxes may be imposed without
23 limitation as to rate or amount; or to taxes im-
24 posed for any other purpose by any city, vil-
25 lage, charter county, charter township, charter
26 authority or other authority, the tax limitations
27 of which are provided by charter or by general
28 law.

29 In any school district which extends into two
30 or more counties, property taxes at the highest
31 rate available in the county which contains the
32 greatest part of the area of the district may be
33 imposed and collected for school purposes through-
34 out the district.

35 Sec. 7. No income tax graduated as to rate
36 or base shall be imposed by the state or any of
37 its subdivisions.

38 Sec. 8. The legislature shall not impose a
39 sales tax on retailers at a rate of more than
40 four percent of their gross taxable sales of
41 tangible personal property.

42 Sec. 9. All specific taxes, except general sales
43 and use taxes and regulatory fees, imposed di-
44 rectly or indirectly on fuels sold or used
45 to propel motor vehicles upon highways and on
46 registered motor vehicles shall, after the payment
47 of necessary collection expenses, be used exclusi-
48 vely for highway purposes as defined by law.

49 Sec. 10. One-eighth of all taxes imposed on
50 retailers on taxable sales at retail of tangible
51 personal property shall be used exclusively for
52 assistance to townships, cities and villages, on
53 a population basis as provided by law. In de-
54 termining population the legislature may exclude
55 any portion of the total number of persons who
56 are wards, patients or convicts in any tax sup-
57 ported institution.

58 Sec. 11. There shall be established a state
59 school aid fund which shall be used exclusively
60 for the support of public education and school

employees' retirement systems, as provided by law. One-half of all taxes imposed on retailers on taxable sales at retail of tangible personal property, and other tax revenues provided by law, shall be dedicated to this fund. Payments from this fund shall be made in full on a scheduled basis, as provided by law.

Sec. 12. No evidence of state indebtedness shall be issued except for debts authorized pursuant to this constitution.

Sec. 13. Public bodies corporate shall have power to borrow money and to issue their securities evidencing debt, subject to this constitution and law.

Sec. 14. To meet obligations incurred pursuant to appropriations for any fiscal year, the legislature may by law authorize the state to issue its full faith and credit notes in which case it shall pledge undedicated revenues to be received within the same fiscal year for the repayment thereof. Such indebtedness in any fiscal year shall not exceed 15 percent of undedicated revenues received by the state during the preceding fiscal year and such debts shall be repaid at the time the revenues so pledged are received, but not later than the end of the same fiscal year.

Sec. 15. The state may borrow money for specific purposes in amounts as may be provided by acts of the legislature adopted by a vote of two-thirds of the members elected to and serving in each house, and approved by a majority of the electors voting thereon at any general election. The question submitted to the electors shall state the amount to be borrowed, the specific purpose to which the funds shall be devoted, and the method of repayment.

Sec. 16. The state, in addition to any other borrowing power, may borrow from time to time such amounts as shall be required, pledge its faith and credit and issue its notes or bonds therefor, for the purpose of making loans to school districts as provided in this section.

If the minimum amount which would otherwise be necessary for a school district to levy in any year to pay principal and interest on its qualified bonds, including any necessary allowances for estimated tax delinquencies, exceeds 13 mills on each dollar of its assessed valuation as finally equalized, or such lower millage as the legislature may prescribe, then the school district may elect to borrow all or any part of the excess from the state. In that event the state shall lend the excess amount to the school district for the payment of principal and interest. If for any reason any school district will be or is unable to pay the principal and interest on its qualified bonds when due, then the school district shall borrow and the state shall lend to it an amount sufficient to enable the school district to make the payment.

The term "qualified bonds" means general obli-

gation bonds of school districts issued for capital expenditures, including refunding bonds, issued prior to May 4, 1955, or issued thereafter and qualified as provided by law pursuant to Section 27 or Section 28 of Article X of the Constitution of 1908 or pursuant to this section.

After a school district has received loans from the state, each year thereafter it shall levy for debt service, exclusive of levies for nonqualified bonds, not less than 13 mills or such lower millage as the legislature may prescribe, until the amount loaned has been repaid, and any tax collections therefrom in any year over and above the minimum requirements for principal and interest on qualified bonds shall be used toward the repayment of state loans. In any year when such levy would produce an amount in excess of the requirements and the amount due to the state, the levy may be reduced by the amount of the excess.

Subject to the foregoing provisions, the legislature shall have the power to prescribe and to limit the procedure, terms and conditions for the qualification of bonds, for obtaining and making state loans, and for the repayment of loans.

The power to tax for the payment of principal and interest on bonds hereafter issued which are the general obligations of any school district, including refunding bonds, and for repayment of any state loans made to school districts, shall be without limitation as to rate or amount.

All rights acquired under Sections 27 and 28 of Article X of the Constitution of 1908, by holders of bonds heretofore issued, and all obligations assumed by the state or any school district under these sections, shall remain unimpaired.

Sec. 17. No money shall be paid out of the state treasury except in pursuance of appropriations made by law.

Sec. 18. The credit of the state shall not be granted to, nor in aid of any person, association or corporation, public or private, except as authorized in this constitution.

This section shall not be construed to prohibit the investment of public funds until needed for current requirements or the investment of funds accumulated to provide retirement or pension benefits for public officials and employees, as provided by law.

Sec. 19. The state shall not subscribe to, nor be interested in the stock of any company, association or corporation, except that funds accumulated to provide retirement or pension benefits for public officials and employees may be invested as provided by law; and endowment funds created for charitable or educational purposes may be invested as provided by law governing the investment of funds held in trust by trustees.

Sec. 20. No state money shall be deposited in banks other than those organized under the national or state banking laws. No state money

shall be deposited in any bank in excess of 50 percent of the capital and surplus of such bank. Any bank receiving deposits of state money shall show the amount of state money so deposited as a separate item in all published statements.

Sec. 21. The legislature shall provide by law for the annual accounting for all public moneys, state and local, and may provide by law for interim accounting.

The legislature shall provide by law for the maintenance of uniform accounting systems by units of local government and the auditing of county accounts by competent state authority and other units of government as provided by law.

Sec. 22. Procedures for the examination and adjustment of claims against the state shall be prescribed by law.

Sec. 23. All financial records, accountings, audit reports and other reports of public moneys shall be public records and open to inspection. A statement of all revenues and expenditures of public moneys shall be published and distributed annually, as provided by law.

Sec. 24. The accrued financial benefits of each pension plan and retirement system of the state and its political subdivisions shall be a contractual obligation thereof which shall not be diminished or impaired thereby.

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

Article X Property

Sec. 1. The disabilities of coverture as to property are abolished. The real and personal estate of every woman acquired before marriage and all real and personal property to which she may afterwards become entitled shall be and remain the estate and property of such woman, and shall not be liable for the debts, obligations or engagements of her husband, and may be dealt with and disposed of by her as if she were unmarried. Dower may be relinquished or conveyed as provided by law.

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

Sec. 3. A homestead in the amount of not less than \$3,500 and personal property of every resident of this state in the amount of not less than \$750, as defined by law, shall be exempt from forced sale on execution or other process of any court. Such exemptions shall not extend to any lien thereon excluded from exemption by law.

Sec. 4. Procedures relating to escheats and to the custody and disposition of escheated property

shall be prescribed by law.

Sec. 5. The legislature shall have general supervisory jurisdiction over all state owned lands useful for forest preserves, game areas and recreational purposes; shall require annual reports as to such lands from all departments having supervision or control thereof; and shall by general law provide for the sale, lease or other disposition of such lands.

The legislature by an act adopted by two-thirds of the members elected to and serving in each house may designate any part of such lands as a state land reserve. No lands in the state land reserve may be removed from the reserve, sold, leased or otherwise disposed of except by an act of the legislature.

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

Article XI

Public Officers and Employment

Sec. 1. All officers, legislative, executive and judicial, before entering upon the duties of their respective offices, shall take and subscribe the following oath or affirmation: I do solemnly swear (or affirm) that I will support the Constitution of the United States and the constitution of this state, and that I will faithfully discharge the duties of the office of according to the best of my ability. No other oath, affirmation, or any religious test shall be required as a qualification for any office or public trust.

Sec. 2. The terms of office of elective state officers, members of the legislature and justices and judges of courts of record shall begin at twelve o'clock noon on the first day of January next succeeding their election, except as otherwise provided in this constitution. The terms of office of county officers shall begin on the first day of January next succeeding their election, except as otherwise provided by law.

Sec. 3. Neither the legislature nor any political subdivision of this state shall grant or authorize extra compensation to any public officer, agent or contractor after the service has been rendered or the contract entered into.

Sec. 4. No person having custody or control of public moneys shall be a member of the legislature, or be eligible to any office of trust or profit under this state, until he shall have made an accounting, as provided by law, of all sums for which he may be liable.

Sec. 5. The classified state civil service shall consist of all positions in the state service except those filled by popular election, heads of principal departments, members of boards and commissions, the principal executive officer of boards and commissions heading principal departments, employees of courts of record, employees of the legis-

lature, employees of the state institutions of higher education, all persons in the armed forces of the state, eight exempt positions in the office of the governor, and within each principal department, when requested by the department head, two other exempt positions, one of which shall be policy-making. The civil service commission may exempt three additional positions of a policy-making nature within each principal department.

The civil service commission shall be non-salaried and shall consist of four persons, not more than two of whom shall be members of the same political party, appointed by the governor for terms of eight years, no two of which shall expire in the same year.

The administration of the commission's powers shall be vested in a state personnel director who shall be a member of the classified service and who shall be responsible to and selected by the commission after open competitive examination.

The commission shall classify all positions in the classified service according to their respective duties and responsibilities, fix rates of compensation for all classes of positions, approve or disapprove disbursements for all personal services, determine by competitive examination and performance exclusively on the basis of merit, efficiency and fitness the qualifications of all candidates for positions in the classified service, make rules and regulations covering all personnel transactions, and regulate all conditions of employment in the classified service.

No person shall be appointed to or promoted in the classified service who has not been certified by the commission as qualified for such appointment or promotion. No appointments, promotions, demotions or removals in the classified service shall be made for religious, racial or partisan considerations.

Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year. Within 60 calendar days following such transmission, the legislature may, by a two-thirds vote of the members elected to and serving in each house, reject or reduce increases in rates of compensation authorized by the commission. Any reduction ordered by the legislature shall apply uniformly to all classes of employees affected by the increases and shall not adjust pay differentials already established by the civil service commission. The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases author-

ized by the commission.

The appointing authorities may create or abolish positions for reasons of administrative efficiency without the approval of the commission. Positions shall not be created nor abolished except for reasons of administrative efficiency. Any employee considering himself aggrieved by the abolition of a position shall have a right of appeal to the commission through established grievance procedures.

The civil service commission shall recommend to the governor and to the legislature rates of compensation for all appointed positions within the executive department not a part of the classified service.

To enable the commission to exercise its powers, the legislature shall appropriate to the commission for the ensuing fiscal year a sum not less than one percent of the aggregate payroll of the classified service for the preceding fiscal year, as certified by the commission. Within six months after the conclusion of each fiscal year the commission shall return to the state treasury all moneys unexpended for that fiscal year.

The commission shall furnish reports of expenditures, at least annually, to the governor and the legislature and shall be subject to annual audit as provided by law.

No payment for personal services shall be made or authorized until the provisions of this constitution pertaining to civil service have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

Sec. 6. By ordinance or resolution of its governing body which shall not take effect until approved by a majority of the electors voting thereon, unless otherwise provided by charter, each county, township, city, village, school district and other governmental unit or authority may establish, modify or discontinue a merit system for its employees other than teachers under contract or tenure. The state civil service commission may on request furnish technical services to any such unit on a reimbursable basis.

Sec. 7. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office or for crimes or misdemeanors, but a majority of the members elected and serving shall be necessary to direct an impeachment.

When an impeachment is directed, the house of representatives shall elect three of its members to prosecute the impeachment.

Every impeachment shall be tried by the senate immediately after the final adjournment of the legislature. The senators shall take an oath or affirmation truly and impartially to try and determine the impeachment according to the evi-

1 dence. When the governor or lieutenant governor
2 is tried, the chief justice of the supreme court
3 shall preside.

4 No person shall be convicted without the con-
5 currence of two-thirds of the senators elected and
6 serving. Judgment in case of conviction shall not
7 extend further than removal from office, but the
8 person convicted shall be liable to punishment
9 according to law.

10 No judicial officer shall exercise any of the
11 functions of his office after an impeachment is
12 directed until he is acquitted.

Article XII

Amendment & Revision

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

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

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

as provided by law.

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

61 If the proposed amendment is approved by a
62 majority of the electors voting on the question,
63 it shall become part of the constitution, and
64 shall abrogate or amend existing provisions of
65 the constitution at the end of 45 days after
66 the date of the election at which it was ap-
67 proved. If two or more amendments approved by
68 the electors at the same election conflict, that
69 amendment receiving the highest affirmative vote
70 shall prevail.

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

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

101 No proposed constitution or amendment adopted
102 by such convention shall be submitted to the
103 electors for approval as hereinafter provided un-
104 less by the assent of a majority of all the delegates
105 elected to and serving in the convention, with the
106 names and vote of those voting entered in the

journal. Any proposed constitution or amendments adopted by such convention shall be submitted to the qualified electors in the manner and at the time provided by such convention not less than 90 days after final adjournment of the convention. Upon the approval of such constitution or amendments by a majority of the qualified electors voting thereon the constitution or amendments shall take effect as provided by the convention.

Schedule and Temporary Provisions

To insure the orderly transition from the constitution of 1908 to this constitution the following schedule and temporary provisions are set forth to be effective for such period as are thereby required.

Sec. 1. The attorney general shall recommend to the legislature as soon as practicable such changes as may be necessary to adapt existing laws to this constitution.

Sec. 2. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights existing on the effective date of this constitution shall continue unaffected except as modified in accordance with the provisions of this constitution.

Sec. 3. Except as otherwise provided in this constitution, all officers filling any office by election or appointment shall continue to exercise their powers and duties until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

No provision of this constitution, or of law or of executive order authorized by this constitution shall shorten the term of any person elected to state office at a statewide election on or prior to the date on which this constitution is submitted to a vote. In the event the duties of any such officers shall not have been abolished or incorporated into one or more of the principal departments at the expiration of his term, such officer shall continue to serve until his duties are so incorporated or abolished.

Sec. 4. All officers elected at the same election that this constitution is submitted to the people for adoption shall take office and complete the term to which they were elected under the 1908 constitution and existing laws and continue to serve until their successors are elected and qualified pursuant to this constitution or law.

Sec. 5. Notwithstanding any other provision in this constitution, the governor, the lieutenant governor, the secretary of state, the attorney general, and state senators shall be elected at the general election in 1964 to serve for two year terms beginning on the first day of January next

succeeding their election. The first election of such officers for four-year terms under this constitution shall be held at the general election in 1966.

Sec. 6. The state shall be districted for the purpose of electing senators in accordance with the provisions of Section 2 of Article IV of this constitution, after the official publication of the total population count of the 1970 decennial federal census. Until the apportionment of the senate following the 1970 census, the senatorial districts under the 1908 constitution shall remain intact except that upon the adoption of this constitution each of the counties of Kent, Genesee, Macomb and Oakland shall be divide by the apportionment commission into two senatorial districts and Wayne county into eight senatorial districts in accordance with this constitution. The legislature may give prior effect to Section 2 of Article IV of this constitution, which action shall not be subject to veto by the governor.

Sec. 7. Notwithstanding the provisions of this constitution that the supreme court shall consist of seven justices it shall consist of eight justices until the time that a vacancy occurs as a result of death, retirement or resignation of a justice. The first such vacancy shall not be filled.

Sec. 8. Any judge of probate serving on the effective date of this constitution may serve the remainder of the term and be eligible to succeed himself for election regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

Sec. 9. The provisions of Article VI providing that terms of judicial offices shall not all expire at the same time, shall be implemented by law providing that at the next election for such offices judges shall be elected for terms of varying length, none of which shall be shorter than the regular term provided for the office.

Sec. 10. The members of the state board of education provided for in Section 3 of Article VIII of this constitution shall first be elected at the first general election after the effective date of this constitution for the following terms: two shall be elected for two years, two for four years, two for six years, and two for eight years as prescribed by law.

The State Board of Education provided for in the constitution of 1908 is abolished at twelve o'clock noon January 1 of the year following the first general election under this constitution and the terms of members thereof shall then expire.

Sec. 11. The provisions of this constitution providing for members of boards of control of institutions of higher education and the State Board of Public Community and Junior Colleges shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be

extended, and may further provide that the initial terms of office of members may be less than eight years.

Sec. 12. The provisions of this constitution increasing the number of members of the Board of Trustees of Michigan State University and of the Board of Governors of Wayne State University to eight, and of their term of office to eight years, shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended one year, and may further provide that the initial terms of office of the additional members may be less than eight years.

Sec. 13. The initial allocation of departments by law pursuant to Section 2 of Article V of this constitution, shall be completed within two years after the effective date of this constitution. If such allocation shall not have been completed within such period, the governor, within one year thereafter, by executive order, shall make the initial allocation.

Sec. 14. Contractual obligations of the state incurred pursuant to the constitution of 1908 shall continue to be obligations of the state.

For the retirement of notes and bonds issued under Section 26 of Article X of the 1908 constitution, there is hereby appropriated from the general fund each year during their life a sum equal to the amount of principal and interest payments due and payable in each year.

Sec. 15. The legislature by a vote of two-thirds of the members elected to and serving in each house may provide that the state may bor-

row money and may pledge its full faith and credit for refunding any bonds issued by the Mackinac Bridge Authority and at the time of refunding the Mackinac Bridge Authority shall be abolished and the operation of the bridge shall be assumed by the state highway department. The legislature may implement this section by law.

Sec. 16. This constitution shall be submitted to the people for their adoption or rejection at the general election to be held on the Tuesday after the first Monday of November, 1962. It shall be the duty of the secretary of state forthwith to give notice of such submission to all other officers required to give or publish any notice in regard to a general election. He shall give notice that this constitution will be duly submitted to the electors at such election. The notice shall be given in the manner required for the election of governor.

Sec. 17. Every registered elector may vote on the adoption of the constitution. The board of election commissioners in each county shall cause to be printed on a ballot separate from the ballot containing the names of the nominees for office, the words: Shall the revised constitution be adopted? () Yes. () No. All votes cast at the election shall be taken, counted, canvassed and returned as provided by law for the election of state officers. If the revised constitution so submitted receives more votes in its favor than were cast against it, it shall be the supreme law of the state on and after the first day of January of the year following its adoption.

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

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

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

against the secretary of state, by Mr. Van Dusen, chairman, submits the following report:

In accordance with Resolution 96, the committee on action against secretary of state on May 14, 1962, filed with the circuit court for the county of Ingham, a petition for declaration of rights in an action entitled, Stephen S. Nisbet, President of the Michigan Constitutional Convention of 1961-1962 v. James M. Hare, Secretary of State. The relief sought was a declaration that the convention has the right to provide for submission of the proposed new constitution to the electors at the general election to be held November 6, 1962. The summons and petition were served on the secretary of state on the same day.

On May 22, having had no response from the attorney general, petitioner filed a motion for the entry of a decree. On May 25, the secretary of state appeared specially by the attorney general and moved to dismiss the petition on the ground that the case did not present an actual controversy. The trial court heard argument on the attorney general's motion on June 1 and on June 6 rendered an opinion denying the motion to dismiss. An order to that effect was entered on June 11.

Instead of proceeding to file an answer, the attorney general then filed an application to the supreme court for leave to appeal. This application was granted by the supreme court and the attorney general, on July 2, filed a claim of appeal.

The attorney general has not yet filed a brief and he states that he does not intend to do so until after August 7.

It is obvious that no judicial determination of the right of the constitutional convention to require submission of the proposed constitution to the electors on November 6 will be made in time to be useful to the convention. Accordingly, the committee recommends:

1) That section 15 [formerly section 16] of the schedule and temporary provisions of the proposed constitution be amended by striking from the first sentence the words "Tuesday after the first Monday of November, 1962" and inserting "first Monday in April, 1963."

2) That the committee be authorized to discontinue the action entitled, Nisbet v. Hare.

Richard C. Van Dusen, chairman.

MR. VAN DUSEN: Mr. President, I move the adoption of the report.

PRESIDENT NISBET: The question is on the motion of Mr. Van Dusen that the report be adopted. Those in favor will say aye. Opposed, no.

The report is adopted. Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, in compliance with our rules, I think it would now be necessary to take a roll call vote on the amendment to the constitution changing the date.

PRESIDENT NISBET: Mr. Chase will read the amendment.

SECRETARY CHASE: The amendment recommended in the report is as follows:

1. Amend the schedule, section 15 [formerly section 16] (column 2) line 11, after "held on the" by striking out "Tuesday after the first Monday of November, 1962.", and inserting "first Monday in April, 1963."

PRESIDENT NISBET: The secretary will call the roll. Those in favor of the amendment will vote aye as your name is called. Those opposed will vote no.

The roll was called and the delegates voted as follows:

Yeas—141

Allen	Goebel	Page
Andrus, Miss	Gover	Pellow
Anspach	Greene	Perlich
Austin	Gust	Perras
Baginski	Habermehl	Plank
Balcer	Hanna, W. F.	Pollock
Barthwell	Hannah, J. A.	Powell
Batchelor	Hart, Miss	Prettie
Beaman	Haskill	Pugsley
Bentley	Hatch	Radka

Binkowski	Hatcher, Mrs.
Blandford	Heideman
Bledsoe	Higgs
Bonisteel	Hood
Boothby	Howes
Bowens	Hoxie
Bradley	Hubbs
Brake	Hutchinson
Brown, G. E.	Iverson
Brown, T. S.	Jones
Buback	Judd, Mrs.
Butler, Mrs.	Karn
Conklin, Mrs.	Kelsey
Cudlip	Kirk, S.
Cushman, Mrs.	Knirk, B.
Danhof	Koeze, Mrs.
Dehnke	Krolkowski
Dell	Kuhn
DeVries	Lawrence
Donnelly, Miss	Lebrand
Doty, Dean	Leppien
Doty, Donald	Lesinski
Douglas	Liberato
Downs	Madar
Durst	Mahinske
Elliott, A. G.	Martin
Elliott, Mrs. Daisy	McAllister
Erickson	McCauley
Everett	McGowan, Miss
Farnsworth	McLogan
Faxon	Millard
Figy	Mosier
Finch	Murphy
Follo	Nisbet
Ford	Nord
Gadola	Norris
Garvin	Ostrow

Nays—0

SECRETARY CHASE: On the adoption of the amendment, the yeas are 141; the nays are none.

PRESIDENT NISBET: The amendment is adopted. The question now is on the final passage of the constitution as amended this morning. Those who are in favor will answer aye as your names are called. Those opposed will answer nay. The secretary will call the roll.

The roll was called and the delegates voted as follows:

Yeas—98

Allen	Gover	Powell
Andrus, Miss	Gust	Prettie
Anspach	Habermehl	Pugsley
Balcer	Hanna, W. F.	Radka
Batchelor	Hannah, J. A.	Rajkovich
Beaman	Haskill	Richards, J. B.
Bentley	Hatch	Richards, L. W.
Blandford	Heideman	Romney
Bonisteel	Higgs	Rood
Boothby	Howes	Rush
Brake	Hoxie	Seyferth
Brown, G. E.	Hubbs	Shackleton
Butler, Mrs.	Hutchinson	Shaffer
Conklin, Mrs.	Iverson	Sharpe
Cudlip	Judd, Mrs.	Sleder
Cushman, Mrs.	Karn	Spitler
Danhof	Kirk, S.	Stafseth
Dehnke	Knirk, B.	Staiger
Dell	Koeze, Mrs.	Stamm
DeVries	Kuhn	Sterrett
Donnelly, Miss	Lawrence	Stevens
Doty, Dean	Leppien	Thomson
Doty, Donald	Martin	Tubbs
Durst	McCauley	Turner
Elliott, A. G.	McGowan, Miss	Tweedie
Erickson	McLogan	Upton
Everett	Millard	Van Dusen
Farnsworth	Mosier	Wanger
Figy	Nisbet	White
Finch	Page	Wood

Follo
Gadola
Goebel

Perras
Plank
Pollock

Woolfenden
Yeager

Nays—43

Austin
Baginski
Barthwell
Binkowski
Bledsoe
Bowens
Bradley
Brown, T. S.
Buback
Douglas
Downs
Elliott, Mrs. Daisy
Faxon
Ford
Garvin

Greene
Hart, Miss
Hatcher, Mrs.
Hood
Jones
Kelsey
Krolikowski
Leibrand
Lesinski
Liberato
Madar
Mahinske
McAllister
Murphy

Nord
Norris
Ostrow
Pellow
Perlich
Sablich
Shanahan
Snyder
Stopczynski
Suzore
Walker
Wilkowski
Young
Youngblood

SECRETARY CHASE: On the adoption of the constitution as amended, the yeas are 98; the nays are 43. (applause)
PRESIDENT NISBET: The **constitution** is adopted.

For the constitution as adopted, see below, page 3317.

Because of the hour, it being almost noon, the Chair recognizes Mr. Van Dusen.

MR. VANDUSEN: Mr. President, I move that the convention now stand in recess until 2:00 p.m.

PRESIDENT NISBET: The question is on the motion of Mr. Van Dusen that we recess until 2:00 p.m. Those in favor will say aye. Opposed, no.

The motion prevails. We are recessed until 2:00 o'clock.

[Whereupon, at 11:50 o'clock a.m., the convention recessed; and, at 2:00 o'clock p.m., reconvened.]

Will the delegates please take their seats. The convention will please come to order.

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

PRESIDENT NISBET: I think we should recognize the fact that many of our employees are voluntarily back with us today, meeting with the delegates. I'm sure all of us are very happy to have them here. It brings about a happy result to see them and I think we ought to give them a good hand. (applause) Mr. Chase has an announcement.

SECRETARY CHASE: There are 3 announcements that possibly should have been made before we recessed for lunch.

First, there is mail for all of the delegates in the mail room downstairs.

Just prior to the May 11 adjournment, several of the delegates took out, on loan, sets of convention slides which have not been returned. Missing from our files are 12 complete sets of slides. Since we frequently have call from other delegates for the use of these slides, we would appreciate their return as soon as possible. Ink White, chairman of the committee on public information.

I am sure the delegates recall the lady on the civic center staff who took such good care of keeping the windows clean and the place well slicked up, who had to go to the hospital for a very critical operation. A number of the delegates contributed to a fund to help her over her financial difficulties. I have the following card:

It is very difficult to express my appreciation to all the wonderful people of con. con. Let me say, with my heart, your kindness and generosity will always be remembered.

Sincerely,
Freda Adams.

PRESIDENT NISBET: Since the adjournment on May 11, we have added 2 new associate members to the delegation: Mrs. Charles Follo and Mrs. Gil Wanger.

I asked Charlie if Mrs. Follo was present so that he might present her, but he said she isn't. We are sorry, Charlie, she couldn't be with us.

Mr. Wanger, is your associate delegate present? Would you present her?

[Whereupon, the delegates accorded Mrs. Wanger a standing ovation.]

At the final session before the long recess the president was authorized to name a reunion committee for the constitutional convention. Accordingly, the **president appoints**, as members of the reunion committee: Mr. Erickson, Mrs. Koeze, Messrs. Jones, Bowens, Brake, Mrs. Conklin, Mr. Dean Doty, Mrs. Daisy Elliott, Messrs. Faxon, Kelsey, Kuhn, Powell, Sharpe, Wanger, White and Norris.

Without objection, the appointments are approved. You will notice that most of these delegates are within the area of Lansing, Detroit or Grand Rapids for their ease in getting together when they have to meet. Mr. Claud Erickson is chairman of the committee.

Returning to the order of business, **approval of address to people**. We will take up the **report of the committee on public information**. Mr. White, chairman.

MR. WHITE: Mr. President, under date of June 26, 1962, each delegate was mailed proof copies of the proposed address to the people. Since that time our committee has received numerous suggestions for corrections, additions, deletions and so on. Our committee has met and gone over these suggestions and they have been, for the most part, agreed to. I might say, parenthetically, the address in its present corrected form represents the writing and editing of upwards of 50 of our delegates.

Under date of July 27, 1962, each of you was mailed a 16 page multilith report which outlined in detail some 108 corrections. This communication also carried the recommendation that we be authorized to correct the text of the constitution as it appears in the address to conform with the style and drafting changes adopted at today's session, and to offer comments accordingly, if necessary. All of this material has been delivered again to each delegate's desk today. Additionally, you have a single white multilith sheet from our committee containing brief addenda to this 16 page report.

It seems to me, Mr. President, the delegates have had ample time to consider these matters, and to expedite our final deliberations, I move that the report of the public information committee, with the recommended addenda, be considered read.

PRESIDENT NISBET: Without objection, it is so ordered.

Following is the report as submitted and considered read:

After careful consideration of suggestions from delegates, your committee on public information recommends the adoption of the following changes in the proof copy of the address to the people:

For document incorporating following changes, see below, page 3355. Page numbers in report refer to document pages.

1. Amend page 2, second full paragraph, line 3, after "that one" by striking out "must" and inserting "should"; to improve phraseology.

2. Amend page 2, third full paragraph, line 1, by striking out "Ordered by popular vote, its delegates selected by the people on the basis of one from each senatorial and representative district, the Constitutional Convention of 1961-62 met in Lansing on October 3, 1961.", and inserting "The convention was ordered by popular vote in April of 1961. There were 144 delegates, representing Michigan's 34 State Senatorial districts and 110 State Representative seats. They were elected in statewide voting on September 12, 1961, and convened at Lansing on October 3, 1961."; to improve awkward sentence construction and correct error by indicating "seats" rather than representative "districts."

3. Amend page 2, fifth full paragraph, line 2, after "overlapped" by striking out "each other"; to improve phraseology.

4. Amend page 2, fifth full paragraph, line 6, after

**CONSTITUTION
OF THE
STATE OF MICHIGAN**

**as finally adopted
by the Convention
August 1, 1962**

PREAMBLE

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

ARTICLE I

Declaration of Rights

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

Sec. 2. No person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color or national origin. The legislature shall implement this section by appropriate legislation.

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

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

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

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

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

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

Sec. 9. Neither slavery, nor involuntary servitude unless for the punishment of crime, shall ever be tolerated in this state.

Sec. 10. No bill of attainder, ex post facto law or law impairing the obligation of contract shall be enacted.

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

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

Sec. 13. A suitor in any court of this state has the right to prosecute or defend his suit, either in his own proper person or by an attorney.

Sec. 14. The right of trial by jury shall remain, but shall be waived in all civil cases unless demanded by one of the parties in the manner prescribed by law. In all civil cases tried by 12 jurors a verdict shall be received when 10 jurors agree.

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

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

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

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

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

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

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

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

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

ARTICLE II

Elections

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

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

Sec. 3. For purposes of voting in the election for president and vice-president of the United States only, the legislature may by law establish lesser residence requirements for citizens who have resided in this state for less than six months and may waive residence requirements for former citizens of this state who have removed herefrom. The legislature shall not permit voting by any person who meets the voting residence requirements of the state to which he has removed.

Sec. 4. The legislature shall enact laws to regulate the time, place and manner of all nominations and elections, except as otherwise provided in this constitution or in the constitution and laws of the United States. The legislature shall enact laws to preserve the purity of elections, to preserve the secrecy of the ballot, to guard against abuses of the elective franchise, and to provide for a system of voter registration and absentee voting. No law shall be enacted which permits a candidate in any partisan primary or partisan election to have a ballot designation except when required for identification of candidates for the same office who have the same or similar surnames.

Sec. 5. Except for special elections to fill vacancies, or as otherwise provided in this constitution, all elections for national, state, county and township offices shall be held on the first Tuesday after the first Monday in November in each even-numbered year or on such other date as members of the congress of the United States are regularly elected.

Sec. 6. Whenever any question is required to be submitted by a political subdivision to the electors for the increase of the ad valorem tax rate limitation imposed by Section 6 of Article IX for a period of more than five years, or for the issue of bonds, only electors in, and who have property assessed for any ad valorem taxes in, any part of the district or territory to be affected by the result of such election or electors who are the lawful husbands or wives of such persons shall be entitled to vote thereon. All electors in the district or territory affected may vote on all other questions.

Sec. 7. A board of state canvassers of four members shall be established by law. No candidate for an office to be canvassed nor any inspector of elections shall be eligible to serve as a member of a board of canvassers. A majority of any board of canvassers shall not be composed of members of the same political party.

Sec. 8. Laws shall be enacted to provide for the recall of all elective officers except judges of courts of record upon petition of electors equal in number to 25 percent of the number of persons voting in the last preceding election for the office of governor in the electoral district of the officer sought to be recalled. The sufficiency of any statement of reasons or grounds procedurally required shall be a political rather than a judicial question.

Sec. 9. The people reserve to themselves the power to propose laws and to enact and reject laws, called the initiative, and the power to approve or reject laws enacted by the legislature, called the referendum. The power of initiative extends only to laws which the legislature may enact under this constitution. The power of referendum does not extend to acts making appropriations for state institutions or to meet deficiencies in state funds and must be invoked in the manner prescribed by law within 90 days following the final adjournment of the legislative session at which the law was enacted. To invoke the initiative or referendum, petitions signed by a number of registered electors, not less than eight percent for initiative and five percent for referendum of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected shall be required.

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

Any law proposed by initiative petition shall be either enacted or rejected by the legislature without change or amendment within 40 session days from the time such petition is received by the legislature. If any law proposed by such petition shall be enacted by the legislature it shall be subject to referendum, as hereinafter provided.

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

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

The legislature shall implement the provisions of this section.

ARTICLE III

General Government

Sec. 1. The seat of government shall be at Lansing.

Sec. 2. The powers of government are divided into three branches: legislative, executive and judicial. No person exercising powers of one branch shall exercise powers properly belonging to another branch except as expressly provided in this constitution.

Sec. 3. There shall be a great seal of the State of Michigan and its use shall be provided by law.

Sec. 4. The militia shall be organized, equipped and disciplined as provided by law.

Sec. 5. Subject to provisions of general law, this state or any political subdivision thereof, any governmental authority or any combination thereof may enter into agreements for the performance, financing or execution of their respective functions, with any one or more of the other states, the United States, the Dominion of Canada, or any political subdivision thereof unless otherwise provided in this constitution. Any other provision of this constitution notwithstanding, an officer or employee of the state or of any such unit of government or subdivision or agency thereof may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service. The legislature may impose such restrictions, limitations or conditions on such service as it may deem appropriate.

Sec. 6. The state shall not be a party to, nor be financially interested in, any work of internal improvement, nor engage in carrying on any such work, except for public internal improvements provided by law.

Sec. 7. The common law and the statute laws now in force, not repugnant to this constitution, shall remain in force until they expire by their own limitations, or are changed, amended or repealed.

Sec. 8. Either house of the legislature or the governor may request the opinion of the supreme court on important questions of law upon solemn occasions as to the constitutionality of legislation after it has been enacted into law but before its effective date.

ARTICLE IV

Legislative Branch

Sec. 1. The legislative power of the State of Michigan is vested in a senate and a house of representatives.

Sec. 2. The senate shall consist of 38 members to be elected from single member districts at the same election as the governor for four-year terms concurrent with the term of office of the governor.

In districting the state for the purpose of electing senators after the official publication of the total population count of each federal decennial census, each county shall be assigned apportionment factors equal to the sum of its percentage of the state's population as shown by the last regular federal decennial census computed to the nearest one-one hundredth of one percent multiplied by four and its percentage of the state's land area computed to the nearest one-one hundredth of one percent.

In arranging the state into senatorial districts, the apportionment commission shall be governed by the following rules:

(1) Counties with 13 or more apportionment factors shall be entitled as a class to senators in the proportion that the total apportionment factors of such counties bear to the total apportionment factors of the state computed to the nearest whole number. After each such county has been allocated one senator, the remaining senators to which this class of counties is entitled shall be distributed among such counties by the method of equal proportions applied to the apportionment factors.

(2) Counties having less than 13 apportionment factors shall be entitled as a class to senators in the proportion that the total apportionment factors of such counties bear to the total apportionment factors of the state computed to the nearest whole number. Such counties shall thereafter be arranged into senatorial districts that are compact, convenient, and contiguous by land, as rectangular in shape as possible, and having as nearly as possible 13 apportionment factors, but in no event less than 10 or more than 16. Insofar as possible, existing senatorial districts at the time of reapportionment shall not be altered unless there is a failure to comply with the above standards.

(3) Counties entitled to two or more senators shall be divided into single member districts. The population of such districts shall be as nearly equal as possible but shall not be less than 75 percent nor more than 125 percent of a number determined by dividing the population of the county by the number of senators to which it is entitled. Each such district shall follow incorporated city or township boundary lines to the extent possible and shall be compact, contiguous, and as nearly uniform in shape as possible.

Sec. 3. The house of representatives shall consist of 110 members elected for two-year terms from single member districts apportioned on a basis of population as provided in this article. The districts shall consist of compact and convenient territory contiguous by land.

Each county which has a population of not less than seven-tenths of one percent of the population of the state shall constitute a separate representative area. Each county having less than seven-tenths of one percent of the population of the state shall be combined with another county or counties to form a representative area of not less than seven-tenths of one percent of the population of the state. Any county which is isolated under the initial allocation as provided in this section shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.

After the assignment of one representative to each of the representative areas, the remaining house seats shall be apportioned among the representative areas on the basis of population by the method of equal proportions.

Any county comprising a representative area entitled to two or more representatives shall be divided into single member representative districts as follows:

(1) The population of such districts shall be as nearly equal as possible but shall not be less than 75 percent nor more than 125 percent of a number determined by dividing the population of the representative area by the number of representatives to which it is entitled.

(2) Such single member districts shall follow city and township boundaries where applicable and shall be composed of compact and contiguous territory as nearly square in shape as possible.

Any representative area consisting of more than one county, entitled to more than one representative, shall be divided into single member districts as equal as possible in population, adhering to county lines.

Sec. 4. In counties having more than one representative or senatorial district, the territory in the same county annexed to or merged with a city between apportionments shall become a part of a contiguous representative or senatorial district in the city with which it is combined, if provided by ordinance of the city. The district or districts with which the territory shall be combined shall be determined by such ordinance certified to the secretary of state. No such change in the boundaries of a representative or senatorial district shall have the effect of removing a legislator from office during his term.

Sec. 5. Island areas are considered to be contiguous by land to the county of which they are a part.

Sec. 6. A commission on legislative apportionment is hereby established consisting of eight electors, four of whom shall be selected by the state organizations of each of the two political parties whose candidates for governor received the highest vote at the last general election at which a governor was elected preceding each apportionment. If a candidate for governor of a third political party has received at such election more than 25 percent of such gubernatorial vote, the commission shall consist of 12 members, four of whom shall be selected by the state organization of the third political party. One resident of each of the following four regions shall be selected by each political party organization: (1) the upper peninsula; (2) the northern part of the lower peninsula, north of a line drawn along the northern boundaries of the counties of Bay, Midland, Isabella, Mecosta, Newaygo and Oceana; (3) southwestern Michigan, those counties south of region (2) and west of a line drawn along the western boundaries of the counties of Bay, Saginaw, Shiawassee, Ingham, Jackson and Hillsdale; (4) southeastern Michigan, the remaining counties of the state.

No officers or employees of the federal, state or local governments, excepting notaries public and members of the armed forces reserve, shall be eligible for membership on the commission. Members of the commission shall not be eligible for election to the legislature until two years after the apportionment in which they participated becomes effective.

The commission shall be appointed immediately after the adoption of this constitution and whenever apportionment or districting of the legislature is required by the provisions of this constitution. Members of the commission shall hold office until each apportionment or districting plan becomes effective. Vacancies shall be filled in the same manner as for original appointment.

The secretary of state shall be secretary of the commission without vote, and in that capacity shall furnish, under the direction of the commission, all necessary technical services. The commission shall elect its own chairman, shall make its own rules of procedure, and shall receive compensation provided by law. The legislature shall appropriate funds to enable the commission to carry out its activities.

Within 30 days after the adoption of this constitution, and after the official total population count of each federal decennial census of the state and its political subdivisions is available, the secretary of state shall issue a call convening the commission not less than 30 nor more than 45 days thereafter. The commission shall complete its work within 180 days after all necessary census information is available. The commission shall proceed to district and apportion the senate and house of representatives according to the provisions of this constitution. All final decisions shall require the concurrence of a majority of the members of the commission. The commission shall hold public hearings as may be provided by law.

Each final apportionment and districting plan shall be published as provided by law within 30 days from the date of its adoption and shall become law 60 days after

publication. The secretary of state shall keep a public record of all the proceedings of the commission and shall be responsible for the publication and distribution of each plan.

If a majority of the commission cannot agree on a plan, each member of the commission, individually or jointly with other members, may submit a proposed plan to the supreme court. The supreme court shall determine which plan complies most accurately with the constitutional requirements and shall direct that it be adopted by the commission and published as provided in this section.

Upon the application of any elector filed not later than 60 days after final publication of the plan, the supreme court, in the exercise of original jurisdiction, shall direct the secretary of state or the commission to perform their duties, may review any final plan adopted by the commission, and shall remand such plan to the commission for further action if it fails to comply with the requirements of this constitution.

Sec. 7. Each senator and representative must be a citizen of the United States, at least 21 years of age, and an elector of the district he represents. The removal of his domicile from the district shall be deemed a vacation of the office. No person who has been convicted of subversion or who has within the preceding 20 years been convicted of a felony involving a breach of public trust shall be eligible for either house of the legislature.

Sec. 8. No person holding any office, employment or position under the United States or this state or a political subdivision thereof, except notaries public and members of the armed forces reserve, may be a member of either house of the legislature.

Sec. 9. No person elected to the legislature shall receive any civil appointment within this state from the governor, except notaries public, from the legislature, or from any other state authority, during the term for which he is elected.

Sec. 10. No member of the legislature nor any state officer shall be interested directly or indirectly in any contract with the state or any political subdivision thereof which shall cause a substantial conflict of interest. The legislature shall further implement this provision by appropriate legislation.

Sec. 11. Senators and representatives shall be privileged from civil arrest and civil process during sessions of the legislature and for five days next before the commencement and after the termination thereof. They shall not be questioned in any other place for any speech in either house.

Sec. 12. The compensation and expense allowances of the members of the legislature shall be determined by law. Changes in compensation or expense allowances shall become effective only when legislators commence their terms of office after a general election.

Sec. 13. The legislature shall meet at the seat of government on the second Wednesday in January of each year at twelve o'clock noon. Each regular session shall adjourn without day, on a day determined by concurrent resolution, at twelve o'clock noon. Any business, bill or joint resolution pending at the final adjournment of a regular session held in an odd numbered year shall carry over with the same status to the next regular session.

Sec. 14. A majority of the members elected to and serving in each house shall constitute a quorum to do business. A smaller number in each house may adjourn from day to day, and may compel the attendance of absent members in the manner and with penalties as each house may prescribe.

Sec. 15. There shall be a bi-partisan legislative council consisting of legislators appointed in the manner prescribed by law. The legislature shall appropriate funds for the council's operations and provide for its staff which shall maintain bill drafting, research and other services for the members of the legislature. The council shall periodically examine and recommend to the legislature revision of the various laws of the state.

Sec. 16. Each house, except as otherwise provided in this constitution, shall choose its own officers and determine the rules of its proceedings, but shall not adopt any rule that will prevent a majority of the members elected thereto and serving therein from discharging a committee from the further consideration of any measure. Each house shall be the sole judge of the qualifications, elections and returns of its members, and may, with the concurrence of two-thirds of all the members elected thereto and serving therein, expel a member. The reasons for such expulsion shall be entered in the journal, with the votes and names of the members voting upon the question. No member shall be expelled a second time for the same cause.

Sec. 17. Each house of the legislature may establish the committees necessary for the efficient conduct of its business and the legislature may create joint committees. On all actions on bills and resolutions in each committee, names and votes of members shall be recorded. Such vote shall be available for public inspection. Notice of all committee hearings and a clear statement of all subjects to be considered at each hearing shall be published in the journal in advance of the hearing.

Sec. 18. Each house shall keep a journal of its proceedings, and publish the same unless the public security otherwise requires. The record of the vote and name of the members of either house voting on any question shall be entered in the journal at the request of one-fifth of the members present. Any member of either house may dissent from and protest against any act, proceeding or resolution which he deems injurious to any person or the public, and have the reason for his dissent entered in the journal.

Sec. 19. All elections in either house or in joint convention and all votes on appointments submitted to the senate for advice and consent shall be published by vote and name in the journal.

Sec. 20. The doors of each house shall be open unless the public security otherwise requires.

Sec. 21. Neither house shall, without the consent of the other, adjourn for more than two intervening calendar days, nor to any place other than where the legislature may then be in session.

Sec. 22. All legislation shall be by bill and may originate in either house.

Sec. 23. The style of the laws shall be: The People of the State of Michigan enact.

Sec. 24. No law shall embrace more than one object, which shall be expressed in its title. No bill shall be altered or amended on its passage through either house so as to change its original purpose as determined by its total content and not alone by its title.

Sec. 25. No law shall be revised, altered or amended by reference to its title only. The section or sections of the act altered or amended shall be re-enacted and published at length.

Sec. 26. No bill shall be passed or become a law at any regular session of the legislature until it has been printed or reproduced and in the possession of each house for

at least five days. Every bill shall be read three times in each house before the final passage thereof. No bill shall become a law without the concurrence of a majority of the members elected to and serving in each house. On the final passage of bills, the votes and names of the members voting thereon shall be entered in the journal.

Sec. 27. No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.

Sec. 28. When the legislature is convened on extraordinary occasions in special session no bill shall be passed on any subjects other than those expressly stated in the governor's proclamation or submitted by special message.

Sec. 29. The legislature shall pass no local or special act in any case where a general act can be made applicable, and whether a general act can be made applicable shall be a judicial question. No local or special act shall take effect until approved by two-thirds of the members elected to and serving in each house and by a majority of the electors voting thereon in the district affected. Any act repealing local or special acts shall require only a majority of the members elected to and serving in each house and shall not require submission to the electors of such district.

Sec. 30. The assent of two-thirds of the members elected to and serving in each house of the legislature shall be required for the appropriation of public money or property for local or private purposes.

Sec. 31. The general appropriation bills for the succeeding fiscal period covering items set forth in the budget shall be passed or rejected in either house of the legislature before that house passes any appropriation bill for items not in the budget except bills supplementing appropriations for the current fiscal year's operation. Any bill requiring an appropriation to carry out its purpose shall be considered an appropriation bill. One of the general appropriation bills as passed by the legislature shall contain an itemized statement of estimated revenue by major source in each operating fund for the ensuing fiscal period, the total of which shall not be less than the total of all appropriations made from each fund in the general appropriation bills as passed.

Sec. 32. Every law which imposes, continues or revives a tax shall distinctly state the tax.

Sec. 33. Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law. If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves, and the legislature continues the session at which the bill was passed, he shall return it within such 14-day period with his objections, to the house in which it originated. That house shall enter such objections in full in its journal and reconsider the bill. If two-thirds of the members elected to and serving in that house pass the bill notwithstanding the objections of the governor, it shall be sent with the objections to the other house for reconsideration. The bill shall become law if passed by two-thirds of the members elected to and serving in that house. The vote of each house shall be entered in the journal with the votes and names of the members voting thereon. If any bill is not returned by the governor within such 14-day period, the legislature continuing in session, it shall become law as if he had signed it.

Sec. 34. Any bill passed by the legislature and approved by the governor, except a bill appropriating money, may provide that it will not become law unless approved by a majority of the electors voting thereon.

Sec. 35. All laws enacted at any session of the legislature shall be published in book form within 60 days after final adjournment of the session, and shall be distributed in the manner provided by law. The prompt publication of judicial decisions shall be provided by law. All laws and judicial decisions shall be free for publication by any person.

Sec. 36. No general revision of the laws shall be made. The legislature may provide for a compilation of the laws in force, arranged without alteration, under appropriate heads and titles.

Sec. 37. The legislature may by concurrent resolution empower a joint committee of the legislature, acting between sessions, to suspend any rule or regulation promulgated by an administrative agency subsequent to the adjournment of the last preceding regular legislative session. Such suspension shall continue no longer than the end of the next regular legislative session.

Sec. 38. The legislature may provide by law the cases in which any office shall be vacant and the manner of filling vacancies where no provision is made in this constitution.

Sec. 39. In order to insure continuity of state and local governmental operations in periods of emergency only, resulting from disasters occurring in this state caused by enemy attack on the United States, the legislature may provide by law for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices; and enact other laws necessary and proper for insuring the continuity of governmental operations. Notwithstanding the power conferred by this section, elections shall always be called as soon as possible to fill any vacancies in elective offices temporarily occupied by operation of any legislation enacted pursuant to the provisions of this section.

Sec. 40. The legislature may by law establish a liquor control commission which, subject to statutory limitations, shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof. The legislature may provide for an excise tax on such sales. Neither the legislature nor the commission may authorize the manufacture or sale of alcoholic beverages in any county in which a majority of the electors voting thereon shall prohibit the same.

Sec. 41. The legislature shall not authorize any lottery nor permit the sale of lottery tickets.

Sec. 42. The legislature may provide for the incorporation of ports and port districts, and confer power and authority upon them to engage in work of internal improvements in connection therewith.

Sec. 43. No general law providing for the incorporation of trust companies or corporations for banking purposes, or regulating the business thereof, shall be enacted, amended or repealed except by a vote of two-thirds of the members elected to and serving in each house.

Sec. 44. The legislature may authorize a trial by a jury of less than 12 jurors in civil cases.

Sec. 45. The legislature may provide for indeterminate sentences as punishment for crime and for the detention and release of persons imprisoned or detained under such sentences.

Sec. 46. No law shall be enacted providing for the penalty of death.

Sec. 47. The legislature may authorize the employment of chaplains in state institutions of detention or confinement.

Sec. 48. The legislature may enact laws providing for the resolution of disputes concerning public employees, except those in the state classified civil service.

Sec. 49. The legislature may enact laws relative to the hours and conditions of employment.

Sec. 50. The legislature may provide safety measures and regulate the use of atomic energy and forms of energy developed in the future, having in view the general welfare of the people of this state.

Sec. 51. The public health and general welfare of the people of the state are hereby declared to be matters of primary public concern. The legislature shall pass suitable laws for the protection and promotion of the public health.

Sec. 52. The conservation and development of the natural resources of the state are hereby declared to be of paramount public concern in the interest of the health, safety and general welfare of the people. The legislature shall provide for the protection of the air, water and other natural resources of the state from pollution, impairment and destruction.

Sec. 53. The legislature by a majority vote of the members elected to and serving in each house, shall appoint an auditor general, who shall be a certified public accountant licensed to practice in this state, to serve for a term of eight years. He shall be ineligible for appointment or election to any other public office in this state from which compensation is derived while serving as auditor general and for two years following the termination of his service. He may be removed for cause at any time by a two-thirds vote of the members elected to and serving in each house. The auditor general shall conduct post audits of financial transactions and accounts of the state and of all branches, departments, offices, boards, commissions, agencies, authorities and institutions of the state established by this constitution or by law, and performance post audits thereof.

The auditor general upon direction by the legislature may employ independent accounting firms or legal counsel and may make investigations pertinent to the conduct of audits. He shall report annually to the legislature and to the governor and at such other times as he deems necessary or as required by the legislature. He shall be assigned no duties other than those specified in this section.

Nothing in this section shall be construed in any way to infringe the responsibility and constitutional authority of the governing boards of the institutions of higher education to be solely responsible for the control and direction of all expenditures from the institutions' funds.

The auditor general, his deputy and one other member of his staff shall be exempt from classified civil service. All other members of his staff shall have classified civil service status.

ARTICLE V

Executive Branch

Sec. 1. The executive power is vested in the governor.

Sec. 2. All executive and administrative offices, agencies and instrumentalities of the executive branch of state government and their respective functions, powers and

duties, except for the office of governor and lieutenant governor and the governing bodies of institutions of higher education provided for in this constitution, shall be allocated by law among and within not more than 20 principal departments. They shall be grouped as far as practicable according to major purposes.

Subsequent to the initial allocation, the governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these changes require the force of law, they shall be set forth in executive orders and submitted to the legislature. Thereafter the legislature shall have 60 calendar days of a regular session, or a full regular session if of shorter duration, to disapprove each executive order. Unless disapproved in both houses by a resolution concurred in by a majority of the members elected to and serving in each house, each order shall become effective at a date thereafter to be designated by the governor.

Sec. 3. The head of each principal department shall be a single executive unless otherwise provided in this constitution or by law. The single executives heading principal departments shall include a secretary of state, a state treasurer and an attorney general. When a single executive is the head of a principal department, unless elected or appointed as otherwise provided in this constitution, he shall be appointed by the governor by and with the advice and consent of the senate and he shall serve at the pleasure of the governor.

When a board or commission is at the head of a principal department, unless elected or appointed as otherwise provided in this constitution, the members thereof shall be appointed by the governor by and with the advice and consent of the senate. The term of office and procedure for removal of such members shall be as prescribed in this constitution or by law.

Terms of office of any board or commission created or enlarged after the effective date of this constitution shall not exceed four years except as otherwise authorized in this constitution. The terms of office of existing boards and commissions which are longer than four years shall not be further extended except as provided in this constitution.

Sec. 4. Temporary commissions or agencies for special purposes with a life of no more than two years may be established by law and need not be allocated within a principal department.

Sec. 5. A majority of the members of an appointed examining or licensing board of a profession shall be members of that profession.

Sec. 6. Appointment by and with the advice and consent of the senate when used in this constitution or laws in effect or hereafter enacted means appointment subject to disapproval by a majority vote of the members elected to and serving in the senate if such action is taken within 60 session days after the date of such appointment. Any appointment not disapproved within such period shall stand confirmed.

Sec. 7. Vacancies in any office, appointment to which requires advice and consent of the senate, shall be filled by the governor by and with the advice and consent of the senate. A person whose appointment has been disapproved by the senate shall not be eligible for an interim appointment to the same office.

Sec. 8. Each principal department shall be under the supervision of the governor unless otherwise provided by this constitution. The governor shall take care that the laws be faithfully executed. He shall transact all necessary business with the officers of

government and may require information in writing from all executive and administrative state officers, elective and appointive, upon any subject relating to the duties of their respective offices.

The governor may initiate court proceedings in the name of the state to enforce compliance with any constitutional or legislative mandate, or to restrain violations of any constitutional or legislative power, duty or right by any officer, department or agency of the state or any of its political subdivisions. This authority shall not be construed to authorize court proceedings against the legislature.

Sec. 9. Single executives heading principal departments and the chief executive officers of principal departments headed by boards or commissions shall keep their offices at the seat of government except as otherwise provided by law, superintend them in person and perform duties prescribed by law.

Sec. 10. The governor shall have power and it shall be his duty to inquire into the condition and administration of any public office and the acts of any public officer, elective or appointive. He may remove or suspend from office for gross neglect of duty or for corrupt conduct in office, or for any other misfeasance or malfeasance therein, any elective or appointive state officer, except legislative or judicial, and shall report the reasons for such removal or suspension to the legislature.

Sec. 11. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an appointed or elected officer, other than a legislative or judicial officer, until he is reinstated or until the vacancy is filled in the manner prescribed by law or this constitution.

Sec. 12. The governor shall be commander-in-chief of the armed forces and may call them out to execute the laws, suppress insurrection and repel invasion.

Sec. 13. The governor shall issue writs of election to fill vacancies in the senate or house of representatives. Any such election shall be held in a manner prescribed by law.

Sec. 14. The governor shall have power to grant reprieves, commutations and pardons after convictions for all offenses, except cases of impeachment, upon such conditions and limitations as he may direct, subject to procedures and regulations prescribed by law. He shall inform the legislature annually of each reprieve, commutation and pardon granted, stating reasons therefor.

Sec. 15. The governor may convene the legislature on extraordinary occasions.

Sec. 16. The governor may convene the legislature at some other place when the seat of government becomes dangerous from any cause.

Sec. 17. The governor shall communicate by message to the legislature at the beginning of each session and may at other times present to the legislature information as to the affairs of the state and recommend measures he considers necessary or desirable.

Sec. 18. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state. Proposed expenditures from any fund shall not exceed the estimated revenue thereof. On the same date, the governor shall submit to the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills to provide new or additional revenues to meet proposed expenditures. The amount of any surplus created or deficit incurred in any fund during the last preceding fiscal period shall be entered as an item in the budget and in one of the appropriation bills. The governor may submit amendments to appropriation bills to be offered in either house during consideration of the bill by that house, and shall submit bills to meet deficiencies in current appropriations.

Sec. 19. The governor may disapprove any distinct item or items appropriating moneys in any appropriation bill. The part or parts approved shall become law, and the item or items disapproved shall be void unless re-passed according to the method prescribed for the passage of other bills over the executive veto.

Sec. 20. No appropriation shall be a mandate to spend. The governor, with the approval of the appropriating committees of the house and senate, shall reduce expenditures authorized by appropriations whenever it appears that actual revenues for a fiscal period will fall below the revenue estimates on which appropriations for that period were based. Reductions in expenditures shall be made in accordance with procedures prescribed by law. The governor may not reduce expenditures of the legislative and judicial branches or from funds constitutionally dedicated for specific purposes.

Sec. 21. The governor, lieutenant governor, secretary of state and attorney general shall be elected for four-year terms at the general election in each alternate even-numbered year.

The lieutenant governor, secretary of state and attorney general shall be nominated by party conventions in a manner prescribed by law. In the general election one vote shall be cast jointly for the candidates for governor and lieutenant governor nominated by the same party.

Vacancies in the office of the secretary of state and attorney general shall be filled by appointment by the governor.

Sec. 22. To be eligible for the office of governor or lieutenant governor a person must have attained the age of 30 years, and have been a registered elector in this state for four years next preceding his election.

Sec. 23. The governor, lieutenant governor, secretary of state and attorney general shall each receive the compensation provided by law in full payment for all services performed and expenses incurred during his term of office. Such compensation shall not be changed during the term of office except as otherwise provided in this constitution.

Sec. 24. An executive residence suitably furnished shall be provided at the seat of government for the use of the governor. He shall receive an allowance for its maintenance as provided by law.

Sec. 25. The lieutenant governor shall be president of the senate, but shall have no vote, unless they be equally divided. He may perform duties requested of him by the governor, but no power vested in the governor shall be delegated.

Sec. 26. In case of the conviction of the governor on impeachment, his removal from office, his resignation or his death, the lieutenant governor, the elected secretary of state, the elected attorney general and such other persons designated by law shall in that order be governor for the remainder of the governor's term.

In case of the death of the governor-elect, the lieutenant governor-elect, the secretary of state-elect, the attorney general-elect and such other persons designated by law shall become governor in that order at the commencement of the governor-elect's term.

If the governor or the person in line of succession to serve as governor is absent from the state, or suffering under an inability, the powers and duties of the office of governor shall devolve in order of precedence until the absence or inability giving rise to the devolution of powers ceases.

The inability of the governor or person acting as governor shall be determined by a majority of the supreme court on joint request of the president pro tempore of the senate and the speaker of the house of representatives. Such determination shall be final

and conclusive. The supreme court shall upon its own initiative determine if and when the inability ceases.

Sec. 27. The legislature shall provide that the salary of any state officer while acting as governor shall be equal to that of the governor.

Sec. 28. There is hereby established a state highway commission, which shall administer the state highway department and have jurisdiction and control over all state trunkline highways and appurtenant facilities, and such other public works of the state, as provided by law.

The state highway commission shall consist of four members, not more than two of whom shall be members of the same political party. They shall be appointed by the governor by and with the advice and consent of the senate for four-year terms, no two of which shall expire in the same year, as provided by law.

The state highway commission shall appoint and may remove a state highway director, who shall be a competent highway engineer and administrator. He shall be the principal executive officer of the state highway department and shall be responsible for executing the policy of the state highway commission.

Sec. 29. There is hereby established a civil rights commission which shall consist of eight persons, not more than four of whom shall be members of the same political party, who shall be appointed by the governor, by and with the advice and consent of the senate, for four-year terms not more than two of which shall expire in the same year. It shall be the duty of the commission in a manner which may be prescribed by law to investigate alleged discrimination against any person because of religion, race, color or national origin in the enjoyment of the civil rights guaranteed by law and by this constitution, and to secure the equal protection of such civil rights without such discrimination. The legislature shall provide an annual appropriation for the effective operation of the commission.

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

Appeals from final orders of the commission, including cease and desist orders and refusals to issue complaints, shall be tried de novo before the circuit court having jurisdiction provided by law.

ARTICLE VI

Judicial Branch

Sec. 1. The judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court, one probate court, and courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.

Sec. 2. The supreme court shall consist of seven justices elected at non-partisan elections as provided by law. The term of office shall be eight years and not more than

two terms of office shall expire at the same time. Nominations for justices of the supreme court shall be in the manner prescribed by law. Any incumbent justice whose term is to expire may become a candidate for re-election by filing an affidavit of candidacy, in the form and manner prescribed by law, not less than 180 days prior to the expiration of his term.

Sec. 3. One justice of the supreme court shall be selected by the court as its chief justice as provided by rules of the court. He shall perform duties required by the court. The supreme court shall appoint an administrator of the courts and other assistants of the supreme court as may be necessary to aid in the administration of the courts of this state. The administrator shall perform administrative duties assigned by the court.

Sec. 4. The supreme court shall have general superintending control over all courts; power to issue, hear and determine prerogative and remedial writs; and appellate jurisdiction as provided by rules of the supreme court. The supreme court shall not have the power to remove a judge.

Sec. 5. The supreme court shall by general rules establish, modify, amend and simplify the practice and procedure in all courts of this state. The distinctions between law and equity proceedings shall, as far as practicable, be abolished. The office of master in chancery is prohibited.

Sec. 6. Decisions of the supreme court, including all decisions on prerogative writs, shall be in writing and shall contain a concise statement of the facts and reasons for each decision and reasons for each denial of leave to appeal. When a judge dissents in whole or in part he shall give in writing the reasons for his dissent.

Sec. 7. The supreme court may appoint, may remove, and shall have general supervision of its staff. It shall have control of the preparation of its budget recommendations and the expenditure of moneys appropriated for any purpose pertaining to the operation of the court or the performance of activities of its staff except that the salaries of the justices shall be established by law. All fees and perquisites collected by the court staff shall be turned over to the state treasury and credited to the general fund.

Sec. 8. The court of appeals shall consist initially of nine judges who shall be nominated and elected at non-partisan elections from districts drawn on county lines and as nearly as possible of equal population, as provided by law. The supreme court may prescribe by rule that the court of appeals sit in divisions and for the terms of court and the times and places thereof. Each such division shall consist of not fewer than three judges. The number of judges comprising the court of appeals may be increased, and the districts from which they are elected may be changed by law.

Sec. 9. Judges of the court of appeals shall hold office for a term of six years and until their successors are elected and qualified. The terms of office for the judges in each district shall be arranged by law to provide that not all terms will expire at the same time.

Sec. 10. The jurisdiction of the court of appeals shall be provided by law and the practice and procedure therein shall be prescribed by rules of the supreme court.

Sec. 11. The state shall be divided into judicial circuits along county lines in each of which there shall be elected one or more circuit judges as provided by law. Sessions of the circuit court shall be held at least four times in each year in every county organized for judicial purposes. Each circuit judge shall hold court in the county or

counties within the circuit in which he is elected, and in other circuits as may be provided by rules of the supreme court. The number of judges may be changed and circuits may be created, altered and discontinued by law and the number of judges shall be changed and circuits shall be created, altered and discontinued on recommendation of the supreme court to reflect changes in judicial activity. No change in the number of judges or alteration or discontinuance of a circuit shall have the effect of removing a judge from office during his term.

Sec. 12. Circuit judges shall be nominated and elected at non-partisan elections in the circuit in which they reside, and shall hold office for a term of six years and until their successors are elected and qualified. In circuits having more than one circuit judge their terms of office shall be arranged by law to provide that not all terms will expire at the same time.

Sec. 13. The circuit court shall have original jurisdiction in all matters not prohibited by law; appellate jurisdiction from all inferior courts and tribunals except as otherwise provided by law; power to issue, hear and determine prerogative and remedial writs; supervisory and general control over inferior courts and tribunals within their respective jurisdictions in accordance with rules of the supreme court; and jurisdiction of other cases and matters as provided by rules of the supreme court.

Sec. 14. The clerk of each county organized for judicial purposes or other officer performing the duties of such office as provided in a county charter shall be clerk of the circuit court for such county. The judges of the circuit court may fill a vacancy in an elective office of county clerk or prosecuting attorney within their respective jurisdictions.

Sec. 15. In each county organized for judicial purposes there shall be a probate court. The legislature may create or alter probate court districts of more than one county if approved in each affected county by a majority of the electors voting on the question. The legislature may provide for the combination of the office of probate judge with any judicial office of limited jurisdiction within a county with supplemental salary as provided by law. The jurisdiction, powers and duties of the probate court and of the judges thereof shall be provided by law. They shall have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

Sec. 16. One or more judges of probate as provided by law shall be nominated and elected at non-partisan elections in the counties or the probate districts in which they reside and shall hold office for terms of six years and until their successors are elected and qualified. In counties or districts with more than one judge the terms of office shall be arranged by law to provide that not all terms will expire at the same time.

Sec. 17. No judge or justice of any court of this state shall be paid from the fees of his office nor shall the amount of his salary be measured by fees, other moneys received or the amount of judicial activity of his office.

Sec. 18. Salaries of justices of the supreme court, of the judges of the court of appeals, of the circuit judges within a circuit, and of the probate judges within a county or district, shall be uniform, and may be increased but shall not be decreased during a term of office except and only to the extent of a general salary reduction in all other branches of government.

Each of the judges of the circuit court shall receive an annual salary as provided by law. In addition to the salary received from the state, each circuit judge may receive from any county in which he regularly holds court an additional salary as determined

from time to time by the board of supervisors of the county. In any county where an additional salary is granted, it shall be paid at the same rate to all circuit judges regularly holding court therein.

Sec. 19. The supreme court, the court of appeals, the circuit court, the probate court and other courts designated as such by the legislature shall be courts of record and each shall have a common seal. Justices and judges of courts of record must be persons who are licensed to practice law in this state. No person shall be elected or appointed to a judicial office after reaching the age of 70 years.

Sec. 20. Whenever a justice or judge removes his domicile beyond the limits of the territory from which he was elected, he shall have vacated his office.

Sec. 21. Any justice or judge of a court of record shall be ineligible to be nominated for or elected to an elective office other than a judicial office during the period of his service and for one year thereafter.

Sec. 22. Any elected judge of the court of appeals, circuit court or probate court may become a candidate in the primary election for the office of which he is the incumbent by filing an affidavit of candidacy in the form and manner prescribed by law.

Sec. 23. A vacancy in the elective office of a judge of any court of record shall be filled at a general or special election as provided by law. The supreme court may authorize persons who have served as judges and who have retired, to perform judicial duties for the limited period of time from the occurrence of the vacancy until the successor is elected and qualified. Such persons shall be ineligible for election to fill the vacancy.

Sec. 24. There shall be printed upon the ballot under the name of each elected incumbent justice or judge who is a candidate for nomination or election to the same office the designation of that office.

Sec. 25. For reasonable cause, which is not sufficient ground for impeachment, the governor shall remove any judge on a concurrent resolution of two-thirds of the members elected to and serving in each house of the legislature. The cause for removal shall be stated at length in the resolution.

Sec. 26. The offices of circuit court commissioner and justice of the peace are abolished at the expiration of five years from the date this constitution becomes effective or may within this period be abolished by law. Their jurisdiction, compensation and powers within this period shall be as provided by law. Within this five-year period, the legislature shall establish a court or courts of limited jurisdiction with powers and jurisdiction defined by law. The location of such court or courts, and the qualifications, tenure, method of election and salary of the judges of such court or courts, and by what governmental units the judges shall be paid, shall be provided by law, subject to the limitations contained in this article.

Statutory courts in existence at the time this constitution becomes effective shall retain their powers and jurisdiction, except as provided by law, until they are abolished by law.

Sec. 27. The supreme court, the court of appeals, the circuit court, or any justices or judges thereof, shall not exercise any power of appointment to public office except as provided in this constitution.

Sec. 28. All final decisions, findings, rulings and orders of any administrative officer or agency existing under the constitution or by law, which are judicial or quasi-judicial and affect private rights or licenses, shall be subject to direct review by the courts as

provided by law. This review shall include, as a minimum, the determination whether such final decisions, findings, rulings and orders are authorized by law; and, in cases in which a hearing is required, whether the same are supported by competent, material and substantial evidence on the whole record. Findings of fact in workmen's compensation proceedings shall be conclusive in the absence of fraud unless otherwise provided by law.

In the absence of fraud, error of law or the adoption of wrong principles, no appeal may be taken to any court from any final agency provided for the administration of property tax laws from any decision relating to valuation or allocation.

Sec. 29. Justices of the supreme court, judges of the court of appeals, circuit judges and other judges as provided by law shall be conservators of the peace within their respective jurisdictions.

ARTICLE VII

Local Government

Sec. 1. Each organized county shall be a body corporate with powers and immunities provided by law.

Sec. 2. Any county may frame, adopt, amend or repeal a county charter in a manner and with powers and limitations to be provided by general law, which shall among other things provide for the election of a charter commission. The law may permit the organization of county government in form different from that set forth in this constitution and shall limit the rate of ad valorem property taxation for county purposes, and restrict the powers of charter counties to borrow money and contract debts. Each charter county is hereby granted power to levy other taxes for county purposes subject to limitations and prohibitions set forth in this constitution or law. Subject to law, a county charter may authorize the county through its regularly constituted authority to adopt resolutions and ordinances relating to its concerns.

The board of supervisors by a majority vote of its members may, and upon petition of five percent of the electors shall, place upon the ballot the question of electing a commission to frame a charter.

No county charter shall be adopted, amended or repealed until approved by a majority of electors voting on the question.

Sec. 3. No organized county shall be reduced by the organization of new counties to less than 16 townships as surveyed by the United States, unless approved in the manner prescribed by law by a majority of electors voting thereon in each county to be affected.

Sec. 4. There shall be elected for four-year terms in each organized county a sheriff, a county clerk, a county treasurer, a register of deeds and a prosecuting attorney, whose duties and powers shall be provided by law. The board of supervisors in any county may combine the offices of county clerk and register of deeds in one office or separate the same at pleasure.

Sec. 5. The sheriff, county clerk, county treasurer and register of deeds shall hold their principal offices at the county seat.

Sec. 6. The sheriff may be required by law to renew his security periodically and in default of giving such security, his office shall be vacant. The county shall never be responsible for his acts, except that the board of supervisors may protect him against

claims by prisoners for unintentional injuries received while in his custody. He shall not hold any other office except in civil defense.

Sec. 7. A board of supervisors shall be established in each organized county consisting of one member from each organized township and such representation from cities as provided by law.

Sec. 8. Boards of supervisors shall have legislative, administrative and such other powers and duties as provided by law.

Sec. 9. Boards of supervisors shall have exclusive power to fix the compensation of county officers not otherwise provided by law.

Sec. 10. A county seat once established shall not be removed until the place to which it is proposed to be moved shall be designated by two-thirds of the members of the board of supervisors and a majority of the electors voting thereon shall have approved the proposed location in the manner prescribed by law.

Sec. 11. No county shall incur any indebtedness which shall increase its total debt beyond 10 percent of its assessed valuation.

Sec. 12. A navigable stream shall not be bridged or dammed without permission granted by the board of supervisors of the county as provided by law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and political subdivisions therein.

Sec. 13. Two or more contiguous counties may combine into a single county if approved in each affected county by a majority of the electors voting on the question.

Sec. 14. The board of supervisors of each organized county may organize and consolidate townships under restrictions and limitations provided by law.

Sec. 15. Any county, when authorized by its board of supervisors shall have the authority to enter or to intervene in any action or certificate proceeding involving the services, charges or rates of any privately owned public utility furnishing services or commodities to rate payers within the county.

Sec. 16. The legislature may provide for the laying out, construction, improvement and maintenance of highways, bridges, culverts and airports by the state and by the counties and townships thereof; and may authorize counties to take charge and control of any highway within their limits for such purposes. The legislature may provide the powers and duties of counties in relation to highways, bridges, culverts and airports; may provide for county road commissioners to be appointed or elected, with powers and duties provided by law. The ad valorem property tax imposed for road purposes by any county shall not exceed in any year one-half of one percent of the assessed valuation for the preceding year.

Sec. 17. Each organized township shall be a body corporate with powers and immunities provided by law.

Sec. 18. In each organized township there shall be elected for terms of not less than two nor more than four years as prescribed by law a supervisor, a clerk, a treasurer, and not to exceed four trustees, whose legislative and administrative powers and duties shall be provided by law.

Sec. 19. No organized township shall grant any public utility franchise which is not subject to revocation at the will of the township, unless the proposition shall first have been approved by a majority of the electors of such township voting thereon at a regular or special election.

Sec. 20. The legislature shall provide by law for the dissolution of township government whenever all the territory of an organized township is included within the boundaries of a village or villages notwithstanding that a village may include territory within another organized township and provide by law for the classification of such village or villages as cities.

Sec. 21. The legislature shall provide by general laws for the incorporation of cities and villages. Such laws shall limit their rate of ad valorem property taxation for municipal purposes, and restrict the powers of cities and villages to borrow money and contract debts. Each city and village is granted power to levy other taxes for public purposes, subject to limitations and prohibitions provided by this constitution or by law.

Sec. 22. Under general laws the electors of each city and village shall have the power and authority to frame, adopt and amend its charter, and to amend an existing charter of the city or village heretofore granted or enacted by the legislature for the government of the city or village. Each such city and village shall have power to adopt resolutions and ordinances relating to its municipal concerns, property and government, subject to the constitution and law. No enumeration of powers granted to cities and villages in this constitution shall limit or restrict the general grant of authority conferred by this section.

Sec. 23. Any city or village may acquire, own, establish and maintain, within or without its corporate limits, parks, boulevards, cemeteries, hospitals and all works which involve the public health or safety.

Sec. 24. Subject to this constitution, any city or village may acquire, own or operate, within or without its corporate limits, public service facilities for supplying water, light, heat, power, sewage disposal and transportation to the municipality and the inhabitants thereof.

Any city or village may sell and deliver heat, power or light without its corporate limits in an amount not exceeding 25 percent of that furnished by it within the corporate limits, except as greater amounts may be permitted by law; may sell and deliver water and provide sewage disposal services outside of its corporate limits in such amount as may be determined by the legislative body of the city or village; and may operate transportation lines outside the municipality within such limits as may be prescribed by law.

Sec. 25. No city or village shall acquire any public utility furnishing light, heat or power, or grant any public utility franchise which is not subject to revocation at the will of the city or village, unless the proposition shall first have been approved by three-fifths of the electors voting thereon. No city or village may sell any public utility unless the proposition shall first have been approved by a majority of the electors voting thereon, or a greater number if the charter shall so provide.

Sec. 26. Except as otherwise provided in this constitution, no city or village shall have the power to loan its credit for any private purpose or, except as provided by law, for any public purpose.

Sec. 27. Notwithstanding any other provision of this constitution the legislature may establish in metropolitan areas additional forms of government or authorities with powers, duties and jurisdictions as the legislature shall provide. Wherever possible, such additional forms of government or authorities shall be designed to perform multi-purpose functions rather than a single function.

Sec. 28. The legislature by general law shall authorize two or more counties, townships, cities, villages or districts, or any combination thereof among other things to:

enter into contractual undertakings or agreements with one another or with the state or with any combination thereof for the joint administration of any of the functions or powers which each would have the power to perform separately; share the costs and responsibilities of functions and services with one another or with the state or with any combination thereof which each would have the power to perform separately; transfer functions or responsibilities to one another or any combination thereof upon the consent of each unit involved; cooperate with one another and with state government; lend their credit to one another or any combination thereof as provided by law in connection with any authorized publicly owned undertaking.

Any other provision of this constitution notwithstanding, an officer or employee of the state or any such unit of government or subdivision or agency thereof, except members of the legislature, may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service.

Sec. 29. No person, partnership, association or corporation, public or private, operating a public utility shall have the right to the use of the highways, streets, alleys or other public places of any county, township, city or village for wires, poles, pipes, tracks, conduits or other utility facilities, without the consent of the duly constituted authority of the county, township, city or village; or to transact local business therein without first obtaining a franchise from the township, city or village. Except as otherwise provided in this constitution the right of all counties, townships, cities and villages to the reasonable control of their highways, streets, alleys and public places is hereby reserved to such local units of government.

Sec. 30. No franchise or license shall be granted by any township, city or village for a period longer than 30 years.

Sec. 31. The legislature shall not vacate or alter any road, street, alley or public place under the jurisdiction of any county, township, city or village.

Sec. 32. Any county, township, city, village, authority or school district empowered by the legislature or by this constitution to prepare budgets of estimated expenditures and revenues shall adopt such budgets only after a public hearing in a manner prescribed by law.

Sec. 33. Any elected officer of a political subdivision may be removed from office in the manner and for the causes provided by law.

Sec. 34. The provisions of this constitution and law concerning counties, townships, cities and villages shall be liberally construed in their favor. Powers granted to counties and townships by this constitution and by law shall include those fairly implied and not prohibited by this constitution.

ARTICLE VIII

Education

Sec. 1. Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

Sec. 2. The legislature shall maintain and support a system of free public elementary and secondary schools as defined by law. Every school district shall provide for the education of its pupils without discrimination as to religion, creed, race, color or national origin.

Sec. 3. Leadership and general supervision over all public education, including adult education and instructional programs in state institutions, except as to institutions of higher education granting baccalaureate degrees, is vested in a state board of education. It shall serve as the general planning and coordinating body for all public education, including higher education, and shall advise the legislature as to the financial requirements in connection therewith.

The state board of education shall appoint a superintendent of public instruction whose term of office shall be determined by the board. He shall be the chairman of the board without the right to vote, and shall be responsible for the execution of its policies. He shall be the principal executive officer of a state department of education which shall have powers and duties provided by law.

The state board of education shall consist of eight members who shall be nominated by party conventions and elected at large for terms of eight years as prescribed by law. The governor shall fill any vacancy by appointment for the unexpired term. The governor shall be ex-officio a member of the state board of education without the right to vote.

The power of the boards of institutions of higher education provided in this constitution to supervise their respective institutions and control and direct the expenditure of the institutions' funds shall not be limited by this section.

Sec. 4. The legislature shall appropriate moneys to maintain the University of Michigan, Michigan State University, Wayne State University, Eastern Michigan University, Michigan College of Science and Technology, Central Michigan University, Northern Michigan University, Western Michigan University, Ferris Institute, Grand Valley State College, by whatever names such institutions may hereafter be known, and other institutions of higher education established by law. The legislature shall be given an annual accounting of all income and expenditures by each of these educational institutions. Formal sessions of governing boards of such institutions shall be open to the public.

Sec. 5. The regents of the University of Michigan and their successors in office shall constitute a body corporate known as the Regents of the University of Michigan; the trustees of Michigan State University and their successors in office shall constitute a body corporate known as the Board of Trustees of Michigan State University; the governors of Wayne State University and their successors in office shall constitute a body corporate known as the Board of Governors of Wayne State University. Each board shall have general supervision of its institution and the control and direction of all expenditures from the institution's funds. Each board shall, as often as necessary, elect a president of the institution under its supervision. He shall be the principal executive officer of the institution, be ex-officio a member of the board without the right to vote and preside at meetings of the board. The board of each institution shall consist of eight members who shall hold office for terms of eight years and who shall be elected as provided by law. The governor shall fill board vacancies by appointment. Each appointee shall hold office until a successor has been nominated and elected as provided by law.

Sec. 6. Other institutions of higher education established by law having authority to grant baccalaureate degrees shall each be governed by a board of control which shall be a body corporate. The board shall have general supervision of the institution and the control and direction of all expenditures from the institution's funds. It shall, as often as necessary, elect a president of the institution under its supervision.

He shall be the principal executive officer of the institution and be ex-officio a member of the board without the right to vote. The board may elect one of its members or may designate the president, to preside at board meetings. Each board of control shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the governor by and with the advice and consent of the senate. Vacancies shall be filled in like manner.

Sec. 7. The legislature shall provide by law for the establishment and financial support of public community and junior colleges which shall be supervised and controlled by locally elected boards. The legislature shall provide by law for a state board for public community and junior colleges which shall advise the state board of education concerning general supervision and planning for such colleges and requests for annual appropriations for their support. The board shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the state board of education. Vacancies shall be filled in like manner. The superintendent of public instruction shall be ex-officio a member of this board without the right to vote.

Sec. 8. Institutions, programs and services for the care, treatment, education or rehabilitation of those inhabitants who are physically, mentally or otherwise seriously handicapped shall always be fostered and supported.

Sec. 9. The legislature shall provide by law for the establishment and support of public libraries which shall be available to all residents of the state under regulations adopted by the governing bodies thereof. All fines assessed and collected in the several counties, townships and cities for any breach of the penal laws shall be exclusively applied to the support of such public libraries, and county law libraries as provided by law.

ARTICLE IX

Finance and Taxation

Sec. 1. The legislature shall impose taxes sufficient with other resources to pay the expenses of state government.

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

Sec. 3. The legislature shall provide for the uniform general ad valorem taxation of real and tangible personal property not exempt by law. The legislature shall provide for the determination of true cash value of such property; the proportion of true cash value at which such property shall be uniformly assessed, which shall not, after January 1, 1966, exceed 50 percent; and for a system of equalization of assessments. The legislature may provide for alternative means of taxation of designated real and tangible personal property in lieu of general ad valorem taxation. Every tax other than the general ad valorem property tax shall be uniform upon the class or classes on which it operates.

Sec. 4. Property owned and occupied by non-profit religious or educational organizations and used exclusively for religious or educational purposes, as defined by law, shall be exempt from real and personal property taxes.

Sec. 5. The legislature shall provide for the assessment by the state of the property of those public service businesses assessed by the state at the date this constitution becomes effective, and of other property as designated by the legislature,

and for the imposition and collection of taxes thereon. Property assessed by the state shall be assessed at the same proportion of its true cash value as the legislature shall specify for property subject to general ad valorem taxation. The rate of taxation on such property shall be the average rate levied upon other property in this state under the general ad valorem tax law, or, if the legislature provides, the rate of tax applicable to the property of each business enterprise assessed by the state shall be the average rate of ad valorem taxation levied upon other property in all counties in which any of such property is situated.

Sec. 6. Except as otherwise provided in this constitution, the total amount of general ad valorem taxes imposed upon real and tangible personal property for all purposes in any one year shall not exceed 15 mills on each dollar of the assessed valuation of property as finally equalized. Under procedures provided by law, which shall guarantee the right of initiative, separate tax limitations for any county and for the townships and for school districts therein, the aggregate of which shall not exceed 18 mills on each dollar of such valuation, may be adopted and thereafter altered by the vote of a majority of the qualified electors of such county voting thereon, in lieu of the limitation hereinbefore established. These limitations may be increased to an aggregate of not to exceed 50 mills on each dollar of valuation, for a period of not to exceed 20 years at any one time, if approved by a majority of the electors, qualified under Section 6 of Article II of this constitution, voting on the question.

The foregoing limitations shall not apply to taxes imposed for the payment of principal and interest on bonds or other evidences of indebtedness or for the payment of assessments or contract obligations in anticipation of which bonds are issued, which taxes may be imposed without limitation as to rate or amount; or to taxes imposed for any other purpose by any city, village, charter county, charter township, charter authority or other authority, the tax limitations of which are provided by charter or by general law.

In any school district which extends into two or more counties, property taxes at the highest rate available in the county which contains the greatest part of the area of the district may be imposed and collected for school purposes throughout the district.

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

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

Sec. 9. All specific taxes, except general sales and use taxes and regulatory fees, imposed directly or indirectly on fuels sold or used to propel motor vehicles upon highways and on registered motor vehicles shall, after the payment of necessary collection expenses, be used exclusively for highway purposes as defined by law.

Sec. 10. One-eighth of all taxes imposed on retailers on taxable sales at retail of tangible personal property shall be used exclusively for assistance to townships, cities and villages, on a population basis as provided by law. In determining population the legislature may exclude any portion of the total number of persons who are wards, patients or convicts in any tax supported institution.

Sec. 11. There shall be established a state school aid fund which shall be used exclusively for aid to school districts, higher education and school employees' retirement systems, as provided by law. One-half of all taxes imposed on retailers on taxable sales at retail of tangible personal property, and other tax revenues provided by law, shall

be dedicated to this fund. Payments from this fund shall be made in full on a scheduled basis, as provided by law.

Sec. 12. No evidence of state indebtedness shall be issued except for debts authorized pursuant to this constitution.

Sec. 13. Public bodies corporate shall have power to borrow money and to issue their securities evidencing debt, subject to this constitution and law.

Sec. 14. To meet obligations incurred pursuant to appropriations for any fiscal year, the legislature may by law authorize the state to issue its full faith and credit notes in which case it shall pledge undedicated revenues to be received within the same fiscal year for the repayment thereof. Such indebtedness in any fiscal year shall not exceed 15 percent of undedicated revenues received by the state during the preceding fiscal year and such debts shall be repaid at the time the revenues so pledged are received, but not later than the end of the same fiscal year.

Sec. 15. The state may borrow money for specific purposes in amounts as may be provided by acts of the legislature adopted by a vote of two-thirds of the members elected to and serving in each house, and approved by a majority of the electors voting thereon at any general election. The question submitted to the electors shall state the amount to be borrowed, the specific purpose to which the funds shall be devoted, and the method of repayment.

Sec. 16. The state, in addition to any other borrowing power, may borrow from time to time such amounts as shall be required, pledge its faith and credit and issue its notes or bonds therefor, for the purpose of making loans to school districts as provided in this section.

If the minimum amount which would otherwise be necessary for a school district to levy in any year to pay principal and interest on its qualified bonds, including any necessary allowances for estimated tax delinquencies, exceeds 13 mills on each dollar of its assessed valuation as finally equalized, or such lower millage as the legislature may prescribe, then the school district may elect to borrow all or any part of the excess from the state. In that event the state shall lend the excess amount to the school district for the payment of principal and interest. If for any reason any school district will be or is unable to pay the principal and interest on its qualified bonds when due, then the school district shall borrow and the state shall lend to it an amount sufficient to enable the school district to make the payment.

The term "qualified bonds" means general obligation bonds of school districts issued for capital expenditures, including refunding bonds, issued prior to May 4, 1955, or issued thereafter and qualified as provided by law pursuant to Section 27 or Section 28 of Article X of the Constitution of 1908 or pursuant to this section.

After a school district has received loans from the state, each year thereafter it shall levy for debt service, exclusive of levies for nonqualified bonds, not less than 13 mills or such lower millage as the legislature may prescribe, until the amount loaned has been repaid, and any tax collections therefrom in any year over and above the minimum requirements for principal and interest on qualified bonds shall be used toward the repayment of state loans. In any year when such levy would produce an amount in excess of the requirements and the amount due to the state, the levy may be reduced by the amount of the excess.

Subject to the foregoing provisions, the legislature shall have the power to prescribe and to limit the procedure, terms and conditions for the qualification of bonds, for obtaining and making state loans, and for the repayment of loans.

The power to tax for the payment of principal and interest on bonds hereafter issued which are the general obligations of any school district, including refunding bonds, and for repayment of any state loans made to school districts, shall be without limitation as to rate or amount.

All rights acquired under Sections 27 and 28 of Article X of the Constitution of 1908, by holders of bonds heretofore issued, and all obligations assumed by the state or any school district under these sections, shall remain unimpaired.

Sec. 17. No money shall be paid out of the state treasury except in pursuance of appropriations made by law.

Sec. 18. The credit of the state shall not be granted to, nor in aid of any person, association or corporation, public or private, except as authorized in this constitution.

This section shall not be construed to prohibit the investment of public funds until needed for current requirements or the investment of funds accumulated to provide retirement or pension benefits for public officials and employees, as provided by law.

Sec. 19. The state shall not subscribe to, nor be interested in the stock of any company, association or corporation, except that funds accumulated to provide retirement or pension benefits for public officials and employees may be invested as provided by law; and endowment funds created for charitable or educational purposes may be invested as provided by law governing the investment of funds held in trust by trustees.

Sec. 20. No state money shall be deposited in banks other than those organized under the national or state banking laws. No state money shall be deposited in any bank in excess of 50 percent of the capital and surplus of such bank. Any bank receiving deposits of state money shall show the amount of state money so deposited as a separate item in all published statements.

Sec. 21. The legislature shall provide by law for the annual accounting for all public moneys, state and local, and may provide by law for interim accounting.

The legislature shall provide by law for the maintenance of uniform accounting systems by units of local government and the auditing of county accounts by competent state authority and other units of government as provided by law.

Sec. 22. Procedures for the examination and adjustment of claims against the state shall be prescribed by law.

Sec. 23. All financial records, accountings, audit reports and other reports of public moneys shall be public records and open to inspection. A statement of all revenues and expenditures of public moneys shall be published and distributed annually, as provided by law.

Sec. 24. The accrued financial benefits of each pension plan and retirement system of the state and its political subdivisions shall be a contractual obligation thereof which shall not be diminished or impaired thereby.

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

ARTICLE X

Property

Sec. 1. The disabilities of coverture as to property are abolished. The real and personal estate of every woman acquired before marriage and all real and personal

property to which she may afterwards become entitled shall be and remain the estate and property of such woman, and shall not be liable for the debts, obligations or engagements of her husband, and may be dealt with and disposed of by her as if she were unmarried. Dower may be relinquished or conveyed as provided by law.

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

Sec. 3. A homestead in the amount of not less than \$3,500 and personal property of every resident of this state in the amount of not less than \$750, as defined by law, shall be exempt from forced sale on execution or other process of any court. Such exemptions shall not extend to any lien thereon excluded from exemption by law.

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

Sec. 5. The legislature shall have general supervisory jurisdiction over all state owned lands useful for forest preserves, game areas and recreational purposes; shall require annual reports as to such lands from all departments having supervision or control thereof; and shall by general law provide for the sale, lease or other disposition of such lands.

The legislature by an act adopted by two-thirds of the members elected to and serving in each house may designate any part of such lands as a state land reserve. No lands in the state land reserve may be removed from the reserve, sold, leased or otherwise disposed of except by an act of the legislature.

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

ARTICLE XI

Public Officers and Employment

Sec. 1. All officers, legislative, executive and judicial, before entering upon the duties of their respective offices, shall take and subscribe the following oath or affirmation: I do solemnly swear (or affirm) that I will support the Constitution of the United States and the constitution of this state, and that I will faithfully discharge the duties of the office of according to the best of my ability. No other oath, affirmation, or any religious test shall be required as a qualification for any office or public trust.

Sec. 2. The terms of office of elective state officers, members of the legislature and justices and judges of courts of record shall begin at twelve o'clock noon on the first day of January next succeeding their election, except as otherwise provided in this constitution. The terms of office of county officers shall begin on the first day of January next succeeding their election, except as otherwise provided by law.

Sec. 3. Neither the legislature nor any political subdivision of this state shall grant or authorize extra compensation to any public officer, agent or contractor after the service has been rendered or the contract entered into.

Sec. 4. No person having custody or control of public moneys shall be a member of the legislature, or be eligible to any office of trust or profit under this state, until he shall have made an accounting, as provided by law, of all sums for which he may be liable.

Sec. 5. The classified state civil service shall consist of all positions in the state service except those filled by popular election, heads of principal departments, members of boards and commissions, the principal executive officer of boards and commissions heading principal departments, employees of courts of record, employees of the legislature, employees of the state institutions of higher education, all persons in the armed forces of the state, eight exempt positions in the office of the governor, and within each principal department, when requested by the department head, two other exempt positions, one of which shall be policy-making. The civil service commission may exempt three additional positions of a policy-making nature within each principal department.

The civil service commission shall be non-salaried and shall consist of four persons, not more than two of whom shall be members of the same political party, appointed by the governor for terms of eight years, no two of which shall expire in the same year.

The administration of the commission's powers shall be vested in a state personnel director who shall be a member of the classified service and who shall be responsible to and selected by the commission after open competitive examination.

The commission shall classify all positions in the classified service according to their respective duties and responsibilities, fix rates of compensation for all classes of positions, approve or disapprove disbursements for all personal services, determine by competitive examination and performance exclusively on the basis of merit, efficiency and fitness the qualifications of all candidates for positions in the classified service, make rules and regulations covering all personnel transactions, and regulate all conditions of employment in the classified service.

No person shall be appointed to or promoted in the classified service who has not been certified by the commission as qualified for such appointment or promotion. No appointments, promotions, demotions or removals in the classified service shall be made for religious, racial or partisan considerations.

Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year. Within 60 calendar days following such transmission, the legislature may, by a two-thirds vote of the members elected to and serving in each house, reject or reduce increases in rates of compensation authorized by the commission. Any reduction ordered by the legislature shall apply uniformly to all classes of employees affected by the increases and shall not adjust pay differentials already established by the civil service commission. The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases authorized by the commission.

The appointing authorities may create or abolish positions for reasons of administrative efficiency without the approval of the commission. Positions shall not be created nor abolished except for reasons of administrative efficiency. Any employee considering himself aggrieved by the abolition or creation of a position shall have a right of appeal to the commission through established grievance procedures.

The civil service commission shall recommend to the governor and to the legislature rates of compensation for all appointed positions within the executive department not a part of the classified service.

To enable the commission to exercise its powers, the legislature shall appropriate to the commission for the ensuing fiscal year a sum not less than one percent of the aggregate payroll of the classified service for the preceding fiscal year, as certified by the commission. Within six months after the conclusion of each fiscal year the commission shall return to the state treasury all moneys unexpended for that fiscal year.

The commission shall furnish reports of expenditures, at least annually, to the governor and the legislature and shall be subject to annual audit as provided by law.

No payment for personal services shall be made or authorized until the provisions of this constitution pertaining to civil service have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

Sec. 6. By ordinance or resolution of its governing body which shall not take effect until approved by a majority of the electors voting thereon, unless otherwise provided by charter, each county, township, city, village, school district and other governmental unit or authority may establish, modify or discontinue a merit system for its employees other than teachers under contract or tenure. The state civil service commission may on request furnish technical services to any such unit on a reimbursable basis.

Sec. 7. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office or for crimes or misdemeanors, but a majority of the members elected thereto and serving therein shall be necessary to direct an impeachment.

When an impeachment is directed, the house of representatives shall elect three of its members to prosecute the impeachment.

Every impeachment shall be tried by the senate immediately after the final adjournment of the legislature. The senators shall take an oath or affirmation truly and impartially to try and determine the impeachment according to the evidence. When the governor or lieutenant governor is tried, the chief justice of the supreme court shall preside.

No person shall be convicted without the concurrence of two-thirds of the senators elected and serving. Judgment in case of conviction shall not extend further than removal from office, but the person convicted shall be liable to punishment according to law.

No judicial officer shall exercise any of the functions of his office after an impeachment is directed until he is acquitted.

ARTICLE XII

Amendment and Revision

Sec. 1. Amendments to this constitution may be proposed in the senate or house of representatives. Proposed amendments agreed to by two-thirds of the members elected to and serving in each house on a vote with the names and vote of those voting entered in the respective journals shall be submitted, not less than 60 days thereafter, to the electors at the next general election or special election as the legislature shall direct. If a majority of electors voting on a proposed amendment approve the same, it shall become part of the constitution and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved.

Sec. 2. Amendments may be proposed to this constitution by petition of the registered electors of this state. Every petition shall include the full text of the proposed amendment, and be signed by registered electors of the state equal in number to at least 10 percent of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected. Such petitions shall be filed with the person authorized by law to receive the same at least 120 days before the election at which the proposed amendment is to be voted upon. Any such petition shall be in the form, and shall be signed and circulated in such manner, as prescribed by law. The person authorized by law to receive such petition shall upon its receipt determine, as provided by law, the validity and sufficiency of the signatures on the petition, and make an official announcement thereof at least 60 days prior to the election at which the proposed amendment is to be voted upon.

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

The ballot to be used in such election shall contain a statement of the purpose of the proposed amendment, expressed in not more than 100 words, exclusive of caption. Such statement of purpose and caption shall be prepared by the person authorized by law, and shall consist of a true and impartial statement of the purpose of the amendment in such language as shall create no prejudice for or against the proposed amendment.

If the proposed amendment is approved by a majority of the electors voting on the question, it shall become part of the constitution, and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved. If two or more amendments approved by the electors at the same election conflict, that amendment receiving the highest affirmative vote shall prevail.

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

The convention shall choose its own officers, determine the rules of its proceedings and judge the qualifications, elections and returns of its members. To fill a vacancy in the office of any delegate, the governor shall appoint a qualified resident of the same district who shall be a member of the same party as the delegate vacating the office. The convention shall have power to appoint such officers, employees and assistants as it deems necessary and to fix their compensation; to provide for the printing and distribution of its documents, journals and proceedings; to explain and disseminate information about the proposed constitution and to complete the business of

the convention in an orderly manner. Each delegate shall receive for his services compensation provided by law.

No proposed constitution or amendment adopted by such convention shall be submitted to the electors for approval as hereinafter provided unless by the assent of a majority of all the delegates elected to and serving in the convention, with the names and vote of those voting entered in the journal. Any proposed constitution or amendments adopted by such convention shall be submitted to the qualified electors in the manner and at the time provided by such convention not less than 90 days after final adjournment of the convention. Upon the approval of such constitution or amendments by a majority of the qualified electors voting thereon the constitution or amendments shall take effect as provided by the convention.

Schedule and Temporary Provisions

To insure the orderly transition from the constitution of 1908 to this constitution the following schedule and temporary provisions are set forth to be effective for such period as are thereby required.

Sec. 1. The attorney general shall recommend to the legislature as soon as practicable such changes as may be necessary to adapt existing laws to this constitution.

Sec. 2. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights existing on the effective date of this constitution shall continue unaffected except as modified in accordance with the provisions of this constitution.

Sec. 3. Except as otherwise provided in this constitution, all officers filling any office by election or appointment shall continue to exercise their powers and duties until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

No provision of this constitution, or of law or of executive order authorized by this constitution shall shorten the term of any person elected to state office at a statewide election on or prior to the date on which this constitution is submitted to a vote. In the event the duties of any such officers shall not have been abolished or incorporated into one or more of the principal departments at the expiration of his term, such officer shall continue to serve until his duties are so incorporated or abolished.

Sec. 4. All officers elected at the same election that this constitution is submitted to the people for adoption shall take office and complete the term to which they were elected under the 1908 constitution and existing laws and continue to serve until their successors are elected and qualified pursuant to this constitution or law.

Sec. 5. Notwithstanding any other provision in this constitution, the governor, the lieutenant governor, the secretary of state, the attorney general and state senators shall be elected at the general election in 1964 to serve for two-year terms beginning on the first day of January next succeeding their election. The first election of such officers for four-year terms under this constitution shall be held at the general election in 1966.

Sec. 6. Notwithstanding the provisions of this constitution that the supreme court shall consist of seven justices it shall consist of eight justices until the time that a vacancy occurs as a result of death, retirement or resignation of a justice. The first such vacancy shall not be filled.

Sec. 7. Any judge of probate serving on the effective date of this constitution may serve the remainder of the term and be eligible to succeed himself for election

regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

Sec. 8. The provisions of Article VI providing that terms of judicial offices shall not all expire at the same time, shall be implemented by law providing that at the next election for such offices judges shall be elected for terms of varying length, none of which shall be shorter than the regular term provided for the office.

Sec. 9. The members of the state board of education provided for in Section 3 of Article VIII of this constitution shall first be elected at the first general election after the effective date of this constitution for the following terms: two shall be elected for two years, two for four years, two for six years, and two for eight years as prescribed by law.

The state board of education provided for in the constitution of 1908 is abolished at twelve o'clock noon January 1 of the year following the first general election under this constitution and the terms of members thereof shall then expire.

Sec. 10. The provisions of this constitution providing for members of boards of control of institutions of higher education and the state board of public community and junior colleges shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended, and may further provide that the initial terms of office of members may be less than eight years.

Sec. 11. The provisions of this constitution increasing the number of members of the Board of Trustees of Michigan State University and of the Board of Governors of Wayne State University to eight, and of their term of office to eight years, shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended one year, and may further provide that the initial terms of office of the additional members may be less than eight years.

Sec. 12. The initial allocation of departments by law pursuant to Section 2 of Article V of this constitution, shall be completed within two years after the effective date of this constitution. If such allocation shall not have been completed within such period, the governor, within one year thereafter, by executive order, shall make the initial allocation.

Sec. 13. Contractual obligations of the state incurred pursuant to the constitution of 1908 shall continue to be obligations of the state.

For the retirement of notes and bonds issued under Section 26 of Article X of the 1908 constitution, there is hereby appropriated from the general fund each year during their life a sum equal to the amount of principal and interest payments due and payable in each year.

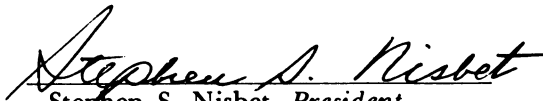
Sec. 14. The legislature by a vote of two-thirds of the members elected to and serving in each house may provide that the state may borrow money and may pledge its full faith and credit for refunding any bonds issued by the Mackinac Bridge Authority and at the time of refunding the Mackinac Bridge Authority shall be abolished and the operation of the bridge shall be assumed by the state highway department. The legislature may implement this section by law.

Sec. 15. This constitution shall be submitted to the people for their adoption or rejection at the general election to be held on the first Monday in April, 1963. It shall be the duty of the secretary of state forthwith to give notice of such submission to all

other officers required to give or publish any notice in regard to a general election. He shall give notice that this constitution will be duly submitted to the electors at such election. The notice shall be given in the manner required for the election of governor.

Sec. 16. Every registered elector may vote on the adoption of the constitution. The board of election commissioners in each county shall cause to be printed on a ballot separate from the ballot containing the names of the nominees for office, the words: Shall the revised constitution be adopted? () Yes. () No. All votes cast at the election shall be taken, counted, canvassed and returned as provided by law for the election of state officers. If the revised constitution so submitted receives more votes in its favor than were cast against it, it shall be the supreme law of the state on and after the first day of January of the year following its adoption.

Adopted by the Constitutional Convention of nineteen hundred sixty-one at Constitution Hall in Lansing on the first day of August, nineteen hundred sixty-two.


Stephen S. Nisbet, *President*


Fred I. Chase, *Secretary*

[ADDRESS TO THE PEOPLE]

***What the Proposed
New State Constitution
Means to You***

- A report to the people of Michigan
by their elected delegates to the
Constitutional Convention of 1961-62.

Lansing, Michigan

August 1, 1962

duce 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. ****

This is a revision of Sec. 22, Article VI, of the present constitution designed to continue Michigan's national leadership among states in public personnel practice, and to foster and encourage a career service in state government. It continues rigid limitations on political patronage, yet strengthens the role of the chief executive and the administrator and provides for limited legislative control of wage increases under specified circumstances.

New language in the first paragraph prevents the classification of the the chief executive officer of boards and commissions and reserves these positions for political appointment without tenure. Eight exempt positions among policy personnel are provided in the office of the governor. This simply gives constitutional sanction to a practice which has become customary. The revision also provides for additional exempt positions in other principal departments.

The bipartisan civil service commission continues as at present. The word "examination" is inserted in the fourth paragraph to recognize common practice of the commission in determining qualifications.

Increases in compensation can be authorized by the commission only at the start of a fiscal year and after prior notice to the governor so he can accommodate the increases in the budget he submits to the legislature. Power

is given to the legislature, however, to waive such notice and permit increases at a time other than the beginning of the fiscal year.

Power is also given to the legislature, within 60 days after transmission of notice of compensation increases, to reject or reduce the rates recommended — but their action must be by two-thirds vote of the members elected to and serving in each house. In no case may the legislature reduce rates of compensation below those in effect at the time nor may the legislature change pay differentials established by the commission.

Appointing authorities may create or abolish positions for reasons of administrative efficiency. Any employee who considers himself aggrieved by the abolition or creation of a position has the right of appeal to the commission for determination as to whether such position was abolished or created for reasons other than administrative efficiency.

The eighth paragraph authorizes the commission to recommend to the governor and to the legislature rates of compensation for appointees within the executive department who are not a part of the classified service.

The present legislative appropriation to the commission of one per cent of the aggregate payroll of the classified service for the past year is continued. It is provided, however, that within six months after the end of each fiscal year the commission must return to the state treasury funds not spent during that year.

The commission is directed to report on its expenditures at least annually to the governor and legislature and will be subject to audit procedures prescribed by the legislature.

Retained in the final paragraph is language requiring compliance with constitutional provisions pertaining to civil service and authorization for citizens to resort to legal proceedings to compel such compliance.

Of special interest to civil service personnel is the provision in Sec. 24, Article IX, of the proposed constitution which specifies that pension plans and retirement systems of the state shall be contractual obligations "which shall not be diminished or impaired." Sec. 53, Article IV, providing for the appointment of the auditor general by the legislature, requires that members of his staff, except for two persons, shall have civil service status.

Civil service; local government; county.

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.

This is a new section permitting the establishment, modification or discontinuance of civil service merit systems in political subdivisions of the

state, providing a majority of the voters of the unit affected approve. Teachers under contract or tenure are excluded in the provision. The state civil service commission is authorized to furnish technical services to local units on a reimbursable basis, if requested.

Impeachment.

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.

No change from the provisions of Sections 1, 2, 3 and 4, Article IX, of the present constitution except for improvement in phraseology.

Article XII

AMENDMENT AND REVISION

By legislature.

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.*

This is a revision of Sec. 1, Article XVII, of the present constitution. Principal change is the requirement that amendments proposed by the legislature "shall be submitted not less than 60 days" after they have been agreed upon. This is inserted to discourage a tendency in recent years to submit legislative proposals for amendment so late that election officials find it impossible to observe statutory deadlines for ballot printing and delivery.

A final clause in the section makes it clear that amendments adopted become effective 45 days after the date of the election at which they are approved.

By petition of electors.

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 of 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*