

Michigan Constitutional Convention of 1961

Committee Proposal 65

Const 1963, Art 12, § 2

Relevant Material From the Constitutional Convention Record

Cross-Reference and Indices	pp. 3437, 3447-3448, 3474
First Reading	pp. 738, 2458-2472, 2852
Second Reading	pp. 3004-3006
Draft Constitution (Art 12, § 2)	pp. 3047-3075 (p. 3072)
Third Reading, Article-by-Article	pp. 3198-3202, 3205-3206
Draft Constitution (Art 12, § 2)	pp. 3215-3237 (p. 3235)
Third Reading, Full Constitution	pp. 3238, 3300-3301
Adopted Constitution (Art 12, § 2)	pp. 3319-3353 (p. 3350)
Address to the People	pp. 3406-3407

Overview of the Constitutional Convention Process

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

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

State of Michigan
CONSTITUTIONAL CONVENTION
1961 - 1962
OFFICIAL RECORD



FRED I. CHASE
Secretary of the Convention

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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
					XI	1	XVI	2	25	10			none	98c
		S	4		XI	2	XVI	1	61	11*		XI	7,16	71b
IX	16	X	27,28	23d	XI	3	XVI	3	62	12			none	...
IX	17	X	16	37b	XI	4	X	19	55	13		X	10,20a, 23a,24, 25,26	6
IX	18	X	12	23c	XI	5	VI	22	22				4	
IX	19	X	13	37d	XI	6		none	76,81m			S		
IX	20	X	15	37a	XI	7	IX	1,2,3,4	42a,b,c,d	14			none	23b
IX	21	X	18	37c,78	XII	1	XVII	1	64	15		S	10	68a
IX	22	VI	20	74	XII	2	XVII	2,3	65	16		S	11	68c
					XII	3	XVII	4	66					

Committee Proposal No.	Page	Committee Proposal No.	Page
57. A proposal to require a public hearing on all budgets of local units of government before the budgets are approved. Amends article X by adding a section.		61. A proposal pertaining to terms of public officers. Retains section 1, article XVI.	
For text as offered and reasons	928	For text as offered and reasons	2492
As referred to style and drafting	928	As referred to style and drafting	2504
As reported by style and drafting	2668	As reported by style and drafting	2998
As rereferred to style and drafting	2668	As rereferred to style and drafting	2998
Jan. 31, reported by finance and taxation; referred to committee of the whole	724	Feb. 1, reported by miscellaneous provisions and schedule; referred to committee of the whole	737
Feb. 9, read first time; considered, passed by committee of the whole	928-929	Apr. 16, read first time; considered, amended, passed by committee of the whole	2492-2493
Feb. 9, reported by committee of the whole without amendment; referred to style and drafting	938	Apr. 16, reported by committee of the whole with 1 amendment; referred, as amended, to style and drafting	2504
Mar. 5, reported by style and drafting (Report 30); placed on order of second reading	1430	Apr. 26, reported by style and drafting (Report 109); placed on order of second reading	2851
Apr. 19, read second time; passed; rereferred to style and drafting	2668-2669	Apr. 30, read second time; passed; rereferred to style and drafting	2998-2999
58. A proposal pertaining to the elective franchise. A substitute for article III amending sections 4, 8, 9 and substituting new language for the other sections thereof.		62. A proposal pertaining to grants of extra compensation. Amends the first sentence of section 3, article XVI.	
For text as offered and reasons	2213	For text as offered and reasons	2493
For minority reports and reasons	2215	As referred to style and drafting	2493
As referred to style and drafting	2282	As reported by style and drafting	2999
As reported by style and drafting	2892	As rereferred to style and drafting	2999
As rereferred to style and drafting	2899	Feb. 1, reported by miscellaneous provisions and schedule; referred to committee of the whole	737
Jan. 31, reported by declaration of rights, suffrage and elections; referred to committee of the whole	724	Apr. 16, read first time; considered, passed by committee of the whole	2493
Apr. 6, read first time; sections a, b, c considered; sections a, c amended, passed; section b passed by committee of the whole	2213-2229	Apr. 16, reported by committee of the whole without amendment; referred to style and drafting	2503
Apr. 9, sections d, e, f considered; sections d, e amended, passed by committee of the whole	2232-2253	Apr. 26, reported by style and drafting (Report 110); placed on order of second reading	2852
Apr. 10, sections f, g, h considered, amended, passed; committee proposal as amended considered, passed by committee of the whole	2254-2271	Apr. 30, read second time; passed; rereferred to style and drafting	2999
Apr. 10, reported by committee of the whole with 7 amendments; referred, as amended, to style and drafting	2282	63. A proposal pertaining to estates of married women. Retain section 8, article XVI.	
Apr. 23, reported by style and drafting (Report 83); placed on order of second reading	2670	For text as offered and reasons	2437
Apr. 26, read second time; amended, passed; rereferred to style and drafting	2892-2899	As referred to style and drafting	2448
Apr. 27, motion to reconsider vote on passage defeated	2916-2917	As reported by style and drafting	3001
59. A proposal pertaining to vacancies in the office of governor. Amends article VI, section 16.		As rereferred to style and drafting	3003
For text as offered and reasons	1954	Feb. 1, reported by miscellaneous provisions and schedule; referred to committee of the whole	737
As referred to style and drafting	1966	Apr. 13, read first time; considered, amended, passed by committee of the whole	2437-2447
As reported by style and drafting	2764	Apr. 13, reported by committee of the whole with 1 amendment; referred, as amended, to style and drafting	2448
As rereferred to style and drafting	2764	Apr. 26, reported by style and drafting (Report 111); placed on order of second reading	2852
Feb. 1, reported by executive branch; referred to committee of the whole	737	May 1, read second time; amended, passed; rereferred to style and drafting	3001-3003
Mar. 29, read first time; considered, amended, passed by committee of the whole	1954-1963	64. A proposal to amend article XVII, section 1 of the present constitution pertaining to amendment to the constitution; proposal by legislature and submission to electors.	
Mar. 29, reported by committee of the whole with 1 amendment; amendment concurred in; referred to style and drafting	1965-1966	For text as offered and reasons	2452
Apr. 19, reported by style and drafting (Report 72) as Substitute for Committee Proposals 59 and 60; placed on order of second reading	2619	For minority report and reasons	2453
Apr. 24, read second time; passed; rereferred to style and drafting	2764-2766	As referred to style and drafting	2472
60. A proposal pertaining to succession to the governorship. Amends article VI, section 17.		As reported by style and drafting	3003
For text as offered and reasons	1963	As rereferred to style and drafting	3004
As referred to style and drafting	1987	Feb. 1, reported by miscellaneous provisions and schedule; referred to committee of the whole	737
As reported by style and drafting	2764	Apr. 16, read first time; considered, amended, passed by committee of the whole	2452-2458
As rereferred to style and drafting	2764	Apr. 16, reported by committee of the whole with 1 amendment; referred, as amended, to style and drafting	2472
Feb. 1, reported by executive branch; referred to committee of the whole	737	Apr. 26, reported by style and drafting (Report 112); placed on order of second reading	2852
Mar. 29, read first time; considered, amended, passed by committee of the whole	1963-1965, 1968-1969	May 1, read second time; amended, passed; rereferred to style and drafting	3003-3004
Mar. 29, reported by committee of the whole with 3 amendments; amendments concurred in; referred to style and drafting	1987	65. A proposal to amend article XVII, sections 2 and 3, pertaining to amendment and revision of the constitution.	
Apr. 19, reported by style and drafting (Report 72) as Substitute for Committee Proposals 59 and 60; placed on order of second reading	2619	For text as offered and reasons	2458
Apr. 24, read second time; passed; rereferred to style and drafting	2764-2766	As referred to style and drafting	2458
		As reported by style and drafting	3004
		As rereferred to style and drafting	3004

Committee Proposal No.	Page	Committee Proposal No.	Page
65: Cont'd.		70.	
Feb. 1, reported by miscellaneous provisions and schedule; referred to committee of the whole	738	A proposal to revise provisions of section 36 of article V regarding the veto power of the governor.	
Apr. 16, read first time; considered, passed by committee of the whole	2458-2472	For text as offered and reasons	1717
Apr. 16, reported by committee of the whole without amendment; referred to style and drafting	2472	For minority report and reasons	1718
Apr. 26, reported by style and drafting (Report 113); placed on order of second reading	2852	As referred to style and drafting	1717
May 1, read second time; passed; rereferred to style and drafting	3004-3006	As reported by style and drafting	2769
		As rereferred to style and drafting	2769
66. A proposal relative to amendment and revision. Amends section 4 of article XVII.		Feb. 1, reported by legislative powers and executive branch; referred to committee of the whole	738
For text as offered and reasons	2472	Mar. 19, read first time; considered, passed by committee of the whole	1717-1720
As referred to style and drafting	2472	Mar. 19, reported by committee of the whole without amendment; referred to style and drafting	1730
As reported by style and drafting	3006	Apr. 19, reported by style and drafting (Report 73); placed on order of second reading	2619
As rereferred to style and drafting	3013	Apr. 24, read second time; passed; rereferred to style and drafting	2769-2770
Feb. 1, reported by miscellaneous provisions and schedule; referred to committee of the whole	738	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. Amends or replaces article VI, sections 1, 3, 10 and 19, and article IX, sections 5 and 7.	
Apr. 16, read first time; considered, passed by committee of the whole	2472-2490	For text as offered and reasons	1766
Apr. 16, reported by committee of the whole without amendment; referred to style and drafting	2503	For minority reports and reasons	1769
Apr. 20, reported by style and drafting (Report 114); placed on order of second reading	2852	As referred to style and drafting	2211
May 1, read second time; amended, passed; rereferred to style and drafting	3006-3013	As reported by style and drafting	2743
		As rereferred to style and drafting	2743
67. A proposal to amend article XIII, sections 1, 2, 3, 4 and 5, pertaining to eminent domain, of the present constitution.		Feb. 2, reported by executive branch; referred to committee of the whole	756
For text as offered and reasons	2580	Mar. 20, read first time; section a considered by committee of the whole	1766-1784
As referred to style and drafting	2848	Mar. 21, section a considered, amended by committee of the whole	1787-1814
As reported by style and drafting	3035	Mar. 22, sections a, b considered; section a amended, passed by committee of the whole	1816-1844
As rereferred to style and drafting	3035	Mar. 23, section b considered, amended by committee of the whole	1845-1865
Feb. 2, reported by miscellaneous provisions and schedule; referred to committee of the whole	756	Mar. 26, section b considered, amended by committee of the whole	1867-1874, 1875-1889
Apr. 18, read first time; considered, amended by committee of the whole	2580-2597, 2598-2602	Mar. 27, sections b, c, d, e, f, g considered; section h offered, adopted; sections b, d, f, g amended, passed; sections c, e passed by committee of the whole	1892-1920
Apr. 25, considered, amended, passed by committee of the whole	2829-2848	Mar. 28, section i offered, amended by committee of the whole	1921-1950
Apr. 25, reported by committee of the whole with 1 amendment; referred, as amended, to style and drafting	2848	Mar. 29, consideration postponed by committee of the whole	1954
Apr. 26, reported by style and drafting (Report 121); placed on order of second reading	2870	Mar. 29, section i considered, amended, adopted, amended, passed; committee proposal as amended considered by committee of the whole	1976-1986, 1988-2006
Apr. 30, consideration postponed	2997	Mar. 30, considered, passed by committee of the whole	2008
May 1, read second time; passed; rereferred to style and drafting	3035-3042	Mar. 30, reported by committee of the whole with 11 amendments; consideration of report postponed to Apr. 3	2009-2013
68. A proposal pertaining to the schedule. Amends sections 10, 6 and 11 of the schedule.		Apr. 3, report of committee of the whole postponed	2075-2076
For text as offered and reasons	2490	Apr. 5, report of committee of the whole considered; amendments 1 through 10 concurred in; amendment 11 (section i) considered	2179-2190
As referred to style and drafting	2490	Apr. 6, amendment 11 (section i) considered, substituted, concurred in; amended; referred to style and drafting	2192-2212
As reported by style and drafting	3031	Apr. 19, reported by style and drafting (Report 72); placed on order of second reading	2620
As rereferred to style and drafting	3035	Apr. 24, consideration postponed	2737
Feb. 1, reported by miscellaneous provisions and schedule; referred to committee of the whole	738	Apr. 24, read second time; rules suspended, section i made Committee Proposal 71A (see history immediately below); passed; rereferred to style and drafting	2743-2755
Apr. 16, read first time; considered, passed by committee of the whole	2490-2492		
Apr. 16, reported by committee of the whole without amendment; referred to style and drafting	2503		
Apr. 26, reported by style and drafting (Report 115); placed on order of second reading	2852		
May 1, read second time; amended, passed; rereferred to style and drafting	3031-3035		
69. A proposal pertaining to the boundaries of the state of Michigan. Substitute for article I, section 1.			
For text as offered and reasons	2427		
For minority report and reasons	2428		
As referred to style and drafting	2448		
Feb. 1, reported by miscellaneous provisions and schedule; referred to committee of the whole	738		
Apr. 13, read first time; considered, amended, passed by committee of the whole	2427-2437		
Apr. 13, reported by committee of the whole with 1 amendment; referred, as amended, to style and drafting	2448		
(Note: The entire content stricken.)			

	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
		For text, and comments in address to the people	3408

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

CHAIRMAN YEAGER: The minority report amendment is adopted. Are there further amendments on file to this proposal?

SECRETARY CHASE: Judge Dehnke offers the following amendment:

1. Amend page 1, line 9, after "by" by striking out "2/3" and inserting "60 per cent or more"; so the language will then read:

If the same shall be agreed to by 60 per cent or more of the members elected to each house, such amendments shall be entered on the journals. . . .

CHAIRMAN YEAGER: The Chair will recognize Judge Dehnke on his amendment.

MR. DEHNKE: Mr. Chairman and members of the committee, I indicated a few minutes ago that I inclined to the opinion that 2/3 was a bit too high; possibly a bare majority a bit too low. I agree that it ought not to be made easy to amend the constitution. Personally, I would prefer to see 60 per cent in both places, but the amendment I am offering merely refers to the vote of the legislature required to submit it. It seems to me that requiring 60 per cent of the vote in both houses, a point about halfway between the majority and 2/3, affords all the guarantees that are necessary to prevent rash action and still go a bit further to make it less difficult to give the people an opportunity to pass upon proposed amendments.

CHAIRMAN YEAGER: The question is upon the Dehnke amendment. As many as are in favor will say aye. Opposed, no.

The amendment is not adopted. Are there further amendments, Mr. Secretary?

SECRETARY CHASE: Messrs. Rush, Powell, J. B. Richards and Rood offer the following amendment:

1. Amend page 1, line 16, after "voting" by striking out "on the proposed amendments" and inserting "in that election"; so that the language will then read:

. . . and, if a majority of electors voting in that election, shall ratify and approve such amendments, the same shall become part of the constitution.

CHAIRMAN YEAGER: Who is the first proponent there, Mr. Secretary?

SECRETARY CHASE: Mr. Rush.

CHAIRMAN YEAGER: Mr. Rush, do you wish to be recognized?

MR. RUSH: Mr. Chairman, ladies and gentlemen, I think that for this amendment we could give the same reason that Dr. Pollock gives for the other one, and that is we do not want to make it too easy to clutter up the constitution. That has been the fault that many people have found with our present constitution. It has been amended too many times. That was one of the reasons advanced for having a constitutional convention. And this amendment would accomplish that. In other words, people when they do not understand an amendment, a proposed amendment, will oftentimes refrain from voting on it instead of voting against it, and in many cases if they do not vote at all it amounts to almost a yes vote if you do not take into consideration the entire vote cast at that election. And so we are submitting this proposed amendment to make it a little bit more difficult to amend our constitution.

CHAIRMAN YEAGER: Dr. Pollock.

MR. POLLOCK: Mr. Chairman, fellow delegates, it seems to me that there is hardly any question but what our present procedure, a 2/3 vote in both houses and the majority vote of those voting on the question, is a difficult procedure. Most of the amendments which have been passed have been passed after they have been submitted by the legislature, but nobody, I think, can contend that it is an easy procedure. In other words, the argument that Mr. Rush makes is that we want to make it hard, and we have already done that. It is difficult now, very difficult, and I think should remain so, but it should not be loaded and unfair, and it would be if Mr. Rush's amendment carried.

May I remind you that we would not be here in a convention if we had not removed a similar provision which existed with reference to the calling of a constitutional convention. We had to pass the "gateway" amendment to remove just

such a provision before it was possible for the people to summon this convention.

Now when you say a majority of those voting in the election, you are talking, of course, about the highest vote in the election and it is everybody's experience, I am sure, that we have a smaller vote on propositions than we do on governors and presidents. Therefore, you are making it so unfair, you are loading it so much against it, that it is most unlikely that amendments would ever carry and it was just that experience, may I remind you, which led to the adoption of the "gateway" amendment which made this convention possible. I think Mr. Rush is going far too far and making quite an unfair requirement.

CHAIRMAN YEAGER: The Chair will recognize Mrs. Cushman. Did you wish recognition, Mrs. Cushman?

MRS. CUSHMAN: I think Dr. Pollock has already said what I was going to say, thanks.

CHAIRMAN YEAGER: The question is on the Rush amendment. As many as are in favor will say aye. Opposed, no. The amendment is not adopted. Are there further amendments, Mr. Secretary?

SECRETARY CHASE: None, Mr. Chairman.

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

SECRETARY CHASE: None.

CHAIRMAN YEAGER: If not, it will pass.

Committee Proposal 64, as amended, is passed. The secretary will read the next item.

SECRETARY CHASE: Item 9 on the calendar, from the committee on miscellaneous provisions and schedule, by Mr. Erickson, chairman, **Committee Proposal 65**, A proposal to amend article XVII, sections 2 and 3, pertaining to amendment and revision of the constitution.

Following is Committee Proposal 65 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. Amendments may also be proposed to this constitution by petition of the [qualified and] registered electors of this state. Every such petition shall include the full text of the amendment so proposed, and be signed by [qualified and] registered electors of the state equal in number to [not less than] AT LEAST 10 per centum of the total vote cast for all candidates for governor at the last preceding general election, at which a governor was elected[.], [Petitions of qualified and registered electors proposing an amendment to this constitution shall be filed with the secretary of state or such other person or persons hereafter authorized by law to receive same at least 4 months before the election at which such proposed amendment is to be voted upon. The legislature may prescribe penalties for causing or aiding and abetting in causing any fictitious or forged name to be affixed to any petition, or for knowingly causing petitions bearing fictitious or forged names to be circulated. Upon receipt of said petition the secretary of state or other person or persons hereafter authorized by law shall canvass the same to ascertain if such petition has been signed by the requisite number of qualified and registered electors, and may, in determining the validity thereof, cause any doubtful signatures to be checked against the registration records by the clerk of any political subdivision in which said petitions were circulated, for properly determining the authenticity of such signatures. If the secretary of state or other person or persons hereafter authorized by law to receive and canvass same determines the petition is legal and in proper form and has been signed by the required number of qualified and registered electors, the proposed amendment shall be submitted to the electors at the next regular election at which any state officer is to be elected. An official declaration of the sufficiency or insufficiency of the petition shall be made by the

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

secretary of state or such other person or persons as shall hereafter be authorized at least 2 months prior to such election. Any constitutional amendment initiated by the people as herein provided, shall take effect and become a part of the constitution if the same shall be approved by the number of qualified electors required in section 1 hereof for the approval of amendments proposed by the legislature, and not otherwise. Every amendment shall take effect 30 days after the election at which it is approved. The secretary of state or such other person or persons as may be hereafter authorized by law shall submit all proposed amendments to the constitution initiated by the people for adoption or rejection in compliance herewith. The petition shall consist of sheets in such form and having printed or written at the top thereof such heading as shall be designated or prescribed by the secretary of state, or such other person or persons hereafter authorized by law to receive, canvass and check the same. Such petition shall be signed by qualified and registered electors in person only with the residence address of such persons, showing street names and also residence numbers in cities and villages having street numbers, and the date of signing the same. To each of such petitions, which may consist of 1 or more sheets, shall be attached the affidavit of the qualified and registered elector circulating the same, who shall be required to identify himself by affixing his address below his signature, stating that each signature thereto was signed in the presence of such qualified and registered elector and is the genuine signature of the person signing the same, and that to the best knowledge and belief of the affiant each person signing the petition was at the time of signing a qualified and registered elector.] OR 300,000 SUCH REGISTERED ELECTORS, WHICH EVER SHALL BE LESS. SUCH PETITIONS SHALL BE FILED WITH SUCH PERSON AUTHORIZED BY LAW TO RECEIVE THE SAME, AT LEAST 120 DAYS BEFORE THE ELECTION AT WHICH SUCH PROPOSED AMENDMENT IS TO BE VOTED UPON. ANY SUCH PETITION SHALL BE IN SUCH FORM, AND SHALL BE SIGNED AND CIRCULATED IN SUCH MANNER AS SHALL BE PROVIDED BY LAW. UPON RECEIPT OF ANY SUCH PETITION, THE PERSON AUTHORIZED BY LAW TO RECEIVE SUCH PETITION, SHALL DETERMINE, AS PROVIDED BY LAW, THE VALIDITY AND SUFFICIENCY OF THE SIGNATURES ON SUCH PETITION, AND MAKE AN OFFICIAL ANNOUNCEMENT OF SUCH DETERMINATION AT LEAST 60 DAYS PRIOR TO THE ELECTION AT WHICH SAID PROPOSED AMENDMENT IS TO BE VOTED UPON.

Sec. b. [All proposed amendments to the constitution and other questions to be submitted to the electors shall be published in full, with any existing provisions of the constitution which would be altered or abrogated thereby, and a copy thereof shall be posted in each polling place. The purpose of any such proposed amendment or question shall be designated on the ballots for submission to the electors in not more than 100 words, exclusive of caption. Such designation and caption shall be prepared by the secretary of state or by such other authority as shall be hereafter designated by law within 10 days after the filing of any proposal and shall consist of a true and impartial statement of the purpose of the amendment or question in such language as shall create no prejudice for or against such proposal] ANY AMENDMENT PROPOSED BY SUCH PETITION SHALL BE SUBMITTED TO THE ELECTORS AT THE NEXT ELECTION AT WHICH ANY STATE OFFICER IS TO BE ELECTED, PROVIDING THAT SUCH ELECTION IS HELD MORE THAN 120 DAYS AFTER THE FILING OF SUCH PETITION. SUCH PROPOSED AMENDMENT SHALL BE PUBLISHED IN FULL, TOGETHER WITH ANY EXISTING PROVISIONS OF THE CONSTITUTION WHICH WOULD BE ALTERED OR ABROGATED THEREBY AND TOGETHER WITH THE QUESTION AS IT SHALL APPEAR ON THE BALLOT USED IN

SUCH ELECTION, AND A COPY OF SUCH PUBLICATION SHALL BE POSTED IN EACH POLLING PLACE, AND SHALL BE FURNISHED TO NEWS MEDIA AS PROVIDED BY LAW. THE BALLOT TO BE USED IN SUCH ELECTION SHALL CONTAIN A STATEMENT OF THE PURPOSE OF SUCH 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 SO TO DO, 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 SUCH PROPOSED AMENDMENT. IF SUCH PROPOSED AMENDMENT APPEARING ON THE BALLOT SHALL BE APPROVED BY A MAJORITY OF THE ELECTORS VOTING ON THE QUESTION, THE PROPOSED AMENDMENT SHALL BECOME A PART OF THE CONSTITUTION, AND SHALL ABROGATE OR AMEND EXISTING PROVISIONS OF THE CONSTITUTION 45 DAYS AFTER THE DATE OF THE ELECTION AT WHICH SUCH AMENDMENT WAS APPROVED.

Mr. Erickson, chairman of the committee on miscellaneous provisions and schedule, submits the following reasons in support of Committee Proposal 65:

History: The 1908 convention provided for an indirect initiative, which was subject to veto by the legislature. This initiative required signatures of not less than 20 per cent of the electors voting for governor.

The present section 2 was added by an amendment proposed in the legislature in 1913 and approved by referendum in April, 1913. Further amendments were made, again by a proposal of the legislature, which were approved by referendum April 7, 1941.

Section 3 was added to the constitution by amendment proposed by the legislature in 1917 and approved by referendum in November, 1918. It was further amended by legislative proposal in 1941.

Committee recommendations: The committee has undertaken a rather extensive rewriting of these sections 2 and 3, with the aim of eliminating matters which we were convinced were statutory detail, and with the aim of rearranging these 2 sections into what we believed is a more logical sequence. In this new draft, we tried to include in the first section, section a, all provisions concerning the initiative petitions, and have tried to include in the next section, section b, all necessary provisions relating to the submission of such amendment to the electors.

It is admitted that these 2 proposed sections still include many provisions that ordinarily would be part of an election code or statute. The committee, however, felt that this method of constitutional revision should be spelled out in some detail because of the nature of these sections. Section 1 of this article provides a method of constitutional revision that the legislature can use, and, as a matter of fact, most constitutional revision amendments have been proposed by the legislature. These proposed sections, sections a and b, then, would ordinarily be used only where the legislature has failed or refused to act. For that reason, the committee felt that essential detail ought not be left to the legislature to enact.

The committee believes that these proposed sections do not substantially affect the ease or difficulty of proposing constitutional changes. A minimum of 300,000 signatures has been inserted, as an alternative to the requirement that initiatory petitions be signed by 10 per cent of the total vote for governor, which figure was approximately 360,000 in the 1960 election. This seemed desirable to the committee to provide for possible rapid increase or decrease in the population of the state. A great increase in population could result in a situation where the sheer bulk of

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

petitions signed by 10 per cent of the electors could pose serious problems. The committee felt that it was sufficiently difficult to get 300,000 signatures so that hasty revision of the constitution would not result.

The first section, section a, was adopted by the full committee by a vote of 9 to 1, and the second section, section b, was adopted by the committee by a vote of 10 to 2.

CHAIRMAN YEAGER: The Chair will recognize Mr. Erickson. The Chair would like to inquire, do you want to take section a by paragraphs, Mr. Erickson, or as a total?

MR. ERICKSON: Let's take it as a total, because this all ties together.

CHAIRMAN YEAGER: You are recognized, then.

MR. ERICKSON: The Constitutional convention of 1907 and '08 had 3 subjects that took up most of its time: they were wine, women and initiative, (laughter) and the constitutional convention did not do anything on any of those 3 subjects—(laughter) liquor was not included and the vote for women was let go by for a later date, and so was initiative.

Even today Michigan is only 1 of 14 states that permits the citizens to amend its constitution, and after the other constitution it was not until 1913, by joint resolution of the legislature, that people voted to have this in. Mr. Habermehl has asked that I yield the floor to Delegate Durst for the presentation of this interesting subject.

CHAIRMAN YEAGER: Mr. Durst is recognized.

MR. DURST: Thank you, Mr. Erickson. Mr. Chairman and members of the committee, after what happened to Mr. Habermehl I am a little apprehensive but I shall proceed nevertheless.

The proposal that has just been read by the secretary eliminates a great deal of material that was previously in the constitution. We have tried to include the bare skeleton of the provision in order to still keep it self executing without providing all the varied material as to how names are to be set forth and all of this type of thing which is presently provided for in the statutes of this state. It was the opinion of the committee that in the event the legislature refused to act to provide the things that are called for here by this constitution that in one way or another it would still be possible to get an amendment on the ballot with the amount of material which is still left, which is still greatly statutory in nature. But since this is a provision in derogation of the power of the legislature, so to speak, it seemed desirable that it be self executing in nature, and that is why there is still a great deal of material here but far less than there was before.

As far as I know, there is not too much conflict with elimination of this material. However, there is one very substantive change here which has occasioned some conflict of opinion and a split in opinion, and that is the provision that provides that the petitions either be signed by 10 per cent of the total vote cast of all candidates for governor in the last preceding general election in which a governor was elected or 300,000 such registered electors, whichever shall be less. Now the net effect of this provision is to place a ceiling on the number of signatures that are necessary to place a constitutional amendment on the ballot.

Now I think it is desirable here to review just a little history of this provision. As Mr. Erickson has pointed out, it was not included in the constitution of 1908 but was added by amendment and placed on the ballot by the legislature in the year 1913. Now it is significant to note that the 10 per cent figure at that time and for many years prior thereto had averaged around 40,000. In the year 1898, 421,000 people voted in this state, making a requirement of approximately 42,000 signatures. In 1902, it was 402,000 or 40,000 signatures. In 1906, 373,000, so there was a drop to 37,000 signatures required. In 1910, 383,000, the requirement, 38,000. So this was the history and these figures go back to about this level even prior to this time. This was the history which the legislature had before it when it proposed this amendment with the 10 per cent figure in it in 1912. Now what has happened since?

There has been a very, very slow rise in the requirement up till very recent years: in 1920, a presidential year, a little over 1 million people voted in this state, meaning that you would need 105,000 signatures to put an amendment on the ballot. In 1930, a nonpresidential year, only 850,000 people voted, so there was a drop of 250,000 and only 85,000 signatures were needed. In 1940, another presidential year, the vote count rose to 2,030,000, so 203,000 signatures were needed. And in 1950, a nonpresidential year, 1,819,000 people voted, so 187,000 signatures were needed. In 1958, just 4 years ago, 2,312,000 people voted for governor, so 231,000 signatures were needed. And in the 2 year span to 1960, the vote count increased in this state by almost 1 million, to 3,281,536 people, so that you now would need, to put a constitutional amendment on the ballot today—if you were to try it, you would have to collect 328,153 signatures on the petition in order to put the amendment on the ballot. As you can readily see this is quite an increase from the 40,000 which the legislature experienced for a great number of years prior to the time this amendment was adopted to what we have today.

Now it is the contention of the committee that as this figure rises—and it is conceivable that it will rise quite a bit more in the years to come as the percentage of people voting increases, as well as the population increases—what you do in effect is erode the very right that is created by this particular section. I say that because as the figure gets larger, you make it virtually impossible for anyone else to use this particular provision except a large, well organized organization. Now I don't think there is any doubt that no matter how high this figure gets—even if you have to get millions of signatures in the state of Michigan—that the UAW-CIO would be able to put an amendment on the ballot if they so desired. Sure, it may cost them a little more. It may take a little more time and a little more effort, but they can do it. By the same token, Mr. Powell's organization, the farm bureau, if it really wants to put an amendment on the ballot has got the membership and also, I presume, the money—that I am not so sure of—but at least they have the facilities to put an amendment on the ballot if they really want to. I suppose there are other organizations that are similarly well organized. Probably the school groups, if they had an amendment they were particularly interested in, would be able to organize the manpower and the funds to put that particular amendment on the ballot. But I submit that the great bulk of the rest of the people in this state, who belong to none of these well organized organizations, would not be able to significantly participate in a drive to put an amendment on the ballot when this figure gets so high that it becomes too costly. Now I am concerned about this because I do not belong to either one of the large organizations I mentioned—as a former member of the teamsters union they probably wouldn't let me in the UAW-CIO—and when they see the “young radical” badge that Mr. Brake gave me, they probably wouldn't let me in the the farm bureau back home either. (laughter)

Now I know a little bit—not a great deal—about the difficulty of putting an amendment on the ballot. I participated back in my home area in a drive to fluoridate the water supply, and I know how long it took to go out and get 30 signatures on a petition, because everybody wanted to know everything about it before they signed—and I don't blame them for that—but it was virtually impossible if you went out at 6:00 o'clock at night and got done at 10:00 to get more than 30 signatures, and most people hardly got more than 10 or 15. It is a time consuming, very difficult job. And as the issue gets more complex, of course, it gets more difficult. Now I think we only need to look at the drive that was put on to enable the calling of this convention to see how difficult this situation is. I participated in that drive as a member of the junior chamber of commerce and I know Mrs. Judd participated and perhaps some others did as members of other organizations. And I say this without consulting with members of the league of women voters here: that I am convinced that the league of women voters and

the JCs together could never have obtained the necessary number of signatures to put the proposition on the ballot in November that made possible the calling of this convention. It simply was impossible. And the reason was that in order to do it, even though we had the cooperation of the newspapers in this state, you still had to arouse public interest and you still had to have money. And without the help, I am sure, of the organization known as citizens for Michigan which provided both of these assets, particularly money, and also provided a little spur of public imagination, I don't believe the necessary number of signatures would have been obtained even though there were many, many very sincere people working very hard for this purpose in the state of Michigan.

Now, if we put these 2 alternatives in: the 10 per cent or the 300,000, what we are actually doing is making it just about the same as it presently is. In other words, there were 231,000 signatures required in 1958. Today there are 328,000 and probably in the election of 1962, a nonpresidential election, the vote count will drop somewhat and you will have a lesser requirement, but somewhere right around the 300,000 figure. We are not intending to increase or reduce the difficulty as it presently exists, but I submit to you that any organization, whatever they may be, that goes to the effort and the work to get the signatures, 300,000 valid signatures, in this state, that they have a proposition that is worthy of being put on the ballot and being passed on by the people of this state.

This is not an easy proposition. It takes many, many thousands of dollars, and it takes many, many man hours. I don't know how much money was spent to arrive at the full number of signatures necessary in 1960, but I would estimate certainly that it was in excess of \$20,000 to \$30,000, and that is a lot of money. Now, as I said, it is easy—not easy, but it is possible for the large, well organized organizations to do this, and if we allow this 10 per cent figure to continue to rise in the future, then, in effect, we are eliminating this particular provision as far as it has any application to smaller, organized civic organizations in the state of Michigan.

Now, what are some of the arguments against this? Some people believe it should be harder to put an amendment on the ballot. There were recommendations before our committee that this number should be increased to 15 per cent, and I believe somebody at one time even suggested 20 per cent—I am not sure—with the idea that we should not amend the constitution. They don't want to amend it. And if this is the prevailing philosophy in this convention, then by all means strike out the 300,000 and keep the 10 per cent.

Now I submit, again, that it will always be possible, as long as you keep some provision of this sort, for some organizations to use the provision and not others. On the other hand, there are other people who seem to have the idea of a general fear of what the people will do and what they will approve if they are given the opportunity to vote on any large number of proceedings. Now I think this is somewhat optimistic because the record shows that the people have turned down far more, a greater majority of constitutional amendments put on the ballot by initiative than they have approved.

On the other hand, it must come back, as far as I am concerned, to a basic question of trust in the people. Now, lest I be accused of being inconsistent, I would point out that when we were discussing the question of election or appointment of the ad board, I stated that I was in favor of appointment because I did not feel the people of this state, by and large, were interested in the members of the ad board. Now, some people turned this around to say it was a matter of trusting the people. I do not think that issue was involved there at all, but in this particular instance it is: whether or not we trust the good judgment of people to pass upon proposals as they are presented on the ballot.

Now I think that on issue elections, where issues are involved, people do think them through. I would just call attention to my own home county of Lenawee. For the election which sent me and my compatriot, Charlie Figy, to this con-

vention, there were approximately 6,000 people in my county turned out to vote. The other day, 2 weeks ago, there was a proposition in a special election calling for the establishment of a junior college which involved, among other things, the spending of some money and the raising of millage. Over 12,000 people in my district turned out to vote on that issue because it was an issue that they were concerned with, and issues do concern people, and I do not think they vote blindly on them. They do attempt to think them through, and I think there is a great deal of interest in these issues as they come up and are presented on the ballot.

On behalf of the committee, I am sincerely convinced that it is desirable that the people have the opportunity to consider proposed changes and if there are 300,000 people in this state—no matter what the population may be—300,000 people who believe the proposition is good enough to be presented to the people, then they should have the right to place it on the ballot and have the people pass on it. Thank you.

CHAIRMAN YEAGER: Does Mr. Erickson wish anyone else recognized on behalf of the committee? The Chair will recognize Miss Donnelly.

MISS DONNELLY: I rise to speak against the committee proposal in the amount of the 300,000 for the simple reason that our next proposal calls for it for every 16 years as does the constitution presently. To me the need for a specific, special amendment to be put on the constitution by 300,000 voters ignores the fact, one, that this state will grow as it has continued to grow in the past and eventually when you reduce it to a fixed figure as opposed to a proportionate number of citizens that are eligible to vote, you would have so lowered it that you will not have 10 per cent, you will not have 5 per cent, if we grow as we continue to grow. In addition to that, in the next proposal we automatically will have one for every 16 years if the people wish to vote thereon. Therefore, I feel that there is no great crying need—as there was perhaps in the past—for arranging for a constitutional amendment to be placed upon the ballot by the people working in their united groups outside of any organized situation for parties. I therefore oppose the committee proposal as to the figure of 300,000, but I support the rest of the committee proposal.

CHAIRMAN YEAGER: Mr. Habermehl, there is an amendment coming up; do you wish to speak on the question of the committee proposal or do you want to wait for the amendment?

MR. HABERMEHL: I would like to speak on the committee proposal.

CHAIRMAN YEAGER: You are recognized.

MR. HABERMEHL: I would like to call to the attention of the delegates that this 300,000 figure is not a reduction. The figure quoted to you by Mr. Durst—the 328,000 requirement—was one that came about as a result of the last presidential election.

The election schedule, in effect, that we have adopted here calls for the governor to be elected in a nonpresidential year and a quick check of the red book will show that in nonpresidential years the 10 per cent figure would amount to about 220,000. From this point on, in other words, the governor will not be elected at the same time as the president, and our past experience has been that the vote in Michigan will be much lower. I suspect that for quite a few years to come this 300,000 figure will be the greater of the 2 figures that appear in the committee proposal.

I would like to say, too, that there is—before the amendment is offered, Mr. Chairman, the committee on declaration of rights, suffrage and elections had concurrent jurisdiction on this matter and I would ask that the floor be yielded to Delegate Pollock.

CHAIRMAN YEAGER: Does Dr. Pollock wish to speak on this for the concurrent jurisdiction committee?

MR. POLLOCK: I have nothing to say, Mr. Chairman, except that it met with the approval of our committee and it certainly meets with my approval.

CHAIRMAN YEAGER: Dr. Norris, did you wish to be recognized?

MR. NORRIS: Mr. Chairman, I just wanted to make a very few brief comments regarding supporting the committee proposal. I believe it does 2 things: it promotes certainty with regard to the procedure and promotes flexibility as well. With regard to certainty, at least, it indicates to the people in a relatively informative fashion that what is required is an approximate 300,000 signatures, and this seems to me to give to the people some kind of information which would be helpful in appraising the nature of the task and what is involved in this kind of procedure. Second, you have the 10 per cent still there and there is an enhancement of flexibility. You also have flexibility in another sense: in the sense of responsiveness to change in permitting what is, after all, the reserved power of the people to be reflected in constitutional change.

Now I notice Miss Donnelly mentioned the question of the hope and aspiration that the people of the state of Michigan will grow in numbers. And there is no question about it, they will also grow in problems. They will also grow in the number of ways in which the constitution impinges upon the life of the people and we do have to keep open the way in which the reserved power of the people may operate upon the constitution so that the constitution can be flexible in meeting the needs of the people. Indeed, that is our very province here. That is what brought us into being. And I do think some constructive thinking has been done by the committee and it ought to be supported in this amendment.

CHAIRMAN YEAGER: Will the secretary read the first amendment on file?

SECRETARY CHASE: Mr. Stevens offers the following amendment:

1. Amend page 1, line 11, after "elected" by changing the comma to a period; and on page 3, line 7, by striking out "or 300,000 such registered electors, whichever shall be less."; so that the sentence will then read:

Amendments may also be proposed to this constitution by petition of the registered electors of this state. Every such petition shall include the full text of the amendment so proposed, and be signed by registered electors of the state equal in number to at least 10 per centum 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. . . .

CHAIRMAN YEAGER: The Chair will recognize Mr. Stevens on his amendment.

MR. STEVENS: Mr. Chairman and members of the committee, the declaration of rights, suffrage and elections committee did not vote unanimously to endorse this proposal as it did vote almost unanimously against the 2/3 proposition.

I was the delegate who introduced the proposal to make amending the constitution require 15 per cent of the number of votes cast for all candidates for governor and nobody in the committee seemed to pay much attention to my reasons for it. The reasons were not so much to make it more difficult to amend the constitution as to provide a greater differential between the constitutional initiative and the statutory initiative. As it stands now it takes 8 per cent for a statutory initiative and 10 per cent for a constitutional initiative. As a result of that, time after time certain organizations have proposed constitutional amendments where an ordinary statute would have done this work as well or possibly better, because it is just as easy or almost as easy to get a constitutional amendment on the ballot by the initiative as it is to get a statute on the ballot by an initiative. So my reason here is not so much to make it more difficult to amend the constitution as to do something to discourage people from putting statutory matter into the constitution. Even as it is, most of the constitutional amendments proposed by this method are very statutory in nature. That seems to be the way they do it. You have had some of the figures. The figure for the initiative for the statute as of the last election would be to require 8 per cent, or 262,522 signatures. In the future, as the state grows—and I see no point to this except that it is based upon future growth—as the state grows in the future in population, it will become easier to put a constitutional amendment on the ballot by the initiative than it is to put an ordinary

statute on the ballot by use of the initiative. And this to me does not make any sense.

CHAIRMAN YEAGER: The Chair will recognize Mr. Plank.

MR. PLANK: Mr. Chairman and fellow delegates, Delegate Perras and I have an amendment very similar to this and we would like to join Mr. Stevens. I would like to point out to you that if you just listen to the proponents of this committee proposal, without very much thought you can see that almost all the reasons they give actually are good reasons for striking out the 300,000 figure.

The same organized groups that Delegate Durst talked about could with a lot less effort put forth an initiative referendum and, therefore, I would like to support Delegate Stevens' amendment and just urge you to think twice, and be sure, and hesitate, when you think about writing a fixed number in the document which we might live with for the next 50 years.

CHAIRMAN YEAGER: The Chair would inquire of Mr. Plank: do he and Mr. Perras wish to withdraw their amendment and join with Mr. Stevens?

MR. PLANK: That is correct, Mr. Chairman.

CHAIRMAN YEAGER: That is agreeable, Mr. Secretary? Mr. Kuhn.

MR. KUHN: I would like to support the Stevens amendment. I think most of the reasons have been given, but it is very important to remember that we are not writing legislation here. I think too many delegates think this is the legislature. We are hoping to write a document that will be good for at least 50 years and maybe 100. Now it seems to me that if this state would grow into a population as high as 14 or 15 million people, we do not want a 300,000 ceiling to have a constitutional amendment placed on the ballot.

As was pointed out earlier, only 14 states now allow their people to amend the constitution. I believe in the principle of amending the constitution and being able to do so, but I do not want it to be too easy and, therefore, I think to keep good, sound constitutional principles in our document we should leave it the way it is—10 per cent of all people voting for the office of governor—and not put this foolish, small limit in our constitution.

CHAIRMAN YEAGER: Mrs. Cushman.

MRS. CUSHMAN: Mr. Chairman and delegates, anybody who has worked in that business of getting enough names on petitions to have this constitutional convention would know that 300,000 names is an awful lot of names and that it is not some foolish, small limit. Now, believe me, it takes a tremendous amount of organization, particularly where you are dependent on volunteers, to get this many names and valid names. I think that unless it were a professional organization I don't think that a much bigger limit could be reached, and I mean by a professional organization one that had enough money to pay for their names and their circulation of it. It is a tremendous job to get this many. I want to repeat that; because, having gone through it, I know and I am quite sure that it would not be an easy matter to get something reviewed by the people for possible consideration in the constitution with a requirement of 300,000. Thank you.

CHAIRMAN YEAGER: The Chair would like to remind the committee that for this evening's work we have 6 more proposals, 1 exclusion report, and 5 proposals on emerging problems to finish by the time we close tonight if we are to follow any schedule. It has been said that brevity is the soul of wit; the Chair hopes we will be very funny today and will recognize Mr. Snyder.

MR. SNYDER: Thank you, Mr. Chairman. I just want to point out that we have a proposition here that determines how responsive our government will be, and I certainly would oppose the amendment to the committee report as such. The committee had many people come in to testify as to their feelings: many people from civic groups, and included was the league of women voters. Gus Scholle was down there. The farm bureau was down there. There were many people.

In fact, I sponsored a proposal originally that would have permitted this thing to 100,000, and I do not think that

when you get up to a 300,000 figure that this is much of a compromise. But I do feel very strongly that if we are going to have a responsive government we are going to have to give the people back home the opportunity, not to put legislative matters into the constitution but to act as a sort of a check and balance to an unresponsive legislature.

I think that this is very important and I feel that if the delegates could have heard the testimony of some of these groups who were instrumental in getting the present constitution on the ballot and successfully passed, they would have realized the tremendous—the tremendous—obstacles that were in their way. The people that appeared before us were sincere. The people felt that they had a message that they had to get to the delegates to the constitution. I just hope that their efforts have not been in vain. I do hope that the amendment to the proposal—which would completely defeat the work of many people who worked hard and long at this particular matter—does not pass. This amendment would do great damage to this group. It would take away from them the feeling of participation in government and, I think, once we take this feeling away we will not have a government that is as responsive. I certainly would encourage the defeat of the proposed amendment and the support of the committee proposal that we have.

CHAIRMAN YEAGER: The Chair recognizes Mrs. Judd.

MRS. JUDD: Just 2 points, Mr. Chairman. I would like to ask if there is anyone here who has opposed the 300,000 figure who has ever worked to get a petition signed on a voluntary basis. Please raise your hands. I mean who spoke against the 300,000. Secondly, I am not a good lawyer but as I have heard the reports of the Tennessee case in the supreme court, it seemed to me that one of the important things for Michigan to pass muster is to be sure that the people have a remedy to the problem of reapportionment, and that ease of amending the constitution would be an important remedy.

CHAIRMAN YEAGER: Mr. Stevens is recognized.

MR. STEVENS: Mr. Chairman and members of the committee, it is not my belief that we are talking about calling a constitutional convention or apportionment, except, of course, I suppose the initiative could be used for amending the constitution to make apportionment easier or changing the apportionment easier.

What I wanted to say, however, was that it is not too difficult to get these signatures if anyone really wants them. We do not want to make it easy to amend the constitution. The recent vote shows that. What we want to do is to keep it rather difficult to do it, but we do not want it easier to amend the constitution than it is to pass an ordinary statute, and that is what this amounts to. Any organization that wants to spend the money or do the work and has the organization can get all the signatures it wants, and it is not common that neighbors in a block or two are going out to try to get the constitution amended by use of the initiative.

CHAIRMAN YEAGER: The Chair recognizes Mr. Kuhn.

MR. KUHN: I want to make my remarks very brief. Dorothy Judd helped me answer it. I did work on that and I was a member of the JCs. And then I agree with what Harold Stevens said at the end: we do not want to make it easy; we want to make it very difficult.

Sometimes you wonder just how many people wanted it and, obviously, it was very closely divided and that is why it was so difficult. But I am sure that anything that really has to be done, if there is a great demand, will be that much easier. It did take a lot of work and I was not a professional and I did work toward getting the signatures.

CHAIRMAN YEAGER: The Chair will recognize one of the proponents, Mr. Perras.

MR. PERRAS: Mr. Chairman and fellow delegates, I will be brief, as you suggested, Mr. Chairman, but in view of the fact of how we voted on giving the legislature a lower number than 2/3, here is what it says in the book here:

If there is need to facilitate the submission of constitutional amendments to the voters, somebody argued it would be preferable to make it easier for the legislature to submit

amendments by reducing the extraordinary majority requirements of 2/3 of the members elected to each house to some smaller number and, it is argued, legislative proposals of amendments tend to be more carefully drafted and considered in relation to the remainder of the constitution.

Now, in view of the fact of what we have just done by the big vote—how we voted this reducing the 2/3 vote of the legislature, I think we should be consistent and vote for this amendment. I demand the yeas and nays, Mr. Chairman.

CHAIRMAN YEAGER: The yeas and nays have been demanded. Is there support? A sufficient number up. The yeas and nays are ordered. The Chair recognizes Mr. Wanger.

MR. WANGER: In brief reply to Mrs. Judd, as one who had the privilege of working very actively both as a member of the junior chamber of commerce and citizens for Michigan for the constitutional convention amendment and votes, I would like to say that on ballots this amendment should be supported because the constitution should not be easy to amend and it should not be easy for a citizens' group to put a constitutional amendment on the ballot.

In viewing this history of the Michigan initiated constitutional amendments, we find there have been 34 to this constitution all the way from 1914 to 1960 and 10 of these have been adopted by the people. It seems to me that as the population of the state grows, so will the total number of people who vote for all candidates for governor; and as that grows so will the strength of those citizens' groups who really represent the people. So, therefore, it will not be, as a social matter, more difficult in the future to amend the constitution, proportionately, than it has been in the past.

CHAIRMAN YEAGER: The Chair recognizes Mr. Romney.

MR. ROMNEY: Mr. Chairman, I think there are 2 or 3 things about this that might be brought to the attention of the delegates before we vote. One is that when you require 300,000 in order to have a safe number of signatures you have to have about 25 per cent more than that or about 400,000 signatures. Getting 300,000 signatures is a really sizable task unless you have a well organized statewide structure of a political character or economic character.

As I see this proposal, it is designed primarily to enable citizens to use this route to secure constitutional amendment. Now as a rule they are not too well organized, and I want to emphasize what has been said here about the great difficulty in securing the votes needed to call this convention and then we only required 225,000, but we secured over 300,000 in order to have the overage to make good any signatures not properly secured, because there is a great deal of technicality required in securing valid signatures. So I think that if we should strike out the 300,000 figure we would make it very unlikely that a genuine citizens' petition drive could bring about an amendment for a constitutional convention of this character. It took a great deal of organized effort to get this one called on this basis and I certainly hope that you will defeat this amendment because I think the citizens of the state should have a target that is within their reach.

CHAIRMAN YEAGER: The Chair recognizes Mr. Hutchinson.

MR. HUTCHINSON: Mr. Chairman, I urge the members of this committee to support this amendment. I call your attention to this. When a constitutional amendment is initiated by petition, is written by a group which wants to accomplish something, of course, and however it fashions its proposal that is what is submitted to the people. In other words, when you have an initiated constitutional amendment, you have no forum for debate—at least no organized forum for debate. There is no way that an initiated amendment to the constitution can be submitted to a body like the legislature which can amend it and can perfect it in the course of debate to improve its language, to see the weaknesses of what is proposed, to bring it back into kilter, perhaps, with other provisions of the constitution, and so forth. All of this is missing when a constitutional amendment is initiated. For that reason the use of the initiative should not be made easier. And I am impressed with Mr. Stevens' argument that as the population of this state increases and as the voting electorate increases the 300,000 ceiling may in time be

reduced to perhaps a mere 5 per cent rather than 10 per cent of the electorate. Now, this is my philosophy and I feel very clear and strong about it: that because the initiative procedure does not provide the forum for debate where you can perfect the proposal before it is submitted to the people, I think that the initiative procedure should not be made easier. Therefore, I support the striking of the 300,000, leaving it 10 per cent of the electorate.

CHAIRMAN YEAGER: The Chair recognizes Mr. Norris.

MR. NORRIS: Mr. Chairman, I believe we are debating something very fundamental and I do urge the body to recognize some of the points that were raised by Mr. Hutchinson. There is no question that a deliberative body can give attention in a deliberative fashion to some of the matters and adapt the proposal to what is necessary, but deliberation need not only take place in a deliberative body. It can take place in the body politic. And if I sense anything — as a person who has been active in the last 25 years in a variety of efforts — it is that most people feel that the political wall is too high to jump, that ordinary citizens cannot accomplish change, and this leads to a state of apathy and inertia which, in my judgment, is very dangerous in a democratic society. There has to be a holding forth of the possibility to adjust to change on behalf of ordinary people, not merely — and I think that Mr. Romney made an excellent point here — not merely people who are organized in a political group or on an economic basis but citizens' groups, generally. There has to be the possibility of change and it is not making it easy for this possibility to occur when you put in the constitution a 300,000 number.

A point again made by Mr. Romney: about the fact that you need another quarter, another 100,000 signatures. This is a formidable undertaking and I submit that when you make the walls too high to jump, when you hold forth a right unaccompanied by fulfillment, you lead to frustration and this is a dangerous state of mind in a democratic society.

With regard to the point made by Mr. Stevens, the question of the facility of proposing legislation: it seems to me that you do have that margin of difference now and perhaps on second reading we might alter that figure. I do not think that we ought to compound the felony by making both wrong. I think we might very well reconsider our action with regard to the percentage required in proposing legislation. And I do think he has a point to be considered. In fact, I think that is about the strongest point the amendment has. But I think we can reconsider that at the appropriate juncture.

I do think that before us now we have a question as to whether or not in the kind of world and kind of nation and kind of state we are heading into, where the need for change has to be evaluated constantly and the way in which change can be brought about, admittedly you do not want to permit a situation where it is so easy that error is formed; but it seems to me, too, that you do have to keep the promise open to ordinary people that they can change things in order to meet needs. And I think that is the fundamental philosophy regarding this whole question of initiative. This was one of the prize contributions of the 1908 constitutional convention and I think we would be keeping with the great tradition of the state and of its constitutional conventions if we kept alive the purposes of the initiative petition, making it a service of sovereignty, a service of self government, a service of people responding and adapting to change. I urge, therefore, Mr. Chairman, a vote no on the Stevens amendment.

CHAIRMAN YEAGER: The Chair recognizes Mr. Stevens.

MR. STEVENS: Mr. Chairman and members of the committee, I submit that the body politic has not had too much trouble in submitting proposed amendments to the constitution. In the last several years they have appeared on the ballot. They have had the necessary 10 per cent. I do not think it should be easy for organizations to do this and I do not think any of us have the idea that any small group of citizens is going out and do this, whatever the percentage required or whatever the number of signatures required. It does require the work of one or more organizations to do it and it probably should remain that way.

I would also repeat, by way of emphasis, Mr. Kuhn's remark

that there was much opposition to calling this convention. That is why it was so hard to get the signatures in many places. However, they did get them and they got them in a relatively short time. It seems to me that that only proves the fact that it is not too difficult and it will not be too difficult to amend the constitution by getting 10 per cent of the signatures for an initiative.

CHAIRMAN YEAGER: The Chair recognizes Miss Donnelly.

MISS DONNELLY: I rise to support the Stevens amendment and I would like to recall to this body that our next proposal is for a constitutional convention every 16 years wherein people will have the opportunity to discuss any amendment, make sure it falls in line with the rest of the constitution, and have a forum to make sure of all the ramifications of it, as to its drafting, as to its balance, as to its real importance and its overall effect on the entire document.

To allow a very readily available amendment of one section or one point by these 300,000 signatures, when the population grows it is going to be very, very easy. I cannot imagine anything that is so vital that it couldn't take 1 year or 2 years if it has to be done, for life goes on rather slowly. Regardless of how rapidly we think we do progress, in the long run we do not do it. Anything that is very vital to be handled, can be handled in the complete constitutional revision as we have already taken care of in the next section, and we do not need this emergency device to handle it, in my opinion, and certainly to lower the requirement to let it be done arbitrarily is a capricious act.

CHAIRMAN YEAGER: The Chair recognizes Dr. Pollock.

MR. POLLOCK: Mr. Chairman, I should like to just make a brief reply to what Delegate Hutchinson said. The question here is not whether we are in favor of the initiative and referendum as a process. The question is, I assume, how can we improve that process? Now, I seem to gather from Delegate Hutchinson's argument that he finds the initiative essentially a defective instrument. I think if he were to talk a little longer, he probably would demonstrate that he does not like the initiative as an institution, and I think the same probably can be said of Mr. Stevens. In other words, I do not consider this a friendly amendment. I believe they are actually arguing against the initiative as a process, and by making this provision so difficult it seems to me they are weakening it.

Second, the committee, in my view, went over this very carefully and very realistically, taking a good deal of testimony and having a good deal of discussion about it, and I think their figure of 300,000 is a very fair, realistic one considering the circumstances of the modern Michigan electorate.

In the third place, I just want to remind you that not only did the committee itself give this careful consideration and, I believe, maybe with only one vote in the committee against it, but it was referred to the committee on rights, suffrage and elections and with only one vote against it in our committee, namely Mr. Stevens, it was approved. So you have had 2 substantive committees go over this and it meets with their approval.

CHAIRMAN YEAGER: On the Stevens-Perras-Plank amendment, the Chair recognizes Mr. Durst.

MR. DURST: Mr. Elliott tells me to sit down, so I will be very brief. First of all, let me make it clear that 300,000 is not lowering present requirements, as some people have implied, but merely is maintaining the present status quo, granted it will carry on into the future. Second, many people have implied that 300,000 somehow or other is easy and they state that if the population grows and we have 14 million people in Michigan it, therefore, becomes much easier to get 300,000. True, there are more people to get the 300,000 from, so you may find 300,000 kindred souls easier, but the task of talking to 300,000 and explaining the issue to 300,000, and getting the valid signatures of 300,000 is no easier. And I submit that that is a gigantic task which takes the energy and effort of a very large, well organized group no matter who they may be.

Now the question has been raised here that one reason it was hard to get the question on the ballot in November of 1960 was because there were people opposed to calling a constitutional convention. Well, I do not know how widespread that was in

other areas, but in my county of Lenawee, I submit, it was hard to get signatures. We secured about 2,000 and contributed them to the joint effort and in the election itself on the amendment in November the vote was 11,000 in favor and 4,000 opposed. So I do not think that in my area you can say that people were opposed to approving that particular amendment. But it was still difficult to get signatures because it is difficult to reach people. And I cannot in my memory remember any individual to whom I explained the proposition who refused to sign the initiatory petition.

Now, Miss Donnelly has made the point a couple of times here that the question can be submitted to the people every 16 years whether they want a constitutional convention and, apparently, she is suggesting that the 2 alternatives are equal in some way, that you do not need to amend it because the people can call a convention every 16 years if there are things out of line. I submit that this is completely unrealistic. We cannot and I do not think we should convince the people of this state that they should have a body such as this meet every 16 years to correct some trivial matters — not trivial, but at least limited matters — but that, more properly, amendment either by legislative action or by initiatory petition is a better method for limited areas of discussion than a constitutional convention.

CHAIRMAN YEAGER: The Chair recognizes Mrs. Cushman.

MRS. CUSHMAN: I just wanted to correct the statement of Miss Donnelly to the effect that there was — it sounded as though she thought there was going to be a convention every 16 years and, of course, this is not at all true nor would it be desirable, as Mr. Durst has already said. Thank you.

CHAIRMAN YEAGER: The Chair recognizes Mr. Wanger.

MR. WANGER: I wish to correct the statement of Mr. Durst. According to the figures of votes for governors on page 457 of our '61-'62 Michigan Manual, 10 per cent of the total vote for governor in the last election, in the 1960 election, would be 328,154. Since the population and the votes are increasing, under the figure of 300,000 it would never again in Michigan's history require as much as 10 per cent of the total vote for governor to put a matter on the ballot.

CHAIRMAN YEAGER: The question occurs on the Stevens-Perras-Plank amendment. The yeas and nays have been ordered. This is a recorded roll call vote. As many as are in favor will vote aye. As many as are opposed will vote no. Does anyone wish the amendment read?

A DELEGATE: Please read it.

CHAIRMAN YEAGER: There is a request for rereading of the amendment, Mr. Secretary.

SECRETARY CHASE: The Stevens-Perras-Plank amendment is as follows:

[The amendment was again read by the secretary. For text, see above, page 2462.]

CHAIRMAN YEAGER: 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—47

Batchelor	Hatch	Radka
Blandford	Hubbs	Richards, J. B.
Boothby	Hutchinson	Rood
Bradley	Iverson	Rush
Brake	Kirk, S.	Seyferth
Conklin, Mrs.	Knirk, B.	Shackleton
Danhof	Kuhn	Shanahan
Dehnke	Lawrence	Sharpe
Donnelly, Miss	Leibrand	Sleder
Doty, Dean	Leppien	Stafseth
Everett	Millard	Stevens
Farnsworth	Mosier	Turner
Finch	Nisbet	Tweedie
Gadola	Perras	Upton
Gover	Plank	Wanger
Haskill	Powell	

Nays—57

Allen	Faxon	Ostrow
Andrus, Miss	Figy	Pollock

Anspach	Follo	Pugsley
Balcer	Garvin	Rajkovich
Barthwell	Goebel	Romney
Beaman	Habermehl	Sablich
Bledsoe	Hannah, J. A.	Shaffer
Brown, G. E.	Hart, Miss	Snyder
Brown, T. S.	Hodges	Stamm
Buback	Howes	Sterrett
Butler, Mrs.	Jones	Stopczynski
Cudlip	Judd, Mrs.	Thomson
Cushman, Mrs.	Lesinski	Van Dusen
DeVries	Madar	Walker
Downs	Mahinske	White
Durst	Marshall	Wilkowski
Elliott, A. G.	McLogan	Woolfenden
Elliott, Mrs. Daisy	Nord	Young
Erickson	Norris	Youngblood

SECRETARY CHASE: On the adoption of the amendment offered by Messrs. Stevens, Perras and Plank, the yeas are 47; the nays are 57.

CHAIRMAN YEAGER: The amendment is not adopted. Are there further amendments on file, Mr. Secretary?

SECRETARY CHASE: Messrs. Garry Brown and Boothby offer the following substitute:

"Sec. a. Amendments may also be proposed to this constitution by petition of the qualified and registered electors of this state. Every such petition shall contain the full text of the amendment so proposed and shall be signed by qualified and registered electors of the state equal in number to at least 10 per centum of the total vote cast for all candidates for governor at the last preceding general election, at which a governor was elected, or signatures of 300,000 such qualified and registered electors whichever shall be less, not more than 10 per centum of such signatures to be obtained from residents of any one county.

The legislature shall implement this section by appropriate legislation with respect to the form and filing of such petitions, the time for submission of the proposition to the voters and the ministerial determination of the validity and sufficiency of the signatures. Such law shall also prescribe other terms and conditions appropriate to consideration of the proposition by the electorate and the method of informing the electorate of the substance of such proposed amendment.

If any proposed amendment shall be approved by 3/5 of the electors voting on the question, the proposed amendment shall become a part of the constitution and shall abrogate or amend existing provisions of the constitution 45 days after the date of such election or at such other effective date as shall be provided in said proposed amendment, but in no case shall the same be effective prior to 45 days from the date of such election."

CHAIRMAN YEAGER: The Chair will recognize Garry Brown on his amendment.

MR. G. E. BROWN: Mr. Chairman and members of the committee, at the outset, Mr. Chairman, I would move to divide the question between the first, second and third paragraphs.

CHAIRMAN YEAGER: It will be so ordered.

MR. G. E. BROWN: I would next like to distinguish between the question that is presently before the committee and those amendments that are proposed by the legislature, which we have already passed upon, where a 2/3 vote of both houses of the legislature is required to get the matter on the ballot and only a simple majority vote is required for the approval of such amendments.

Basically, I think that we should recall that we are a republic and that legislative amendments or amendments proposed by the legislature will have had ample consideration by the legislature before the 2/3 vote is obtained and that a majority vote, therefore, for approval by the electorate is adequate. The same thing is not true when we go through the straight democratic process, so to speak, of initiatory petitions proposing amendments to the constitution. Here, the due consideration has not been given the subject by the legislature or by anyone, by a group as such, other than the proponents of such amendment. With this in mind, it occurs to me that the matter of approving

amendments initiated by petition should be greater and more difficult than those proposed by the legislature.

Before discussing that aspect of it further, however, I would like to point out to the members of the committee the first change in the substitute language as distinguished from the committee's language: that is that signers of the petition to place upon the ballot the matter of amendment to the constitution could not all come from one county, under the substitute. No more than 10 per cent could come from any one county. This, I believe, is essential because in this way only is it necessary that at least 10 counties will be touched upon in the circulation of petitions and in that way 10 counties, at least, will be informed more adequately of the substance of the amendment or the proposed amendment.

We have required that petitions for the nomination of governor be limited so that a certain number have to come from more than one county. This is for the same purpose, I believe, that a self starter cannot be nominated and put on the ballot from one county. I think that a self starter in the way of an amendment should not come from only one county, and, therefore, it seems to me it is entirely logical and proper that we say that not more than 10 per cent of the signers of a petition to put an amendment on the ballot should come from one county. A constitutional amendment will have statewide significance; it certainly should have statewide support in its original proposition as far as the petitions are concerned.

Now then, another change from the committee proposal that is suggested in the substitute is that we eliminate much of the statutory language that is presently in the committee proposal and even in the present constitution. Much of the language that is in the present proposition — either the committee proposal or the present constitution — is legislative in nature and deals with the sufficiency or the qualifications of signers and of the form of petitions. This is a legislative matter, and I think insofar as concerns the sufficiency of the petitions or the sufficiency of the signatures on the petitions that the Michigan supreme court has ruled that this is a ministerial matter. I think if we describe it as such in the constitution, this is adequate to take care of the legislative function and the legislature will enact appropriate legislation. We will not have all this language in the constitution which does not belong there in the first place.

Finally, the last change — and there are just these 3 basic changes: first of all, the requirement of 10 per cent, not more than 10 per cent from any one county as far as signatures are concerned; secondly, the elimination of statutory language — and thirdly, the increasing of the number of electors who must vote to approve a constitutional amendment to 3/5 rather than a simple majority. The matter of 3/5 is not excessive. It merely says that there will have to be more than a 51 per cent vote, or a 50.1 per cent vote, in order to approve a matter which will be in our constitution forever and ever — or almost.

I would like to point out to you that much of the criticism of the present constitution, which the citizens for Michigan espoused — the league of women voters, and the JCs — much of the criticism related to the many amendments that had become too detailed. I would challenge these constitutional purists to once again examine their thinking and support a 3/5 provision.

Those amendments which were most criticized as being improperly in our constitution you will find on page 11, under the amended provisions of your analysis of the Michigan constitution, and I will mention some of them: 1, the establishment of a liquor control commission; 2, property tax limitation; 3, earmarking gas and weight taxes for highways; nonpartisan election of judges; state civil service; earmarking of sales tax; and others. Now, these are the areas where those who proposed the constitutional convention were most critical. These were the areas that they said that we had written in too much statutory detail. Now I shouldn't say "they" because I was one of those who was lukewarm in support of calling a constitutional convention and it was basically for this reason. And so, therefore, I think that if we are right in saying that we want to do away with statutory detail, that we want to write a good constitution, a good fundamental law, let's not leave it so it is going to be changed in another year or two by everyone who has a little axe to grind getting aboard a petition and putting it on the ballot

and getting it to carry and having our constitution sufficiently or adequately detailed so that we will have to have another convention in another 10 years.

I would urge support of this substitute. Basically, I will remind you again, it does 3 things — they will be voted upon separately: the first one I don't think anyone could have any objection to, and that is that you cannot have more than 10 per cent of your signatures from any one county. This means you have got to promulgate it statewide, that there will be statewide knowledge of it, and it will be a statewide matter so it should have statewide support; second, that we will eliminate much of the statutory language by use of words which have been interpreted and will continue to be interpreted to mean that which we say in many words; and thirdly, that we put our vote where we put our mouth before we called this convention and that is to limit that area of constitutional revision where it has been most improperly used, that is, in the initiatory petition.

CHAIRMAN YEAGER: The Chair would like to advise Mr. Brown that in rereading this amendment or substitute, in light of the request for division, the Chair is of the opinion some difficulty is going to be experienced here because these other paragraphs do not stand alone. If, for instance, you defeat the first paragraph and this is a substitute, the other 2 would not have sufficient substance to stand as separate propositions.

MR. G. E. BROWN: Mr. Chairman and members of the committee, I believe you are partially correct. The first paragraph will stand by itself because only the language at the end has been added. That is the 10 per cent requirement, I mean the maximum 10 per cent from any one county. That could stand by itself. The second paragraph if adopted could stand by itself.

CHAIRMAN YEAGER: But it is there as a substitute, you see. It presents difficulties. Therefore, the Chair thinks we would be better advised to reverse the previous ruling and not permit a division on this substitute. The Chair will so rule.

MR. G. E. BROWN: Might I merely point out to the Chair that the first paragraph could stand by itself. The second paragraph could stand by itself. The last paragraph would be in lieu of the committee proposal's paragraph. So, in any case, the matter would stand individually because the last paragraph is the last paragraph of the committee proposal.

CHAIRMAN YEAGER: If the first paragraph is defeated, Mr. Brown, what happens in the second one? What does the legislature implement?

MR. G. E. BROWN: The very same thing it would with the committee report because all you have added are the last — the only thing that has been added to the committee language is the last phrase which says that not more than 10 per cent shall come from any one county.

CHAIRMAN YEAGER: Well, you see, it is a substitute rather than an amendment, so there would be no committee report.

MR. G. E. BROWN: Conceivably you are correct, Mr. Chairman.

CHAIRMAN YEAGER: Mr. Downs.

MR. DOWNS: I would like to start now with a point of parliamentary inquiry: do we have the whole substitute amendment before us?

CHAIRMAN YEAGER: That is correct.

MR. DOWNS: Then I will not attempt to pull out part of the first paragraph as I had planned to but, rather, speak against the whole substitute. I believe this is another one of those amendments that is based on the theory that all people are equal, except that people in Wayne county are less equal than other people. (laughter)

Now, it does happen that we have 3 times 10 per cent of the population of the state and to those who are concerned about making it more difficult for our signatures to count in Wayne county, I would point out that on something of particular interest, perhaps, to the upper peninsula or western Michigan, they might very well find that a county that did have less than 10 per cent would still want to deliver more than 10 per cent of the signatures for a particular proposal.

I believe that this should be defeated and I believe that the majority report of the committee is a much better way to handle it. Once something is on the ballot, I do feel it should be de-

cided by a 51 per cent vote. While there may be some occasions for having more than a majority vote to take a particular action, it would seem to me when the people vote on this type of thing a simple 50 plus 1 percentage vote should be adequate. I therefore urge the defeat of the substitute and support of the majority.

CHAIRMAN YEAGER: On the Brown-Boothby substitute, the Chair will recognize Mr. Durst — for what purpose does the gentleman rise?

MR. G. E. BROWN: Mr. Downs yielded to me, Mr. Chairman.

CHAIRMAN YEAGER: All right. Proceed, Mr. Brown.

MR. G. E. BROWN: I would like to answer Mr. Downs. I trust that he is not suggesting that we would be writing a constitutional provision for only Wayne county but that this constitutional provision would apply to the whole state. I think that the suggestion he has made that because there are more people in Wayne county that, therefore, their votes should count more or that we should have a special rule for Wayne county, is completely without philosophical basis. The whole purpose of requiring that you get not more than 10 per cent coming from any one county is that this is a statewide provision, that it will have statewide effect, and that there should be more than a self starter in one county insofar as any provision is concerned that is going to become part of our basic and fundamental law.

I note that Mr. Downs did not criticize the fact that we required gubernatorial signatures to nominate a governor to come not only from Wayne county or that Wayne county should be able to have more than somebody else, but for some reason he decides that this is bad so far as a constitutional provision is concerned but it is not bad with respect to an elective officer that we elect every 2 years — in the past, at least.

CHAIRMAN YEAGER: Mr. Downs, you retain the floor.

MR. DOWNS: Thank you. I did not mean to get into a long winded debate with my good friend, Delegate Brown. I would suggest that for him to show that he is not picking on the good citizens from Wayne county, instead of 10 per cent he use the figure 3/100 of 1 per cent. That happens to be the population of the smallest county in the state of Michigan, and if we could say that no more than 3/100 of 1 per cent of the petitions could come from any one county, that would show that we were not simply confining ourselves to Wayne.

But, frankly, I feel that the delegates here are satisfied that on the matter of petition people should be allowed to circulate those in the areas where people are and get a total number of signatures. I have no desire to further discuss this. When the matter of gubernatorial signatures, which is largely statutory, and other matters come up I would be glad to debate them. As far as I am concerned, the subject is closed and I yield the floor.

CHAIRMAN YEAGER: The Chair will recognize Mr. Durst.

MR. DURST: Mr. Chairman and members of the committee, I would like first to point out that all of the material, new material, contained in Mr. Brown's and Mr. Boothby's substitute was considered and given serious consideration by the committee on miscellaneous provisions and schedule.

Now as to the first substantive change they make, the 10 per cent, I think the committee was generally in favor of the idea that perhaps it might be desirable to have some limitation in here that all petitions could not come from the same county. We discussed several different alternatives, one of which was to say that no county could provide more signatures than its per cent of the state's population or something of that sort. But on further reflection it was the committee's opinion that no serious attempt to amend the constitution would ever be made with all the signatures obtained or even the major fraction of them out of line with population obtained from one county. And I think upon serious reflection, it must be realized that any particular amendment in order to proceed must have some statewide support. I think it would be very difficult if just the citizens of Wayne county wanted some change and all the signatures came from Wayne county. They would find themselves some very serious opposition outstate. It would behoove the supporters of an amendment to go outstate

and get as many signatures as they could in support of their proposition.

So, on reflection of the committee, it was felt that it was unnecessary to provide any such provision. Wayne county, having a major portion of the state's population, of course, would normally account for a major portion of the signatures on any amendment or in any petition drive. But it was felt that they would also be almost compelled to go outstate to get support there. So that is why that particular provision was not put into the proposal presented to the committee of the whole.

Now Mr. Brown has done some shortening here on our proposal. It is difficult to analyze in a short time whether or not his provision is better than ours. However, there were some things included in ours which the committee felt very strongly should be there. One was the provision that you could not submit the amendment to the voters in less than 120 days prior to the time the petitions were filed. The reason for this is because it was felt there should be some time for the people to become educated and to discuss and to think about the proposition they were voting on before it was tossed at them. And I think the committee was pretty unanimously in favor of at least including this 120 day provision which Mr. Brown's and Mr. Boothby's substitute eliminates.

We also include the requirement that the announcement of determination of the validity of the petitions had to be made 60 days prior to the time the amendment was to be voted upon. This was put in there mainly at the urging of Mr. Leppien, who has had some considerable experience, as a county clerk, in arranging the ballots and getting ready to submit these propositions to the people, and there was at least one instance when, I believe—if my memory serves me right—the thing was certified 13 days prior to the time of the election which presented an almost insurmountable obstacle for the election officials. This 60 days was to take care of that.

Now Mr. Brown completely eliminates those provisions and he eliminates almost all of what is contained on page 4 of the proposal, and here are some things which the committee also thought should be included for a good, self executing provision: one was that the state was required to publish the proposal along with setting forth the material that it was expected to delete or change and that this publication be listed in the polling places. There was considerable discussion that we should go further and require even the preparation of a pro and con pamphlet in order to educate the people. This was decided to be impractical and what is included here was thought to be a minimum that was necessary, that at least it should be set forth clearly and concisely and placed in the polling places and presented to the news media so there would be an opportunity for the people of this state to be thoroughly advised upon the amendment they are voting on.

Also contained in the language which Mr. Brown eliminates is the requirement that the proposed amendment be expressed in not more than 100 words and setting out some requirements for that 100 words. Since it is necessary on voting machines which are largely in use in this state today to use a 100 word caption, we felt that this was a very, very necessary part of the amendment and that there be some constitutional direction here.

Now as to the 3/5 provision, I do not know that this was seriously discussed in our committee. The committee was very much in favor—at least it voted in favor of retaining the majority provision which is in the present constitution. On the whole I would think that Mr. Brown's and Mr. Boothby's substitute is inadequate from the committee's point of view and should be rejected.

CHAIRMAN YEAGER: The Chair recognizes one of the proponents, Mr. Boothby.

MR. BOOTHBY: Mr. Chairman, ladies and gentlemen of the committee, I rise to support the Brown-Boothby substitute. The requirement as to the 10 per cent, not more than 10 per cent in one county, has been covered, I think, very well by Mr. Brown. I would add this: that a law generally affects not a complete state but, generally speaking, only a part of the state or a part of the whole. The constitution affects the whole and,

for that reason, it should reflect more of a general, all over policy rather than a policy of one particular area.

Now as to the 3/5 provision: this is the matter I wish to speak to at this point. I would like to remind the members of this committee that a constitution contains in it some items that are not contained in laws, and there are some very definite differences between a law and a constitution. First of all, a law imposes the will of the state upon the individual. It imposes the will of the majority upon each individual within the state. A constitution does not have the same function. It has a contrary function. It protects against the imposition of the will of the state upon the individual. In other words, a law imposes the will; a constitution protects against the imposition of the will.

Now it should be remembered that, for instance, article II of our constitution contains the declaration of rights, and this declaration of rights sets out in written form certain specific, named items which are protection for the individual against the imposition of the will of the state. In other words, the constitution is the boundary line from which the legislature may not stray in the imposing of the will of the majority or the will of the state upon the individual. And I would like to liken a constitution to a football field. The constitution is actually the boundary line of a football field and once you go outside those boundary lines, the constitution provides that the game must stop and the legislature must get back inside those boundary lines. Now what is actually proposed when you say that a majority may change the boundary lines is to say that one team when they go outside the bounds may change those boundary lines so that they will be within those boundary lines. And I submit that this is not fair, that this is not a proper way to handle those boundary lines.

You have here, actually, 2 different basic concepts: you have some people who believe, as was so expressed, that the general will should always control. Other people feel that the majority should be checked and that the state should not be able to impose its will upon any minority group. Those of you who are lawyers would not, I believe, allow any client of yours to enter into a corporation which would allow a majority to change the constitution of that particular corporation. You would want some added guarantee to your client who would become a member of that corporation, and one of those guarantees which is always in a constitution of a corporation or the bylaws of a corporation is to provide that the constitution may be changed by something more than a simple majority. It is usually a 3/4 or a 3/5 or some other type of a majority more than a simple majority.

I would like to make this one further comment in closing: it appears as though those people who favor a simple majority are favoring the concept that was once expressed back in old English times, that the king could do no wrong. What they are saying at the present time is that the majority can do no wrong. In other words, they are saying that we have a divine right of the multitude to control. I say, when we are dealing with something as fundamental as a constitution, which is a protection against the imposition of the will of the state, that we should be very careful in the allowance of those particular guarantees to be changed because the constitution is a compact with the people. It represents not only what the position of the people is for the present day but also for the future, for those yet unborn children. I feel that it is very necessary to make it more difficult to change and alter the basic law and constitution of the state. I would urge the adoption of this substitute.

CHAIRMAN YEAGER: The Chair will recognize Mr. Habermehl.

MR. HABERMEHL: Mr. Chairman, I believe the committee will have to oppose the substitute as offered. I find some of Mr. Brown's ideas rather interesting myself and had they been submitted in some other form than an entire substitute I think they might be given more serious consideration. I think Mr. Brown has overlooked, however, that this is, by its very nature, a self executing proposal. This assumes that the legislature has failed or—thanks to our action in the past proposal—has been unable to act in this field and some other method

must be provided for amendment of the constitution. For that reason the detail that is contained in it is essential. We have tried to limit it. You will note from the proposal that we have been able to eliminate 2 full pages of detail from this section, leaving only such items there as would make the proposal self executing. It cannot be subject to the failure of the legislature to act, as the Brown-Boothby substitute would have it. If the legislature did not act in this field, initiative would be useless. The committee, therefore, must oppose the substitute.

CHAIRMAN YEAGER: The Chair will recognize Mr. Marshall.

MR. MARSHALL: Mr. Chairman and fellow delegates, I rise to oppose the Brown-Boothby substitute and I would point out just a few simple figures as to what this actually means.

I will take Mr. Boothby's own county of Berrien county with a population of slightly less than 150,000 or approximately 150,000. They could produce, could register 20 per cent of the total signatures out of this 150,000. There are 25 counties in the state with less than 30,000 people. They could produce up as high as, could get signatures of—take a county with 70 per cent—might register 70 per cent or 80 per cent of the total registered voters in that county. This would mean, also, that out of the total required, 4 counties, which have well over a majority or approximately 60 per cent of the total state population, would only be able to produce 120,000 signatures based upon the last gubernatorial election. The county of Wayne, based upon the Brown-Boothby substitute, would be restricted to 30,000, only contributing 30,000 signatures and this would be less, slightly less than 1 per cent. This is completely and totally—I had not intended to speak on it, frankly. I want to point these figures out, but I had not intended to speak because I thought it was so ridiculous that the delegates probably would not give much consideration to it anyway.

I think everyone is well aware of what the substitute means, what it is intended to do, that it would practically make it impossible for—you could conceivably have a minority, an extreme minority of the population in a large percentage of the thinly populated counties who would have complete and absolute control over whether or not there would be any constitutional amendments submitted to the people. I oppose the Brown-Boothby substitute.

CHAIRMAN YEAGER: The Chair recognizes Dr. Nord.

MR. NORD: Mr. Chairman, I believe also, along with Mr. Marshall, that this substitute is not entitled to a great deal of discussion, but I take the floor for one reason, and that is because there is one point which I believe is well taken and I would like to isolate that from the others if I can. There is one point the proponents of the substitute have made which I think is a good point, but I do not think it is good enough standing with the rest of the amendment to be able to support the amendment. Mr. Boothby made the point that I refer to and that is, as I understood him to say, that the constitution ought to protect the minority from the majority. Particularly that is so with respect to the bill of rights and, therefore, the majority ought not to be able to change the bill of rights; it ought to take more than a majority to change the bill of rights. I agree with that myself. I think that point is absolutely correct. I think it is dangerous for the majority to be able to change the bill of rights; that is to say, to change it in the sense of removing the rights of minorities or individuals. And on that point, if that were the only point here, I would certainly go along with the amendment. In fact, I personally think that 2/3 is the right amount of the people to change, to derogate from rights guaranteed in the bill of rights. But, unfortunately, that is not the amendment that is before us. It has a great many other features each of which, I believe, previous speakers have pointed out to be quite unsatisfactory.

For example, the one about the counties has been discussed. I think it is clear that that is wrong. As to the fact that they have reduced the amount of language, I think that is completely a fallacy. This is not a matter for the legislature or legislative detail; this is supposed to be self executing. Without laboring the point as to the rest of the substitute, I believe that too many things have been put together and although there may be one thing, as I see it, that is good, there are too many

things that are bad in it. If the sponsors of the substitute wish to submit at this time or later, possibly, each one of the ideas in a separate package they might be able to get some of them through, but as it stands now I agree with many of the previous speakers that the substitute just cannot be supported as is.

CHAIRMAN YEAGER: The question is still on the Brown-Boothby substitute. The Chair recognizes Mr. Garry Brown.

MR. G. E. BROWN: Mr. Chairman, members of the committee, at the outset I would like to point out—in derogation of what Mr. Habermehl has said that this is not a self executing provision—I want to direct your attention to the comparable language in the provision of the constitution relative to recall. If you can say that this is not self executing in providing the right of recall, then you are probably correct in saying that the present language, the language in the substitute, is not self implementing.

I would only remind the people that when you provide that an amendment may be initiated by the people, this is a constitutional directive upon the petitioning of a certain number. If the legislature fails to implement it, there is nothing to stop that number of people from circulating petitions, signing them, and filing them with the secretary of state, and I will challenge anyone to say that mandamus action will not apply. So it is self implementing. Further, I appreciate the support of Dr. Nord with respect to the final paragraph. I thought that probably he might support the idea of taking out the legislative language, since I think that he would agree as a matter of constitutional interpretation that the first paragraph does make it self executing and only implementation is provided in the second paragraph.

I would also like to point out that there is not—at least this proponent of this substitute does not hold a great brief for the 10 per cent provision. If that is too limitive, conceivably 20 per cent would be better. But I think the point is that we should make sure that these petitions to put an amendment on the ballot to amend the fundamental law of the state should not come from a single county. They could very well come from Kalamazoo county or maybe Kent county or some other county, but the point is that at least 3 or 4 counties, or 5 or 6 counties should have some knowledge of the matter before it is actually put on the ballot through the circulating of petitions. This is a good way to campaign. It gives the proponents of the measure a chance to get out and to circulate on behalf of their proposition and, at the same time, it informs the electorate where they are circulating the petitions.

With respect to the matter of the 3/5 vote, I would only remind the delegates here that in order to amend the federal constitution it takes a 3/4 ratification of the states, and I would further remind the delegates here that in many states there are certain issues which may not be subject to the initiative or the initiated amendment and that, therefore, when you are permitting all provisions of the constitution to be subject to initiating amendment that a 3/5 vote is not too difficult a provision.

CHAIRMAN YEAGER: The Chair will recognize the last speaker on his list, Mr. Hodges.

MR. HODGES: Mr. Chairman, we have seen various attempts through the legislative apportionment to gerrymander this state but now we seem to be getting some "garrybrowning" in terms of the question of petitions, and I think that gerrymandering or "garrybrowning" is all the same; that it is unjust and, therefore, we should defeat the substitute.

CHAIRMAN YEAGER: The question is on the Brown-Boothby substitute. As many as are in favor will say aye. As many opposed will say no.

The substitute is not adopted. The secretary will read the next amendment.

SECRETARY CHASE: Messrs. Rush, Hutchinson, J. B. Richards, Rood and Powell offer the following amendment:

1. Amend page 4, line 19, after "voting" by striking out "on the question" and inserting "in the election"; so the language will read:

If such proposed amendment appearing on the ballot shall be approved by a majority of the electors voting in

the election, the proposed amendment shall become a part of the constitution. . . .

CHAIRMAN YEAGER: The Chair will recognize Mr. Rush on his amendment.

MR. RUSH: Mr. Chairman, fellow delegates, when I proposed a similar provision, it was pertaining to an amendment that would be instituted by the legislature, by a 2/3 vote of the legislature. Now we are talking about an amendment that might be proposed by initiatory methods. We do not have in this case the protection of the 2/3 vote of the legislature. I would point out to you that the constitution could be amended by a 51 per cent vote. This is indeed making it rather easy to amend our constitution, and I do not think that we should adopt a proposal or put in our constitution a provision that would make it so easy to amend the constitution. In this case it will make it much more difficult to amend the constitution and I think that this amendment should be given serious consideration.

CHAIRMAN YEAGER: The Chair will recognize Mr. Durst.

MR. DURST: Mr. Chairman, I will yield to Mr. Hutchinson, one of the proponents of the amendment, if he desires to speak.

MR. HUTCHINSON: Mr. Chairman, I am not—it doesn't make any difference to me. I will be very happy to wait my turn. However—

CHAIRMAN YEAGER: You may proceed, Mr. Hutchinson.

MR. HUTCHINSON: Mr. Chairman, I was happy to lend my name to the support of this amendment because of the fact that here, again, is a situation where—and I agree with Mr. Nord in this—I believe conscientiously that constitutions are for the protection of minorities and that simple majorities of people voting upon questions and so on and a very small percentage of the electorate initiating questions without the benefit of the debate of any forum is something that should be made difficult. Consequently, I think that in the case of an initiated constitutional amendment, one that is initiated by petition, that it would be wise to require a greater percentage of the electorate to approve such an amendment than would be required to approve a constitutional amendment submitted by the legislature, the legislature submitting a constitutional amendment to be adopted by a majority of the people voting on the question; but I think that if there is to be an initiated petition, then we should require a greater percentage of the vote to carry it.

While that was a feature of Mr. Brown's amendment, which you have just defeated, this puts the same problem to you but in a different form and one which I hope that you will adopt because we, after all, are interested in protecting minorities in constitutions and we do not want to make it possible for a simple majority to trample over the constitutional rights of the individual citizens of this state, namely, the minority.

CHAIRMAN YEAGER: Mr. Durst.

MR. DURST: Mr. Chairman and members of the committee, on behalf of the committee on miscellaneous provisions and schedule, I feel that I must oppose the amendment which is on the wall. We did not particularly discuss or vote on this issue, in regard to this provision, but we did, in Committee Proposal 66, discuss the same question. The committee almost unanimously disapproved an amendment of this type.

Mr. Hutchinson brings up the question of protecting minorities and certainly this is a laudable ambition and certainly should be considered. However, in this regard, I think we should keep one thing in mind; that is this: at least in the past—I am going to make a rash generalization—there has been a sizable group of the electorate in this state which votes no on anything. I know some of them in my district. They are naturally suspicious—perhaps with justification—but anyway, there is a general lethargy on the part of the people that must be overcome before any constitutional amendment is approved, and to point this up I think it is important to review just once again that of the 34 amendments proposed to this constitution, the one of 1908, by initiative, only 10 of them have obtained the approval of the people.

Mr. Brown was using the argument a few minutes ago that this was a good point for making the unusual majority,

because what the people approved was not necessarily good. On the other hand, I think we should keep in mind that most of the things which the people have approved by amendment we, as delegates of this constitutional convention, are continuing. We have continued civil service and we have continued the nonpartisan election of judges. We have continued the earmarking of funds—at least, I think we still intend to continue them in part, certainly for roads if for nothing else. We have continued a great many of the things that have been put into this constitution by initiative. So at least the delegates, or several here, must assume that there was some wisdom in those particular items. I think that the problem of overcoming the general reluctance on the part of many people to vote yes on any issue is sufficient to keep any amendment from being approved easily.

CHAIRMAN YEAGER: The Chair will recognize Dr. Nord.

MR. NORD: Mr. Chairman, I take the floor simply because Mr. Hutchinson has referred to me by name. Mr. Hutchinson says he agrees with me on this point. However, I disagree with him as to whether he agrees with me. (laughter) I think he disagrees with me. At least, I disagree with him.

Referring now to the handwriting on the wall, I disagree in the following specific respects with the amendment: first of all, while I do agree with the basic principle, as I stated before, that the rights of individuals, the rights of minorities, ought to be protected from the majority at all times, that refers to the bill of rights and I specifically pointed out before that I had reference to the bill of rights. I would certainly prefer to see a provision in the constitution stating that the bill of rights could not be amended by a simple majority, but the amendment before us on the wall is not limited to the bill of rights. It extends to many other—all other—parts of the constitution, as I understand it, and that means that even as to matters relating to the skeleton of government which ought to be changed from time to time there will be this limitation. And that I can see no justification for.

Secondly, I disagree with the amendment on the wall or with its proponents in this respect: I do not see why there should be any exceptional majority required only for initiated amendments. If the principle is to be applied—and I think it ought to be for the bill of rights—then it should be used uniformly for every kind of amendment and not just for initiated amendments. Therefore, it seems to me that the amendment on the wall is too broad in that it does not pick out the place where minorities are being protected—that is, in the bill of rights—it extends to the whole document, which is, in my opinion, wrong. Secondly, it discriminates between one type of amendment—method of amendment—and another, that is, initiatory amendments and others. I see no reason whatever to justify that. For those 2 reasons, I certainly cannot say I agree with Mr. Hutchinson as to the amendment. I do agree with him as to the underlying principle. I think something like that ought to be in the constitution, but this will not do it.

CHAIRMAN YEAGER: The Chair recognizes the last speaker seeking recognition on this, Mr. Finch.

MR. FINCH: Mr. Chairman, members of the committee, I hope you will support this amendment. I do not know how many of you have sat on election boards and seen people come in, go into the booths, come out and say: well, I didn't know what it was all about, so I just didn't vote on it.

Now you want to remember in this proposal we have before us, an organized group initiated and got the petitions signed. They are also working. They are working at the polls. They are getting out a group of people to vote yes and they are the ones that are working in favor of this. We do not have another group working opposed to it, usually. And this is why the people who go to the polls usually are in favor of this. The ones that are not well informed, which are the majority of the voters, just do not vote on the question. I think we should vote in favor of this and, Mr. Chairman, I would like to call for the yeas and nays.

CHAIRMAN YEAGER: The yeas and nays have been demanded. Is there support? Sufficient number up. It is so ordered. The Chair will recognize Mr. Woolfenden.

MR. WOOLFENDEN: Mr. Chairman and members of the committee, I rise in opposition to this amendment. What this does, in fact, is to permit those citizens who abdicate the responsibility of their citizenship and who fail to vote on the question, to be counted as voting no. I think that is undemocratic. I think it puts a premium on lack of responsibility in citizenship and I think it defeats the will of the majority of the citizens who consider the questions seriously enough to inform themselves and then cast their votes. I am strongly opposed to counting as no votes the citizens who either carelessly or otherwise do not vote on questions.

CHAIRMAN YEAGER: The Chair will recognize J. B. Richards.

MR. J. B. RICHARDS: Mr. Chairman and delegates, I believe in constitutional government and I am beginning to think that I may like this constitution, and so I would like to see something put in that would make it more difficult for the constitution to be changed—so that the people of the state of Michigan would really have to want to change the constitution—so that 30 or 40 per cent of the people who go out to vote are not given the opportunity to change the constitution. And that has been the record pretty much in the last number of years, as people voted on amendments: that it only took about 30 to 40 per cent of the people who went to vote that day to adopt an amendment to the constitution. And so, since we have voted here to limit the number of signatures required on initiatory petitions so that at times this will be below 10 per cent, it seems as though we have to increase the number of votes required to amend the constitution. At some place it should be difficult. If it is not in the number of signatures required, then it must be here; so, I am definitely supporting this amendment.

CHAIRMAN YEAGER: The Chair recognizes Dr. Pollock.

MR. POLLOCK: Mr. Chairman, I should like to associate myself with the very cogent argument made by Mr. Woolfenden. It is unfair to count those who do not participate on an issue as no voters and I strongly support that argument.

In the second place, I would say that if this amendment carries, you have practically done away with the effective use of the initiative. If you really do not believe in the initiative, why, then, I suppose you can support this amendment.

I think it was one of the great institutions developed in the progressive era. I think that the history of its use in the state of Michigan has been good and, as long as we cannot be assured of a completely representative and responsible legislative body, it seems to be doubly necessary. Anything which impairs the effective use of the initiative, particularly the constitutional initiative, I would oppose. And I consider that this would render the instrument quite ineffective.

CHAIRMAN YEAGER: The question is on the Rush-Hutchinson-J. B. Richards-Rood-Powell amendment. The yeas and nays have been ordered. This is a recorded roll call vote. Mr. Powell.

MR. POWELL: Mr. Chairman, if I am in order, as one of the sponsors of this amendment, I would just like to say a word in its behalf.

It has been my experience over the years that the proposals that are not put on the ballot as a result of legislative action are frequently not as carefully prepared, not as deserving of acceptance, as those that have gone through the legislative process and the various hearings and committee considerations and votes in the 2 chambers. I think that we should have a higher voting requirement on these proposed amendments that have not had legislative approval and that we should not allow merely a minority that is egged on by some interest group that promotes a certain amendment to go to the polls and write that change into the constitution. If the proposal has sufficient merit, it can be sold to the majority of the people of the state so that folks will go and take an interest in it, and if the majority of those voting in the election will support it, well and good; but if just a fraction of the people are going to write it into the constitution I think that is not sound. I hope that you will support this amendment.

CHAIRMAN YEAGER: The Chair will recognize the first proponent, Mr. Rush.

MR. RUSH: Mr. Chairman, fellow delegates, I would like to say one more thing before we vote on this. We have gone to great lengths here in writing a constitution costing the state a great deal of money. Our committee on legislative organization has spent a great deal of time on the reapportionment problem and, if you stop to think of it, a large organization in this state could by initiatory procedure change a great deal of that, make some very substantial changes in it, by a 51 per cent vote and, probably, with maybe only 30 or 40 per cent of the electorate voting. So this is quite an important matter.

CHAIRMAN YEAGER: The Chair will recognize Mrs. Judd.

MRS. JUDD: Mr. Chairman, the last 2 speakers are still speaking for a larger than a simple majority vote, but this convention, as I understand it, has already voted down a 3/5 vote. That might have been a fair way to get a larger majority, but to permit people who either are not able to understand an amendment or are too lazy to try to find out about it to determine the outcome is, indeed, not good for the future of our state. And that is what we do when we put the result on the basis of total people voting in the election rather than on the question.

CHAIRMAN YEAGER: The question is on the Rush amendment. Mr. Brown, do you wish recognition?

MR. G. E. BROWN: Mr. Chairman, members of the committee, strangely enough, I would oppose the amendment, also, because I think it is wrong in philosophy to relate it to the question rather than to the majority whether it be a 3/5 or what it may be. There is no justification for relating it to the question or to the election because those who would not care about voting are going to be counted in determining the result of the vote on the proposition. So I would oppose the amendment.

CHAIRMAN YEAGER: The question is on the Rush amendment. The yeas and nays have been ordered. This is a recorded roll call vote. As many as are in favor of the amendment will vote aye. As many as are opposed will vote no. Have you all voted? If so, the secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas — 40

Batchelor	Iverson	Rood
Beaman	Kirk, S.	Rush
Bledsoe	Knirk, B.	Seyferth
Boothby	Leibrand	Shackleton
Brake	Leppien	Shaffer
Dehnke	McAllister	Shanahan
Dell	Millard	Sharpe
Figy	Mosier	Sleder
Finch	Nisbet	Stafseth
Gover	Plank	Stevens
Haskill	Powell	Turner
Howes	Radka	Tweedie
Hubbs	Richards, J. B.	Van Dusen
Hutchinson		

Nays — 67

Allen	Farnsworth	Nord
Andrus, Miss	Faxon	Norris
Austin	Follo	Ostrow
Balcer	Gadola	Perras
Barthwell	Garvin	Pollock
Blandford	Goebel	Pugsley
Bradley	Gust	Rajkovich
Brown, G. E.	Habermehl	Romney
Buback	Hannah, J. A.	Snyder
Butler, Mrs.	Hart, Miss	Staiger
Conklin, Mrs.	Hatch	Stamm
Cudlip	Higgs	Sterrett
Cushman, Mrs.	Hodges	Stopczynski
Danhof	Jones	Thomson
DeVries	Judd, Mrs.	Upton
Donnelly, Miss	Kuhn	Walker
Doty, Dean	Liberato	Wanger
Downs	Madar	White
Durst	Mahinske	Wilkowski
Elliott, A. G.	Marshall	Woolfenden
Elliott, Mrs. Daisy	McGowan, Miss	Young

Erickson
Everett

McLogan

Youngblood

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Rush and others, the yeas are 40; the nays are 67.

CHAIRMAN YEAGER: The amendment is not adopted. The Chair will recognize Mr. Erickson—

SECRETARY CHASE: Mr. Garry Brown offers the following amendment:

1. Amend page 4, line 19, after "by" by striking out "a majority" and inserting "3/5"; so that the language will read: If such proposed amendment appearing on the ballot shall be approved by 3/5 of the electors voting on the question, the proposed amendment shall become a part of the constitution. . . .

CHAIRMAN YEAGER: The Chair will recognize Mr. Garry Brown.

MR. G. E. BROWN: Mr. Chairman, I realize the hour is late. There are many who have spoken on this subject. There is much indication for support for the 3/5 provision. I will not attempt to influence people by arguing it and I trust that we can vote upon this and I trust that you will vote favorably upon it.

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

DELEGATES: Division.

CHAIRMAN YEAGER: There is a division indicated in the mind of the Chair as well, and the division will be ordered.

MR. G. E. BROWN: Mr. Chairman, I demand the yeas and nays.

CHAIRMAN YEAGER: The yeas and nays have been demanded. Is there support? A sufficient number up. The yeas and nays will be ordered. This is a recorded roll call vote. As many as are in favor will vote aye. As many as are opposed will vote no. Ring the bell, Mr. Secretary. Have you all voted? The secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas — 51

Batchelor	Habermehl	Radka
Beaman	Haskill	Richards, J. B.
Boothby	Higgs	Romney
Brake	Hubbs	Rood
Brown, G. E.	Hutchinson	Rush
Danhof	Iverson	Seyferth
Dehnke	Kirk, S.	Shackleton
Dell	Knirk, B.	Shaffer
Donnelly, Miss	Kuhn	Shanahan
Doty, Dean	Leibrand	Sharpe
Farnsworth	Leppien	Sleder
Figy	McAllister	Stafseth
Finch	Millard	Stevens
Gadola	Mosier	Turner
Goebel	Nisbet	Tweedie
Gover	Plank	Upton
Gust	Powell	Van Dusen

Nays — 56

Allen	Everett	Ostrow
Andrus, Miss	Faxon	Perras
Austin	Follo	Pollock
Balcer	Garvin	Pugsley
Barthwell	Hannah, J. A.	Rajkovich
Blandford	Hart, Miss	Snyder
Bledsoe	Hatch	Staiger
Bradley	Hodges	Stamm
Buback	Howes	Sterrett
Butler, Mrs.	Jones	Stopczynski
Conklin, Mrs.	Judd, Mrs.	Thomson
Cudlip	Liberato	Walker
Cushman, Mrs.	Madar	Wanger
DeVries	Mahinske	White
Downs	Marshall	Wilkowski
Durst	McGowan, Miss	Woolfenden
Elliott, A. G.	McLogan	Young

Elliott, Mrs. Daisy Nord
Erickson Norris

Youngblood

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Brown, the yeas are 51; the nays are 56.

CHAIRMAN YEAGER: The amendment is not adopted. Are there further amendments to the body of the proposal?

SECRETARY CHASE: None, Mr. Chairman.

CHAIRMAN YEAGER: If not, it will pass.

Committee Proposal 65 is passed. The Chair will recognize Mr. Erickson.

MR. ERICKSON: I move the committee now rise.

CHAIRMAN YEAGER: The motion is on whether the committee shall rise. All in favor say aye. Opposed?

The committee has risen.

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

PRESIDENT NISBET: The Chair recognizes Mr. Yeager.

MR. YEAGER: Mr. President, the committee of the whole has had under consideration certain proposals upon which the secretary will make a more detailed report.

SECRETARY CHASE: Mr. President, the committee of the whole has had under consideration **Committee Proposal 64**, A proposal to amend article XVII, section 1 of the present constitution pertaining to amendment to the constitution; proposal by legislature and submission to electors. It has adopted an amendment to this proposal and recommends that the proposal as thus amended do pass.

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

1. Amend page 1, line 9, after "by" by striking out "a majority" and reinserting "2/3".]

PRESIDENT NISBET: **Committee Proposal 64**, as amended by the committee of the whole, is accepted and referred to the committee on style and drafting.

Following is Committee Proposal 64 as amended and referred to the committee on style and drafting:

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

Sec. a. Amendments to this constitution may be proposed in the senate or house of representatives. If the same shall be agreed to by 2/3 of the members elected to each house, such amendments shall be entered on the journals, respectively, with the yeas and nays taken thereon; and the same shall be submitted, not less than 60 days thereafter, to the electors at the next general or special election thereafter, as the legislature shall direct; and, if a majority of electors voting on the proposed amendments, shall ratify and approve such amendments, the same shall become part of the constitution.

SECRETARY CHASE: The committee of the whole has also had under consideration **Committee Proposal 65**, A proposal to amend article XVII, sections 2 and 3, pertaining to amendment and revision of the constitution; it has made no amendments to this proposal and recommends its passage.

PRESIDENT NISBET: **Committee Proposal 65** is accepted and referred to the committee on style and drafting.

For Committee Proposal 65 as referred to the committee on style and drafting, see above, page 2458.

SECRETARY CHASE: That completes the report of the committee of the whole.

PRESIDENT NISBET: Announcements.

SECRETARY CHASE: Mr. Iverson reports that the meeting scheduled for immediately after the session has been cancelled, the Republican meeting.

The committee on public information will meet in room 2,

the conference room, immediately after the afternoon recess—this evening, right now. Ink White, chairman.

The committee on finance and taxation will meet in room E; the committee on education will meet in room D; the committee on local government will meet in room A; all tomorrow morning at 8:00 o'clock.

The committee on judicial branch will meet in room B Wednesday, at 8:00 o'clock. Robert J. Danhof, chairman.

That is all we have in the way of announcements.

PRESIDENT NISBET: The Chair recognizes Mr. Balcer.

MR. BALCER: Mr. President, I move we recess, the time to be given by the president. (laughter)

PRESIDENT NISBET: The question is on the motion of Mr. Balcer to recess until 7:30. All those in favor say aye. Opposed, no.

We are recessed until 7:30.

[Whereupon, at 6:05 o'clock p.m., the convention recessed; and, at 7:30 o'clock p.m., reconvened.]

The convention will come to order.

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

PRESIDENT NISBET: The Chair recognizes Mr. Yeager.

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

PRESIDENT NISBET: The question is on the motion of Mr. Yeager. All those in favor will say aye. Those opposed?

The motion prevails. I might say to the convention that we have 7 proposals left on miscellaneous provisions to finish tonight before we start second reading tomorrow morning. Mr. Yeager.

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

CHAIRMAN YEAGER: The committee will be in order. The secretary will read.

SECRETARY CHASE: Item 10 on the calendar, from the committee on miscellaneous provisions and schedule, by Mr. Erickson, chairman, **Committee Proposal 66**, A proposal relative to amendment and revision. Amends section 4 of article XVII.

Following is Committee Proposal 66 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. At the [biennial spring] **GENERAL** election to be held [in the year 1961] **IN THE YEAR 1978, AND** in each sixteenth 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 [qualified to vote for members of the legislature] **OF THE STATE**. In case a majority of the electors voting on the question shall decide in favor of a convention for such purpose, at an election to be held not later than 4 months after the proposal shall have been certified as approved, the electors of each house of representatives district as then organized shall elect 1 delegate for each state representative to which the district is entitled and the electors of each senatorial district as then organized shall elect 1 delegate for each state senator to which the district is entitled. The delegates so elected shall convene at the capital city on the first Tuesday in October next succeeding such election, [and shall continue their sessions until the business of the convention shall be completed. A majority of the delegates elected shall constitute a quorum for the transaction of business.] The convention shall choose its own officers, determine the rules of its proceedings and judge of the qualifications, elections and returns of its members. In case of a vacancy by death, resignation or

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

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

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

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

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

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

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

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

William B. Cudlip, chairman.

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

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

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

William B. Cudlip, chairman.

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

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

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

William B. Cudlip, chairman.

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

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

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

William B. Cudlip, chairman.

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

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

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

with the recommendation that the style and form be approved.

William B. Cudlip, chairman.

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

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

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

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

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

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

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

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

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

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

Communications.

SECRETARY CHASE: None.

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

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

MR. POLLOCK: Mr. President.

PRESIDENT NISBET: Mr. Pollock.

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

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

The motion prevails.

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

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

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

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

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

MR. CUDLIP: Mr. President, members, I will yield to Mr. Hanna. I have been over here worrying about the women and wasn't paying much attention to what was going on. I am sorry. Mr. Hanna is an esteemed member of the committee, and I am sure he can answer the question.

PRESIDENT NISBET: The Chair recognizes Mr. Hanna.

MR. W. F. HANNA: Mr. President, fellow delegates, I see no objection to the striking of the "prior thereto." It was meant that they would submit it at the next election, whether it be general or special, and Mr. Habermehl referred it to me the first thing this morning and I was as confused as he was, and I went back to Mr. Staiger, and then it dawned on me why we said it, and I really think it would be clearer if we strike the "prior thereto" and leave stricken the "thereafter" so that it clearly states you submit it to the electors at the next general election or special election.

SECRETARY CHASE: Mr. Habermehl offers the following amendment:

1. Amend page 1, line 7, after "election" by striking out "prior thereto"; so the language will then read "... 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."

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

The amendment is adopted.

MR. HABERMEHL: Mr. President, the committee then urges the adoption of the committee proposal as amended.

PRESIDENT NISBET: The question is on the adoption of Committee Proposal 64, 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—120

Andrus, Miss	Habermehl	Page
Austin	Hanna, W. F.	Perras
Balcer	Hart, Miss	Plank
Barthwell	Haskill	Powell
Batchelor	Hatch	Prettie
Beaman	Hatcher, Mrs.	Pugsley
Bentley	Heideman	Radka
Binkowski	Hodges	Rajkovich
Blandford	Hood	Richards, J. B.
Bonisteel	Howes	Richards, L. W.
Boothby	Hoxie	Romney
Bradley	Hubbs	Rood
Brake	Hutchinson	Rush
Brown, T. S.	Jones	Seyferth
Buback	Judd, Mrs.	Shackleton
Butler, Mrs.	Karn	Shaffer
Cudlip	Kelsey	Shanahan
Cushman, Mrs.	King	Sharpe
Danhof	Kirk, S.	Sleder
Dehnke	Knirk, B.	Snyder
DeVries	Koeze, Mrs.	Spitler
Donnelly, Miss	Krolkowski	Stafseth
Doty, Dean	Kuhn	Staiger
Doty, Donald	Lawrence	Stamm
Douglas	Leibrand	Stevens
Downs	Leppien	Stopczynski
Durst	Lesinski	Suzore
Elliott, A. G.	Liberato	Thomson
Elliott, Mrs. Daisy	Madar	Turner
Erickson	Mahinske	Tweedie
Everett	Martin	Upton
Farnsworth	McAllister	Van Dusen
Faxon	McCauley	Walker
Figy	McGowan, Miss	Wanger
Follo	McLogan	White
Ford	Mosier	Wilkowski
Gadola	Murphy	Wood
Goebel	Nisbet	Woolfenden
Gover	Norris	Young
Gust	Ostrow	Youngblood

Nays—0

SECRETARY CHASE: On the passage of Committee Proposal 64, as amended, the yeas are 120; the nays, none.

PRESIDENT NISBET: Committee Proposal 64, as amended, is passed and referred to the committee on style and drafting.

Following is Committee Proposal 64 as amended and referred to the committee on style and drafting:

Sec. a. Amendments to this constitution may be proposed in the senate or house of representatives. Proposed amendments agreed to by 2/3 of the members elected to and serving in each house on a ye and nay vote 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, 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.

PRESIDENT NISBET (continuing): Will the delegates please clear the board? The secretary will read the next proposal.

SECRETARY CHASE: Item 13 on the calendar, Committee Proposal 65, A proposal to amend article XVII, sections 2 and 3, pertaining to amendment and revision of the constitution.

Following is Committee Proposal 65 as reported by the committee on style and drafting and read by the secretary. (For text as referred to said committee, see above, page 2458.):

Sec. a. Amendments may [also] be proposed to this constitution by petition of the registered electors of this state. Every [such] petition shall include the full text of the PROPOSED amendment [so proposed], and be signed by registered electors of the state equal in number to at least 10 per cent[um] 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 [such] registered electors, whichever [shall be] IS less. Such petitions shall be filed with [such] THE person authorized by law to receive the same[,] at least 120 days before the election at which [such] THE proposed amendment is to be voted upon. Any such petition shall be in [such] THE form, and shall be signed and circulated in such manner, as [shall be provided] PRESCRIBED by law. [Upon receipt of any such petition,] 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 [such] THE petition, and make an official announcement [of such determination] THEREOF at least 60 days prior to the election at which [said] THE proposed amendment is to be voted upon. [Sec. b.] Any amendment proposed by such petition shall be submitted, NOT LESS THAN 120 DAYS AFTER IT WAS FILED, to the electors at the next election at which any state officer is to be elected[, providing that such election is held more than 120 days after the filing of such petition]. Such proposed amendment, [shall be published in full, together with any] existing provisions of the constitution which would be altered or abrogated thereby, and [together with] the question as it shall appear on the ballot used in such election[, and a copy] SHALL BE PUBLISHED IN FULL AS PROVIDED BY LAW. COPIES of such publication shall be posted in each polling place[,] and [shall be] furnished to news media as provided by law. The ballot to be used in such election shall contain a statement of the purpose of [such] 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 [so to do], 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 [such] THE proposed amendment. If [such]

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

THE proposed amendment [appearing on the ballot shall be] IS approved by a majority of the electors voting on the question, the proposed amendment shall become [a] 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 [such amendment] IT was approved.

PRESIDENT NISBET: Mr. Erickson.

MR. ERICKSON: Mr. President, fellow delegates, this section of the constitution has to do with the initiative. This is essentially the same as obtained in the present constitution. The biggest change was that now a floor is put on the number of signatures of 300,000 or 10 per cent of those voting for the governor at the last election. That was the only change. Now, in this regard, Michigan is one of 14 states that permits—that the people have reserved to themselves the right to amend the constitution. For those that argue that Michigan is in the minority, then you should not put this in the constitution. I don't favor that, nor does the committee, but I just want to point out that this is one area that Michigan is in the minority. That, of course, results in criticism of a cluttered constitution, and the purists argue that if you want a constitution for a long time, don't let the people do this. But I think it is something that the people should have, and I would like to yield to Delegate Habermehl, if I may.

PRESIDENT NISBET: Mr. Habermehl.

MR. HABERMEHL: Mr. President, fellow delegates, I believe we have included everything necessary in this. We have cut about 2/3 of the language out of this section as it is in the present constitution, and having gone over it pretty thoroughly on general orders, on first reading, I believe that everything that needs to be there is still there.

There is one further change that we made from the existing language of the constitution in that we required the ballot proposition, as it appears on the ballot, to be a part of this statement of purpose of the proposed amendment. Prior to this time there was no real relationship between the two. The proposed amendment was posted in full at the ballot place, but the proposition as it appeared on the ballot or on the voting machines sometimes didn't seem to have any apparent relation to what was posted at the polling place. The ballot proposition or ballot question as well as the proposed amendment and the sections of the constitution that it proposes to change are all part of the statement that is posted at the polling place and furnished to the news media. Such corrections as were made by style and drafting I do not believe change the substance in any way, and the committee urges its adoption.

PRESIDENT NISBET: Mr. Bentley.

MR. BENTLEY: Mr. President, I would like to ask a question and then yield to Mr. Habermehl for the answer. My question is: why the floor of 300,000? Basically, Mr. President, I would assume that at the present time this figure might be in excess—although I do not have the figures available to me—of 10 per cent of the total vote cast for governor. However, if our state continues to grow over the next several years as it has in the past, there might come a time rather soon when 300,000 would be well below the 10 per cent of the total vote cast for governor. I am wondering why the committee felt it necessary to say that for the next several years, ad infinitum, that a proposed amendment could be placed on the ballot by as few as 300,000, even assuming that in the course of 20, 25, 30, 35 years this might be substantially well below the 10 per cent of the total vote. And I would like to yield to Mr. Habermehl for an answer.

PRESIDENT NISBET: Mr. Habermehl.

MR. HABERMEHL: Mr. President, Delegate Bentley, this was a matter that was very seriously argued in the committee, and various amendments were offered in committee and, I believe, here on the floor to strike the 300,000 floor. At the present time, if we take a presidential election, this 300,000 amounts to less than 10 per cent. In an off presidential year, however, this would amount to about 13 to 14 per cent, simply because of the difference in vote between the 2 years. We must keep in mind that all our elections from now on for governor

will be in an off presidential year, as provided by the committee on declaration of rights, suffrage and elections, so that for at least the next few years the 300,000 will be more than the 10 per cent.

We concede that the time probably will come before too long when this becomes less than 10 per cent of the registered electors. The thinking of the committee was that that figure, the 10 per cent, could actually result, if the population of the state should grow tremendously, in such a tremendous bulk of petitions as to make them practically impossible to handle. It is generally conceded that we need 25 per cent more signatures to insure that many valid signatures, and the sheer handling of that many petitions becomes a problem. It must be conceded that this figure of 300,000 does not make it more difficult, and it was the intent of the committee to actually, in the future, make it easier than at present to put a proposition of this type on the ballot.

MR. BENTLEY: Thank you.

PRESIDENT NISBET: Mr. Stevens.

MR. STEVENS: Mr. President and delegates, may I ask Mr. Habermehl a question by way of review if he cares to answer?

PRESIDENT NISBET: You may.

MR. STEVENS: Mr. Habermehl, is it not true that in the not too distant future it is quite possible, if not probable, that it will take more signatures to put a statutory matter on the ballot by the initiative than it will to put an amendment to the constitution on the ballot by the initiative? In other words, it will take less than 8 per cent required for statutory matter to put an amendment on the ballot by the initiative.

MR. HABERMEHL: Mr. President, Mr. Stevens, you are correct. And as you know, I was with you in wishing to see it more difficult to put an amendment to the constitution on the ballot. It is entirely possible that within the not too distant future it may be actually easier to propose an amendment to the constitution than it is to propose a statute.

MR. STEVENS: Thank you. It would seem to me that is rather illogical.

PRESIDENT NISBET: The question is on the adoption of Committee Proposal 65. 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—106

Allen	Gover	Perras
Andrus, Miss	Gust	Plank
Anspach	Habermehl	Pollock
Austin	Haskill	Powell
Balcer	Hatch	Prettie
Barthwell	Hatcher, Mrs.	Pugsley
Batchelor	Heideman	Radka
Beaman	Hodges	Rajkovich
Bentley	Hood	Richards, J. B.
Binkowski	Howes	Richards, L. W.
Blandford	Hoxie	Romney
Bonisteel	Jones	Rood
Bradley	Judd, Mrs.	Rush
Brake	Karn	Seyferth
Brown, T. S.	Kelsey	Shackleton
Buback	King	Shaffer
Butler, Mrs.	Knirk, B.	Sleder
Cudlip	Koeze, Mrs.	Snyder
Cushman, Mrs.	Krolkowski	Spitler
Danhof	Kuhn	Stafseth
Dehnke	Lawrence	Staiger
DeVries	Leppien	Stamm
Doty, Donald	Lesinski	Stopezynski
Douglas	Liberato	Suzore
Downs	Madar	Thomson
Durst	Mahinske	Tubbs
Elliott, A. G.	Martin	Turner
Elliott, Mrs. Daisy	McAllister	Tweedie
Erickson	McCauley	Upton
Everett	McGowan, Miss	Van Dusen
Faxon	McLogan	Wanger
Figy	Mosier	White

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

Follo
Gadola
Garvin
Goebel

Murphy
Nisbet
Page

Wilkowski
Wood
Youngblood

Nays—11

Boothby
Brown, G. E.
Farnsworth
Finch

Hubbs
Hutchinson
Kirk, S.
Leibrand

Norris
Stevens
Young

SECRETARY CHASE: On the passage of Committee Proposal 65, the yeas are 106; the nays, 11.

PRESIDENT NISBET: Committee Proposal 65 is passed and referred to the committee on style and drafting.

For Committee Proposal 65 as rereferred to the committee on style and drafting, see above, page 3004.

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

SECRETARY CHASE: Item 14 on the calendar, **Committee Proposal 66**, A proposal relative to amendment and revision. Amends section 4 of article XVII.

Following is Committee Proposal 66 as reported by the committee on style and drafting and read by the secretary. (For text as referred to said committee, see above, page 2472.):

Sec. a. At the general election to be held in the year 1978, and in each [sixteenth] 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. [In case] IF a majority of the electors voting on the question [shall] decide in favor of a convention for such purpose, at an election to be held not later than 4 months after the proposal [shall have been] WAS certified as approved, the electors of each house of representatives district as then organized shall elect [1] ONE delegate [for each state representative to which the district is entitled] and the electors of each senatorial district as then organized shall elect [1] ONE delegate [for each state senator to which the district is entitled]. The delegates so elected shall convene at the capital city on the first Tuesday in October next succeeding such election. The convention shall choose its own officers, determine the rules of its proceedings and judge [of] 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** [In case of a vacancy by death, resignation or otherwise, of any delegate, such vacancy shall be filled by appointment by the governor of a qualified resident of the same district]. The convention shall have power to appoint such officers, employees and assistants as it [may deem] DEEMS necessary and to fix their compensation[.]; to provide for the printing and distribution of its documents, journals and proceedings[.]; to [complete the dissemination of] **EXPLAIN AND DISSEMINATE** information about [and an explanation of] the proposed constitution [to the people] and to complete the business of the convention in an orderly manner. Each delegate shall receive for his services [such] compensation [as may be] provided by law. No proposed constitution or amendment adopted by such convention shall be submitted to the electors for approval as herein-after provided unless by the assent of a majority of all the delegates elected to **AND SERVING** IN the convention, the yeas and nays being entered [on] 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** [However, an interval of at least 90 days shall intervene between such final adjournment and the date of such election]. Upon the approval of such constitution or amendments by a majority of the qualified electors voting thereon [such]

THE constitution or amendments shall take effect as provided by [such] THE convention.

PRESIDENT NISBET: Mr. Erickson.

MR. ERICKSON: Mr. President, fellow delegates, as you notice, this section has to do with the calling of the next constitutional convention. The committee and style and drafting have tried to anticipate the difficulties that we have had and hope that the next group do not have those difficulties. You will notice that it provides for a vote on the calling of a constitutional convention every 16 years. The theory back of that is that each generation should have a chance to look at the basic law. I would like to yield to Mr. Habermehl.

PRESIDENT NISBET: Mr. Habermehl.

MR. HABERMEHL: Mr. President, fellow delegates, the committee on style and drafting made several changes in this. On line 8, for example, by striking out, "for each state representative to which the district is entitled;" and in lines 10 and 11, "for each state senator to which the district is entitled." At the time this was drafted by the committee, of course, under the present constitution we have multi member districts. After the report from the committee on declaration of rights, suffrage and elections was adopted, all districts are single member districts from now on, and that language was no longer necessary.

The other changes on the first page are of form only, not of substance. As Mr. Erickson said, the intent of the committee was to try to resolve some of the questions that this convention has been bothered with, and we have here spelled out the powers of the convention to explain and disseminate information about its work and given such powers, we believe, to make the next convention a completely autonomous body except for the matter of compensation. If the legislature should balk here, they might have to work for nothing.

We also have provided that this question of when the proposed constitution is to be put upon the ballot will be decided by the next convention and not by any language that might appear in the constitution that we propose. We have said that it shall be submitted in the manner and at the time as decided by the next convention. We urge its adoption.

PRESIDENT NISBET: Mr. Allen.

MR. ALLEN: Mr. President, just a question for the record in case this point should come up later on. May I ask Mr. Erickson the question? Mr. Erickson, one of the small points that was debated when we assembled was the meaning of the phrase that the delegates after their election would convene at the capital city. The question was whether that meant that all we had to do was show up in Lansing and then we could hold the convention, for example, on the campus at Michigan State at East Lansing, or we could go to Detroit or something like that. What would be your interpretation of this language as to convening at the capital city in relation to where the convention would continue to meet?

MR. ERICKSON: We discussed that at some length in the committee. You will notice it is different than the present language. The present language says, "convene and continue until their business is finished." The attorney general held that that meant they could convene here and go anywhere. We didn't feel that that meant what the attorney general said. But the constitutional amendment that was adopted even in 1960 indicated that they would convene here and stay here until their work was finished.

Now, you notice we have not put that restriction in at this time. The attorney general couldn't find any legal definition of the word "convene" but I think that the generally accepted sense is to meet and start their work here, and we did not put the limitation on that they continue their work until it is finished. So the intent was they would meet here to start, and then decide where they wanted to be.

MR. ALLEN: Thank you.

PRESIDENT NISBET: Mr. Hutchinson.

MR. HUTCHINSON: Mr. President, I would like to inquire of Mr. Habermehl whether the committee or its subcommittee gave any consideration to the problem involved in this provision

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

PREAMBLE

- I. DECLARATION OF RIGHTS
 - II. ELECTIONS
 - III. GENERAL GOVERNMENT
 - IV. LEGISLATIVE BRANCH
 - V. EXECUTIVE BRANCH
 - VI. JUDICIAL BRANCH
 - VII. LOCAL GOVERNMENT
 - VIII. EDUCATION
 - IX. FINANCE AND TAXATION
 - X. PROPERTY
 - XI. PUBLIC OFFICERS AND EMPLOYMENT
 - XII. AMENDMENT AND REVISION
- SCHEDULE AND TEMPORARY PROVISIONS

PREAMBLE

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

**ARTICLE I
DECLARATION OF RIGHTS**

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3.	Right of Assembly and Petition 15- 2
4.	Freedom of Worship 15- 3
5.	Liberty of Speech and Press 15- 4
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Article I**Declaration of Rights**

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

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

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

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

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

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

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

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

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

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

ever be tolerated in this state.

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

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

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

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

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

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

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

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

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

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

Sec. 20. In every criminal prosecution, the accused shall have the right to a speedy and public trial by an impartial jury, which may consist of

less than 12 jurors in all courts not of record; to be informed of the nature of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to have the assistance of counsel for his defense; to have an appeal as a matter of right; and in courts of record, when the trial court so orders, to have such reasonable assistance as may be necessary to perfect and prosecute an appeal.

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

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

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

ARTICLE II ELECTIONS

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

Article II Elections

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

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

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

1 removed [t]herefrom. The legislature [may pro-
2 vide the manner of voting by such persons but]
3 shall not permit voting by any [such] person who
4 meets the voting residence requirements of the
5 state to which he has removed.

6 Sec. 4. The legislature shall enact laws to reg-
7 ulate the time, place [,] and manner of all nom-
8 inations and elections, except as otherwise pro-
9 vided in this constitution or in the constitution
10 and laws of the United States. The legislature
11 shall enact laws to preserve the purity of elec-
12 tions, to preserve the secrecy of the ballot, to
13 guard against abuses of the elective franchise,
14 and to provide for a system of voter registration
15 and absentee voting. No law shall be enacted
16 which permits a candidate in any partisan pri-
17 mary or partisan election to have a ballot desig-
18 nation except when required for identification
19 of [persons who are] candidates for the same
20 office WHO [and] have the same or similar sur-
21 names.

22 Sec. 5. Except for special elections to fill va-
23 cancies, OR AS OTHERWISE PROVIDED IN
24 THIS CONSTITUTION, all elections for national,
25 state, county and township offices shall be held on
26 the first Tuesday after the first Monday in Novem-
27 ber in each even-numbered year[,] or on such
28 other date as MEMBERS OF THE CONGRESS
29 OF THE UNITED STATES ARE REGULARLY
30 ELECTED [may hereafter be provided by the
31 Constitution of the United States or by congress
32 for election of members thereof].

33 Sec. 6. Whenever any question is REQUIRED
34 TO BE submitted BY A POLITICAL SUBDIVI-
35 SION to [a vote of] the electors which involves
36 THE INCREASE OF ANY AD VALOREM TAX
37 RATE LIMITATION FOR A PERIOD OF MORE
38 THAN FIVE YEARS, the direct expenditure
39 of public money, OR the issue of bonds, [or the
40 increase of any ad valorem tax rate for a period
41 of more than 5 years,] only [persons having the
42 qualifications of] electors in, and who have prop-
43 erty assessed for any ad valorem taxes in, any
44 part of the district or territory to be affected
45 by the result of such election or the lawful hus-
46 bands or wives of such persons shall be entitled
47 to vote thereon. All ELECTORS IN THE DIS-
48 TRICT OR TERRITORY AFFECTED [persons
49 having the qualifications of electors] may vote
50 on all other questions, [involving an increase in
51 any ad valorem tax rate and on borrowing by
52 this state.]

53 Sec. 7. A board of state canvassers [consisting]
54 of [4] FOUR members shall be established by law.
55 No candidate for an office to be canvassed nor any
56 inspector of elections shall be eligible to serve as
57 a member of a board of canvassers. A majority
58 of any board of canvassers shall not be composed
59 of members of the same political party.

60 Sec. 8. Laws shall be enacted to provide for the

recall of all elective officers except judges of courts
of record upon petition of electors equal in number
to 25 percent of the number of persons voting [at]
IN the last preceding election for the office of
governor in the electoral district of the officer
sought to be recalled. THE SUFFICIENCY OF
any statement of reasons or grounds procedurally
required shall be [deemed to pose] a political rather
than a judicial question.

Sec. 9. The people reserve to themselves the
power to propose laws and to enact and reject laws,
called the initiative, and the power to reject laws
enacted by the legislature, called the referendum.
The power of initiative extends only to laws which
the legislature may enact under this constitution.
The power of referendum does not extend to acts
making appropriations for state institutions or to
meet deficiencies in state funds AND MUST BE
INVOKED IN THE MANNER PRESCRIBED BY
LAW WITHIN 90 DAYS FOLLOWING THE
FINAL ADJOURNMENT OF THE LEGISLA-
TIVE SESSION AT WHICH THE LAW WAS
ENACTED. To invoke the initiative or referen-
dum, petitions signed by a number of registered
electors, not less than [8] EIGHT percent for initia-
tive and [5] FIVE percent for referendum of the
total vote cast for all candidates for governor at
the last preceding general election AT WHICH A
GOVERNOR WAS ELECTED shall be required.

NO LAW AS TO WHICH THE POWER OF
REFERENDUM PROPERLY HAS BEEN IN-
VOKED SHALL BE EFFECTIVE THEREAFTER
UNLESS APPROVED BY A MAJORITY OF
THE ELECTORS VOTING THEREON AT THE
NEXT GENERAL ELECTION.

[The] ANY law proposed by initiative petition
shall be either enacted or rejected by the legisla-
ture without change or amendment within 40 days
from the time such petition is received by the legis-
lature. If any law proposed by such petition shall
be enacted by the legislature it shall be subject to
referendum, as hereinafter provided.

If the law so [petitioned for] PROPOSED is not
enacted by the legislature within the 40 days, the
state officer authorized by law shall submit such
proposed law to the people for approval or rejec-
tion at the next [ensuing] general election. The
legislature may reject any measure so proposed
by initiative petition and propose a different meas-
ure upon the same subject by a yea and nay vote
upon separate roll calls, and in such event both
measures shall be submitted by such state officer
to the electors for approval or rejection at the
next [ensuing] general election.

Any [act] LAW submitted to the people by either
initiative or referendum petition and approved by
a majority of the votes cast thereon at any election
shall take effect 10 days after the date of the
official declaration of the vote. No [act] LAW

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

initiated or adopted by the people shall be subject to the veto power of the governor, and no [act] LAW adopted by the people at the polls under the initiative provisions of this section shall be amended or repealed, except by a vote of the electors or [3/4] THREE-FOURTHS of the members elected to and serving in each house of the legislature. [Acts] LAWS adopted by the people under the referendum provision of this section may be amended by the legislature at any subsequent session thereof. If [2] TWO or more measures approved by the electors at the same election conflict, THAT [the measure] receiving the highest affirmative vote shall prevail.

The legislature shall implement the provisions of this section.

ARTICLE III GENERAL GOVERNMENT

Sec.	Com. Proposal
1. Seat	10a
2. Division of Powers	21a
3. Great Seal	18a
4. Militia	19a
5. Inter-Governmental Agreements ...	128a
6. Internal Improvement	101a
7. Laws remain in effect	44a
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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.

ARTICLE IV LEGISLATIVE BRANCH

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4. Legislative Districts, merger	80c
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6. Legislative Apportionment Commission	79a
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11. Legislators, privileges	33a
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13. Legislature, time of convening	116a
14. Senate and House, quorums	34a
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5	23.	Style of laws	29a
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10	26.	Bills, requirements for passage	
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20		governor	70a
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22	35.	Publication of laws	24a
23	36.	Revision of laws, compilation	108a
24	37.	Administrative rules, suspension	123a
25	38.	Filling vacancies	122a
26	39.	Continuity of government	122a
27	40.	Liquor Control Commission	27a
28	41.	Lotteries	100a
29	42.	Ports and port districts	87a
30	43.	Banking and trust company laws	5a
31	44.	Jury in civil cases	99a
32	45.	Indeterminate sentences	106a
33	46.	Prohibition against death penalty	20a
34	47.	Chaplains	111a
35	48.	Resolution of public disputes	109a
36	49.	Regulation of employment	110a
37	50.	Atomic energy	127a
38	51.	Public Health	126a
39	52.	Natural resources	125a
40	53.	Auditor General	78a

Article IV

Legislative Branch

Sec. 1. The legislative power of the State of Michigan is vested in a senate and a house of representatives.

Sec. 2. The senate shall consist of 38 members[,] to be elected from single member districts at the same [time] ELECTION as the governor for [4] FOUR-year terms concurrent with the term of office of the governor.

In districting the state for the purpose of electing senators after the official publication of the total population count of each federal decennial census, each county shall be assigned an apportionment factor equal to the sum of its percentage of the state's population as shown by the last regular federal decennial census computed to the nearest [1/100] ONE-ONE HUNDREDTH of one percent multiplied by [4] FOUR and its per-

centage of the state's land area computed to the nearest [1/100] ONE-ONE HUNDREDTH of one percent.

In arranging the state into senatorial districts, the apportionment commission shall be governed by the following rules:

(1) Counties with 13 or more apportionment factors shall be entitled as a class to senators in the proportion that the total apportionment factors of such counties bear to the total apportionment factors of the state computed to the nearest whole number. After each such county has been allocated one senator, the remaining senators to which this class of counties [are] IS entitled shall be distributed among such counties by the method of equal proportions applied to the apportionment factors.

(2) Counties having less than 13 apportionment factors shall be entitled as a class to senators in the proportion that the total apportionment factors of such counties bear to the total apportionment FACTORS of the state computed to the nearest whole number. Such counties shall thereafter be arranged into senatorial districts that are compact, convenient, and contiguous by land, as rectangular in shape as possible, and having as nearly as possible 13 apportionment factors, but in no event less than 10 or more than 16. Insofar as possible, existing senatorial districts at the time of reapportionment shall not be altered unless there [shall be] IS a failure to comply with the above standards.

(3) Counties entitled to [2] TWO or more senate districts shall be [further sub]divided into single member districts. The population of such districts shall be as nearly equal as possible but shall not be less than 75 percent nor more than 125 percent of a number determined by dividing the population of the county by the number of senators to which it is entitled. Each such district shall follow incorporated city or township boundary lines to the extent possible and shall be compact, contiguous, and as nearly uniform in shape as possible.

Sec. 3. The house of representatives shall consist of 110 members elected for [2] TWO-year terms from single member districts apportioned on a basis of population as [hereinafter] provided IN THIS ARTICLE. The districts shall consist of compact and convenient territory contiguous by land.

Each county which has a population of not less than [7/10] SEVEN-TENTHS of one percent of the population of the state shall constitute a separate representative area. Each county having less than [7/10] SEVEN-TENTHS of one percent of the population of the state shall be combined with another county or counties to form a representative area of not less than [7/10] SEVEN-

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

TENTHS of one percent of the population of the state. Any county which is isolated under the initial allocation as [herein] provided IN THIS SECTION shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.

After the assignment of one representative to each of the representative areas, the remaining house seats shall be apportioned among the representative areas on the basis of population by the method of equal proportions.

Any county comprising a representative area entitled to [2] TWO or more representatives shall be divided into single member representative districts as follows:

(1) The population of [each] SUCH districtS shall be as nearly equal as possible but shall not be less than 75 percent nor more than 125 percent of a number determined by dividing the population of the representative area by the number of representatives to which it is entitled.

(2) Such single member districts shall follow city and township boundaries where applicable and shall be composed of compact and contiguous territory as nearly square in shape as possible.

Any representative area consisting of more than one county, entitled to more than one representative, shall be divided into single member districts as equal as possible in population adhering to county lines.

Sec. 4. In counties having more than one representative or senatorial district, the territory in the same county annexed to or merged with a city between apportionments shall become a part of a contiguous representative or senatorial district in the city with which it is combined upon the effective date of the annexation or merger[.]. THE DISTRICTS WITH WHICH THE TERRITORY SHALL BE COMBINED SHALL BE [as] determined by ordinance of the city certified to the secretary of state.

[No legislator shall be deemed to have vacated his office by virtue of the above section.] NO SUCH CHANGE IN THE BOUNDARIES OF A REPRESENTATIVE OR SENATORIAL DISTRICT SHALL HAVE THE EFFECT OF REMOVING A LEGISLATOR FROM OFFICE DURING HIS TERM.

Sec. 5. ISLAND AREAS ARE CONSIDERED TO BE CONTIGUOUS BY LAND TO THE COUNTY OF WHICH THEY ARE A PART.

Sec. 6. A commission on legislative apportionment is hereby established consisting of [8] EIGHT persons, [4] FOUR of whom shall be selected by the state organizations of each of the [2] TWO political parties whose candidates for governor received the highest vote at the last general election AT WHICH A GOVERNOR WAS ELECTED preceding each apportionment. If a candidate for

governor of a third political party has received at such election more than 25 percent of such gubernatorial vote, the commission shall consist of 12 members, [4] FOUR of whom shall be selected by the state organization of the third political party. One member of the commission shall be selected by each political party organization from each of the following [4] FOUR regions: (1) The upper peninsula; (2) The northern part of the lower peninsula, north of a line drawn along the northern boundaries of the counties of Bay, Midland, Isabella, Mecosta, Newaygo and Oceana; (3) Southwestern Michigan, those counties south of region (2) and west of a line drawn along the western boundaries of the counties of Bay, Saginaw, Shiawassee, Ingham, Jackson and Hillsdale; (4) Southeastern Michigan, the remaining counties of the state.

No officers or employees of the federal, state or local governments, excepting notaries public and members of the armed forces reserve, shall be eligible for membership on the commission. Members of the commission shall not be eligible for election to the legislature until [2] TWO years after the apportionment [plan] in which they participated becomes effective.

The commission shall be appointed immediately after the adoption of this constitution and whenever [Re]apportionment or districting OF THE LEGISLATURE is required by the provisions of this constitution. Members of the commission shall hold office until each apportionment or districting plan becomes effective. Vacancies shall be filled in the same manner as for original appointment.

The secretary of state shall be secretary of the commission without vote, and in that capacity shall furnish, under the direction of the commission, all necessary technical services. The commission shall elect its own chairman, shall make its own rules of procedure, and shall receive compensation provided by law. The legislature shall appropriate funds [necessary] to enable the commission to carry out its activities.

Within 30 days after the adoption of this constitution, and after the official total population count of each federal decennial census of the state and its political subdivisions is available, the secretary of state shall issue a call convening the commission not less than 30 nor more than 45 days thereafter. The commission shall complete its work within 180 days after all necessary census information is available. The commission shall proceed to DISTRICT AND apportion[, and district,] the senate and house of representatives according to the provisions of this constitution. All final decisions shall require the concurrence of a majority of [all of] the members of the commission. The commission shall hold public hearings as may be provided by law.

Each final apportionment and districting plan shall be published as provided by law within 30 days from the date of its adoption and shall become law 60 days after publication. The secretary of state shall keep a public record of all the proceedings of the commission and shall be responsible for the publication and distribution of each plan.

If a majority of the commission cannot agree on a plan, each member of the commission, individually or jointly with other members, may submit a proposed plan to the supreme court. The supreme court shall determine which plan complies most accurately with the constitutional requirements and shall direct that it be adopted BY THE COMMISSION and published as provided in this section.

Upon the application of any [qualified] elector filed not later than 60 days after final publication of the plan, the supreme court, in the exercise of original jurisdiction, shall direct the secretary of state or the apportionment commission to perform their duties, may review any final plan adopted by the commission, and shall make orders amending such plan if it fails to comply with the requirements of this constitution.

Sec. 7. Each senator and representative MUST [shall] be a citizen of the United States, at least 21 years of age, and AN [a qualified] elector of the district he represents[,] . [and] The removal of his domicile from the district shall be deemed a vacation of the office. No person who has been convicted of subversion or who has within the preceding 20 years been convicted of a felony involving a breach of public trust shall be eligible for either house of the legislature.

Sec. 8. No person holding any office under the United States or this state or a political subdivision thereof, except notaries public and officers of the armed forces reserve, may be a member of either house of the legislature.

Sec. 9. No person elected TO [a member of] the legislature shall receive any civil appointment within this state from the governor, except notaries public, [from the governor and senate,] from the legislature, or from any other state authority, during the term for which he is elected.

Sec. 10. No member of the legislature nor any state officer shall be interested directly or indirectly in any contract with the state or any political subdivision thereof which shall cause a substantial conflict of interest. The legislature shall further implement this provision by appropriate legislation.

Sec. 11. Senators and representatives shall be privileged from civil arrest and civil process during sessions of the legislature and for [5] FIVE days next before the commencement and after the termination thereof. They shall not be questioned in any other place for any speech in either

house.

Sec. 12. The annual salary of the members of the legislature shall be not less than \$9,000[.], AS PROVIDED BY LAW. Members of the legislature shall be entitled to REIMBURSEMENT FOR [2] TWO round trips home EACH [per] month while the legislature is in session, and expenses in connection with the work of interim committees. [No] ChangeS in salary or expenses shall beCOME effective [during the term of office for which the legislature making the change was elected] ONLY WHEN LEGISLATORS COMMENCE THEIR TERM OF OFFICE AFTER A GENERAL ELECTION except and only to the extent of a general salary reduction in all other branches of STATE government.

No person serving in the legislature shall receive at any time for his services as a member of the legislature any additional fees, compensation or financial benefits from the state or its political subdivisions. This section shall not be construed to [deny] AFFECT retirement benefits [to those] OF legislators [eligible to receive] WHICH HAVE [these benefits at] ACCRUED PRIOR TO the [time] EFFECTIVE DATE OF this constitution [becomes effective].

Sec. 13. The legislature shall meet at the seat of government on the second Wednesday in January of each year at [12:00] TWELVE o'clock noon. Each regular session shall adjourn without day, on a day determined by concurrent resolution, at TWELVE [12:00] o'clock noon. Any business, bill or joint resolution pending at the final adjournment of a regular session held in an odd numbered year shall carry over WITH THE SAME STATUS to the next regular session.

Sec. 14. A majority of the members elected to and serving in each house shall constitute a quorum to do business. A smaller number in each house may adjourn from day to day, and may compel the attendance of absent members in the manner and with penalties as each house may prescribe.

Sec. 15. There shall be a bi-partisan legislative council consisting of legislators appointed in the manner prescribed by law. The legislature shall appropriate [adequate] funds for the council's operations and provide for its staff which shall maintain bill drafting, research and other services for the members of the legislature. The council shall PERIODICALLY [from time to time] examine and recommend to the legislature revision of the various laws of the state.

Sec. 16. Each house, except as otherwise provided in this constitution, shall choose its own officers and determine the rules of its proceedings, but shall not adopt any rule that will prevent a majority of the members elected thereto and serving therein from discharging a committee

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

1 from the further consideration of any measure.
2 Each house shall BE THE SOLE judge of the
3 qualifications, elections and returns of its mem-
4 bers, and may, with the concurrence of TWO-
5 THIRDS [2/3] of all the members elected thereto
6 and serving therein, expel a member. The reasons
7 for such expulsion shall be entered IN [upon] the
8 journal, with the [yeas and nays] VOTES AND
9 NAMES of the members voting upon the ques-
10 tion. No member shall be expelled a second time
11 for the same cause.

12 Sec. 17. Each house of the legislature may
13 establish the committees necessary for the effi-
14 cient conduct of its business and the legislature
15 may create joint committees. Each committee
16 shall [keep a recorded] BY roll call vote RECORD
17 THE VOTE AND NAME [by yeas and nays] of
18 all action on bills and resolutions taken in the
19 committee. Such vote shall be available FOR [to]
20 public inspection. Notice of all committee hear-
21 ings and a clear statement of all subjects to be
22 considered at each hearing shall be published in
23 the journal in advance of the hearing.

24 Sec. 18. Each house shall keep a journal of
25 its proceedings, and publish the same unless se-
26 curity otherwise requires. The [yeas and nays]
27 RECORD OF THE VOTE AND NAME of the
28 members of either house VOTING on any question
29 shall be entered in the journal at the request of
30 [1/5] ONE-FIFTH of the members present. Any
31 member of either house may dissent from and
32 protest against any act, proceeding or resolution
33 which he deems injurious to any person or the
34 public, and have the reason for his dissent entered
35 in the journal.

36 Sec. 19. All elections in either house or in
37 joint convention and all votes on appointments
38 [recommended to the senate for confirmation]
39 SUBMITTED TO THE SENATE FOR ADVICE
40 AND CONSENT shall be [taken by yeas and
41 nays and] published BY VOTE AND NAME in
42 the journal.

43 Sec. 20. The doors of each house shall be open
44 unless the public security otherwise requires.

45 Sec. 21. Neither house shall, without the con-
46 sent of the other, adjourn for more than [3] TWO
47 INTERVENING CALENDAR days, nor to any
48 place other than where the legislature may then
49 be in session.

50 Sec. 22. All legislation [by the legislature]
51 shall be by bill and may originate in either house.

52 Sec. 23. The style of the laws shall be: The
53 People of the State of Michigan enact.

54 Sec. 24. No law shall embrace more than one
55 object, which shall be expressed in its title. No
56 bill shall be altered or amended on its passage
57 through either house so as to change its original
58 purpose as determined by its total content and
59 not alone by its title.

60 Sec. 25. No law shall be revised, altered or

1 amended by reference to its title only. The section
2 or sections of the act altered or amended shall
3 be re-enacted and published at length.

4 Sec. 26. No bill shall be passed or become a
5 law at any regular session of the legislature until
6 it has been printed or reproduced and in the pos-
7 session of each house for at least [5] FIVE days.
8 Every bill shall be read THREE [3] times in each
9 house before the final passage thereof. No bill
10 shall become a law without the concurrence of a
11 majority of [all] the members elected to and
12 serving in each house. On the final passage of [all]
13 bills, the voteS AND NAMES OF THE MEMBERS
14 VOTING THEREON shall be [by yeas and nays
15 and] entered in the journal.

16 Sec. 27. No act shall take effect [or be in force]
17 until the expiration of 90 days from the end of
18 the session at which it was passed, but the legis-
19 lature may give immediate effect to acts by a [2/3]
20 TWO-THIRDS vote of the members elected to and
21 serving in each house.

22 Sec. 28. When the legislature is convened on
23 extraordinary occasions in special session no bill
24 shall be passed on any subjects other than those
25 expressly stated in the governor's proclamation
26 or submitted by special message.

27 Sec. 29. The legislature shall pass no local
28 or special act in any case where a general act can
29 be made applicable, and whether a general act
30 can be made applicable shall be a judicial question.
31 No local or special act shall take effect until
32 approved by TWO-THIRDS [2/3] of the mem-
33 bers elected to and serving in each house [of the
34 legislature] and by a majority of the electors vot-
35 ing thereon in the district [to be] affected. Any
36 act repealing local or special acts [in effect as of
37 the effective date of this constitution] shall re-
38 quire only a majority of the members elected to
39 and serving in each house and shall not require
40 submission to the electors of such district.

41 Sec. 30. The assent of TWO-THIRDS [2/3] of
42 the members elected to and serving in each house
43 of the legislature shall be required for the appro-
44 priation of public money or property for local or
45 private purposes.

46 Sec. 31. The general appropriation bills for the
47 succeeding fiscal period covering items set forth
48 in the budget shall be passed or rejected in either
49 house of the legislature before that house passes
50 any appropriation bill for items not in the budget
51 except bills supplementing appropriations for the
52 current FISCAL year's operation. Any bill re-
53 quiring an appropriation to carry out its purpose
54 shall be considered an appropriation bill. One of
55 the general appropriation bills as passed by the
56 legislature shall contain an itemized statement of
57 estimated revenue by major source in each oper-
58 ating fund for the ensuing fiscal period, the total
59 of which shall not be less than the total of all
60 appropriations made from each fund in the gen-

eral appropriation bills as passed.

Sec. 32. Every law which imposes, continues or revives a tax shall distinctly state the tax.

Sec. 33. Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law. If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he does not approve, and the legislature continues the session at which the bill was passed, he shall return it within such 14-day period with his objections, to the house in which it originated. That house shall enter such objections in full in its journal and reconsider the bill. If TWO-THIRDS [2/3] of the members elected TO and serving in that house pass the bill notwithstanding the objections of the governor, it shall be sent with the objections to the other house for reconsideration. The bill shall become law if passed by TWO-THIRDS [2/3] of the members elected TO and serving in that house. The vote of each house shall be [determined by the yeas and nays, and the names of the members voting for and against the bill shall be] entered in the journal WITH THE VOTES AND NAMES OF THE MEMBERS VOTING THEREON. If any bill is not returned by the governor within such 14-day period, the legislature continuing in session, it shall become law as if he had signed it.

Sec. 34. Any bill passed by the legislature and approved by the governor, except A BILL appropriATING MONEY [ion bills], may [be referred by the legislature to the qualified electors. No bill so referred shall] PROVIDE THAT IT WILL NOT become [a] law unless approved by a majority of the electors voting thereon.

Sec. 35. All laws enacted at any session of the legislature shall be published in book form within 60 days after final adjournment of the session, and shall be distributed in the manner provided by law. The [speedy] PROMPT publication of judicial decisions shall be provided by law. All laws and judicial decisions shall be free for publication by any person.

Sec. 36. No general revision of the laws shall [hereafter] be made. The legislature may provide for a compilation of the laws in force, arranged without alteration, under appropriate heads and titles.

Sec. 37. The legislature may by concurrent resolution empower a joint committee of the legislature acting [in the interim] between sessions to suspend until the end of the next regular legislative session any rule or regulation [promulgated

by] OF an administrative agency PROMULGATED when the legislature is not in regular session.

Sec. 38. The legislature may provide by law the cases in which any office shall be [deemed] vacant and the manner of filling vacancies[,] where no provision is made in this constitution.

Sec. 39. In order to insure continuity of state and local governmental operations in periods of emergency only, resulting from disasters occurring in this state CAUSED by enemy attack on the United States, the legislature MAY [shall have the power to such extent as it deems advisable (1) to] provide by [legislative enactment] LAW for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices[,] and ENACT [(2) to adopt by legislative enactment such] other [legislation] LAWS [as may be] necessary and proper for insuring the continuity of governmental operations. Notwithstanding the power conferred by this section, elections shall always be called as soon as possible to fill any [elective] vacancies in [any] ELECTIVE offices temporarily occupied by operation of any legislation enacted pursuant to the provisions of this section.

Sec. 40. The legislature may by law establish a liquor control commission[,] which, subject to statutory limitations, shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof. [and] THE LEGISLATURE may provide for an excise tax on such sales. Neither the legislature nor the commission may authorize the manufacture or sale of alcoholic beverages in any county in which a majority of the electors voting thereon shall prohibit the same.

Sec. 41. The legislature shall not authorize any lottery nor permit the sale of lottery tickets.

Sec. 42. The legislature may provide for the incorporation of ports and port districts, and confer power and authority upon them to engage in work of internal improvements in connection therewith.

Sec. 43. No general law providing for the incorporation of trust companies or corporations for banking purposes, or regulating the business thereof, shall be enacted, amended or repealed except by a vote of [2/3] TWO-THIRDS of the members elected to and serving in each house [of the legislature].

Sec. 44. The legislature may authorize a trial by a jury of less than 12 jurors in civil cases.

Sec. 45. The legislature may provide for indeterminate sentences as [a] punishment for crime and for the detention and release of per-

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

sons imprisoned or detained [on] UNDER such sentences.

Sec. 46. No law shall be enacted providing for the penalty of death.

Sec. 47. The legislature may authorize the employment of chaplains in state institutions of DETENTION OR confinement.

Sec. 48. The legislature may enact laws providing for the resolution of disputes [in] CONCERNING public [employment] EMPLOYEES, except THOSE IN THE state classified civil service.

Sec. 49. The legislature may enact laws relative to the hours and conditions of employment.

Sec. 50. The legislature may provide safety measures and regulate the use of atomic energy and forms of energy developed in the future, having in view the general welfare of the people of this state.

Sec. 51. The public health and general welfare of the people of the state are hereby declared to be matters of primary public concern. The legislature shall pass suitable laws for the protection and promotion of the public health.

Sec. 52. The conservation and development of the natural resources of the state are hereby declared to be of paramount public concern in the interest of the health, safety[,] and general welfare of the people. The legislature shall provide for the protection of the air, water[,] and other natural resources of the state from pollution, impairment and destruction.

Sec. 53. The legislature by a majority vote of the members elected to and serving in each house, shall appoint an auditor general, who shall be [an administrator and] a certified public accountant [duly] licensed to practice in this state, to serve for a term of [8] EIGHT years. He shall be ineligible for appointment or election to any other [paid] public office in this state FROM WHICH COMPENSATION IS DERIVED while serving as auditor general and for [2] TWO years following the termination of his service. He may be removed for cause at any time by a [2/3] TWO-THIRDS vote of the members elected to and serving in each house [of the legislature]. The auditor general shall conduct post audits of financial transactions and accounts of the state and of all branches, departments, offices, boards, commissions, agencies, authorities and institutions of the state established by this constitution or by law, and performance post audits thereof.

The auditor general upon direction by the legislature may employ independent accounting firms or legal counsel and may make investigations pertinent to the conduct of audits. He shall report annually to the legislature and to the governor and at such other times as he deems necessary or as required by the legislature. He shall be assigned no duties other than those [herein]

specified IN THIS SECTION.

Nothing in this section shall be construed in any way to infringe the responsibility and constitutional authority of the governing boards of the [universities and colleges] INSTITUTIONS OF HIGHER EDUCATION to be solely responsible for the control and direction of all expenditures from the institutions' funds.

[The legislature shall provide by law for the maintenance of uniform accounting systems by units of local government and the auditing of county accounts by competent state authority and other units of government as provided by law.]

The auditor general, his deputy and one other member of his staff shall be exempt from classified civil service. All other members of his staff shall have classified civil service status.

ARTICLE V

EXECUTIVE BRANCH

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Article V Executive Branch

Sec. 1. The executive power is vested in the governor.

Sec. 2. All executive and administrative offices, agencies and instrumentalities of the EXECUTIVE BRANCH OF state government and their respective functions, powers and duties, except for the office of governor and lieutenant governor and the governing bodies of institutions of higher education provided for in this constitution, shall be allocated by law among and within not more than 20 principal departments. They shall be grouped as far as practicable according to major purposes.

Subsequent to the initial allocation, the governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these changes require the force of law, they shall be set forth in executive orders AND SUBMITTED TO THE LEGISLATURE. THEREAFTER the legislature shall have 60 CALENDAR days of a regular session, or a full session if of shorter duration, to disapprove [these] EACH executive order[s]. Unless disapproved in both houses by a resolution concurred in by a majority of the members elected to and serving in each house, [these] EACH order[s] shall become effective at a date thereafter to be designated by the governor.

Sec. 3. The head of each principal department shall be a single executive unless otherwise provided in this constitution or by law. The single executives heading principal departments shall include a secretary of state, a state treasurer and an attorney general. When a single executive [other than an elective official,] is the head of a principal department, UNLESS ELECTED OR APPOINTED AS OTHERWISE PROVIDED IN THIS CONSTITUTION, he shall be [nominated and,] APPOINTED BY THE GOVERNOR by and with the advice and consent of the senate[, appointed by the governor] and he shall serve at the pleasure of the governor.

When a board or commission is at the head of a principal department, [the members thereof,] unless elected or appointed as otherwise provided in this constitution, THE MEMBERS THEREOF shall be [nominated and,] APPOINTED BY THE GOVERNOR by and with the advice and consent of the senate[, appointed by the governor]. The term of office and procedure for removal of such members shall be as prescribed in this constitution or by law.

Terms of office of any board or commission

created or enlarged after [adoption] THE EFFECTIVE DATE of this constitution shall not exceed [4] FOUR years except as otherwise authorized in this constitution. The terms of office of existing boards and commissions[,] which are [greater] LONGER than [4] FOUR years shall not be further extended except as provided in this constitution.

Sec. 4. At no time shall an examining or licensing board of a profession INCLUDE [be composed of] less than a majority of members of that profession. Temporary commissions or agencies for special purposes with a life of no more than [2] TWO years may be established by law and need not be allocated within a principal department.

Sec. 5. Appointment by and with the advice and consent of the senate when used in this constitution or [in statutes] LAWS in effect or hereafter enacted means appointment subject to disapproval by a majority vote of the members elected to and serving in the senate if such action is taken within 60 [legislative] SESSION days after the date of such appointment. [If the] ANY appointment [is] not disapproved within such period [of time the appointment] shall stand confirmed.

Sec. 6. [When the senate is not in session, the governor shall fill a vacancy] VACANCIES in any office, appointment to which requires advice and consent of the senate, [by appointment which may be disapproved by the senate in the manner provided for other] SHALL BE FILLED BY THE GOVERNOR BY AND WITH THE ADVICE AND CONSENT OF THE SENATE. [appointments requiring such advice and consent.] A person [who] WHOSE APPOINTMENT has been disapproved by the senate shall not be eligible for [another] AN interim appointment to the same office.

Sec. 7. Each principal department shall be under the supervision of the governor[, unless otherwise provided by this constitution. The governor shall take care that the laws be faithfully executed. He shall transact all necessary business with the officers of government and may require information in writing from all executive and administrative state officers, elective and appointive, upon any subject relating to the duties of their respective offices.

The governor may initiate court proceedings in the name of the state to enforce compliance with any constitutional or legislative mandate, or to restrain violations of any constitutional or legislative power, duty[, or right by any officer, department[, or agency of the state or any of its political subdivisions. This authority shall not be construed to authorize court proceedings against the legislature.

Sec. 8. Single executives heading principal departments and the chief executive officers of

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

principal departments headed by boards or commissions shall keep their offices at the seat of government except as otherwise provided by law, superintend them in person and perform duties prescribed by law.

Sec. 9. The governor shall have power and it shall be his duty[,] to inquire into the condition and administration of any public office and the acts of any public officer, elective or appointive. He may remove or suspend from office for gross neglect of duty or for corrupt conduct in office, or FOR any other misfeasance or malfeasance therein, any elective or appointive state officer, except legislative or judicial, and report the [causes of] REASONS FOR such removal or suspension to the legislature. [if in session or otherwise at its next session.]

Sec. 10. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an appointed or elected officer, other than a [judicial] LEGISLATIVE OR JUDICIAL officer, until he is REINSTATED [acquitted] or[, if convicted,] until the vacancy is filled in the manner prescribed by law or this constitution [for such office].

Sec. 11. The governor shall be commander-in-chief of the armed forces and may call them out to execute the laws, suppress insurrection and repel invasion.

Sec. 12. The governor shall issue writs of election to fill vacancies in the senate or house of representatives. Any such election shall be held in a manner prescribed by law.

Sec. 13. The governor shall have power to grant reprieves, commutations and pardons after convictions for all offenses, except cases of impeachment, upon such conditions and limitations as he may direct, subject to procedures and regulations [provided] PRESCRIBED by law. He shall inform the legislature annually of each reprieve, commutation and pardon granted, stating reasons therefor.

Sec. 14. The governor may convene the legislature on extraordinary occasions.

Sec. 15. The governor may convene the legislature at some other place when the seat of government becomes dangerous from any cause.

Sec. 16. The governor shall communicate by message to the legislature at the beginning of each session and may at other times present to the legislature information as to the affairs of the state and recommend measures he considers necessary or desirable.

Sec. 17. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state. Proposed expenditures from any fund shall not exceed the estimated revenue thereof. On the same date, the

governor shall submit to the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills to provide new or additional revenues to meet proposed expenditures. The amount of any surplus created or deficit incurred in any fund during the last preceding fiscal period shall be entered as an item in the budget and in one of the appropriation bills. The governor may submit amendments to appropriation bills to be offered in either house during consideration of the bill by that house, and shall submit any bills to meet deficiencies in current appropriations.

Sec. 18. The governor [shall have power to] MAY disapprove any distinct item or items APPROPRIATING MONEYS in any appropriation bill. The part or parts approved shall become law, and the item or items disapproved shall be void unless re-passed according to the method prescribed for the passage of other bills over the executive veto.

Sec. 19. No appropriation shall be [deemed] a mandate to spend. The governor, with the approval of the appropriating committees of the house and senate, shall reduce expenditures AUTHORIZED BY [of any bodies receiving] appropriations whenever it appears that actual revenues for a fiscal period will fall below the revenue estimates on which appropriations for that period were based. Reductions in expenditures shall be made in accordance with procedures [established] PRESCRIBED by law. The governor[']s power to reduce expenditures shall not apply to] MAY NOT REDUCE EXPENDITURES OF the legislative and judicial branches or FROM [to those services for which] funds CONSTITUTIONALLY DEDICATED FOR SPECIFIC PURPOSES. [are mandated by this constitution.]

Sec. 20. The governor, lieutenant governor, secretary of state and attorney general shall be elected FOR FOUR-YEAR TERMS at the general election in each alternate even-numbered year. [They shall serve for terms of 4 years beginning at 12:00 o'clock noon on the first day of January next succeeding their election.]

The lieutenant governor, secretary of state and attorney general shall be nominated by party conventions in a manner prescribed by law. In the general election one vote shall be cast jointly for the candidates for governor and lieutenant governor nominated by the same party.

VACANCIES IN THE OFFICE OF THE SECRETARY OF STATE AND ATTORNEY GENERAL SHALL BE FILLED BY APPOINTMENT BY THE GOVERNOR.

Sec. 21. [No person shall] TO be eligible for the office of governor or lieutenant governor [who shall not have] A PERSON MUST HAVE attained the age of 30 years, and [who shall] have [not] been [4 years next preceding his election] a registered elector in this state FOR FOUR

YEARS NEXT PRECEDING HIS ELECTION.

Sec. 22. The governor, lieutenant governor, secretary of state[, state treasurer] and attorney general shall each receive the compensation [prescribed] PROVIDED by law in full payment for all services performed and expenses incurred during his term of office. Such compensation shall not be changed during the term of office except as otherwise provided in this constitution.

Sec. 23. An executive residence suitably furnished shall be provided at the seat of government for the use of the governor. He shall receive an allowance for its maintenance as provided by law.

Sec. 24. The lieutenant governor shall be president of the senate, but shall have no vote except in case of equal division. He [shall] MAY perform [additional] duties [as] requested of him by the governor[.], BUT NO POWER VESTED IN THE GOVERNOR SHALL BE DELEGATED.

Sec. 25. In case of the conviction of the governor on impeachment, his removal from office, his resignation, or [the] HIS death, [of the governor or governor-elect, the powers and duties of the office shall vest, in the following order of precedence, in the person elected at the last election to the office of] THE lieutenant governor, THE ELECTED secretary of state, THE ELECTED attorney general, and such other persons designated by law[, who] shall IN THAT ORDER be governor [after the commencement of their term] for the [residue] REMAINDER of the governor's term.

IN CASE OF THE DEATH OF THE GOVERNOR-ELECT, THE LIEUTENANT GOVERNOR-ELECT, THE SECRETARY OF STATE-ELECT, THE ATTORNEY GENERAL-ELECT AND SUCH OTHER PERSONS DESIGNATED BY LAW SHALL BECOME GOVERNOR IN THAT ORDER AT THE COMMENCEMENT OF THE GOVERNOR-ELECT'S TERM.

If the governor or the person in line of succession to serve as governor is absent from the state, or suffering under an inability [as determined herein], the powers and duties of the office of governor shall devolve in order of precedence [upon such persons] until the absence or inability giving rise to the DEVOLUTION [devolvment] of powers ceases.

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

Sec. 26. The legislature shall provide that the

salary of any state officer WHILE ACTING AS [performing the duties of] governor [is] SHALL BE equal to that of the governor.

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

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

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

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

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

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

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

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Article VIII Education

Sec. 1. Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

Sec. 2. The legislature shall maintain and support a system of free public elementary and secondary schools as defined by law. Every school district shall provide for the education of its pupils without discrimination as to race, creed, religion, color[,] or national origin.

Sec. 3. Leadership and general supervision over all public education, including adult education and instructional programs in state institutions, except as to [degree granting] institutions of higher education GRANTING BACCALAUREATE DEGREES, is vested in a state board of education. It shall serve as the general planning and coordinating body for all public education, including higher education, and shall advise the legislature as to the financial requirements in connection therewith.

The state board of education shall appoint a superintendent of public instruction whose term of office shall be determined by the board. He shall be the chairman of the board without the right to vote, and shall be responsible for the execution of its policies. He shall be the [chief administrative] PRINCIPAL EXECUTIVE officer of a state department of education which shall

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

have powers and duties provided by law.

The state board of education shall consist of [8] EIGHT members[.] WHO [Of the members first elected 2 shall serve for 2 years, 2 for 4 years, 2 for 6 years and 2 for 8 years, and their successors shall be elected for terms of 8 years. Each member] shall be nominated by party conventionS and elected at large FOR TERMS OF EIGHT YEARS as prescribed by law. The governor shall fill any vacancy by appointment for the unexpired term. The governor shall [also] be ex-officio a member of the state board of education without the right to vote.

The power of the boards of institutions of higher education provided in this constitution to supervise their respective institutions and control and direct the expenditure of the institutions' funds shall not be limited by this section.

Sec. 4. The legislature shall appropriate MONEYS [funds] to maintain the University of Michigan, Michigan State University, Wayne State University, Eastern Michigan University, Michigan College of Science and Technology, Central Michigan University, Northern Michigan University, Western Michigan University, Ferris Institute, Grand Valley State College, by whatever names [said] SUCH institutions may hereafter be known, and other institutions of higher education established by law. The legislature shall be given an annual accounting of all income and expenditures by each of these educational institutions. Formal sessions of governing boards of such institutions shall be open to the public.

Sec. 5. The regents of the University of Michigan and their successors in office shall constitute a body corporate known as the Regents of the University of Michigan; the trustees of Michigan State University and their successors in office shall constitute a body corporate known as the Board of Trustees of Michigan State University; the governors of Wayne State University and their successors in office shall constitute a body corporate known as the Board of Governors of Wayne State University. [These] EACH board[s] shall have [the] general supervision of [their respective] ITS institution[s] and the control and direction of all expenditures from the institution's funds. EACH BOARD [They] shall, as often as necessary, elect a president of the institution under ITS [their respective] supervision. [who] HE shall be the principal executive officer of the institution, [and] be ex-officio a member of the board [but] without the right to vote[,] and preside at meetings of the board. The board[s] of each institution shall consist of [8] EIGHT members who shall hold office for TERMS OF [8] EIGHT years and who shall be elected [according to] AS PROVIDED BY law. The governor shall fill board

vacancies by appointment. Each appointee shall hold office until a successor has been nominated and elected as [prescribed] PROVIDED by law.

Sec. 6. Other institutions of higher education established by law having authority to grant baccalaureate degrees shall each be governed by a board of control which shall be a body corporate. The board shall have general supervision of the institution and the control and direction of all expenditures from the institution's funds. [and] IT shall, as often as necessary, elect a president of the institution under its supervision. [who] HE shall be the principal executive officer of the institution and be ex-officio a member of the board [but] without the right to vote. The board may elect one of ITS MEMBERS [their number], or may designate the president, to preside at board meetings. Each board of control shall consist of [8] EIGHT members who shall hold office for TERMS OF [8] EIGHT years, NOT MORE THAN TWO OF WHICH SHALL EXPIRE IN THE SAME YEAR, and WHO SHALL be appointed by the governor BY AND WITH THE ADVICE AND CONSENT OF THE SENATE, [in the same manner as executive appointments are provided in this constitution.] Vacancies shall be filled in like manner.

Sec. 7. The legislature shall provide by law for the establishment and financial support of public community and junior colleges[,] which shall be supervised and controlled by locally elected boards. The legislature shall provide by law for a state board for public community and junior colleges[,] which shall advise the state board of education concerning general supervision and planning for such colleges and requests for annual appropriations for their support. The board shall consist of [8] EIGHT members who shall hold office for TERMS OF [8] EIGHT years, NOT MORE THAN TWO OF WHICH SHALL EXPIRE IN THE SAME YEAR, and WHO SHALL be appointed by the state board of education. Vacancies shall be filled in like manner. The superintendent of public instruction shall be ex-officio a member of this board without the right to vote.

Sec. 8. Institutions, programs, and services for the care, treatment, education or rehabilitation of those inhabitants who are physically, mentally, or otherwise seriously handicapped shall always be fostered and supported.

Sec. 9. The legislature shall provide by law for the establishment and support of public libraries which shall be available to all residents of the state under regulations adopted by the governing bodies thereof. All fines assessed and collected in the several counties, cities[,] and townships for any breach of the penal laws shall be exclusively applied to the support of such public libraries, and county law libraries as provided by law.

ARTICLE IX FINANCE & TAXATION

Sec.	Com. Proposal
1. Tax for State Expenses	50a
2. No Surrender of Tax Power	54a
3. Uniform Rule of Taxation	51a
4. Non Profit Corporation	51a
5. Assessment, rate of	52a
6. Limits on Ad Valorem Taxes	56a
7. No graduated tax	51a
8. Sales Tax limit	39a
9. Gasoline and Motor Vehicle Taxes, Use, Exceptions	38a
10. Sales Taxes, Distribution of	39a
11. School Aid Fund	39b
12. Evidence of Indebtedness	23a
13. Public Bodies, Borrowing of	49a
14. State Pledge Full Faith and Credit .	23b
15. Additional Borrowing	23b
16. School Bonds	23d
17. Payments from Treasury	37b
18. Prohibition on Credit to Private Concerns	23c
19. Stock, Interest of State in	37d
20. State Depositories	37a
21. Annual Accounting of Public Moneys	37c, 78a
22. Adjustment of Claims	74a
23. Financial Records; open and public .	37c-1
24. Pensions, State Obligations	40a

Article IX

Finance and Taxation

Sec. 1. The legislature shall impose taxes sufficient with other resources to pay the expenses of state government.

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

Sec. 3. The legislature shall provide for the uniform general ad valorem taxation of real and tangible personal property not exempt by law. The legislature shall provide for the determination of true cash value of such property; the proportion of true cash value at which such property shall be uniformly assessed, which shall not, after January 1, 1966, exceed 50 percent; and for a system of equalization of assessments. The legislature may provide for alternative means of taxation of designated real and tangible personal property in lieu of general ad valorem taxation. Every tax other than the general ad valorem property tax shall be uniform upon the class or classes on which it operates.

Sec. 4. Property held by a non-profit corporation, association, or legal entity and used and occupied exclusively for religious, educational, charitable or burial grounds purposes, as defined by law, shall be exempt from real and personal property taxes.

Sec. 5. The legislature shall provide for the assessment by the state of the property of those PUBLIC SERVICE businesses [whose property is now] assessed by the state AT THE DATE THIS CONSTITUTION BECOMES EFFECTIVE, and of other property as designated by the legislature, and for the [levy] IMPOSITION and collection of taxes thereon. Property assessed by the state shall be assessed at the same proportion of its true cash value as the legislature shall specify for property subject to general ad valorem taxation. The rate of taxation on such property shall be the average rate levied upon other property in this state under the general ad valorem tax law, or, if the legislature provides, the rate of tax applicable to the property of each business enterprise assessed by the state shall be the average rate of ad valorem taxation levied upon other property in all counties in which any of such property is situated.

Sec. 6. Except as otherwise provided in this constitution, the total amount of general ad valorem taxes [levied against] IMPOSED UPON REAL AND TANGIBLE PERSONAL property for all purposes in any one year shall not exceed 15 mills on each dollar of the assessed valuation of [said] property as finally equalized. Under procedures provided by law, which shall guarantee the right of initiative, separate tax limitations for any county and FOR the townships and FOR school districts therein, the aggregate of which shall not exceed 18 mills on each dollar of such valuation, may be adopted and thereafter altered by the vote of a majority of the qualified electors of such county voting thereon, in lieu of the limitation hereinbefore established. The limitations established [herein] BY THIS CONSTITUTION or by county vote may be increased to an aggregate of not to exceed 50 mills, OR MORE IF PROVIDED BY LAW, on each dollar of [such] valuation, [except as otherwise provided by law,] for a period of not to exceed 20 years at any one time, [by the vote of] IF APPROVED BY a majority of the [qualified] electors, QUALIFIED UNDER [as defined in] Article II, [hereof] SECTION 6 OF THIS CONSTITUTION[,] VOTING ON THE QUESTION [of any such taxing authority voting thereon].

The foregoing limitations shall not apply to [(a)] taxes [levied] IMPOSED for the payment of principal and interest on bonds or other evidences of indebtedness[,] or for the payment of assessments or contract obligations in anticipation of which bonds are issued, which taxes may be [levied] IMPOSED without limitation as to rate or amount[,] or [(b)] TO taxes [levied] IMPOSED for any other purpose by any city, village, charter county, charter township or other charter authority the tax limitations of which are provided by charter or by general law.

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

In any school district which extends into [2] TWO or more counties, [there may be levied and collected for school purposes throughout the district] property taxes at the highest rate available in the county which contains the greatest part of the area of the district MAY BE IMPOSED AND COLLECTED FOR SCHOOL PURPOSES THROUGHOUT THE DISTRICT.

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

Sec. 8. [At no time shall] The legislature SHALL NOT [levy] IMPOSE a sales tax on retailers at a rate of more than [4] FOUR percent of their gross taxable sales of tangible personal property.

Sec. 9. All specific taxes, except general sales and use taxes and regulatory fees, imposed DIRECTLY OR INDIRECTLY on fuels sold or used to propel motor vehicles upon highways and on registered motor vehicles shall, after the payment of [the] necessary collection expenses, be used exclusively for highway purposes as defined by law.

Sec. 10. One-eighth of all taxes [upon the privilege of selling] IMPOSED ON RETAILERS ON TAXABLE SALES AT RETAIL OF tangible personal property [at retail] shall be used exclusively for assistance to cities, villages and townships, on a population basis as provided by law. IN DETERMINING POPULATION the legislature may exclude [from population] any portion of the total number of persons who are wards, patients or convicts [of] IN any tax supported institution.

Sec. 11. There shall be established a state school aid fund. The legislature may [from time to time] dedicate [certain] tax revenues to this fund which shall be used exclusively for the support of public education and [for] school employees' retirement systems, [in a manner] AS provided by law.

Sec. 12. No evidence of state indebtedness shall be issued except for debts authorized pursuant to this constitution.

Sec. 13. Public bodies corporate shall have power to borrow money and to issue their securities evidencing debt, subject to this constitution and law.

Sec. 14. To meet obligations incurred pursuant to appropriations for any fiscal year, the legislature may by law authorize the state to issue its full faith and credit notes in which case it shall pledge undedicated revenues to be received within the same fiscal year for the repayment thereof. Such indebtedness in any fiscal year shall not exceed 15 percent of undedicated revenues received by the state during the preceding fiscal year and such debts shall be repaid at the time the revenues so pledged are received, but not later than the end of the same fiscal year.

Sec. 15. The state may borrow money for specific purposes in amounts as may be provided by acts of the legislature adopted by a vote of [2/3] TWO-THIRDS of the members elected to and serving in each house, and approved by a majority of the electors voting thereon at any general election. The question submitted to the electors shall state the amount to be borrowed, the specific purpose to which the funds shall be devoted, and the method of repayment.

Sec. 16. The state, in addition to any other borrowing power, may borrow from time to time such amounts as shall be required, pledge its faith and credit and issue its notes or bonds therefor, for the purpose of making loans to school districts as provided in this section.

If the minimum amount which [it] would otherwise be necessary for a school district to levy in any year to pay principal and interest on its qualified bonds, including any necessary allowances for estimated tax delinquencies, exceeds 13 mills on each dollar of its assessed valuation as [last] FINALLY equalized [by the state], or such lower millage as the legislature may prescribe, then the school district may elect to borrow all or any part of the excess from the state. In that event the state shall LEND [loan] the excess amount to the school district for the payment of principal and interest. If for any reason any school district will be or is unable to pay the principal and interest on its qualified bonds when due, then the school district shall borrow and the state shall LEND [loan] to it an amount sufficient to enable the school district to make the payment.

The term "qualified bonds" means general obligation bonds of school districts issued for capital expenditures, including refunding bonds, issued prior to May 4, 1955, or issued thereafter and qualified as provided by law pursuant to Section 27 or Section 28, Article X, of the Constitution of 1908 or pursuant to this section.

After a school district has received loans from the state, each year thereafter it shall levy for debt service, exclusive of levies for nonqualified bonds, not less than 13 mills or such lower millage as the legislature may prescribe, until the amount loaned has been repaid, and any tax collections therefrom in any year over and above the minimum requirements for principal and interest on qualified bonds shall be used toward the repayment of state loans. In any year when such [a] levy would produce an amount in excess of the requirements and the amount due to the state, the levy may be reduced by the amount of the excess.

Subject to the foregoing provisions, the legislature shall have the power to prescribe and to limit the procedure, terms and conditions for the qualification of bonds, for obtaining and making state loans, and for the repayment of loans.

The power to tax for the payment of principal

and interest on bonds hereafter issued which are the general obligations of any school district, including refunding bonds, and for repayment of any state loans made to school districts, shall be without limitation as to rate or amount.

All rights acquired under Sections 27 and 28, Article X of the Constitution of 1908, by holders of bonds heretofore issued, and all obligations assumed by the state or any school district under these sections, shall remain unimpaired.

Sec. 17. No money shall be paid out of the state treasury except in pursuance of appropriations made by law.

Sec. 18. The credit of the state shall not be granted to, nor in aid of any person, association or corporation, public or private, except as authorized in this constitution.

This section shall not be construed to prohibit the investment of public funds until needed for current requirements [or the investment of public employee retirement system funds], as [may be] provided by law.

Sec. 19. The state shall not subscribe to, nor be interested in the stock of any company, association or corporation[,] . [except that] Funds accumulated to provide retirement or pension benefits for public officials and employees may be invested as provided by law[;] . [and except that] Endowment funds created for charitable or educational purposes may be invested as provided by law governing the investment of funds held in trust by trustees.

Sec. 20. No state money shall be deposited in banks other than those organized under the national or state banking laws. No state money shall be deposited in any bank in excess of 50 percent of the capital and surplus of such bank. Any bank receiving deposits of state money shall show the amount of state money so deposited as a separate item in all published statements.

Sec. 21. The legislature shall provide by law for the annual accounting for all public moneys, state and local, and may [also] provide by law for interim accounting.

The legislature shall provide by law for the maintenance of uniform accounting systems by units of local government and the auditing of county accounts by competent state authority and other units of government as provided by law.

Sec. 22. PROCEDURES FOR THE EXAMINATION AND ADJUSTMENT OF CLAIMS AGAINST THE STATE SHALL BE PRESCRIBED BY LAW.

Sec. 23. All financial records, accountings, audit reports and other reports of public moneys shall be public records and open to inspection. A statement of all revenues and expenditures of public moneys shall be published and distributed annually, as [prescribed] PROVIDED by law.

Sec. 24. The accrued financial benefits of each pension plan and retirement system of the state and its political subdivisions shall be a contractual obligation thereof which shall not be diminished or impaired thereby.

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

ARTICLE X PROPERTY

Sec.	Com. Proposal
1. Married Women	63a
2. Eminent Domain	67a
3. Homestead Exemption	12a
4. Escheats	74a
5. State Lands	129a
6. Alien Rights	43a

Article X Property

Sec. 1. The real and personal estate of every woman, acquired before marriage, and all property to which she may afterwards become entitled by gift, grant, inheritance or devise, shall be and remain the estate and property of such woman, and shall not be liable for the debts, obligations or engagements of her husband, and may be devised or bequeathed by her as if she were unmarried.

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

Sec. 3. A homestead in the amount of not less than \$3,500[.00] and personal property of every resident of this state in the amount of not less than \$750[.00], as defined by law, shall be exempt from forced sale on execution or other process of any court. Such exemptions shall not extend to any lien thereon excluded FROM EXEMPTION by law.

Sec. 4. Procedures [for the examination and adjustment of claims against the state and procedures] relating to escheats and to the custody and disposition of escheated property shall be prescribed by law.

Sec. 5. The legislature shall have general supervisory jurisdiction over all state owned lands useful for forest preserves, game areas and recreational purposes; shall require annual reports as to such lands from all departments having supervision or control thereof; and shall by general law provide for the sale, lease[,] or other disposition of such lands.

The legislature BY AN ACT ADOPTED [by a resolution concurred in] by TWO-THIRDS [2/3]

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

of the members elected to and serving in each house may [from time to time declare] DESIGNATE any part of such lands AS [to be] a state land reserve. [and may remove lands from such classification.] No lands in the state land reserve may be REMOVED FROM THE RESERVE, sold, leased or otherwise disposed of except by an act of the legislature.

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

ARTICLE XI PUBLIC OFFICERS AND EMPLOYMENT

Sec.	Com. Proposal
1. Oath of Office	25a
2. Terms of Office	61a
3. Extra Compensation	62a
4. Custodian of Funds, Accounting	55a
5. Classified Civil Service, creation	22a
6. Civil Service Commission	22a
7. Commission to make rules and fix compensation	22a
8. Increases in Compensation	22a
9. May abolish positions	22a
10. Commission to recommend increases to governor and legislature	22a
11. Commission to receive appropriations	22a
12. Violations of Civil Service Article ..	22a
13. Civil Service, Local Government, county	76a, 81m
14. Impeachment	42a, 42b, 42c, 42d
15. Removal of Elected Officers	42e

Article XI

Public Officers and Employment

Sec. 1. [Members of the legislature and] All officers, LEGISLATIVE, executive and judicial, [shall,] before [they enter] ENTERING upon the duties of their respective offices, SHALL take and subscribe the following oath or affirmation: ["I do solemnly swear (or affirm) that I will support the Constitution of the United States and the constitution of this state, and that I will faithfully discharge the duties of the office of according to the best of my ability."] No other oath, affirmation, or any religious test shall be required as a qualification for any office or public trust.

Sec. 2. The terms of office of elective state officers, members of the legislature[,] and JUSTICES AND judges of courts of record shall begin at [12:00] TWELVE o'clock noon on the first day of January next succeeding their election, except as otherwise provided in this constitution. The terms of office of county officers shall begin on the first day of January next succeeding their election, except as otherwise provided

by law.

Sec. 3. Neither the legislature nor any political subdivision of this state shall grant or authorize extra compensation to any public officer, agent or contractor after the service has been rendered or the contract entered into.

Sec. 4. No person having custody or control of public moneys shall [have a seat in] BE A MEMBER OF the legislature, [n]or be eligible to any office of trust or profit under this state, until he shall have made an accounting, as provided by law, of all sums for which he may be liable.

Sec. 5. The classified state civil service shall consist of all positions in the state service except those filled by popular election, heads of principal departments, members of boards and commissions, the [chief] PRINCIPAL executive officer of boards and commissions heading principal departments, employees of courts of record, employees of the legislature, employees of the state institutions of higher education, all persons in the armed forces of the state, [8] EIGHT exempt positions in the office of the governor, and within each principal department, when requested by the department head, [2] TWO other exempt positions, one of which shall be policy-making. The civil service commission may exempt [3] THREE additional positions of a policy-making nature within each principal department.

Sec. 6. The civil service commission shall be non-salaried and shall consist of [4] FOUR persons, not more than [2] TWO of whom shall be members of the same political party, appointed by the governor for TERMS OF [8] EIGHT yearS, [overlapping terms.] NO TWO OF WHICH SHALL EXPIRE IN THE SAME YEAR.

The administration of the commission's powers shall be vested in a state personnel director who shall be a member of the classified service and who shall be responsible to and selected by the commission after open competitive examination.

Sec. 7. The commission shall classify all positions in the classified service according to their respective duties and responsibilities, fix rates of compensation for all classes of positions, approve or disapprove disbursements for all personal services, determine by competitive examination and performance exclusively on the basis of merit, efficiency and fitness the qualifications of all candidates for positions in the classified service, make rules and regulations covering all personnel transactions, and regulate all conditions of employment in the classified service.

No person shall be appointed to or promoted in the classified service who has not been certified BY THE COMMISSION as qualified for such appointment or promotion [by the commission]. No appointments, promotions, demotions or removals in the classified service shall be made for

partisan, racial or religious considerations.

Sec. 8. Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. Within 60 calendar days following such transmission, the legislature may, by a [2/3] TWO-THIRDS vote of the members elected to and serving in each house, reject, reduce, or modify increases in rates of compensation authorized by the commission[:]. [Provided however,] The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases authorized by the commission. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year.

Sec. 9. The appointing authorities may create or abolish positions for reasons of administrative efficiency without the approval of the commission. Positions shall not be created nor abolished except for reasons of administrative efficiency. Any employee considering himself aggrieved by the abolition of a position shall have a right of appeal to the commission through established grievance procedures.

Sec. 10. The civil service commission shall recommend to the governor and to the legislature rates of compensation for all appointed positions within the executive department not a part of the classified service.

Sec. 11. To enable the commission to exercise its powers, the legislature shall appropriate to the commission for the ensuing fiscal year a sum not less than one percent of the aggregate payroll of the classified service for the preceding fiscal year, as certified by the commission. Within [6] SIX months after the conclusion of each fiscal year the commission shall return to the state treasury all [funds] MONEYS unexpended for that fiscal year.

The commission shall furnish reports of expenditures, at least annually, to the governor and the legislature and shall be subject to annual audit as provided by law.

Sec. 12. No payment for personal services shall be made or authorized until the provisions of this [article] CONSTITUTION PERTAINING TO CIVIL SERVICE have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

Sec. 13. BY ORDINANCE OR RESOLUTION WHICH SHALL NOT TAKE EFFECT UNTIL APPROVED BY A MAJORITY OF THE ELECTORS VOTING THEREON, each city, village,

township, county, school district[,] and other governmental unit[s] or authorit[ies]Y [performing the same or similar functions] may[, by ordinance or resolution of the governing body which ordinance or resolution shall not take effect until approved by a majority of the electors voting thereon,] establish, modify or discontinue a merit system for its employees other than teachers under contract or tenure. The state civil service commission may on request furnish technical services [to them] TO ANY SUCH UNIT on a reimbursable basis.

[The board of supervisors of any county with a population of 1,000,000 or more shall have the power by ordinance to establish a merit system for county employment. The ordinance or any amendments thereto shall not take effect until approved by a majority of the electors voting thereon.]

Sec. 14. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office or for crimes or misdemeanors, but a majority of the members elected and serving shall be necessary to direct an impeachment.

When an impeachment is directed, the house of representatives shall elect [3] THREE of its members to prosecute the impeachment.

Every impeachment shall be tried by the senate immediately after the final adjournment of the legislature. The senators shall take an oath or affirmation truly and impartially to try and determine the impeachment according to the evidence. When the governor or lieutenant governor is tried, the chief justice of the supreme court shall preside.

No person shall be convicted without the concurrence of [2/3] TWO-THIRDS of the senators elected and serving. Judgment in case of conviction shall not extend further than removal from office, but the person convicted shall be liable to punishment according to law.

No judicial officer shall exercise ANY OF THE FUNCTIONS OF his office after an impeachment is directed until he is acquitted.

Sec. 15. Any elected officer of a political subdivision may be removed from office in the manner and for the causes [prescribed] PROVIDED by law.

ARTICLE XII AMENDMENT & REVISION

Sec.	Com. Proposal
1. By Legislature	64a
2. By Petition of Electors	65a
3. Constitutional Convention	66a

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

Article XII

Amendment & Revision

Sec. 1. Amendments to this constitution may be proposed in the senate or house of representatives. Proposed amendments agreed to by [2/3] TWO-THIRDS of the members elected to and serving in each house on a [yea and nay] vote WITH THE NAMES AND VOTE OF THOSE VOTING entered in the respective journals shall be submitted, not less than 60 days thereafter, to the electors at the next general election or special election as the legislature shall direct. If a majority of electors voting on [such] a proposed amendment approve [such amendment,] THE SAME, it shall become part of the constitution and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved.

Sec. 2. Amendments may be proposed to this constitution by petition of the registered electors of this state. Every petition shall include the full text of the proposed amendment, and be signed by registered electors of the state equal in number to at least 10 percent of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected, or 300,000 registered electors, whichever is less. Such petitions shall be filed with the person authorized by law to receive the same at least 120 days before the election at which the proposed amendment is to be voted upon. Any such petition shall be in the form, and shall be signed and circulated in such manner, as prescribed by law. The person authorized by law to receive such petition[,] shall[,] upon its receipt[,] determine, as provided by law, the validity and sufficiency of the signatures on the petition, and make an official announcement thereof at least 60 days prior to the election at which the proposed amendment is to be voted upon.

Any amendment proposed by such petition shall be submitted, not less than 120 days after it was filed, to the electors at the next GENERAL election. [at which any state officer is to be elected.] Such proposed amendment, existing provisions of the constitution which would be altered or abrogated thereby, and the question as it shall appear on the ballot [used in such election] shall be published in full as provided by law. Copies of such publication shall be posted in each polling place and furnished to news media as provided by law.

The ballot to be used in such election shall contain a statement of the purpose of the proposed amendment, expressed in not more than 100 words, exclusive of caption. Such statement of purpose and caption shall be prepared by the person authorized by law, and shall consist of a true and impartial statement of the purpose of the amendment in such language as shall create no prejudice

for or against the proposed amendment.

If the proposed amendment is approved by a majority of the electors voting on the question, the proposed amendment shall become part of the constitution, and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved. IF TWO OR MORE AMENDMENTS APPROVED BY THE ELECTORS AT THE SAME ELECTION CONFLICT, THAT AMENDMENT RECEIVING THE HIGHEST AFFIRMATIVE VOTE SHALL PREVAIL.

Sec. 3. At the general election to be held in the year 1978, and in each 16th year thereafter and at such times as may be provided by law, the question of a general revision of the constitution shall be submitted to the electors of the state. If a majority of the electors voting on the question decide in favor of a convention for such purpose, at an election to be held not later than [4] FOUR months after the proposal was certified as approved, the electors of each [house of] representative[s] district as then organized shall elect one delegate and the electors of each senatorial district as then organized shall elect one delegate. The delegates so elected shall convene at the SEAT OF GOVERNMENT [capital city] on the first Tuesday in October next succeeding such election or at an earlier date if provided by law.

The convention shall choose its own officers, determine the rules of its proceedings and judge the qualifications, elections and returns of its members. The governor shall appoint a qualified resident of the same district to fill a vacancy in the office of any delegate. [If the legislature shall determine that delegates shall be elected on a partisan basis, the governor shall appoint a qualified resident of the same district and of the same party.] WHO SHALL BE A MEMBER OF THE SAME PARTY AS THE DELEGATE VACATING THE OFFICE IF THE LEGISLATURE PROVIDES FOR PARTISAN ELECTION OF DELEGATES. The convention shall have power to appoint such officers, employees and assistants as it deems necessary and to fix their compensation; to provide for the printing and distribution of its documents, journals and proceedings; to explain and disseminate information about the proposed constitution and to complete the business of the convention in an orderly manner. Each delegate shall receive for his services compensation provided by law.

No proposed constitution or amendment adopted by such convention shall be submitted to the electors for approval as hereinafter provided unless by the assent of a majority of all the delegates elected to and serving in the convention, WITH THE NAMES AND VOTE OF THOSE VOTING [the yeas and nays being] entered in the journal. Any proposed constitution or amendments adopted

by such convention shall be submitted to the qualified electors in the manner and at the time provided by such convention not less than 90 days after final adjournment of the convention. Upon the approval of such constitution or amendments by a majority of the qualified electors voting thereon the constitution or amendments shall take effect as provided by the convention.

SCHEDULE AND TEMPORARY PROVISIONS

Sec.	Com. Proposal
1. Attorney general to recommend necessary laws	44d
2. Writs, actions, claims, etc. remain effective	44b
3. Officers continue their duties	44c and 71g
4. Terms of officers elected November, 1962	68b
5. Terms of governor, etc. elected 1964. When 4 year terms begin	80 and 71a
6. Senate Apportionment	80
7. Supreme Court, reduction to seven justices	91a
8. Judges of Probate, eligible for re-election	96f
9. Overlapping terms for judiciary	96j
10. State Board of Education	47a
11. Boards of Control	98c
12. Educational Boards	
13. Initial allocation	71b
14. Contractual obligations remain in force	6a
15. Mackinac Bridge refunding	23b
16. Constitution submitted to people, when	68a
17. Constitution submitted to people, manner	68c

TO INSURE THE ORDERLY TRANSITION FROM THE CONSTITUTION OF 1908 TO THIS CONSTITUTION THE FOLLOWING SCHEDULE IS SET FORTH TO BE EFFECTIVE FOR SUCH PERIOD AS ITS PROVISIONS REQUIRE.

Sec. 1. The attorney general [of the state] shall recommend to the legislature AS SOON AS PRACTICABLE [at the commencement of the next session] such changes AS MAY BE NECESSARY [in existing laws as may be deemed necessary] to adapt EXISTING LAWS [the same] to this constitution.

Sec. 2. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights [of individuals, partnerships, bodies corporate, and of this state or any subdivision or agency thereof] existing on the effective date [hereof] OF THIS CONSTITUTION shall continue unaffected except as modified in accordance with the provisions of this constitution.

Sec. 3. Except as otherwise provided in this constitution, all officers filling any office by election or appointment shall continue to exercise THEIR POWERS AND [the] duties [thereof, according to their respective commissions or appointments,] until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

No provision of this constitution, or of law or of executive order authorized by this constitution shall shorten the term of any person elected to state office at a statewide election ON [in] or prior to THE DATE ON WHICH THIS CONSTITUTION IS SUBMITTED TO A VOTE. [November, 1962.] In the event the duties of any [of] such officers shall not have been ABOLISHED OR incorporated into one or more of the principal departments at the expiration of his term, such officer shall continue to serve until his duties are so incorporated OR ABOLISHED.

Sec. 4. All officers elected [on the Tuesday after the first Monday of November, 1962] AT THE SAME ELECTION THAT THIS CONSTITUTION IS SUBMITTED TO THE PEOPLE FOR ADOPTION [under the 1908 Constitution as amended and existing laws] shall take office [on and after the first day of January, 1963,] and complete the term to which they were elected UNDER THE 1908 CONSTITUTION AND EXISTING LAWS AND CONTINUE TO SERVE UNTIL THEIR SUCCESSORS ARE ELECTED AND QUALIFIED PURSUANT TO THIS CONSTITUTION OR LAW.

Sec. 5. Notwithstanding any other provision in this constitution, the governor, THE lieutenant governor, THE secretary of state [and], THE attorney general, AND state senators shall be elected at the general election in 1964 to serve for [2] TWO year terms beginning on the first day of January next succeeding their election. The first [4 year] election OF SUCH OFFICERS FOR FOUR-YEAR TERMS under this constitution shall be held at the general election in 1966.

Sec. 6. The state shall be districted for the purpose of electing senators in accordance with the provisions of [Committee Proposal 80, section a,] ARTICLE IV, SECTION 2 after the official publication of the total population count of the 1970 decennial federal census. Until the [re]apportionment of the senate following the 1970 census, the senatorial districts under the 1908 constitution[, as amended,] shall remain intact except that upon the adoption of this constitution each of the counties of Kent, Genesee, Macomb and Oakland shall be divided by the apportionment commission into [2] TWO senatorial districts and Wayne county into [8] EIGHT senatorial districts in accordance with this constitution.

Sec. 7. [A vacancy hereafter created as the result of the death, retirement or resignation of one incumbent justice shall not be filled.]

NOTWITHSTANDING THE PROVISIONS OF THIS CONSTITUTION THAT THE SUPREME COURT SHALL CONSIST OF SEVEN JUSTICES IT SHALL CONSIST OF EIGHT JUSTICES UNTIL THE TIME THAT A VACANCY OCCURS AS A RESULT OF DEATH, RETIREMENT OR RESIGNATION OF A JUSTICE. THE FIRST SUCH VACANCY SHALL NOT BE FILLED.

Sec. 8. Any [supreme court justice, circuit judge,] judge of probate serving [at] ON the [time this constitution becomes] effective DATE OF THIS CONSTITUTION may serve the remainder of the term and be eligible TO SUCCEED HIMSELF for election [to his present office] regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

Sec. 9. The provisions of [this] Article VI providing that terms of JUDICIAL offices shall not all expire at the same time, shall be implemented BY LAW PROVIDING THAT at the next election for such offices [by legislation providing for elections] JUDGES SHALL BE ELECTED for terms of varying length, none of which shall be shorter than the [basic] REGULAR term provided for the office.

Sec. 10. THE MEMBERS OF THE STATE BOARD OF EDUCATION PROVIDED FOR IN ARTICLE VIII SECTION 3 SHALL FIRST BE ELECTED AT THE FIRST GENERAL ELECTION AFTER THE EFFECTIVE DATE OF THIS CONSTITUTION FOR THE FOLLOWING TERMS: TWO SHALL BE ELECTED FOR TWO YEARS, TWO FOR FOUR YEARS, TWO FOR SIX YEARS, AND TWO FOR EIGHT YEARS AS PRESCRIBED BY LAW.

THE STATE BOARD OF EDUCATION PROVIDED FOR IN THE CONSTITUTION OF 1908 IS ABOLISHED AT TWELVE O'CLOCK NOON JANUARY 1 OF THE YEAR FOLLOWING THE FIRST GENERAL ELECTION UNDER THIS CONSTITUTION AND THE TERMS OF MEMBERS THEREOF SHALL THEN EXPIRE.

Sec. 11. THE PROVISIONS OF THIS CONSTITUTION PROVIDING FOR MEMBERS OF BOARDS OF CONTROL OF INSTITUTIONS OF HIGHER EDUCATION AND THE STATE BOARD OF PUBLIC COMMUNITY AND JUNIOR COLLEGES SHALL BE IMPLEMENTED BY LAW. THE LAW MAY PROVIDE THAT THE TERM OF EACH MEMBER IN OFFICE ON THE DATE OF THE VOTE ON THIS CONSTITUTION MAY BE EXTENDED, AND MAY FURTHER PROVIDE THAT THE INITIAL TERMS OF OFFICE OF MEMBERS MAY BE LESS THAN EIGHT YEARS.

Sec. 12. THE PROVISIONS OF THIS CONSTITUTION INCREASING THE NUMBER OF MEMBERS OF THE BOARD OF TRUSTEES OF MICHIGAN STATE UNIVERSITY AND OF THE BOARD OF GOVERNORS OF WAYNE STATE UNIVERSITY TO EIGHT, AND OF THEIR TERMS OF OFFICE TO EIGHT YEARS, SHALL BE IMPLEMENTED BY LAW. THE LAW MAY PROVIDE THAT THE TERM OF EACH MEMBER IN OFFICE ON THE DATE OF THE VOTE ON THIS CONSTITUTION MAY BE EXTENDED ONE YEAR, AND MAY FURTHER PROVIDE THAT THE INITIAL TERMS OF OFFICE OF THE ADDITIONAL MEMBERS MAY BE LESS THAN EIGHT YEARS.

Sec. 13. The initial allocation of departments by law pursuant to Article V, Section 2 shall be completed within two years after the effective date of this constitution. If such allocation shall not have been completed within such period, the governor, within one year thereafter, by executive order, shall make the initial allocation.

Sec. 14. Contractual obligations of the state incurred pursuant to the constitution of 1908 [as amended] shall continue to be obligations of the state.

For the retirement of [such] notes and bonds [as may have been] issued under Section 26 of Article X of the 1908 constitution, there is hereby appropriated from the general fund each year during their life a sum equal to the amount of principal and interest payments due and payable in each [such] year.

Sec. 15. [Provided however, That] The legislature [is authorized to provide by general law adopted] by a vote of [2/3] TWO-THIRDS of the members elected to and serving in each house MAY PROVIDE THAT THE STATE MAY [for the] borrow[ing of] money AND MAY PLEDGE ITS FULL FAITH AND CREDIT for [the] refunding [of] any bonds issued by the Mackinac Bridge Authority[,] AND at [which] THE time OF REFUNDING the Mackinac Bridge Authority [Act] shall be [repealed] ABOLISHED and the operation of the bridge SHALL be assumed by the state highway department. THE LEGISLATURE MAY IMPLEMENT THIS SECTION BY LAW.

Sec. 16. This constitution shall be submitted to the people for their adoption or rejection at the general election to be held on the Tuesday after the first Monday of November, 1962. It shall be the duty of the secretary of state forthwith to give notice of such submission to all other officers required to give or publish any notice in regard to A GENERAL [such] election. He shall give notice that this constitution will be duly submitted to the electors at such election. The notice shall be given in the manner required for the election of governor.

Sec. 17. Every registered elector may vote

1 on the adoption of the constitution. The board
 2 of election commissioners in each county shall
 3 cause to be printed on a ballot separate from
 4 the ballot containing the names of the nominees
 5 for office, the words: ["] Shall the revised con-
 6 stitution be adopted? () Yes. () No. ["] All
 7 votes cast at THE [this] election shall be taken,
 8 counted, canvassed and returned as provided by

law for the election of state officers. [Should]
 IF the revised constitution so submitted receiveS
 more votes in its favor than were cast against
 it, it shall be the supreme law of the state on
 and after the first day of January OF THE YEAR
 FOLLOWING ITS ADOPTION [,1963, except as
 otherwise provided in this constitution].

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

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-

tions be made in article XII of the proposed revision of the constitution:

sec- tion	col- umn	line	Corrections
2	2	4	Delete "[a]".
3	2	23	After "tative" insert "[s]".

VICE PRESIDENT HUTCHINSON: Without objection, it is so ordered. [Corrections made above.] Are there any amendments?

SECRETARY CHASE: Messrs. Stevens, Prettle and Wanger offer the following amendment:

1. Amend article XII, section 2 (column 1, line 26) after "elected" by changing the comma to a period and striking out "or 300,000 registered electors, whichever is less."

VICE PRESIDENT HUTCHINSON: Mr. Stevens.

MR. STEVENS: Mr. President and delegates, this is definitely a perfecting amendment. This provision, inserted here by the committee, in effect provides that it is easier by use of the initiative to amend the constitution than to make a law by the initiative. By providing this 300,000, it is very clear that within the very near future, if the state population grows as contemplated, 300,000 will be 8 per cent, which is the amount required for a statutory initiative.

It has already been one of the troubles in Michigan that anybody who wanted to use the initiative to pass a law found it so little harder to get the constitution amended than to get an ordinary statute passed that he turned to the constitutional initiative. It was just as easy to get 10 per cent as 8 per cent and then he would, as we say in the convention, freeze it into the constitution. Well, it is not a very deep freeze if you can amend the constitution too easily. Whether it will be there 50 years or 4 years depends, of course, on many things. But, certainly, Michigan for years has had a constitution which is one of the easiest to amend of any of the states. My objection to this provision and the reason for this amendment is simply to make it more difficult to amend the constitution than to pass an ordinary statute.

VICE PRESIDENT HUTCHINSON: Mr. Perras.

MR. PERRAS: Mr. President and fellow delegates, we went over this, I think, very thoroughly on the first and second readings, and I would like at this time to make a motion that we limit debate on this to 2 minutes.

VICE PRESIDENT HUTCHINSON: There is a motion to limit debate on this amendment to 2 minutes. All those in favor will say aye. Those opposed will say no.

The motion prevails. Mr. Wanger.

MR. WANGER: Just to recall the mathematics of this to the delegates: at present, if you will open your Michigan Manual of 1961-62 to page 457, you will see the total figures for vote of all candidates for governor through Michigan history. You will notice that it has gone up in practically every case from the last election. The general trend is clearly up, so it is increasing. You will notice that at present the number of 8 per cent, which is required for initiative petitions, is coming very close to this 300,000 mark. At present, taking the last election — that is, the 1960 gubernatorial election — 8 percent is 262,522; so, in a very few years, if this 300,000 is left in, it is going to be easier to get a constitutional amendment presented by initiative petition than it is statutory matters. This will result in statutory detail being presented more frequently for inclusion in the constitution and this is bad.

VICE PRESIDENT HUTCHINSON: The question is upon the adoption — Mr. Durst.

MR. DURST: Mr. President and members of the convention, as Mr. Perras has aptly stated, this has been considered before. Mr. Stevens originally offered the amendment to strike the 300,000 and we went through all the various arguments, pointing out that as the population of this state grows that, in effect, we are mitigating and destroying the very right which we have created here by amendment and revision, and that it becomes almost impossible for any ordinary group of citizens to put a constitutional amendment on the ballot. As this number grows

— and it is now around 300,000 — the only organizations that will be capable of using this right will be the very large, well financed organizations. The smaller civic organizations will have no use of the provision.

VICE PRESIDENT HUTCHINSON: Time for debate has expired. The question is upon the amendment offered by Messrs. Stevens, Prettle and Wanger, which has been read. All those in favor of the amendment will say aye. Opposed will say no.

DELEGATES: Division.

VICE PRESIDENT HUTCHINSON: Division is called for. Is the demand for division supported? It 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.

MR. STEVENS: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Stevens.

MR. STEVENS: I request the vote of the Chair.

VICE PRESIDENT HUTCHINSON: The Chair has already voted. This is only a division vote. This is not a record roll call vote. It is necessary only to ascertain the greater number of votes for than against. There have been so many people that didn't vote and who are demanding to change their votes and so forth that, regretfully, the secretary has lost track. Now, we don't keep a record of names here and it is a matter of keeping track by number. So, for that reason, the Chair is going to request that you permit another vote to be taken, because otherwise we won't be able to know the outcome.

MR. MADAR: Mr. President, may I ask for the yeas and nays, please?

VICE PRESIDENT HUTCHINSON: Mr. Madar demands the yeas and nays upon this vote. Is the demand supported?

SECRETARY CHASE: Thirty-two.

VICE PRESIDENT HUTCHINSON: A sufficient number up. The yeas and nays are ordered. The question —

MR. AUSTIN: Mr. President.

VICE PRESIDENT HUTCHINSON: The delegates will please clear the machine.

MR. AUSTIN: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Austin.

MR. AUSTIN: Would you ask the secretary to read the amendment before we vote?

VICE PRESIDENT HUTCHINSON: The secretary will read the amendment once more.

SECRETARY CHASE: The amendment offered by Messrs. Stevens, Prettle and Wanger:

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

VICE PRESIDENT HUTCHINSON: Please clear the board. Mrs. Judd, Mr. Knirk, Mr. Lawrence, please clear the board. Mr. Rood, Mr. Millard, please clear the board. Thank you. All those in favor will vote aye. Those opposed will vote no. This is a record roll call vote. Have you all voted? If so, the secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas—65

Batchelor	Hatch	Richards, J. B.
Beaman	Heideman	Richards, L. W.
Bentley	Hubbs	Rood
Bonisteel	Hutchinson	Seyferth
Boothby	Iverson	Shackleton
Brake	Karn	Shaffer
Brown, G. E.	Kirk, S.	Shanahan
Butler, Mrs.	Knirk, B.	Sleder
Conklin, Mrs.	Koeze, Mrs.	Spitler
Cudlip	Kuhn	Stafseth
Dehnke	Lawrence	Staiger
Dell	Millard	Stamm
Donnelly, Miss	Mosler	Sterrett
Doty, Dean	Nisbet	Stevens
Everett	Ostrow	Turner
Farnsworth	Pellow	Tweedie
Figy	Perlich	Van Dusen
Finch	Perras	Wanger
Gadola	Plank	White

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

Goebel
Gover
Haskill

Powell
Prettie
Rajkovich

Wood
Yeager

Nays—51

Andrus, Miss
Austin
Balcer
Barthwell
Bradley
Buback
Cushman, Mrs.
Doty, Donald
Douglas
Downs
Durst
Elliott, A. G.
Elliott, Mrs. Daisy
Erickson
Faxon
Follo
Ford

Garvin
Greene
Habermehl
Hanna, W. F.
Hannah, J. A.
Hart, Miss
Hatcher, Mrs.
Higgs
Howes
Hoxie
Jones
Judd, Mrs.
Leppien
Lesinski
Madar
Martin
McAllister

McCauley
McGowan, Miss
Murphy
Nord
Norris
Page
Pollock
Pugsley
Sablich
Snyder
Stopczynski
Suzore
Thomson
Upton
Wilkowski
Young
Youngblood

SECRETARY CHASE: On the adoption of the amendment offered by Messrs. Stevens, Prettie and Wanger, the yeas are 65; the nays are 51.

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

SECRETARY CHASE: Messrs. Garry Brown and Boothby offer the following amendment:

1. Amend article XII, section 2 (column 1, line 26) after "elected" by changing the period to a comma and inserting "not more than 25 per cent of such signatures to be obtained from residents of any one county."; so the language will there read:

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 per cent of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected, not more than 25 per cent of such signatures to be obtained from residents of any one county.

VICE PRESIDENT HUTCHINSON: Mr. Garry Brown.

MR. G. E. BROWN: Mr. President and members of the convention, a similar amendment to this failed rather slightly, previously, on the second reading. It is self explanatory. I think it is good. It is not as restrictive as the provisions of the present statute relating to the nomination of governor, and I would therefore suggest and urge a yes vote on this amendment.

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: There is a motion to limit debate to 5 minutes on this amendment. All those in favor will say aye. Opposed will say no.

The motion prevails. Mrs. Cushman is recognized.

MRS. CUSHMAN: Mr. President, I rise in opposition to this amendment. It seems to me that what you are saying here is that those of us who live in Wayne county, merely because we do compose a third of the state's population, are not going to count as heavily as those in the rest of the state. I think this is a distinctly unfair and prejudiced position to take and I object to it strongly.

VICE PRESIDENT HUTCHINSON: Mr. Downs.

MR. DOWNS: Mr. President, I wish to join Mrs. Cushman in vigorous opposition to this amendment. The one place where we thought we had one man, one vote being equal was on getting petitions but now even this is being taken away by limiting the number of petitions we can get. I think this is highly unreasonable and strenuously urge a no vote to the amendment, particularly since we discussed this earlier.

VICE PRESIDENT HUTCHINSON: Mr. Staiger.

MR. STAIGER: I, too, oppose this amendment. I see no reason, no principle, for having this type of a provision in the constitution obviously designed at one particular county. I don't happen to come from that county but I see no reason at all, and I think that it has no part in this constitution.

VICE PRESIDENT HUTCHINSON: Mr. Stevens.

MR. STEVENS: Mr. President and delegates, I rise here to

support the amendment for the protection of the minority in Wayne county.

VICE PRESIDENT HUTCHINSON: Mr. Nord.

MR. NORD: Mr. President, I rise to oppose this amendment as vigorously as I can. I wish to point out 2 things: 1, this amendment is based on a philosophy that is extremely repugnant, in my opinion, to any person who believes in democracy because it takes the view that some people count; other people do not count; and 2, I attack this particular amendment as being a violation of equal protection of the laws. I believe I know where of I speak, and this thing could be attacked again.

VICE PRESIDENT HUTCHINSON: Mr. Arthur Elliott.

MR. A. G. ELLIOTT: Mr. President, I would like to ask Mr. Brown a question and, Mr. Brown, please, just a short answer; so that I can make a comment or two. I got trapped once. Could you briefly give me an explanation of why you think this is a good amendment?

MR. G. E. BROWN: Mr. President and Mr. Elliott, I would think to Mr. Elliott, as well as Dr. Nord and the others who are learned individuals here, that the answer to Mr. Elliott's question would be apparent. All that we ask is that there be an informed electorate when a proposition is put on the ballot. The circulation of petitions better informs the electorate with respect to any candidate, better informs the electorate with respect to any issue than almost anything you can do in a campaign.

When you go to people and ask for signatures, you are telling them what the proposition is; and is it too much to say that, at least, people in 4 counties shall be familiar with an issue that is going to be placed upon the ballot for election at large throughout the state, that will affect the whole state? Is that too much, Mr. Elliott?

MR. A. G. ELLIOTT: Just right. Thank you very much. Mr. President, ladies and gentlemen, I want to speak in opposition to this amendment. I think that we are again trying to get into a statutory position when we should not. I don't think that the amendment is consistent with what we want in this constitution in this particular area. This amendment does not determine the course of events. This merely creates an opportunity for the people to vote on an issue and it does not determine the issue once the amendment is placed on the ballot. When the proper signatures have been obtained, all of the people of the state will have an opportunity, if they wish, to exercise their franchise. I would like to urge you strongly not to get into this particular trap of putting this type of statutory language in the constitution. I would like to urge that you defeat this amendment and leave the language as we now have it.

VICE PRESIDENT HUTCHINSON: Mr. Boothby.

MR. BOOTHBY: Mr. President, ladies and gentlemen of the convention, I want to point out the fact that this language is not nearly as restrictive as the language which is required for the nomination of a governor. To be nominated for governor, you have to have petitions signed in 20 counties of the state. They have to be circulated in 20 counties of the state. This only requires that you have at least no more than 25 per cent of the signatures gained in any one particular county. This certainly is not very restrictive. All we are saying is, when you are going to put on a statewide ballot a matter of statewide concern it should be more than something of very local interest, because you cannot pass a matter unless you have statewide support for a constitutional amendment, at least in more than one county.

VICE PRESIDENT HUTCHINSON: Time for debate has expired. The secretary has an amendment to the amendment, which will be read.

SECRETARY CHASE: Mrs. Cushman offers the following amendment to the language of the amendment:

1. Amend the amendment by striking out "not more than 25 per cent" and inserting "at least one-third"; so the language to be inserted will then read, "at least one-third of such signatures to be obtained from residents of any one county."

VICE PRESIDENT HUTCHINSON: Time for debate has expired. The question is upon the amendment offered by Mrs. Cushman. All those in favor will say aye. Opposed, no.

The amendment to the amendment is not adopted. The question is upon the amendment offered by Mr. G. E. Brown and

Mr. Boothby. All those in favor will say aye. Opposed will say no.

The amendment is not adopted.

SECRETARY CHASE: Messrs. Prettie and Powell offer the following amendment:

1. Amend article XII, section 3 (column 2, line 20) after "later than" by striking out "four" and inserting "six"; so the language will then read:

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. . . .

VICE PRESIDENT HUTCHINSON: Mr. Prettie.

MR. PRETTIE: This has to do, Mr. President and fellow delegates, with the timing for the election, including the primary, of delegates to the every 16 year revision, if voted by the people of the state. May I remind you that in our own timetable the election on the question of a convention was held on April 3, the primary was held on July 25, our election was on September 12 — a lapse of 5 months and 1 week. I don't think any of us here would feel that this was too long a time. Following that we had only a matter of 3 weeks in which to arrange our personal affairs, obtain accommodations in Lansing, and arrange to enter upon the performance of our duties.

Now under the language as drawn, the timetable would be somewhat as follows: the election would be at a general election in November. A primary would then have to be held and an election during the holiday season, in November or December or around the first of the year and an election soon thereafter, so that the election would be held by the first week in March. The proposed amendment before you would extend this time to May. Then under the later language of the section appearing in lines 27 and 28, the convention would convene in October. This would give the delegates still 5 months to arrange their affairs and would not hurry a primary and a general election all within a 4 month period and then provide for a 7 month lapse after election of the delegates and before they would enter upon their duties. I urge the consideration of the amendment.

VICE PRESIDENT HUTCHINSON: The question is upon the amendment offered by Mr. Prettie and Mr. Powell. All those in favor will say aye. Opposed, no.

The amendment is adopted.

DELEGATES: Division.

VICE PRESIDENT HUTCHINSON: Division is called for. Is the demand for division supported? It is supported, more than 10 delegates supporting it. 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. Prettie and Powell, the yeas are 75; the nays are 44.

VICE PRESIDENT HUTCHINSON: The amendment is adopted.

SECRETARY CHASE: Messrs. Garry Brown and Boothby offer the following amendment:

1. Amend article XII, section 2 (column 2, line 2) after "by" by striking out "a majority" and inserting "three-fifths"; so the language will then read, "If the proposed amendment is approved by three-fifths of the electors voting on the question, the proposed amendment shall become part of the constitution. . . ."

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, I move to limit debate on this amendment to 5 minutes.

VICE PRESIDENT HUTCHINSON: On the motion to limit debate to 5 minutes on this amendment, all those in favor will say aye. Opposed will say no.

The motion prevails. Debate is limited. Mr. Boothby.

MR. BOOTHBY: Mr. President —

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

MR. POLLOCK: Has not this same amendment been offered before?

VICE PRESIDENT HUTCHINSON: Mr. Pollock raises a point of order?

MR. POLLOCK: Yes, Mr. President.

MR. PERRAS: Mr. President, I would like to ask a question of Mr. Van Dusen, please.

VICE PRESIDENT HUTCHINSON: Well, first we have to decide the point of order.

MR. DURST: On Mr. Pollock's point of order, do we only consider, since all these sections were passed when we no longer had to come back into the convention for a vote, do the amendments offered on first reading then count, as far as making the matter out of order or not?

VICE PRESIDENT HUTCHINSON: Anything that was handled after we got out of committee of the whole —

MR. DURST: Well, we didn't handle anything out of committee of the whole when we came to miscellaneous articles, because they just automatically were passed.

VICE PRESIDENT HUTCHINSON: Well, in that case, anything that was in committee of the whole and was not acted upon by the convention.

MR. DURST: I see.

VICE PRESIDENT HUTCHINSON: The point of order is not well taken. The amendment is in order. Mr. Boothby may continue.

MR. BOOTHBY: Mr. President, ladies and gentlemen of the convention, I recall that when this matter was discussed some time ago Dr. Nord suggested that he found one part of this to be a valid argument and that was the part that applied to the declaration of rights, because, as Dr. Nord pointed out, a majority of 51 per cent should not be able to take away from the other 49 per cent their basic rights which are declared in the constitution of the state of Michigan.

There is one other matter, though, that has occurred to me since that time that I would like to bring to your attention, and that is this —

VICE PRESIDENT HUTCHINSON: The convention will be in order.

MR. BOOTHBY: — that is this: that apparently one of the problems that developed from our 1908 constitution, at least one of the problems which was heralded as one of the reasons why we needed a constitutional convention was that we had too many amendments. Our constitution was called a patchwork constitution; it had 69 amendments. It had been pointed out that, out of every 2 amendments that had been placed on the ballot, one was adopted, which gave us 69 amendments in a little over 50 years.

This would indicate to me that whenever special interests are not able to get something adopted by the legislature they take it to the people and have it adopted in the constitution. I think we all believe that we should try to keep out of the constitution, as much as possible, statutory language. I believe that when you have a simple majority you actually encourage statutory language being placed in the constitution. The 3/5 provision, I think, would help to keep the constitution constitutional and not statutory. I should also point this out: that the federal constitution's provision regarding amendments requires the adoption by 3/4 of the states.

VICE PRESIDENT HUTCHINSON: Mr. Pollock.

MR. POLLOCK: Mr. President, it is very obvious that Mr. Boothby doesn't believe in majority rule. The idea of requiring an excessive majority on a popular vote doesn't seem to me to be very consonant with good democratic practice. Why doesn't he get a 3/5 vote to elect a governor or even a congressman? (laughter)

VICE PRESIDENT HUTCHINSON: Does Mr. Pollock yield to Mr. Boothby for an answer? Mr. Pollock does not yield. (laughter) Mrs. Judd is recognized.

MRS. JUDD: Mr. President —

VICE PRESIDENT HUTCHINSON: Mrs. Judd is recognized.

MRS. JUDD: — I think it is not —

VICE PRESIDENT HUTCHINSON: Will the convention please be in order?

MRS. JUDD: — I think it is not at all surprising that Mr. Boothby is opposed to change as a general principle, but I think it is surprising, not to say pleasing, that he thinks the new con-

stitution so good that it should never be changed, because I think this will be the result of his amendment.

VICE PRESIDENT HUTCHINSON: Mr. Nord.

MR. NORD: Mr. President, I rise to oppose this amendment. I believe this amendment is just another "Boothby-trap." (laughter) If it was that good, I'll repeat it — if I had time I would repeat it. The reason I rise is because my name was referred to. The answer to Mr. Boothby's argument, in my opinion, is this: the declaration of rights is of a classical character. It relates to human rights which survive for centuries if not forever. If we state them correctly, we ought to retain them as long as we possibly can. The words in there are very carefully selected and do not need to be changed. I do believe that a 2/3 or so vote to remove those rights is a good thing. However, I certainly do not agree with Mr. Boothby that the same principle could be applied to the whole constitution of Michigan. It could be applied to the federal constitution because every part of that constitution is of a fundamental nature. But in the Michigan constitution, the one we already have and the one we would have under this document, as we all know, many parts of this relate to the details of governmental framework. These can be changed. They need to be changed because they are too full of detail. It would be a terrible mistake to think that all of the detailed provisions we have put in should probably never be changed, as Mr. Boothby seems to suggest. I urge, therefore, that this amendment be roundly and soundly defeated.

VICE PRESIDENT HUTCHINSON: Mr. Downs.

MR. DOWNS: Mr. President and fellow delegates, I rise in opposition to this amendment. I think in the case of the bill of rights protecting an individual, we might have something that would take a large vote to take away rights for the individual. But the reason — and I think this may sound like a broken record — that we had so many amendments on the constitution, earmarking, provisions for industrial and urban areas, and many others, was that the people could not get what they wanted through a legislature that was not truly representative and the one place that the one man, one vote principle applies is on constitutional amendments. The other, more practical, case is that I am sure here that any of us drawing a constitution are going to make mistakes and let's make it easy for the people to correct our errors.

VICE PRESIDENT HUTCHINSON: Time for debate upon this amendment has expired. The question is upon the adoption of the amendment.

MR. A. G. ELLIOTT: Mr. President, I demand the yeas and nays.

VICE PRESIDENT HUTCHINSON: Mr. Arthur Elliott demands the yeas and nays upon this amendment. Is the demand supported?

SECRETARY CHASE: Thirty-one.

VICE PRESIDENT HUTCHINSON: Sufficient number. The yeas and nays are ordered, 1/5 of the delegates present voting in favor thereof.

MR. G. E. BROWN: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Garry Brown.

MR. G. E. BROWN: I would move for an extension of debate for 2 minutes.

VICE PRESIDENT HUTCHINSON: Mr. Garry Brown moves to extend debate for 2 minutes. All those in favor will say aye. Opposed will say no. The motion does not prevail.

MR. G. E. BROWN: Gag rule. (laughter)

VICE PRESIDENT HUTCHINSON: The question is upon the adoption of the amendment. The yeas and nays have been ordered. All those in favor —

MR. HOXIE: Mr. President, is a question in order?

VICE PRESIDENT HUTCHINSON: It is not. That is part of debate, is it not? 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 vote.

The roll was called and the delegates voted as follows:

Yeas—14

Boothby	Haskill	Richards, J. B.
Brake	Hubbs	Shanahan

Brown, G. E.
Finch
Gover

McAllister
Plank
Powell

Stafseth
Wood

Nays—109

Allen
Andrus, Miss
Austin
Balcer
Barthwell
Batchelor
Beaman
Bentley
Binkowski
Blandford
Bledsoe
Bonisteel
Bradley
Buback
Butler, Mrs.
Conklin, Mrs.
Cudlip
Cushman, Mrs.
Dell
DeVries
Donnelly, Miss
Doty, Dean
Doty, Donald
Douglas
Downs
Durst
Elliott, A. G.
Elliott, Mrs. Daisy
Erickson
Everett
Farnsworth
Faxon
Figs
Follo
Ford
Gadola
Garvin

Goebel
Greene
Habermehl
Hanna, W. F.
Hannah, J. A.
Hart, Miss
Hatch
Hatcher, Mrs.
Heideman
Higgs
Howes
Hoxie
Iverson
Jones
Judd, Mrs.
Karn
Kelsey
Kirk, S.
Knirk, B.
Koeze, Mrs.
Krolikowski
Kuhn
Lawrence
Leppien
Lesinski
Madar
Mahinske
Marshall
Martin
McCauley
McLogan
Millard
Mosier
Murphy
Nisbet
Nord

Norris
Ostrow
Page
Pellow
Perlich
Perras
Pollock
Prettie
Pugsley
Rajkovich
Richards, L. W.
Rood
Sablich
Seyferth
Shackleton
Shaffer
Sleder
Snyder
Spitler
Staiger
Stamm
Sterrett
Stevens
Stopczynski
Suzore
Thomson
Turner
Tweedie
Upton
Van Dusen
Walker
Wanger
Wilkowski
Yeager
Young
Youngblood

SECRETARY CHASE: On the amendment offered by Messrs. Garry Brown and Boothby, the yeas are 14; the nays are 109.

VICE PRESIDENT HUTCHINSON: The amendment is not adopted.

SECRETARY CHASE: Mr. Hubbs and Mrs. Conklin offer the following amendment:

1. Amend article XII, section 3 (column 2, line 25) after "delegate" by inserting "at a partisan election"; so the language will then read:

... 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.

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, I move to limit debate on this amendment to 5 minutes.

VICE PRESIDENT HUTCHINSON: On the motion to limit debate to 5 minutes, those in favor will say aye. Opposed will say no.

The motion prevails. Debate is limited. The Chair recognizes Mr. Hubbs.

MR. HUBBS: Mr. President and members of this constitutional convention, as most of you know, I am a firm believer in partisan politics. I would like to point out to you the tremendous problem that would exist if we had arrived here in Lansing not having the slightest idea where each other stood as far as politics was concerned and our various views and positions on any matter.

I suggest that we would do the next constitutional convention — and I hope it is about 100 years away — a very great favor by providing that they shall be elected at partisan elections. As you well know, I don't believe in nonpartisanship when it comes to politics. I firmly believe that this country was firmly established by a 2 party system and let's keep it that way, or maybe even 3. I suggest we adopt this amendment.

VICE PRESIDENT HUTCHINSON: Mr. Habermehl.

MR. HABERMEHL: Mr. President and fellow delegates, I

SECRETARY CHASE: That was the last amendment, Mr. President.

VICE PRESIDENT HUTCHINSON: The question is upon the adoption of article XII. Mr. Downs.

MR. DOWNS: Mr. President, and fellow delegates, this article—

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

MR. DOWNS: — is in many ways one of the most important parts of the constitution before us, and I rise to urge a no vote for some reasons that were considered in committee of the whole and second reading in our section on apportionment. I want to point out that in section 3, where we say that future conventions will be on the basis of one senator and one representative district, we are, in turn, basing that upon a legislative body that is not truly representative. And the result is that we are doom-ing future conventions, regardless of the good will and the integrity of the individuals thereof, to be nonrepresentative of the people of the state, and the document must be returned to the people on a truly representative basis.

I cite figures I have received for our own convention that in this convention the Democratic delegates at the con con received 779,000 votes, the Republicans 991,000 votes. If the representation of the convention were on a more accurate representation of the people, we would have had 63 Democrats and 81 Republicans. I make this not in reference to any individual delegate but point out the party difference would have been 18 rather than 54, which is much closer to the true representation of the people throughout Michigan. I believe that any convention, to be truly successful, must start by being truly representative and I therefore urge a no vote on article XII in the hope that between now and the wind up of the convention we can make corrections on the apportionment problem or devise a different means for selecting con con delegates.

The same principle indirectly applies to section 1, where it says 2/3 of both houses are needed to put an amendment on the ballot and the 2/3, again, could represent less than a majority of the people or substantially more than 2/3 depending upon where they were selected. For those reasons I urge a no vote on the article.

VICE PRESIDENT HUTCHINSON: Mr. Perras.

MR. PERRAS: Mr. President and fellow delegates, I would like to ask a question of Mr. Downs, through the Chair, if I may.

VICE PRESIDENT HUTCHINSON: You may proceed.

MR. PERRAS: This is a question that I have wanted to ask since the convention started. Now he has just advocated voting no on this article because of the way that the apportionment is at this present time. Now I would like to ask this question if I may: if the thing was reversed and the minority party had control of the senate and of the house of representatives, would his answer then be the same as it is now?

MR. DOWNS: I would hope, Mr. Perras, that the answer would be the same. I wish to point out that it may be a mistake for those of us that are asking equality. We should perhaps be asking for super equality for the next 50 years to make up for the inequalities of the last 50 years, then compromise on equality. Perhaps that has been our basic mistake in the whole convention.

VICE PRESIDENT HUTCHINSON: Mr. Stevens.

MR. STEVENS: Mr. President and fellow delegates, I would just like to suggest to Mr. Downs that after 1970 Michigan will probably have the best apportioned 2 chamber legislature in the United States.

VICE PRESIDENT HUTCHINSON: Mr. Marshall. Mr. Marshall.

MR. MARSHALL: Mr. President and fellow delegates, I want to echo what Delegate Downs says and I also would like to say to Delegate Perras: just try us. Give us a senate apportioned on the basis of straight population. Give us a chance and we will show you that Delegate Downs will keep his word.

VICE PRESIDENT HUTCHINSON: Mr. Walker.

MR. WALKER: I suggest to Mr. Stevens that if this proposed apportionment is so good in 1975, why isn't it any good today?

MR. PERRAS: I move the previous question now, Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Perras moves the previous question. Is the demand for the previous question on the article supported? It is supported; 10 or more are up. The question now is: shall the main question be put? All those in favor will say aye. Opposed, no.

The motion prevails. The previous question is ordered. The question now is upon the passage of article XII, as amended. All those in favor will vote aye. Those opposed will vote no. Have you all voted? If so, the secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas—90

Andrus, Miss	Gust	Plank
Batchelor	Habermehl	Pollock
Beaman	Hanna, W. F.	Powell
Bentley	Hannah, J. A.	Prettie
Blandford	Haskill	Pugsley
Bonisteel	Hatch	Radka
Boothby	Higgs	Rajkovich
Brake	Howes	Richards, J. B.
Brown, G. E.	Hoxie	Richards, L. W.
Butler, Mrs.	Hubbs	Rood
Conklin, Mrs.	Iverson	Seyferth
Cudlip	Judd, Mrs.	Shackleton
Cushman, Mrs.	Karn	Shaffer
Danhof	Kirk, S.	Shanahan
Dehnke	Knirk, B.	Sharpe
Dell	Koeze, Mrs.	Sleder
Donnelly, Miss	Kuhn	Spitler
Doty, Dean	Lawrence	Stafseth
Doty, Donald	Leppien	Staiger
Durst	Lesinski	Stamm
Elliott, A. G.	Martin	Sterrett
Erickson	McAllister	Stevens
Everett	McCauley	Thomson
Farnsworth	McGowan, Miss	Turner
Figy	McLogan	Tweedie
Finch	Millard	Upton
Follo	Mosier	Van Dusen
Gadola	Nisbet	Wanger
Goebel	Page	Wood
Gover	Perras	Yeager

Nays—34

Austin	Hart, Miss	Ostrow
Balcer	Hatcher, Mrs.	Pellow
Barthwell	Jones	Perlich
Bradley	Kelsey	Sablich
Buback	Krolkowski	Snyder
Douglas	Madar	Stopczynski
Downs	Mahinske	Suzore
Elliott, Mrs. Daisy	Marshall	Walker
Faxon	Murphy	Wilkowski
Ford	Nord	Young
Garvin	Norris	Youngblood
Greene		

SECRETARY CHASE: On the passage of article XII, as amended, the yeas are 90; the nays are 34.

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

For section 1 of article XII as passed, see above, page 3072.

Following is section 2 of Article XII as amended and passed by the convention:

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, 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.

Following is section 3 of article XII as amended and passed:

Section 3. At the general election to be held in the year 1978, and in each 16th year thereafter and at such times as may be provided by law, the question of a general revision of the constitution shall be submitted to the electors of the state. If a majority of the electors voting on the question decide in favor of a convention for such purpose, at an election to be held not later than six months after the proposal was certified as approved, the electors of each representative district as then organized shall elect one delegate and the electors of each senatorial district as then organized shall elect one delegate at a partisan election. The delegates so elected shall convene at the seat of government on the first Tuesday in October next succeeding such election or at an earlier date if provided by law.

The convention shall choose its own officers, determine the rules of its proceedings and judge the qualifications, elections and returns of its members. The governor shall appoint a qualified resident of the same district to fill a vacancy in the office of any delegate who shall be a member of the same party as the delegate vacating the office 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 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.

VICE PRESIDENT HUTCHINSON (continuing): Mr. Garry Brown.

MR. G. E. BROWN: Mr. President, at this time, before considering the next article or the next provision of the constitution, I would move to reconsider the vote on article V, which was passed yesterday, dealing with the executive branch.

For vote on passage of article V, see above, page 3124.

To be very candid with you, very frank, the purpose of doing this is for one purpose only, and that is to reconsider the vote by which the highway commissioner was made an appointive rather than an elective officer. Two amendments are on the secretary's desk relative to this matter which would make this office the same as the secretary of state and the attorney general relative to election, nominations, vacancies and what have you. It is very simple. It is for that purpose only. I would therefore urge a yes vote on reconsideration of the vote by which the executive article passed yesterday.

VICE PRESIDENT HUTCHINSON: Mr. Downs, on the motion to reconsider.

MR. DOWNS: Mr. President and fellow delegates, I rise in support of the motion on reconsideration. I believe on this motion we are entitled to speak on the merits of the question and what I would more properly call the demerits.

We now have the matter of the highway commissioner, as we know, left up to the legislature and it is an elected one. There was also a dispute, I would say, within the convention as to whether the highway commissioner should be elected or whether he should be appointed by the governor. There were arguments for both. I favored the first. What we ended up with was a monstrosity that has neither the advantages of the elected system nor that of the appointed one. It divides responsibility. Our old friend, advice and consent, enters in through the back door and the present setup that was adopted is one that absolutely refutes the concept of responsibility. I cannot conceive of either a business or government operating effectively under this system. The vote was close. I urge the reconsideration in hopes that we can change what we did on the matter of the highway commissioner. Thank you.

VICE PRESIDENT HUTCHINSON: Mr. Bentley.

MR. BENTLEY: Mr. President, a parliamentary inquiry. Can an article which has been passed on third reading by a majority of all delegates elected and serving in the convention now be reconsidered by a simple majority of those present?

VICE PRESIDENT HUTCHINSON: Yes, it can, Mr. Bentley. It will still take 73 votes to adopt it the second time, but the rules of the convention permit a reconsideration by a majority of the votes cast. Mr. Farnsworth.

MR. FARNSWORTH: Mr. President and members of the convention, it seems hardly necessary to speak at this late hour against a move to reconsider, but I do want to do so.

I would call the convention's attention to the fact that article V, yesterday, at a much more favorable hour than now, passed by a vote of 91 to 35. Now, certainly, the big majority of us thought that we had a very, very satisfactory article. I submit to you, my friends, that the mood that this particular convention is in at this time of night, any time — and here we are on the last day of the convention — is no time to move for a reconsideration on something that we settled with such a decisive vote as we did this. I urge you to vote against reconsideration.

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, might we hear the amendments which Mr. Brown proposes to offer if reconsideration is granted?

VICE PRESIDENT HUTCHINSON: The secretary will read them. They are not before the body at the present time.

SECRETARY CHASE: Mr. Garry Brown has filed the following amendments to article V —

MR. BARTHWELL: I object. I don't see how this is in order.

VICE PRESIDENT HUTCHINSON: What?

MR. BARTHWELL: You ought to have a vote before you read them.

VICE PRESIDENT HUTCHINSON: Objection is heard. The

PREAMBLE

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

Article I

Declaration of Rights

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

Sec. 2. No person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color or national origin. The legislature shall implement this section by appropriate legislation.

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

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

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

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

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

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

Sec. 9. Neither slavery, nor involuntary servitude unless for the punishment of crime, shall ever be tolerated in this state.

Sec. 10. No bill of attainder, ex post facto law or law impairing the obligation of contract shall be enacted.

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

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

Sec. 13. A suitor in any court of this state has the right to prosecute or defend his suit,

either in his own proper person or by an attorney.

Sec. 14. The right of trial by jury shall remain, but shall be waived in all civil cases unless demanded by one of the parties in the manner prescribed by law. In all civil cases tried by 12 jurors a verdict shall be received when 10 jurors agree.

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

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

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

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

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

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

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

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

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

Article II Elections

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

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

Sec. 3. For purposes of voting in the election for president and vice-president of the United States only, the legislature may by law establish lesser residence requirements for citizens who have resided in this state for less than six months and may waive residence requirements for former citizens of this state who have removed herefrom. The legislature shall not permit voting by any person who meets the voting residence requirements of the state to which he has removed.

Sec. 4. The legislature shall enact laws to regulate the time, place and manner of all nominations and elections, except as otherwise provided in this constitution or in the constitution and laws of the United States. The legislature shall enact laws to preserve the purity of elections, to preserve the secrecy of the ballot, to guard against abuses of the elective franchise, and to provide for a system of voter registration and absentee voting. No law shall be enacted which permits a candidate in any partisan primary or partisan election to have a ballot designation except when required for identification of candidates for the same office who have the same or similar surnames.

Sec. 5. Except for special elections to fill vacancies, or as otherwise provided in this constitution, all elections for national, state, county and township offices shall be held on the first Tuesday after the first Monday in November in each even-numbered year or on such other date as members of the congress of the United States are regularly elected.

Sec. 6. Whenever any question is required to be submitted by a political subdivision to the electors which involves the increase of any ad valorem tax rate limitation for a period of more than five years, or the issue of bonds, only electors in, and who have property assessed for any ad valorem taxes in, any part of the district or territory to be affected by the result of such election or electors who are the lawful husbands or wives of such persons shall be entitled to vote thereon. All electors in the district or territory affected may vote on all other questions.

Sec. 7. A board of state canvassers of four

members shall be established by law. No candidate for an office to be canvassed nor any inspector of elections shall be eligible to serve as a member of a board of canvassers. A majority of any board of canvassers shall not be composed of members of the same political party.

Sec. 8. Laws shall be enacted to provide for the recall of all elective officers except judges of courts of record upon petition of electors equal in number to 25 percent of the number of persons voting in the last preceding election for the office of governor in the electoral district of the officer sought to be recalled. The sufficiency of any statement of reasons or grounds procedurally required shall be a political rather than a judicial question.

Sec. 9. The people reserve to themselves the power to propose laws and to enact and reject laws, called the initiative, and the power to approve or reject laws enacted by the legislature, called the referendum. The power of initiative extends only to laws which the legislature may enact under this constitution. The power of referendum does not extend to acts making appropriations for state institutions or to meet deficiencies in state funds and must be invoked in the manner prescribed by law within 90 days following the final adjournment of the legislative session at which the law was enacted. To invoke the initiative or referendum, petitions signed by a number of registered electors, not less than eight percent for initiative and five percent for referendum of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected shall be required.

No law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election.

Any law proposed by initiative petition shall be either enacted or rejected by the legislature without change or amendment within 40 session days from the time such petition is received by the legislature. If any law proposed by such petition shall be enacted by the legislature it shall be subject to referendum, as hereinafter provided.

If the law so proposed is not enacted by the legislature within the 40 days, the state officer authorized by law shall submit such proposed law to the people for approval or rejection at the next general election. The legislature may reject any measure so proposed by initiative petition and propose a different measure upon the same subject by a yea and nay vote upon separate roll calls, and in such event both measures shall be submitted by such state officer to the electors for approval or rejection at the next general election.

Any law submitted to the people by either initiative or referendum petition and approved by

a majority of the votes cast thereon at any election shall take effect 10 days after the date of the official declaration of the vote. No law initiated or adopted by the people shall be subject to the veto power of the governor, and no law adopted by the people at the polls under the initiative provisions of this section shall be amended or repealed, except by a vote of the electors or three-fourths of the members elected to and serving in each house of the legislature. Laws approved by the people under the referendum provision of this section may be amended by the legislature at any subsequent session thereof. If two or more measures approved by the electors at the same election conflict, that receiving the highest affirmative vote shall prevail.

The legislature shall implement the provisions of this section.

Article III

General Government

Sec. 1. The seat of government shall be at Lansing.

Sec. 2. The powers of government are divided into three branches: legislative, executive and judicial. No person exercising powers of one branch shall exercise powers properly belonging to another branch except as expressly provided in this constitution.

Sec. 3. There shall be a great seal of the State of Michigan and its use shall be provided by law.

Sec. 4. The militia shall be organized, equipped and disciplined as provided by law.

Sec. 5. Subject to provisions of general law, this state or any political subdivision, any governmental authority or any combination thereof may enter into agreements for the performance, financing or execution of their respective functions, with any one or more of the other states, the United States, the Dominion of Canada, or any political subdivision thereof unless otherwise provided in this constitution. Any other provision of this constitution notwithstanding, an officer or employee of the state or of any such unit of government or subdivision or agency thereof may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service. The legislature may impose such restrictions, limitations or conditions on such service as it may deem appropriate.

Sec. 6. The state shall not be a party to, nor be financially interested in, any work of internal improvement, nor engage in carrying on any such work, except for public internal improvements provided by law.

Sec. 7. The common law and the statute laws now in force, not repugnant to this consti-

tution, shall remain in force until they expire by their own limitations, or are changed, amended or repealed.

Sec. 8. Either house of the legislature or the governor may request the opinion of the supreme court on important questions of law upon solemn occasions as to the constitutionality of legislation after it has been enacted into law but before its effective date.

Article IV Legislative Branch

Sec. 1. The legislative power of the State of Michigan is vested in a senate and a house of representatives.

Sec. 2. The senate shall consist of 38 members to be elected from single member districts at the same election as the governor for four-year terms concurrent with the term of office of the governor.

In districting the state for the purpose of electing senators after the official publication of the total population count of each federal decennial census, each county shall be assigned an apportionment factor equal to the sum of its percentage of the state's population as shown by the last regular federal decennial census computed to the nearest one-one hundredth of one percent multiplied by four and its percentage of the state's land area computed to the nearest one-one hundredth of one percent.

In arranging the state into senatorial districts, the apportionment commission shall be governed by the following rules:

(1) Counties with 13 or more apportionment factors shall be entitled as a class to senators in the proportion that the total apportionment factors of such counties bear to the total apportionment factors of the state computed to the nearest whole number. After each such county has been allocated one senator, the remaining senators to which this class of counties is entitled shall be distributed among such counties by the method of equal proportions applied to the apportionment factors.

(2) Counties having less than 13 apportionment factors shall be entitled as a class to senators in the proportion that the total apportionment factors of such counties bear to the total apportionment factors of the state computed to the nearest whole number. Such counties shall thereafter be arranged into senatorial districts that are compact, convenient, and contiguous by land, as rectangular in shape as possible, and having as nearly as possible 13 apportionment factors, but in no event less than 10 or more than 16. Insofar as possible, existing senatorial districts at the time of reapportionment shall not be altered unless there is a failure to comply with the above standards.

(3) Counties entitled to two or more senate districts shall be divided into single member districts. The population of such districts shall be as nearly equal as possible but shall not be less than 75 percent nor more than 125 percent of a number determined by dividing the population of the county by the number of senators to which it is entitled. Each such district shall follow incorporated city or township boundary lines to the extent possible and shall be compact, contiguous, and as nearly uniform in shape as possible.

Sec. 3. The house of representatives shall consist of 110 members elected for two-year terms from single member districts apportioned on a basis of population as provided in this article. The districts shall consist of compact and convenient territory contiguous by land.

Each county which has a population of not less than seven-tenths of one percent of the population of the state shall constitute a separate representative area. Each county having less than seven-tenths of one percent of the population of the state shall be combined with another county or counties to form a representative area of not less than seven-tenths of one percent of the population of the state. Any county which is isolated under the initial allocation as provided in this section shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.

After the assignment of one representative to each of the representative areas, the remaining house seats shall be apportioned among the representative areas on the basis of population by the method of equal proportions.

Any county comprising a representative area entitled to two or more representatives shall be divided into single member representative districts as follows:

(1) The population of such districts shall be as nearly equal as possible but shall not be less than 75 percent nor more than 125 percent of a number determined by dividing the population of the representative area by the number of representatives to which it is entitled.

(2) Such single member districts shall follow city and township boundaries where applicable and shall be composed of compact and contiguous territory as nearly square in shape as possible.

Any representative area consisting of more than one county, entitled to more than one representative, shall be divided into single member districts as equal as possible in population adhering to county lines.

Sec. 4. In counties having more than one representative or senatorial district, the territory in the same county annexed to or merged with a city between apportionments shall become a part of a contiguous representative or senatorial dis-

1 | trict in the city with which it is combined, if
2 | provided by ordinance of the city. The district
3 | or districts with which the territory shall be
4 | combined shall be determined by such ordinance
5 | certified to the secretary of state. No such change
6 | in the boundaries of a representative or senatorial
7 | district shall have the effect of removing a legis-
8 | lator from office during his term.

9 | Sec. 5. Island areas are considered to be con-
10 | tiguous by land to the county of which they are
11 | a part.

12 | Sec. 6. A commission on legislative apportion-
13 | ment is hereby established consisting of eight
14 | persons, four of whom shall be selected by the
15 | state organizations of each of the two political
16 | parties whose candidates for governor received
17 | the highest vote at the last general election at
18 | which a governor was elected preceding each ap-
19 | portionment. If a candidate for governor of a third
20 | political party has received at such election more
21 | than 25 percent of such gubernatorial vote, the
22 | commission shall consist of 12 members, four of
23 | whom shall be selected by the state organization of
24 | the third political party. One member of the com-
25 | mission shall be selected by each political party or-
26 | ganization from each of the following four regions:
27 | (1) The upper peninsula; (2) The northern part of
28 | the lower peninsula, north of a line drawn along
29 | the northern boundaries of the counties of Bay,
30 | Midland, Isabella, Mecosta, Nwaygo and Oceana;
31 | (3) Southwestern Michigan, those counties south
32 | of region (2) and west of a line drawn along
33 | the western boundaries of the counties of Bay,
34 | Saginaw, Shiawassee, Ingham, Jackson and Hills-
35 | dale; (4) Southeastern Michigan, the remaining
36 | counties of the state.

37 | No officers or employees of the federal, state
38 | or local governments, excepting notaries public
39 | and members of the armed forces reserve, shall
40 | be eligible for membership on the commission.
41 | Members of the commission shall not be eligible
42 | for election to the legislature until two years after
43 | the apportionment in which they participated
44 | becomes effective.

45 | The commission shall be appointed immediately
46 | after the adoption of this constitution and when-
47 | ever apportionment or districting of the legislature
48 | is required by the provisions of this constitution.
49 | Members of the commission shall hold office until
50 | each apportionment or districting plan becomes
51 | effective. Vacancies shall be filled in the same
52 | manner as for original appointment.

53 | The secretary of state shall be secretary of
54 | the commission without vote, and in that capacity
55 | shall furnish, under the direction of the commis-
56 | sion, all necessary technical services. The com-
57 | mission shall elect its own chairman, shall make
58 | its own rules of procedure, and shall receive com-
59 | pensation provided by law. The legislature shall
60 | appropriate funds to enable the commission to

carry out its activities.

1 | Within 30 days after the adoption of this con-
2 | stitution, and after the official total population
3 | count of each federal decennial census of the state
4 | and its political subdivisions is available, the se-
5 | cretary of state shall issue a call convening the
6 | commission not less than 30 nor more than 45
7 | days thereafter. The commission shall complete
8 | its work within 180 days after all necessary census
9 | information is available. The commission shall
10 | proceed to district and apportion the senate and
11 | house of representatives according to the provi-
12 | sions of this constitution. All final decisions shall
13 | require the concurrence of a majority of the mem-
14 | bers of the commission. The commission shall hold
15 | public hearings as may be provided by law.

16 | Each final apportionment and districting plan
17 | shall be published as provided by law within 30
18 | days from the date of its adoption and shall be-
19 | come law 60 days after publication. The secre-
20 | tary of state shall keep a public record of all the
21 | proceedings of the commission and shall be re-
22 | sponsible for the publication and distribution of
23 | each plan.

24 | If a majority of the commission cannot agree
25 | on a plan, each member of the commission, indi-
26 | vidualy or jointly with other members, may sub-
27 | mit a proposed plan to the supreme court. The
28 | supreme court shall determine which plan com-
29 | plies most accurately with the constitutional re-
30 | quirements and shall direct that it be adopted
31 | by the commission and published as provided
32 | in this section.

33 | Upon the application of any elector filed not
34 | later than 60 days after final publication of the
35 | plan, the supreme court, in the exercise of origi-
36 | nal jurisdiction, shall direct the secretary of
37 | state or the apportionment commission to per-
38 | form their duties, may review any final plan
39 | adopted by the commission, and shall remand
40 | such plan to the commission for further action
41 | if it fails to comply with the requirements of
42 | this constitution.

43 | Sec. 7. Each senator and representative
44 | must be a citizen of the United States, at least
45 | 21 years of age, and an elector of the district
46 | he represents. The removal of his domicile from
47 | the district shall be deemed a vacation of the
48 | office. No person who has been convicted of sub-
49 | version or who has within the preceding 20 years
50 | been convicted of a felony involving a breach
51 | of public trust shall be eligible for either house
52 | of the legislature.

53 | Sec. 8. No person holding any office under the
54 | United States or this state or a political subdivi-
55 | sion thereof, except notaries public and officers
56 | of the armed forces reserve, may be a member of
57 | either house of the legislature.

58 | Sec. 9. No person elected to the legislature
59 | shall receive any civil appointment within this
60

1 state from the governor, except notaries public,
2 from the legislature, or from any other state
3 authority, during the term for which he is elected.

4 Sec. 10. No member of the legislature nor any
5 state officer shall be interested directly or in-
6 directly in any contract with the state or any
7 political subdivision thereof which shall cause a
8 substantial conflict of interest. The legislature
9 shall further implement this provision by appro-
10 priate legislation.

11 Sec. 11. Senators and representatives shall be
12 privileged from civil arrest and civil process dur-
13 ing sessions of the legislature and for five days
14 next before the commencement and after the
15 termination thereof. They shall not be ques-
16 tioned in any other place for any speech in either
17 house.

18 Sec. 12. The compensation and expense al-
19 lowances of the members of the legislature shall
20 be determined by law. Changes in compensation
21 or expense allowances shall become effective only
22 when legislators commence their terms of office
23 after a general election.

24 Sec. 13. The legislature shall meet at the seat
25 of government on the second Wednesday in Janu-
26 ary of each year at twelve o'clock noon. Each
27 regular session shall adjourn without day, on a
28 day determined by concurrent resolution, at
29 twelve o'clock noon. Any business, bill or joint
30 resolution pending at the final adjournment of
31 a regular session held in an odd numbered year
32 shall carry over with the same status to the
33 next regular session.

34 Sec. 14. A majority of the members elected
35 to and serving in each house shall constitute a
36 quorum to do business. A smaller number in
37 each house may adjourn from day to day, and
38 may compel the attendance of absent members in
39 the manner and with penalties as each house may
40 prescribe.

41 Sec. 15. There shall be a bi-partisan legisla-
42 tive council consisting of legislators appointed in
43 the manner prescribed by law. The legislature
44 shall appropriate funds for the council's opera-
45 tions and provide for its staff which shall main-
46 tain bill drafting, research and other services
47 for the members of the legislature. The council
48 shall periodically examine and recommend to the
49 legislature revision of the various laws of the
50 state.

51 Sec. 16. Each house, except as otherwise pro-
52 vided in this constitution, shall choose its own
53 officers and determine the rules of its proceedings,
54 but shall not adopt any rule that will prevent a
55 majority of the members elected thereto and
56 serving therein from discharging a committee
57 from the further consideration of any measure.
58 Each house shall be the sole judge of the quali-
59 fications, elections and returns of its members,
60 and may, with the concurrence of two-thirds of

1 all the members elected thereto and serving
2 therein, expel a member. The reasons for such
3 expulsion shall be entered in the journal, with
4 the votes and names of the members voting upon
5 the question. No member shall be expelled a
6 second time for the same cause.

7 Sec. 17. Each house of the legislature may
8 establish the committees necessary for the effi-
9 cient conduct of its business and the legislature
10 may create joint committees. Each committee
11 shall by roll call vote record the vote and name
12 of all action on bills and resolutions taken in
13 the committee. Such vote shall be available for
14 public inspection. Notice of all committee hear-
15 ings and a clear statement of all subjects to be
16 considered at each hearing shall be published in
17 the journal in advance of the hearing.

18 Sec. 18. Each house shall keep a journal of
19 its proceedings, and publish the same unless the
20 public security otherwise requires. The record
21 of the vote and name of the members of either
22 house voting on any question shall be entered
23 in the journal at the request of one-fifth of the
24 members present. Any member of either house
25 may dissent from and protest against any act,
26 proceeding or resolution which he deems injuri-
27 ous to any person or the public, and have the
28 reason for his dissent entered in the journal.

29 Sec. 19. All elections in either house or in
30 joint convention and all votes on appointments
31 submitted to the senate for advice and consent
32 shall be published by vote and name in the journal.

33 Sec. 20. The doors of each house shall be open
34 unless the public security otherwise requires.

35 Sec. 21. Neither house shall, without the con-
36 sent of the other, adjourn for more than two
37 intervening calendar days, nor to any place other
38 than where the legislature may then be in session.

39 Sec. 22. All legislation shall be by bill and
40 may originate in either house.

41 Sec. 23. The style of the laws shall be: The
42 People of the State of Michigan enact.

43 Sec. 24. No law shall embrace more than one
44 object, which shall be expressed in its title. No
45 bill shall be altered or amended on its passage
46 through either house so as to change its original
47 purpose as determined by its total content and
48 not alone by its title.

49 Sec. 25. No law shall be revised, altered or
50 amended by reference to its title only. The section
51 or sections of the act altered or amended shall
52 be re-enacted and published at length.

53 Sec. 26. No bill shall be passed or become a
54 law at any regular session of the legislature until
55 it has been printed or reproduced and in the pos-
56 session of each house for at least five days. Every
57 bill shall be read three times in each house be-
58 fore the final passage thereof. No bill shall be-
59 come a law without the concurrence of a majority
60 of the members elected to and serving in each

house. On the final passage of bills, the votes and names of the members voting thereon shall be entered in the journal.

Sec. 27. No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.

Sec. 28. When the legislature is convened on extraordinary occasions in special session no bill shall be passed on any subjects other than those expressly stated in the governor's proclamation or submitted by special message.

Sec. 29. The legislature shall pass no local or special act in any case where a general act can be made applicable, and whether a general act can be made applicable shall be a judicial question. No local or special act shall take effect until approved by two-thirds of the members elected to and serving in each house and by a majority of the electors voting thereon in the district affected. Any act repealing local or special acts shall require only a majority of the members elected to and serving in each house and shall not require submission to the electors of such district.

Sec. 30. The assent of two-thirds of the members elected to and serving in each house of the legislature shall be required for the appropriation of public money or property for local or private purposes.

Sec. 31. The general appropriation bills for the succeeding fiscal period covering items set forth in the budget shall be passed or rejected in either house of the legislature before that house passes any appropriation bill for items not in the budget except bills supplementing appropriations for the current fiscal year's operation. Any bill requiring an appropriation to carry out its purpose shall be considered an appropriation bill. One of the general appropriation bills as passed by the legislature shall contain an itemized statement of estimated revenue by major source in each operating fund for the ensuing fiscal period, the total of which shall not be less than the total of all appropriations made from each fund in the general appropriation bills as passed.

Sec. 32. Every law which imposes, continues or revives a tax shall distinctly state the tax.

Sec. 33. Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law. If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not be-

come law. If he does not approve, and the legislature continues the session at which the bill was passed, he shall return it within such 14-day period with his objections, to the house in which it originated. That house shall enter such objections in full in its journal and reconsider the bill. If two-thirds of the members elected to and serving in that house pass the bill notwithstanding the objections of the governor, it shall be sent with the objections to the other house for reconsideration. The bill shall become law if passed by two-thirds of the members elected to and serving in that house. The vote of each house shall be entered in the journal with the votes and names of the members voting thereon. If any bill is not returned by the governor within such 14-day period, the legislature continuing in session, it shall become law as if he had signed it.

Sec. 34. Any bill passed by the legislature and approved by the governor, except a bill appropriating money, may provide that it will not become law unless approved by a majority of the electors voting thereon.

Sec. 35. All laws enacted at any session of the legislature shall be published in book form within 60 days after final adjournment of the session, and shall be distributed in the manner provided by law. The prompt publication of judicial decisions shall be provided by law. All laws and judicial decisions shall be free for publication by any person.

Sec. 36. No general revision of the laws shall be made. The legislature may provide for a compilation of the laws in force, arranged without alteration, under appropriate heads and titles.

Sec. 37. The legislature may by concurrent resolution empower a joint committee of the legislature acting between sessions to suspend until the end of the next regular legislative session any rule or regulation of an administrative agency promulgated when the legislature is not in regular session.

Sec. 38. The legislature may provide by law the cases in which any office shall be vacant and the manner of filling vacancies where no provision is made in this constitution.

Sec. 39. In order to insure continuity of state and local governmental operations in periods of emergency only, resulting from disasters occurring in this state caused by enemy attack on the United States, the legislature may provide by law for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices; and enact other laws necessary and proper for insuring the continuity of governmental operations. Notwithstanding the power conferred by this section, elections shall always

be called as soon as possible to fill any vacancies in elective offices temporarily occupied by operation of any legislation enacted pursuant to the provisions of this section.

Sec. 40. The legislature may by law establish a liquor control commission which, subject to statutory limitations, shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof. The legislature may provide for an excise tax on such sales. Neither the legislature nor the commission may authorize the manufacture or sale of alcoholic beverages in any county in which a majority of the electors voting thereon shall prohibit the same.

Sec. 41. The legislature shall not authorize any lottery nor permit the sale of lottery tickets.

Sec. 42. The legislature may provide for the incorporation of ports and port districts, and confer power and authority upon them to engage in work of internal improvements in connection therewith.

Sec. 43. No general law providing for the incorporation of trust companies or corporations for banking purposes, or regulating the business thereof, shall be enacted, amended or repealed except by a vote of two-thirds of the members elected to and serving in each house.

Sec. 44. The legislature may authorize a trial by a jury of less than 12 jurors in civil cases.

Sec. 45. The legislature may provide for indeterminate sentences as punishment for crime and for the detention and release of persons imprisoned or detained under such sentences.

Sec. 46. No law shall be enacted providing for the penalty of death.

Sec. 47. The legislature may authorize the employment of chaplains in state institutions of detention or confinement.

Sec. 48. The legislature may enact laws providing for the resolution of disputes concerning public employees, except those in the state classified civil service.

Sec. 49. The legislature may enact laws relative to the hours and conditions of employment.

Sec. 50. The legislature may provide safety measures and regulate the use of atomic energy and forms of energy developed in the future, having in view the general welfare of the people of this state.

Sec. 51. The public health and general welfare of the people of the state are hereby declared to be matters of primary public concern. The legislature shall pass suitable laws for the protection and promotion of the public health.

Sec. 52. The conservation and development of the natural resources of the state are hereby declared to be of paramount public concern in the interest of the health, safety and general welfare of the people. The legislature shall provide for the protection of the air, water and other

natural resources of the state from pollution, impairment and destruction.

Sec. 53. The legislature by a majority vote of the members elected to and serving in each house, shall appoint an auditor general, who shall be a certified public accountant licensed to practice in this state, to serve for a term of eight years. He shall be ineligible for appointment or election to any other public office in this state from which compensation is derived while serving as auditor general and for two years following the termination of his service. He may be removed for cause at any time by a two-thirds vote of the members elected to and serving in each house. The auditor general shall conduct post audits of financial transactions and accounts of the state and of all branches, departments, offices, boards, commissions, agencies, authorities and institutions of the state established by this constitution or by law, and performance post audits thereof.

The auditor general upon direction by the legislature may employ independent accounting firms or legal counsel and may make investigations pertinent to the conduct of audits. He shall report annually to the legislature and to the governor and at such other times as he deems necessary or as required by the legislature. He shall be assigned no duties other than those specified in this section.

Nothing in this section shall be construed in any way to infringe the responsibility and constitutional authority of the governing boards of the institutions of higher education to be solely responsible for the control and direction of all expenditures from the institutions' funds.

The auditor general, his deputy and one other member of his staff shall be exempt from classified civil service. All other members of his staff shall have classified civil service status.

Article V

Executive Branch

Sec. 1. The executive power is vested in the governor.

Sec. 2. All executive and administrative offices, agencies and instrumentalities of the executive branch of state government and their respective functions, powers and duties, except for the office of governor and lieutenant governor and the governing bodies of institutions of higher education provided for in this constitution, shall be allocated by law among and within not more than 20 principal departments. They shall be grouped as far as practicable according to major purposes.

Subsequent to the initial allocation, the governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these

changes require the force of law, they shall be set forth in executive orders and submitted to the legislature. Thereafter the legislature shall have 60 calendar days of a regular session, or a full session if of shorter duration, to disapprove each executive order. Unless disapproved in both houses by a resolution concurred in by a majority of the members elected to and serving in each house, each order shall become effective at a date thereafter to be designated by the governor.

Sec. 3. The head of each principal department shall be a single executive unless otherwise provided in this constitution or by law. The single executives heading principal departments shall include a secretary of state, a state treasurer and an attorney general. When a single executive is the head of a principal department, unless elected or appointed as otherwise provided in this constitution, he shall be appointed by the governor by and with the advice and consent of the senate and he shall serve at the pleasure of the governor.

When a board or commission is at the head of a principal department, unless elected or appointed as otherwise provided in this constitution, the members thereof shall be appointed by the governor by and with the advice and consent of the senate. The term of office and procedure for removal of such members shall be as prescribed in this constitution or by law.

Terms of office of any board or commission created or enlarged after the effective date of this constitution shall not exceed four years except as otherwise authorized in this constitution. The terms of office of existing boards and commissions which are longer than four years shall not be further extended except as provided in this constitution.

Sec. 4. Temporary commissions or agencies for special purposes with a life of no more than two years may be established by law and need not be allocated within a principal department.

Sec. 5. At no time shall an examining or licensing board of a profession include less than a majority of members of that profession.

Sec. 6. Appointment by and with the advice and consent of the senate when used in this constitution or laws in effect or hereafter enacted means appointment subject to disapproval by a majority vote of the members elected to and serving in the senate if such action is taken within 60 session days after the date of such appointment. Any appointment not disapproved within such period shall stand confirmed.

Sec. 7. Vacancies in any office, appointment to which requires advice and consent of the senate, shall be filled by the governor by and with the advice and consent of the senate. A person whose appointment has been disapproved by the senate shall not be eligible for an interim appointment

to the same office.

Sec. 8. Each principal department shall be under the supervision of the governor unless otherwise provided by this constitution. The governor shall take care that the laws be faithfully executed. He shall transact all necessary business with the officers of government and may require information in writing from all executive and administrative state officers, elective and appointive, upon any subject relating to the duties of their respective offices.

The governor may initiate court proceedings in the name of the state to enforce compliance with any constitutional or legislative mandate, or to restrain violations of any constitutional or legislative power, duty or right by any officer, department or agency of the state or any of its political subdivisions. This authority shall not be construed to authorize court proceedings against the legislature.

Sec. 9. Single executives heading principal departments and the chief executive officers of principal departments headed by boards or commissions shall keep their offices at the seat of government except as otherwise provided by law, superintend them in person and perform duties prescribed by law.

Sec. 10. The governor shall have power and it shall be his duty to inquire into the condition and administration of any public office and the acts of any public officer, elective or appointive. He may remove or suspend from office for gross neglect of duty or for corrupt conduct in office, or for any other misfeasance or malfeasance therein, any elective or appointive state officer, except legislative or judicial, and shall report the reasons for such removal or suspension to the legislature.

Sec. 11. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an appointed or elected officer, other than a legislative or judicial officer, until he is reinstated or until the vacancy is filled in the manner prescribed by law or this constitution.

Sec. 12. The governor shall be commander-in-chief of the armed forces and may call them out to execute the laws, suppress insurrection and repel invasion.

Sec. 13. The governor shall issue writs of election to fill vacancies in the senate or house of representatives. Any such election shall be held in a manner prescribed by law.

Sec. 14. The governor shall have power to grant reprieves, commutations and pardons after convictions for all offenses, except cases of impeachment, upon such conditions and limitations as he may direct, subject to procedures and regulations prescribed by law. He shall inform the legislature annually of each reprieve, commutation and pardon granted, stating reasons

therefor.

Sec. 15. The governor may convene the legislature on extraordinary occasions.

Sec. 16. The governor may convene the legislature at some other place when the seat of government becomes dangerous from any cause.

Sec. 17. The governor shall communicate by message to the legislature at the beginning of each session and may at other times present to the legislature information as to the affairs of the state and recommend measures he considers necessary or desirable.

Sec. 18. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state. Proposed expenditures from any fund shall not exceed the estimated revenue thereof. On the same date, the governor shall submit to the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills to provide new or additional revenues to meet proposed expenditures. The amount of any surplus created or deficit incurred in any fund during the last preceding fiscal period shall be entered as an item in the budget and in one of the appropriation bills. The governor may submit amendments to appropriation bills to be offered in either house during consideration of the bill by that house, and shall submit any bills to meet deficiencies in current appropriations.

Sec. 19. The governor may disapprove any distinct item or items appropriating moneys in any appropriation bill. The part or parts approved shall become law, and the item or items disapproved shall be void unless re-passed according to the method prescribed for the passage of other bills over the executive veto.

Sec. 20. No appropriation shall be a mandate to spend. The governor, with the approval of the appropriating committees of the house and senate, shall reduce expenditures authorized by appropriations whenever it appears that actual revenues for a fiscal period will fall below the revenue estimates on which appropriations for that period were based. Reductions in expenditures shall be made in accordance with procedures prescribed by law. The governor may not reduce expenditures of the legislative and judicial branches or from funds constitutionally dedicated for specific purposes.

Sec. 21. The governor, lieutenant governor, secretary of state and attorney general shall be elected for four-year terms at the general election in each alternate even-numbered year.

The lieutenant governor, secretary of state and attorney general shall be nominated by party conventions in a manner prescribed by law. In the general election one vote shall be cast jointly

for the candidates for governor and lieutenant governor nominated by the same party.

Vacancies in the office of the secretary of state and attorney general shall be filled by appointment by the governor.

Sec. 22. To be eligible for the office of governor or lieutenant governor a person must have attained the age of 30 years, and have been a registered elector in this state for four years next preceding his election.

Sec. 23. The governor, lieutenant governor, secretary of state and attorney general shall each receive the compensation provided by law in full payment for all services performed and expenses incurred during his term of office. Such compensation shall not be changed during the term of office except as otherwise provided in this constitution.

Sec. 24. An executive residence suitably furnished shall be provided at the seat of government for the use of the governor. He shall receive an allowance for its maintenance as provided by law.

Sec. 25. The lieutenant governor shall be president of the senate, but shall have no vote except in case of equal division. He may perform duties requested of him by the governor, but no power vested in the governor shall be delegated.

Sec. 26. In case of the conviction of the governor on impeachment, his removal from office, his resignation or his death, the lieutenant governor, the elected secretary of state, the elected attorney general and such other persons designated by law shall in that order be governor for the remainder of the governor's term.

In case of the death of the governor-elect, the lieutenant governor-elect, the secretary of state-elect, the attorney general-elect and such other persons designated by law shall become governor in that order at the commencement of the governor-elect's term.

If the governor or the person in line of succession to serve as governor is absent from the state, or suffering under an inability, the powers and duties of the office of governor shall devolve in order of precedence until the absence or inability giving rise to the devolution of powers ceases.

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

Sec. 27. The legislature shall provide that the salary of any state officer while acting as governor shall be equal to that of the governor.

Sec. 28. There is hereby established a state highway commission, which shall administer the state highway department and have jurisdiction

and control over all state trunkline highways and appurtenant facilities, and such other public works of the state, as provided by law.

The state highway commission shall consist of four members, not more than two of whom shall be members of the same political party. They shall be appointed by the governor by and with the advice and consent of the senate for four-year terms, no two of which shall expire in the same year as provided by law.

The state highway commission shall appoint and may remove a state highway director, who shall be a competent highway engineer and administrator. He shall be the principal executive officer of the state highway department and shall be responsible for executing the policy of the state highway commission.

Sec. 29. There is hereby established a civil rights commission which shall consist of eight persons, not more than four of whom shall be members of the same political party, who shall be appointed by the governor, by and with the advice and consent of the senate, for four-year terms not more than two of which shall expire in the same year. It shall be the duty of the commission in a manner which may be prescribed by law to investigate alleged discrimination against any person because of religion, race, color or national origin in the enjoyment of the civil rights guaranteed by law and by this constitution, and to secure the equal protection of such civil rights without such discrimination. The legislature shall provide an annual appropriation for the effective operation of the commission.

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

Appeals from final orders of the commission, including cease and desist orders and refusals to issue complaints, shall be tried de novo before the circuit court having jurisdiction provided by law.

Article VI Judicial Branch

Sec. 1. The judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction

known as the circuit court, one probate court, and other courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.

Sec. 2. The supreme court shall consist of seven justices elected at non-partisan elections as provided by law. The term of office shall be eight years and not more than two terms of office shall expire at the same time. Nominations for justices of the supreme court shall be in the manner prescribed by law. Any incumbent justice whose term is to expire may become a candidate for re-election by filing an affidavit of candidacy, in the form and manner prescribed by law, not less than 180 days prior to the expiration of his term.

Sec. 3. One justice of the supreme court shall be selected by the court as its chief justice as provided by rules of the court. He shall perform other duties required by the court. The supreme court shall appoint an administrator of the courts and other assistants of the supreme court as may be necessary to aid in the administration of the courts of this state. The administrator shall perform administrative duties assigned by the court.

Sec. 4. The supreme court shall have general superintending control over all courts; power to issue, hear, and determine prerogative and remedial writs; and appellate jurisdiction as provided by rules of the supreme court. The supreme court shall not have the power to remove a judge.

Sec. 5. The supreme court shall by general rules establish, modify, amend and simplify the practice and procedure in all courts of this state. The distinctions between law and equity proceedings shall, as far as practicable, be abolished. The office of master in chancery is prohibited.

Sec. 6. Decisions of the supreme court, including all decisions on prerogative writs, shall be in writing and shall contain a concise statement of the facts and reasons for each decision and reasons for each denial of leave to appeal. When a judge dissents in whole or in part he shall give in writing the reasons for his dissent.

Sec. 7. The supreme court may appoint, may remove, and shall have general supervision of its staff. It shall have control of the preparation of its budget recommendations and the expenditure of moneys appropriated for any purpose pertaining to the operation of the court or the performance of activities of its staff except that the salaries of the justices shall be established by law. All fees and perquisites collected by the court staff shall be turned over to the state treasury and credited to the general fund.

Sec. 8. The court of appeals shall consist initially of nine judges who shall be nominated and elected at non-partisan elections from districts drawn on county lines and as nearly as possible of equal population, as provided by law. The

supreme court may prescribe by rule that the court of appeals may sit in divisions and for the terms of court and the times and places thereof. Each such division shall consist of not fewer than three judges. The number of judges comprising the court of appeals may be increased, and the districts from which they are elected may be changed by law.

Sec. 9. Judges of the court of appeals shall hold office for a term of six years and until their successors are elected and qualified. The terms of office for the judges in each district shall be arranged by law to provide that not all terms will expire at the same time.

Sec. 10. The jurisdiction of the court of appeals shall be provided by law and the practice and procedure therein shall be prescribed by rules of the supreme court.

Sec. 11. The state shall be divided into judicial circuits along county lines in each of which there shall be elected one or more circuit judges as provided by law. Sessions of the circuit court shall be held at least four times in each year in every county organized for judicial purposes. Each circuit judge shall hold court in the county or counties within the circuit in which he is elected, and in other circuits as may be provided by rules of the supreme court. The number of judges may be changed and circuits may be created, altered and discontinued by law and the number of judges shall be changed and circuits shall be created, altered and discontinued on recommendation of the supreme court to reflect changes in judicial activity. No change in the number of judges or alteration or discontinuance of a circuit shall have the effect of removing a judge from office during his term.

Sec. 12. Circuit judges shall be nominated and elected at non-partisan elections in the circuit in which they reside, and shall hold office for a term of six years and until their successors are elected and qualified. In circuits having more than one circuit judge their terms of office shall be arranged by law to provide that not all terms will expire at the same time.

Sec. 13. The circuit court shall have original jurisdiction in all matters not prohibited by law; appellate jurisdiction from all inferior courts and tribunals except as otherwise provided by law; power to issue, hear and determine prerogative and remedial writs; supervisory and general control over inferior courts and tribunals within their respective jurisdictions in accordance with rules of the supreme court; and jurisdiction of other cases and matters as provided by rules of the supreme court.

Sec. 14. The clerk of each county organized for judicial purposes or other officer performing the duties of such office as provided in a county charter shall be clerk of the circuit court for such

county. The judges of the circuit court may fill a vacancy in an elective office of county clerk or prosecuting attorney within their respective jurisdictions.

Sec. 15. In each county organized for judicial purposes there shall be a probate court. The legislature may create or alter probate court districts of more than one county if approved in each affected county by a majority of the electors voting on the question. The legislature may provide for the combination of the office of probate judge with any judicial office of limited jurisdiction within a county with supplemental salary as provided by law. The jurisdiction, powers and duties of the probate court and of the judges thereof shall be provided by law. They shall have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

Sec. 16. One or more judges of probate as provided by law shall be nominated and elected at non-partisan elections in the counties or the probate districts in which they reside and shall hold office for terms of six years and until their successors are elected and qualified. In counties or districts with more than one judge the terms of office shall be arranged by law to provide that not all terms will expire at the same time.

Sec. 17. No judge or justice of any court of this state shall be paid from the fees of his office nor shall the amount of his salary be measured by fees, other moneys received or the amount of judicial activity of his office.

Sec. 18. Salaries of justices of the supreme court, of the judges of the court of appeals, of the circuit judges within a circuit, and of the probate judges within a county or district, shall be uniform, and may be increased, but shall not be decreased during a term of office except and only to the extent of a general salary reduction in all other branches of government.

Each of the judges of the circuit court shall receive an annual salary as provided by law. In addition to the salary received from the state, each circuit judge may receive from any county in which he regularly holds court an additional salary as determined from time to time by the board of supervisors of the county. In any county where an additional salary is granted, it shall be paid at the same rate to all circuit judges regularly holding court therein.

Sec. 19. The supreme court, the court of appeals, the circuit court, the probate court and other courts designated as such by the legislature shall be courts of record and each shall have a common seal. Justices and judges of courts of record must be persons who are licensed to practice law in this state. No person shall be elected or appointed to a judicial office after reaching the age of 70 years.

1 Sec. 20. Whenever a justice or judge removes
2 his domicile beyond the limits of the territory
3 from which he was elected, he shall have vacated
4 his office.

5 Sec. 21. Any justice or judge of a court of
6 record shall be ineligible to be nominated for
7 or elected to an elective office other than a judicial
8 office during the period of his service and for
9 one year thereafter.

10 Sec. 22. Any elected judge of the court of
11 appeals, circuit court or probate court may be-
12 come a candidate in the primary election for the
13 office of which he is the incumbent by filing an
14 affidavit of candidacy in the form and manner
15 prescribed by law.

16 Sec. 23. A vacancy in the elective office of a
17 judge of any court of record shall be filled at a
18 general or special election as provided by law.
19 The supreme court may authorize persons who
20 have served as judges and who have retired, to
21 perform judicial duties for the limited period of
22 time from the occurrence of the vacancy until
23 the successor is elected and qualified. Such per-
24 sons shall be ineligible for election to fill the
25 vacancy.

26 Sec. 24. There shall be printed upon the ballot
27 under the name of each elected incumbent justice
28 or judge who is a candidate for nomination or
29 election to the same office the designation of
30 that office.

31 Sec. 25. For reasonable cause, which is not
32 sufficient ground for impeachment, the governor
33 shall remove any judge on a concurrent resolution
34 of two-thirds of the members elected to and serv-
35 ing in each house of the legislature. The cause
36 for removal shall be stated at length in the
37 resolution.

38 Sec. 26. The offices of circuit court commis-
39 sioner and justice of the peace are abolished at
40 the expiration of five years from the date this
41 constitution becomes effective or may within this
42 period be abolished by law. Their jurisdiction,
43 compensation and powers within this period shall
44 be as provided by law. Within this five-year period,
45 the legislature shall establish a court or courts
46 of limited jurisdiction with powers and jurisdic-
47 tion defined by law. The location of such court
48 or courts, and the qualifications, tenure, method
49 of election and salary of the judges of such court
50 or courts, and by what governmental units the
51 judges shall be paid, shall be provided by law,
52 subject to the limitations contained in this Article.

53 Statutory courts in existence at the time this
54 constitution becomes effective shall retain their
55 powers and jurisdiction, except as provided by
56 law, until they are abolished by law.

57 Sec. 27. The supreme court, the court of ap-
58 peals, the circuit court, or any justices or judges
59 thereof, shall not exercise any power of appoint-
60 ment to public office except as provided in this

constitution.

1 Sec. 28. All final decisions, findings, rulings
2 and orders of any administrative officer or agency
3 existing under the constitution or by law, which
4 are judicial or quasi-judicial and affect private
5 rights or licenses, shall be subject to direct re-
6 view by the courts as provided by law. This re-
7 view shall include, as a minimum, the determina-
8 tion whether such final decisions, findings, rulings
9 and orders are authorized by law; and, in cases in
10 which a hearing is required, whether the same
11 are supported by competent, material and sub-
12 stantial evidence on the whole record. Findings
13 of fact in workmen's compensation proceedings
14 shall be conclusive in the absence of fraud un-
15 less otherwise provided by law.

16 Sec. 29. Justices of the supreme court, judges
17 of the court of appeals, circuit judges and other
18 judges as provided by law shall be conservators
19 of the peace within their respective jurisdictions.

Article VII

Local Government

1 Sec. 1. Each organized county shall be a body
2 corporate with powers and immunities provided
3 by law.

4 Sec. 2. Any county may frame, adopt, amend
5 or repeal a county charter in a manner and with
6 powers and limitations to be provided by general
7 law, which shall among other things provide for
8 the election of a charter commission. The law
9 may permit the organization of county govern-
10 ment in form different from that set forth in this
11 constitution and shall limit the rate of ad valorem
12 property taxation for county purposes, and re-
13 strict the powers of charter counties to borrow
14 money and contract debts. Each charter county
15 is hereby granted power to levy other taxes for
16 county purposes subject to limitations and pro-
17 hibitions set forth in this constitution or law.
18 Subject to law, a county charter may authorize
19 the county through its regularly constituted
20 authority to adopt resolutions and ordinances re-
21 lating to its concerns.

22 The board of supervisors by a majority vote
23 of its members may, and upon petition of five
24 percent of the electors shall, place upon the ballot
25 the question of electing a commission to frame a
26 charter.

27 No county charter shall be adopted, amended
28 or repealed until approved by a majority of elec-
29 tors voting on the question.

30 Sec. 3. No organized county shall be reduced
31 by the organization of new counties to less than
32 16 townships as surveyed by the United States,
33 unless approved in the manner prescribed by law
34 by a majority of electors voting thereon in each
35 county to be affected.

36 Sec. 4. There shall be elected for four-year
37 terms in each organized county a sheriff, a county

clerk, a county treasurer, a register of deeds and a prosecuting attorney, whose duties and powers shall be provided by law. The board of supervisors in any county may combine the offices of county clerk and register of deeds in one office or separate the same at pleasure.

Sec. 5. The sheriff, county clerk, county treasurer and register of deeds shall hold their principal offices at the county seat.

Sec. 6. The sheriff may be required by law to renew his security periodically and in default of giving such security, his office shall be vacant. The county shall never be responsible for his acts, except that the board of supervisors may protect him against claims by prisoners for unintentional injuries received while in his custody. He shall not hold any other office except in civil defense.

Sec. 7. A board of supervisors shall be established in each organized county consisting of one member from each organized township and such representation from cities as provided by law.

Sec. 8. Boards of supervisors shall have legislative, administrative and such other powers and duties as provided by law.

Sec. 9. Boards of supervisors shall have exclusive power to fix the compensation of county officers not otherwise provided by law.

Sec. 10. A county seat once established shall not be removed until the place to which it is proposed to be moved shall be designated by two-thirds of the members of the board of supervisors and a majority of the electors voting thereon shall have approved the proposed location in the manner prescribed by law.

Sec. 11. No county shall incur any indebtedness which shall increase its total debt beyond 10 percent of its assessed valuation.

Sec. 12. A navigable stream shall not be bridged or dammed without permission granted by the board of supervisors of the county as provided by law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and political subdivisions therein.

Sec. 13. Two or more contiguous counties may combine into a single county if approved in each affected county by a majority of the electors voting on the question.

Sec. 14. The board of supervisors of each organized county may organize and consolidate townships under restrictions and limitations provided by law.

Sec. 15. Any county, when authorized by its board of supervisors shall have the authority to enter or to intervene in any action or certificate proceeding involving the services, charges or rates of any privately owned public utility furnishing services or commodities to rate payers within the county.

Sec. 16. The legislature may provide for the laying out, construction, improvement and maintenance of highways, bridges, culverts and airports by the state and by the counties and townships thereof; and may authorize counties to take charge and control of any highway within their limits for such purposes. The legislature may provide the powers and duties of counties in relation to highways, bridges, culverts and airports; may provide for county road commissioners to be appointed or elected, with powers and duties provided by law. The ad valorem property tax imposed for road purposes by any county shall not exceed in any year one-half of one percent of the assessed valuation for the preceding year.

Sec. 17. Each organized township shall be a body corporate with powers and immunities provided by law.

Sec. 18. In each organized township there shall be elected for terms of not less than two nor more than four years as prescribed by law a supervisor, a clerk, a treasurer, and not to exceed four trustees, whose legislative and administrative powers and duties shall be provided by law.

Sec. 19. No organized township shall grant any public utility franchise which is not subject to revocation at the will of the township, unless the proposition shall first have been approved by a majority of the electors of such township voting thereon at a regular or special election.

Sec. 20. The legislature shall provide by law for the dissolution of township government whenever all the territory of an organized township is included within the boundaries of a village or villages notwithstanding that a village may include territory within another organized township and provide by law for the classification of such village or villages as cities.

Sec. 21. The legislature shall provide by general laws for the incorporation of cities and villages. Such laws shall limit their rate of ad valorem property taxation for municipal purposes, and restrict the powers of cities and villages to borrow money and contract debts. Each city and village is granted power to levy other taxes for public purposes, subject to limitations and prohibitions provided by this constitution or by law.

Sec. 22. Under general laws the electors of each city and village shall have the power and authority to frame, adopt and amend its charter, and to amend an existing charter of the city or village heretofore granted or enacted by the legislature for the government of the city or village. Each such city and village shall have power to adopt resolutions and ordinances relating to its municipal concerns, property and government, subject to the constitution and law. No enumeration of powers granted to cities and villages in this constitution shall limit or restrict the general grant of authority conferred by this section.

1 Sec. 23. Any city or village may acquire, own,
2 establish and maintain, within or without its
3 corporate limits, parks, boulevards, cemeteries,
4 hospitals and all works which involve the public
5 health or safety.

6 Sec. 24. Subject to this constitution, any city
7 or village may acquire, own or operate, within
8 or without its corporate limits, public service
9 facilities for supplying water, light, heat, power,
10 sewage disposal and transportation to the municipi-
11 lity and the inhabitants thereof.

12 Any city or village may sell and deliver heat,
13 power or light without its corporate limits in an
14 amount not exceeding 25 percent of that furnished
15 by it within the corporate limits, except as greater
16 amounts may be permitted by law; may sell and
17 deliver water and provide sewage disposal services
18 outside of its corporate limits in such amount as
19 may be determined by the legislative body of the
20 city or village; and may operate transportation
21 lines outside the municipality within such limits
22 as may be prescribed by law.

23 Sec. 25. No city or village shall acquire any
24 public utility furnishing light, heat or power, or
25 grant any public utility franchise which is not
26 subject to revocation at the will of the city or
27 village, unless the proposition shall first have been
28 approved by three-fifths of the electors voting
29 thereon. No city or village may sell any public
30 utility unless the proposition shall first have been
31 approved by a majority of the electors voting
32 thereon, or a greater number if the charter shall
33 so provide.

34 Sec. 26. Except as otherwise provided in this
35 constitution, no city or village shall have the
36 power to loan its credit for any private purpose
37 or, except as provided by law, for any public pur-
38 pose.

39 Sec. 27. Notwithstanding any other provision
40 of this constitution the legislature may establish
41 in metropolitan areas additional forms of govern-
42 ment or authorities with powers, duties and juris-
43 dictions as the legislature shall provide. Where-
44 ever possible, such additional forms of govern-
45 ment or authorities shall be designed to perform
46 multi-purpose functions rather than a single
47 function.

48 Sec. 28. The legislature by general law shall
49 authorize two or more counties, townships, cities,
50 villages or districts, or any combination thereof
51 among other things to: enter into contractual
52 undertakings or agreements with one another or
53 with the state or with any combination thereof
54 for the joint administration of any of the functions
55 or powers which each would have the power to
56 perform separately; share the costs and responsi-
57 bilities of functions and services with one another
58 or with the state or with any combination thereof
59 which each would have the power to perform
60 separately; transfer functions or responsibilities

1 to one another or any combination thereof upon
2 the consent of each unit involved; cooperate with
3 one another and with state government; lend their
4 credit to one another or any combination thereof
5 as provided by law in connection with any au-
6 thorized publicly owned undertaking.

7 Any other provision of this constitution not-
8 withstanding, an officer or employee of the state
9 or any such unit of government or subdivision
10 or agency thereof, except members of the legis-
11 lature, may serve on or with any governmental
12 body established for the purposes set forth in
13 this section and shall not be required to relin-
14 quish his office or employment by reason of such
15 service.

16 Sec. 29. No person, partnership, association or
17 corporation, public or private, operating a public
18 utility shall have the right to the use of the high-
19 ways, streets, alleys or other public places of
20 any county, township, city or village for wires,
21 poles, pipes, tracks, conduits or other utility
22 facilities, without the consent of the duly con-
23 stituted authority of the county, township, city
24 or village; or to transact local business therein
25 without first obtaining a franchise from the town-
26 ship, city or village. Except as otherwise provided
27 in this constitution the right of all counties, town-
28 ships, cities and villages to the reasonable control
29 of their highways, streets, alleys and public
30 places is hereby reserved to such local units of
31 government.

32 Sec. 30. No franchise or license shall be
33 granted by any township, city or village for a
34 period longer than 30 years.

35 Sec. 31. The legislature shall not vacate or
36 alter any road, street, alley, or public place under
37 the jurisdiction of any county, township, city or
38 village.

39 Sec. 32. Any county, township, city, village,
40 authority or school district empowered by the
41 legislature or by this constitution to prepare bud-
42 gets of estimated expenditures and revenues shall
43 adopt such budgets only after a public hearing
44 in a manner prescribed by law.

45 Sec. 33. Any elected officer of a political sub-
46 division may be removed from office in the manner
47 and for the causes provided by law.

48 Sec. 34. The provisions of this constitution and
49 law concerning counties, townships, cities and vil-
50 lages shall be liberally construed in their favor.
51 Powers granted to counties and townships by this
52 constitution and by law shall include those fairly
53 implied and not prohibited by this constitution.

Article VIII Education

1 Sec. 1. Religion, morality and knowledge being
2 necessary to good government and the happiness
3 of mankind, schools and the means of education
4 shall forever be encouraged.

1 Sec. 2. The legislature shall maintain and sup-
 2 port a system of free public elementary and sec-
 3 ondary schools as defined by law. Every school
 4 district shall provide for the education of its
 5 pupils without discrimination as to religion, creed,
 6 race, color or national origin.

7 Sec. 3. Leadership and general supervision over
 8 all public education, including adult education and
 9 instructional programs in state institutions, except
 10 as to institutions of higher education granting
 11 baccalaureate degrees, is vested in a state board
 12 of education. It shall serve as the general plan-
 13 ning and coordinating body for all public educa-
 14 tion, including higher education, and shall advise
 15 the legislature as to the financial requirements
 16 in connection therewith.

17 The state board of education shall appoint a
 18 superintendent of public instruction whose term
 19 of office shall be determined by the board. He
 20 shall be the chairman of the board without the
 21 right to vote, and shall be responsible for the
 22 execution of its policies. He shall be the principal
 23 executive officer of a state department of educa-
 24 tion which shall have powers and duties provided
 25 by law.

26 The state board of education shall consist of
 27 eight members who shall be nominated by party
 28 conventions and elected at large for terms of
 29 eight years as prescribed by law. The governor
 30 shall fill any vacancy by appointment for the
 31 unexpired term. The governor shall be ex-officio
 32 a member of the state board of education with-
 33 out the right to vote.

34 The power of the boards of institutions of higher
 35 education provided in this constitution to super-
 36 vise their respective institutions and control and
 37 direct the expenditure of the institutions' funds
 38 shall not be limited by this section.

39 Sec. 4. The legislature shall appropriate
 40 moneys to maintain the university of Michigan,
 41 Michigan State University, Wayne State Univer-
 42 sity, Eastern Michigan University, Michigan Col-
 43 lege of Science and Technology, Central Michi-
 44 gan University, Northern Michigan University,
 45 Western Michigan University, Ferris Institute,
 46 Grand Valley State College, by whatever names
 47 such institutions may hereafter be known, and
 48 other institutions of higher education established
 49 by law. The legislature shall be given an annual
 50 accounting of all income and expenditures by each
 51 of these educational institutions. Formal sessions
 52 of governing boards of such institutions shall be
 53 open to the public.

54 Sec. 5. The regents of the University of Michi-
 55 gan and their successors in office shall constitute
 56 a body corporate known as the Regents of the
 57 University of Michigan; the trustees of Michigan
 58 State University and their successors in office shall
 59 constitute a body corporate known as the Board
 60 of Trustees of Michigan State University; the

governors of Wayne State University and their
 successors in office shall constitute a body corpor-
 ate known as the Board of Governors of Wayne
 State University. Each board shall have general
 supervision of its institution and the control and
 direction of all expenditures from the institution's
 funds. Each board shall, as often as necessary,
 elect a president of the institution under its su-
 pervision. He shall be the principal executive of-
 ficer of the institution, be ex-officio a member of
 the board without the right to vote and preside
 at meetings of the board. The board of each in-
 stitution shall consist of eight members who shall
 hold office for terms of eight years and who shall
 be elected as provided by law. The governor shall
 fill board vacancies by appointment. Each ap-
 pointee shall hold office until a successor has been
 nominated and elected as provided by law.

Sec. 6. Other institutions of higher education
 established by law having authority to grant
 baccalaureate degrees shall each be governed by
 a board of control which shall be a body corporate.
 The board shall have general supervision of the
 institution and the control and direction of all
 expenditures from the institution's funds. It shall,
 as often as necessary, elect a president of the in-
 stitution under its supervision. He shall be the
 principal executive officer of the institution and
 be ex-officio a member of the board without the
 right to vote. The board may elect one of its mem-
 bers or may designate the president, to preside at
 board meetings. Each board of control shall con-
 sist of eight members who shall hold office for
 terms of eight years, not more than two of which
 shall expire in the same year, and who shall be
 appointed by the governor by and with the ad-
 vice and consent of the senate. Vacancies shall
 be filled in like manner.

Sec. 7. The legislature shall provide by law
 for the establishment and financial support of
 public community and junior colleges which shall
 be supervised and controlled by locally elected
 boards. The legislature shall provide by law for
 a state board for public community and junior
 colleges which shall advise the state board of
 education concerning general supervision and plan-
 ning for such colleges and requests for annual
 appropriations for their support. The board shall
 consist of eight members who shall hold office
 for terms of eight years, not more than two of
 which shall expire in the same year, and who shall
 be appointed by the state board of education. Va-
 cancies shall be filled in like manner. The super-
 intendent of public instruction shall be ex-officio
 a member of this board without the right to vote.

Sec. 8. Institutions, programs, and services for
 the care, treatment, education or rehabilitation of
 those inhabitants who are physically, mentally, or
 otherwise seriously handicapped shall always be
 fostered and supported.

1 Sec. 9. The legislature shall provide by law for
2 the establishment and support of public libraries
3 which shall be available to all residents of the state
4 under regulations adopted by the governing bodies
5 thereof. All fines assessed and collected in the
6 several counties, cities and townships for any
7 breach of the penal laws shall be exclusively ap-
8 plied to the support of such public libraries, and
9 county law libraries as provided by law.

Article IX

Finance and Taxation

13 Sec. 1. The legislature shall impose taxes suf-
14 ficient with other resources to pay the expenses of
15 state government.

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

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

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

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

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

1 assessed valuation of property as finally equalized.
2 Under procedures provided by law, which shall
3 guarantee the right of initiative, separate tax
4 limitations for any county and for the townships
5 and for school districts therein, the aggregate of
6 which shall not exceed 18 mills on each dollar of
7 such valuation, may be adopted and thereafter
8 altered by the vote of a majority of the qualified
9 electors of such county voting thereon, in lieu
10 of the limitation hereinbefore established. These
11 limitations may be increased to an aggregate of
12 not to exceed 50 mills on each dollar of valuation,
13 for a period of not to exceed 20 years at any one
14 time, if approved by a majority of the electors,
15 qualified under Section 6 of Article II of this
16 constitution, voting on the question.

17 The foregoing limitations shall not apply to
18 taxes imposed for the payment of principal and
19 interest on bonds or other evidences of indebted-
20 ness or for the payment of assessments or con-
21 tract obligations in anticipation of which bonds
22 are issued, which taxes may be imposed without
23 limitation as to rate or amount; or to taxes im-
24 posed for any other purpose by any city, vil-
25 lage, charter county, charter township, charter
26 authority or other authority, the tax limitations
27 of which are provided by charter or by general
28 law.

29 In any school district which extends into two
30 or more counties, property taxes at the highest
31 rate available in the county which contains the
32 greatest part of the area of the district may be
33 imposed and collected for school purposes through-
34 out the district.

35 Sec. 7. No income tax graduated as to rate
36 or base shall be imposed by the state or any of
37 its subdivisions.

38 Sec. 8. The legislature shall not impose a
39 sales tax on retailers at a rate of more than
40 four percent of their gross taxable sales of
41 tangible personal property.

42 Sec. 9. All specific taxes, except general sales
43 and use taxes and regulatory fees, imposed di-
44 rectly or indirectly on fuels sold or used
45 to propel motor vehicles upon highways and on
46 registered motor vehicles shall, after the payment
47 of necessary collection expenses, be used exclusi-
48 vely for highway purposes as defined by law.

49 Sec. 10. One-eighth of all taxes imposed on
50 retailers on taxable sales at retail of tangible
51 personal property shall be used exclusively for
52 assistance to townships, cities and villages, on
53 a population basis as provided by law. In de-
54 termining population the legislature may exclude
55 any portion of the total number of persons who
56 are wards, patients or convicts in any tax sup-
57 ported institution.

58 Sec. 11. There shall be established a state
59 school aid fund which shall be used exclusively
60 for the support of public education and school

employees' retirement systems, as provided by law. One-half of all taxes imposed on retailers on taxable sales at retail of tangible personal property, and other tax revenues provided by law, shall be dedicated to this fund. Payments from this fund shall be made in full on a scheduled basis, as provided by law.

Sec. 12. No evidence of state indebtedness shall be issued except for debts authorized pursuant to this constitution.

Sec. 13. Public bodies corporate shall have power to borrow money and to issue their securities evidencing debt, subject to this constitution and law.

Sec. 14. To meet obligations incurred pursuant to appropriations for any fiscal year, the legislature may by law authorize the state to issue its full faith and credit notes in which case it shall pledge undedicated revenues to be received within the same fiscal year for the repayment thereof. Such indebtedness in any fiscal year shall not exceed 15 percent of undedicated revenues received by the state during the preceding fiscal year and such debts shall be repaid at the time the revenues so pledged are received, but not later than the end of the same fiscal year.

Sec. 15. The state may borrow money for specific purposes in amounts as may be provided by acts of the legislature adopted by a vote of two-thirds of the members elected to and serving in each house, and approved by a majority of the electors voting thereon at any general election. The question submitted to the electors shall state the amount to be borrowed, the specific purpose to which the funds shall be devoted, and the method of repayment.

Sec. 16. The state, in addition to any other borrowing power, may borrow from time to time such amounts as shall be required, pledge its faith and credit and issue its notes or bonds therefor, for the purpose of making loans to school districts as provided in this section.

If the minimum amount which would otherwise be necessary for a school district to levy in any year to pay principal and interest on its qualified bonds, including any necessary allowances for estimated tax delinquencies, exceeds 13 mills on each dollar of its assessed valuation as finally equalized, or such lower millage as the legislature may prescribe, then the school district may elect to borrow all or any part of the excess from the state. In that event the state shall lend the excess amount to the school district for the payment of principal and interest. If for any reason any school district will be or is unable to pay the principal and interest on its qualified bonds when due, then the school district shall borrow and the state shall lend to it an amount sufficient to enable the school district to make the payment.

The term "qualified bonds" means general obli-

gation bonds of school districts issued for capital expenditures, including refunding bonds, issued prior to May 4, 1955, or issued thereafter and qualified as provided by law pursuant to Section 27 or Section 28 of Article X of the Constitution of 1908 or pursuant to this section.

After a school district has received loans from the state, each year thereafter it shall levy for debt service, exclusive of levies for nonqualified bonds, not less than 13 mills or such lower millage as the legislature may prescribe, until the amount loaned has been repaid, and any tax collections therefrom in any year over and above the minimum requirements for principal and interest on qualified bonds shall be used toward the repayment of state loans. In any year when such levy would produce an amount in excess of the requirements and the amount due to the state, the levy may be reduced by the amount of the excess.

Subject to the foregoing provisions, the legislature shall have the power to prescribe and to limit the procedure, terms and conditions for the qualification of bonds, for obtaining and making state loans, and for the repayment of loans.

The power to tax for the payment of principal and interest on bonds hereafter issued which are the general obligations of any school district, including refunding bonds, and for repayment of any state loans made to school districts, shall be without limitation as to rate or amount.

All rights acquired under Sections 27 and 28 of Article X of the Constitution of 1908, by holders of bonds heretofore issued, and all obligations assumed by the state or any school district under these sections, shall remain unimpaired.

Sec. 17. No money shall be paid out of the state treasury except in pursuance of appropriations made by law.

Sec. 18. The credit of the state shall not be granted to, nor in aid of any person, association or corporation, public or private, except as authorized in this constitution.

This section shall not be construed to prohibit the investment of public funds until needed for current requirements or the investment of funds accumulated to provide retirement or pension benefits for public officials and employees, as provided by law.

Sec. 19. The state shall not subscribe to, nor be interested in the stock of any company, association or corporation, except that funds accumulated to provide retirement or pension benefits for public officials and employees may be invested as provided by law; and endowment funds created for charitable or educational purposes may be invested as provided by law governing the investment of funds held in trust by trustees.

Sec. 20. No state money shall be deposited in banks other than those organized under the national or state banking laws. No state money

1 shall be deposited in any bank in excess of 50
2 percent of the capital and surplus of such bank.
3 Any bank receiving deposits of state money shall
4 show the amount of state money so deposited as
5 a separate item in all published statements.

6 Sec. 21. The legislature shall provide by law
7 for the annual accounting for all public moneys,
8 state and local, and may provide by law for interim
9 accounting.

10 The legislature shall provide by law for the
11 maintenance of uniform accounting systems by
12 units of local government and the auditing of
13 county accounts by competent state authority
14 and other units of government as provided by law.

15 Sec. 22. Procedures for the examination and
16 adjustment of claims against the state shall be
17 prescribed by law.

18 Sec. 23. All financial records, accountings,
19 audit reports and other reports of public moneys
20 shall be public records and open to inspection. A
21 statement of all revenues and expenditures of pub-
22 lic moneys shall be published and distributed
23 annually, as provided by law.

24 Sec. 24. The accrued financial benefits of each
25 pension plan and retirement system of the state
26 and its political subdivisions shall be a contractual
27 obligation thereof which shall not be diminished
28 or impaired thereby.

29 Financial benefits arising on account of service
30 rendered in each fiscal year shall be funded during
31 that year and such funding shall not be used for
32 financing unfunded accrued liabilities.

Article X Property

33 Sec. 1. The disabilities of coverture as to prop-
34 erty are abolished. The real and personal estate of
35 every woman acquired before marriage and all
36 real and personal property to which she may after-
37 wards become entitled shall be and remain the
38 estate and property of such woman, and shall not
39 be liable for the debts, obligations or engagements
40 of her husband, and may be dealt with and dis-
41 posed of by her as if she were unmarried. Dower
42 may be relinquished or conveyed as provided by
43 law.

44 Sec. 2. Private property shall not be taken for
45 public use without just compensation therefor
46 being first made or secured in a manner prescribed
47 by law. The amount of compensation shall be
48 determined in proceedings in a court of record.

49 Sec. 3. A homestead in the amount of not less
50 than \$3,500 and personal property of every resi-
51 dent of this state in the amount of not less than
52 \$750, as defined by law, shall be exempt from
53 forced sale on execution or other process of any
54 court. Such exemptions shall not extend to any
55 lien thereon excluded from exemption by law.

56 Sec. 4. Procedures relating to escheats and to
57 the custody and disposition of escheated property

shall be prescribed by law.

58 Sec. 5. The legislature shall have general su-
59 pervisory jurisdiction over all state owned lands
60 useful for forest preserves, game areas and recrea-
61 tional purposes; shall require annual reports as
62 to such lands from all departments having super-
63 vision or control thereof; and shall by general law
64 provide for the sale, lease or other disposition of
65 such lands.

66 The legislature by an act adopted by two-thirds
67 of the members elected to and serving in each
68 house may designate any part of such lands as
69 a state land reserve. No lands in the state land
70 reserve may be removed from the reserve, sold,
71 leased or otherwise disposed of except by an act
72 of the legislature.

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

Article XI

Public Officers and Employment

76 Sec. 1. All officers, legislative, executive and
77 judicial, before entering upon the duties of their
78 respective offices, shall take and subscribe the
79 following oath or affirmation: I do solemnly swear
80 (or affirm) that I will support the Constitution
81 of the United States and the constitution of this
82 state, and that I will faithfully discharge the duties
83 of the office of according to the best of
84 my ability. No other oath, affirmation, or any
85 religious test shall be required as a qualification
86 for any office or public trust.

87 Sec. 2. The terms of office of elective state
88 officers, members of the legislature and justices
89 and judges of courts of record shall begin at twelve
90 o'clock noon on the first day of January next suc-
91 ceeding their election, except as otherwise provided
92 in this constitution. The terms of office of county
93 officers shall begin on the first day of January
94 next succeeding their election, except as otherwise
95 provided by law.

96 Sec. 3. Neither the legislature nor any poli-
97 tical subdivision of this state shall grant or author-
98 ize extra compensation to any public officer, agent
99 or contractor after the service has been rendered
100 or the contract entered into.

101 Sec. 4. No person having custody or control of
102 public moneys shall be a member of the legislature,
103 or be eligible to any office of trust or profit under
104 this state, until he shall have made an accounting,
105 as provided by law, of all sums for which he may
106 be liable.

107 Sec. 5. The classified state civil service shall
108 consist of all positions in the state service except
109 those filled by popular election, heads of principal
110 departments, members of boards and commis-
111 sions, the principal executive officer of boards and
112 commissions heading principal departments, em-
113 ployees of courts of record, employees of the legis-

lature, employees of the state institutions of higher education, all persons in the armed forces of the state, eight exempt positions in the office of the governor, and within each principal department, when requested by the department head, two other exempt positions, one of which shall be policy-making. The civil service commission may exempt three additional positions of a policy-making nature within each principal department.

The civil service commission shall be non-salaried and shall consist of four persons, not more than two of whom shall be members of the same political party, appointed by the governor for terms of eight years, no two of which shall expire in the same year.

The administration of the commission's powers shall be vested in a state personnel director who shall be a member of the classified service and who shall be responsible to and selected by the commission after open competitive examination.

The commission shall classify all positions in the classified service according to their respective duties and responsibilities, fix rates of compensation for all classes of positions, approve or disapprove disbursements for all personal services, determine by competitive examination and performance exclusively on the basis of merit, efficiency and fitness the qualifications of all candidates for positions in the classified service, make rules and regulations covering all personnel transactions, and regulate all conditions of employment in the classified service.

No person shall be appointed to or promoted in the classified service who has not been certified by the commission as qualified for such appointment or promotion. No appointments, promotions, demotions or removals in the classified service shall be made for religious, racial or partisan considerations.

Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year. Within 60 calendar days following such transmission, the legislature may, by a two-thirds vote of the members elected to and serving in each house, reject or reduce increases in rates of compensation authorized by the commission. Any reduction ordered by the legislature shall apply uniformly to all classes of employees affected by the increases and shall not adjust pay differentials already established by the civil service commission. The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases author-

ized by the commission.

The appointing authorities may create or abolish positions for reasons of administrative efficiency without the approval of the commission. Positions shall not be created nor abolished except for reasons of administrative efficiency. Any employee considering himself aggrieved by the abolition of a position shall have a right of appeal to the commission through established grievance procedures.

The civil service commission shall recommend to the governor and to the legislature rates of compensation for all appointed positions within the executive department not a part of the classified service.

To enable the commission to exercise its powers, the legislature shall appropriate to the commission for the ensuing fiscal year a sum not less than one percent of the aggregate payroll of the classified service for the preceding fiscal year, as certified by the commission. Within six months after the conclusion of each fiscal year the commission shall return to the state treasury all moneys unexpended for that fiscal year.

The commission shall furnish reports of expenditures, at least annually, to the governor and the legislature and shall be subject to annual audit as provided by law.

No payment for personal services shall be made or authorized until the provisions of this constitution pertaining to civil service have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

Sec. 6. By ordinance or resolution of its governing body which shall not take effect until approved by a majority of the electors voting thereon, unless otherwise provided by charter, each county, township, city, village, school district and other governmental unit or authority may establish, modify or discontinue a merit system for its employees other than teachers under contract or tenure. The state civil service commission may on request furnish technical services to any such unit on a reimbursable basis.

Sec. 7. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office or for crimes or misdemeanors, but a majority of the members elected and serving shall be necessary to direct an impeachment.

When an impeachment is directed, the house of representatives shall elect three of its members to prosecute the impeachment.

Every impeachment shall be tried by the senate immediately after the final adjournment of the legislature. The senators shall take an oath or affirmation truly and impartially to try and determine the impeachment according to the evi-

1 dence. When the governor or lieutenant governor
2 is tried, the chief justice of the supreme court
3 shall preside.

4 No person shall be convicted without the con-
5 currence of two-thirds of the senators elected and
6 serving. Judgment in case of conviction shall not
7 extend further than removal from office, but the
8 person convicted shall be liable to punishment
9 according to law.

10 No judicial officer shall exercise any of the
11 functions of his office after an impeachment is
12 directed until he is acquitted.

Article XII

Amendment & Revision

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

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

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

as provided by law.

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

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

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

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

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

journal. Any proposed constitution or amendments adopted by such convention shall be submitted to the qualified electors in the manner and at the time provided by such convention not less than 90 days after final adjournment of the convention. Upon the approval of such constitution or amendments by a majority of the qualified electors voting thereon the constitution or amendments shall take effect as provided by the convention.

Schedule and Temporary Provisions

To insure the orderly transition from the constitution of 1908 to this constitution the following schedule and temporary provisions are set forth to be effective for such period as are thereby required.

Sec. 1. The attorney general shall recommend to the legislature as soon as practicable such changes as may be necessary to adapt existing laws to this constitution.

Sec. 2. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights existing on the effective date of this constitution shall continue unaffected except as modified in accordance with the provisions of this constitution.

Sec. 3. Except as otherwise provided in this constitution, all officers filling any office by election or appointment shall continue to exercise their powers and duties until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

No provision of this constitution, or of law or of executive order authorized by this constitution shall shorten the term of any person elected to state office at a statewide election on or prior to the date on which this constitution is submitted to a vote. In the event the duties of any such officers shall not have been abolished or incorporated into one or more of the principal departments at the expiration of his term, such officer shall continue to serve until his duties are so incorporated or abolished.

Sec. 4. All officers elected at the same election that this constitution is submitted to the people for adoption shall take office and complete the term to which they were elected under the 1908 constitution and existing laws and continue to serve until their successors are elected and qualified pursuant to this constitution or law.

Sec. 5. Notwithstanding any other provision in this constitution, the governor, the lieutenant governor, the secretary of state, the attorney general, and state senators shall be elected at the general election in 1964 to serve for two year terms beginning on the first day of January next

succeeding their election. The first election of such officers for four-year terms under this constitution shall be held at the general election in 1966.

Sec. 6. The state shall be districted for the purpose of electing senators in accordance with the provisions of Section 2 of Article IV of this constitution, after the official publication of the total population count of the 1970 decennial federal census. Until the apportionment of the senate following the 1970 census, the senatorial districts under the 1908 constitution shall remain intact except that upon the adoption of this constitution each of the counties of Kent, Genesee, Macomb and Oakland shall be divide by the apportionment commission into two senatorial districts and Wayne county into eight senatorial districts in accordance with this constitution. The legislature may give prior effect to Section 2 of Article IV of this constitution, which action shall not be subject to veto by the governor.

Sec. 7. Notwithstanding the provisions of this constitution that the supreme court shall consist of seven justices it shall consist of eight justices until the time that a vacancy occurs as a result of death, retirement or resignation of a justice. The first such vacancy shall not be filled.

Sec. 8. Any judge of probate serving on the effective date of this constitution may serve the remainder of the term and be eligible to succeed himself for election regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

Sec. 9. The provisions of Article VI providing that terms of judicial offices shall not all expire at the same time, shall be implemented by law providing that at the next election for such offices judges shall be elected for terms of varying length, none of which shall be shorter than the regular term provided for the office.

Sec. 10. The members of the state board of education provided for in Section 3 of Article VIII of this constitution shall first be elected at the first general election after the effective date of this constitution for the following terms: two shall be elected for two years, two for four years, two for six years, and two for eight years as prescribed by law.

The State Board of Education provided for in the constitution of 1908 is abolished at twelve o'clock noon January 1 of the year following the first general election under this constitution and the terms of members thereof shall then expire.

Sec. 11. The provisions of this constitution providing for members of boards of control of institutions of higher education and the State Board of Public Community and Junior Colleges shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be

extended, and may further provide that the initial terms of office of members may be less than eight years.

Sec. 12. The provisions of this constitution increasing the number of members of the Board of Trustees of Michigan State University and of the Board of Governors of Wayne State University to eight, and of their term of office to eight years, shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended one year, and may further provide that the initial terms of office of the additional members may be less than eight years.

Sec. 13. The initial allocation of departments by law pursuant to Section 2 of Article V of this constitution, shall be completed within two years after the effective date of this constitution. If such allocation shall not have been completed within such period, the governor, within one year thereafter, by executive order, shall make the initial allocation.

Sec. 14. Contractual obligations of the state incurred pursuant to the constitution of 1908 shall continue to be obligations of the state.

For the retirement of notes and bonds issued under Section 26 of Article X of the 1908 constitution, there is hereby appropriated from the general fund each year during their life a sum equal to the amount of principal and interest payments due and payable in each year.

Sec. 15. The legislature by a vote of two-thirds of the members elected to and serving in each house may provide that the state may bor-

row money and may pledge its full faith and credit for refunding any bonds issued by the Mackinac Bridge Authority and at the time of refunding the Mackinac Bridge Authority shall be abolished and the operation of the bridge shall be assumed by the state highway department. The legislature may implement this section by law.

Sec. 16. This constitution shall be submitted to the people for their adoption or rejection at the general election to be held on the Tuesday after the first Monday of November, 1962. It shall be the duty of the secretary of state forthwith to give notice of such submission to all other officers required to give or publish any notice in regard to a general election. He shall give notice that this constitution will be duly submitted to the electors at such election. The notice shall be given in the manner required for the election of governor.

Sec. 17. Every registered elector may vote on the adoption of the constitution. The board of election commissioners in each county shall cause to be printed on a ballot separate from the ballot containing the names of the nominees for office, the words: Shall the revised constitution be adopted? () Yes. () No. All votes cast at the election shall be taken, counted, canvassed and returned as provided by law for the election of state officers. If the revised constitution so submitted receives more votes in its favor than were cast against it, it shall be the supreme law of the state on and after the first day of January of the year following its adoption.

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

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

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

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.

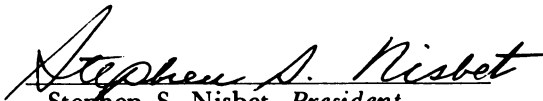
Sec. 14. The legislature by a vote of two-thirds of the members elected to and serving in each house may provide that the state may borrow money and may pledge its full faith and credit for refunding any bonds issued by the Mackinac Bridge Authority and at the time of refunding the Mackinac Bridge Authority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

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*

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 a 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.

This is a revision of Sections 2 and 3, Article XVII, of the present constitution, eliminating unnecessary language and making these changes:

1. References to "months" in the present section are changed to the approximate number of "days". Hence "two months" becomes "60 days" and "four months" is changed to "120 days".

2. Amendments approved become effective 45 days after the election instead of the 30 days now specified.

3. Details as to form of petitions, their circulation and other elections procedures are left to the determination of the legislature.

4. The section provides that if two or more amendments approved at the same election conflict as to substance, the amendment receiving the highest affirmative vote is to prevail.

Constitutional convention.

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*.

This is a revision of Sec. 4, Article XVII, of the present constitution which makes the following changes:

1. The question of a general revision of the Constitution may be submitted to the electors of the state at the general election in 1978 and each 16th year thereafter.

2. If a constitutional convention is decided upon, it will meet the first Tuesday in October following the election, or at an earlier date if provided by law. Delegates are to be chosen at a partisan election.

3. Vacancies among the delegation to the convention will be filled by appointment of the governor from among qualified residents of the district in which the vacancy occurs, but the appointee must be a member of the same political party as the delegate vacating the office.

4. The convention will have constitutional authority "to explain and disseminate information about the proposed constitution and to complete the business of the convention in an orderly manner." This helps to avoid possible conflict between the convention and the legislature.

5. Compensation of delegates is not specified but left to legislative determination.

6. The date of submission of the new constitution or amendments proposed to the electors of the state is to be provided by the convention. It must be not less than 90 days after final adjournment.

7. The new constitution or amendments, if approved, will take effect as provided by the convention.