

# Michigan Constitutional Convention of 1961

## Committee Proposal 66

### Const 1963, Art 12, § 3

#### Relevant Material From the Constitutional Convention Record

Cross-Reference and Indices .....	pp. 3437, 3448, 3474
First Reading .....	pp. 738, 2472-2490, 2503, 2852
Second Reading .....	pp. 3006-3013
Draft Constitution (Art 12, § 3) .....	pp. 3047-3075 (pp. 3072-3073)
Third Reading, Article-by-Article .....	pp. 3198, 3201-3206
Draft Constitution (Art 12, § 3) .....	pp. 3215-3237 (pp. 3235-3236)
Third Reading, Full Constitution .....	pp. 3238, 3247-3250, 3253, 3292, 3300-3301
Adopted Constitution (Art 12, § 3) .....	pp. 3319-3353 (pp. 3350-3351)
Address to the People .....	p. 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

**AUSTIN C. KNAPP**  
Editor  
**LYNN M. NETHAWAY**  
Associate Editor

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

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

\* Created by the committee on style and drafting.

1963		1908		Committee Proposal	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 <sup>1</sup>	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
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	3351-3353
		For text, and comments in address to the people	3408-3410

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

with the recommendation that it pass.

Claud R. Erickson, chairman.

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

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

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

with the recommendation that it pass.

Claud R. Erickson, chairman.

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

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

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

with the recommendation that it pass.

Claud R. Erickson, chairman.

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

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

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

with the recommendation that it pass.

Claud R. Erickson, chairman.

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

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

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

with the recommendation that it pass.

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

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

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

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

**Committee Proposal 72**, A proposal to provide for compensation of acting governor. Retains section 18 of article VI;

with the recommendation that it pass.

John B. Martin, chairman.

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

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

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

with the recommendation that it pass.

John B. Martin, chairman.

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

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

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

with the recommendation that it pass.

John B. Martin, chairman.

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

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

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

with the recommendation that it pass.

John B. Martin, chairman.

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

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

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

with the recommendation that it pass.

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

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

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

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

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

with the recommendation that it pass.

Arthur G. Elliott, chairman.

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

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

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

with the recommendation that it pass.

Arthur G. Elliott, chairman.

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

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

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

with the recommendation that it pass.

Arthur G. Elliott, chairman.

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

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

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

with the recommendation that it pass.

Arthur G. Elliott, chairman.

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

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

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.

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 necessary and to fix their compensation, [and] to provide for the printing and distribution of its documents, journals and proceedings, TO COMPLETE THE DISSEMINATION OF 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 [the sum of 1,000 dollars and the same mileage as shall then be payable to members of the legislature, but such compensation may be increased by law] 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 hereinafter provided unless by the assent of a majority of all the delegates elected to the convention, the yeas and nays being entered on 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, [on the first Monday in April following the final adjournment of the convention, but, in case] HOWEVER, an interval of at least 90 days shall [not] intervene between such final adjournment and the date of such election. [then it shall be submitted at the next general election.] Upon the approval of such constitution or amendments by a majority of the qualified electors voting thereon such constitution or amendments shall take effect [on the first day of January following the approval thereof] AS PROVIDED BY SUCH CONVENTION.

Mr. Erickson, chairman of the committee on miscellaneous provisions and schedule, submits the following reasons in support of Committee Proposal 66:

History: The 1835 constitution provided for the calling of a constitutional convention when proposed by 2/3 of each house of the legislature and approved by a majority of the electors voting at the election. If so approved, the legislature was required to provide by law the calling of the convention to be held in 6 months and to have a number of members not less than both houses of the legislature.

The 1850 constitution originated the requirement of submitting the question of calling a convention every 16 years and at other times as provided by law. The legislature again was required to provide by law for the election of delegates.

The 1908 constitution continued the requirement of submitting the question of calling a convention each 16 years, and provided the present detail to enhance the independent power of a convention and to restrict legislative control over such convention.

Committee recommendations: The committee believes that section 4, as amended in 1960, is so recent an expression of the wishes of the people of the state that no substantial changes ought to be made. For that reason only minor changes are proposed. Since no biennial spring election may be provided in the new constitution, we propose the submission of the question of calling a convention at the general election to be held in 1978 and each sixteenth year thereafter. We retain the present provisions calling for only a majority of the electors voting on the question and providing for 1 delegate from each senatorial and each representative district. We have deleted some provisions relating to the organization of such convention, since such matters can best be provided by law, or by the rules adopted by such convention. But since the powers of a convention are determined by the constitution existing at the time they convene, we have tried to spell out the powers of the convention in broad terms. Mindful of the difficulty that this convention faces concerning the date of submission of the proposed constitution to the voters,

we prefer to leave the time and manner of submission of any proposed constitution to such convention, except that we would provide that at least 90 days would elapse between final adjournment and the election to allow time for proper presentation to the voters. The matter of the time when such constitution or amendments should take effect, we also felt ought to be left to such convention.

Section 4, as amended, was adopted by the committee by unanimous vote.

MR. GADOLA: Before we decide on this, I would like to pose a question. Would any of the members of the present convention be put on as incumbents to the next convention? (laughter)

CHAIRMAN YEAGER: The Chair will let the secretary answer that. Before recognizing the chairman of the committee, Mr. Erickson, the Chair would like to advise that there are 7 amendments to this section now on file. The Chair will now recognize Mr. Erickson.

MR. ERICKSON: Regarding the judge's remark, I will just have to tell you now that at the last meeting of our committee it seemed to be the consensus of opinion that this convention has 144 clowns and no straight men.

Well, this next Committee Proposal 66 has to do with calling the next constitutional convention and I am sure that every one of the delegates here is an expert on this subject after these 6 months and that the subject matter is such that no one will have to say he is not an attorney. On the last count I had there were 9 amendments to this section. Mr. Habermehl, who is chairman of the subcommittee that handled this, has requested that I yield to Delegate Snyder.

CHAIRMAN YEAGER: The Chair will recognize Delegate Snyder.

MR. SNYDER: Thank you. Mr. Chairman and fellow delegates, in the proposal now before us, Committee Proposal 66, we will attempt to write the ground rules for the next convention. I am sure you will agree that the experience of this convention makes it obvious beyond doubt that the delegates at the 1908 constitutional convention left many grey areas on this subject and some of the knotty problems that we have encountered can be, with thought and effort, avoided in the future.

The rationale for the committee proposal is contained in Journal 70 on page 427. I will not read to you the history of the conventions, but I feel that it is worth while to dwell briefly upon the committee recommendations:

[The committee recommendations of the supporting reasons were read by Mr. Snyder. For text, see above.]

You will note that the people have in this proposal, as they had in 1850, the right to act to generally revise the constitution. Every generation, in other words, will be able to express its own views on this matter. We feel that the constitutional convention is an autonomous body and we try to make its powers as broad as possible to prevent the necessity of going to the legislature for assistance.

All delegates were given an opportunity to appear in behalf of their proposals on this subject. Many took advantage of this and presented their points of view on the qualifications of the delegates and to the partisan or nonpartisan aspects of the convention. I was particularly delighted to hear the point of view expressed by Dr. Pollock on the question of partisan election, and I certainly hope that he will express this to the convention as a whole.

Preliminary convention arrangements and the compensation of delegates were discussed also in our committee meetings. One delegate even suggested that a select committee of delegates be set up as a continuing body for advice and guidance. I think that this will probably answer somewhat Judge Gadola's question. We could not agree as to how to select this committee and the idea was abruptly dropped. Maybe we all felt that we would not be elected, so we felt that the democratic processes of the people should continue.

Our committee had concurrent jurisdiction with the committee on declaration of rights, suffrage and elections on this matter and I was going to yield to Dr. Pollock for a report of his committee's feelings on the thing, but he is not here. However, I did discuss this matter with Mr. Stevens last week, and he has indicated that he will give us the views of the committee on rights, suffrage and elections.

CHAIRMAN YEAGER: Mr. Erickson yields to Mr. Stevens. Mr. Stevens is recognized.

MR. STEVENS: Mr. Chairman, members of the committee, I am somewhat taken by surprise. I anticipated that Dr. Pollock would be here and I do not have the memorandum on this. I do not know whether I can find it very easily.

The committee on rights and elections concurs with this proposal. We feel, as has been indicated, that we should not materially change this from the existing provision but that we should provide that the convention itself would be able to set the time at which the voters would vote on the proposed constitution.

We also feel that in this particular case a majority of those voting on the proposal should be enough to call a convention. This should not be confused with the previous provision dealing with constitutional amendment. It is not a constitutional amendment we are talking about but, rather, the question of calling a convention.

The arguments stated to make it more difficult to amend the constitution by use of the initiative do not apply to the constitutional convention because a constitutional convention, a deliberative body, may amend and change ideas, proposals. It may tidy up the language and perfect all the proposals which may be introduced to it by the delegates. Also, it represents the people as a whole rather than some interested group trying to seek something which it thinks is very important but which may not so appeal to all the people of the state. If there are any questions, I would be glad to answer them on behalf of the rights and elections committee.

CHAIRMAN YEAGER: The Chair will ask the secretary to read the first amendment. Mr. Erickson, do you have something further before we read?

MR. ERICKSON: No, Mr. Chairman.

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

SECRETARY CHASE: Mrs. Cushman, Mrs. Judd, Miss Andrus and Mr. Arthur Elliott offer the following amendment:

1. Amend page 1, line 18, after "entitled," by inserting "No officer or employee of the United States, of this state, or of any governmental subdivision, except notaries public, officers of the militia and members of the armed forces reserve, shall be eligible to serve as a delegate."

CHAIRMAN YEAGER: The Chair will recognize Mrs. Cushman on the amendment.

MRS. CUSHMAN: Mr. Chairman and fellow delegates, this is the amendment which I promised you the other day. This, of course, prevents dual officeholding and it makes it very clear that we expect that people in a constitutional convention are assuming a full time job and to that end, to the best that we can, we are prohibiting it. People who have been elected will then have to make the choice about which job they intend to hold. I imagine that some of the others in this group may have comments on this, but I think that it is basically a question — mostly — of the amount of time it takes to serve with a constitutional convention and the possibility of any conflict of interest, of serving 2 masters. Thank you.

CHAIRMAN YEAGER: Do you wish to yield to any of the other proponents, Mrs. Cushman?

MRS. CUSHMAN: I don't know.

CHAIRMAN YEAGER: Are you going to speak on this?

MRS. CUSHMAN: No, Mr. Chairman.

CHAIRMAN YEAGER: The Chair will then recognize Mr. Downs.

MR. DOWNS: Mr. Chairman, fellow delegates, I rise in vigorous opposition to this amendment for several reasons. The first and primary reason is that this deprives the voters of the chance to select somebody who happens to work for a governmental unit. This would mean in the very convention we have here that Dr. Pollock, for instance, could not serve, Dr. Hannah

could not serve, Delegate Hart could not serve, Delegate Jones could not serve, and I could go on with a list of several of our distinguished delegates. The important thing here is that the people should have the maximum right to choose who should serve them. If we are in effect making second class citizens of those who received a paycheck from government, we are not only depriving them of the right to run, we are depriving the people of the right to nominate and elect them.

The point was made that people should not have a conflict of interest or dual obligations. If that is the intent, then I suggest that the proposal read that during the time of the convention the person can have no other employment or source of income. He must resign any position with any corporation, labor union, farm bureau, cash in all his government bonds, cash in all his stocks, give up all his retainers of all his clients if he happens to be an attorney; if he is an insurance salesman, refuse to take any additional business for the duration of the convention.

Let us not kid each other. I think we should have in this country full disclosure of what people are doing, but to segregate those who have their payroll from government service — whether it is a college professor or a lowly employee of a township form of government — those persons should have the right to run and, more important, the people should have the right to choose them. If we do want to isolate people from society, then let us make that isolation complete by saying the individual must sever all his economic connections directly and indirectly during the term of the constitutional convention. Thank you.

CHAIRMAN YEAGER: The Chair will recognize Mr. Snyder.

MR. SNYDER: Mr. Chairman, I feel that the amendment as such would be a crippling amendment to the proposal that we have before us. The wealth of material that we have at the present time —

CHAIRMAN YEAGER: The committee will be in order, please.

MR. SNYDER: The wealth of material that we have here at the present time, right in this constitution, I think, will work for the ultimate benefit of the state. We have representatives from every point of view. We take many divergent points of interest from many sections of the state. We pull them together. I am sure that brother Madar, who would be excluded by such a proposal, would sadly be lacked by this convention. There are many: the judges, the attorneys who hold some sort of office — these are people who we feel are highly qualified and highly competent. We must establish this communication between our home base and this constitutional convention, and if we lack this communication we lack the contact we have with the people. We must have people who are daily exposed to the problems of the state, who understand their points of view, who have had a wealth of experience in the daily work that they are doing. I certainly feel that a majority of the committee would oppose the amendment as it is presently presented.

CHAIRMAN YEAGER: The Chair will recognize Mr. Art Elliott.

MR. A. G. ELLIOTT: Mr. Chairman, ladies and gentlemen, I think that Mr. Downs was, of course, trying to make the amendment sound ridiculous, which I take some exception to. I believe that it has much merit and should be given serious consideration.

The constitutional convention is unique in that it basically and fundamentally is dealing with the matter of government and government alone, and the attempt here is not to prevent some people who are serving in public office or on the public payroll from making their contributions to the constitutional convention, because I think they should and I think they can. They have the full right of testimony during the many weeks of deliberations before you get to the substantive decisions, but for them to be within the constitutional convention as delegates with their particular points of view on the specific issues seems to me to be unwise and I would urge that there be careful consideration given, as there was previously in the discussion on legislative powers.

CHAIRMAN YEAGER: The Chair will recognize Mrs. Judd.

MRS. JUDD: Mr. Chairman, members of the committee, I think this is perhaps a very difficult question to consider from a purely objective point of view because we have all become very fond of the delegates in this convention who do hold other public office, but I think that we must try to divorce personalities in this convention from consideration of a future convention.

I do not think that we would be making secondary citizens of such individuals in denying them the right to run for this convention. We have already made them very primary citizens by electing them to other public office. I have great respect for the government officials who are in this convention, but I believe that it is very difficult for such officers and governmental employees to take a completely objective viewpoint about a constitution.

I might indicate here, too, that I think that Mr. Snyder mentioned the judges of this convention. I believe that they are all retired judges and no longer active on the bench. But I think if there is any reason which justifies such a provision with respect to the legislature, it also justifies it even more so with respect to a convention that is framing the basic law of our state.

CHAIRMAN YEAGER: The Chair will recognize Mr. Brake.

MR. BRAKE: Mr. Chairman, ladies and gentlemen of the committee, if I follow Mr. Downs correctly, all that would be left in the next convention would be farmers and housewives. (laughter) I think that would be an excellent idea. (laughter) But just for fear that Mr. Downs' interpretation does not hold, the next convention is going to need some governmental experience, not just theory, and that experience ought not to be entirely from people who have already retired. I am opposed to the amendment.

CHAIRMAN YEAGER: The Chair will recognize Mr. Faxon.

MR. FAXON: Mr. Chairman, I would just like to get one point clear, if I may direct a question to Mrs. Cushman.

CHAIRMAN YEAGER: If she cares to answer. State the question.

MR. FAXON: Mr. Chairman, Mrs. Cushman, does this include employees of school districts?

CHAIRMAN YEAGER: Mrs. Cushman.

MRS. CUSHMAN: I am delighted to answer that. Yes; (laughter) but they would not be able to continue. (laughter)

MR. FAXON: Mr. Chairman, I just want to get this point clear. This is another effort that is being made here to disenfranchise the effective participation of the thousands of well educated and effective schoolteachers in our state and I for one will not —

CHAIRMAN YEAGER: Order, please.

MR. FAXON: — I for one would strongly object to the broad inclusion of the whole schoolteaching profession — people who are specifically trained in fields and people who also teach in universities, well known scholars and professors — I would think this is a real sad point for the convention to consider disenfranchising these people from participating in future constitutional conventions.

CHAIRMAN YEAGER: The Chair will recognize Mrs. Butler.

MRS. BUTLER: Mr. Chairman, I would like to ask a question of Mr. Snyder. Mr. Snyder, did I understand you to say that the judges had made a great contribution to this convention?

MR. SNYDER: I — (laughter) there are more of them than there is of you, Mrs. Butler — I would say yes.

MRS. BUTLER: Well, I am happy to hear it. I thought they were just out to pasture, chewing their cud. (laughter)

CHAIRMAN YEAGER: The Chair will recognize Mr. Elliott.

MR. A. G. ELLIOTT: Mr. Chairman, ladies and gentlemen, just one brief comment: it was not my intention that these people could not serve in the convention if they felt that their service to the state would be of more value as a member of this convention than as a person testifying. All this amendment says is that they cannot serve and hold these positions.

Any of them could serve. All they have to do is resign their positions.

CHAIRMAN YEAGER: The Chair will recognize Mr. L. W. Richards.

MR. L. W. RICHARDS: Mr. Chairman, I think Mr. Brake summarized it very well. The fact is that these people, with the training they have, have contributed greatly and any future members would contribute in the same manner. I would like to point out that Mr. Tom Downs, whom I disagreed with very strenuously Friday, has his good judgment back. (laughter) I would oppose this amendment.

CHAIRMAN YEAGER: The Chair will recognize Mr. Habermehl.

MR. HABERMEHL: Mr. Chairman, this seems to be an issue that we have had quite a little fun about, but I think we should keep in mind that by this amendment we would be trying to write qualifications for candidates that might be elected in the year 2012. It takes a great deal of foresight to try to guess as to who the people might want as their representatives in a constitutional convention 50 years from now.

This matter, of course, can be settled by the legislature. This section contemplates action by the legislature. They would set the qualifications for the delegates either by prohibiting, as they do now, certain officers from being delegates or by writing in their qualifications in the act.

It seems to me that, rather than for us here to try to determine who the people might want 50 years from now, we might better wait until that time comes and let the people decide that for themselves. We cannot draw a comparison here to the action we took in respect to the legislature because the real issue there was: can a man serve 2 masters? Can a man serve the state of Michigan as well as a particular district or area or form of government? A constitutional convention delegate is a one shot proposition and it is not a matter of continuing service in 2 capacities. On behalf of the committee, I strongly urge you to vote no on this amendment.

CHAIRMAN YEAGER: The Chair will recognize Mr. Marshall.

MR. MARSHALL: Mr. Chairman and members of the committee, I rise to oppose the amendment that is before the committee of the whole. I think the amendment goes way too far. I am inclined to the view to support any reasonable amendment that would probably place a prohibition against anyone who is holding a public office from being a candidate for delegate to a constitutional convention, but I want to point out that what this means is, if you place this type of prohibition — and I agree with Delegate Brake and some of the others that you would need some people who were experienced in government in any constitutional convention. I would not want to see a future convention with nothing in it but housewives and farmers, frankly.

If we are going to go this far, it would seem to me that we should also have a prohibition against anyone who belongs to the AFL-CIO, the manufacturers association or any number of other groups that might exist throughout the state and, going to the ultimate conclusion, there would be no one left actually to serve but housewives; not even farmers, because most of them either belong to the grange or the farm bureau. I think I am correct in my statement and I am willing to support any reasonable amendment along the lines of prohibiting anyone holding public office, and also a prohibition against running for public office for a period of time after the conclusion of the constitutional convention. I would oppose the amendment that is on the board presently.

CHAIRMAN YEAGER: The Chair will recognize Mrs. Cushman. Does she wish to be recognized further?

MRS. CUSHMAN: Thank you. I would like to say again that we are not prohibiting anybody from running. We are merely prohibiting them from holding 2 jobs of public employment at the same time.

CHAIRMAN YEAGER: The Chair will recognize Mr. Perras.

MR. PERRAS: Mr. Chairman, I merely have to say I think we have had enough on this. I think we all know what we



are going to do, how we are going to vote, and I would like to have us vote now. I demand the yeas and nays.

CHAIRMAN YEAGER: The yeas and nays have been demanded. Is there support? There is sufficient support. The yeas and nays are ordered. The Chair will recognize Mr. Mahinske.

MR. MAHINSKE: Although I am in sympathy with the intent here, I would like to point out one thing: under this provision there is only one person who would qualify to serve as a con con delegate and that would be an officer in the militia because everybody else that is in the militia—if you are not an officer you are not excluded here. You could even be a notary and so forth but still be an enlisted person in the militia. I think this problem came up before and these people did not want to recognize it, but here it is on the wall in front of us. It says nothing about other members of the militia being eligible to run except officers, and I think there are probably only about 35 officers in the militia in the state today. So, under its own weight here, I think we are approving too much if we adopt this thing here and I would be opposed to it.

CHAIRMAN YEAGER: The Chair will recognize Mr. Leppien.

MR. LEPIEN: Mr. Chairman and fellow delegates, so that the record is straight, I would like, through the Chair, to ask Delegate Marshall a question.

CHAIRMAN YEAGER: If Delegate Marshall cares to answer.

MR. LEPIEN: Delegate Marshall, if I understood you correctly, did you say that you were opposed to anybody holding public office from becoming a candidate for delegate?

MR. MARSHALL: I said I would support an amendment, I believe—and maybe I did not state it correctly; I will try to restate it—that I would support an amendment that would prohibit anyone holding public office from being a delegate to a constitutional convention. For example, I would have no reservations about supporting an amendment that would prohibit a member of the board of supervisors of a township from both serving as supervisor and at the same time a delegate to the constitutional convention. I would support an amendment that would—let us take, if such a case could be, that you might have a state official heading—well, you couldn't have because our present proposal prohibits a legislator or a senator from being a delegate. What I am saying is that I would support an amendment that would prohibit any public official from serving in a dual capacity as a public official and a delegate to the constitutional convention.

MR. LEPIEN: Mr. Chairman, Delegate Marshall, just so the record is straight: in other words, you do not oppose the public official becoming a candidate—if he is elected—from resigning and then being a delegate; is that right?

MR. MARSHALL: No, sir.

CHAIRMAN YEAGER: The Chair will recognize Mr. Heideman.

MR. HEIDEMAN: Mr. Chairman, ladies and gentlemen, I would like to oppose this amendment as an unnecessary restriction upon the rights of the people to make their own choice and, especially—on a high, idealistic plane—I would like to object to the favoritism shown to those of us who are notaries public. (laughter)

CHAIRMAN YEAGER: The Chair would request order, please. Mr. Kuhn.

MR. KUHN: I would just like to take a minute in saying we are comparing this to the prohibition against legislators. This goes way beyond that, ladies and gentlemen, and, therefore, I am opposed to it because we definitely did not discriminate against any employees and we made it quite clear.

CHAIRMAN YEAGER: The Chair will recognize Mr. Millard.

MR. MILLARD: Mr. Chairman and members of the committee, I would just like to explain to Mr. Mahinske about the militia and the reserve forces. I think there is a duplication up here. It says, "No officer or employee of the United States. . . ." That refers to officers of the armed forces. And when they say down here, ". . . except . . . officers of the militia . . ." then they are referring to the temporary forces; but "members

of the armed forces reserve" is not necessary, for the "members" probably refer to enlisted men and they are not officers because they do not take the oath of office. And although you might use either "militia" or "armed forces reserve" you do not need both of them here and all you need is "officers" and you do not need "officers . . . and members." If this amendment is passed, I will certainly offer an amendment to it.

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

MR. MADAR: You mean no one else has tried to get the floor? First, I would like to ask a question. Now I heard Mr. Millard just say that that meant no officer or employee and something about—was that army officers?

CHAIRMAN YEAGER: Are you directing the question to Mr. Millard?

MR. MADAR: To whoever could answer.

CHAIRMAN YEAGER: Mr. Millard, would you care to answer?

MR. MADAR: Well, I think it should be to Mrs. Cushman.

MR. MILLARD: I did not say "officer or employee." I said "officers of the United States" and "officers of the United States" includes officers of the armed forces.

MR. MADAR: Well, Mr. Chairman and fellow delegates, I am trying to figure out why they are picking on us. Good gosh. The officers and the militia, I think, are representing personal interests there, too, like we might be. And then, too, I am beginning to wonder—I did not think that the racing group could possibly get to anybody in this place and just kick us out to make sure we would not be here 16 years from now.

CHAIRMAN YEAGER: The Chair will recognize Mr. Millard.

MR. MILLARD: I do not think Mr. Madar has read the amendment. It says "except . . . officers of the militia. . . ."

MR. MADAR: I did not misunderstand it, Mr. Chairman. I understood it very well. I am just trying to figure where the army, navy and marine corps are so much better than anybody else. I do not mind telling you, Mr. Millard, that there are a good many of us around here that fought for our country. We do not have to worry about those guys who are officers now.

CHAIRMAN YEAGER: The Chair has been informed that there is a substitute amendment for this one and will ask the secretary to read it.

SECRETARY CHASE: Mr. Everett offers the following substitute amendment:

1. Amend page 1, line 18, after "entitled.", by inserting "No elected official of the United States, of this state or of any governmental subdivision shall be eligible to serve as a delegate."

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

MR. EVERETT: Mr. Chairman and fellow delegates, most of the objections seem to be that this amendment would bar schoolteachers and military personnel. The substitute would do neither of those things.

It seems to me there is a definite question whether a man should be serving in public office and also be here. Part of this has already been determined for us as far as the constitution of 1908 is concerned, because it has been determined that circuit and probate judges may not serve in this convention and members of the legislature may not serve in this convention. This amendment would simply go a step further and say that no elected public official could hold office here; so that although it is true, in a sense, that it does limit the choice of the electorate, it does not limit it greatly beyond where the 1908 constitution limited it, and if it was correct in principle there it seems to me it is correct as to all elected officials.

CHAIRMAN YEAGER: The question is on the Everett substitute amendment. Does Mr. Mahinske wish to be recognized?

MR. MAHINSKE: Would you read that back again?

CHAIRMAN YEAGER: Would the secretary read the Everett substitute amendment again, please?

SECRETARY CHASE: Mr. Everett has offered the following substitute amendment:

[The amendment was again read by the secretary. For text, see above, page 2476.]

MR. MAHINSKE: I would like to direct a question to Mr. Everett, through the Chair —

CHAIRMAN YEAGER: Mr. Everett.

MR. MAHINSKE: —if he is listening. Under your amendment, this — at least, on the face of it — would not cover appointed officials as we have proposed them in the new constitution; this would not include the appointed members of the ad board. Is that correct?

MR. EVERETT: That is correct. It would not eliminate any appointed official of any governmental unit.

MR. MAHINSKE: Do you see much of a difference between an appointed ad board member and, say, possibly an elected ad board member?

MR. EVERETT: Well, I just have a feeling that a member of the ad board would not run whether he was appointed or elected, but this certainly would permit him to do it.

MR. MAHINSKE: Now, under your provision, you also do not call for a resignation of this person from the office that he is holding if he becomes elected to the convention. Would you propose that they would hold both offices or should resign one?

MR. EVERETT: Well, it seems to me the clear meaning is that he could not take office as a delegate if he held office as an elected official. If he preferred to resign and take office as a delegate, he would have that right.

CHAIRMAN YEAGER: Is the incorrect amendment posted on the wall?

MR. MAHINSKE: The incorrect one is on the wall. This is why I am having a little difficulty here.

MR. EVERETT: Well, I am not so sure, Mr. Chairman, that the amendment is incorrect that is up there.

CHAIRMAN YEAGER: Incorrect for the purposes of the question.

MR. EVERETT: Mr. Mahinske, the language of the substitute is that he shall not be eligible to serve; so the elected official could run. If he were elected as a delegate, he would have a choice of doing one of two things: resign as an elected official and serve, or not take his position as a delegate.

MR. MAHINSKE: Well, fine. This is what I wanted to know: that it does not cover an appointed official.

MR. EVERETT: It does not cover an appointed official.

MR. MAHINSKE: Thank you.

CHAIRMAN YEAGER: The question is on the Everett substitute amendment. Mr. Faxon.

MR. FAXON: Mr. Chairman, a question of Mr. Everett: by "governmental subdivision" are you referring to counties, cities, villages and townships, or would this include school districts — and I am now referring to an elected school board member; would this exclude an elected school board member?

MR. EVERETT: I think it would, yes.

MR. FAXON: Mr. Chairman, Mr. Everett, do you think that it is wise to exclude school board members who serve really not in a regular manner of employment? They meet just, maybe, once or twice a month. Do you think that we might better spell out the "governmental subdivision" to refer to cities, villages, towns, counties and townships, or do you prefer that this include school districts and drainage districts and other such governmental subdivisions?

MR. EVERETT: Mr. Chairman and Mr. Faxon, if, as a matter of principle, it is correct that elected officials should not serve — and I think it is correct — then it does not seem to me you should eliminate any of them. All elected officials ought to serve in the office to which they were elected, or as delegates, but not both. And if you are going to eliminate school districts, then I think you could make equally as good a case for eliminating city commissioners who meet once a week or every other week. It just appears to me that elected officials should not serve in both capacities.

MR. FAXON: Well, Mr. Chairman, fellow delegates, I happen to have had the great opportunity of serving on a committee with the very distinguished gentleman from the upper peninsula, who I found to be a member of a school board, and I would certainly hate to see the services of a person of

the caliber of Mr. Leslie Richards denied to any future constitutional convention.

CHAIRMAN YEAGER: The Chair will recognize Mr. Dell on the substitute amendment. The committee will be in order, please.

MR. DELL: Mr. Chairman and members, I would like to ask Mr. Everett a question, please, if he would not mind answering. Mr. Everett, in considering this position here as delegate to a constitutional convention, are we looking at it as a permanent position?

CHAIRMAN YEAGER: Mr. Everett.

MR. EVERETT: Mr. Chairman and Mr. Dell, I did not come here looking at it in that light, but I am not so sure we should not. (laughter)

MR. DELL: I agree with you on that part, but the point I am trying to make is that everyone knows that I am a county official. Now then, this is only a temporary assignment. I was elected because the people thought that I had some past experience that could be used here. I agree that there are times that a question may come up where it is difficult for me to make a decision, and it may look as if I am making my decision based upon what effect it is going to have on my particular position, but I have tried to make my decisions on other matters. The thing is that I realize there are a lot of us who come here that have some experience that you would deny. Given the fact that this is not a permanent position, I do not think it would be fair to ask these people to resign their present positions.

CHAIRMAN YEAGER: The Chair will recognize Mr. Rush on the Everett substitute.

MR. RUSH: I have a question for Mr. Everett.

CHAIRMAN YEAGER: If Mr. Everett cares to answer.

MR. RUSH: Our supervisors, of course, are elected, our township supervisors; however, many members of the board of supervisors in the county are appointed by cities. Why do you make the distinction there?

MR. EVERETT: Mr. Chairman, Mr. Rush, I am not so sure it is a valid distinction, except that, of course, at least in most counties — I do not think this applies to Wayne — but in most counties appointed supervisors very frequently are also elected officers of a municipality. But I think you have a valid point and if you prefer to make it "officials" without regard to whether they are appointed or elected, I certainly would not quarrel with you.

CHAIRMAN YEAGER: The Chair will recognize Mr. Stevens.

MR. STEVENS: Mr. Chairman and members of the committee, I think if this committee passes any of these amendments, it is making a grievous mistake. It seems to me to sacrifice the knowledge, experience and knowhow of many of the members of this convention would be a serious blow to the work of the convention, and I presume it would be the same in some future years.

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

The amendment is not adopted. The question now is upon the Cushman-Judd-Andrus —

There is another substitute amendment.

SECRETARY CHASE: It is not a substitute amendment, Mr. Chairman. It is an amendment to the amendment.

Mr. Marshall offers an amendment to the amendment:

1. Amend the amendment, after "officer" by striking out "or employee"; so the language will read, "No officer of the United States, of this state, or of any governmental subdivision," and so forth.

CHAIRMAN YEAGER: The proponent, Mr. Marshall, is recognized.

MR. MARSHALL: Mr. Chairman and members of the committee, some of the delegates on the floor tonight are taking a reverse position from that which they took the other day as it related to local township officers and municipal officers serving in the legislature.

Now, I happen to be one of those that took a reverse position, only my position was different from most of those tonight that are arguing that this should not be put into the



constitution, and I think that we ought to make a differential between the two. Here, we are talking about a group that will be drafting a constitution that is hard to change once it is adopted, that could live for 50 years. You have altogether a different situation than you have where you send someone to the legislature. The legislature at the most is a 2 year term and I assume when this convention is over, if the constitution is adopted, in the senate it will be a 4 year term. But if mistakes are made or the wrong man is sent to the legislature, the mistakes can be corrected in the following session of the legislature—the mistakes can be corrected in the following session of the legislature or the people themselves can remove that individual legislator at the next election. That is not the case—that is not the case at all in a constitutional convention, as we all know. We are dealing with the basic law of the state and we are dealing with a situation where we have to live with it for a good number of decades and where it is hard to change once it is done.

I think that we have altogether a different situation from that that exists in the legislature and we should—and I realize that it is impossible to completely remove politics from a constitutional convention—but to that degree that we can, we ought to; and to the degree that we can eliminate incompatibility or double standards, we should do that. Now all my amendment does to the original amendment is to strike out “or employees” which would not—Delegate Faxon, if he is in the room—my amendment would make it possible for the educated educators as well as the uneducated educators to be candidates and any other employee who was not an officer of the federal, state or local governments. That is the amendment and I urge its adoption.

CHAIRMAN YEAGER: The question is on the Marshall amendment to the amendment. The Chair will recognize Mr. Perras.

MR. PERRAS: The other night, Mr. Chairman and fellow delegates, I was fortunate enough to be invited to the road-builders' convention—now this is just something that I want to pass on to the delegates—and there were some legislators sitting at this table. Mr. Page and I were there too. They were talking among themselves not knowing that we were delegates because we did not have our badges on, and one said to the other, “He is putting in a proposal to send 144 couches over here for the delegates to the constitutional convention.” Of course, we let them know that we were delegates, but I think if we continue this way I want to send them a note to get those couches for us. (laughter)

CHAIRMAN YEAGER: Is that for rest or psychiatric treatment? (laughter) The Chair will recognize Mr. Snyder on the amendment to the amendment.

MR. SNYDER: Mr. Chairman, I again rise to speak against the amendment. I am trying to establish the underlying principles outlined by Mr. Marshall. I do remember very well the eloquent presentation he made the other day in defense of some of the minor township officials, how important it was to carry their services to this great lawmaking body that we have, and I would say this: that “Consistency, thou art a jewel,” and I think that if we ever need a screening process, it is not a question of screening the 2 year legislature; it is a question of screening qualified people on the 50 year run. I think that first things come first in this instance and, certainly, if you want to be consistent in your arguments of the other night you have no alternative now but to probably withdraw your proposition that you advance tonight.

CHAIRMAN YEAGER: The Chair will recognize Mr. Kuhn.

MR. KUHN: Fellow delegates, to be very consistent in what we asked you to do the other day, I would wholeheartedly support the Marshall amendment.

CHAIRMAN YEAGER: The question is on the Marshall amendment to the amendment. Mr. Marshall.

MR. MARSHALL: Mr. President, in answer to my good friend and colleague, brother Snyder, I guess maybe I am reserving my right to be stubborn, but I did point out where I drew the line and where I made a distinction between the question of someone serving in the legislature and someone

serving at a constitutional convention. I still urge the adoption of my amendment.

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

The amendment is not adopted. The question now is on the Cushman-Judd-Andrus amendment—unless there are further amendments, Mr. Secretary, to this.

SECRETARY CHASE: No further amendments to the amendment.

CHAIRMAN YEAGER: The yeas and nays have been ordered. Just a moment.

SECRETARY CHASE: Mr. Faxon offers an amendment to the amendment:

1. Amend the amendment, after “any” by striking out “governmental subdivision” and inserting “cities, villages, counties, and townships”.

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

MR. FAXON: Mr. Chairman, I put that in in the event that Mr. Marshall's would carry, but I would now withdraw that.

CHAIRMAN YEAGER: Mr. Faxon withdraws his amendment.

CHAIRMAN YEAGER: Are there further amendments to the amendment, Mr. Secretary?

SECRETARY CHASE: None, Mr. Chairman.

CHAIRMAN YEAGER: The question now occurs on the amendment from Mrs. Judd, Mrs. Cushman, Miss Andrus, and Mr. Elliott. 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. The Chair cannot hear you, Mr. Leppien. Mr. Leppien.

MR. LEPPHEN: I would like to speak after the vote has been taken and announced.

CHAIRMAN YEAGER: The Chair could not hear you, sir.

MR. LEPPHEN: I would like to speak after the vote has been taken and announced.

CHAIRMAN YEAGER: Have you all voted? If so, the secretary will lock the machine and record the vote. For what purpose does the gentleman rise?

MR. VAN DUSEN: Mr. Chairman, the gentleman rises for this purpose and does so at this time so he will not waste any time: I would like to call the attention of the delegates to the fact that we have used 1 hour in debating this particular amendment. There are 6 more amendments, as I understand it, pending to this proposal and 6 more proposals pending in the miscellaneous provisions article. We have to complete it this evening. I think it makes all of us conscious of the necessity for abbreviating our remarks and not rising unless we have something to say.

CHAIRMAN YEAGER: Mr. Van Dusen, your point is well taken. Thank you.

*The roll was called and the delegates voted as follows:*

#### Yeas — 21

Andrus, Miss	Elliott, A. G.	Martin
Blandford	Everett	McGowan, Miss
Brown, G. E.	Farnsworth	Pollock
Butler, Mrs.	Goebel	Sleder
Cushman, Mrs.	Hanna, W. F.	Staiger
DeVries	Judd, Mrs.	Van Dusen
Donnelly, Miss	Krolkowski	Woolfenden

#### Nays — 84

Balcer	Hatch	Powell
Barthwell	Heideman	Pugsley
Batchelor	Howes	Radka
Beamam	Hubbs	Rajkovich
Boothby	Hutchinson	Richards, J. B.
Bradley	Iverson	Richards, L. W.
Brake	Jones	Romney
Buback	Kelsey	Rood
Danhof	Kirk, S.	Rush
Dehnke	Kuhn	Seyferth
Dell	Lawrence	Shackleton
Doty, Dean	Leibrand	Shanahan

Doty, Donald	Leppien	Sharpe
Douglas	Lesinski	Snyder
Durst	Liberato	Stafseth
Elliott, Mrs. Daisy	Madar	Stamm
Erickson	Mahinske	Stevens
Faxon	Marshall	Stopczynski
Figy	McAllister	Thomson
Finch	McLogan	Turner
Gadola	Millard	Tweedie
Garvin	Mosier	Upton
Gover	Nisbet	Walker
Greene	Nord	Wanger
Habermehl	Ostrow	White
Hannah, J. A.	Perlich	Wilkowski
Hart, Miss	Perras	Young
Haskill	Plank	Youngblood

SECRETARY CHASE: On the adoption of the amendment offered by Mrs. Cushman and others, the yeas are 21; the nays are 84.

CHAIRMAN YEAGER: The amendment is not adopted. The secretary will read the next amendment.

SECRETARY CHASE: Mrs. Cushman, Miss Andrus, Mrs. Judd, Messrs. Romney, Staiger, McLogan, Miss McGowan, Messrs. McCauley and Arthur Elliott offer the following amendment:

1. Amend page 1, lines 15 and 17, after "elect" by inserting "on a nonpartisan basis".

CHAIRMAN YEAGER: The Chair will recognize Mrs. Cushman as the first proponent.

MR. LEPPHEN: Mr. Chairman.

CHAIRMAN YEAGER: The Chair is sorry. Before you start, Mrs. Cushman — does Mr. Leppien wish to be recognized? He had asked to be recognized after the vote. It is the Chair's fault, Mr. Leppien.

MR. LEPPHEN: Thank you. Mr. Chairman and fellow delegates, I hold in my hand 3 sheets of paper that were made up when the committee on miscellaneous provisions and schedule finished its work. I think it is interesting to read some things, and in deference to the remarks of our delegate from Birmingham, who spoke just a moment ago, I think it is kind of interesting: Committee Proposal 66, which is presently under consideration, the committee very wisely in their determination of time set 30 minutes; Committee Proposal 68, 30 minutes; Committee Proposal 61, 10 minutes; Committee Proposal 62, 5 minutes; Committee Proposal 124, 15 minutes; eminent domain, Committee Proposal 67, 1 hour; and an exclusion report, 2 hours. I respectfully bring this to your attention and say, let your conscience be your guide.

CHAIRMAN YEAGER: Thank you, Mr. Leppien. The Chair will recognize Mrs. Cushman.

MRS. CUSHMAN: Regardless of the remarks that have just been made, I think it is important for us to realize that this is a constitution that we are considering and that every area of it deserves consideration and very careful consideration. With regard to this particular amendment that is before you now, I have several reasons for joining in advocating it.

First of all, as I recall last fall, it seemed to me that when we were organizing this, we were unable to make the best use of the talents of the various delegates because of what I felt were rather artificial barriers of party that were put up. I felt that we should consider the abilities of every delegate in relationship to the whole convention and try to place him wisely. We could not do that because of this party business.

Secondly, a great many of the battles that have been fought here have not been battles that had anything to do with the constitution itself but were battles that concerned political questions that were entirely outside the convention. Of course, it has the possibility of resulting in a document that may be opposed or favored on the basis of something that has nothing to do with the document itself but on entirely different political bases. These are the reasons that I joined in it. I assume that the other advocates have their own reasons.

CHAIRMAN YEAGER: The Chair will recognize Mr. Snyder.

MR. SNYDER: Mr. Chairman and fellow delegates, Mrs. Cushman appeared before the committee. She advanced her

arguments. She did a good job. She was unable at the time to convince the committee that the point was a valid one. It was the opinion of the committee at the time that if it had not been for the party participation in the election to the constitutional convention of delegates, there would have been such a small turnout, such an infinitesimal turnout, that under these circumstances you could have had elected people with almost no interest and that would not have served the best interests of the state. Certainly, the opinions of Dr. Pollock guided us at the time. We felt that partisan responsibility added to the prestige of the delegates. It was in view of these arguments that we retained the present language in the constitution and would not consider the nonpartisan basis. On behalf of the committee, I would urge the defeat of the amendment as proposed.

CHAIRMAN YEAGER: The Chair recognizes Mr. Hubbs.

MR. HUBBS: Mr. Chairman, members of the committee of the whole, I would like to ask you to vote against this amendment and, I think, for very good reason. I have said before and I would like to say it again, that a great many people have been telling us that the foundation of this country, this strong, great nation that we have, is the fact that it is based on a 2 party system, and the fact that we are partisan to one party or another is not tending to destroy the country; it is something that is making the country strong. I submit that the so called nonpartisans are partisan to something, and I do not know what it is. I am partisan to the saving of this nation for the future, and at the moment I happen to be a Republican and have a lot of respect for the Democratic party and I am happy that there is a goodly number of Democrats here at this convention. And as far as I am concerned, I am getting sick, sick, sick — as I said the other day.

CHAIRMAN YEAGER: The point is well taken. (laughter) The committee will be in order.

MR. HUBBS: Thank you, Mr. Chairman. The point that I would like to make is that the people who belong to the Democratic party have a political philosophy that they believe in, which is what they think would be best for the country, and I happen to believe in a political philosophy which I think would be best for the country, and I am partisan to my party because I believe that what my party believes in is best for the state of Michigan. I believe that all of this nonpartisan baloney is a lot of hogwash, in simple language. So let's forget it and let's keep this thing on a partisan basis and get it right down to fundamental beliefs and economic philosophy and political philosophy and let's conduct our future conventions along the same line. I ask that you reject this amendment.

CHAIRMAN YEAGER: The Chair recognizes Mr. McLogan.

MR. McLOGAN: Mr. Chairman, in response to Mr. Snyder's remark, I would like to say that I think that this is the propitious time to make this amendment. If we acknowledge that experience is a great teacher, then we would say that the amendment could not have been offered sooner with conviction. But now, voting on the issue, it cannot be ignored without dereliction.

I would make this charge fully cognizant of those areas in the day to day workings of a deliberative body wherein political party knowhow has been a distinct asset. In truth, this has been helpful to put many matters in proper perspective. But on the other hand, it would take a most independent soul, indeed, to deny that one's sense of party responsibility, which to a greater or lesser degree is possessed by us all, has not on at least some occasion had a limiting, restrictive or debilitating influence.

Now, in all sincerity, I protest that this is not a slap at my party or at your party; it is a pure and simple recognition of certain facts of political life which might better not be a part of a constitutional convention. I assert that each of us is fully aware of the implications. With partisan labels we are writing a good constitution, I think significantly improved. But without it I think we would have done even better and, further, that we would all be home by now. The issue should be rapidly answered by any of us: are partisan politics and a constitutional convention compatible? Does partisanship on ballots help

or hinder our objectivity? I would recommend divorcing it from politics and suggest support of the amendment.

**CHAIRMAN YEAGER:** The Chair will recognize Mrs. Conklin.

**MRS. CONKLIN:** Mr. Chairman, fellow delegates, I rise to definitely oppose this amendment. For a long time now I have worked as a member of my party on the local level at home. I have had opportunities to watch local elections run on a nonpartisan basis. Much of what Mr. Hubbs has said I would like to say "amen" to. I do not believe that there is any such thing as a nonpartisan. Everybody believes in something, and I would rather know at the outset what it is than wonder what is going on underneath.

I think that the proponents of this amendment are probably very sincere in their beliefs and I respect their opinion, but I do not for one minute think that if this convention had been called on a nonpartisan basis that the makeup of this convention would be any different than it is today. I do not believe for one minute that the Republican party or the Democratic party would have sat idly by and let a lot of people who did not believe in anything run for the convention and get themselves elected. I further point out that after the primary, as someone pointed out here, there was very little interest in this convention. After the primary was over, where would the people have gotten the money to run for the convention in the first place? I think we are just kidding ourselves and I believe exactly as Mr. Hubbs said: I am sick, sick, sick, also, of the idea that the nonpartisans are something better than those of us who believe in something.

I would submit another thought that came to my mind when Mr. McLogan spoke: it is that the proponents of this amendment, I believe, are ready or willing, by putting in such an amendment, to admit that this convention is a failure because we have worked on a partisan basis, and I am not ready to admit that for one minute. I would definitely oppose this amendment and hope that everyone will do likewise.

**CHAIRMAN YEAGER:** The Chair will recognize Mr. Habermehl.

**MR. HABERMEHL:** Mr. Chairman—you lawyers note that I try to get the closing—I hope. I would like to point out again that we are talking about an election that may possibly be held 50 years from now. I would say, hopefully, that there might not be any such thing as a nonpartisan at that time, for a nonpartisan can be defined as a person with so little governmental experience or political principle that he cannot identify himself with any party in existence. (laughter and applause)

Now to pretend that an election could be held that way—I quote to you a distinguished delegate to this convention, who served on the preparatory commission. He said, "I entered upon this believing that perhaps a nonpartisan method of election would have been the best." Then he said, "With the experience that I have had here with the commission, I fully realize it would have been utter confusion to try to prepare for this convention on any other than a partisan basis." And just think: you would have a nonpartisan election in every senate and every house district in this state. You would have a primary and then a runoff between the 2 top contenders. So far as the conduct of this convention is concerned, if we were here as nonpartisans, I disagree to some extent with Mrs. Conklin—instead of having 2 parties, we would probably have about 6—there would be no party discipline whatsoever. Any attempt to get 73 votes out of the divergent interests that are represented here in the convention would have then meant such a compromise that probably no 2 sections of the constitution would agree with one another. We would be a French assembly in miniature.

When you deal with a constituent assembly, you can either have 1 party, you can have 2 parties, or you can have a great number of parties. You cannot have a nonpartisan constituent assembly. We strongly urge you to defeat this amendment, well intentioned as its proponents may have been.

**CHAIRMAN YEAGER:** The Chair would advise that we have spent 15 minutes on this amendment and we have 6 speakers lined up. The next one is Mr. Downs.

**MR. DOWNS:** I will rise in opposition to this. I favor the concept of partisan, responsible government but, more important, I would not want to see us straitjacket the legislature that is to create a convention conceivably 20, 30, 40 or 50 years from now.

**CHAIRMAN YEAGER:** The Chair recognizes Mr. Walker.

**MR. WALKER:** Mr. Chairman and members of the committee, in an effort to conserve time, I will limit my remarks to the minimum and say, "Me, too." (laughter)

**CHAIRMAN YEAGER:** Mrs. Judd.

**MRS. JUDD:** Just a little more hogwash, Mr. Chairman. I presume I got my nonpartisanship training because I grew up in the days when there was only one party in Michigan and nonpartisanship and partisanship were synonymous. I only want to say that I think it was important to bring this question up. I realize it has no chance in a convention that was elected on a partisan basis, but I do think that it should go into the record for the future that the problem of partisanship in the convention was a difficult one. I do not think it means the convention is failing; we are going to come out all right, but it has been a much tougher job than it might otherwise have been. But I think there should be a record that we considered this problem in this convention.

**CHAIRMAN YEAGER:** The Chair will recognize Mr. Hodges.

**MR. HODGES:** Mr. Chairman and fellow delegates, I also rise to oppose this amendment. I think that partisanship has a very important place to play. I was taught that there was a Republican way to collect garbage and a Democratic way to collect garbage. It was not who collects it—you could have civil service for that—but where you start in town collecting it, how many times a week you collect it; and questions like this are policy questions which should be determined. Perhaps no policy is set at any higher level than at a constitutional convention for, after all, this is the philosophic base on which we are to build our state or our nation.

Another thing that I think is very important, and that I have learned here thus far, and why I am glad it is a partisan convention, is that many people whom I have a great deal of respect for, and that I realize have a tremendous amount of expertise on certain subjects, and who, I think, between the premise and conclusion do the finest job in the world—but I cannot agree with their premise nor can I agree with their conclusions—knowing their philosophic bent is valuable, because none of us came here knowing everything there is to know about all the factors in the constitution or all the subjects, and I think it is important when someone gets up to speak and we realize that he is well informed on the subject, that we do at least have an idea of what his overall philosophy is. And I submit if it is a nonpartisan convention, it may well take half the convention before you find this out.

Another thing is, I think, that for the most part the very same people would be elected. I realize that, especially out-state, when you see that we have ex circuit judges, ex ad board members, state legislators, and so on, that these are probably the most prominent people in the community and people that the community has a great deal of respect for and probably they would have been elected whether it had been a partisan or nonpartisan convention.

I would say, as to the problems this convention has seen, that it has not gone to the question of partisanship but perhaps the question of candidacies for political office. And I would submit if you had a nonpartisan convention that this would not resolve this question one bit, for it could well be that a person could still run as a nonpartisan and yet be a candidate in the next election. I would think it would be far wiser if we could come up with some way constitutionally—and I am sure this would be a big factor—of prohibiting any delegate from running for office for a certain amount of time. I think this might have a salutary effect. Again, I am opposed to the amendment.

**CHAIRMAN YEAGER:** The Chair will recognize Miss Donnelly.

**MISS DONNELLY:** I rise to support the amendment for the basic reason that I also heard some of the testimony given

to this committee. I have also observed the activities of this convention and I believe the statement that nonpartisan people do not believe in anything is absolutely false, that it is absolutely invalid, and is absolutely ignoring the people of this state.

I also believe there are many people in this convention that are sick, sick, sick of some of the various highly partisan things that have taken up our time at this convention. I think the people of the entire state want a good constitution and they are not particularly interested in individual effort to win election to a particular office. I therefore feel that in the long run we might benefit every citizen of this state if we seriously considered what a nonpartisan convention could perhaps do for the state, as opposed to dividing ourselves into party politics and attempting to accomplish something for next November's election.

CHAIRMAN YEAGER: The Chair will recognize Mr. Thomson.

MR. THOMSON: Mr. Chairman and fellow delegates, we have gotten way off the line again and we are having another one of those "mother Hubbard" discussions. If you do not know what a "mother Hubbard" is, it is something that covers everything and touches nothing. (laughter) I don't think they make them any more. (laughter)

It has been my privilege to be a candidate for political office on 56 occasions. Fifty-three times I have won and 3 times I have been defeated, and I always learned a lot more when I lost than I did when I won. For that reason I believe in political parties. I move the previous question.

CHAIRMAN YEAGER: The Chair is sorry that cannot be done, Mr. Thomson, in committee of the whole, unfortunately. The question now is upon the Cushman amendment. As many as are in favor will say aye —

MRS. CONKLIN: I demand the yeas and nays.

CHAIRMAN YEAGER: The yeas and nays have been demanded. Is there support? Sufficient number up. This is a recorded roll call vote and the yeas and nays have been ordered. As many as are in favor of the Cushman amendment will vote aye. As many as are opposed will vote no. The committee will be in order, please. Have you all voted? If so, the secretary will lock the machine the record the vote.

*The roll was called and the delegates voted as follows:*

Yeas—22

Allen	Hannah, J. A.	McGowan, Miss
Andrus, Miss	Heideman	McLogan
Cushman, Mrs.	Higgs	Richards, L. W.
DeVries	Judd, Mrs.	Romney
Donnelly, Miss	Krolkowski	Spitler
Durst	Kuhn	Staiger
Elliott, A. G.	Lesinski	Woelfenden
Figy		

Nays—89

Balcer	Gover	Pollock
Barthwell	Greene	Powell
Batchelor	Gust	Pugsley
Beaman	Habermehl	Radka
Bentley	Hanna, W. F.	Rajkovich
Binkowski	Hart, Miss	Richards, J. B.
Blandford	Haskill	Rood
Bledsoe	Hatch	Rush
Boothby	Hodges	Seyferth
Bradley	Hood	Shackleton
Brake	Howes	Shaffer
Brown, G. E.	Hubbs	Shanahan
Buback	Hutchinson	Sharpe
Butler, Mrs.	Iverson	Sleder
Conklin, Mrs.	Jones	Snyder
Danhof	Kirk, S.	Stafseth
Dehnke	Koeze, Mrs.	Stamm
Dell	Lawrence	Stevens
Doty, Dean	Leibrand	Stopczynski
Doty, Donald	Leppien	Thomson
Douglas	Madar	Turner
Downs	Martin	Tweedie
Elliott, Mrs. Daisy	McAllister	Upton
Erickson	Mosier	Van Dusen
Everett	Nisbet	Walker

Farnsworth  
Faxon  
Finch  
Gadola  
Goebel

Nord  
Norris  
Perlich  
Perras  
Plank

Wanger  
White  
Wilkowski  
Young

SECRETARY CHASE: On the adoption of the amendment, the yeas are 22; the nays are 89.

CHAIRMAN YEAGER: The amendment is not adopted. The secretary will read the next amendment.

SECRETARY CHASE: Mrs. Cushman, Mrs. Judd and Miss Andrus offer the following amendment:

1. Amend page 1, line 12, after "than" by striking out "4" and inserting "5"; so the language will there read, ". . . at an election to be held not later than 5 months after the proposal shall have been certified as approved. . . ."

CHAIRMAN YEAGER: Before we recognize Mrs. Cushman, the Chair would like to advise, in trying to help the committee in this time problem, that on the last question of partisanship or nonpartisanship in the constitutional convention we had 16 speakers and consumed 20 minutes.

This is an amendment of one number. The Chair will recognize Mrs. Cushman.

MRS. CUSHMAN: I still say, in spite of the remarks of the Chair, that these things are important and if we do not take care of them now, I do not know when we can. This particular amendment is not perhaps too significant. The provision as it is now calls for an election for delegates to be held within 4 months after the results are certified. This extends it a little bit to 5 months because, when I started counting up on my fingers, I figured that maybe we ought to allow a little bit of extra time to be sure that we could get it through in April, that putting it any earlier might make it hard to do it. That is all.

CHAIRMAN YEAGER: The Chair will recognize Mr. Snyder.

MR. SNYDER: Mr. Chairman and fellow delegates, the committee also reviewed this matter very thoroughly. I will give you a very brief observation of their conclusions. They felt that we had 2 problems involved here: one was the mechanical problem of getting the ballots and the other things prepared. The other was the memories of the people that were going to vote. They felt that 4 months or 120 days was the line of demarcation that would most closely resolve getting the things together so they could vote, at the same time having the time lag not too long so people would forget what they would be voting on. On behalf of the committee, I would urge the defeat of the amendment.

CHAIRMAN YEAGER: The Chair will recognize Mr. Upton.

MR. UPTON: I would like to support this amendment. If we figure out when 4 months is, Mr. Snyder, it comes maybe in March and I have never known a successful election statewide to be held in March. Therefore, I would think it would be better to leave it up to the legislature and give them this extra month by going to 5, if it is necessary; so I would support this amendment.

CHAIRMAN YEAGER: The Chair recognizes Mr. Powell.

MR. POWELL: Mr. Chairman and ladies and gentlemen of the committee, I am a little confused by the philosophy back of this provision here. I had heard that the big idea with reference to elections in this convention was to have less of them and have them in November. Now, apparently, this means that any time we want to vote on the matter of a con con, whether it comes as a result of the once in 16 years or whether the legislature puts it on the ballot, then there will have to be a special election. Now I do not see what the big hurry is. It seems like this could have been written that it be submitted at the next general election. You would save the expense and get a more representative vote than you would at a special election.

I have no particular amendment prepared, but in looking ahead last week, in studying this provision I made a check in the margin here because I was a little perplexed and I had meant to take it up with members of the committee and see just what the philosophy was, but I neglected to do so.

I am not particularly in favor of 4 months or 5 months; I would prefer that these times be taken out and that the voting be done at the next general election.

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

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

**SECRETARY CHASE:** Mr. Arthur Elliott offers the following amendment:

1. Amend page 1, line 19, after "on the" by striking out "first" and inserting "second"; and in line 20, after "in" by striking out "October" and inserting "June"; so the language will read, "The delegates so elected shall convene at the capital city on the second Tuesday in June next succeeding such election."

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

**MR. A. G. ELLIOTT:** Mr. Chairman, ladies and gentlemen, I do not intend to belabor this at all, except to point out that under the proposal what they have done is to use, in general, the language as it was established in the present constitution and that it was predicated, apparently, upon an April vote, a spring vote, then 4 months' delay to vote on the delegates, and then an immediate calling of the convention.

As it is now, under this language that is submitted to the convention, your vote would be in November. There would be 30 to 40 days for certification or canvass and then 4 months later you would vote on the delegates, which would bring you into April, and at that time when the delegates were elected, you would then wait through May, June, July, August, September and October. It would be 6 months after the people had selected their delegates before they would start to serve. In my judgment this is too long and all I am doing is bringing the convention to an immediate beginning as soon as the delegates have been elected.

**CHAIRMAN YEAGER:** The Chair will recognize Mr. Snyder.

**MR. SNYDER:** Mr. Chairman, the committee considered this date and they felt that by inserting the month of October, it would be the one in which most people would find it convenient with their time. I feel that if one of the previous amendments would limit this convention or other conventions to only housewives and farmers, this amendment would take farmers out of the picture leaving only the housewives, because this is a question of June; so I think we have a very serious scheduling problem to get the representation from the rural areas, and I feel that in view of this our October date is a very important one rather than a June date.

**CHAIRMAN YEAGER:** The question is on the Elliott amendment. Mr. Elliott.

**MR. A. G. ELLIOTT:** Well, I did not intend to speak on it twice, but I do think that you ought to seriously consider what you are doing here. When you are asking the people to elect delegates in April and then asking those delegates not to serve until the following October, I think that the delay is much too long. I do not believe that the comments made by Mr. Snyder as to the difficulty that farmers would have in serving are any more valid for them at that time of the year than they are from the business community at any time of the year, and I do not think that they want or are asking for any special preferential treatment.

The purpose of this—if you will look at the language, you will see that the reason why it was established for October, originally, was because the determination of the constitutional convention was held in the springtime, in April, and thus they were unable to. The second thing that I think you should be fully aware of is that, obviously, this convention is going to take 7½ months and this will move our deliberations for the next constitutional convention well into an election year. I think that for both of these reasons it would be well for the convention to begin its activities as quickly as possible.

**CHAIRMAN YEAGER:** The question occurs on the Elliott amendment. As many of those as are in favor will say aye. Those opposed will say no.

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

**SECRETARY CHASE:** Mr. Hutchinson offers the following amendment:

1. Amend page 1, line 12, after "purpose," by striking out the balance of the proposal and inserting "the legislature at the next session shall provide by law for the election of delegates to such convention."; so the language will read:

In case a majority of the electors voting on the question shall decide in favor of a convention for such purpose, the legislature at the next session shall provide by law for the election of delegates to such convention.

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

**MR. HUTCHINSON:** Mr. Chairman, I think that this convention is really being shortsighted indeed when you write into this constitution all of this material as to a new constitutional convention. How can you sit here in 1962 and even imagine what the conditions will be when another constitutional convention is called in, say, 40 or 50 years?

Now I am reminded that back in 1908 the delegates to that convention thought so well of the way they had been elected and the apportionment upon which they had been based—and, understand, that was due to a legislative act—they thought so well of that whole machinery that they wrote it into the constitution, and it has been restrictive upon us. As a matter of fact, the people of Michigan amended it even before they could have a constitutional convention. And so, here we are now trying to set up all of this detailed machinery for a time and for circumstances which we cannot even envision.

I think that we should go back to the 1850 constitution in this regard and that is what I offer here. The language that I offer I take from the 1850 constitution, simply providing that after the people call such a convention the legislature shall provide for the election of delegates. Now, as to the apportionment of those delegates, as to the membership and the size of the convention, as to the qualifications for delegates, as to whether it will be the first Tuesday or the second Tuesday of a month, and all that sort of stuff, that should be left to the people of that time who have the problem before them. And I think we are indeed shortsighted to try to write it out here now.

It was argued at one point here that inasmuch as the people only in 1960 amended the constitution with regard to the apportionment of delegates to this convention, we ought not to change it. But I submit to you that they adopted that amendment not with any idea of its having a long range effect but simply to provide the machinery for setting up a convention at this time, and it might very well prove that when another one is called they would not want a delegate from each senatorial district and from each representative district. As a matter of fact, I think that it has been demonstrated from the way this convention has of necessity had to proceed that it has too large a membership. To have a membership as large as both houses of the legislature combined has proven here to be too large. This convention is larger than any other convention in Michigan's history.

I say, the experience of this convention viewed in the light of history may be a very good argument why those in the future would say: we don't want a convention made up of 1 delegate from every representative seat and 1 from every senatorial seat. Maybe they would decide that they want it only as large as the house of representatives; maybe they would want it only as large as the senate; maybe they will want some other kind of a basis. Why do we here—why do we here now—presume to limit the future in these regards? I think that we are shortsighted indeed and I offer this amendment to strike all of this out in order to give to the future the untrammelled and unhampered opportunity to provide for itself.

**CHAIRMAN YEAGER:** The Chair will recognize Mr. Snyder.

**MR. SNYDER:** Thank you, Mr. Chairman. We did discuss this at length, also, in the committee and I must say that



Mr. Hutchinson is very consistent with his philosophy that he feels everything should be left to the legislature wherever possible.

We felt that there was a very important principle involved here and that is the reason that we came up with the recommendation that we did. We felt that there must be a definite separation between the constitutional convention and the legislature. This would provide one of the fundamental checks and balances in our system of government. You will recall in our opening remarks I said:

... the constitutional convention is an autonomous body and we try to make its powers as broad as possible to prevent the necessity of going to the legislature for assistance.

We feel that there is an ever present possibility of a conflict between the legislature and the convention. Certainly, if you had a hostile legislature, you could not come up with the same constitutional convention groundwork that you did if you had a friendly legislature. We feel that for the long haul in order to get a representative government you must keep these 2 separate, and for this reason we included the language that we are recommending to you.

CHAIRMAN YEAGER: The Chair will recognize Dr. Hannah.

MR. J. A. HANNAH: Mr. Chairman, ladies and gentlemen of the committee, few of us feel that those writing the constitution of 1908 could possibly have foreseen the conditions under which we would be meeting and trying to write this one. I think there is much to be said for the point of view expressed by Mr. Hutchinson and I intend to support it and hope we will support this one, and get on with our work.

CHAIRMAN YEAGER: The Chair will recognize Mr. Madar.

MR. MADAR: That is just exactly what I expect to do, Delegate Hannah. I just want to say that I wish that I could have said it as well as Delegate Hutchinson did. I certainly am going to give him some support on this and I hope every other delegate says yes. (applause)

CHAIRMAN YEAGER: The Chair will recognize Mr. Farnsworth.

MR. FARNSWORTH: Mr. Chairman and members of the committee, again I want to say it is a pleasure to agree with my good friend, Art Madar. I like to do it every time I can. The delegate from Fennville certainly has made many fine contributions to this convention; there isn't any question about that in the minds of all of us. I just want to say I think in making this suggestion that this is his finest hour. I am going to support him 100 per cent.

CHAIRMAN YEAGER: The Chair will recognize Dr. Nord.

MR. NORD: Mr. Chairman, I rise to oppose this amendment so that no one will get mixed up and think there is unanimous support for this. (laughter) I think that Mr. Hutchinson is having a love affair with the legislature and I am not. Mr. Hutchinson has great faith in the legislature and I do not.

I give you these examples of what can happen when you give a blank check to the legislature when it comes to the constitutional convention. Suppose, for example, our object in the constitutional convention is to reapportion the legislature or suppose our object is to limit its powers; suppose that is the case any time between now and the next 50 years. If it is to reapportion the legislature, the legislature will have the power to apportion the convention and they can apportion it in such a manner that the convention could not apportion the legislature. If the object of a constitutional convention is to limit the powers of the legislature, the legislature could limit the powers of the convention to such a degree that they could not effectively limit the powers of the legislature. For example, they might not supply any funds. I believe that is something with which we could all say we are familiar. In other words, if we put ourselves into the hands of one of the groups that we may wish to be reviewing and changing, we put ourselves in such a position where we are practically powerless. It would be the same thing if we gave a blank check to the governor or to the supreme court or to the civil service commission or any other group. We have to review

those groups. We cannot be in a position where they can prevent us from reviewing them and changing them.

I also point this out: there is a method by which the legislature can get something on the ballot in order to amend the constitution. We have been over that today. But this one that we are dealing with now is apart from the legislature. This one is where the people act in a different manner. The people act by meeting in convention assembled and they put their proposal on the ballot. This is not the one where the legislature puts the proposal on the ballot. If we mingle the 2, we lose really the whole virtue of the constitutional convention. The constitutional convention can become the legislature. As a matter of fact, there would be nothing to prevent the constitutional convention from being the legislature. The legislature could simply say: we will be the constitutional convention. And they can put it on the ballot by a majority vote. We just got finished saying they should not be able to do that. They would be able to do that with this provision.

This business of saying that we should strike legislative detail is a great thing providing you are dealing with legislative matter. This is not legislative matter. This is matter in which the people are supposed to find out how they want to effect certain changes independent of the legislature. Regardless of the fact that some people may be enthusiastic about having flexibility — and I am one of them — there are some areas where you just do not want flexibility and the reason is because you cannot leave it to group 1, group 2 or group 3.

I call to your attention that if it is wrong for us to make a decision at this time as to what we want in this particular proposal, it is just as wrong for us at this time to make the assumption that the legislature is the one to make the decision in the future. Why the legislature? Why not the supreme court, the civil service commission or the board of education or some other wise man?

We do not know right now what is the best way or to whom we could leave this power. That being the case, we want to leave the power to the people and I suggest this: in the event that it should be found that some of the words in this proposal are too restrictive, there is a cure. The people can change this proposal; they can change this provision by a constitutional amendment. There are 2 ways: one by legislature; one by initiative. They do not need a convention to change it. Just as has been done with this particular convention, it was changed in accordance with the wishes of the people. Therefore, let us not get nervous about the number of words, and let us not get fooled into thinking that just because we leave everything to the legislature that we have done our duty. We have not. We have to make up our own minds and we must put something in the constitution that makes the constitution workable. I think this amendment is extremely ill advised.

CHAIRMAN YEAGER: The Chair will recognize Dr. DeVries.

MR. DeVRIES: Mr. Chairman and members of the committee, I want to support what Dr. Nord says. If you will look at the Hutchinson amendment, it offers to strike the balance of the proposal. Now look at the balance of the proposal: the convention shall choose its own officers, determine the rules of its proceedings, and so on. You will also note that the committee provided that the convention would have the power to disseminate information and an explanation of the proposed constitution to the people and to complete the business of the convention in an orderly manner. I do not think anybody can deny we have a problem right now. That is why the committee included that language. Now the amendment offered by Mr. Hutchinson strikes all of this language. For that reason alone and for the reasons cited by Dr. Nord, I urge you to defeat the Hutchinson amendment.

CHAIRMAN YEAGER: Mr. Habermehl.

MR. HABERMEHL: Mr. Chairman and fellow delegates, the point of autonomy that was very important with the committee has been very well handled by Mr. Snyder and by Dr. Nord. I would just simply like to call the attention of the delegates to the fact that we found in 1960 that the legislature was unable to solve this problem. One of the issues before

the legislature was the method of choosing the delegates and you may recall that they wrestled with that for quite a long period of time and took no action at all. This method by which we were elected was devised by the group that actually circulated the petitions. The so called compromise to elect 1 delegate from each house district and 1 from each senate district was a compromise the legislature never could reach.

In view of the recent experience, I am a little reluctant, if the next convention is to be an autonomous body, to leave all these details to the legislature. In this section we must provide for a self executing—insofar as possible, a self executing provision, so that the next convention may be an autonomous body not subject to rules, not subject to the powers prescribed by the legislature. The constitutional status of that is very clear. The constitutional convention has full power subject only to the restrictions contained in the constitution under which it is operating. Now that has caused us some difficulty in the matter of trying to get financing for finishing up this constitution and in the matter of when the constitution is to be submitted to the people. In the balance of this provision we have tried to solve both questions for the next convention. To now say we will leave all those questions in the hands of the very body that has given us the trouble seems to me to be a little wishful thinking. We urge the defeat of the amendment.

CHAIRMAN YEAGER: The Chair will recognize Mr. Mahinske.

MR. MAHINSKE: All of my points have been made but I think one point bears repeating. That is that you may well be—in a case where a constitutional convention is initiated and begun and completed, up until its convening, by an outside body—then you are taking all the power over that convention and placing it in the body that had the privilege to call the convention, or see to its calling to begin with, but which, obviously, it did not do because the convention was called by an outside source.

I think that this would be a dangerous power to put in the hands of an obviously antagonistic body. They may well not act at all after the first requirements are completed here. We all know that the legislature cannot be mandamus'd; they may give the convention itself no powers or they may give the convention itself just a limited scope of operation to work under, which is practically meaningless considering, probably, the purposes for which the convention itself was called. Frankly, I would not be willing even to limit this proviso here to a convention called by the legislature itself because I think that there is just too much power in one area here. The whole idea of the people being able to call a sovereign body into being is demolished by this amendment here, and I would be opposed to the amendment.

CHAIRMAN YEAGER: The Chair will recognize Mr. Hutchinson.

MR. HUTCHINSON: Mr. Chairman, Mr. Mahinske and others who have spoken against this amendment read far too much into it. To begin with you will notice that it will be the people who call the convention because in the year 1978 and every sixteenth year thereafter, and such other times as may be provided by law, the question of a general revision will go on the ballot. The people will call the convention.

Now then, what is it that the legislature is directed to do at its next session? To provide by law for the election of delegates to the convention. And I submit that the legislature did that with regard to this convention. I submit that if there had not been statute law, part of the election statutes of Michigan enacted by the legislature of Michigan, there would have been no election machinery for the election of us. But that was brought about. The legislature did that.

Now it is suggested that you "leave everything in the hands of the legislature" and that the legislature can limit a constitutional convention, can limit its powers, can say what it shall do or what it shall not do. Now I do not think that that is implicit in this language on the board here at all. It says that the legislature shall provide for the election of delegates to the convention, and there the matter stops.

I think that there is very good authority for the proposition that once a constitutional convention is convened pursuant to the power of the people it is a sovereign body, and we do not by this language here simply say to the legislature: well, you can restrict that convention any way you want to. Because, as a matter of fact, any attempt of the legislature along that line with regard to the people's sovereign convention would be null and void. So you are reading a lot of fears in here. You are throwing a lot of fears in here that are not there at all. And I come back to my main point again: how can you—how can you now determine what the relationship, if you please, between the legislature and a convention will be in 50 years? Because of your own experience and your own feeling that the legislature did not do its job or something and that is why we are here—you are letting that color the better statesmanlike view that you should have. I think you are mistaken indeed to presume here and now that you can write the machinery for a constitutional convention in the beginning of the twenty-first century.

CHAIRMAN YEAGER: The Chair will recognize Judge Leibrand.

MR. LEIBRAND: Mr. Chairman and delegates, my memory is that the method of selection of delegates to this convention was adopted by an initiative petition vote of the people in November, 1960. That is my memory. If I am incorrect in that, will someone tell me and I will sit down? I assume that I am correct.

Now, throughout this convention I have been consistent in recommending that the delegates should heed well what the people have recently said, the voters of this state. In November, 1960, the voters of the state of Michigan gave nearly a 400,000 vote majority to the method of the selection of delegates by districts as advocated by the committee report. Now I am listening well to those 400,000 votes. Consequently, I oppose the Hutchinson amendment and support the committee recommendation.

CHAIRMAN YEAGER: The Chair would advise that there are 2 more speakers on the list. The Chair will recognize Mr. Mahinske.

MR. MAHINSKE: In further opposition to Mr. Hutchinson's amendment here, I would suggest that if this gave the legislature no other power except as to how or what areas the delegates may be elected, I would still oppose it. We have written into the constitution a legislative apportionment on an area basis and a population basis. This much we know in the future: that area and population will be represented in the next convention under the committee proposal.

Now it may well be, if the legislature has this power in their own body, that they may designate that 1 delegate shall be elected from each senatorial area. Then what do we have? We have primarily area being represented; or they may well say that there will be 1 convention delegate elected from each county. Then what would we have? We would still have the same proposition: area. Or they may well say, and I doubt this, that there would be elected, say, 75 delegates on a pure population allotment—and I doubt that this would ever come about—but, at any rate, they have the power to control who or what is going to be represented in the convention and what interests would be represented in the convention simply by setting up the districts or the method or the area that the delegates shall be elected from. I would be opposed to the amendment if it just went that far; but it goes much further than that, and I am still opposed to the amendment.

CHAIRMAN YEAGER: The Chair will recognize Mr. Jones.

MR. JONES: Mr. Chairman and fellow delegates, I rise to support the remarks of Judge Leibrand and urge the delegates to turn to the present constitution, pages 47 and 48, section 4, and I think they will find contained herein the essential language that is included in the committee proposal. Therefore, I urge the rejection of the Hutchinson amendment.

CHAIRMAN YEAGER: The question is still on the Hutchinson amendment. The Chair will recognize Mr. Powell.

MR. POWELL: Mr. Chairman and ladies and gentlemen of the committee, it is true that the constitution contains the language to which Delegate Jones has referred. It is also true

that the detail of setting up the selection of delegates has been statutory.

I just happen to have a briefcase here that I used in the campaign, and I looked in it and I have 2 statutes here to which I would like to allude. The first is enrolled senate bill 1009 of the session of 1958, which was introduced by Senator Hutchinson and which provides among other things for the compensation of delegates. You will notice the language of the constitution even today says that we get paid for a session \$1,000 or such other amount as the legislature might provide, and they saw fit to provide a higher rate than \$1,000 for the year or the term, whatever it turns out to be. And then after the amendment of 1960 had been adopted, the legislature in 1961 passed enrolled house bill 20, introduced by Representatives Strange, Waldron, Bowman, Newton, Kowalski, Apley, Nakkula, E. D. O'Brien, Little, Smale, Gibbs, Bursley, Ryan, VanTil and Buth, and that set forth a lot of the details, including the dates of our primary and our general election and with reference to the address to the people and all the procedure about our petitions and the general conduct of the election by which we were called into being. And so I say that many of the details of this convention, including our compensation, were statutory and are not spelled out in the constitution at the present time. I am very favorable to the Hutchinson amendment now pending.

CHAIRMAN YEAGER: The Chair will recognize Dr. DeVries.

MR. DeVRIES: Mr. Chairman and members of the committee, Senator Hutchinson says that he thinks that if this amendment were adopted this would not in any way jeopardize the sovereignty of the convention. Well, I say to you, we ought to say in the constitution that we are sovereign.

This amendment makes the constitutional convention dependent on the legislature. It ought to be independent. The convention ought to have the power to choose its own officers, fix the compensation for its staff, determine its own rules, provide for printing the address to the people and to complete its business as necessary. The constitutional convention, by definition, is constitutional material. We should make it constitutional. I urge again the defeat of the amendment.

CHAIRMAN YEAGER: The Chair will recognize Dr. Pollock.

MR. POLLOCK: Mr. Chairman, I would just make a point or two. First, if this were the most perfect of all perfect worlds, I suppose the Hutchinson amendment might be in order. In principle, perhaps, he is right. I was going to say in theory he is probably right. Practically, however, it seems to me that the circumstances surrounding the calling and the holding of this convention demonstrated very clearly the necessity for the kind of detail which the committee has written into this amendment. As a matter of fact, my only question to the committee would be whether they should not write even a little more detail into it.

I think we would be derelict to our constituents and the people of this state if we allowed the mistakes which have surrounded this convention to be repeated again. We have built upon the experience of the past. We waited for the legislature for 5 months to appropriate money for a preparatory commission and we lost about 2 months because the legislature did not appropriate any money and we had the humiliating experience of having to go to a foundation in order to get money to get us under way.

It seems to me we have left to the legislature the detail which perhaps should not be written into the constitution — about salary and several other matters of that sort — but as to the general status and powers and functioning of the convention, I think we are adequately justified by our own experience in being very certain that the mistakes which have occurred up to now shall not be repeated. I am therefore opposed to the Hutchinson amendment.

CHAIRMAN YEAGER: Did Mr. Hutchinson wish to be further recognized?

MR. HUTCHINSON: In the interest of bringing the matter to a vote, I pass.

CHAIRMAN YEAGER: The question is on the Hutchin-

son amendment. As many as are in favor will say aye. As many as are opposed will say no.

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

SECRETARY CHASE: Messrs. Boothby, Brake, Finch, Garry Brown and Rush offer the following amendment:

1. Amend page 1, line 10, after "case" by striking out "a majority" and inserting "3/5"; so the language will then read: In case 3/5 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 . . .

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

MR. BOOTHBY: Mr. Chairman, the committee report provides that in case a majority of the electors voting on the question shall decide in favor of a convention for such purpose, an election shall be held. Now this particular amendment would provide that instead of a majority of those voting, it would require 3/5 voting on the question.

The history of this particular provision might be of some interest to members of this committee: in 1835, when the first constitution was adopted, the requirement was that in order to have a constitutional convention called there would have to be a 2/3 vote in both the senate and the house of representatives before the matter could be placed on the ballot and then they could do that whenever they "shall think it necessary to revise or change the entire constitution." Then, after they made that determination and 2/3 voted in favor of placing it on the ballot, it was placed on the ballot for the electors to make a decision. In 1850 this provision was changed so that it required a majority of those voting at the election. This same provision was incorporated in the 1908 constitution requiring a majority voting at the election. Now this stood until very recent times, the last couple of years, at which time the provision was changed to require only a majority of those voting on the issue rather than a majority voting at the election. I would like to also point out the fact that the federal constitution requires some difficulty in calling a constitutional convention; it requires 2/3 of the several states to make application for a constitutional convention.

I will not take much time. However, I want to remind the delegates here at the convention that a convention is something which brings about and places into existence in extraordinary session the sovereign will of the people of the state. It is not an ordinary meeting. It places into one body the sovereign will of the people of the state. This should not be lightly done. I would not like to see a situation occur where a simple majority of those voting on an issue — out of those that care to vote in an election — call the sovereign will of the people in their extraordinary session.

I believe that the 3/5 provision is a compromise between the situation which occurred in the 1835 and the 1850 and 1908 constitutions, which required a majority of those voting at the election. It represents a compromise between that point of view and the requirement of only a majority voting on the issue. It requires merely 3/5 of the people voting on the issue to vote in favor of the calling of a constitutional convention. I urge its adoption so as to provide for the calling of a constitutional convention and the calling into being of the sovereign will of the people only at least when something more than a simple majority of those who care to vote on the issue so decide. I urge the adoption of this amendment.

CHAIRMAN YEAGER: The Chair will recognize Mr. Snyder representing the committee.

MR. SNYDER: Mr. Chairman, in reviewing this language the committee felt it should remain as it is in the present constitution. They were fully aware of the arguments presented by the various public spirited citizens who appeared before our group and they felt that the people would not vote for a constitutional convention unless they felt that there were substantial and moving and compelling reasons for a change.



In view of this they felt that a majority would be sufficient and the language was left as such. I feel that the people have an awareness of the problems and, rather than to disturb the status quo, unless there is a real, a genuine, need for a change that the people will not change. The committee does urge that the language as presently constituted in the proposal be retained and the amendment be defeated.

CHAIRMAN YEAGER: The question occurs on the Boothby amendment. As many as are in favor will say aye. As many as are opposed will say no.

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

SECRETARY CHASE: Messrs. Austin, Nord, Norris and Faxon offer the following amendment:

1. Amend page 1, line 16, after "entitled" by striking out "and the electors of each senatorial district as then organized shall elect 1 delegate for each state senator to which the district is entitled".

CHAIRMAN YEAGER: The Chair will recognize Mr. Austin in connection with his amendment. Mr. Nord.

MR. NORD: Mr. Chairman, Mr. Austin not being present, I will take the floor, if I may, in support of this amendment. This amendment would move to strike out the words "and the electors of each senatorial district as then organized shall elect 1 delegate for each state senator to which the district is entitled." That means that what is left at this point is, delegates who will each represent a legislative district. The senatorial districts would not be included in this case.

I believe several of the delegates, in discussing other points, referred to the possibility of such an amendment as this and I would simply point out that there are a number of advantages to it. As far as I am aware, there are no disadvantages, but I may be wrong. These are the advantages that I know of: first of all, it would reduce the number of delegates to a convention to 110, which is the number of legislators in the house of representatives under the plan that we have adopted. We would have 110 instead of about 150, there being about 40 senators under the plan adopted. We would eliminate those 40 senators and we would have 110 members at the convention. Now that seems to me to be quite a large number at that, certainly as large as we would wish. I believe there is one thing we are probably all in accord with, and that is that we have had too many delegates to the convention to make it possible to get done in time. Reducing the number from 150 to 110 is a reduction of 1/3 or thereabouts and it seems to me that is one advantage.

The second advantage that I see in this amendment is that it eliminates any unnecessary overlapping in representation. If you have a delegate representing every legislative district, you will have complete representation. There is certainly no need to represent all over again in a different manner, so that the representation by the legislative districts sufficiently and clearly does represent the people without any overlap.

The third advantage that I can see is simply this: that the house being the one which we have selected in the convention as being the most nearly responsive to the will of the people is the one that is most ideally suited when we come to have a convention of the people. In a convention of the people we do not want to have a group that is overly representative of the minority group. In the senate we have provided for that because we wish to have a check on the action of the house, but we do not want the same thing in this case. We do not need any check on the action of the delegates because we have a different check. We have the people themselves. Therefore, it seems to me if we want to have the people in convention assembled, we ought to have whatever representation system we can have which is the most nearly representative, directly representative, of the people and that would be, between the 2 houses, the house of representatives. Those are the 3 reasons that I see in favor of the amendment and I would ask now whether Mr. Austin wishes to make his statement as a proponent.

CHAIRMAN YEAGER: Do you yield to Mr. Austin?

MR. NORD: I yield to Mr. Austin.

CHAIRMAN YEAGER: Mr. Austin is recognized.

MR. AUSTIN: Mr. Chairman and members of the committee, actually I do not have anything to add to what Dr. Nord has already said. He has given the 3 reasons that I would give and I will merely underscore them and sit down: first, it would reduce the number of delegates; second, it would prevent overlapping or double representation; and third, we would have more proportional representation at the convention.

CHAIRMAN YEAGER: The Chair will recognize Mr. Snyder.

MR. SNYDER: Mr. Chairman and fellow delegates, this matter, as I recall, was not discussed by the committee in its entirety. The argument must stand on its merits. In presenting the proposal here, I have no alternative than to recommend the original committee report and I cannot make any recommendations for an affirmative vote on the amendment as offered.

CHAIRMAN YEAGER: The Chair recognizes Dr. Norris.

MR. NORRIS: Mr. Chairman, I just want to underscore, if I may, the fact that, as presently constituted and as emerging from this convention, the unit of the legislature that most closely approximates the idea of basing representation on people is the house and I think that that ought to be the unit upon which a constitutional convention ought to be predicated. That is all I have to say with regard to that, Mr. Chairman, and I would like to respectfully request the yeas and nays and a roll call vote.

CHAIRMAN YEAGER: Dr. Norris has demanded the yeas and nays. Is there support? There is not a sufficient number. All right, that is better. There is a sufficient number. (laughter) The Chair recognizes Mr. Faxon.

MR. FAXON: Mr. Chairman and fellow delegates, I just want to point out that in previous conventions they selected the membership from 1 of the 2 houses and that there is a certain degree of overlapping in having both houses represented. A second point—it has already been made—is that it is easier to work with a smaller number. And a third point is that since T. J. Hoxie a few days ago made some reference to the raising of the voting age, I might add that the selection of house districts would have disqualified my participation here.

CHAIRMAN YEAGER: The Chair will recognize Mr. Barthwell.

MR. BARTHWELL: Mr. Chairman and fellow delegates, I just want to rise to point out to you that, whereas I can see that this is a noble objective of our fellow party members, that I am afraid that you are doing something to democracy when you try to reduce the number of people that are participating here too low, because of these distinguished gentlemen who are sponsoring this amendment you would lose exactly 3 of them and the convention would be very much at a loss, I think, from the point of their abilities and their contribution to the convention. Therefore, I want to strongly urge to you that you vote no against this amendment.

CHAIRMAN YEAGER: The Chair will recognize Mr. Farnsworth.

MR. FARNSWORTH: Mr. Chairman and members of the committee, it seems rather obvious that when the legislative organization committee—wisely, I think—considered the makeup of the senate, that they would always have a 20 per cent area factor for the makeup of that body, that we should not lose sight of that area factor in the next constitutional convention. Now if you vote for the proposed amendment, you are simply disregarding this area factor altogether and, certainly, I do not think that many of us believe that that should be completely disregarded. I would be wholeheartedly against the amendment.

CHAIRMAN YEAGER: The Chair recognizes Dr. Norris.

MR. NORRIS: Mr. Chairman and fellow delegates, first to correct Delegate Barthwell with regard to the loss that might be anticipated under that idea: it would merely be Mr. Faxon. (laughter) However, we would still want to

stand with the principle. I think that we ought to underscore here the fact that the main purport of this particular amendment is to get the kind of body that would be in size and in composition and in responsiveness the kind of body that would draw up a constitution, at a future date, which would serve the needs of all of the people of the state of Michigan.

CHAIRMAN YEAGER: The Chair will recognize Mr. Habermehl.

MR. HABERMEHL: Mr. Chairman and fellow delegates, I might point out to you that this is the same argument that the legislature engaged in. The question was whether or not the provision calling for 3 delegates from each senate district was going to be the method of selection of delegates or whether it was going to be based upon the house. The compromise was reached. It was presented to the people and the people by an overwhelming majority, as Delegate Leibbrand said, by over 400,000, approved the compromise in November, 1960. I suggest that we follow the will of the people and defeat the amendment.

CHAIRMAN YEAGER: The question is upon the Austin 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 nay. 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—23

Austin	Faxon	Norris
Balcer	Follo	Ostrow
Binkowski	Garvin	Stopczynski
Bradley	Hart, Miss	Walker
Buback	Hodges	Wanger
Cushman, Mrs.	Jones	Wilkowski
Downs	Krolikowski	Young
Elliott, Mrs. Daisy	Nord	

Nays—83

Allen	Habermehl	Powell
Andrus, Miss	Hanna, W. F.	Pugsley
Barthwell	Hannah, J. A.	Radka
Beaman	Haskill	Rajkovich
Bentley	Hatch	Richards, J. B.
Bledsoe	Heideman	Richards, L. W.
Boothby	Hood	Romney
Brake	Howes	Rood
Butler, Mrs.	Hubbs	Rush
Conklin, Mrs.	Hutchinson	Seyferth
Danhof	Iverson	Shackleton
Dehnke	Judd, Mrs.	Shaffer
Dell	Kirk, S.	Shanahan
DeVries	Koeze, Mrs.	Sharpe
Donnelly, Miss	Kuhn	Sleder
Doty, Dean	Lawrence	Snyder
Doty, Donald	Leibbrand	Spitler
Douglas	Leppien	Stafseth
Durst	Madar	Sterrett
Elliott, A. G.	Martin	Stevens
Erickson	McAllister	Thomson
Everett	McGowan, Miss	Turner
Farnsworth	McLogan	Tweedie
Figy	Millard	Upton
Finch	Perlich	Van Dusen
Gadola	Perras	White
Goebel	Plank	Woolfenden
Gust	Pollock	

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Austin and others, the yeas are 23; the nays are 83.

CHAIRMAN YEAGER: The amendment is not adopted. The secretary will read the next amendment.

SECRETARY CHASE: Messrs. Ostrow, Norris, Nord, Pollock, Tweedie and Upton offer the following amendment:

1. Amend page 2, line 14, after "law," by inserting "No delegate to such convention shall be eligible to be a candidate for any salaried elective office at any election to be held within 2 years after the adjournment of such convention."

CHAIRMAN YEAGER: The Chair will recognize Mr. Ostrow.

MR. OSTROW: Mr. Chairman, ladies and gentlemen of the committee, first let me say that whatever I say here is no reflection and is not intended to be a reflection on any person or group of persons who are delegates to this convention. I am talking about what may happen 16 years or 30 years from now. We are all dedicated, high principled people but some of the other delegates who may be elected in the future may not have such high standards as we have.

Now we have had delegates who have been candidates. We have delegates who are avowed candidates. We have delegates who are potential candidates, and we have delegates who are suspected candidates. It has, in at least one instance, affected the work of our convention. Recently, we applied to the legislature for some funds. Regardless of whether you feel we were or were not entitled to those funds, the fact remains that the suspected political ambitions of some of the delegates to this convention played a major part in this convention not receiving those funds. We should not handicap future conventions in case they have to apply to the legislature.

Now if half of the people who are delegates to this convention who talked to me on this subject in the halls and washrooms and various places believe on the floor what they told me off the floor, it should not be necessary to argue this amendment. It should carry itself. I do not think further argument by me will change any minds. Everybody knows what the effect of this amendment would be in the future. I just want to repeat: this is no reflection on any delegate in this convention.

CHAIRMAN YEAGER: The Chair will recognize Mr. Snyder.

MR. SNYDER: Mr. Chairman, the committee in reporting out the proposal as is did not give consideration to this. However, from the discussions that I have had with individual members of the committee, they would lead me to believe that the adoption of an amendment of this sort would be detrimental to the caliber and to the type of people that would be attracted to run for the constitutional convention. Rather than having the present all star cast as we have now, we would be having people who would know that after 2 years they could not run for another job.

I do notice that the sponsors of the amendment are all attorneys, and possibly they do not feel that this political effort is in their line. However, I do feel that it would be the sense of the committee that this restriction would act as a deterrent to those people who would be eminently qualified but who felt that in the future should they become elected they could not aspire to other offices. We urge the report as presently drafted and the defeat of the amendment as proposed.

CHAIRMAN YEAGER: The Chair will recognize Mr. Faxon.

MR. FAXON: Mr. Chairman, I have just one question for Mr. Ostrow: does the use of the word "salary" mean that those people who run for nonsalaried positions could still continue to run under this provision?

MR. OSTROW: Yes. We wanted to exclude nonsalaried positions. There are a lot of them and I do not think that anybody would use the facilities of a convention to get himself elected to one of these nonsalaried jobs.

MR. FAXON: This would be, for instance, Mr. Chairman, Mr. Ostrow, like boards of education and regional boards?

MR. OSTROW: That's right. Regional boards, boards of regents of the University of Michigan or one of the boards of governors of the various universities.

MR. FAXON: Mr. Chairman, I would like to call for the yeas and nays on this.

CHAIRMAN YEAGER: The yeas and nays have been demanded by Mr. Faxon. Is there support? A sufficient number up. The yeas and nays will be ordered. Mr. Martin is recognized.

MR. MARTIN: Mr. Chairman, if anybody is worried about the possibility of suspicion that some delegate or delegates may run for office it will not be in any way reduced by the fact that you put a limitation on them so that they cannot run until 2 years after the adjournment of the convention. I cannot see any real, sound reason or excuse for this pro-

vision and I certainly hope you will not support the amendment.

CHAIRMAN YEAGER: The Chair will recognize Dr. Norris.

MR. NORRIS: Mr. Chairman, I submit that this amendment would reflect the statesmanship that resides in this body and would reflect, too, the kind of sentiment which the people of this state expect from the caliber and quality of the delegates here assembled. I think the highest possible plane of appreciation ought to be accorded this amendment. I think there are 2 very good reasons for it: first, it would indicate that what we seek is a consideration of the broad, total interests of the state and not the parochial, narrow interests of a particular section of the state. What you seek to do is try to encourage as desideratum for decisions on the part of the delegates the total community interest and not a narrow segment interest of the community. Second, I think what we seek to establish here, too, is that when people are motivated by the longrun view of the service of the constitution and not shortrun considerations, a better job is done.

I think the purpose of this amendment is to promote precisely that kind of view: to take a longrun view of the total service that a constitution renders to the people and to broaden the focus of all the criteria by which the delegates evaluate all the multitudinous things that come before a convention. I think the considerations advanced by Mr. Ostrow are well taken and I would commend this amendment to you and urge your support for it.

CHAIRMAN YEAGER: The Chair will recognize Mr. McAllister—for what purpose does the gentleman rise?

MR. BLEDSOE: Question of Mr. Norris, Mr. Chairman.

CHAIRMAN YEAGER: Dr. Norris, Mr. Bledsoe would like to ask you a question. Would you yield? Just a moment, Mr. McAllister.

MR. McALLISTER: Yes, sir.

CHAIRMAN YEAGER: Mr. Bledsoe.

MR. BLEDSOE: Mr. Chairman and Dr. Norris, if people in the communities selected some of the people in here and wanted them to represent them in some public office, would you tell those voters and the people of the districts from which they come that they cannot do that?

MR. NORRIS: I appreciate the point that is made by Delegate Bledsoe and that is, of course, one of the disadvantages of this particular amendment, but on balance the advantages outweigh the disadvantages. I might suggest that I concur with what he is saying. There is no question but that the kind of service that is rendered by each of the delegates to this convention is equipment and qualification for a variety of public offices. There is no question about that and this particular amendment does say that. That does not preclude it every 2 years.

MR. BLEDSOE: But, Mr. Chairman—

CHAIRMAN YEAGER: Will you yield for another question?

MR. NORRIS: Yes, go ahead.

MR. BLEDSOE: But in view of what you have said, are you not setting yourself up as the personal arbiter of the wills of all of the people around the state who may want somebody here to represent them in some public capacity?

MR. NORRIS: Well, there is no question, Delegate Bledsoe and Mr. Chairman, but with a whole host of provisions we are setting ourselves up as arbiters of the public will and this is a question of judgment. This is a question of statesmanship, in my judgment, to indicate to the public that in order to promote a long, broad, state interest on the part of delegates, this particular amendment would be helpful. I think that points have been made for it and I urge support of it.

CHAIRMAN YEAGER: The Chair would advise there are now 7 speakers and will recognize Mr. McAllister.

MR. McALLISTER: Mr. Chairman and fellow delegates, I will be very brief. It would seem to me that the way the delegates here represent their people, it would be a good indication to the people as to their competency to represent them in some other office. It also appears to me that we should not be setting the standards for some years ahead. In other words,

there were no restrictions in this election similar to the one proposed in the amendment and I do not like to judge people many years in advance.

At this point I am going to tell you a story. I am not as good a storyteller as Delegate Anspach, but it reminds me a little here of something that has occurred here this evening, and you may have heard it. If so, it is all right; if not, it is still all right.

One time there was a reverend gentleman and about 8:00 o'clock in the morning he walked out and he saw a dead jackass in front of the church. So he called up the police department and he said, "Gentlemen, there is a jackass out here in front of the church, dead, and I would like to have you remove him before church services start." The fellow at the police station thought he would kid a little bit, so he said: "Reverend, isn't it your duty to bury the dead?" He said, "Yes, that's right. I just wanted to notify the next of kin." (laughter)

CHAIRMAN YEAGER: The Chair will recognize Mr. Habermehl.

MR. HABERMEHL: Mr. Chairman, I still keep hoping that I will have the closing. I might say, first of all, that I am a member of the club. To the best of my knowledge, after this I am running only for cover. (laughter) However, I do think that there is a rather important principle involved here and that is the right of any person to be a candidate for office and the right of the people of any district to nominate and elect who they choose. And as one interested in government—and I think by now we all are—I would hope that the people would choose delegates to this and some future convention.

First of all, as a politician, I recognize that they are good candidates because they have proved their ability to get elected, which is the first requisite of any statesman. Secondly, certainly the experience that they have here, that all of the delegates have had here, is not going to be any detriment to their future usefulness to the state. If any of the delegates here have intentions of running, I would say, let us not apologize for such intentions. The more people of this state that we can get elected, that we can get interested in serving the people of this state, from their districts, the better off our state government is going to be. Our politics in the past has been handicapped by the lack of good candidates. Let us not add to that scarcity. If we have competent people who have experience, by all means let us keep them as potential candidates. I urge the defeat of the amendment.

CHAIRMAN YEAGER: The Chair will recognize Mr. Young.

MR. YOUNG: Mr. Chairman, I will be very brief. I must respectfully disagree with Delegates Ostrow, Norris and Nord. It seems to me that this amendment would be a further restriction on the electorate. I am reminded of Arthur Godfrey when he counseled humility. It seems to me it would be very unhumble and very immodest of this convention—which by the latest count had over 50 per cent of its membership as potential candidates for office—to go on record with an admonition to future conventions that they could not have that same privilege. Now, too much is too much, and, to quote Delegate Hutchinson, "This goes a little too far."

CHAIRMAN YEAGER: The Chair will recognize Mr. Sterrett.

MR. STERRETT: Mr. Chairman and members of the committee, I think Mr. Bledsoe hit the nail right on the head and, in addition to what he said, I feel that in a convention of this sort or in any future convention there may be a leader that rises and could be of great service to the people of this state; so why cut off your nose to spite your face?

CHAIRMAN YEAGER: The Chair recognizes Mr. Heideman.

MR. HEIDEMAN: Mr. Chairman, ladies and gentlemen, this is the type of situation where some people say: in theory we believe in democracy but in practice, don't press us too far, don't put us to the test, because we then will have to put up a fence to keep you within the enclosure.

CHAIRMAN YEAGER: The Chair recognizes Mr. Walker.

MR. WALKER: Mr. Chairman and members of the committee, in that many of our delegates appear to have been vaccinated with phonograph needles, I would pose this question to some of our peerless leaders: has anybody made arrangements for breakfast?

CHAIRMAN YEAGER: The Chair recognizes Mr. Ostrow.

MR. OSTROW: Mr. Chairman and "candidates," (laughter and applause) I want to call your attention to the fact that in one of the judicial articles that we have passed, Committee Proposal 96, section c reads as follows:

A justice and a 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 1 year thereafter.

There must have been some reason why we did that. I would say that the same reason applies here.

CHAIRMAN YEAGER: The Chair will recognize Dr. Nord.

MR. NORD: Mr. Chairman, I simply would respectfully suggest that those who may have conflicts of interest on this question may perhaps wish to abstain from voting. That is simply a suggestion. (laughter)

CHAIRMAN YEAGER: The Chair will recognize Mrs. Conklin.

MRS. CONKLIN: Mr. Chairman and fellow delegates, I can speak on this, Dr. Nord, because I am a charter member of the I Ain't Runnin' for Nothin' club here. I would just like to point out that I don't think that we ought to be so pure that we sit here and determine for the next constitutional convention, when we here have the right to run, that those people who are going to serve in that convention cannot do so. And I would also point out that if anybody can survive 7½ months of this and still wants to run, they are hardy people and I say: amen; let them run.

CHAIRMAN YEAGER: The question is on the Ostrow 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? Have you all voted? If so, the secretary will lock the machine and record the vote. Order please.

*The roll was called and the delegates voted as follows:*

#### Yeas—31

Andrus, Miss	Hart, Miss	Radka
Binkowski	Hodges	Richards, J. B.
Bradley	Jones	Sablich
Cushman, Mrs.	Krolkowski	Seyferth
Donnelly, Miss	Kuhn	Shackleton
Downs	Mahinske	Staiger
Durst	Nord	Tweedie
Erickson	Norris	Upton
Follo	Ostrow	Wanger
Garvin	Pollock	Woolfenden
Hanna, W. F.		

#### Nays—79

Allen	Figy	Mosier
Austin	Finch	Perlich
Balcer	Gover	Perras
Barthwell	Greene	Plank
Batchelor	Gust	Powell
Beaman	Habermehl	Pugsley
Bentley	Hannah, J. A.	Rajkovich
Bledsoe	Haskill	Richards, L. W.
Boothby	Hatch	Romney
Brake	Heideman	Rood
Brown, G. E.	Hood	Rush
Buback	Howes	Shaffer
Butler, Mrs.	Hubbs	Shanahan
Conklin, Mrs.	Hutchinson	Sharpe
Cudlip	Iverson	Sleder
Danhof	Kelsey	Snyder
Dehnke	Kirk, S.	Stafseth
Dell	Koeze, Mrs.	Sterrett
DeVries	Lawrence	Stevens
Doty, Dean	Leibrand	Stopczynski
Doty, Donald	Lepplen	Thomson
Douglas	Madar	Turner
Elliott, A. G.	Martin	Van Dusen
Elliott, Mrs. Daisy	McGowan, Miss	White

Everett  
Farnsworth  
Faxon

McLogan  
Millard

Wilkowski  
Young

SECRETARY CHASE: On the amendment offered by Mr. Ostrow, the yeas are 31; the nays are 79.

CHAIRMAN YEAGER: The amendment is not adopted. The secretary will read the next amendment.

SECRETARY CHASE: Mr. Mahinske offers the following amendment:

1. Amend page 2, line 13, by striking out "such compensation as may be provided by law.", and inserting "the sum of \$1,000.00 per month and the same mileage as shall then be payable to members of the legislature, but such compensation may be increased by law. No such delegate may hold any state office for the term following the constitutional convention."

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

MR. MAHINSKE: In view of the recent vote, I would like to divide the question and withdraw the last sentence.

CHAIRMAN YEAGER: An amendment to strike out and insert is not divisible.

MR. MAHINSKE: Well, then, I will withdraw the amendment and offer a new amendment, because—

CHAIRMAN YEAGER: You wish to strike the last sentence?

MR. MAHINSKE: Yes.

SECRETARY CHASE: Mr. Mahinske revises his amendment as follows:

1. Amend page 2, line 13, by striking out "such compensation as may be provided by law.", and inserting "the sum of \$1,000.00 per month and the same mileage as shall then be payable to members of the legislature, but such compensation may be increased by law."

CHAIRMAN YEAGER: Mr. Mahinske.

MR. MAHINSKE: Now, in brief, as I think I can point out, my reasons are obvious for this: we set up all these provisions for a constitutional convention that may be called in the future and we leave the total question of compensation or expense of delegates to the legislature, and I feel that there should be some amount set forth here as a minimum amount in case there is not a cooperative attitude running through the halls over there, and for the further reason that there would be absolutely no connection between the convention, as first called, and the legislature with a view to expenses and salaries of the delegates themselves.

Now, if you notice, our existing constitution does call for a flat \$1,000 and the legislature saw fit to increase this to \$1,000 a month for 7½ months because they recognized the fact that it was not adequate, but I think that there should be some minimal amount in the constitution itself so that we have a self starting convention in the future when one is called. I would urge the adoption of the amendment.

CHAIRMAN YEAGER: The Chair will recognize Mr. Snyder.

MR. SNYDER: Mr. Chairman, the committee considered this particular idea at great length. We had considerable pro and con discussion on the matter. It was the opinion of the group that none of us could anticipate what the spiraling costs of living or the reverse would mean in 50 years or so. We felt that this would be something that would add unnecessary language to the constitution and, certainly, even the amendment does have certain limitations, because if you do have a hostile legislature and a sum of \$1,000 is insufficient, then the hostile legislature would not increase the compensation as provided by law. We feel that the language in the committee report is about as broad as you can go and we feel that this is one area in which today you can trust the legislature.

CHAIRMAN YEAGER: The Chair will recognize Mr. Mahinske.

MR. MAHINSKE: Well, in view of the remarks made by Mr. Snyder, I would point out that an inadequate \$1,000 a month is more adequate than nothing. For the same reason,

I feel that we should place at least a given amount of money here to get the convention rolling as soon as it is called.

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

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

SECRETARY CHASE: Mr. Martin offers the following amendment:

1. Amend page 2, line 13, by striking out "such compensation as may be provided by law," and inserting "an amount equal to the annual compensation received by each member of the legislature."

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

MR. MARTIN: Mr. Chairman, I simply offer this because you were seeking a self executing provision and this would do it. The term of the convention would presumably not last longer than a year. The salary of the legislature is a pretty good guide and will be in the future, and the amount of time spent by the legislature will be about that spent by the convention; so it would seem as though this would provide a reasonable guide line that would be flexible and would change as the amount received by the legislature might change from time to time.

CHAIRMAN YEAGER: The Chair will recognize Mr. Snyder.

MR. SNYDER: Mr. Chairman, the arguments that were provided for the recent amendments are still germane to this one. We would feel, however, that, should this be adopted, the delegates would be serving at less salary than the legislature. We feel, again, that this is an area that could be taken care of in the decision of the legislature at the time.

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

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

SECRETARY CHASE: None, Mr. Chairman.

CHAIRMAN YEAGER: If not, the proposal will pass.

Committee Proposal 66 is passed.

MR. ERICKSON: Is there no question on the body of the proposal?

CHAIRMAN YEAGER: Since this was in only one section and not divided, the Chair is of the opinion it is not necessary to ask on the body itself, Mr. Erickson. The proposal is passed. The secretary will read the next item.

SECRETARY CHASE: Item 11 on the calendar, from the committee on miscellaneous provisions and schedule, by Mr. Erickson, chairman, **Committee Proposal 68**, A proposal pertaining to the schedule. Amends sections 10, 6 and 11 of the schedule.

*Following is Committee Proposal 68 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. 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, [1908] 1962. It shall be the duty of the secretary of state to forthwith give notice of such submission to [the sheriffs of the several counties, and it shall also be the duty of the secretary of state and] all other officers required to give or publish any notice in regard to said election, to give notice as provided by law in case of an election for governor, that this constitution will be duly submitted to the electors at said election.

Sec. b. All officers elected under the [existing] 1908 constitution AS AMENDED and THE EXISTING laws on the Tuesday after the first Monday of November, [1908] 1962, shall take office on and after the first day of January, [1909] 1963, [under this constitution] AND COMPLETE THE TERM TO WHICH THEY WERE ELECTED.

Sec. c. Every [person entitled to vote for members of the legislature under the existing constitution and laws] REGISTERED VOTER may vote on said adoption or rejection, and 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 "Adoption of the Revised Constitution ( ) Yes." "Adoption of the Revised Constitution ( ) No." All votes cast at said election shall be taken, counted, canvassed and returned as provided by law for the election of state officers. Should the revised constitution so submitted receive more votes in its favor than shall be cast against it, it shall be the supreme law of the state on and after the first day of January, [1909] 1963, except as herein otherwise provided; otherwise it shall be rejected.

Mr. Erickson, chairman of the committee on miscellaneous provisions and schedule, submits the following reasons in support of Committee Proposal 68:

Comments on section a. This section is submitted to the convention in its original form except for the deletion of the requirement that notice of submission be given to the sheriffs of the several counties. Sheriffs are not at this time involved in any way in the election process and there seems to be no valid reason for continuing the requirement that notice be given to the sheriffs. The requirement that notice be given to all officers to whom the secretary of state is required to give notice in the case of an election for governor seemed sufficient in the opinion of the committee.

We have also stricken 1908 and substituted 1962. In submitting the section containing the date November, 1962, we are proceeding on the assumption that the constitution will be ready for inclusion on the ballot of November, 1962. In the event this is not possible the matter could be handled either by rereferring the section to our committee or by a change on the floor upon second reading.

Comments on section b. The previous section 6 of the schedule is submitted with the one change being a revision of the dates. In making this revision the committee is proceeding upon the assumption that the revised constitution would be voted upon in November, 1962. In the event this is not possible we feel any change necessary can be made either by referring the matter back to the committee on miscellaneous provisions and schedule or, in the alternative, a change may be made on the floor on second reading at this time. The new language at the end of the section is designed to allow all state officers elected in November, 1962, to continue in office until the completion of their term.

Comments on section c. Section 11 of the 1908 schedule is submitted to the convention with only 2 changes from the wording contained in the 1908 constitution. The committee has deleted the language, "person entitled to vote for members of the legislature under the existing constitution and laws," and substituted therefor the terms, "registered voters." This is in line with a similar change which has been made in many sections of the 1908 constitution. We have also substituted the date 1963 in place of the previous date of 1909. In doing so we are operating under the presumption that the proposed revised constitution will be voted on in November, 1962. In the event this does not prove possible, this matter may be rereferred to the committee on miscellaneous provisions and schedule or, in the alternative, the date may be revised on the floor on second reading.

In the event the convention decides to submit the constitution to the voters in separate sections, then this section would have to be rereferred to the miscellaneous provisions and schedule committee to draft appropriate language to accord with the action of the convention.

CHAIRMAN YEAGER: The Chair will recognize the committee chairman, Mr. Erickson.

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

cost of doing business. It is the kind of thing by which, in essence, they justify their existence: namely, by assuming risks, providing capital and providing jobs and services—as well as making a profit for the stockholders. This is a part of the whole free enterprise system and it seems to me that we do a disservice to business to make a pronouncement on the floor of this convention that the way to encourage business is to let it avoid liability—with some semblance of teeth—for wage claims that are not satisfied.

I wish to remind the delegates that, in the last analysis, you do not have any protection at all unless you have solvent stockholders, and in many of these cases you do not have that. All you have here is a meager protection in the public interest—in the public interest as well as in the interest of the wage earner. I think that this particular amendment, bearing in mind all of the arguments that have been advanced—and very well said by Mr. Woolfenden and Mr. Habermehl and Mr. Snyder and Mr. Lawrence and Judge Mosier—with all these good arguments; nevertheless, I feel that this provision ought to be supported.

**CHAIRMAN YEAGER:** The Chair would remark that Monday will pass; it is past. The next speaker to be recognized is Mr. Snyder.

**MR. SNYDER:** What I wanted to say should have been said on Monday, so I will pass, Mr. Chairman.

**CHAIRMAN YEAGER:** Thank you. Mr. Bledsoe.

**MR. BLEDSOE:** Mr. Chairman, there is just one issue that I would like to suggest: Mr. Lawrence speaks about this widow. Of course, it was a very touching note but she has a remedy. She has a remedy against the other stockholders. She is not left without a remedy.

In that regard, in answer to Mr. Norris, it would occur to me that there is the possibility of limiting the liability to the amount of stock that a shareholder has in the corporation and making that the extent of his liability rather than making the poor little widow with one share of stock carry the whole load. Now with an amendment like that, I think the matter could be improved; but, in addition to that, she also has a right against the stockholders themselves which labor does not have. So it is not just one sided.

And always remember this: if, through his labor—if, as the result of the labor of these people who work, the stockholders make a lot of money, the laborer does not make any profit. He does not get any of it. All he is entitled to is his labor. So the thing kind of balances up. And then, these rights we are involved with here are constitutional rights. We are not setting up an equity court. By virtue of that fact, I think this is the one little spark of protection that people have who work for a living. I think it is about the only spark in the constitution that protects them and I think it ought to be left there.

**CHAIRMAN YEAGER:** The question is on the minority report amendment. There is one speaker left. The Chair will recognize Mr. Lawrence.

**MR. LAWRENCE:** If I were running for office, I think I would get more votes at this time of night if instead of talking I would just sit down. So if any of you feel so inclined, I am through. (applause)

**CHAIRMAN YEAGER:** The question is on the minority report amendment. The yeas and nays have been ordered. This is a recorded roll call vote. As many as are in favor of the minority report amendment will vote aye. As many as are opposed will vote no. The question, again, is on the adoption of the minority report amendment. 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—35**

Austin	Follo	Nord
Balcer	Garvin	Norris
Binkowski	Hart, Miss	Ostrow
Bledsoe	Heideman	Perlich
Bradley	Hood	Perras
Buback	Jones	Sablich

Cushman, Mrs.	Kelsey
Douglas	Krolikowski
Downs	Lesinski
Elliott, Mrs. Daisy	Madar
Everett	Mahinske
Faxon	McGowan, Miss

**Nays—72**

Allen	Gover	Rajkovich
Andrus, Miss	Habermehl	Richards, J. B.
Barthwell	Hanna, W. F.	Richards, L. W.
Batchelor	Hannah, J. A.	Romney
Beaman	Haskill	Rood
Bentley	Hatch	Rush
Boothby	Higgs	Seyferth
Brake	Howes	Shackleton
Brown, G. E.	Hubbs	Shanahan
Conklin, Mrs.	Hutchinson	Sharpe
Cudlip	Iverson	Sleder
Danhof	Judd, Mrs.	Stafseth
Dehnke	Kirk, S.	Staiger
Dell	Kuhn	Stamm
Donnelly, Miss	Lawrence	Sterrett
Doty, Dean	Leppien	Stevens
Doty, Donald	Martin	Thomson
Durst	McLogan	Turner
Elliott, A. G.	Millard	Tweddie
Erickson	Mosier	Upton
Farnsworth	Nisbet	Van Dusen
Figy	Pollock	Wanger
Finch	Powell	White
Goebel	Radka	Woolfenden

**SECRETARY CHASE:** On the adoption of the minority report amendment, the yeas are 35; the nays are 72.

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

**SECRETARY CHASE:** None.

**CHAIRMAN YEAGER:** If not, it will pass.

Exclusion Report 2033 is passed. The Chair will recognize Mr. Erickson.

**MR. ERICKSON:** I move the committee rise.

**CHAIRMAN YEAGER:** The question is on the motion of Mr. Erickson that the committee rise. As many as are in favor will say aye. As many as are opposed will say no.

**DELEGATES:** Division.

**CHAIRMAN YEAGER:** There is a call for division but the Chair declares this committee risen. (laughter)

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

**PRESIDENT NISBET:** The Chair will recognize Mr. Yeager.

**MR. YEAGER:** Mr. President, the committee of the whole has had under consideration certain items on the general orders calendar of which the secretary will give a detailed report.

**SECRETARY CHASE:** Mr. President, the committee of the whole has had under consideration **Committee Proposal 66**, A proposal relative to amendment and revision; **Committee Proposal 68**, A proposal pertaining to the schedule; and **Committee Proposal 62**, A proposal pertaining to grants of extra compensation. The committee made no amendments to these proposals and recommends their passage.

**PRESIDENT NISBET:** **Committee Proposals 66, 68 and 62** are accepted and referred to the committee on style and drafting.

*For Committee Proposal 66 as referred to the committee on style and drafting, see above, page 2472.*

*For Committee Proposal 68 as referred to the committee on style and drafting, see above, page 2490.*

*For Committee Proposal 62 as referred to the committee on style and drafting, see above, page 2493.*



*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

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.*



that this convention or any convention has to finally adjourn before it may submit to the people anything. It seems to me as though one of our experiences has been the convention not being able to reconvene itself after the decision of the people. Suppose the people should turn down its work. Shouldn't the convention be able to stay in session, and if the people turn down the work, be able to reconvene and perhaps make some changes which would be acceptable rather than to waste the whole effort such as this provision of final adjournment entails? Did you give any thought to that?

PRESIDENT NISBET: Mr. Habermehl.

MR. HABERMEHL: Mr. President, Delegate Hutchinson, I am afraid the specific question of whether or not we ought to stay in session was not brought up in committee. We did provide that they must finally adjourn at least 90 days before the election is to be held. We have provided that in line 10 on page 2. And in answer to the question as to whether or not they ought to be able to stay in session and make changes in case the people don't accept the whole document, it was not discussed in committee and would be, of course, a major policy decision.

MR. HUTCHINSON: Thank you, Mr. Habermehl. I just wondered if maybe that was of such importance, really, to be given further consideration on the floor, though I have no amendment along those lines.

The next question I would like to ask of Mr. Habermehl is whether the committee gave any consideration to the fact that hereafter, the general election at which this question is to be submitted would always come in the fall, in November, and that by the machinery here set out, the convention actually will not be meeting until 11 months after the people have called for a convention. Wouldn't it be possible to set this convention meeting ahead of October after they call it in the previous November? All you require is 4 months for the election procedure.

PRESIDENT NISBET: Mr. Habermehl.

MR. HABERMEHL: Mr. President, Delegate Hutchinson, yes, that is correct. We did consider it in committee. We considered it in first reading here. There must be 4 months after the November election on the call of the convention, of course, to permit time for the election of delegates, so that after that time, or any time after March of the succeeding year, the convention could convene. The problem then came in trying to find a date at which all segments of our society would be happy. The farmers, of course, don't want it during their busy season. The resort people don't want it during their busy season, and about the best that we could come up with that seemed to be acceptable to most people was a date in the late fall. It allows just about 13 months, less the 90 days that we provided between the convention's adjournment and the election, so it allows 10 months for the convention to do its work, which seemed to be ample time.

The real rationale for the October date in the old convention was due to the fact that the election was held in the spring at the biennial spring election, so actually the date that could be picked in this proposal could be any time from about April 1 to October, but there I suggest that we could get into a real hassle if we tried now to pick a different date. Different areas of the state would be opposed to different dates.

MR. HUTCHINSON: Thank you, Mr. Habermehl. Those 2 questions arose in my mind immediately, and they are simply indicative, at least in my mind, of the problem that we run into when we try, in the constitution, to write out all of this detail of machinery.

I propose to vote against this proposal because I believe that our best course of action would have been to have written into the new constitution a provision quite similar to the provisions in the 1850 constitution which would leave to the legislature in the future the task of writing out all of these details in a way that will fit the situation to the times. I think we are shortsighted here in writing into this constitution this detail of machinery, and I think that when another constitutional convention is called, it will probably be just as embarrassed by this machinery as we were by the machinery which bound us, simply because it is not possible for us here to look into the

future 30 years or 40 years or 50 years and divine what the situation at that time will be. I, for that reason, propose to vote against this proposal.

PRESIDENT NISBET: Mr. Bentley.

MR. BENTLEY: Mr. President, I had a couple of questions that I was going to ask Mr. Habermehl. One of the questions has already been somewhat anticipated by Mr. Hutchinson. I agree that it is quite ridiculous to hold a general election in November for the purpose of deciding whether or not the constitution is to be revised, to have the election of delegates not later than the following March, and then to have the delegates wait nearly 7 months until they shall convene in convention. I appreciate the opposition that might be expected to arise from different parts of the state if the date of the convention were held earlier than October. But I think it is a very poor policy to have such a long time lapse between the election of delegates and the summoning of the convention itself.

I do have another question that I want to yield to Mr. Habermehl for an answer to, and that is the following: after the convention has adjourned, I understand the question of popular approval has to be held in not less than 90 days. Does that mean that there is to be a special election for the purpose of approving the new constitution?

PRESIDENT NISBET: Mr. Habermehl.

MR. HABERMEHL: Mr. President, Delegate Bentley, it isn't to be held, Delegate Bentley, 90 days after final adjournment, but simply not less than 90 days. The 90 day provision was put in there just to insure that there would be adequate time to disseminate information about the proposed constitution.

MR. BENTLEY: Do I understand then, Mr. President, that the convention itself can decide whether or not the proposed new document is to be approved in a general or in a special election? That is entirely a matter within the discretion of the convention?

MR. HABERMEHL: That is correct. They would make the decision as to when it would be submitted and whether it would be at a general or special election.

MR. BENTLEY: One more question, Mr. President: do I understand this convention also has the power to completely rewrite a new constitution or to provide a series of amendments to the existing document?

MR. HABERMEHL: The language used, Mr. President, Delegate Bentley, is precisely the same in that connection as the present constitution. The question voted upon by the electorate is whether or not a convention for the question of a general revision of the constitution shall be had, and I think it has been generally interpreted that the convention is free to amend the constitution, to submit an entirely new document—do as it pleases, in other words.

MR. BENTLEY: Mr. President, one final question along that line: although the voters have approved the idea of a general revision of the constitution, the convention, if it so saw fit, could make as few as a single amendment and then dismiss itself and go home?

MR. HABERMEHL: Mr. President, Delegate Bentley, yes, I believe so. I believe on page 2 we spell it out, line 4, "No proposed constitution or amendment adopted by such convention shall be submitted," and so forth. And on line 8, "Any proposed constitution or amendments adopted by such convention shall be submitted," and so forth.

MR. BENTLEY: The point I am making, Mr. President, is, although the voters would have expressed themselves as being in favor of a general revision of the constitution, the convention, if it so saw fit, could, for all intents and purposes, disregard the idea of a general revision and merely confine itself to a single amendment or a few amendments and leave the basic document unchanged, in spite of the previous expression on the part of the majority of electors; is that correct?

MR. HABERMEHL: Mr. President, Delegate Bentley, I believe that is within the power of any constitutional convention, and I believe it should remain in the power of any constitutional convention. They are sovereign, autonomous bodies.

MR. BENTLEY: Thank you.

**MR. HABERMEHL:** Mr. President, I would like to make one statement in reply to Mr. Hutchinson: we must agree that this matter is, to some extent, statutory, the same as Committee Proposal 65 was. However, I do not believe that past experience has shown that the legislature is particularly anxious to have a convention called; and if this proposal is to mean anything, it cannot be left entirely up to the legislature. It was the committee's thinking that enough language must appear in here so as to make the calling of a convention mandatory at any time that it might be so voted by the people. I believe those words in here are necessary, and I believe that the decisions of the supreme court, which state that the powers of any constitutional convention are limited only by the powers given to them by the existing constitution, makes the spelling out of these powers essential in the constitution. Otherwise we might find a peculiar situation where the powers of the constitutional convention might be as defined by the legislature, which is exactly what we don't want.

**PRESIDENT NISBET:** There is an amendment. The secretary will read.

**SECRETARY CHASE:** Mr. Martin offers the following amendment:

1. Amend page 1, line 15, after "members.", by inserting "If the legislature shall determine that delegates shall be elected on a partisan basis,"; and in line 16, after "district" by inserting "and of the same party"; so the language will then read:

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 to fill a vacancy in the office of any delegate.

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

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

The motion prevails. Mr. Martin.

**MR. MARTIN:** Mr. President, the convention voted to leave to the legislature the question of whether other future convention delegates should be elected on a partisan or nonpartisan basis. This amendment is not intended to reflect on any appointment made to this convention, but if the legislature does decide that the delegates shall be elected on a partisan basis, then it seems desirable that appointments to fill vacancies should be from the same party. In the event that the convention were on a partisan basis and were closely or equally divided, unless this amendment was adopted, it would permit a complete change in the political structure of the convention in the event of a vacancy. For that reason it seems reasonable.

**PRESIDENT NISBET:** The Chair recognizes Mr. Hodges.

**MR. HODGES:** Mr. President, I speak against the amendment. I think there are a couple of fallacies in it. One, if you are giving the appointment power to the governor, and the governor happened to be of the opposite party, you would get one of these so called nonpartisan either Democrats or Republicans, whichever way the governor was, and probably would cause more trouble and embarrassment to the opposite party by having him sit in in their caucuses. It might well be a partisan of the other side in name only and actually cause more trouble.

If you were to leave the decision, for example, up to the state central committees, or something like this, of the parties, where you would obviously get a partisan that would be recognized as such by his own party, this might be one thing; but where the governor makes the appointment, I think that you could be getting yourself into more trouble by having someone who is a partisan of that party in name only, and might well cause more trouble or confusion to that party than if the governor was free to select someone of his own choosing.

**PRESIDENT NISBET:** The Chair recognizes Mr. Hutchinson.

**MR. HUTCHINSON:** Mr. President, I am sympathetic with Mr. Martin's amendment, but I think I see a technical problem in it. I would like to ask Mr. Martin if his amendment were adopted and if the legislature should provide for the nonpartisan election of delegates—in that case, I see nothing in this

proposal at all providing for the filling of vacancies, you see, because you have by your amendment tied up the vacancy filling only in case of partisan election.

**MR. MARTIN:** I have no objection, Mr. Hutchinson, to having style and drafting clarify that point. There certainly must be a provision with respect to vacancies if it is on a nonpartisan basis.

**PRESIDENT NISBET:** Dr. Pollock.

**MR. POLLOCK:** Mr. President, it seems to me that this is altogether unnecessary. We have only had 2 vacancies in this convention that has lasted more than 7 months, and I can't think that it is worth 3 or 4 additional lines in the constitution.

It has also been pointed out to me by one of my colleagues that we don't seem to worry very much when the governor of the state can fill a vacancy in a United States senatorship. That is usually filled by appointment, and certainly this is of no more importance than that. I think this is unnecessary language, and I am opposed to the amendment.

**PRESIDENT NISBET:** The question is on the adoption of the amendment. Mr. Habermehl.

**MR. HABERMEHL:** Mr. President, I am sympathetic with the idea of the amendment, personally. The committee early decided that the question of whether it would be partisan or nonpartisan election would be left out of this proposal and let it be determined at the time that the convention might be called. We are talking about a considerable time in the future now, and we didn't try to be prophetic. I do think, however, that in the event of a close election and in the event that the parties were pretty close to equally divided in such convention, the governor might well exert an influence, by his power of appointment, over the powers and the functioning of the convention.

I would suggest to Mr. Martin that if both his suggested insertions were placed after the sentence starting on line 15 and ending on line 16, that it would correct the defect referred to by Senator Hutchinson. So far as I personally am concerned, I think I would favor the amendment. I am not, however, speaking for the committee.

**PRESIDENT NISBET:** Mr. Martin.

**MR. MARTIN:** Mr. President, I have no objection to that. I think Mr. Habermehl's suggestion is a sound one. The amendment can be drafted in that form, revised in that form. I would agree to it.

**PRESIDENT NISBET:** The secretary will read.

**SECRETARY CHASE:** Mr. Martin withdraws his present amendment and offers another amendment:

1. Amend page 1, line 16, after "delegate.", by inserting "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.".

**PRESIDENT NISBET:** Mr. Stevens.

**MR. STEVENS:** Mr. President and delegates, may I ask Mr. Martin a question, please?

**PRESIDENT NISBET:** If he cares to answer.

**MR. STEVENS:** Mr. Martin, the question I just spoke to you about: would not this language permit the governor, being of an opposite party than the majority of the legislature, to veto this matter? It seems to me that if you are going to have this in the constitution and you do not have the governor's right to veto, you would have to so express it, put it in express terms in your language.

**MR. MARTIN:** If this were in the constitution, the governor couldn't veto this, Mr. Stevens.

**MR. STEVENS:** I can't see where you get that, because there is nothing there that says he can't, and the constitution provides they would have to do it by bill. The constitution provides all bills are subject to the governor's veto. I think you could perhaps change it by an express provision.

**PRESIDENT NISBET:** The time has expired. Mr. Martin, have you got a quick answer?

**MR. MARTIN:** I think that doesn't go to my amendment. It goes to the rest of the proposal.

**PRESIDENT NISBET:** The question is on the adoption of the amendment offered by Mr. Martin. Those in favor will say aye. Opposed, no. The Chair is in doubt. Those in favor will

vote aye. Those opposed will vote nay. Have you all voted? If so, the secretary will lock the machine and tally the vote.

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Martin, the yeas are 62; the nays are 61.

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

SECRETARY CHASE: Mr. Boothby offers the following amendment:

1. Amend page 1, line 7, after "approved," by striking out "the electors of each house of representatives district as then organized shall elect one delegate and"; 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 4 months after the proposal was certified as approved, the electors of each senatorial district as then organized shall elect one delegate.

PRESIDENT NISBET: Mr. Van Dusen.

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

PRESIDENT NISBET: The question is on the motion of Mr. Van Dusen. Those in favor will say aye. Those opposed? The motion prevails. Mr. Boothby.

MR. BOOTHBY: Mr. President, ladies and gentlemen of the convention, Mr. Erickson has pointed out that an attempt has been made to take care of some of the problems that have existed at this convention. I think we all recognize that one of the problems is that there are too many of us here. Very few of us would admit to the fact that we, ourselves, are not indispensable but, nevertheless, I think part of the problem is that we have 144 delegates. No other constitutional convention in the history of Michigan has had over 100 delegates, and here we have had 144, and the time that we have taken and the cost that it has been to the people of the state of Michigan, without any significant advantage with the extra people, does not seem to warrant the extra people being here. Now, I have submitted this amendment for the purpose of taking care of this problem. The reason why we had one delegate elected from each representative district and one from every senatorial district was because the junior chamber of commerce and the league of women voters felt that it was a good compromise between those people in the Republican party and the Democratic party, those people that were opposing the convention and in favor of the convention.

I would like to point out the fact that we probably will not have another constitutional convention for many, many years. The division of parties in relationship to the state senate will be, possibly, considerably different. We will have an increased population in some of the areas of the state and we will have, possibly, a completely different complexion in the senate. I want to remind the delegates to the convention that the next constitutional convention, under the wording of the committee's report, would have not 144 delegates but 148 delegates, because we have increased the senate from 34 to 38.

I have also prepared a second amendment, which I will submit if this one passes, to provide for 2 delegates from each senatorial district rather than 1, in case some of the people here feel that 38 delegates is not sufficient to write a constitution. I urge the adoption of this amendment.

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

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

SECRETARY CHASE: Messrs. Faxon, Austin, Young and Hodges offer the following amendment:

1. Amend page 1, line 8, after "delegate" by inserting a period; and in line 9, by striking out "and the electors of each senatorial district as then organized shall elect one delegate," 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 4 months after the proposal was certified as approved, the electors of each house of repre-

sentatives district as then organized shall elect one delegate. The delegates so elected. . . .

PRESIDENT NISBET: Mr. Van Dusen.

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

PRESIDENT NISBET: The question is on the motion of Mr. Van Dusen. Those in favor will say aye. Opposed, no. The motion prevails. The Chair recognizes Mr. Faxon.

MR. FAXON: Mr. President, fellow delegates, I think we are aware of the fact that the smaller the body the easier it is for us to more rapidly conclude our own deliberations. Not only would this amendment provide for a smaller body and one that would be more easily managed, but it would also provide for a representation at a constitutional convention that would be based upon the people and the population of the state. For these 2 reasons, and for the need for making some adjustment in membership of the future convention, I would urge that you adopt this amendment.

PRESIDENT NISBET: We are operating on a 5 minute limitation. Mr. Austin.

MR. AUSTIN: Mr. President and fellow delegates, I would like to support Mr. Faxon's arguments. This amendment was presented in committee of the whole and was rejected at that time, but I thought that perhaps the delegates ought to have another look at it. Mr. Boothby gave what I consider to be some rather potent arguments in favor of a smaller delegation. However, 38 would be rather small; 110 might be more appropriate. But again, I think we ought to consider that in order to have a delegation that would be more reflective of the population of the state, it would be better to have them based on the house of representatives and not the senate. There would be a built in malapportionment if we use the senate, and I think that a delegation that is expected to write a constitution for the state ought to be truly representative of the people. In closing, I would like to remind you that we are not concerned about the present delegation. Remember that this will concern the delegates to the next constitutional convention, which will be at least 16 years away.

PRESIDENT NISBET: Please keep your comments brief. Mr. Habermehl.

MR. HABERMEHL: Mr. President, I think both parties have been heard from now. The Democrats seem to have outnumbered the Republicans in speakers 2 to 1. I suspect that this argument has been gone over more than adequately, and I, on behalf of the committee, urge that we stick to the compromise as it was adopted and continue the language of the 1960 amendment.

PRESIDENT NISBET: Mr. Downs.

MR. DOWNS: I urge support of the amendment for the reasons Delegate Austin gave.

PRESIDENT NISBET: Mr. King.

MR. KING: Mr. President, fellow delegates, it seems as though Mr. Boothby and Mr. Faxon both advanced the same reasons, but they don't seem to be supporting each other's amendment. I suggest we stick with the committee proposition.

PRESIDENT NISBET: Mr. Faxon.

MR. FAXON: The yeas and nays.

PRESIDENT NISBET: The yeas and nays have been demanded. Is the demand supported? Not a sufficient number up. The question is on the adoption of the amendment. Those in favor will say aye. Opposed, no.

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

SECRETARY CHASE: Mr. Allen offers the following amendment:

1. Amend page 1, line 13, after "election" by inserting "or at an earlier date if provided by law"; so that the language will read, beginning in line 11, "The delegates so elected shall convene at the capital city on the first Tuesday in October next succeeding such election or at an earlier date if provided by law."

PRESIDENT NISBET: Mr. Van Dusen.

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

**PRESIDENT NISBET:** The question is on the motion of Mr. Van Dusen. Those in favor will say aye. Opposed, no. The motion prevails. Mr. Allen.

**MR. ALLEN:** Mr. President, I think Mr. Hutchinson had a point when he spoke earlier. If you will recall, we were elected in September and we started this convention in October. Under the committee's language as it now stands, the election would be within 4 months after the November vote is certified, which probably would be about in April, but we still would have to wait until October. Now, the proposed amendment would permit an earlier date than October if the legislature would so provide, and I can see, 16 years from now or 32 years from now, where we might very well want to have an earlier date than October, and this gives the elasticity for an earlier date if the legislature would so provide. I think it would be helpful.

**PRESIDENT NISBET:** Mr. Habermehl.

**MR. HABERMEHL:** Mr. President, the committee sees nothing wrong with this amendment. We would accept it.

**PRESIDENT NISBET:** Dr. Pollock.

**MR. POLLOCK:** Mr. President, I don't see the necessity for this amendment. I think one of the obvious defects in our present procedure was the inadequacy of the preparatory work which was done for us. Mr. Allen, I am sure, realizes as well as anybody that this preparatory work is most necessary, and having waited a long time for a constitutional convention, I see no hurry about the exact time when it should convene. Furthermore, I don't like the legislature having anything to do with this particular matter of convening the convention.

**PRESIDENT NISBET:** The question is on the amendment offered by Mr. Allen. Those in favor will say aye. Opposed, no. The Chair is in doubt. 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 totals.

**SECRETARY CHASE:** On the adoption of the amendment offered by Mr. Allen, the yeas are 82; the nays are 37.

**PRESIDENT NISBET:** The amendment is adopted. The secretary will read the next amendment.

**SECRETARY CHASE:** Mr. Faxon offers the following amendment:

1. Amend page 1, line 22, after "explain" by striking out "and disseminate information about"; so the language will read, "... provide for the printing and distribution of its documents, journals and proceedings; to explain the proposed constitution; and to complete the business of the convention in an orderly manner."

**PRESIDENT NISBET:** Mr. Van Dusen.

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

**PRESIDENT NISBET:** The question is on the motion of Mr. Van Dusen. Those in favor will vote aye. Opposed, no. The motion prevails. Mr. Faxon.

**MR. FAXON:** Mr. President, fellow delegates, I think that once before I had an opportunity to speak on the evils that I felt inherent in the concept of the dissemination of information. There is no objection here to explaining a proposed constitution, but I have always felt that the process of the dissemination of information should be left to the people of the state, to the various citizen groups within the state and to the usual media of communication that we have already provided, and not provide that the state get into the business of the dissemination of information. This is fraught with things that could be misinterpreted. It could be misused. It would not be in the best interests of the convention itself to have to go into that particular area of activity.

The idea is that the convention writes the document, it provides for the distribution of its journals and its proceedings, and it explains the reason for the proposed changes. This has been what the tradition in our state has been with regard to the constitutional revisions of the past. As to the actual dissemination of the information, this should be left to the people of the state to determine and not to a special group set up for that purpose. I would ask you to support this if you are concerned about maintaining economy and also a strict concept of what the function and purpose of government ought to be.

**PRESIDENT NISBET:** Mr. Barthwell.

**MR. BARTHWELL:** Mr. President, fellow delegates, Mr. Faxon has expressed my sentiments very well, so all I need say is that I am in complete agreement with this amendment.

**PRESIDENT NISBET:** Mr. Habermehl.

**MR. HABERMEHL:** Mr. President, fellow conservatives Faxon and Barthwell, (laughter) it seems that you agree with the legislature on this matter.

Actually, we felt in the committee that this was a very important function of any convention that is to be held. We purposely tried to make their powers as broad as possible so that they might preserve their autonomy as a sovereign body of the state, and we also felt that no one, including members of the press, were in as good a position to explain the changes that were made in such a convention as were the delegates to that convention. There is a great deal that happens in committee work during the course of some 7 months of deliberation that does not get fully reported by the press, and probably if the convention delegates do not undertake the job of explaining and actually disseminating an address to the people, these reasons for the changes will never get before the people. For the purpose of giving this future convention the power to explain the positions that they took and the right to distribute this explanation as has always been done, we would urge the rejection of this amendment.

**PRESIDENT NISBET:** Mr. Plank.

**MR. PLANK:** Mr. President, fellow delegates, Mr. Faxon says that dissemination of information is dangerous. I am surprised. Actually, I should certainly ask you to vote yes on this amendment. Give radio and television a free hand; they will do a good job for you and for the people of the state of Michigan.

**PRESIDENT NISBET:** Mrs. Judd.

**MRS. JUDD:** Mr. President, I would like to ask a question of Mr. Faxon, if I may.

**PRESIDENT NISBET:** If Mr. Faxon cares to answer.

**MRS. JUDD:** Mr. President, Mr. Faxon, do you interpret your amendment to mean the elimination of what is known as the Address to the People, such as was published by the 1908 convention and such as this convention is now preparing?

**MR. FAXON:** Mr. President, Mrs. Judd, not at all. As a matter of fact, the Address to the People, I think, is included in the words "the explanation of the proposed constitution." I would consider that to adequately take care of the question of the Address to the People. And, by the way, I hope the radio and television and everyone will participate in disseminating, but I don't want to see the state being the one to do the disseminating. You prepare your address. You have everything there. You have the people to carry it forth as well as the delegates. I would certainly think we would have to have an Address to the People, and I think that is taken care of in the explanation.

**MRS. JUDD:** Thank you.

**PRESIDENT NISBET:** The question is on the Faxon amendment. Those in favor will say aye. Opposed, no.

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

**SECRETARY CHASE:** Messrs. Ford and Bradley offer the next amendment.

**MR. MADAR:** Mr. President, I would like to move at this time that we limit further debate on the proposal and any further amendments to 5 minutes.

**PRESIDENT NISBET:** For your information, Mr. Madar, we have 4 amendments. The question is on the motion of Mr. Madar that debate on the proposal and further amendments be limited to 5 minutes.

**MR. FAXON:** Is that each amendment?

**PRESIDENT NISBET:** Mr. Madar's motion is that the debate on the amendments and proposal be limited to 5 minutes. Those in favor will say aye. Opposed, no.

The motion does not prevail. The secretary will read the amendment.

**SECRETARY CHASE:** Messrs. Ford and Bradley offer the following amendment:

1. Amend page 2, line 4, after "law" by changing the period to a colon and inserting "Provided however, That no delegate

elected to and seated in such convention shall be eligible to be a candidate for state or federal office for a period of 2 years after the convention finally adjourns.”

PRESIDENT NISBET: Mr. Van Dusen.

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

PRESIDENT NISBET: The question is on the motion of Mr. Van Dusen. Those in favor vote aye. Opposed, no.

The motion prevails. Mr. Ford.

MR. FORD: Mr. President and members of the convention, in another form this subject matter has been before us before. I want to say at the outset, the amendment is not intended to be a penalty imposed against someone for having been or becoming a delegate to the convention, but rather is in the nature of a screening process to separate—prior to the choice being made to become a candidate for and a delegate to the convention—those of us who are politically ambitious in our own political careers from those of us who are primarily motivated by a desire to induce some constitutional draftsmanship.

Without pointing any fingers, I think it would be very naive for us not to have observed that it is very difficult for people to remain objective or to remain sincere to a great extent with their early stated principles once they become involved in the problems of building a public image as a candidate for public office and having this public image going before the people at the same time as the document they are attempting to prepare. I think it is wonderful that so many people—as has been indicated by the historians—have had a fine political future after having served in constitutional conventions, but I think that there should be a suitable period of mourning after the task is done before they go out and make their political future.

PRESIDENT NISBET: The Chair recognizes Mr. Martin.

MR. MARTIN: Mr. President, this will not have any effect upon the opinions or actions in the convention of people who have political ambitions or who may hope to run for office some day, and I certainly hope it will be defeated.

PRESIDENT NISBET: Mr. Habermehl.

MR. HABERMEHL: Mr. President, I think that this would be an awful waste of potential candidates. We would have spent about 7 or 8 months training them in matters of government and perhaps awakened some political consciousness among the delegates, and then we cool them off for 2 years before they could run for office. I certainly suggest that we leave such matters to any rules that might be adopted by future conventions. I think they can best judge that matter.

PRESIDENT NISBET: Mr. Bradley.

MR. BRADLEY: Mr. President, fellow delegates, I was happy to join with Mr. Ford in this amendment because in the short time that I have been with this convention, I have been very much impressed by the frequent references in the debate to this very subject, the question of whether or not people's votes are being affected, or are they giving consideration in voting to the effect upon their future candidacies. This has been a matter, of course, of reference in jest in most cases, but it has a very substantial germ of truth. I feel a 2 year moratorium on the political careers is not too much to impose.

PRESIDENT NISBET: The question is on the amendment offered by Mr. Ford and Mr. Bradley. There is an amendment to it.

SECRETARY CHASE: Mr. Stevens offers an amendment to the amendment:

1. Amend the amendment after “state” by inserting a comma and “local”; so that language will read, “. . . Provided however, That no delegate elected to and seated in such convention shall be eligible to be a candidate for state, local or federal office for a period of 2 years after the convention finally adjourns.”

PRESIDENT NISBET: Mr. Stevens.

MR. STEVENS: Mr. President and delegates, I do not think we should discriminate against the “town hall gang.” (laughter)

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

The amendment to the amendment is not adopted. The question now is on the amendment offered by Mr. Ford and Mr. Bradley. Those in favor will vote aye. Opposed, no.

The amendment is not adopted.

DELEGATES: Division.

PRESIDENT NISBET: A division has been requested. Those in favor of the amendment will vote aye. Those opposed will vote no.

MRS. CUSHMAN: I would like to ask the yeas and nays.

PRESIDENT NISBET: The yeas and nays have been demanded. It that demand supported? Not a sufficient number up. Those in favor will vote aye. Those opposed will vote nay. This is on the Ford-Bradley amendment. Have you all voted? If so, the secretary will lock the machine and tally the vote.

SECRETARY CHASE: On the adoption of the amendment offered by Messrs. Ford and Bradley, the yeas are 35; the nays, 79.

PRESIDENT NISBET: The amendment is not adopted. The secretary will read the next amendment.

SECRETARY CHASE: Mr. Upton offers the following amendment:

1. Amend page 1, line 5, after “purpose,” by striking out “at an election to be held not later than 4 months”; and in line 10, after “delegate” by inserting “as prescribed by the legislature”; 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, after the proposal was certified as approved, the electors of each house of representatives district as then organized shall elect one delegate and the electors of each senatorial district as then organized shall elect one delegate as prescribed by the legislature.

PRESIDENT NISBET: Mr. Van Dusen.

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

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

The motion prevails. Mr. Upton.

MR. UPTON: Mr. President and fellow delegates, Mr. Hutchinson and Mr. Bentley have discussed this matter in some detail previously. It is my thought that when we went over this matter on first reading we rather glossed over it and didn't consider all the facts. First of all, 4 months after the time of the election brings us into the month of March. This is a very short time to set up the election machinery for such an important election. I feel that the citizens should have a full opportunity to decide who they would like to have run as con con delegates and get their petitions out. I think this could be one of the most important elections during this lifetime when this constitutional convention is called, and I see no reason to rush into an election, especially when we are going to have the convention convene in October. I feel that the time to have an election would be in the spring and not in March. You don't get the people out to vote in the winter time.

I would like to have my fellow delegates consider very seriously the fact that this is an important election, that time should be allowed to set up machinery for running this election; that the legislature will not be in session until January, which would take away 2 months before they could even establish a time for an election because they are not in session in November, and this would take up the time. Therefore, I think that this 4 months is not the correct timing for an election. I believe in this case we should allow the legislature to establish the time so they can probably tie it into a special election or something like that that has already been called for in the spring. I would ask that all delegates consider this very seriously, and I hope they can support my amendment.

PRESIDENT NISBET: The question is on the amendment offered by Mr. Upton. Mr. Habermehl.

MR. HABERMEHL: Mr. President, the 4 months period is in there for a specific purpose. Most of the argument and most of the issues arise at the time of the call of the convention and, as we all know, to attempt to stimulate interest in the election of delegates is always a difficult proposition. We would hope that they would vote on the question of election of delegates before their memories grew dim over the issues that were involved in the election on the call.



I should like to point out to Mr. Upton one further difficulty with his amendment: if the legislature, after the call of the convention, did not take action, did not pass a bill providing for the election, no convention would be held. The 4 month period in here is an attempt to make this self executing and not dependent upon the wishes of the legislature at that time.

PRESIDENT NISBET: Mr. Upton.

MR. UPTON: Mr. President, in answer to Mr. Habermehl's statement, it is inconceivable to me the legislature would not set up the election if the people voted for a constitutional convention. I cannot see any instance where they would fail to set up the election for this convention.

PRESIDENT NISBET: Mr. Powell.

MR. POWELL: Mr. President and fellow delegates, if you recall, I objected to this 4 months business when we were in committee of the whole. I thought it was too short and would involve, certainly, special elections all over. I assume there will be both a primary and a general election, and if there were a little more flexibility, it is possible that in some areas one of these elections or both could be a part of some existing local elections.

I haven't checked with Delegate Buback to see whether there is any possibility there would be anything at that season of the year in Detroit, but we are making a great emphasis here upon consolidating our elections; that is, we are going to do away with the spring election, apparently only have a general election once in 2 years, and then here we are providing that these elections would have to be purely separate elections, special elections. I am in favor of this pending amendment that would give a little more flexibility and might allow combining some of these with some election that would already be held in certain parts of the state.

PRESIDENT NISBET: Mr. Allen.

MR. ALLEN: I would like to oppose the Upton amendment for the first reason: Mr. Upton is reading the present language as though only 4 months would go by for the primary and general election after November's general election. But that isn't the way it works. The way the language is, it is 4 months after the November election was certified. Now, it takes some time to get certified, and I am not sure of this, but I think it takes approximately 3 weeks and it may even take up to a month. If this is so, this will bring us to April, and this is the same time that many municipalities will be having April elections, and so this election could come in the election in April along with some other elections already set. I think if we leave it wide open, we will get in the old fight of whether anything will be called at all, and I think the committee has reconciled the 2 points of view very well on this point, and I would support the committee.

PRESIDENT NISBET: The time has expired. The question is on the Upton amendment. Those in favor will say aye. Opposed, no.

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

SECRETARY CHASE: Mr. Hutchinson offers the following amendment:

1. Amend page 1, line 5, after "purpose," by striking out the balance of the proposal and inserting "the legislature at the next session shall provide for the election of delegates to such convention."

PRESIDENT NISBET: Mr. Hutchinson.

MR. HUTCHINSON: Mr. President, this amendment would place this provision in about the way it was back in 1850, leaving the matter to the legislature to provide for the machinery. However, it isn't precisely like the 1850 provision because back there, of course, in order to call a convention you had to have a majority of the people voting in an election. Now, as this provision provides—and my amendment won't change it—the question can be carried by a majority of the electors voting on the question.

There have been 2 arguments made against this concept because you don't trust the legislature. In the first place, you say: well, suppose the legislature doesn't provide the machinery even after the people call an election? I think that I agree entirely with Mr. Upton on that point. It is inconceivable to

me to believe that a legislature responsive to the people—and they are—would fail to provide the machinery after the people had called an election.

The other argument that you make is that perhaps you would leave it up to the legislature to say what the convention could do. But I submit to you that the question that the people adopted was a general revision of the constitution. If the people direct a general revision of the constitution as this proposal would provide, then it is very obvious that the legislature would be without power to restrict the convention's power to generally revise, and if the convention has the power for general revision, then the convention has the broadest possible power and can exercise it all or may exercise its choice as to submitting amendments and so on.

I say to you that I think this idea of writing all of this machinery into the constitution in 1962 for a situation that will not arise in any event before 1978—and maybe near the year 2000—is just, I think, flattering ourselves in believing that we can provide for the future along this way. We cannot. And I say to you that if you would adopt this amendment of mine and leave it to the legislature of the future to provide the machinery, the people of Michigan would not suffer thereby but really would be inconvenienced, because their representatives in the future can provide machinery which is tuned to the election machinery and everything else of that time. And so for that reason I offer this amendment. I say to you that the idea of writing all this machinery in here now, and then we disperse and we go home and we are no longer in being as a convention, why, it is our hand reaching far into the future. It is a kind of a dead hand doctrine. I think it is very poor policy. For that reason I hope you will adopt this amendment.

PRESIDENT NISBET: Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, I move that further debate on this amendment be limited to 3 minutes.

PRESIDENT NISBET: The question is on the motion of Mr. Van Dusen. Those in favor will say aye. Opposed, no. The motion prevails. Mr. Habermehl.

MR. HABERMEHL: Mr. President, I wish that I could agree with Delegate Hutchinson, and I wish I had that much confidence in the legislature. We must recall that there were many things that the legislature should have done last year, 1961, that they did not do, that would have seriously inconvenienced this convention had not other persons and organizations been willing to fill in and take up the slack. I would have grave reservations about trusting the legislature that far, although I wish that I could trust the legislature that far.

This matter was considered by the committee and it was simply felt that if this provision is to mean anything at all, it must have the elements of a self executing provision. We tried to keep the language down to a bare minimum and still retain the self executing provisions of this. For that reason we would urge the rejection of the amendment offered by Mr. Hutchinson.

PRESIDENT NISBET: Mr. Powell.

MR. POWELL: Mr. President and fellow delegates, I am wondering if Delegate Hutchinson really wants to go as far as his amendment would indicate. It seems as though by striking out everything after where he makes his insertion, he strikes out the basis of delegate representation and everything else that has been provided for in here for carrying out the work of the convention. There are several features in here that I would desire to retain.

If what he had to do applied only to this matter of the process of nominating and electing the delegates and the time table for that, I would be 100 per cent in agreement with it; but I hesitate to go so far as to strike out everything that is in this proposal after the point at which this insertion would be made.

PRESIDENT NISBET: The question is on the adoption of the amendment offered by Mr. Hutchinson. Those in favor will say aye. Those opposed, no.

The amendment is not adopted. The question now is on the adoption of Committee Proposal 66, as amended. Those in

favor of the adoption of that proposal will vote aye. Those opposed will vote nay. Mr. Hodges.

MR. HODGES: Point of information, Mr. President. Is it too late to speak against this proposal?

PRESIDENT NISBET: It is. The vote has been called for. 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—81**

Allen	Gust	Pugsley
Andrus, Miss	Habermehl	Rajkovich
Anspach	Hanna, W. F.	Richards, J. B.
Batchelor	Haskill	Romney
Beaman	Hatch	Rood
Bentley	Heideman	Sablich
Bonisteel	Higgs	Seyferth
Bradley	Howes	Shackleton
Brake	Hoxie	Shaffer
Butler, Mrs.	Judd, Mrs.	Shanahan
Conklin, Mrs.	Karn	Sharpe
Cudlip	King	Sleder
Cushman, Mrs.	Krolkowski	Snyder
Danhof	Kuhn	Spitler
DeVries	Lawrence	Stafseth
Donnelly, Miss	Leibbrand	Staiger
Doty, Dean	Leppien	Stamm
Durst	Martin	Stevens
Elliott, A. G.	McAllister	Tubbs
Erickson	McLogan	Turner
Everett	Mosier	Tweedie
Figy	Nisbet	Van Dusen
Finch	Ostrow	Wanger
Follo	Page	White
Gadola	Perras	Wood
Goebel	Plank	Woolfenden
Gover	Prettie	Youngblood

**Nays—34**

Austin	Ford	Madar
Balcer	Garvin	Murphy
Blandford	Hart, Miss	Norris
Boothby	Hatcher, Mrs.	Powell
Brown, G. E.	Hodges	Radka
Buback	Hood	Stopczynski
Dehnke	Hubbs	Thomson
Douglas	Hutchinson	Upton
Downs	Jones	Walker
Elliott, Mrs. Daisy	Kelsey	Wilkowski
Farnsworth	Lesinski	Young
Faxon		

SECRETARY CHASE: On the passage of Committee Proposal 66, as amended, the yeas are 81; the nays are 34.

PRESIDENT NISBET: Committee Proposal 66, as amended, is passed and referred to the committee on style and drafting.

*Following is Committee Proposal 66 as amended and rereferred to the committee on style and drafting:*

Sec. a. 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 months after the proposal was certified as approved, the electors of each house of representatives 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 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 dele-

gates shall be elected on a partisan basis, the governor shall appoint a qualified resident of the same district and of the same party. 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, 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.

PRESIDENT NISBET (continuing): Will you please clear the board? The Chair recognizes Dr. DeVries.

MR. DeVRIES: Mr. President, I move the convention reconsider the vote by which **Committee Proposal 28** failed of passage last evening. The reason I do this: we have a peak attendance this morning and there is a question in my mind whether or not some of the delegates might be here this afternoon, and it seems to me we have to have some provision in the constitution regarding legislators' salaries. So I move the reconsideration at this time.

*For the vote on the passage of Committee Proposal 28, see above, page 2992.*

PRESIDENT NISBET: The question is on the motion of Mr. DeVries. Mr. Kuhn.

MR. KUHN: I wish to amend that motion and move that we reconsider that vote next Monday. In this way we will have the chance of having public reaction to the action that we will contemplate.

PRESIDENT NISBET: Mr. Kuhn, is your motion that action be postponed on this until next Monday?

MR. KUHN: I amend the DeVries motion to have that vote postponed until next Monday.

PRESIDENT NISBET: The question is on the motion of Mr. Kuhn that action on this motion to reconsider be postponed until next Monday. Those in favor of that motion of Mr. Kuhn will say aye. Opposed, no.

The motion does not prevail.

DELEGATES: Division.

PRESIDENT NISBET: A division has been demanded. Will the delegates please clear the board? Is the demand for the division seconded? A sufficient number up. Will the delegates please clear the board? The question is on the motion of Mr. Kuhn that action on the motion for reconsideration be postponed until next Monday. Those in favor of that will vote aye. Those opposed will vote nay. Have you voted? If so, the secretary will lock the machine and tally the vote.

SECRETARY CHASE: On the motion to postpone consideration of the motion to reconsider until next Monday, the yeas are 45; the nays are 76.

PRESIDENT NISBET: The motion does not prevail. Will the delegates please clear the board? The question now is on the motion of Mr. DeVries to reconsider.

MR. BOOTHBY: Mr. President.

PRESIDENT NISBET: Mr. Boothby.

MR. BOOTHBY: I move to limit debate on the motion to reconsider to 20 minutes.

PRESIDENT NISBET: May I say this, Mr. Boothby: we must recess in 10 minutes to meet our previous commitment.

**PREAMBLE**

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

**PREAMBLE**

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

**ARTICLE I  
DECLARATION OF RIGHTS**

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

**Article I****Declaration of Rights**

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

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

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

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

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

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

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

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

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

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



ever be tolerated in this state.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## ARTICLE II ELECTIONS

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

## Article II Elections

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The legislature shall implement the provisions of this section.

### ARTICLE III GENERAL GOVERNMENT

Sec.	Com. Proposal
1. Seat .....	10a
2. Division of Powers .....	21a
3. Great Seal .....	18a
4. Militia .....	19a
5. Inter-Governmental Agreements ...	128a
6. Internal Improvement .....	101a
7. Laws remain in effect .....	44a
8. Advisory Opinions .....	96k

#### Article III General Government

Sec. 1. The seat of government shall be at Lansing.

Sec. 2. The powers of government are divided into [3] THREE branches: legislative, executive[,] and judicial. No person [belonging to] EXERCISING POWERS OF one branch shall exercise powers properly belonging to another branch[,] except [in] AS [cases] expressly provided in this constitution.

Sec. 3. There shall be a great seal of the State of Michigan and its use shall be [prescribed] PROVIDED by law.

Sec. 4. The militia shall be organized, equipped and disciplined as provided by law.

Sec. 5. Subject to provisions of general law, this state or any political subdivision, ANY GOVERNMENTAL AUTHORITY or any combination thereof may enter into agreements[,] for the performance, financing or execution of their respective [governmental] functions, with any one or more of the other states, the United States, the Dominion of Canada, or any political subdivision thereof unless otherwise provided in this constitution.

Any other provision of this constitution [to the contrary] notwithstanding, an officer or employee of the state or OF any [municipal corporation or other subdivision or agency] SUCH UNIT OF GOVERNMENT OR SUBDIVISION

OR AGENCY thereof may serve on or with any governmental body ESTABLISHED FOR THE PURPOSES SET FORTH IN THIS SECTION [as a representative of the state or any municipal corporation or other subdivision or agency thereof, or for the purpose of participating or assisting in the consideration or performance of joint or cooperative undertakings or for the study of governmental problems,] and shall not be required to relinquish his office or employment by reason of such service. The legislature [by statute] may impose such restrictions, limitations or conditions on such service as it may deem appropriate.

Sec. 6. The state shall not be a party to, nor be financially interested in, any work of internal improvement, nor engage in carrying on any such work, except for public internal improvements [authorized] PROVIDED by law.

Sec. 7. [All law not repugnant to this constitution,] THE COMMON LAW AND THE STATUTE LAWS NOW IN FORCE, NOT REPUGNANT TO THIS CONSTITUTION, shall remain in force until [changed, repealed or in the case of statutes they have expired because of limitations contained therein] THEY EXPIRE BY THEIR OWN LIMITATIONS, OR ARE CHANGED, AMENDED OR REPEALED.

Sec. 8. Either house of the legislature or the governor may request the opinion of the supreme court [up]on important questions of law upon solemn occasions as to the constitutionality of legislation after it has been enacted into law but before its effective date.

### ARTICLE IV LEGISLATIVE BRANCH

Sec.	Com. Proposal
1. Legislative Power, where vested ....	118a
2. Senate, Number, Term, Districts ....	80a
3. Representatives, Number, Term, Districts .....	80b
4. Legislative Districts, merger .....	80c
5. Island Areas .....	
6. Legislative Apportionment Commission .....	79a
7. Legislators, qualifications, removal ..	32a
8. Ineligibility of certain persons for office .....	112a
9. Legislators, ineligibility for certain appointments .....	120a
10. Conflict of interest .....	115a
11. Legislators, privileges .....	33a
12. Legislators, compensation .....	28a
13. Legislature, time of convening .....	116a
14. Senate and House, quorums .....	34a
15. Legislative Council .....	102c
16. Legislature, powers, rules .....	102a
17. Legislature, committees .....	102b
18. Legislature, journals, protest .....	114a

1	19.	Legislature, elections, recorded vote .	117a
2	20.	Legislature, open public meetings ...	103a
3	21.	Legislature, consent to adjourn .....	103a
4	22.	Bills .....	35a
5	23.	Style of laws .....	29a
6	24.	Laws, object and title	
7		First sentence .....	121a
8		Last sentence .....	105a
9	25.	Laws, revision .....	121a
10	26.	Bills, requirements for passage	
11		First sentence .....	105a
12		Remainder .....	104a
13	27.	Acts, immediate effect .....	121a
14	28.	Bills, subjects at special session .....	105a
15	29.	Local or special acts, referendum ....	119a
16	30.	Appropriations for local purposes ...	41a
17	31.	General appropriations, priority .....	46b
18	32.	Tax laws, title .....	53a
19	33.	Bills passed, approval and veto by	
20		governor .....	70a
21	34.	Referendum on certain bills .....	113a
22	35.	Publication of laws .....	24a
23	36.	Revision of laws, compilation .....	108a
24	37.	Administrative rules, suspension ....	123a
25	38.	Filling vacancies .....	122a
26	39.	Continuity of government .....	122a
27	40.	Liquor Control Commission .....	27a
28	41.	Lotteries .....	100a
29	42.	Ports and port districts .....	87a
30	43.	Banking and trust company laws ....	5a
31	44.	Jury in civil cases .....	99a
32	45.	Indeterminate sentences .....	106a
33	46.	Prohibition against death penalty ....	20a
34	47.	Chaplains .....	111a
35	48.	Resolution of public disputes .....	109a
36	49.	Regulation of employment .....	110a
37	50.	Atomic energy .....	127a
38	51.	Public Health .....	126a
39	52.	Natural resources .....	125a
40	53.	Auditor General .....	78a

#### Article IV

##### Legislative Branch

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

house.

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

eral appropriation bills as passed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

sons imprisoned or detained [on] UNDER such sentences.

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

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

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

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

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

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

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

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

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

specified IN THIS SECTION.

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

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

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

## ARTICLE V

### EXECUTIVE BRANCH

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

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

## Article V Executive Branch

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

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

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

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

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

Terms of office of any board or commission

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

YEARS NEXT PRECEDING HIS ELECTION.

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

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

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

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

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

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

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

### Article VI Judicial Branch

Sec. 1. The judicial power of the state is vested exclusively in one court of justice[,] which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court, one probate court, and other courts of limited jurisdiction that the legislature may establish by a [2/3] TWO-THIRDS vote of the members ELECTED TO AND SERVING IN [of] each house.

Sec. 2. The supreme court shall consist of [8] SEVEN justices [to be] elected at non-partisan elections as provided by law. [A vacancy hereafter created as the result of the death, retirement or resignation of one incumbent justice shall not be filled.] The term of office shall be [for 8] EIGHT years and not more than [3] TWO terms of office shall expire at the same time. Nominations for justices of the supreme court shall be in the manner [as provided] PRESCRIBED by law[.]. [except] Any incumbent justice whose term is to expire may become a candidate for re-election by filing an affidavit of candidacy, in the form and manner prescribed by law, not less than 180

days prior to the expiration of his term.

Sec. 3. One justice of the supreme court shall be selected by the court as its chief justice AS [in the manner and for the term] provided by [the] rules of the court. He shall perform other duties required by the court. The supreme court shall appoint an administrator of the courts and other assistants of the supreme court as [shall] MAY be [deemed] necessary to aid in the administration of the courts of this state. The administrator shall perform administrative duties assigned by the court.

Sec. 4. The supreme court shall have general superintending control over all courts; power to issue, hear, and determine prerogative and remedial writs; and appellate jurisdiction as provided by rules of the supreme court. The supreme court shall not have the power to remove a judge.

Sec. 5. The supreme court shall by general rules establish, modify, amend and simplify the practice and procedure in all courts of this state. The distinctions between law and equity proceedings shall, as far as practicable, be abolished. The office of master in chancery is prohibited.

Sec. 6. Decisions of the supreme court, including all decisions on prerogative writs, shall be in writing and shall contain a concise statement of the facts and reasons for each decision and reasons for each denial of leave to appeal. When a judge dissents in whole or in part he shall give in writing the reasons for his dissent.

Sec. 7. The supreme court may appoint, may remove, and shall have general supervision of its staff. It shall have control of the preparation of its budget recommendations and the expenditure of [the funds] MONEYS appropriated for any purpose pertaining to the operation of the court or the performance of activities of its staff except that the salaries of the justices shall be established by law. All fees and perquisites collected by the court staff shall be turned over to the state treasury and credited to the general fund.

Sec. 8. The court of appeals shall consist initially of [9] NINE judges who shall be nominated and elected [on a] AT non-partisan ELECTIONS [basis] from districts, and in the manner, prescribed by law. The supreme court may prescribe by rule that the court of appeals may sit in divisions and for the terms of court and the times and places thereof. Each such division shall consist of not fewer than three judges. The number of judges comprising the court of appeals may be increased, and the districts from which they are elected may be [altered] CHANGED by law.

Sec. 9. Judges of the court of appeals shall hold office for a TERM [period] of [6] SIX years and until their successors are elected and qualified. The terms of office for the judges in each district shall be arranged by law to provide that not all terms will expire at the same time.

Sec. 10. The jurisdiction of the court of appeals shall be provided by law and the practice and procedure therein shall be [as provided] 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

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

1	26.	Taxation for private purposes .....	83d
2	27.	Metropolitan Areas .....	88a
3	28.	Intrastate Cooperation .....	88b
4	29.	Highways, streets, etc.; use by util-	
5		ities; control .....	85a
6	30.	Franchises; limitations .....	85b
7	31.	Highways, streets, etc.; vacation, alter-	
8		ation .....	86b
9	32.	Local Government .....	57a
10	33.	Local Government article liberal con-	
11		struction .....	84a

## Article VII

### Local Government

Sec. 1. Each organized county shall be a body corporate with powers and immunities [prescribed] PROVIDED by law.

Sec. 2. Any county may frame, adopt, amend or repeal a county charter in a manner and with powers and limitations to be provided by general law, which shall among other things provide for the election of a charter commission. The law may permit the organization of county government in form different from that set forth in this constitution and shall limit the rate of ad valorem property taxation for county purposes, and restrict THE [their] powers of CHARTER COUNTIES TO borrow[ing] money and contract[ing] debts. Each charter county is hereby granted power to levy other taxes for county purposes subject to limitations and prohibitions set forth in this constitution or law. Subject to law, a county charter may authorize the county through its regularly constituted authority to [enact] ADOPT resolutions and ordinances relating to its concerns.

The board of supervisors by a majority vote of its members may, and upon petition of [5] FIVE percent of the electors shall, place upon the ballot the question of electing a commission to frame a charter.

No county charter shall be adopted, amended or repealed until approved by a majority of electors voting on the question.

Sec. 3. No organized county shall be reduced by the organization of new counties to less than 16 townships as surveyed by the United States, unless APPROVED in [pursuance of] THE MANNER PRESCRIBED BY law BY a majority of electors voting [on] THEREON [the question] in each county to be affected. [thereby shall so decide.]

Sec. 4. There shall be elected for [4] FOUR-year terms in each organized county a sheriff, a county clerk, a county treasurer, a register of deeds and a prosecuting attorney, whose duties and powers shall be [prescribed] PROVIDED by law. The board of supervisors in any county may COMBINE [unite] the offices of county clerk and register of deeds in one office or separate the same

at pleasure.

Sec. 5. The sheriff, county clerk, county treasurer and register of deeds shall hold their principal offices at the county seat.

Sec. 6. The sheriff may be required by law to renew his security [from time to time] PERIODICALLY and in default of giving such security, his office shall be [deemed] vacant. The county shall never be responsible for his acts, except that the board of supervisors may protect him against claims by prisoners for unintentional injuries received while in his custody. He shall not hold any other office except in [connection with] civil defense.

Sec. 7. A board of supervisors shall be established in each ORGANIZED county consisting of one member from each organized township and such representation from cities as [shall be prescribed] PROVIDED by law.

Sec. 8. [The] Boards of supervisors shall have LEGISLATIVE, ADMINISTRATIVE [such] AND SUCH OTHER powers and duties as provided by law [not inconsistent with this constitution].

Sec. 9. [The] Boards of supervisors shall have exclusive power to fix the compensation of [all] county [officials] OFFICERS not otherwise provided [for] by law.

Sec. 10. [No] A county seat once established shall NOT be removed until the place to which it is proposed to be [re]moved shall be designated by [2/3] TWO-THIRDS of the MEMBERS OF THE board of supervisors [of the county,] and a majority of the electors voting thereon shall have [voted in favor of] APPROVED the proposed location in [a] THE manner prescribed by law.

Sec. 11. No county shall incur any indebtedness which shall increase its total debt beyond 10 percent of its assessed valuation.

Sec. 12. [No] A navigable stream [of this state] shall NOT be bridged or dammed without permission granted by the board of supervisors of the county [under the provisions of] AS PROVIDED BY law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and POLITICAL SUBDIVISIONS [the municipalities] therein.

Sec. 13. Two or more CONTIGUOUS counties may combine into a single county [provided] IF APPROVED IN EACH AFFECTED COUNTY BY a majority of the [voters] ELECTORS voting on the question. [of each county, voting separately, approve such combination and the counties are contiguous.]

Sec. 14. The board of supervisors of each organized county may organize and consolidate townships under restrictions and limitations [prescribed] PROVIDED by law.

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

Sec. 15. Any county, when authorized by its BOARD OF SUPERVISORS [legislative body] shall have the authority to enter or to intervene in any ACTION [suit] or certificate proceeding involving the services, charges or rates of any privately owned public utility furnishing services or commodities to rate payers within the county.

Sec. 16. The legislature may provide for the laying out, construction, improvement and maintenance of highways, bridges, culverts and airports by the state and by the counties and townships thereof; and may authorize counties to take charge and control of any highway within their limits for such purposes. The legislature may [also prescribe] PROVIDE the powers and duties of counties in relation to highways, bridges, culverts and airports; may provide for county road commissioners to be appointed or elected, with powers and duties [as may be prescribed] PROVIDED by law. The ad valorem property tax IMPOSED for road purposes by any county shall not exceed in any year [1/2] ONE-HALF of one percent of the assessed valuation for the preceding year.

Sec. 17. Each organized township shall be a body corporate with powers and immunities [prescribed] PROVIDED by law [and not inconsistent with this constitution].

Sec. 18. IN EACH ORGANIZED TOWNSHIP there shall be elected for [a] terms of not less than [2 years] TWO nor more than [4] FOUR years as [provided] PRESCRIBED by law [in each organized township] a [township] supervisor, a [township] clerk, a [township] treasurer, and[,] not to exceed [4 township] FOUR trustees, whose legislative and administrative powers and duties shall be [prescribed] PROVIDED by law.

Sec. 19. No ORGANIZED township shall grant any public utility franchise which is not subject to revocation at the will of the township, unless the proposition shall FIRST have BEEN APPROVED BY [first received the affirmative vote of] a majority of the electors of such township voting thereon at a regular or special election.

Sec. 20. The legislature shall provide by law for the dissolution of township government whenever all the territory of [a] AN ORGANIZED township is included within the boundaries of a village or villages NOTWITHSTANDING THAT A VILLAGE MAY INCLUDE TERRITORY WITHIN ANOTHER ORGANIZED TOWNSHIP and provide by law for the classification of such village or villages as cities [notwithstanding that a village may include territory within another township].

Sec. 21. The legislature shall provide by general laws for the incorporation of cities and villages[;] . [such general laws] SUCH LAWS shall limit their rate of [general] AD VALOREM property taxation for municipal purposes, and

restrict [their] THE powers of CITIES AND VILLAGES TO borrow[ing] money and contract[ing] debts. Each city and village is granted power to levy other taxes for public purposes, subject to limitations and prohibitions provided by this constitution or by law.

Sec. 22. Under general laws the electors of each city and village shall have the power and authority to frame, adopt[,] and amend its charter, and to amend an existing charter of the city or village heretofore granted or enacted by the legislature for the government of the city or village. Each such city and village shall have power to [pass] ADOPT resolutions and ordinances relating to its municipal concerns, property and government, subject to the constitution and law. No enumeration of powers granted to cities and villages in this constitution shall [be deemed to] limit or restrict the general grant of authority conferred by this section.

Sec. 23. Any city or village may acquire, own, establish and maintain, within or without its corporate limits, parks, boulevards, cemeteries, hospitals[,] and all works which involve the public health or safety.

Sec. 24. Subject to this constitution, any city or village may acquire, own[,] and operate, within or without its corporate limits, public service facilities for supplying water, light, heat, power, sewage disposal and transportation to the municipality and the inhabitants thereof.

Any city or village may sell and deliver heat, power[, and] OR light without its corporate limits [to] IN an amount not [to exceed] EXCEEDING 25 percent of that furnished by it within the corporate limits, except as greater amounts may be permitted by law; may sell and deliver water and provide sewage disposal services[,] outside of its corporate limits in such amount as may be determined by the legislative body of the city or village; and may operate transportation lines [without] OUTSIDE the municipality within such limits as may be prescribed by law.

Sec. 25. No city or village shall acquire any public utility furnishing light, heat [and] OR power, or grant any public utility franchise which is not subject to revocation at the will of the city or village, unless the proposition shall FIRST have been approved by [3/5] THREE-FIFTHS of the electors voting thereon. No city or village may sell any such public utility unless the proposition shall FIRST have been approved by a majority of the electors voting thereon, or a greater number if the charter shall so provide.

Sec. 26. Except as otherwise provided in this constitution, no city or village shall have the power to loan its credit for any private purpose or, except as [authorized] PROVIDED by law, for any public purpose.

Sec. 27. Notwithstanding any other provision

of this constitution the legislature may establish in metropolitan areas additional forms of government or authorities with powers, duties and jurisdictions as the legislature shall provide. Whenever possible, such additional forms of government or authorities shall be designed to perform multi-purpose functions rather than a single function.

Sec. 28. The legislature by general law shall authorize two or more counties, cities, villages, townships or districts, or any combination thereof among other things to: enter into contractual undertakings or agreements with one another or with the state or with any combination thereof for the joint administration of any of the functions or powers which each would have the power to perform separately; share the costs and responsibilities of functions and services with one another or with the state or with any combination thereof which each would have the power to perform separately; transfer functions or responsibilities to one another or any combination thereof upon the consent of each unit involved; cooperate with one another and with state government [and with intergovernmental agencies]; lend their credit to one another or any combination thereof as PROVIDED [prescribed] by law in connection with any authorized publicly owned undertaking.

Any other provision of this constitution notwithstanding, an officer or employee of the state or any [of] such unit[s] of government or subdivision or agency thereof, except members of the legislature, may serve on or with any governmental body established for the [above] purposes SET FORTH IN THIS SECTION and shall not be required to relinquish his office or employment by reason of such service.

Sec. 29. No person, partnership, association or corporation, public or private, operating a public utility shall have the right to the use of the highways, streets, alleys or other public places of any county, city, village or township for wires, poles, pipes, tracks, conduits or other utility facilities, without the consent of the duly constituted authority of the county, city, village or township; or to transact local business therein without first obtaining a franchise from the city, village or township. Except as otherwise [authorized] PROVIDED in this constitution the right of all counties, cities, villages and townships to the reasonable control of their highways, streets, alleys and public places is hereby reserved to such local units of government.

Sec. 30. No franchise or license shall be granted by any city, village or township for a [longer] period LONGER than 30 years.

Sec. 31. The legislature shall not vacate or alter any road, street, alley, or public place under the jurisdiction of any county, township, city or village.

Sec. 32. Any county, township, city, village, authority or school district empowered by the legislature or by this constitution to prepare budgets of estimated expenditures and revenues shall adopt [said] SUCH budgets only after a public hearing in a manner prescribed by law.

Sec. 33. The provisions of this constitution and law concerning cities, villages, counties and townships shall be liberally construed in their favor. Powers granted to counties and townships by this constitution and by law shall include those fairly implied and not [inconsistent with nor] prohibited by this constitution.

## ARTICLE VIII EDUCATION

Sec.	Com. Proposal
1. Principles .....	1a
2. Legislative duty to public education ..	30a
3. State Board of Education—Superintendent of Public Instruction .....	47a
4. Higher education appropriations .....	98a
5. Higher education—U of M, MSU, WSU	98b
6. Other institutions of higher education.	98c
7. Community and Junior colleges .....	98d
8. Instruction programs, etc. ....	13a
9. Public libraries, support of .....	31a

## Article VIII Education

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

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

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

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

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



have powers and duties provided by law.

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

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

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

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

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

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

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

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

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

# ARTICLE IX FINANCE & TAXATION

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

## Article IX

### Finance and Taxation

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The power to tax for the payment of principal

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

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

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

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

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

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

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

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

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

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

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

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

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

## ARTICLE X PROPERTY

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

## Article X Property

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

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

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

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

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

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

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

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

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

## ARTICLE XI PUBLIC OFFICERS AND EMPLOYMENT

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

### Article XI

#### Public Officers and Employment

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

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

by law.

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

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

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

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

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

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

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

partisan, racial or religious considerations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## ARTICLE XII AMENDMENT & REVISION

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

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



## Article XII

## Amendment &amp; 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.	Prettie
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-

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  
Figy  
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

hate to take issue with Mr. Hubbs on this, on the matter of partisan elections where he and I see eye to eye — except we don't 50 years hence, which is when this election might be held. It does seem to me a little unwise to try to specify in the constitution now what type of election will be held the next time we hold a constitutional convention. On behalf of the committee, we would have to urge that you vote no on this amendment.

VICE PRESIDENT HUTCHINSON: Mr. Faxon.

MR. FAXON: Mr. President, I just want to correct a historical misstatement: this country was not founded on a 2 party system. At the time that the first president took office, there was no real political party organization of any sort in this country and there was pretty much unanimous opinion in favor of the president who occupied the office in 1789 and for the next 8 years afterwards. So I just want it understood that the 2 parties came much later, about 30 or 40 years afterwards, in the Jacksonian period.

VICE PRESIDENT HUTCHINSON: Mrs. Conklin.

MRS. CONKLIN: Mr. President and fellow delegates, I would like to urge your support on this amendment. The way that we have it now, we have left it up to the legislature to provide how these delegates shall be elected. I would point out that one of the problems that I think we have run into here, and we all recognize it, is that in the legislature they view some of our people over here at con con with a little alarm because they think they might run against them and, perhaps, if we leave it up to the legislature they will not provide for a partisan election another time, to protect themselves, and I do want partisan election of the delegates.

VICE PRESIDENT HUTCHINSON: Mr. Hubbs.

MR. HUBBS: I don't think that Mr. Faxon quite understood my point. I said that the strength of this country is founded on the 2 party system. I was not making a historical statement. The fact of the matter is that even 100 or 200 years from now there are always going to be 2 points of view on most every issue or maybe even 3, and I submit that even then there will be political parties.

VICE PRESIDENT HUTCHINSON: Mr. Madar.

MR. MADAR: Fellow delegates — and I am now saying fellow delegates of the Democratic party — finally, we are finding somebody that believes maybe we might have somebody in that legislature.

VICE PRESIDENT HUTCHINSON: Mr. Marshall.

MR. MARSHALL: Mr. President and fellow delegates, it gives me a great deal of pleasure to rise and support an amendment offered by my good friend, Delegate Hubbs — and my good friend, Anne Conklin. I have had mixed emotions on this question from the beginning of the convention, but after 7½ months here I am convinced that there absolutely does not exist any such animal as a nonpartisan. Therefore, I urge a yes vote on this amendment.

VICE PRESIDENT HUTCHINSON: The question is upon the amendment offered by Mr. Hubbs and Mrs. Conklin. All those —

MR. YEAGER: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Yeager.

MR. YEAGER: I should like to ask Mr. Hubbs a question through the Chair, please.

VICE PRESIDENT HUTCHINSON: You may proceed.

MR. YEAGER: Mr. Hubbs, by simply stating "elect one delegate at a partisan election" it does not necessarily mean that the delegates so elected would be elected on a partisan ticket; does it? Could you still have a nonpartisan election of delegates at partisan election?

MR. HUBBS: Am I permitted to answer, Mr. President?

VICE PRESIDENT HUTCHINSON: You may answer.

MR. HUBBS: In reading the digest of the information that was supplied by these delegates to this convention to the University of Michigan today, I discovered that there are at least 8 people here who classify themselves as independents but who were elected either on the Republican or the Democratic party label. Now I presume that the same thing will happen again in the future, but it is very unlikely that you could hold a partisan election and have a lot of nonpartisans get elected on party

labels. There are only 8 of us here out of 144, who are supposedly independents.

MR. YEAGER: Mr. President and Mr. Hubbs, I am sorry; you must have missed the point I wanted to make. The point I wanted to make was that you could have a nonpartisan election, that is, the delegates not being elected by parties but at a partisan election where you had other partisan people elected. What I am getting at is: the statement "at a partisan election" does not clearly define that it should be Republican, Democratic, Socialist, or so on.

MR. HUBBS: I think I see the point that you are making, Mr. Yeager, and if you can offer a perfecting amendment, I would be happy to accept it, because I think you understand the intent of what I am trying to do.

VICE PRESIDENT HUTCHINSON: The time for debate has expired. The question is upon the amendment offered by Mr. Hubbs and —

MR. HIGGS: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Higgs.

MR. HIGGS: How many speakers do you have on your list?

VICE PRESIDENT HUTCHINSON: Well, the Chair has 3 more.

MR. HIGGS: I would move that debate be extended 6 minutes.

VICE PRESIDENT HUTCHINSON: Mr. Higgs moves to extend debate 6 minutes. All those in favor will say aye. Opposed will say no.

The motion does not prevail.

VICE PRESIDENT HUTCHINSON: The question is upon the amendment offered by Mr. Hubbs and Mrs. Conklin, which has been read. All of those in favor will say aye. Those opposed will say no.

DELEGATES: Division.

VICE PRESIDENT HUTCHINSON: Division is called for. Is the demand supported? There is a sufficient number. Division is supported.

MRS. CUSHMAN: Yeas and nays, Mr. President.

VICE PRESIDENT HUTCHINSON: Mrs. Cushman demands the yeas and nays. Is the demand for the yeas and nays supported?

SECRETARY CHASE: Thirty-one. A sufficient number.

VICE PRESIDENT HUTCHINSON: A sufficient number up. The yeas and nays are ordered. Clear the board, please. Mr. Mosier, clear the board. Mr. Lawrence — all right. 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.

MR. BOOTHBY: Mr. President, could I ask for the president's vote on this?

VICE PRESIDENT HUTCHINSON: The Chair votes no.

MR. MARSHALL: Mr. President, could I demand Delegate Boothby's vote? (laughter)

MR. BOOTHBY: Yes.

*The roll was called and the delegates voted as follows:*

Yeas—67

Austin	Hart, Miss	Perras
Balcer	Haskill	Plank
Batchelor	Hatch	Powell
Beaman	Hatcher, Mrs.	Prettie
Blandford	Hoxie	Radka
Boothby	Hubbs	Richards, J. B.
Bradley	Iverson	Shackleton
Brake	Karn	Shaffer
Buback	Kelsey	Shanahan
Conklin, Mrs.	Kirk, S.	Snyder
Cudlip	Knirk, B.	Stafseth
Dehnke	Koeze, Mrs.	Stamm
Doty, Dean	Leppien	Sterrett
Doty, Donald	Mahinske	Stevens
Douglas	Marshall	Stopczynski
Downs	Martin	Suzore
Elliott, Mrs. Daisy	McAllister	Thomson
Everett	Millard	Tweedie
Faxon	Mosier	Walker
Finch	Murphy	Wood
Ford	Pellow	Yeager

Garvin  
Gover

Perlich

Young

## Nays—57

Allen	Greene	Nord
Andrus, Miss	Habermehl	Norris
Barthwell	Hanna, W. F.	Ostrow
Bentley	Hannah, J. A.	Page
Bledsoe	Heldeman	Pollock
Bonisteel	Higgs	Pugsley
Butler, Mrs.	Howes	Rajkovich
Cushman, Mrs.	Hutchinson	Richards, L. W.
Dell	Jones	Rood
DeVries	Judd, Mrs.	Sablich
Donnelly, Miss	Krolkowski	Seyferth
Durst	Kuhn	Spitler
Elliott, A. G.	Lawrence	Staiger
Erickson	Lesinski	Turner
Farnsworth	Madar	Upton
Figy	McCauley	Van Dusen
Follo	McGowan, Miss	Wanger
Gadola	McLogan	Wilkowski
Goebel	Nisbet	Youngblood

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Hubbs and Mrs. Conklin, the yeas are 67; the nays are 57.

VICE PRESIDENT HUTCHINSON: The amendment is adopted. Any further amendments?

MR. HABERMEHL: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Habermehl.

MR. HABERMEHL: If this last amendment is the wish of the convention, I would simply like to call the attention of the convention to section 3, line 41, in the second column, and suggest that the language there in large type reading "if the legislature provides for partisan election of delegates," is no longer necessary.

VICE PRESIDENT HUTCHINSON: The committee on style and drafting will take note, Mr. Habermehl. Mr. Higgs.

MR. HIGGS: Mr. President, may I inquire how many votes were cast on this? Can I get that vote again?

VICE PRESIDENT HUTCHINSON: There were 67 for and 57 against.

MR. HIGGS: Is a motion to reconsider in order?

VICE PRESIDENT HUTCHINSON: It is.

DELEGATES: No.

MR. HIGGS: I move to reconsider.

VICE PRESIDENT HUTCHINSON: Mr. Higgs moves to reconsider.

MR. HIGGS: I haven't spoken on this matter before. I asked for an extension of time so I could speak before we voted. It was not the will of the convention to grant an extension of time, so I move to reconsider at this time because I want to speak on it, and because I truly would appreciate your serious consideration of this matter.

Now I recognize that we are all here elected on a partisan basis and I feel that my record as a partisan in my party is a good record, and I do not hesitate or apologize for speaking right now in favor of deleting this section —

MR. WALKER: Point of order.

VICE PRESIDENT HUTCHINSON: State the point.

MR. WALKER: I believe the delegate is speaking to the amendment previously before us, not to his motion to reconsider.

VICE PRESIDENT HUTCHINSON: Well, a motion to reconsider goes to the entire matter. As a parliamentary matter the gentleman is in order.

MR. HIGGS: Thank you, Mr. President. Whether or not it has been a wise thing for this election to have been called on a partisan basis will not be established for some years to come. I am not at all satisfied that partisanship in this convention has been entirely a responsible thing. I think we have all seen instances where partisanship has been irresponsible and I would not like to tie the hands of the legislature in this particular matter.

I sincerely and earnestly urge that you do not approach this in a narrow, partisan view. We must decide what is best for the state of Michigan. We have not had the experience in the past of

a constitutional convention since 1908, and I do not think that we are in a position here today to judge as to whether or not this has truly been a wise decision.

VICE PRESIDENT HUTCHINSON: Mr. Arthur Elliott.

MR. A. G. ELLIOTT: Mr. President and ladies and gentlemen, I would like to urge that you do carefully reconsider this, not because I am a nonpartisan but because I am a partisan, and I think that we are here again getting into an area of statutory language that we do not want to lock into a constitution when we do not know what the future holds.

We are in the final hours, now, of finishing our third reading. This issue, really, has been debated and debated and debated on first and second reading and each time it was defeated. I don't know whether this is because we are in these final hours that we are doing some of these things or taking some of these approaches, but I would strongly urge that you do not now start to legislate more completely than we already have. We are within a page or 2 of being finished and I can see many reasons why we should leave to the legislature of the future the ground rules for this next constitutional convention which will be held here for the state of Michigan.

VICE PRESIDENT HUTCHINSON: Mr. Perras.

MR. PERRAS: I move the previous question at this time, Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Perras moves the previous question. Is the demand for the previous question supported? The demand is supported —

MR. WANGER: How many speakers does the Chair have on the list?

VICE PRESIDENT HUTCHINSON: Four more.

MR. WANGER: I move to limit debate to 8 minutes with —

VICE PRESIDENT HUTCHINSON: Five more.

MR. WANGER: Oh — to 10 minutes with 2 minutes for each of the remaining speakers.

VICE PRESIDENT HUTCHINSON: Mr. Wanger moves to limit debate upon the motion to reconsider to 10 minutes with 2 minutes for each speaker. All those in favor of limiting debate will say aye. Opposed will say no.

The motion does not prevail. Mr. Perras moves the previous question. Is the demand for the previous question supported? The demand is supported. The question now is: shall the main question be put? All those in favor will say aye. Opposed will say no.

The previous question is ordered. The question is upon the motion of —

MR. BARTHWELL: Division.

VICE PRESIDENT HUTCHINSON: A division? A division is requested. Is the demand for a division supported?

SECRETARY CHASE: Nine.

VICE PRESIDENT HUTCHINSON: Not a sufficient number up. The question is upon the motion of Mr. Higgs to reconsider the vote by which the amendment of Mr. Hubbs and Mrs. Conklin was adopted. All those in favor of reconsideration will say aye. Opposed will say no. The Chair is in doubt. All those in favor will vote aye and those opposed will vote no. Clear the board, please. Mrs. Conklin, will you please clear the board? Mr. Cudlip, will you please clear the board? Judge Gadola? Mr. Goebel? Mr. Hoxie? Mr. Gover? Clear the board. Thank you. All those in favor of reconsideration will vote aye. Those opposed will vote no. Have you all voted? If so, the secretary will lock the machine and record the total.

VICE PRESIDENT HUTCHINSON: Mr. Marshall.

MR. MARSHALL: May I demand Delegate Boothby's vote, please?

VICE PRESIDENT HUTCHINSON: You can demand it but he does not need to respond to the demand unless he wants to. Mr. Boothby has voted.

SECRETARY CHASE: On the motion to reconsider, the yeas are 58; the nays are 61.

VICE PRESIDENT HUTCHINSON: The motion to reconsider does not prevail. The secretary will read the next amendment.

[Mr. Danhof, having previously been excused, entered the chamber.]

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 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60

trict in the city with which it is combined, if provided by ordinance of the city. The district or districts with which the territory shall be combined shall be determined by such ordinance certified to the secretary of state. No such change in the boundaries of a representative or senatorial district shall have the effect of removing a legislator from office during his term.

Sec. 5. Island areas are considered to be contiguous by land to the county of which they are a part.

Sec. 6. A commission on legislative apportionment is hereby established consisting of eight persons, four of whom shall be selected by the state organizations of each of the two political parties whose candidates for governor received the highest vote at the last general election at which a governor was elected preceding each apportionment. If a candidate for governor of a third political party has received at such election more than 25 percent of such gubernatorial vote, the commission shall consist of 12 members, four of whom shall be selected by the state organization of the third political party. One member of the commission shall be selected by each political party organization from each of the following four regions: (1) The upper peninsula; (2) The northern part of the lower peninsula, north of a line drawn along the northern boundaries of the counties of Bay, Midland, Isabella, Mecosta, Nwaygo and Oceana; (3) Southwestern Michigan, those counties south of region (2) and west of a line drawn along the western boundaries of the counties of Bay, Saginaw, Shiawassee, Ingham, Jackson and Hillsdale; (4) Southeastern Michigan, the remaining counties of the state.

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

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

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

carry out its activities.

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

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

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

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

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

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

Sec. 9. No person elected to the legislature shall receive any civil appointment within this

1 state from the governor, except notaries public,  
2 from the legislature, or from any other state  
3 authority, during the term for which he is elected.

4 Sec. 10. No member of the legislature nor any  
5 state officer shall be interested directly or in-  
6 directly in any contract with the state or any  
7 political subdivision thereof which shall cause a  
8 substantial conflict of interest. The legislature  
9 shall further implement this provision by appro-  
10 priate legislation.

11 Sec. 11. Senators and representatives shall be  
12 privileged from civil arrest and civil process dur-  
13 ing sessions of the legislature and for five days  
14 next before the commencement and after the  
15 termination thereof. They shall not be ques-  
16 tioned in any other place for any speech in either  
17 house.

18 Sec. 12. The compensation and expense al-  
19 lowances of the members of the legislature shall  
20 be determined by law. Changes in compensation  
21 or expense allowances shall become effective only  
22 when legislators commence their terms of office  
23 after a general election.

24 Sec. 13. The legislature shall meet at the seat  
25 of government on the second Wednesday in Janu-  
26 ary of each year at twelve o'clock noon. Each  
27 regular session shall adjourn without day, on a  
28 day determined by concurrent resolution, at  
29 twelve o'clock noon. Any business, bill or joint  
30 resolution pending at the final adjournment of  
31 a regular session held in an odd numbered year  
32 shall carry over with the same status to the  
33 next regular session.

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

41 Sec. 15. There shall be a bi-partisan legisla-  
42 tive council consisting of legislators appointed in  
43 the manner prescribed by law. The legislature  
44 shall appropriate funds for the council's opera-  
45 tions and provide for its staff which shall main-  
46 tain bill drafting, research and other services  
47 for the members of the legislature. The council  
48 shall periodically examine and recommend to the  
49 legislature revision of the various laws of the  
50 state.

51 Sec. 16. Each house, except as otherwise pro-  
52 vided in this constitution, shall choose its own  
53 officers and determine the rules of its proceedings,  
54 but shall not adopt any rule that will prevent a  
55 majority of the members elected thereto and  
56 serving therein from discharging a committee  
57 from the further consideration of any measure.  
58 Each house shall be the sole judge of the quali-  
59 fications, elections and returns of its members,  
60 and may, with the concurrence of two-thirds of

1 all the members elected thereto and serving  
2 therein, expel a member. The reasons for such  
3 expulsion shall be entered in the journal, with  
4 the votes and names of the members voting upon  
5 the question. No member shall be expelled a  
6 second time for the same cause.

7 Sec. 17. Each house of the legislature may  
8 establish the committees necessary for the effi-  
9 cient conduct of its business and the legislature  
10 may create joint committees. Each committee  
11 shall by roll call vote record the vote and name  
12 of all action on bills and resolutions taken in  
13 the committee. Such vote shall be available for  
14 public inspection. Notice of all committee hear-  
15 ings and a clear statement of all subjects to be  
16 considered at each hearing shall be published in  
17 the journal in advance of the hearing.

18 Sec. 18. Each house shall keep a journal of  
19 its proceedings, and publish the same unless the  
20 public security otherwise requires. The record  
21 of the vote and name of the members of either  
22 house voting on any question shall be entered  
23 in the journal at the request of one-fifth of the  
24 members present. Any member of either house  
25 may dissent from and protest against any act,  
26 proceeding or resolution which he deems injuri-  
27 ous to any person or the public, and have the  
28 reason for his dissent entered in the journal.

29 Sec. 19. All elections in either house or in  
30 joint convention and all votes on appointments  
31 submitted to the senate for advice and consent  
32 shall be published by vote and name in the journal.

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

35 Sec. 21. Neither house shall, without the con-  
36 sent of the other, adjourn for more than two  
37 intervening calendar days, nor to any place other  
38 than where the legislature may then be in session.

39 Sec. 22. All legislation shall be by bill and  
40 may originate in either house.

41 Sec. 23. The style of the laws shall be: The  
42 People of the State of Michigan enact.

43 Sec. 24. No law shall embrace more than one  
44 object, which shall be expressed in its title. No  
45 bill shall be altered or amended on its passage  
46 through either house so as to change its original  
47 purpose as determined by its total content and  
48 not alone by its title.

49 Sec. 25. No law shall be revised, altered or  
50 amended by reference to its title only. The section  
51 or sections of the act altered or amended shall  
52 be re-enacted and published at length.

53 Sec. 26. No bill shall be passed or become a  
54 law at any regular session of the legislature until  
55 it has been printed or reproduced and in the pos-  
56 session of each house for at least five days. Every  
57 bill shall be read three times in each house be-  
58 fore the final passage thereof. No bill shall be-  
59 come a law without the concurrence of a majority  
60 of the members elected to and serving in each

house. On the final passage of bills, the votes and names of the members voting thereon shall be entered in the journal.

Sec. 27. No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.

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

Sec. 29. The legislature shall pass no local or special act in any case where a general act can be made applicable, and whether a general act can be made applicable shall be a judicial question. No local or special act shall take effect until approved by two-thirds of the members elected to and serving in each house and by a majority of the electors voting thereon in the district affected. Any act repealing local or special acts shall require only a majority of the members elected to and serving in each house and shall not require submission to the electors of such district.

Sec. 30. The assent of two-thirds of the members elected to and serving in each house of the legislature shall be required for the appropriation of public money or property for local or private purposes.

Sec. 31. The general appropriation bills for the succeeding fiscal period covering items set forth in the budget shall be passed or rejected in either house of the legislature before that house passes any appropriation bill for items not in the budget except bills supplementing appropriations for the current fiscal year's operation. Any bill requiring an appropriation to carry out its purpose shall be considered an appropriation bill. One of the general appropriation bills as passed by the legislature shall contain an itemized statement of estimated revenue by major source in each operating fund for the ensuing fiscal period, the total of which shall not be less than the total of all appropriations made from each fund in the general appropriation bills as passed.

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

Sec. 33. Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law. If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not be-

come law. If he does not approve, and the legislature continues the session at which the bill was passed, he shall return it within such 14-day period with his objections, to the house in which it originated. That house shall enter such objections in full in its journal and reconsider the bill. If two-thirds of the members elected to and serving in that house pass the bill notwithstanding the objections of the governor, it shall be sent with the objections to the other house for reconsideration. The bill shall become law if passed by two-thirds of the members elected to and serving in that house. The vote of each house shall be entered in the journal with the votes and names of the members voting thereon. If any bill is not returned by the governor within such 14-day period, the legislature continuing in session, it shall become law as if he had signed it.

Sec. 34. Any bill passed by the legislature and approved by the governor, except a bill appropriating money, may provide that it will not become law unless approved by a majority of the electors voting thereon.

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

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

Sec. 37. The legislature may by concurrent resolution empower a joint committee of the legislature acting between sessions to suspend until the end of the next regular legislative session any rule or regulation of an administrative agency promulgated when the legislature is not in regular session.

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

Sec. 39. In order to insure continuity of state and local governmental operations in periods of emergency only, resulting from disasters occurring in this state caused by enemy attack on the United States, the legislature may provide by law for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices; and enact other laws necessary and proper for insuring the continuity of governmental operations. Notwithstanding the power conferred by this section, elections shall always



be called as soon as possible to fill any vacancies in elective offices temporarily occupied by operation of any legislation enacted pursuant to the provisions of this section.

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

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

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

Sec. 43. No general law providing for the incorporation of trust companies or corporations for banking purposes, or regulating the business thereof, shall be enacted, amended or repealed except by a vote of two-thirds of the members elected to and serving in each house.

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

Sec. 45. The legislature may provide for indeterminate sentences as punishment for crime and for the detention and release of persons imprisoned or detained under such sentences.

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

Sec. 47. The legislature may authorize the employment of chaplains in state institutions of detention or confinement.

Sec. 48. The legislature may enact laws providing for the resolution of disputes concerning public employees, except those in the state classified civil service.

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

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

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

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

natural resources of the state from pollution, impairment and destruction.

Sec. 53. The legislature by a majority vote of the members elected to and serving in each house, shall appoint an auditor general, who shall be a certified public accountant licensed to practice in this state, to serve for a term of eight years. He shall be ineligible for appointment or election to any other public office in this state from which compensation is derived while serving as auditor general and for two years following the termination of his service. He may be removed for cause at any time by a two-thirds vote of the members elected to and serving in each house. The auditor general shall conduct post audits of financial transactions and accounts of the state and of all branches, departments, offices, boards, commissions, agencies, authorities and institutions of the state established by this constitution or by law, and performance post audits thereof.

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

Nothing in this section shall be construed in any way to infringe the responsibility and constitutional authority of the governing boards of the institutions of higher education to be solely responsible for the control and direction of all expenditures from the institutions' funds.

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

## Article V

### Executive Branch

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

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

Subsequent to the initial allocation, the governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these

changes require the force of law, they shall be set forth in executive orders and submitted to the legislature. Thereafter the legislature shall have 60 calendar days of a regular session, or a full session if of shorter duration, to disapprove each executive order. Unless disapproved in both houses by a resolution concurred in by a majority of the members elected to and serving in each house, each order shall become effective at a date thereafter to be designated by the governor.

Sec. 3. The head of each principal department shall be a single executive unless otherwise provided in this constitution or by law. The single executives heading principal departments shall include a secretary of state, a state treasurer and an attorney general. When a single executive is the head of a principal department, unless elected or appointed as otherwise provided in this constitution, he shall be appointed by the governor by and with the advice and consent of the senate and he shall serve at the pleasure of the governor.

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

Terms of office of any board or commission created or enlarged after the effective date of this constitution shall not exceed four years except as otherwise authorized in this constitution. The terms of office of existing boards and commissions which are longer than four years shall not be further extended except as provided in this constitution.

Sec. 4. Temporary commissions or agencies for special purposes with a life of no more than two years may be established by law and need not be allocated within a principal department.

Sec. 5. At no time shall an examining or licensing board of a profession include less than a majority of members of that profession.

Sec. 6. Appointment by and with the advice and consent of the senate when used in this constitution or laws in effect or hereafter enacted means appointment subject to disapproval by a majority vote of the members elected to and serving in the senate if such action is taken within 60 session days after the date of such appointment. Any appointment not disapproved within such period shall stand confirmed.

Sec. 7. Vacancies in any office, appointment to which requires advice and consent of the senate, shall be filled by the governor by and with the advice and consent of the senate. A person whose appointment has been disapproved by the senate shall not be eligible for an interim appointment

to the same office.

Sec. 8. Each principal department shall be under the supervision of the governor unless otherwise provided by this constitution. The governor shall take care that the laws be faithfully executed. He shall transact all necessary business with the officers of government and may require information in writing from all executive and administrative state officers, elective and appointive, upon any subject relating to the duties of their respective offices.

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

Sec. 9. Single executives heading principal departments and the chief executive officers of principal departments headed by boards or commissions shall keep their offices at the seat of government except as otherwise provided by law, superintend them in person and perform duties prescribed by law.

Sec. 10. The governor shall have power and it shall be his duty to inquire into the condition and administration of any public office and the acts of any public officer, elective or appointive. He may remove or suspend from office for gross neglect of duty or for corrupt conduct in office, or for any other misfeasance or malfeasance therein, any elective or appointive state officer, except legislative or judicial, and shall report the reasons for such removal or suspension to the legislature.

Sec. 11. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an appointed or elected officer, other than a legislative or judicial officer, until he is reinstated or until the vacancy is filled in the manner prescribed by law or this constitution.

Sec. 12. The governor shall be commander-in-chief of the armed forces and may call them out to execute the laws, suppress insurrection and repel invasion.

Sec. 13. The governor shall issue writs of election to fill vacancies in the senate or house of representatives. Any such election shall be held in a manner prescribed by law.

Sec. 14. The governor shall have power to grant reprieves, commutations and pardons after convictions for all offenses, except cases of impeachment, upon such conditions and limitations as he may direct, subject to procedures and regulations prescribed by law. He shall inform the legislature annually of each reprieve, commutation and pardon granted, stating reasons

therefor.

Sec. 15. The governor may convene the legislature on extraordinary occasions.

Sec. 16. The governor may convene the legislature at some other place when the seat of government becomes dangerous from any cause.

Sec. 17. The governor shall communicate by message to the legislature at the beginning of each session and may at other times present to the legislature information as to the affairs of the state and recommend measures he considers necessary or desirable.

Sec. 18. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state. Proposed expenditures from any fund shall not exceed the estimated revenue thereof. On the same date, the governor shall submit to the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills to provide new or additional revenues to meet proposed expenditures. The amount of any surplus created or deficit incurred in any fund during the last preceding fiscal period shall be entered as an item in the budget and in one of the appropriation bills. The governor may submit amendments to appropriation bills to be offered in either house during consideration of the bill by that house, and shall submit any bills to meet deficiencies in current appropriations.

Sec. 19. The governor may disapprove any distinct item or items appropriating moneys in any appropriation bill. The part or parts approved shall become law, and the item or items disapproved shall be void unless re-passed according to the method prescribed for the passage of other bills over the executive veto.

Sec. 20. No appropriation shall be a mandate to spend. The governor, with the approval of the appropriating committees of the house and senate, shall reduce expenditures authorized by appropriations whenever it appears that actual revenues for a fiscal period will fall below the revenue estimates on which appropriations for that period were based. Reductions in expenditures shall be made in accordance with procedures prescribed by law. The governor may not reduce expenditures of the legislative and judicial branches or from funds constitutionally dedicated for specific purposes.

Sec. 21. The governor, lieutenant governor, secretary of state and attorney general shall be elected for four-year terms at the general election in each alternate even-numbered year.

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

for the candidates for governor and lieutenant governor nominated by the same party.

Vacancies in the office of the secretary of state and attorney general shall be filled by appointment by the governor.

Sec. 22. To be eligible for the office of governor or lieutenant governor a person must have attained the age of 30 years, and have been a registered elector in this state for four years next preceding his election.

Sec. 23. The governor, lieutenant governor, secretary of state and attorney general shall each receive the compensation provided by law in full payment for all services performed and expenses incurred during his term of office. Such compensation shall not be changed during the term of office except as otherwise provided in this constitution.

Sec. 24. An executive residence suitably furnished shall be provided at the seat of government for the use of the governor. He shall receive an allowance for its maintenance as provided by law.

Sec. 25. The lieutenant governor shall be president of the senate, but shall have no vote except in case of equal division. He may perform duties requested of him by the governor, but no power vested in the governor shall be delegated.

Sec. 26. In case of the conviction of the governor on impeachment, his removal from office, his resignation or his death, the lieutenant governor, the elected secretary of state, the elected attorney general and such other persons designated by law shall in that order be governor for the remainder of the governor's term.

In case of the death of the governor-elect, the lieutenant governor-elect, the secretary of state-elect, the attorney general-elect and such other persons designated by law shall become governor in that order at the commencement of the governor-elect's term.

If the governor or the person in line of succession to serve as governor is absent from the state, or suffering under an inability, the powers and duties of the office of governor shall devolve in order of precedence until the absence or inability giving rise to the devolution of powers ceases.

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

Sec. 27. The legislature shall provide that the salary of any state officer while acting as governor shall be equal to that of the governor.

Sec. 28. There is hereby established a state highway commission, which shall administer the state highway department and have jurisdiction

and control over all state trunkline highways and appurtenant facilities, and such other public works of the state, as provided by law.

The state highway commission shall consist of four members, not more than two of whom shall be members of the same political party. They shall be appointed by the governor by and with the advice and consent of the senate for four-year terms, no two of which shall expire in the same year as provided by law.

The state highway commission shall appoint and may remove a state highway director, who shall be a competent highway engineer and administrator. He shall be the principal executive officer of the state highway department and shall be responsible for executing the policy of the state highway commission.

Sec. 29. There is hereby established a civil rights commission which shall consist of eight persons, not more than four of whom shall be members of the same political party, who shall be appointed by the governor, by and with the advice and consent of the senate, for four-year terms not more than two of which shall expire in the same year. It shall be the duty of the commission in a manner which may be prescribed by law to investigate alleged discrimination against any person because of religion, race, color or national origin in the enjoyment of the civil rights guaranteed by law and by this constitution, and to secure the equal protection of such civil rights without such discrimination. The legislature shall provide an annual appropriation for the effective operation of the commission.

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

Appeals from final orders of the commission, including cease and desist orders and refusals to issue complaints, shall be tried de novo before the circuit court having jurisdiction provided by law.

## Article VI Judicial Branch

Sec. 1. The judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction

known as the circuit court, one probate court, and other courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.

Sec. 2. The supreme court shall consist of seven justices elected at non-partisan elections as provided by law. The term of office shall be eight years and not more than two terms of office shall expire at the same time. Nominations for justices of the supreme court shall be in the manner prescribed by law. Any incumbent justice whose term is to expire may become a candidate for re-election by filing an affidavit of candidacy, in the form and manner prescribed by law, not less than 180 days prior to the expiration of his term.

Sec. 3. One justice of the supreme court shall be selected by the court as its chief justice as provided by rules of the court. He shall perform other duties required by the court. The supreme court shall appoint an administrator of the courts and other assistants of the supreme court as may be necessary to aid in the administration of the courts of this state. The administrator shall perform administrative duties assigned by the court.

Sec. 4. The supreme court shall have general superintending control over all courts; power to issue, hear, and determine prerogative and remedial writs; and appellate jurisdiction as provided by rules of the supreme court. The supreme court shall not have the power to remove a judge.

Sec. 5. The supreme court shall by general rules establish, modify, amend and simplify the practice and procedure in all courts of this state. The distinctions between law and equity proceedings shall, as far as practicable, be abolished. The office of master in chancery is prohibited.

Sec. 6. Decisions of the supreme court, including all decisions on prerogative writs, shall be in writing and shall contain a concise statement of the facts and reasons for each decision and reasons for each denial of leave to appeal. When a judge dissents in whole or in part he shall give in writing the reasons for his dissent.

Sec. 7. The supreme court may appoint, may remove, and shall have general supervision of its staff. It shall have control of the preparation of its budget recommendations and the expenditure of moneys appropriated for any purpose pertaining to the operation of the court or the performance of activities of its staff except that the salaries of the justices shall be established by law. All fees and perquisites collected by the court staff shall be turned over to the state treasury and credited to the general fund.

Sec. 8. The court of appeals shall consist initially of nine judges who shall be nominated and elected at non-partisan elections from districts drawn on county lines and as nearly as possible of equal population, as provided by law. The

supreme court may prescribe by rule that the court of appeals may sit in divisions and for the terms of court and the times and places thereof. Each such division shall consist of not fewer than three judges. The number of judges comprising the court of appeals may be increased, and the districts from which they are elected may be changed by law.

Sec. 9. Judges of the court of appeals shall hold office for a term of six years and until their successors are elected and qualified. The terms of office for the judges in each district shall be arranged by law to provide that not all terms will expire at the same time.

Sec. 10. The jurisdiction of the court of appeals shall be provided by law and the practice and procedure therein shall be prescribed by rules of the supreme court.

Sec. 11. The state shall be divided into judicial circuits along county lines in each of which there shall be elected one or more circuit judges as provided by law. Sessions of the circuit court shall be held at least four times in each year in every county organized for judicial purposes. Each circuit judge shall hold court in the county or counties within the circuit in which he is elected, and in other circuits as may be provided by rules of the supreme court. The number of judges may be changed and circuits may be created, altered and discontinued by law and the number of judges shall be changed and circuits shall be created, altered and discontinued on recommendation of the supreme court to reflect changes in judicial activity. No change in the number of judges or alteration or discontinuance of a circuit shall have the effect of removing a judge from office during his term.

Sec. 12. Circuit judges shall be nominated and elected at non-partisan elections in the circuit in which they reside, and shall hold office for a term of six years and until their successors are elected and qualified. In circuits having more than one circuit judge their terms of office shall be arranged by law to provide that not all terms will expire at the same time.

Sec. 13. The circuit court shall have original jurisdiction in all matters not prohibited by law; appellate jurisdiction from all inferior courts and tribunals except as otherwise provided by law; power to issue, hear and determine prerogative and remedial writs; supervisory and general control over inferior courts and tribunals within their respective jurisdictions in accordance with rules of the supreme court; and jurisdiction of other cases and matters as provided by rules of the supreme court.

Sec. 14. The clerk of each county organized for judicial purposes or other officer performing the duties of such office as provided in a county charter shall be clerk of the circuit court for such

county. The judges of the circuit court may fill a vacancy in an elective office of county clerk or prosecuting attorney within their respective jurisdictions.

Sec. 15. In each county organized for judicial purposes there shall be a probate court. The legislature may create or alter probate court districts of more than one county if approved in each affected county by a majority of the electors voting on the question. The legislature may provide for the combination of the office of probate judge with any judicial office of limited jurisdiction within a county with supplemental salary as provided by law. The jurisdiction, powers and duties of the probate court and of the judges thereof shall be provided by law. They shall have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

Sec. 16. One or more judges of probate as provided by law shall be nominated and elected at non-partisan elections in the counties or the probate districts in which they reside and shall hold office for terms of six years and until their successors are elected and qualified. In counties or districts with more than one judge the terms of office shall be arranged by law to provide that not all terms will expire at the same time.

Sec. 17. No judge or justice of any court of this state shall be paid from the fees of his office nor shall the amount of his salary be measured by fees, other moneys received or the amount of judicial activity of his office.

Sec. 18. Salaries of justices of the supreme court, of the judges of the court of appeals, of the circuit judges within a circuit, and of the probate judges within a county or district, shall be uniform, and may be increased, but shall not be decreased during a term of office except and only to the extent of a general salary reduction in all other branches of government.

Each of the judges of the circuit court shall receive an annual salary as provided by law. In addition to the salary received from the state, each circuit judge may receive from any county in which he regularly holds court an additional salary as determined from time to time by the board of supervisors of the county. In any county where an additional salary is granted, it shall be paid at the same rate to all circuit judges regularly holding court therein.

Sec. 19. The supreme court, the court of appeals, the circuit court, the probate court and other courts designated as such by the legislature shall be courts of record and each shall have a common seal. Justices and judges of courts of record must be persons who are licensed to practice law in this state. No person shall be elected or appointed to a judicial office after reaching the age of 70 years.



1 Sec. 20. Whenever a justice or judge removes  
2 his domicile beyond the limits of the territory  
3 from which he was elected, he shall have vacated  
4 his office.

5 Sec. 21. Any justice or judge of a court of  
6 record shall be ineligible to be nominated for  
7 or elected to an elective office other than a judicial  
8 office during the period of his service and for  
9 one year thereafter.

10 Sec. 22. Any elected judge of the court of  
11 appeals, circuit court or probate court may be-  
12 come a candidate in the primary election for the  
13 office of which he is the incumbent by filing an  
14 affidavit of candidacy in the form and manner  
15 prescribed by law.

16 Sec. 23. A vacancy in the elective office of a  
17 judge of any court of record shall be filled at a  
18 general or special election as provided by law.  
19 The supreme court may authorize persons who  
20 have served as judges and who have retired, to  
21 perform judicial duties for the limited period of  
22 time from the occurrence of the vacancy until  
23 the successor is elected and qualified. Such per-  
24 sons shall be ineligible for election to fill the  
25 vacancy.

26 Sec. 24. There shall be printed upon the ballot  
27 under the name of each elected incumbent justice  
28 or judge who is a candidate for nomination or  
29 election to the same office the designation of  
30 that office.

31 Sec. 25. For reasonable cause, which is not  
32 sufficient ground for impeachment, the governor  
33 shall remove any judge on a concurrent resolution  
34 of two-thirds of the members elected to and serv-  
35 ing in each house of the legislature. The cause  
36 for removal shall be stated at length in the  
37 resolution.

38 Sec. 26. The offices of circuit court commis-  
39 sioner and justice of the peace are abolished at  
40 the expiration of five years from the date this  
41 constitution becomes effective or may within this  
42 period be abolished by law. Their jurisdiction,  
43 compensation and powers within this period shall  
44 be as provided by law. Within this five-year period,  
45 the legislature shall establish a court or courts  
46 of limited jurisdiction with powers and jurisdic-  
47 tion defined by law. The location of such court  
48 or courts, and the qualifications, tenure, method  
49 of election and salary of the judges of such court  
50 or courts, and by what governmental units the  
51 judges shall be paid, shall be provided by law,  
52 subject to the limitations contained in this Article.

53 Statutory courts in existence at the time this  
54 constitution becomes effective shall retain their  
55 powers and jurisdiction, except as provided by  
56 law, until they are abolished by law.

57 Sec. 27. The supreme court, the court of ap-  
58 peals, the circuit court, or any justices or judges  
59 thereof, shall not exercise any power of appoint-  
60 ment to public office except as provided in this

constitution.

1 Sec. 28. All final decisions, findings, rulings  
2 and orders of any administrative officer or agency  
3 existing under the constitution or by law, which  
4 are judicial or quasi-judicial and affect private  
5 rights or licenses, shall be subject to direct re-  
6 view by the courts as provided by law. This re-  
7 view shall include, as a minimum, the determina-  
8 tion whether such final decisions, findings, rulings  
9 and orders are authorized by law; and, in cases in  
10 which a hearing is required, whether the same  
11 are supported by competent, material and sub-  
12 stantial evidence on the whole record. Findings  
13 of fact in workmen's compensation proceedings  
14 shall be conclusive in the absence of fraud un-  
15 less otherwise provided by law.

16 Sec. 29. Justices of the supreme court, judges  
17 of the court of appeals, circuit judges and other  
18 judges as provided by law shall be conservators  
19 of the peace within their respective jurisdictions.

## Article VII

### Local Government

1 Sec. 1. Each organized county shall be a body  
2 corporate with powers and immunities provided  
3 by law.

4 Sec. 2. Any county may frame, adopt, amend  
5 or repeal a county charter in a manner and with  
6 powers and limitations to be provided by general  
7 law, which shall among other things provide for  
8 the election of a charter commission. The law  
9 may permit the organization of county govern-  
10 ment in form different from that set forth in this  
11 constitution and shall limit the rate of ad valorem  
12 property taxation for county purposes, and re-  
13 strict the powers of charter counties to borrow  
14 money and contract debts. Each charter county  
15 is hereby granted power to levy other taxes for  
16 county purposes subject to limitations and pro-  
17 hibitions set forth in this constitution or law.  
18 Subject to law, a county charter may authorize  
19 the county through its regularly constituted  
20 authority to adopt resolutions and ordinances re-  
21 lating to its concerns.

22 The board of supervisors by a majority vote  
23 of its members may, and upon petition of five  
24 percent of the electors shall, place upon the ballot  
25 the question of electing a commission to frame a  
26 charter.

27 No county charter shall be adopted, amended  
28 or repealed until approved by a majority of elec-  
29 tors voting on the question.

30 Sec. 3. No organized county shall be reduced  
31 by the organization of new counties to less than  
32 16 townships as surveyed by the United States,  
33 unless approved in the manner prescribed by law  
34 by a majority of electors voting thereon in each  
35 county to be affected.

36 Sec. 4. There shall be elected for four-year  
37 terms in each organized county a sheriff, a county



1 clerk, a county treasurer, a register of deeds  
2 and a prosecuting attorney, whose duties and  
3 powers shall be provided by law. The board of  
4 supervisors in any county may combine the offices  
5 of county clerk and register of deeds in one office  
6 or separate the same at pleasure.

7 Sec. 5. The sheriff, county clerk, county treas-  
8 urer and register of deeds shall hold their prin-  
9 cipal offices at the county seat.

10 Sec. 6. The sheriff may be required by law to  
11 renew his security periodically and in default of  
12 giving such security, his office shall be vacant.  
13 The county shall never be responsible for his acts,  
14 except that the board of supervisors may protect  
15 him against claims by prisoners for unintentional  
16 injuries received while in his custody. He shall  
17 not hold any other office except in civil defense.

18 Sec. 7. A board of supervisors shall be estab-  
19 lished in each organized county consisting of one  
20 member from each organized township and such  
21 representation from cities as provided by law.

22 Sec. 8. Boards of supervisors shall have legis-  
23 lative, administrative and such other powers and  
24 duties as provided by law.

25 Sec. 9. Boards of supervisors shall have ex-  
26 clusive power to fix the compensation of county  
27 officers not otherwise provided by law.

28 Sec. 10. A county seat once established shall  
29 not be removed until the place to which it is pro-  
30 posed to be moved shall be designated by two-  
31 thirds of the members of the board of supervisors  
32 and a majority of the electors voting thereon shall  
33 have approved the proposed location in the manner  
34 prescribed by law.

35 Sec. 11. No county shall incur any indebted-  
36 ness which shall increase its total debt beyond  
37 10 percent of its assessed valuation.

38 Sec. 12. A navigable stream shall not be  
39 bridged or dammed without permission granted  
40 by the board of supervisors of the county as pro-  
41 vided by law, which permission shall be subject  
42 to such reasonable compensation and other condi-  
43 tions as may seem best suited to safeguard the  
44 rights and interests of the county and political  
45 subdivisions therein.

46 Sec. 13. Two or more contiguous counties may  
47 combine into a single county if approved in each  
48 affected county by a majority of the electors voting  
49 on the question.

50 Sec. 14. The board of supervisors of each  
51 organized county may organize and consolidate  
52 townships under restrictions and limitations pro-  
53 vided by law.

54 Sec. 15. Any county, when authorized by its  
55 board of supervisors shall have the authority to  
56 enter or to intervene in any action or certificate  
57 proceeding involving the services, charges or rates  
58 of any privately owned public utility furnishing  
59 services or commodities to rate payers within the  
60 county.

1 Sec. 16. The legislature may provide for the  
2 laying out, construction, improvement and main-  
3 tenance of highways, bridges, culverts and airports  
4 by the state and by the counties and townships  
5 thereof; and may authorize counties to take charge  
6 and control of any highway within their limits  
7 for such purposes. The legislature may provide  
8 the powers and duties of counties in relation to  
9 highways, bridges, culverts and airports; may pro-  
10 vide for county road commissioners to be appointed  
11 or elected, with powers and duties provided by law.  
12 The ad valorem property tax imposed for road  
13 purposes by any county shall not exceed in any  
14 year one-half of one percent of the assessed valua-  
15 tion for the preceding year.

16 Sec. 17. Each organized township shall be a  
17 body corporate with powers and immunities pro-  
18 vided by law.

19 Sec. 18. In each organized township there shall  
20 be elected for terms of not less than two nor more  
21 than four years as prescribed by law a supervisor,  
22 a clerk, a treasurer, and not to exceed four trustees,  
23 whose legislative and administrative powers and  
24 duties shall be provided by law.

25 Sec. 19. No organized township shall grant  
26 any public utility franchise which is not subject  
27 to revocation at the will of the township, unless  
28 the proposition shall first have been approved  
29 by a majority of the electors of such township  
30 voting thereon at a regular or special election.

31 Sec. 20. The legislature shall provide by law  
32 for the dissolution of township government when-  
33 ever all the territory of an organized township  
34 is included within the boundaries of a village or  
35 villages notwithstanding that a village may in-  
36 clude territory within another organized township  
37 and provide by law for the classification of such  
38 village or villages as cities.

39 Sec. 21. The legislature shall provide by gen-  
40 eral laws for the incorporation of cities and  
41 villages. Such laws shall limit their rate of ad  
42 valorem property taxation for municipal purposes,  
43 and restrict the powers of cities and villages to  
44 borrow money and contract debts. Each city and  
45 village is granted power to levy other taxes for  
46 public purposes, subject to limitations and pro-  
47 hibitions provided by this constitution or by law.

48 Sec. 22. Under general laws the electors of  
49 each city and village shall have the power and  
50 authority to frame, adopt and amend its charter,  
51 and to amend an existing charter of the city or  
52 village heretofore granted or enacted by the legis-  
53 lature for the government of the city or village.  
54 Each such city and village shall have power to  
55 adopt resolutions and ordinances relating to its  
56 municipal concerns, property and government,  
57 subject to the constitution and law. No enumera-  
58 tion of powers granted to cities and villages in this  
59 constitution shall limit or restrict the general grant  
60 of authority conferred by this section.

1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60

Sec. 23. Any city or village may acquire, own, establish and maintain, within or without its corporate limits, parks, boulevards, cemeteries, hospitals and all works which involve the public health or safety.

Sec. 24. Subject to this constitution, any city or village may acquire, own or operate, within or without its corporate limits, public service facilities for supplying water, light, heat, power, sewage disposal and transportation to the municipality and the inhabitants thereof.

Any city or village may sell and deliver heat, power or light without its corporate limits in an amount not exceeding 25 percent of that furnished by it within the corporate limits, except as greater amounts may be permitted by law; may sell and deliver water and provide sewage disposal services outside of its corporate limits in such amount as may be determined by the legislative body of the city or village; and may operate transportation lines outside the municipality within such limits as may be prescribed by law.

Sec. 25. No city or village shall acquire any public utility furnishing light, heat or power, or grant any public utility franchise which is not subject to revocation at the will of the city or village, unless the proposition shall first have been approved by three-fifths of the electors voting thereon. No city or village may sell any public utility unless the proposition shall first have been approved by a majority of the electors voting thereon, or a greater number if the charter shall so provide.

Sec. 26. Except as otherwise provided in this constitution, no city or village shall have the power to loan its credit for any private purpose or, except as provided by law, for any public purpose.

Sec. 27. Notwithstanding any other provision of this constitution the legislature may establish in metropolitan areas additional forms of government or authorities with powers, duties and jurisdictions as the legislature shall provide. Whenever possible, such additional forms of government or authorities shall be designed to perform multi-purpose functions rather than a single function.

Sec. 28. The legislature by general law shall authorize two or more counties, townships, cities, villages or districts, or any combination thereof among other things to: enter into contractual undertakings or agreements with one another or with the state or with any combination thereof for the joint administration of any of the functions or powers which each would have the power to perform separately; share the costs and responsibilities of functions and services with one another or with the state or with any combination thereof which each would have the power to perform separately; transfer functions or responsibilities

to one another or any combination thereof upon the consent of each unit involved; cooperate with one another and with state government; lend their credit to one another or any combination thereof as provided by law in connection with any authorized publicly owned undertaking.

Any other provision of this constitution notwithstanding, an officer or employee of the state or any such unit of government or subdivision or agency thereof, except members of the legislature, may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service.

Sec. 29. No person, partnership, association or corporation, public or private, operating a public utility shall have the right to the use of the highways, streets, alleys or other public places of any county, township, city or village for wires, poles, pipes, tracks, conduits or other utility facilities, without the consent of the duly constituted authority of the county, township, city or village; or to transact local business therein without first obtaining a franchise from the township, city or village. Except as otherwise provided in this constitution the right of all counties, townships, cities and villages to the reasonable control of their highways, streets, alleys and public places is hereby reserved to such local units of government.

Sec. 30. No franchise or license shall be granted by any township, city or village for a period longer than 30 years.

Sec. 31. The legislature shall not vacate or alter any road, street, alley, or public place under the jurisdiction of any county, township, city or village.

Sec. 32. Any county, township, city, village, authority or school district empowered by the legislature or by this constitution to prepare budgets of estimated expenditures and revenues shall adopt such budgets only after a public hearing in a manner prescribed by law.

Sec. 33. Any elected officer of a political subdivision may be removed from office in the manner and for the causes provided by law.

Sec. 34. The provisions of this constitution and law concerning counties, townships, cities and villages shall be liberally construed in their favor. Powers granted to counties and townships by this constitution and by law shall include those fairly implied and not prohibited by this constitution.

## Article VIII Education

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

1 Sec. 2. The legislature shall maintain and sup-  
 2 port a system of free public elementary and sec-  
 3 ondary schools as defined by law. Every school  
 4 district shall provide for the education of its  
 5 pupils without discrimination as to religion, creed,  
 6 race, color or national origin.

7 Sec. 3. Leadership and general supervision over  
 8 all public education, including adult education and  
 9 instructional programs in state institutions, except  
 10 as to institutions of higher education granting  
 11 baccalaureate degrees, is vested in a state board  
 12 of education. It shall serve as the general plan-  
 13 ning and coordinating body for all public educa-  
 14 tion, including higher education, and shall advise  
 15 the legislature as to the financial requirements  
 16 in connection therewith.

17 The state board of education shall appoint a  
 18 superintendent of public instruction whose term  
 19 of office shall be determined by the board. He  
 20 shall be the chairman of the board without the  
 21 right to vote, and shall be responsible for the  
 22 execution of its policies. He shall be the principal  
 23 executive officer of a state department of educa-  
 24 tion which shall have powers and duties provided  
 25 by law.

26 The state board of education shall consist of  
 27 eight members who shall be nominated by party  
 28 conventions and elected at large for terms of  
 29 eight years as prescribed by law. The governor  
 30 shall fill any vacancy by appointment for the  
 31 unexpired term. The governor shall be ex-officio  
 32 a member of the state board of education with-  
 33 out the right to vote.

34 The power of the boards of institutions of higher  
 35 education provided in this constitution to super-  
 36 vise their respective institutions and control and  
 37 direct the expenditure of the institutions' funds  
 38 shall not be limited by this section.

39 Sec. 4. The legislature shall appropriate  
 40 moneys to maintain the university of Michigan,  
 41 Michigan State University, Wayne State Univer-  
 42 sity, Eastern Michigan University, Michigan Col-  
 43 lege of Science and Technology, Central Michi-  
 44 gan University, Northern Michigan University,  
 45 Western Michigan University, Ferris Institute,  
 46 Grand Valley State College, by whatever names  
 47 such institutions may hereafter be known, and  
 48 other institutions of higher education established  
 49 by law. The legislature shall be given an annual  
 50 accounting of all income and expenditures by each  
 51 of these educational institutions. Formal sessions  
 52 of governing boards of such institutions shall be  
 53 open to the public.

54 Sec. 5. The regents of the University of Michi-  
 55 gan and their successors in office shall constitute  
 56 a body corporate known as the Regents of the  
 57 University of Michigan; the trustees of Michigan  
 58 State University and their successors in office shall  
 59 constitute a body corporate known as the Board  
 60 of Trustees of Michigan State University; the

governors of Wayne State University and their  
 successors in office shall constitute a body corpor-  
 ate known as the Board of Governors of Wayne  
 State University. Each board shall have general  
 supervision of its institution and the control and  
 direction of all expenditures from the institution's  
 funds. Each board shall, as often as necessary,  
 elect a president of the institution under its su-  
 pervision. He shall be the principal executive of-  
 ficer of the institution, be ex-officio a member of  
 the board without the right to vote and preside  
 at meetings of the board. The board of each in-  
 stitution shall consist of eight members who shall  
 hold office for terms of eight years and who shall  
 be elected as provided by law. The governor shall  
 fill board vacancies by appointment. Each ap-  
 pointee shall hold office until a successor has been  
 nominated and elected as provided by law.

Sec. 6. Other institutions of higher education  
 established by law having authority to grant  
 baccalaureate degrees shall each be governed by  
 a board of control which shall be a body corporate.  
 The board shall have general supervision of the  
 institution and the control and direction of all  
 expenditures from the institution's funds. It shall,  
 as often as necessary, elect a president of the in-  
 stitution under its supervision. He shall be the  
 principal executive officer of the institution and  
 be ex-officio a member of the board without the  
 right to vote. The board may elect one of its mem-  
 bers or may designate the president, to preside at  
 board meetings. Each board of control shall con-  
 sist of eight members who shall hold office for  
 terms of eight years, not more than two of which  
 shall expire in the same year, and who shall be  
 appointed by the governor by and with the ad-  
 vice and consent of the senate. Vacancies shall  
 be filled in like manner.

Sec. 7. The legislature shall provide by law  
 for the establishment and financial support of  
 public community and junior colleges which shall  
 be supervised and controlled by locally elected  
 boards. The legislature shall provide by law for  
 a state board for public community and junior  
 colleges which shall advise the state board of  
 education concerning general supervision and plan-  
 ning for such colleges and requests for annual  
 appropriations for their support. The board shall  
 consist of eight members who shall hold office  
 for terms of eight years, not more than two of  
 which shall expire in the same year, and who shall  
 be appointed by the state board of education. Va-  
 cancies shall be filled in like manner. The super-  
 intendent of public instruction shall be ex-officio  
 a member of this board without the right to vote.

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

1 Sec. 9. The legislature shall provide by law for  
2 the establishment and support of public libraries  
3 which shall be available to all residents of the state  
4 under regulations adopted by the governing bodies  
5 thereof. All fines assessed and collected in the  
6 several counties, cities and townships for any  
7 breach of the penal laws shall be exclusively ap-  
8 plied to the support of such public libraries, and  
9 county law libraries as provided by law.

## Article IX

### Finance and Taxation

13 Sec. 1. The legislature shall impose taxes suf-  
14 ficient with other resources to pay the expenses of  
15 state government.

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

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

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

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

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

1 assessed valuation of property as finally equalized.  
2 Under procedures provided by law, which shall  
3 guarantee the right of initiative, separate tax  
4 limitations for any county and for the townships  
5 and for school districts therein, the aggregate of  
6 which shall not exceed 18 mills on each dollar of  
7 such valuation, may be adopted and thereafter  
8 altered by the vote of a majority of the qualified  
9 electors of such county voting thereon, in lieu  
10 of the limitation hereinbefore established. These  
11 limitations may be increased to an aggregate of  
12 not to exceed 50 mills on each dollar of valuation,  
13 for a period of not to exceed 20 years at any one  
14 time, if approved by a majority of the electors,  
15 qualified under Section 6 of Article II of this  
16 constitution, voting on the question.

17 The foregoing limitations shall not apply to  
18 taxes imposed for the payment of principal and  
19 interest on bonds or other evidences of indebted-  
20 ness or for the payment of assessments or con-  
21 tract obligations in anticipation of which bonds  
22 are issued, which taxes may be imposed without  
23 limitation as to rate or amount; or to taxes im-  
24 posed for any other purpose by any city, vil-  
25 lage, charter county, charter township, charter  
26 authority or other authority, the tax limitations  
27 of which are provided by charter or by general  
28 law.

29 In any school district which extends into two  
30 or more counties, property taxes at the highest  
31 rate available in the county which contains the  
32 greatest part of the area of the district may be  
33 imposed and collected for school purposes through-  
34 out the district.

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

38 Sec. 8. The legislature shall not impose a  
39 sales tax on retailers at a rate of more than  
40 four percent of their gross taxable sales of  
41 tangible personal property.

42 Sec. 9. All specific taxes, except general sales  
43 and use taxes and regulatory fees, imposed di-  
44 rectly or indirectly on fuels sold or used  
45 to propel motor vehicles upon highways and on  
46 registered motor vehicles shall, after the payment  
47 of necessary collection expenses, be used exclusi-  
48 vely for highway purposes as defined by law.

49 Sec. 10. One-eighth of all taxes imposed on  
50 retailers on taxable sales at retail of tangible  
51 personal property shall be used exclusively for  
52 assistance to townships, cities and villages, on  
53 a population basis as provided by law. In de-  
54 termining population the legislature may exclude  
55 any portion of the total number of persons who  
56 are wards, patients or convicts in any tax sup-  
57 ported institution.

58 Sec. 11. There shall be established a state  
59 school aid fund which shall be used exclusively  
60 for the support of public education and school

employees' retirement systems, as provided by law. One-half of all taxes imposed on retailers on taxable sales at retail of tangible personal property, and other tax revenues provided by law, shall be dedicated to this fund. Payments from this fund shall be made in full on a scheduled basis, as provided by law.

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

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

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

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

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

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

The term "qualified bonds" means general obli-

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

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

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

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

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

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

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

This section shall not be construed to prohibit the investment of public funds until needed for current requirements or the investment of funds accumulated to provide retirement or pension benefits for public officials and employees, as provided by law.

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

Sec. 20. No state money shall be deposited in banks other than those organized under the national or state banking laws. No state money

shall be deposited in any bank in excess of 50 percent of the capital and surplus of such bank. Any bank receiving deposits of state money shall show the amount of state money so deposited as a separate item in all published statements.

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

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

Sec. 22. Procedures for the examination and adjustment of claims against the state shall be prescribed by law.

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

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

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

#### Article X Property

Sec. 1. The disabilities of coverture as to property are abolished. The real and personal estate of every woman acquired before marriage and all real and personal property to which she may afterwards become entitled shall be and remain the estate and property of such woman, and shall not be liable for the debts, obligations or engagements of her husband, and may be dealt with and disposed of by her as if she were unmarried. Dower may be relinquished or conveyed as provided by law.

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

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

Sec. 4. Procedures relating to escheats and to the custody and disposition of escheated property

shall be prescribed by law.

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

The legislature by an act adopted by two-thirds of the members elected to and serving in each house may designate any part of such lands as a state land reserve. No lands in the state land reserve may be removed from the reserve, sold, leased or otherwise disposed of except by an act of the legislature.

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

#### Article XI

##### Public Officers and Employment

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

Sec. 2. The terms of office of elective state officers, members of the legislature and justices and judges of courts of record shall begin at twelve o'clock noon on the first day of January next succeeding their election, except as otherwise provided in this constitution. The terms of office of county officers shall begin on the first day of January next succeeding their election, except as otherwise provided by law.

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

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

Sec. 5. The classified state civil service shall consist of all positions in the state service except those filled by popular election, heads of principal departments, members of boards and commissions, the principal executive officer of boards and commissions heading principal departments, employees of courts of record, employees of the legis-



lature, employees of the state institutions of higher education, all persons in the armed forces of the state, eight exempt positions in the office of the governor, and within each principal department, when requested by the department head, two other exempt positions, one of which shall be policy-making. The civil service commission may exempt three additional positions of a policy-making nature within each principal department.

The civil service commission shall be non-salaried and shall consist of four persons, not more than two of whom shall be members of the same political party, appointed by the governor for terms of eight years, no two of which shall expire in the same year.

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

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

No person shall be appointed to or promoted in the classified service who has not been certified by the commission as qualified for such appointment or promotion. No appointments, promotions, demotions or removals in the classified service shall be made for religious, racial or partisan considerations.

Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year. Within 60 calendar days following such transmission, the legislature may, by a two-thirds vote of the members elected to and serving in each house, reject or reduce increases in rates of compensation authorized by the commission. Any reduction ordered by the legislature shall apply uniformly to all classes of employees affected by the increases and shall not adjust pay differentials already established by the civil service commission. The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases author-

ized by the commission.

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

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

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

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

No payment for personal services shall be made or authorized until the provisions of this constitution pertaining to civil service have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

Sec. 6. By ordinance or resolution of its governing body which shall not take effect until approved by a majority of the electors voting thereon, unless otherwise provided by charter, each county, township, city, village, school district and other governmental unit or authority may establish, modify or discontinue a merit system for its employees other than teachers under contract or tenure. The state civil service commission may on request furnish technical services to any such unit on a reimbursable basis.

Sec. 7. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office or for crimes or misdemeanors, but a majority of the members elected and serving shall be necessary to direct an impeachment.

When an impeachment is directed, the house of representatives shall elect three of its members to prosecute the impeachment.

Every impeachment shall be tried by the senate immediately after the final adjournment of the legislature. The senators shall take an oath or affirmation truly and impartially to try and determine the impeachment according to the evi-

1 dence. When the governor or lieutenant governor  
2 is tried, the chief justice of the supreme court  
3 shall preside.

4 No person shall be convicted without the con-  
5 currence of two-thirds of the senators elected and  
6 serving. Judgment in case of conviction shall not  
7 extend further than removal from office, but the  
8 person convicted shall be liable to punishment  
9 according to law.

10 No judicial officer shall exercise any of the  
11 functions of his office after an impeachment is  
12 directed until he is acquitted.

## Article XII

### Amendment & Revision

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.

1 The ballot to be used in such election shall con-  
2 tain a statement of the purpose of the proposed  
3 amendment, expressed in not more than 100 words,  
4 exclusive of caption. Such statement of purpose  
5 and caption shall be prepared by the person au-  
6 thorized by law, and shall consist of a true and  
7 impartial statement of the purpose of the amend-  
8 ment in such language as shall create no prejudice  
9 for or against the proposed amendment.

10 If the proposed amendment is approved by a  
11 majority of the electors voting on the question,  
12 it shall become part of the constitution, and  
13 shall abrogate or amend existing provisions of  
14 the constitution at the end of 45 days after  
15 the date of the election at which it was ap-  
16 proved. If two or more amendments approved by  
17 the electors at the same election conflict, that  
18 amendment receiving the highest affirmative vote  
19 shall prevail.

20 Sec. 3. At the general election to be held in  
21 the year 1978, and in each 16th year thereafter  
22 and at such times as may be provided by law, the  
23 question of a general revision of the constitution  
24 shall be submitted to the electors of the state. If  
25 a majority of the electors voting on the question  
26 decide in favor of a convention for such purpose,  
27 at an election to be held not later than six months  
28 after the proposal was certified as approved, the  
29 electors of each representative district as then  
30 organized shall elect one delegate and the elec-  
31 tors of each senatorial district as then organized  
32 shall elect one delegate at a partisan election.  
33 The delegates so elected shall convene at the seat  
34 of government on the first Tuesday in October  
35 next succeeding such election or at an earlier date  
36 if provided by law.

37 The convention shall choose its own officers,  
38 determine the rules of its proceedings and judge  
39 the qualifications, elections and returns of its mem-  
40 bers. The governor shall appoint a qualified  
41 resident of the same district to fill a vacancy  
42 in the office of any delegate who shall be a mem-  
43 ber of the same party as the delegate vacating  
44 the office. The convention shall have power to ap-  
45 point such officers, employees and assistants as  
46 it deems necessary and to fix their compensation;  
47 to provide for the printing and distribution of its  
48 documents, journals and proceedings; to explain  
49 and disseminate information about the proposed  
50 constitution and to complete the business of the  
51 convention in an orderly manner. Each delegate  
52 shall receive for his services compensation pro-  
53 vided by law.

54 No proposed constitution or amendment adopted  
55 by such convention shall be submitted to the  
56 electors for approval as hereinafter provided un-  
57 less by the assent of a majority of all the delegates  
58 elected to and serving in the convention, with the  
59 names and vote of those voting entered in the

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

#### Schedule and Temporary Provisions

To insure the orderly transition from the constitution of 1908 to this constitution the following schedule and temporary provisions are set forth to be effective for such period as are thereby required.

Sec. 1. The attorney general shall recommend to the legislature as soon as practicable such changes as may be necessary to adapt existing laws to this constitution.

Sec. 2. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights existing on the effective date of this constitution shall continue unaffected except as modified in accordance with the provisions of this constitution.

Sec. 3. Except as otherwise provided in this constitution, all officers filling any office by election or appointment shall continue to exercise their powers and duties until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

No provision of this constitution, or of law or of executive order authorized by this constitution shall shorten the term of any person elected to state office at a statewide election on or prior to the date on which this constitution is submitted to a vote. In the event the duties of any such officers shall not have been abolished or incorporated into one or more of the principal departments at the expiration of his term, such officer shall continue to serve until his duties are so incorporated or abolished.

Sec. 4. All officers elected at the same election that this constitution is submitted to the people for adoption shall take office and complete the term to which they were elected under the 1908 constitution and existing laws and continue to serve until their successors are elected and qualified pursuant to this constitution or law.

Sec. 5. Notwithstanding any other provision in this constitution, the governor, the lieutenant governor, the secretary of state, the attorney general, and state senators shall be elected at the general election in 1964 to serve for two year terms beginning on the first day of January next

succeeding their election. The first election of such officers for four-year terms under this constitution shall be held at the general election in 1966.

Sec. 6. The state shall be districted for the purpose of electing senators in accordance with the provisions of Section 2 of Article IV of this constitution, after the official publication of the total population count of the 1970 decennial federal census. Until the apportionment of the senate following the 1970 census, the senatorial districts under the 1908 constitution shall remain intact except that upon the adoption of this constitution each of the counties of Kent, Genesee, Macomb and Oakland shall be divide by the apportionment commission into two senatorial districts and Wayne county into eight senatorial districts in accordance with this constitution. The legislature may give prior effect to Section 2 of Article IV of this constitution, which action shall not be subject to veto by the governor.

Sec. 7. Notwithstanding the provisions of this constitution that the supreme court shall consist of seven justices it shall consist of eight justices until the time that a vacancy occurs as a result of death, retirement or resignation of a justice. The first such vacancy shall not be filled.

Sec. 8. Any judge of probate serving on the effective date of this constitution may serve the remainder of the term and be eligible to succeed himself for election regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

Sec. 9. The provisions of Article VI providing that terms of judicial offices shall not all expire at the same time, shall be implemented by law providing that at the next election for such offices judges shall be elected for terms of varying length, none of which shall be shorter than the regular term provided for the office.

Sec. 10. The members of the state board of education provided for in Section 3 of Article VIII of this constitution shall first be elected at the first general election after the effective date of this constitution for the following terms: two shall be elected for two years, two for four years, two for six years, and two for eight years as prescribed by law.

The State Board of Education provided for in the constitution of 1908 is abolished at twelve o'clock noon January 1 of the year following the first general election under this constitution and the terms of members thereof shall then expire.

Sec. 11. The provisions of this constitution providing for members of boards of control of institutions of higher education and the State Board of Public Community and Junior Colleges shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be

extended, and may further provide that the initial terms of office of members may be less than eight years.

Sec. 12. The provisions of this constitution increasing the number of members of the Board of Trustees of Michigan State University and of the Board of Governors of Wayne State University to eight, and of their term of office to eight years, shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended one year, and may further provide that the initial terms of office of the additional members may be less than eight years.

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

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

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

Sec. 15. The legislature by a vote of two-thirds of the members elected to and serving in each house may provide that the state may bor-

row money and may pledge its full faith and credit for refunding any bonds issued by the Mackinac Bridge Authority and at the time of refunding the Mackinac Bridge Authority shall be abolished and the operation of the bridge shall be assumed by the state highway department. The legislature may implement this section by law.

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

Sec. 17. Every registered elector may vote on the adoption of the constitution. The board of election commissioners in each county shall cause to be printed on a ballot separate from the ballot containing the names of the nominees for office, the words: Shall the revised constitution be adopted? ( ) Yes. ( ) No. All votes cast at the election shall be taken, counted, canvassed and returned as provided by law for the election of state officers. If the revised constitution so submitted receives more votes in its favor than were cast against it, it shall be the supreme law of the state on and after the first day of January of the year following its adoption.

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

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

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

viously been section 15 of article XI.)

libel and slander as well as negligence; and that this language does not really perfect the McCauley amendment to any great degree, and, if anything, creates a situation which is legislative and not constitutional in nature. Even the proponents of the amendment recognized it was legislative in nature when they added the provision "unless otherwise provided by law." This is clearly the most legislative type of provision, from a purist standpoint, that could be possibly imagined. From a practical standpoint it has already been pointed out it is a dangerous amendment and an improper amendment for our constitution, and I urge you to vote no.

**PRESIDENT NISBET:** Mr. Van Dusen, there are 4 speakers.

**MR. VAN DUSEN:** Mr. President, I move to limit further debate to 8 minutes.

**PRESIDENT NISBET:** The question is to limit debate to 8 minutes. Those in favor will say aye. Opposed, no.

The motion prevails. Miss Donnelly.

**MISS DONNELLY:** I rise to take issue particularly with Jim Farnsworth. I don't think the lawyers misunderstand what that last phrase "unless otherwise provided by law" means. That does not take care of anything, in my opinion, that the legislature couldn't take care of if the constitution were silent. The issue here is: do you want the large pocketbook to be able to respond, or do you want the one individual who did the tortious act—or the wrong, for the benefit of those who don't necessarily understand the meaning of "tort"—to be the only person to pay?

If they are operating within the scope of their authority, or if a person is in the building and the building is unsafe, the point is that the individual who has been injured should be able to be cared for, taken care of. We are all mindful of the fact that the king in this state and in this country can do wrong, and to keep up this idea that the state and its subdivisions, counties, should be pure and untouchable by the citizens when they have been injured is wrong. We have more people involved in government every day. There is more money and power in government every day. To allow the constitution of this state to reverse the supreme court in this manner, or attempt to reverse the supreme court in this manner, is incorrect.

The legislature has studied it, the supreme court has studied it, and I believe that in this instance we have some very self interested groups taking care of the wrong point. Everybody should be concerned about this. Everybody helps support the government, and when individuals are injured they should be able to be repaired like anybody else if they are injured by anybody else. This immunity for the sovereign is not right.

**PRESIDENT NISBET:** Mr. Nord.

**MR. NORD:** Mr. President, I simply would like to repeat what Miss Donnelly said and also, I believe, the point that was made by Mr. King. I think Mr. King made his point when he showed us the absurdity of the whole McCauley amendment. Mr. King showed us how wrong his own concept was. He showed us that "King" can do wrong, (laughter) and I think he showed us that we can do wrong. And I think Miss Donnelly proved that we have done wrong. Now, I say, let's rectify the wrong. In other words, let's strike McCauley.

**PRESIDENT NISBET:** Mr. Brown.

**MR. T. S. BROWN:** Mr. President, fellow delegates, since the maker of the amendment suggests that it was a late blooming idea, and Mr. Wanger suggested that it was perhaps a petunia, I am reminded of the old song, I'm Just a Lonely Little Petunia In a Cabbage Patch, and I think that this is probably true: a petunia would be an anachronism, I think, in a cabbage patch. And I therefore vote against the amendment.

**PRESIDENT NISBET:** Mr. Bledsoe.

**MR. BLEDSOE:** Pass.

**PRESIDENT NISBET:** The question is on the McCauley amendment as amended by the Prettie amendment. Mr. Downs.

**MR. DOWNS:** I demand the yeas and nays.

**PRESIDENT NISBET:** The yeas and nays have been demanded. Is that demand supported? A sufficient number up. Those in favor of the McCauley amendment as amended by the

Prettie amendment, which the secretary will read, will vote aye. Those opposed will vote nay.

**SECRETARY CHASE:** The amendment of Mr. McCauley, as amended, now reads as follows:

1. Amend article VII, following section 1 (column 2, after line 26) by adding a new section 1a to read as follows:

"Sec. 1a. No county or political subdivision thereunder shall be liable for any tortious act while in the performance of a governmental function unless otherwise provided by law."

**PRESIDENT NISBET:** Those in favor will vote aye. Those opposed will vote nay. We are voting on the McCauley amendment as amended by the Prettie amendment. 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 — 51**

Allen	Hoxie	Richards, L. W.
Bentley	Hubbs	Romney
Blandford	Iverson	Rood
Boothby	Kirk, S.	Seyferth
Brake	Knirk, B.	Shaffer
Cudlip	Leibrand	Sharpe
Cushman, Mrs.	Madar	Sleder
Danhof	McAllister	Stafseth
Dehnke	McCauley	Stamm
Doty, Dean	McGowan, Miss	Sterrett
Erickson	McLogan	Stevens
Farnsworth	Nisbet	Suzore
Figy	Plank	Thomson
Finch	Pollock	Turner
Follo	Pugsley	Tweedie
Gover	Radka	Upton
Howes	Richards, J. B.	Wood

**Nays — 82**

Andrus, Miss	Gust	Nord
Austin	Habermehl	Norris
Baginski	Hart, Miss	Ostrow
Balcer	Haskill	Page
Batchelor	Hatch	Pellow
Beaman	Hatcher, Mrs.	Perlich
Bledsoe	Heideman	Perras
Bonisteel	Higgs	Powell
Bradley	Hodges	Prettie
Brown, T. S.	Hood	Rush
Buback	Hutchinson	Sablich
Butler, Mrs.	Jones	Shackleton
Conklin, Mrs.	Judd, Mrs.	Shanahan
Dade	Karn	Snyder
Dell	Kelsey	Spitler
DeVries	King	Staiger
Donnelly, Miss	Koeze, Mrs.	Stopezynski
Douglas	Krolikowski	Tubbs
Downs	Kuhn	Van Dusen
Durst	Lawrence	Walker
Elliott, A. G.	Leppien	Wanger
Elliott, Mrs. Daisy	Lesinski	White
Everett	Mahinske	Wilkowski
Faxon	Marshall	Woolfenden
Ford	Martin	Yeager
Garvin	Mosier	Young
Goebel	Murphy	Youngblood
Greene		

**SECRETARY CHASE:** On the McCauley amendment as amended by the Prettie amendment, the yeas are 51; the nays are 82.

**PRESIDENT NISBET:** The amendment is not adopted. The secretary will read the next amendment.

**SECRETARY CHASE:** Mr. Wanger, Mrs. Cushman and Mr. Heideman move to reconsider the vote by which the amendment "at a partisan election" was added yesterday to article XII, section 3.

*For vote on adoption of the amendment, see above, page 3203.*

The language as now amended reads:

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.

PRESIDENT NISBET: The question is on the motion to reconsider. Mr. Wanger.

MR. WANGER: Mr. President, fellow delegates, with Mrs. Cushman, Dr. Heideman and myself on this, I suppose you could call this a bipartisan nonpartisan motion. It is put in for the specific reason of leaving to the legislature in the future the question of whether or not, 30 or 40 or 50 years from now, the delegates to future constitutional conventions should be chosen on a partisan basis or on a nonpartisan basis. It is in no way intended to imply that the delegates who sponsored this amendment necessarily are favorable or opposed to partisanship in any other level of governmental activity. We feel that in this area of governmental activity the legislature should be given the flexibility which this reconsideration and defeat of the previous amendment would provide.

I would like to call your attention, fellow delegates, to a very important fact, and that is that there are many, many thousands of people in the state of Michigan who consider themselves and who are independent voters—

PRESIDENT NISBET: The convention will be in order. Mr. Wanger.

MR. WANGER: Thank you, Mr. President—thousands of people who are independent voters, and who most certainly would misconstrue these words in our constitution and might be persuaded by those words alone to vote against what would otherwise, in their eyes, be a substantial improvement in Michigan's basic law. So I very earnestly entreat you to vote yes on this motion to reconsider, and then to vote no upon the amendment.

PRESIDENT NISBET: The Chair recognizes Mrs. Cushman.

MRS. CUSHMAN: Mr. President, fellow delegates, I joined with Mr. Wanger on this because I think we made a rather serious mistake the other day when we decided, after we had previously had this up before us on several occasions, to put in the words "on a partisan basis." I feel that this is something that we can very well—and we should—leave to the legislature in the future. It is difficult for us to tell at the present time the situation that will prevail then. I think that we will be completely safe in feeling the legislature would be the best group of people to handle this at that time. Thank you.

PRESIDENT NISBET: Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, may I ask how many speakers there are?

PRESIDENT NISBET: There are 3 speakers, Mr. Van Dusen.

MR. VAN DUSEN: I move to limit further debate on the motion to reconsider to 6 minutes.

PRESIDENT NISBET: The question is on the motion of Mr. Van Dusen to limit debate to 6 minutes. Those in favor say aye. Those opposed, no.

The motion prevails. Mr. Romney.

MR. ROMNEY: In this convention we have provided that supreme court justices should be elected on a nonpartisan basis. We have done this because we recognize that the administration of justice should be impartial. Now, actually the delegates to a constitutional convention have a graver responsibility than the members of the supreme court because they have the responsibility of shaping the fundamental law of the state and determining the principles by which the court and other governmental bodies in this state shall operate, as well as to protect the rights of the people. I think it has been evident in the course of this convention that partisanship has not been a helpful thing. It has been a difficult thing and it has contributed to our inability to realize some of the goals of this convention.

I felt, before this convention was called, that it should have been on a nonpartisan basis. I feel more strongly now that a constitutional convention should be a nonpartisan body. I believe that a constitutional convention delegate has a responsibility to all the people of the state and that the only way that he can effectively function in that capacity is to be elected as a nonpartisan delegate so that the constitutional convention structure in the committees and on the floor can operate on that basis. When this nonpartisan effort was defeated, I undertook to throw my support behind a bipartisan convention. To the extent possible under the circumstances we have had bipartisanship in this convention. I urgently solicit your support of the elimination at least of language that would cast the die for the next constitutional convention. (applause)

PRESIDENT NISBET: Mr. Yeager.

MR. DOWNS: Mr. President.

PRESIDENT NISBET: Mr. Downs.

MR. DOWNS: Would Delegate Romney yield for a question?

PRESIDENT NISBET: Mr. Romney?

MR. ROMNEY: Yes, sir.

MR. DOWNS: If you say that partisanship has had an adverse effect on the convention, would you agree to an amendment that no delegate could run for a partisan office for one year after the convention?

MR. ROMNEY: Mr. Downs, I would be very happy to accept such an amendment. I would not be opposed to such an amendment. I think the circumstances under which this constitutional convention has occurred, as well as the circumstances that developed during the course of this convention have created situations that are not as good as would be otherwise.

MR. G. E. BROWN: Point of order.

PRESIDENT NISBET: State your point.

MR. G. E. BROWN: I suggest that campaigners do it after the convention and not on the floor.

PRESIDENT NISBET: The point is well taken. Mr. Yeager.

MR. YEAGER: Mr. President, I should like to ask how much time I have left.

PRESIDENT NISBET: You and 3 other speakers have 2½ minutes, Mr. Yeager.

MR. YEAGER: Thank you. I can finish in much less time than that. Mr. President and ladies and gentlemen, this seems to be an effort to remove partisanship from the convention. I should like to submit that you don't remove partisanship by simply calling it nonpartisan. You simply hide identification. I favor full identification in this matter. I think the people are better served when it is so. I don't think partisanship was the problem that we had here. I think most of the problem that we had was the fact that we had an open convention and that people found themselves talking for the record rather than on the question of the issue sometimes; I don't say that is always. I am not questioning anybody's motives in that regard. I think we would have finished the convention much sooner and I think we would have had some different results in some areas had it been a closed convention. I don't think partisanship has been the problem. I oppose this motion to reconsider.

PRESIDENT NISBET: Mr. Higgs.

MR. HIGGS: Mr. President, fellow delegates, I urge that you vote yes on this motion, not because I am not a partisan; I am a partisan. I don't think being elected in a nonpartisan election removes this quality from the candidate, but I do think that it might possibly remove from the issues the convention faces, both during the convention and after the convention, certain aspects of a highly political content. In any event, why should we tie the hands of the legislature in the future? Let them have an opportunity to judge what we have done. Let the legislature have an opportunity in the future to determine whether this is a wise decision or not. I urge that you vote yes.

PRESIDENT NISBET: Mr. Heideman.

MR. HEIDEMAN: Mr. President, ladies and gentlemen of this convention, I think we all realize that the highest ideal

of government is not party government; it is not majority rule; but unanimity and cooperation whenever that is possible. Party government and majority rule are necessary for carrying on the practical operations of government and we accept it; but as free citizens we can wear many garbs. We can be partisan when it is essential, but we should also be able to rise above it, and I think here in 2 cases at least that occur to me—

PRESIDENT NISBET: The time has expired, Hr. Heide-man.

MR. HEIDEMAN: Just this statement: we should be able to rise above partisanship when we are defending our country, when we are drawing up a constitution for Republicans, Democrats, and others.

PRESIDENT NISBET: The time has expired.

MR. HODGES: Mr. President.

PRESIDENT NISBET: Mr. Hodges.

MR. HODGES: I move to extend debate for—how many speakers are there?

PRESIDENT NISBET: There are 2 left.

MR. HODGES: Four minutes.

PRESIDENT NISBET: The question is on the motion of Mr. Hodges to extend debate for 4 minutes. Those in favor will say aye. Opposed, no.

The motion prevails. Mr. Hodges.

MR. HODGES: Mr. President, I rise to oppose this motion. I think that from what we have seen in this convention and the precedent we can draw from it, it hasn't been the partisanship that has caused it. I think the real harm has been caused by one of the speakers that got up and talked for this motion and for nonpartisanship. This has been the real cause and problem of this convention. And I would submit that if we took an amendment such as offered by Mr. Downs, we would be going far more to the point. All a partisan means is to be for something, and certainly people should not be afraid to be for a philosophy or against a philosophy and advocate that philosophy. I oppose the motion.

PRESIDENT NISBET: Mr. Walker.

MR. WALKER: Mr. President, ladies and gentlemen, I think that our experience here has proven that partisanship is not the cause of our problems. I think it has been caused by candidates openly and furtively campaigning for public office while delegates to this convention.

PRESIDENT NISBET: The question is on the motion to reconsider. Those in favor will say aye. Opposed, no.

The motion does not prevail.

DELEGATES: Division.

PRESIDENT NISBET: Those in favor of the motion to reconsider will vote aye. Those opposed will vote nay. Mr. Wanger.

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

PRESIDENT NISBET: The yeas and nays have been demanded. Is that demand supported? A sufficient number up. Those in favor of the motion to reconsider will vote aye. Those opposed will vote nay. Have you all voted? The secretary will record the vote.

*The roll was called and the delegates voted as follows:*

Yeas — 49

Allen	Gadola	Ostrow
Andrus, Miss	Goebel	Powell
Anspach	Habermehl	Pugsley
Barthwell	Heideman	Rajkovich
Beaman	Higgs	Richards, L. W.
Bentley	Howes	Romney
Bonisteel	Hutchinson	Rood
Cudlip	Jones	Rush
Cushman, Mrs.	Judd, Mrs.	Sleder
Dade	King	Spitler
Danhof	Krolkowski	Staiger
DeVries	Kuhn	Turner
Donnelly, Miss	Lesinski	Tweedie
Durst	McCauley	Van Dusen
Elliott, A. G.	McGowan, Miss	Wanger
Farnsworth	McLogan	Woolfenden
Flyg		

Nays — 83

Austin	Gust	Perras
Baginski	Hart, Miss	Plank
Balcer	Haskill	Pollock
Batchelor	Hatch	Prettie
Binkowski	Hatcher, Mrs.	Radka
Blandford	Hodges	Richards, J. B.
Boothby	Hood	Sablich
Bradley	Hoxie	Seyferth
Brake	Iverson	Shackleton
Brown, G. E.	Karn	Shaffer
Brown, T. S.	Kelsey	Shanahan
Buback	Kirk, S.	Sharpe
Butler, Mrs.	Koeze, Mrs.	Snyder
Conklin, Mrs.	Lawrence	Stafseth
Dehnke	Leibbrand	Stamm
Dell	Leppien	Sterrett
Doty, Dean	Madar	Stevens
Doty, Donald	Mahinske	Stopczynski
Douglas	Martin	Suzore
Downs	McAllister	Thomson
Elliott, Mrs. Daisy	Millard	Walker
Erickson	Mosier	White
Everett	Murphy	Wilkowski
Faxon	Nisbet	Wood
Finch	Nord	Yeager
Ford	Page	Young
Garvin	Pellow	Youngblood
Gover	Perlich	

SECRETARY CHASE: On the motion to reconsider the vote by which the amendment was added to article XII, section 3, the yeas are 49; the nays are 83.

PRESIDENT NISBET: The motion does not prevail. The secretary will read the next amendment.

SECRETARY CHASE: Mr. Marshall offers the following amendment:

1. Amend article XII, section 3 (column 2, line 37) after "law.", by inserting "No delegate can run for a statewide partisan office for one term after the conclusion of the convention."

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

PRESIDENT NISBET: The question is on the motion of Mr. Van Dusen to limit debate to 5 minutes. Those in favor will say aye. Opposed, no.

The motion prevails.

MR. MARSHALL: Mr. President and fellow delegates, I agree with the statements made by Delegate Romney that there has been entirely too much politics, I think, in this convention. In view of the fact that about 50 per cent of the delegates were either announced candidates or on the brink of announcing, in view of the fact that most of them were campaigning throughout this convention instead of writing the constitution, I think it would definitely add to the stability of future conventions if we had this type of an amendment, and I urge its adoption.

PRESIDENT NISBET: Mr. Martin.

MR. MARTIN: Mr. President, it wouldn't have changed the aspect of this convention or the attitude within the convention one iota if this amendment had been in existence. I think it's a bad amendment. I think it ought to be defeated, and I certainly hope you'll vote vigorously and wholeheartedly against it.

MR. MARSHALL: Mr. President, may I make a correction? Delegate Elliott called this to my attention. I did not intend the amendment to apply only to statewide office. I intended it to apply, for clarification, to any elective office.

PRESIDENT NISBET: Mr. Chase will correct the amendment.

SECRETARY CHASE: "No delegate can run for a partisan office." Is that the correction? Strike out the word "statewide" so the amendment will read:

1. Amend article XII, section 3 (column 2, line 37) after "law.", by inserting "No delegate can run for a partisan office for one term after the conclusion of the convention."

MR. ROMNEY: Mr. President, I'd just like to make one

point on this, and that's this: that in principle I agree with this. I asked this convention, when this matter came up in the course of the convention, to take a position. I urged the rules committee to reconsider the matter after they had tabled a resolution that was introduced, and a Democratic delegate moved that the matter be continued on the table. I have abided by the rules of this convention. I have not agreed with the rules of this convention, as I've made quite clear. I felt this should have been a nonpartisan convention, and I tried to bring that about before the convention occurred. I agree in spirit with this amendment, but I submit that when rules are written, then we all should play by the rules, and that has been done.

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

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

**SECRETARY CHASE:** Mr. Downs offers the following amendment:

1. Amend article XII, section 3 (column 2, line 37) after "law.", by inserting "No delegate can run for a statewide partisan office for one year after the conclusion of the convention."

**PRESIDENT NISBET:** Mr. Downs.

**MR. DOWNS:** Mr. President, I urge support of this. I tried—and if my memory is faulty, I'd be glad to have the delegate from Oakland county correct me—to take what I thought we agreed upon on the floor. I'd be glad to have him cosponsor this.

I want to point out that this does not apply to this convention but it applies to future conventions. I think our discussion should only be on future conventions and I see no reason for discussing the present convention. I think this would anticipate and prevent problems of partisan campaigning for future conventions that have plagued this convention. I urge support of the amendment.

**PRESIDENT NISBET:** The question is on the adoption of the amendment offered by Mr. Downs. Mr. Van Dusen.

**MR. VANDUSEN:** Mr. President, I move the previous question.

**PRESIDENT NISBET:** The previous question has been demanded. Is the demand supported? Sufficient number up.

**MR. DOWNS:** I have a preferential motion.

**PRESIDENT NISBET:** Mr. Downs. State it.

**MR. DOWNS:** I move that Delegate Romney be given equal time to speak.

**PRESIDENT NISBET:** The question is on the motion of Mr. Downs that Delegate Romney be given equal time to speak. Those in favor, say aye. Opposed, no.

The motion prevails. Mr. Romney, you have about a half a minute.

**MR. ROMNEY:** Very good. Mr. Downs, I would be happy to reciprocate if you had supported the basic amendment which was to make the forthcoming convention, or a later convention a nonpartisan convention. I believe in both principles and I think you're the one that's being highly inconsistent. I shall still vote for this amendment.

**PRESIDENT NISBET:** We're getting awfully close to some objectionable features in this convention. The Chair would suggest that we vote on this and get this over with. And let's maintain better order. The question is on the amendment. Mr. Brown.

**MR. T. S. BROWN:** Have the yeas and nays been demanded?

**PRESIDENT NISBET:** No, they have not.

**MR. T. S. BROWN:** I so do.

**PRESIDENT NISBET:** The yeas and nays have been demanded. Is the demand supported? Not a sufficient number up. The question is on the amendment. Those in favor will say aye. Opposed, no.

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

**SECRETARY CHASE:** Mr. Kuhn offers the following amendment:

1. Amend article XII, section 3 (column 2, line 33) after "delegate at" by striking out "a partisan" and inserting "an"; 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 an election.

**MR. KUHN:** Mr. President, members of the convention, this amendment will simply leave it to those, if in 50 or 100 years they decide to have another convention, whether or not it should be partisan or nonpartisan. Now, with this amendment it would be strictly up to the legislature. We would not be telling them. We do not know what the party structure will be at that particular juncture. I urge this amendment to be consistent with our earlier voting.

**PRESIDENT NISBET:** Mr. Van Dusen.

**MR. VANDUSEN:** Mr. President, I move to limit debate on this amendment to 3 minutes.

**MR. FAXON:** Mr. President.

**MR. BRAKE:** Point of order, Mr. President. Did we not just settle this matter just a few minutes ago?

**PRESIDENT NISBET:** Your point of order is well taken. The amendment is out of order. The Chair recognizes Mr. Faxon.

**MR. FAXON:** Mr. President and fellow delegates, as a point of personal privilege, I just want to make this brief statement because I think that I have been very fair in regard to not looking at the mails that any particular delegate here has ever sent out. I just want it understood that yesterday I had some letters taken off my desk and now I understand that these letters have been circulated and everybody has been looking at them and commenting on them.

I have respected the right of any person here to send out any letter he so chose. I have respected their right of confidence in what letters they want to send out. And I have never at any time shirked the responsibility of taking care of any cost that may be involved in any mailing. And to this effect, I had purchased the envelopes and would take care of postage cost if this were the case in point. But yesterday there was taken off of my desk in the secretaries' room downstairs, while I was not present, about 1500 letters; they were then hidden, and they were then distributed. They have been the subject of considerable debate and comment around the halls today. I am sorry about the whole thing. And I truthfully wish that the person responsible for having taken this action in going ahead and taking my mail and preventing the people in my area from receiving the mail to which they are entitled, in so acting, would have thought twice before he did it. There is a resolution I have on file, that will come up this afternoon, which I believe will adequately cover the grounds which I've just discussed.

**PRESIDENT NISBET:** The Chair recognizes Mr. Downs.

**MR. DOWNS:** Mr. President, I believe I have a motion that will pass. I move we recess until 2:00 o'clock.

**PRESIDENT NISBET:** The question is on the motion of Mr. Downs that we recess until 2:00 o'clock. Those in favor say aye. Opposed, no.

The motion prevails.

**MR. VANDUSEN:** Mr. President, a brief announcement before the delegates leave the hall. I think the secretary may have several.

**PRESIDENT NISBET:** Just a minute for the announcements.

**MR. WALKER:** Point of order. Is it proper for an announcement to be made or anything be made after a recess?

**SECRETARY CHASE:** We have the following announcements:

The librarian requests that the delegates please return the books to the library.

The select committee on action against the secretary of state will meet today, Friday, as soon as we recess.

There will be a Republican caucus at 1:15 in room A.

The committee on administration will meet this noon 10 minutes after we recess.

not get paid by the city of Detroit. They stop his salary then. He goes on leave of absence. They would do this: if he is off on a Monday up here, he could work there as long as he is working there. If they're not in session, he would be allowed to work there. But they do not pay him for the time that he is serving here.

PRESIDENT NISBET: The secretary will read the next amendment.

SECRETARY CHASE: Mr. Wanger offers the following amendment:

1. Amend article XII, section 3 (column 2, line 33) after "election" by changing the period to a colon and inserting "Provided, That said election may be held on a non-partisan basis if provided by law."

PRESIDENT NISBET: Mr. Van Dusen.

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

PRESIDENT NISBET: The question is on the motion of Mr. Van Dusen. Those in favor will say aye. Opposed, no. The motion prevails. Mr. Wanger.

MR. WANGER: Mr. President and fellow delegates, I am very much afraid that this day will go down in the record and in the history of Michigan as the most undeliberative day in the sessions of this constitutional convention.

MR. DEAN DOTY: Parliamentary inquiry, please. Haven't we had this question before us before?

MR. WANGER: I don't believe, Mr. President —

PRESIDENT NISBET: You may state your point, Mr. Doty.

MR. DEAN DOTY: Mr. President, haven't we had this question before us twice today?

MR. WANGER: Mr. President, is he raising a parliamentary inquiry or a point of order?

PRESIDENT NISBET: The point of order is well taken. The amendment is out of order.

MR. WANGER: Mr. President, I wish to speak on the point of order.

PRESIDENT NISBET: A point of order is not debatable, Mr. Wanger.

MR. WANGER: Points of order have always been debatable in the history of legislative bodies.

PRESIDENT NISBET: The secretary will read the next amendment.

MR. WANGER: I appeal the decision of the Chair.

PRESIDENT NISBET: The question is: shall the judgment of the Chair stand as the judgment of the convention?

MR. WANGER: I wish to speak on the appeal. (laughter)

PRESIDENT NISBET: You may proceed — the Chair can't win this day. (laughter)

MR. VAN DUSEN: Mr. President, I move to limit debate on this appeal.

MR. WANGER: Mr. President, I have the floor of this convention. I am recognized and I do not yield to Mr. Van Dusen.

PRESIDENT NISBET: Mr. Wanger, you may proceed. The convention will be in order. Mr. Wanger may proceed.

MR. WANGER: We have put into the constitution language which says all future constitutional conventions must be held on a partisan basis. Now, my amendment would say, in substance, "unless otherwise provided by law." This is a question which has never before been decided by this body. There was no provision in before. Now we have put in a provision that would require affirmative action by the legislature to change it. This is an entirely different —

PRESIDENT NISBET: Will you please pay attention to Mr. Wanger's remarks?

MR. WANGER: — this is an entirely different parliamentary position and an entirely different legal question before this body and, therefore, the amendment is clearly in order.

PRESIDENT NISBET: The question is on the appeal from the decision of the Chair by Mr. Wanger. The question is: shall the decision of the Chair stand as the decision of the convention? Those in favor of sustaining the Chair will vote aye. Those opposed will vote nay. Mr. Perras.

MR. PERRAS: Mr. President, I think some of the delegates are confused. Would you restate that voting again, Mr. President?

PRESIDENT NISBET: The question is: shall the decision of the Chair be sustained? Those in favor of sustaining the decision of the Chair that the amendment is out of order will vote aye. Those opposed will vote nay. Have you all voted? If so, the secretary will lock the machine and record the vote.

MR. HIGGS: I'd like to abstain from voting.

*The roll was called and the delegates voted as follows:*

#### Yeas — 112

Allen	Ford	Perlich
Andrus, Miss	Gadola	Perras
Anspach	Garvin	Plank
Austin	Goebel	Pollock
Baginski	Gover	Prettie
Balcer	Hannah, J. A.	Radka
Barthwell	Hart, Miss	Rajkovich
Batchelor	Haskill	Richards, J. B.
Beaman	Hatch	Richards, L. W.
Bentley	Hatcher, Mrs.	Rood
Binkowski	Hodges	Sablich
Blandford	Howes	Seyferth
Bledsoe	Hoxie	Shackleton
Bonisteel	Hubbs	Shaffer
Boothby	Hutchinson	Shanahan
Bradley	Iverson	Snyder
Brake	Jones	Spitler
Brown, G. E.	Judd, Mrs.	Stafseth
Brown, T. S.	Karn	Staiger
Buback	Kelsey	Stamm
Butler, Mrs.	King	Sterrett
Conklin, Mrs.	Kirk, S.	Stevens
Cudlip	Knirk, B.	Stopczynski
Dade	Leibrand	Suzore
Danhof	Leppien	Thomson
Dehnke	Lesinski	Tubbs
Dell	Madar	Turner
Doty, Dean	Marshall	Tweedie
Doty, Donald	Martin	Upton
Douglas	McAllister	Van Dusen
Durst	McCauley	Walker
Elliott, Mrs. Daisy	Millard	White
Erickson	Mosier	Wilkowski
Everett	Murphy	Wood
Faxon	Ostrow	Woolfenden
Figy	Page	Yeager
Finch	Pellow	Youngblood
Follo		

#### Nays — 11

Cushman, Mrs.	McGowan, Miss	Sharpe
Greene	McLogan	Sleder
Heideman	Nord	Wanger
Krolkowski	Norris	

SECRETARY CHASE: On the question of sustaining the decision of the Chair, the yeas are 112; the nays are 11.

PRESIDENT NISBET: The decision is upheld. The secretary will read the next amendment.

SECRETARY CHASE: Mr. Downs offers the following amendment:

1. Amend article IV, section 12 (column 1, line 20) after "law" by inserting a comma and "but not less than \$11,000 per year"; so the language will then read, "The compensation and expense allowances of the members of the legislature shall be determined by law, but not less than \$11,000 per year."

PRESIDENT NISBET: The Chair recognizes Mr. Downs.

MR. DOWNS: Mr. President, I move that consideration of this amendment be postponed until August 1 and will speak very briefly on the reasons. I think we acted very hastily on the matter of who is to be eligible for the legislature and the voters' right to select people. If we want to say that people can only have one job, I would then like to further amend this to say that a person could have no other primary employment or some other such thing and get the pay adequate so that a legislator could have this as his sole or primary source of income. I am not, as a matter of principle, for full time legislators. I think there are good arguments the other

*committee on style and drafting as offered and considered read, including the additional changes made by said committee on August 1. (For text as referred to said committee, see above, page 3275):*

1. Amend article II, section 6 (column 2) line 49, after "electors" by striking out "which involves" and inserting "for"; and after "increase of" by striking out "any" and inserting "the"; and line 50, after "limitation" by inserting "imposed by Section 6 of Article IX"; and line 51, after "or" by inserting "for".

2. Amend article II, section 9 (column 2) line 8, after "electors" by striking out "or three-fourths of the members elected to and serving in each house of the legislature.", and inserting "unless otherwise provided in the initiative measure or by three-fourths of the members elected to and serving in each house of the legislature.".

3. Amend article III, section 5 (column 2) line 36, after "subdivision" by inserting "thereof".

4. Amend article IV, section 2 (column 1) line 24, after "assigned" by striking out "an apportionment factor" and inserting "factors".

5. Amend article IV, section 2 (column 2) line 1, after "two or more" by striking out "senate districts" and inserting "senators".

6. Amend article IV, section 3 (column 2) line 54, after "population" by inserting a comma.

7. Amend article IV, section 6 (column 1) line 14, by striking out "persons" and inserting "electors"; and line 24, after "party.", by striking out "One member of the commission shall be selected by each political party organization from each of the following four regions.", and inserting "One resident of each of the following four regions shall be selected by each political party organization."; and line 27, after "(1)" do not capitalize "the"; and after "(2)" do not capitalize "the"; and line 31, after "(3)" do not capitalize "southwestern"; and line 35, after "(4)" do not capitalize "southeastern".

8. Amend article IV, section 6 (column 2) line 38, after "state or the" by striking out "apportionment".

9. Amend article IV, section 8 (column 2) line 56, after "public and" by striking out "officers" and inserting "members".

10. Amend article IV, section 17 (column 2) line 10, after "committees.", by striking out the sentence which reads, "Each committee shall by roll call vote record the vote and name of all action on bills and resolutions taken in the committee.", and inserting "On all actions on bills and resolutions in each committee, names and votes of members shall be recorded.".

11. Amend article IV, section 33 (column 2) line 1, after "If he" by striking out "does not approve" and inserting "disapproves".

12. Amend article IV, section 37 (column 2) line 36, after "Sec. 37.", by striking out the entire section which reads, "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.", and inserting "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.".

13. Amend article V, section 2 (column 1) line 4, after "full" by inserting "regular".

14. Amend article V, section 5 (column 1) line 43, after "Sec. 5.", by striking out the entire section which reads, "At no time shall an examining or licensing board of a profession include less than a majority of members of that profession.", and inserting "A majority of the members of an appointed examining or licensing board of a profession shall be members of that profession.".

15. Amend article V, section 18 (column 1) line 31, after "submit" by striking out "any".

16. Amend article V, section 25 (column 2) line 24, after "vote" by inserting a comma; and line 25, by striking out "except in case of equal division.", and inserting "unless they be equally divided.".

17. Amend article V, section 28 (column 1) line 10, after "same year" by inserting a comma.

18. Amend article VI, section 1 (column 2) line 2, by striking out "other".

19. Amend article VI, section 3 (column 2) line 20, by striking out "other".

20. Amend article VI, section 4 (column 2) line 28, after "hear" by striking out the comma.

21. Amend article VI, section 8 (column 1) line 2, after "appeals" by striking out "may".

22. Amend article VI, section 18 (column 2) line 38, after "increased" by striking out the comma.

23. Amend article VI, section 26 (column 1) line 52, do not capitalize "article".

24. Amend article VI, section 28 (column 2) following line 16, by striking out the entire second paragraph [This paragraph added by amendment on May 11, see above, page 3240; for section as amended, see above, page 3275] which reads:

"No appeal may be taken to any court from a decision of the state tax commission fixing the value of described property for property tax purposes or determining an appeal from a decision of the county tax allocation board.", and inserting a new paragraph to read as follows:

"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.".

25. Amend article VII, section 31 (column 2) line 36, after "alley" by striking out the comma.

26. Amend article VIII, section 4 (column 1) line 40, capitalize "University".

27. Amend article VIII, section 8 (column 2) line 56, after "programs" by striking out the comma; and line 58, after "mentally" by striking out the comma.

28. Amend article VIII, section 9 (column 1) line 6, after "counties.", by striking out "cities and townships" and inserting "townships and cities".

29. Amend article IX, section 11 (column 2) line 60, after "for" by striking out "the support of public education" and inserting "aid to school districts, higher education".

30. Amend article XI, section 5 (column 2) line 8, after "tion" by inserting "or creation".

31. Amend article XI, section 7 (column 2) line 51, after "elected" by inserting "thereto"; and after "serving" by inserting "therein".

32. Amend article XII, the title (column 1) after "Amendment" by striking out "&" and inserting "and".

33. Amend article XII, section 3 (column 2) line 41, after "bers.", by striking out "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.", and inserting "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.".

34. Amend the schedule, section 5 (column 1) line 58, after "general" by striking out the comma; and line 59, after "two" by inserting a hyphen, so that it will read "two-year".

35. Amend the schedule, section 6 (column 2) line 12, after "1908 constitution" by inserting "as amended in 1952".

36. Amend the schedule, section 6 (column 2) line 15, after "shall be" by striking out "divide" and inserting "divided".

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.

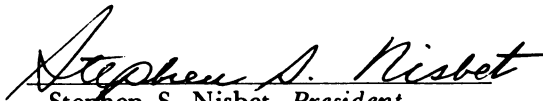
Sec. 14. The legislature by a vote of two-thirds of the members elected to and serving in each house may provide that the state may borrow money and may pledge its full faith and credit for refunding any bonds issued by the Mackinac Bridge Authority and at the time of refunding the Mackinac Bridge Authority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

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***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

*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.