Michigan Constitutional Convention of 1961
Committee Proposal 58f
Const 1963, Art 2, § 6

Relevant Material From the Constitutional Convention Record

Cross-Reference and Indices . . . . . pp. 3436, 3447, 3459

First Reading . . . . . pp. 724, 2213-2216, 2247-2261, 2670

Second Reading . . . . . pp. 2892, 2898-2899, 2916-2917

Draft Constitution (Art 2, § 6) . . . . . pp. 3047-3075 (p. 3049)

Third Reading, Article-by-Article . . . . . pp. 3076-3077, 3081-3087

Draft Constitution (Art 2, § 6) . . . . . pp. 3215-3237 (p. 3216)

Third Reading, Full Constitution . . . . . pp. 3238, 3292, 3300-3301

Adopted Constitution (Art 2, § 6) . . . . . pp. 3319-3353 (p. 3321)

Address to the People . . . . . p. 3366

Overview of the Constitutional Convention Process

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

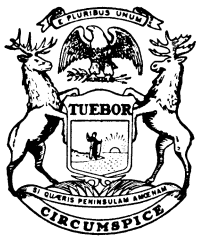
The convention used ALL CAPS to denote added material and [brackets] to denote removed material.

State of Michigan

CONSTITUTIONAL CONVENTION

1961

OFFICIAL RECORD



FRED I. CHASE
Secretary of the Convention

AUSTIN C. KNAPP
Editor

LYNN M. NETHAWAY
Associate Editor

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

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
Preamble		Preamble		14
Art.	Sec.	Art.	Sec.	
I	1	II	1	15-1
I	2	none		26
I	3	II	2	15-2
I	4	II	3	15-3
I	5	II	4	15-4
I	6	II	5	15-5
I	7	II	6	15-6
I	8	II	7	15-7
I	9	II	8	15-8
I	10	II	9	15-9
I	11	II	10	15-10
I	12	II	11	15-11
I	13	II	12	15-12
I	14	II	13	15-13
I	15	II	14	15-14
I	16	II	15	15-15
I	17	II	16	15-16
I	18	II	17	15-17
I	19	II	18	15-18
I	20	II	19	15-19
I	21	II	20	15-20
I	22	II	21	15-21
I	23	none		15-1
II	1	III	1,2,3	58a
II	2	none		58b
II	3	none		58c
II	4	III	1,8	58d
II	5	V	12	58e
		VI	1	
		VII	2,9,14	
		VIII	3,18	
		XI	2,3,6, 7, 16	
II	6	III	4	58f
II	7	III	9	58h
II	8	III	8	58g
II	9(¶2*)	V	1	118b
III	1	I	2	10
III	2	IV	1,2	21
III	3	VI	11,12	18
III	4	XV	1,2,3	19
III	5	none		128
III	6	X	14	101
III	7	S	1	44a
III	8	none		96k
IV	1	V	1	118a
IV	2	V	2	80a
IV	3	V	3	80b
IV	4	none		80c
IV	5*	none		...
IV	6	V	4	79
IV	7	V	5	32
IV	8	V	6	112
IV	9	V	7	120
IV	10	V	7	115
		V	25	
IV	11	V	8	33
IV	12	V	9,10	28
IV	13	V	13	116
IV	14	V	14	34
IV	15	none		102c
IV	16	V	15	102a
IV	17	none		102b
IV	18	V	16	114
IV	19	V	17	117
IV	20	V	18	103
IV	21	V	18	103
IV	22	V	19	35
IV	23	V	20	29
IV	24	V	21	121
		V	22	105
IV	25	V	21	121
IV	26	V	22	105
		V	23	104
IV	27	V	21	121
IV	28	V	22	105
IV	29	V	30	119
IV	30	V	24	41
IV	31	none		46b
IV	32	X	6	53
IV	33	V	36	70
IV	34	V	38	113
IV	35	V	39	24
IV	36	V	40	108
IV	37	none		123
IV	38	XVI	5	122
IV	39	XVI	5	122
IV	40	XVI	11	27
IV	41	V	33	100
IV	42	VIII	30	87
IV	43	XII	9	5
IV	44	V	27	99
IV	45	V	28	106
IV	46	none		20
IV	47	V	26	111
IV	48	XVI	7	109
IV	49	V	29	110
IV	50	none		127
IV	51	none		126
IV	52	none		125
IV	53	VI	1	78
V	1	VI	2	2
V	2	none		71b
V	3	none		71b
V	4	none		71b
V	5	none		71b
V	6	none		71g
V	7	VI	10	71e
V	8	VI	3	71d
V	9	VI	1	71c
V	10	IX	7	71g
V	11	IX	5	71f
V	12	VI	4	3
V	13	VI	6	7
V	14	VI	9	16
V	15	VI	7	8
V	16	VI	8	9
V	17	VI	5	4
V	18	none		46a
V	19	V	37	46c
V	20	none		46d
V	21(¶3*)	VI	1	71a
V	22	VI	13	17
V	23	VI	21	75
V	24	none		77
V	25	VI	19	71b
V	26	VI	16,17	59,60
V	27	VI	18	72
V	28	none		71h
V	29	none		71i-71A
VI	1	VII	1	90
VI	2	VII	2,23	91a
VI	3	VII	2	91b
VI	4	VII	4	91c
VI	5	VII	5	91d
VI	6	VII	7	91e
VI	7	VII	6	91f
VI	8	none		92a
VI	9	none		92b
VI	10	none		92c
VI	11	VII	8	93a
VI	12	VII	9,23	93b
VI	13	VII	10	93c
VI	14	VII	11	93d
VI	15	VII	13	94a
VI	16	VII	14,23	94b
VI	17	none		96a[1]
VI	18	VII	12	96g
VI	19	VII	17	96a
VI	20	VII	19	96b
VI	21	VII	9	96c
VI	22	none		96l
VI	23	VII	20	96d
VI	24	VII	23	96e
VI	25	IX	6	96h
VI	26	VII	15,16, 21	96i
VI	27	VII	6,11	96n
VI	28	none		95
VI	29	VII	18	96o
VII	1	VIII	1	81a
VII	2	none		89
VII	3	VIII	2	81b
VII	4	VIII	3	81c
VII	5	VIII	4	81d
VII	6	VIII	5	81e
VII	7	VIII	7	81f
VII	8	VIII	8	81g
VII	9	VIII	9	81h
VII	10	VIII	13	81j
VII	11	VIII	12	81i
VII	12	VIII	14	81k
VII	13	none		81n
VII	14	VIII	15	81l
VII	15	none		85c
VII	16	VIII	26	86a
VII	17	VIII	16	82a
VII	18	VIII	17,18	82b,c
VII	19	VIII	19	82e
VII	20	none		82d
VII	21	VIII	20	83a
VII	22	VIII	21	83b
VII	23	VIII	22	83c
VII	24	VIII	23	83e
VII	25	VIII	25	83f
VII	26	VIII	25	83d
VII	27	VIII	31	88a
VII	28	VIII	31	88b
VII	29	VIII	28	85a
VII	30	VIII	29	85b
VII	31	VIII	27	86b
VII	32	none		57
VII	33	IX	8	42e
VII	34	none		84
VIII	1	XI	1	1
VIII	2	XI	9	30
VIII	3	XI	2,6	47
VIII	4	XI	10	98a
VIII	5	XI	3,4,5, 7,8,16	98b
VIII	6	none		98c
VIII	7	none		98d
VIII	8	XI	15	13
VIII	9	XI	14	31
IX	1	X	2	50
IX	2	X	9	54
IX	3	X	3,4,7,8	51
IX	4	none		51
IX	5	X	3,5	52
IX	6	X	21	56

Committee Proposal No. — Page

57. A proposal to require a public hearing on all budgets of local units of government before the budgets are approved. Amends article X by adding a section.
For text as offered and reasons 928
As referred to style and drafting 928
As reported by style and drafting 2668
As rereferred to style and drafting 2668
Jan. 31, reported by finance and taxation; referred to committee of the whole 724
Feb. 9, read first time; considered, passed by committee of the whole 928-929
Feb. 9, reported by committee of the whole without amendment; referred to style and drafting 938
Mar. 5, reported by style and drafting (Report 30); placed on order of second reading 1430
Apr. 19, read second time; passed; rereferred to style and drafting 2668-2669

58. A proposal pertaining to the elective franchise. A substitute for article III amending sections 4, 8, 9 and substituting new language for the other sections thereof.
For text as offered and reasons 2213
For minority reports and reasons 2215
As referred to style and drafting 2282
As reported by style and drafting 2892
As rereferred to style and drafting 2899
Jan. 31, reported by declaration of rights, suffrage and elections; referred to committee of the whole 724
Apr. 6, read first time; sections a, b, c considered; sections a, c amended, passed; section b passed by committee of the whole 2213-2229
Apr. 9, sections d, e, f considered; sections d, e amended, passed by committee of the whole 2232-2253
Apr. 10, sections f, g, h considered, amended, passed; committee proposal as amended considered, passed by committee of the whole 2254-2271
Apr. 10, reported by committee of the whole with 7 amendments; referred, as amended, to style and drafting 2282
Apr. 23, reported by style and drafting (Report 83); placed on order of second reading 2670
Apr. 26, read second time; amended, passed; rereferred to style and drafting 2892-2899
Apr. 27, motion to reconsider vote on passage defeated 2916-2917

59. A proposal pertaining to vacancies in the office of governor. Amends article VI, section 16.
For text as offered and reasons 1954
As referred to style and drafting 1966
As reported by style and drafting 2764
As rereferred to style and drafting 2764
Feb. 1, reported by executive branch; referred to committee of the whole 737
Mar. 29, read first time; considered, amended, passed by committee of the whole 1954-1963
Mar. 29, reported by committee of the whole with 1 amendment; amendment concurred in; referred to style and drafting 1965-1966
Apr. 19, reported by style and drafting (Report 72) as Substitute for Committee Proposals 59 and 60; placed on order of second reading 2619
Apr. 24, read second time; passed; rereferred to style and drafting 2764-2766

60. A proposal pertaining to succession to the governorship. Amends article VI, section 17.
For text as offered and reasons 1963
As referred to style and drafting 1987
As reported by style and drafting 2764
As rereferred to style and drafting 2764
Feb. 1, reported by executive branch; referred to committee of the whole 737
Mar. 29, read first time; considered, amended, passed by committee of the whole 1963-1965, 1968-1969
Mar. 29, reported by committee of the whole with 3 amendments; amendments concurred in; referred to style and drafting 1987
Apr. 19, reported by style and drafting (Report 72) as Substitute for Committee Proposals 59 and 60; placed on order of second reading 2619
Apr. 24, read second time; passed; rereferred to style and drafting 2764-2766

61. A proposal pertaining to terms of public officers. Retains section 1, article XVI.
For text as offered and reasons 2492
As referred to style and drafting 2504
As reported by style and drafting 2998
As rereferred to style and drafting 2998
Feb. 1, reported by miscellaneous provisions and schedule; referred to committee of the whole .. 737
Apr. 16, read first time; considered, amended, passed by committee of the whole 2492-2493
Apr. 16, reported by committee of the whole with 1 amendment; referred, as amended, to style and drafting 2504
Apr. 26, reported by style and drafting (Report 109); placed on order of second reading 2851
Apr. 30, read second time; passed; rereferred to style and drafting 2998-2999

62. A proposal pertaining to grants of extra compensation. Amends the first sentence of section 3, article XVI.
For text as offered and reasons 2493
As referred to style and drafting 2493
As reported by style and drafting 2999
As rereferred to style and drafting 2999
Feb. 1, reported by miscellaneous provisions and schedule; referred to committee of the whole 737
Apr. 16, read first time; considered, passed by committee of the whole 2493
Apr. 16, reported by committee of the whole without amendment; referred to style and drafting 2503
Apr. 26, reported by style and drafting (Report 110); placed on order of second reading 2852
Apr. 30, read second time; passed; rereferred to style and drafting 2999

63. A proposal pertaining to estates of married women. Retain section 8, article XVI.
For text as offered and reasons 2437
As referred to style and drafting 2448
As reported by style and drafting 3001
As rereferred to style and drafting 3003
Feb. 1, reported by miscellaneous provisions and schedule; referred to committee of the whole 737
Apr. 13, read first time; considered, amended, passed by committee of the whole 2437-2447
Apr. 13, reported by committee of the whole with 1 amendment; referred, as amended, to style and drafting 2448
Apr. 26, reported by style and drafting (Report 111); placed on order of second reading 2852
May 1, read second time; amended, passed; rereferred to style and drafting 3001-3003

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.
For text as offered and reasons 2452
For minority report and reasons 2453
As referred to style and drafting 2472
As reported by style and drafting 3003
As rereferred to style and drafting 3004
Feb. 1, reported by miscellaneous provisions and schedule; referred to committee of the whole 737
Apr. 16, read first time; considered, amended, passed by committee of the whole 2452-2458
Apr. 16, reported by committee of the whole with 1 amendment; referred, as amended, to style and drafting 2472
Apr. 26, reported by style and drafting (Report 112); placed on order of second reading 2852
May 1, read second time; amended, passed; rereferred to style and drafting 3003-3004

65. A proposal to amend article XVII, sections 2 and 3, pertaining to amendment and revision of the constitution.
For text as offered and reasons 2458
As referred to style and drafting 2458
As reported by style and drafting 3004
As rereferred to style and drafting 3004

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Article II, Section 2: Cont'd.
For text as adopted 3321
For text, and comments in address to the people 3365

Section 3. Presidential electors; residence. (Committee Proposal 58c)
May 7, reported, placed on order of third reading.. 3045
May 7, read third time; passed 3077-3087
May 9, referred to committee on style and drafting.. 3210
May 11, reported; placed on order of third reading; considered read third time; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3321
For text, and comments in address to the people 3365

Section 4. Place and manner of elections. (Committee Proposal 58d)
May 7, reported, placed on order of third reading.. 3045
May 7, read third time; passed 3077-3087
May 9, referred to committee on style and drafting.. 3210
May 11, reported; placed on order of third reading; considered read third time; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3321
For text, and comments in address to the people 3366

Section 5. Time of elections. (Committee Proposal 58e)
May 7, reported, placed on order of third reading.. 3045
May 7, read third time; passed 3077-3087
May 9, referred to committee on style and drafting.. 3210
May 11, reported; placed on order of third reading; considered read third time; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3321
For text, and comments in address to the people 3366

Section 6. Voters on tax limit increases or bond issues. (Committee Proposal 58f)
May 7, reported, placed on order of third reading.. 3045
May 7, read third time; amended; passed 3077-3087
May 9, referred to committee on style and drafting.. 3210
May 11, reported; placed on order of third reading; considered read third time; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3321
For text, and comments in address to the people 3366

Section 7. Boards of canvassers. (Committee Propos 58h)
May 7, reported, placed on order of third reading.. 3045
May 7, read third time; passed 3077-3087
May 9, referred to committee on style and drafting.. 3210
May 11, reported; placed on order of third reading; considered read third time; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3321
For text, and comments in address to the people 3366

Section 8. Recalls. (Committee Proposal 58g)
May 7, reported, placed on order of third reading 3045
May 7, read third time; passed 3077-3087
May 9, referred to committee on style and drafting 3210
May 11, reported; placed on order of third reading; considered read third time; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3322
For text, and comments in address to the people 3366

Section 9. Initiative and referendum; limitations; appropriations; petitions. Referendum, approval. Initiative; duty of legislature, referendum. Legislative rejection of initiated measure; different measure; submission to people. Initiative or referendum law; effective date, veto, amendment and repeal. Legislative implementation. (Committee Proposal 118b)
May 7, reported, placed on order of third reading.. 3045
May 7, read third time; amended, passed 3077-3087
May 9, referred to committee on style and drafting.. 3210
May 11, reported; placed on order of third reading: considered read third time; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3322
For text, and comments in address to the people 3367

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ARTICLE III. General government. (Committee Proposals 10, 21, 18, 19, 128, 101, 44a, 96k)
May 7, reported, placed on order of third reading.. 3045
May 7, read third time; passed 3098-3099
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 3323
For text, and comments in address to the people 3368

Section 1. Seat of government. (Committee Proposal 10)
May 7, reported, placed on order of third reading.. 3045
May 7, read third time; passed 3098-3099
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 3323
For text, and comments in address to the people 3368

Section 2. Separation of powers of government. (Committee Proposal 21)
May 7, reported, placed on order of third reading.. 3045
May 7, read third time; passed 3098-3099
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 3323
For text, and comments in address to the people 3368

Section 3. Great seal. (Committee Proposal 18)
May 7, reported, placed on order of third reading.. 3045
May 7, read third time; passed 3098-3099
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 3323
For text, and comments in address to the people 3368

Section 4. Militia. (Committee Proposal 19)
May 7, reported, placed on order of third reading.. 3045
May 7, read third time; passed 3098-3099
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 3323
For text, and comments in address to the people 3368

Section 5. Intergovernmental agreements; service by public officers and employees. (Committee Proposal 128)
May 7, reported, placed on order of third reading.. 3045
May 7, read third time; passed 3098-3099
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 3323
For text, and comments in address to the people 3368

Section 6. Internal improvements. (Committee Proposal 101)
May 7, reported, placed on order of third reading.. 3045
May 7, read third time; passed 3098-3099
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 3323
For text, and comments in address to the people 3368

Section 7. Common law and statutes, continuance. (Committee Proposal 44a)
May 7, reported, placed on order of third reading.. 3045
May 7, read third time; passed 3098-3099
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 3323
For text, and comments in address to the people 3368

Committee Proposal 50, A proposal to require the legislature to provide sufficient taxes to meet the state's expenses covering the substance of section 2, article X of the 1908 constitution; with the recommendation that it pass.

D. Hale Brake, chairman.

For Committee Proposal 50 and the reasons submitted in support thereof, see below under date of February 7.

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

SECRETARY CHASE: Mr. Brake, for the committee on finance and taxation, also introduces

Committee Proposal 51, A proposal setting up the uniform rule of taxation for providing for equalization a maximum limit for assessments, prohibiting a graduated income tax, and covering the subject matter of sections 3, 4, 7 and 8 of article X of the 1908 constitution;
with the recommendation that it pass.

D. Hale Brake, chairman.

For Committee Proposal 51 and the reasons submitted in support thereof, see below under date of February 7.

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

SECRETARY CHASE: Mr. Brake, for the committee on finance and taxation, also introduces

Committee Proposal 52, A proposal with reference to the taxation of certain utilities, covering the material in article X, section 5 of the 1908 constitution;
with the recommendation that it pass.

D. Hale Brake, chairman.

For Committee Proposal 52 and the reasons submitted in support thereof, see below under date of February 8.

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

SECRETARY CHASE: Mr. Brake, for the committee on finance and taxation, also introduces

Committee Proposal 53, A proposal to require that every tax law shall distinctly describe the tax, covering article X, section 6 of the present constitution;
with the recommendation that it pass.

D. Hale Brake, chairman.

For Committee Proposal 53 and the reasons submitted in support thereof, see below under date of February 8.

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

SECRETARY CHASE: Mr. Brake, for the committee on finance and taxation, also introduces

Committee Proposal 54, A proposal that the power of taxation shall never be surrendered, suspended, or contracted away, covering the material in article X, section 9 of the present constitution;
with the recommendation that it pass.

D. Hale Brake, chairman.

For Committee Proposal 54 and the reasons submitted in support thereof, see below under date of February 8.

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

SECRETARY CHASE: Mr. Brake, for the committee on finance and taxation, also introduces

Committee Proposal 55, A proposal to include article X, section 19 of the 1908 constitution in the new constitution;
with the recommendation that it pass.

D. Hale Brake, chairman.

For Committee Proposal 55 and the reasons submitted in support thereof, see below under date of February 8.

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

SECRETARY CHASE: Mr. Brake, for the committee on finance and taxation, also introduces

Committee Proposal 56, A proposal to limit the ad valorem taxation of property covering the subject matter of section 21, article X of the 1908 constitution, commonly known as the 15 mill limitation;
with the recommendation that it pass.

D. Hale Brake, chairman.

For Committee Proposal 56 and the reasons submitted in support thereof, see below under date of February 8.

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

SECRETARY CHASE: Mr. Brake, for the committee on finance and taxation, also introduces

Committee Proposal 57, A proposal to require a public hearing on all budgets of local units of government before the budgets are approved. Amends article X by adding a section;
with the recommendation that it pass.

D. Hale Brake, chairman.

For Committee Proposal 57 and the reasons submitted in support thereof, see below under date of February 9.

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

SECRETARY CHASE: Mr. Martin, for the committee on executive branch, introduces

Exclusion Report 2027, A report recommending the exclusion of article VI, sections 14 and 15. Substitute for Exclusion Reports 2001 and 2002.

John B. Martin, chairman.

For Exclusion Report 2027 and the reasons submitted in support thereof, see below under date of March 19.

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

SECRETARY CHASE: Mr. Brake, for the committee on finance and taxation, introduces

Exclusion Report 2028, A report recommending the exclusion of sections 3, 4, 5, 7 and 8 of article X.

D. Hale Brake, chairman.

For Exclusion Report 2028 and the reasons submitted in support thereof, see below under date of February 9.

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

SECRETARY CHASE: Mr. Pollock, for the committee on declaration of rights, suffrage and elections, introduces

Committee Proposal 58, A proposal pertaining to the elective franchise. A substitute for article III amending sections 4, 8, 9 and substituting new language for the other sections thereof; with the recommendation that it pass.

James K. Pollock, chairman.

For Committee Proposal 58 and the reasons submitted in support thereof, see below under date of April 6.

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

SECRETARY CHASE: The committee on legislative powers, by Mr. Hoxie, chairman, reports back to the convention

Delegate Proposal 1340, A proposal to limit the power of sale and disposition of certain public property and to require state officers under certain circumstances to resist condemnation by the United States government. Amends article V by adding a new section thereto; with the recommendation that the proposal be referred to the committee on emerging problems.

T. Jefferson Hoxie, chairman.

Chair; does that imply that we will pass for any other request? I do not feel one way or the other. I just want us to be consistent.

CHAIRMAN MARTIN: The Chair was going to accept the suggestion if there were no objection, Mr. Downs. If there is an objection, Dr. Pollock can move that it be passed. Mr. Downs.

MR. DOWNS: Could I make an inquiry to Mr. Iverson? I would be glad not to object to passing this because the proponent of the language is not here if, in turn, he would indicate that if Miss Hart or myself requests something be postponed until the delegate particularly interested is here, he would agree to that.

CHAIRMAN MARTIN: Mr. Iverson.

MR. IVERSON: Mr. Chairman, Mr. Downs, I am not handling this matter; Dr. Pollock is, and I think you ought to ask him.

CHAIRMAN MARTIN: Mr. Yeager.

MR. YEAGER: Mr. Chairman, I would like to remind Mr. Downs that this particular section was passed over once before by request because Mr. Nord was absent. I think it is only fair, now that Mr. Stevens is absent, that we do the same.

CHAIRMAN MARTIN: Dr. Pollock, do you wish to put this as a motion?

MR. POLLOCK: I will be glad to, Mr. Chairman, if that is proper.

CHAIRMAN MARTIN: Mr. Downs.

MR. DOWNS: Mr. Chairman, I was not objecting. I am glad that Mr. Yeager called that to my attention, and I am satisfied with the principle that has been established.

CHAIRMAN MARTIN: Mr. Nisbet.

MR. NISBET: Mr. Chairman, may I just make a statement on this because I think there is a little confusion here? The reason that Dr. Pollock asked that this be passed over on account of Mr. Stevens was not because of the fact that Mr. Stevens was a member of the committee, but it was because Mr. Stevens was to discuss this section for the committee. He was excused today to attend a meeting in the northern peninsula. Now, it isn't the idea that just because a person isn't here it ought to be passed over, but this is a peculiar situation where he is to discuss the matter. He was the one that was planning on doing it, and he isn't here to do it. That is the reason that Dr. Pollock asked that it be passed for the day.

CHAIRMAN MARTIN: Dr. Pollock.

MR. POLLOCK: Mr. Chairman, there is an additional reason: I did not sign the majority report with reference to this proposal and, therefore, I was dependent upon my vice chairman, who was the author of it, to present it. Do you want me to move now that the matter pass?

CHAIRMAN MARTIN: The Chair would prefer that you do, Dr. Pollock.

MR. POLLOCK: I so move, Mr. Chairman.

CHAIRMAN MARTIN: Then we don't rely upon understandings. Mr. Downs.

MR. DOWNS: Mr. Chairman, I would like to speak in favor of the motion.

CHAIRMAN MARTIN: The question is on the motion of Dr. Pollock that Committee Proposal 45 be passed for the day. All those in favor will signify by saying aye. Opposed, no.

The motion prevails and Committee Proposal 45 is passed for the day. The secretary will read.

SECRETARY CHASE: From the committee on declaration of rights, suffrage and elections, by Mr. Pollock, chairman, **Committee Proposal 58,** A proposal pertaining to the elective franchise. A substitute for article III amending sections 4, 8, 9 and substituting new language for the other sections thereof.

Following is Committee Proposal 58 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. EVERY CITIZEN OF THE UNITED STATES WHO HAS ATTAINED THE AGE OF 21 YEARS, AND HAS RESIDED IN THIS STATE 6 MONTHS, SHALL BE AN ELECTOR AND QUALIFIED TO VOTE IN ANY ELECTION, EXCEPT AS OTHERWISE PROVIDED IN THIS CONSTITUTION. THE LEGISLATURE SHALL BY LAW DEFINE RESIDENCE FOR VOTING PURPOSES, AND MAY IMPOSE A LOCAL RESIDENCE REQUIREMENT OF 30 DAYS.

Sec. b. THE LEGISLATURE MAY BY LAW EXCLUDE PERSONS FROM VOTING BECAUSE OF MENTAL INCOMPETENCE, OR COMMITMENT TO A JAIL OR PENAL INSTITUTION.

Sec. c. FOR PURPOSES OF VOTING FOR ELECTORS OF 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 MONTHS AND MAY WAIVE RESIDENCE REQUIREMENTS OF CITIZENS OF THIS STATE WHO HAVE REMOVED THEREFROM. THE LEGISLATURE MAY PROVIDE THE MANNER OF VOTING BY SUCH PERSONS BUT SHALL NOT PERMIT VOTING BY ANY SUCH PERSON WHO MEETS THE VOTING RESIDENCE REQUIREMENTS OF THE STATE TO WHICH HE HAS REMOVED.

Sec. d. 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, THE SECRECY OF THE BALLOT, GUARD AGAINST ABUSES OF THE ELECTIVE FRANCHISE, AND SHALL PROVIDE FOR A SYSTEM OF VOTER REGISTRATION AND ABSENTEE VOTING.

Sec. e. ALL ELECTIONS FOR NATIONAL, STATE, COUNTY AND TOWNSHIP OFFICES SHALL BE HELD ON THE TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER IN EACH EVEN NUMBERED YEAR, EXCEPT FOR SPECIAL ELECTIONS TO FILL VACANCIES.

Sec. f. Whenever any question is submitted to a vote of the electors which involves the direct expenditure of public money [or], the issue of bonds OR THE INCREASE OF TAX LIMITATIONS ON REAL OR PERSONAL PROPERTY, only such persons having the qualifications of electors who have property assessed for taxes in any part of the district or territory to be affected by the result of such election or the lawful husbands or wives of such persons shall be entitled to vote thereon.

Sec. g. Laws shall be passed to [preserve the purity of elections and guard against abuses of the elective franchise, and to] provide for the recall of all elective officers, except judges of courts of record and courts of like jurisdiction upon petition of 25 per centum of the number of electors who voted at the preceding election for the office of governor in their respective electoral districts.

Sec. h. A board of state canvassers consisting of 4 members shall be established by law. No candidate for an office to be canvassed by the board shall be eligible to serve as a member of said board. A majority of the board shall not be composed of adherents of the same political party.

Mr. Pollock, chairman of the committee on declaration of rights, suffrage and elections, submits the following reasons in support of Committee Proposal 58:

The proposed article III, which the committee recommends herewith to the convention, represents the first complete revision of the elections article since 1835. Article III of the 1908 constitution includes almost all of the language of the elections article of the 1835 constitution, which was excellent for its time. Unfortunately, the succinct and economical language of 1835 has become encrusted

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

over the years with a mass of legislative detail. In addition, language which was once highly appropriate has in some instances become totally obsolete today.

For example, the present constitution allows indians to vote even though they are not citizens of the United States. For many years, American indians have been citizens of the United States by birth, and there is no reason to retain language designed originally to meet the long forgotten needs of a frontier state.

Again, the present constitution, as amended, attempts to specify the categories of persons who should be allowed the privilege of absentee voting. Changes in the occupational patterns of American society have gradually made the categories highly arbitrary and artificial — for example, railroad employees, who once operated the only extensive system of public intercity transport, are granted the constitutional right to absentee voting, but airline and bus line employees are not, since their occupations came along after the present language was written.

Another example of obsolescence is found in section 6 of the old constitution, which exempted electors from militia duty "except in time of war or public danger." This also is a heritage of the frontier days, when every able bodied male citizen was considered a member of the militia, and might be required to drill from time to time in order to be ready to ward off attacks from those indians not sufficiently placated by the right to vote granted them earlier in the constitution.

To cite only one more example, section 7 of the present constitution allows the legislature to exempt township elections from the requirement of a secret ballot. This was appropriate many years ago when the handful of electors in a frontier township needed only a show of hands to elect township officers. The practice of secret voting in township elections has long been established, and there is no longer any practical reason for the present exemption.

No purpose would be served by an exhaustive catalog of obsolescent provisions or terminology, but these few examples will suffice to illustrate the problem.

Consequently, the committee on declaration of rights, suffrage and elections decided to write an entirely new article rather than to attempt another piece of patchwork on the old article. Wherever possible, the old language was retained, but never at the expense of the major objectives of the committee. Briefly stated, these objectives were:

1. To specify clearly the qualifications for voting, and to delimit clearly the scope of legislative authority over voter qualifications and disqualifications.

2. To assign to the legislature, in unequivocal language, the power and the responsibility to deal with the problems of election administration.

3. To make specific provision for legislative authority to deal with certain other important problems such as presidential voting by persons not technically residents of the state, the recall of elected officers, and the establishment of the state board of canvassers.

The resulting article is in conformance with the principles followed in the model state constitution and in the recently adopted constitutions of Alaska and Hawaii. While it is brief, the proposed article establishes a constitutional framework for a system of free and fair elections; but it recognizes that only the legislature is equipped to provide for the administration of such a system.

Comment on section a. This section establishes the basic qualifications for voting, and assigns to the legislature full responsibility for defining residence for voting purposes.

The committee considered carefully the question of changing the voting age to 18, 19 or 20 years, there being delegate proposals in the convention for all of these ages. A majority of the committee concluded that there is much to be said for retaining a voting age which is identical with the age of legal majority. The committee felt that experience in other states makes it doubtful that a lower voting age would improve the quality of the electorate. Moreover, young people in the 18-21 year old group are not likely to display a high degree of interest in the electoral process. Available evidence indicates that participation in elections is poorest with the youngest group of voters. Age qualification is necessarily arbitrary, but young people can look forward with certainty to the day when they will take their place in the adult world, as fully competent citizens and voters.

The section also retains Michigan's traditional 6 months' state residence requirement. No state has a shorter residence requirement and in the absence of contrary evidence, the committee concluded that the present requirement is sufficient to insure that new voters will be bona fide residents of the state.

The section would also permit the legislature to adopt a local residence requirement of 30 days. This would represent no change from present provisions, except that it would allow the legislature some flexibility in fixing the unit of local government to which the 30 day residence requirement would apply. At present, it applies to cities and townships, but it is conceivable that at some future time a countywide system of registration might be instituted. If so, the proposed language would allow the legislature to alter the local residence requirement to conform to the needs of the new registration system.

The present 30 day period was retained because in the judgment of the committee a shorter period would not be administratively practical, and a longer period might unnecessarily disfranchise otherwise qualified voters.

A major feature of the proposed article is found in the last sentence of the first section, which reposes in the legislature the duty of defining residence for voting purposes. Past attempts to define residence in constitutional language have, in this and other states, been highly unsuccessful. Constitutional language, however well considered, tends to leave gaps and ambiguities in the definition of residence, and courts have been reluctant to allow legislatures leeway to modify in any significant way what appears to be the intent of the constitution. Again, any constitutional language is subject to obsolescence. The committee has concluded that it is not humanly possible for this convention to define residence in a manner which will offer any assurance of future adequacy, and has therefore proposed to leave the matter to the legislature, as one of its continuing responsibilities in the field of elections.

The committee on local government does concur in the language of this section.

Comment on section b. This section permits, but does not require, the legislature to exclude from voting 2 categories of persons generally felt to be unsuitable members of the electorate.

The provision regarding mentally incompetent persons simply recognizes that the act of voting should be the act of a person possessed of his mental faculties, and that if a person is incapable of disposing of his own affairs, the legislature should be empowered to prevent him from participating in voting.

Inmates of jails and prisons are presently effectively excluded from voting simply because, while they are not disqualified, there is no way in which they can vote. The present absent voting law provides that jail and prison inmates are not eligible for absentee ballots. The proposed provision, therefore, gives the legislature specific authority to do directly what has long been accomplished in an indirect fashion.

Comment on section c. This section is designed to give the legislature discretionary authority to deal with a problem that has grown more serious as the American people have become more mobile: the problem of disfranchisement of citizens who move from one state to another and are thereby unable to meet residence requirements in either state. Residence requirements are justifiable on the grounds that the voter should have an oppor-

tunity to become familiar with issues and candidates before he is called upon to vote. But this justification loses much of its force when applied to presidential elections. The same candidates and issues are before the people of all 50 states, and a voter does not lose whatever knowledge he may have had of the presidential campaign simply by moving from one state to another.

The proposed section would authorize the legislature to allow presidential voting both by persons moving out of the state of Michigan, who cannot yet meet the residence requirements of their new states of residence, and by persons who have arrived in Michigan during the 6 months preceding a presidential election.

It should also be noted that in 1956 the United States congress formally expressed the approval of this special type of presidential voting, and recommended to the states that consideration be given to the type of provisions herein proposed.

Comment on section d. This section accomplishes one of the major objectives of the committee. It vests in the legislature full authority over election administration, subject to other provisions of this constitution, and to the national constitution and laws. The legislature is specifically enjoined to enact corrupt practices legislation.

The provision regarding the secrecy of the ballot is designed to insure that in the future the legislature will be empowered to adopt any new techniques of casting and recording voter choices, so long as the secrecy of the ballot is preserved.

Both voter registration and absentee voting are placed on a statutory basis. The complicated language in the Constitution of 1908, as amended, regarding absentee voting proved inadequate, and absentee voting in Michigan today has a primarily statutory base. Since previous attempts to define eligibility for absentee voting in the constitution have not been successful, the proposal avoids any repetition of this mistake.

Comment on section e. The major change effected by this section would be the elimination of the spring state election. Testimony before the committee has convinced us that the spring election has so many undesirable characteristics that it should be permanently retired.

In the first place, election statistics clearly prove that voter participation in spring elections is very poor compared to turnout in fall elections. The argument for highly frequent elections on the grounds that they keep government close to the people is not convincing when applied to an election that has consistently failed for many years to attract a high level of popular participation.

The committee also was impressed by the potential financial benefits to units of local government which would be possible if the spring elections were eliminated. We are reliably informed that the cost of a single spring election is upwards of $600,000, not including the cost of any associated primaries.

Another objection, and one no doubt related to the poor voter turnout discussed above, is the intrinsic awkwardness in timing of the spring election. They seem to come on the heels of the preceding fall election, thus creating an unreasonable burden on voters, party workers, and election officials. The timing of spring elections requires that nominating petitions be circulated during the holiday season, when a respite from politics would be welcomed by most people.

Finally, the statewide election campaign required by spring elections seems to interfere unduly with legislative activity. At a time when both executive and legislative officials need to devote their attention to the emerging problems of a new legislative session, they are often called away by the demands of the spring campaign.

The committee therefore believes that the passing of the spring election will be mourned by few, if any, of our citizens, and that its abolition will be a major accomplishment of this convention.

It should be pointed out that the proposed section would still allow city, village and school board elections to be held at times other than the biennial fall election prescribed.

Finally, whether a given officer will be elected in presidential or off years will be determined by other articles of the new constitution.

Comment on section f. The proposed language is identical with that contained in article III, section 4 of the old constitution, except that the property qualification is extended to include voting on the increase of tax limitations on real or personal property. The committee recognizes that some delegates are opposed in principle to any property qualifications, and a minority of the committee favored the deletion of the property qualification altogether. However, if, as a majority of the committee believes, the property qualification should be retained as a safeguard against excessive tax burdens on real or personal property, it is evident that if only property owners and their spouses should be allowed to vote on direct expenditures or the issuance of bonds, it is hardly rational or consistent to allow nonproperty owners to vote on the increase of tax limitations. It is believed that the proposed additional language will eliminate much present confusion regarding eligibility for voting on local taxing and spending proposals.

The committee on finance and taxation does concur in the language of this section.

Concurrence of the committee on education has been requested, but not yet received.

Comment on section g. This section adopts without change the language of the present article III, section 8, except that the clause referring to the purity of elections is deleted from this section, where it is extraneous, and inserted in the proposed fourth section dealing with the powers and duties of the legislature in the field of election administration.

The committee believes that no change is warranted in the language governing the recall of elected officials and recommends its continuance.

Comment on section h. This section adopts without change the language of article III, section 9. The committee considered delegate proposals to increase the membership of the board of state canvassers, but in view of the general satisfaction with the work of the board as presently constituted, has concluded that no change is needed.

Following is minority report A to Committee Proposal 58 and the reasons submitted in support thereof:

Messrs. Norris, Pollock, Dade, Mrs. Hatcher, Messrs. Hodges and Buback, a minority of the committee on declaration of rights, suffrage and elections, submit the following minority report to Committee Proposal 58:

A minority of the committee on declaration of rights, suffrage and elections urges opposition to the proposed new language of Committee Proposal 58, article III, section f.

Messrs. Norris, Pollock, Dade, Mrs. Hatcher, Messrs. Hodges and Buback, a minority of the committee on declaration of rights, suffrage and elections, submit the following reasons in support of the foregoing minority report, which accompanied Committee Proposal 58:

We urge opposition to the proposed new language for the following reasons:

1. Not necessary. The new language added by the committee is particularly and unnecessarily restrictive. There has not been any dispositive showing that the recommended voting restriction is made necessary by experience since the adoption of the 1908 constitution. On the contrary, a showing may be made that this recommendation will endanger present and anticipated needs for schools, port developments and other public structures. At the time of adoption of the Constitution of 1908, ad valorem

property taxes provided revenues not only for local units of government but for the state as well. For the state, this is no longer the case. Also, at the time of its adoption, property was considered a fair measure of ability to pay taxes. This is no longer the generally accepted view. The state today relies mainly on specific taxes which are primarily designed to tap nonproperty tax sources reflecting relative ability to pay.

In a recent publication of the United States office of education (Monograph number 5, 1961), it is reported that only 3 other states (Arizona, New Mexico and Utah) limit voting on school taxes to property owners. On the basis of this report, the proposal does not accord with general practice in the country.

2. Wrong fiscal principle. Whatever justification existed for this restriction when real property was the exclusive source of tax revenue has decisively diminished. For some years it has been evident that there has been a steady decline and an obvious inadequacy of property taxes as a principal means of financing modern government. There has been an accelerated trend in the diffusion of the revenue base. It is as difficult to relate property taxes to the payment of debt service as it is to relate other revenue sources to specific expenditures.

In addition, the restrictive recommendation of the committee apparently assumes that renters do not pay property taxes. Although it is conceded that renters are not listed on the property tax rolls, it may certainly be argued with plausibility that landlords of rental property pay taxes from rents collected from tenants. We invite the attention of the convention that the amount of taxes to be paid is one of the factors taken into account in determining rent. For example, the O.P.A. during world war II granted rent increases where it could be shown that taxes had been increased.

Apartment house dwellers, moreover, who are an increasing proportion in city populations would be barred from any voice on a matter which could significantly affect the cost of their rentals.

3. Wrong fiscal policy. The committee recommendation is based upon the fiscal policy that only those who pay a tax shall have a voice in determining the amount of tax to be levied and how the revenues from that tax are expended. This policy leads to the rebuttable premise that only those who hold title to an automobile should decide the disposition of gasoline taxes and only those who buy liquor should determine the disposition of liquor taxes. On this premise only those who have taxable income should decide the uses of the income tax, and the unemployed who have no income, would have to be disfranchised.

The proposal to restrict elections on exceeding tax limitations to persons who directly pay property taxes would deprive thousands of citizens who indirectly pay such taxes from participation in vital decisions on the conduct of public schools.

Property taxes no longer constitute the bulk of taxes paid. It can well be that a family renting a home pays a larger portion of its income in taxes than another family which lives on property that it owns. When forms of taxation are to be limited or increased or decreased by only those electors who would be subject to each particular form of taxation, the likelihood of discrimination is greater.

4. Contrary to the concept of expanded franchise. At a time when we need positive constitutional provisions that will expand and encourage voter participation in the election process, we are confronted with a negative proposal to do just the reverse. The trend in democratic and constitutional reform since the adoption of the United States and Michigan constitutions has been in the direction of extending the franchise, expanding the popular responsibility for government, and encouraging the maximum participation in the electoral process. This proposal runs in the opposite direction of this historical tradition and contemporary need.

It is ironical that the original section which was placed in the constitution to extend the franchise to women on property matters who could not then vote, is now being turned into a restriction on the franchise.

Accordingly, we urge opposition to the proposed new language.

Following is minority report B to Committee Proposal 58 and the reasons submitted in support thereof:

Messrs. Norris, Pollock, Dade, Mrs. Hatcher, Messrs. Hodges and Buback, a minority of the committee on declaration of rights, suffrage and elections, submit the following minority report to Committee Proposal 58:

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

Sec. a. EVERY CITIZEN OF THE UNITED STATES WHO HAS ATTAINED THE AGE OF 19 YEARS, AND HAS RESIDED IN THIS STATE 6 MONTHS, SHALL BE AN ELECTOR AND QUALIFIED TO VOTE IN ANY ELECTION, EXCEPT AS OTHERWISE PROVIDED IN THIS CONSTITUTION. THE LEGISLATURE SHALL BY LAW DEFINE RESIDENCE FOR VOTING PURPOSES, AND MAY IMPOSE A LOCAL RESIDENCE REQUIREMENT OF 30 DAYS.

Messrs. Norris, Pollock, Dade, Mrs. Hatcher, Messrs. Hodges and Buback, a minority of the committee on declaration of rights, suffrage and elections, submit the following reasons in support of the foregoing minority report, which accompanied Committee Proposal 58:

1. American tradition. The extension of the franchise is in keeping with the basic American tradition. The United States and Michigan have removed disqualifications on the right to vote based upon property, sex and race for the purpose of permitting the maximum effective expression of the popular sovereign will. The greater the effective suffrage, the more sensitive is government in meeting the needs of all.

2. Maturity. It will enhance the maturity of our young people and stimulate the incentive to assume greater responsibility. We encourage the development of greater experience, wisdom and maturity by according to people the duty and power to make independent decisions. It would also encourage the parents and entire family to participate more actively and frequently in the political processes of democracy.

3. Economic citizens. A higher proportion of young people today assume the duties and responsibilities of adulthood long before attaining their twenty-first birthday by entering the full time labor force and by contracting marriage. They are, in fact, economic citizens and should be political ones. It seems equitable, therefore, to integrate them in the community of adults at a correspondingly earlier age.

4. Balance the electorate. It would help produce a more balanced composition of our electorate in the national and state interest. By 1980 a larger ratio and percentage of our population will be over 65 years of age then ever before. Our young people are relatively more affected by governmental decisions than our older citizens. Those affected by such decisions should have a part in making them by electing policymakers and voting on issues. Moreover, the international challenges in space and technology require a greater maturity and judgment upon the part of all of our citizens, and that maturity and judgment can be effectively encouraged by changing the voting age to 19. As one young person stated to our committee, "The blare of rock and roll does not drown out the echo of a 50 megaton bomb."

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

Dehnke	McAllister	Thomson
Dell	McLogan	Tubbs
Douglas	Murphy	Turner
Elliott, Mrs. Daisy	Norris	Upton
Erickson	Ostrow	Walker
Follo	Page	Wanger
Garvin	Pellow	White
Goebel	Perlich	Wood
Greene	Perras	Woolfenden
Habermehl	Plank	Young

SECRETARY CHASE: Mr. Chairman, on the adoption of the amendment offered by Messrs. Van Dusen, Danhof and Elliott, the yeas are 37; the nays are 75.

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

SECRETARY CHASE: Messrs. Pollock, Stevens and Prettie offer the following amendment:

1. Amend page 2, line 11, after "year,", by inserting "or such other date as may hereafter be provided by the Constitution of the United States or by congress for election of members thereof,"; so that the section would read:

All elections for national, state, county and township offices shall be held on the Tuesday after the first Monday in November in each even numbered year, or such other date as may hereafter be provided by the Constitution of the United States or by congress for election of members thereof, except for special elections to fill vacancies.

CHAIRMAN MARTIN: Dr. Pollock.

MR. POLLOCK: Mr. Chairman, the committee will remember that Delegate Hutchinson raised some question about this matter and with the assistance of Delegate Prettie and our vice chairman, Mr. Stevens, we've come up with this improving language, which I trust will be satisfactory to Mr. Hutchinson.

CHAIRMAN MARTIN: Mr. Hutchinson.

MR. HUTCHINSON: Mr. Chairman, I would say that the language appears satisfactory to me, and I am happy to support it.

MR. POLLOCK: Thank you.

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

The amendment is adopted.

Are there any further amendments, Mr. Secretary?

SECRETARY CHASE: That's all the amendments to section e.

CHAIRMAN MARTIN: If not, section e, as amended, is agreed to. The secretary will read section f.

SECRETARY CHASE: Section f.

[Section f was read by the secretary. For text, see above, page 2213.]

MR. POLLOCK: Mr. Chairman.

CHAIRMAN MARTIN: Dr. Pollock.

MR. POLLOCK: Before calling on Mr. Shanahan, a member of the committee, to explain this section, I'd merely like to clarify the issues because there are 2 or 3 amendments pending. The present constitutional provision is related to bond issues. The majority of the committee decided to add "or the increases of tax limitations on real or personal property." The amendments will provide something different. So, you have these various alternatives and they all relate to the question of whether there shall be and if so, what kind of a property qualification to vote. The whole thing relates to property qualifications. I'll call now on Mr. Shanahan, representing the committee on this question.

CHAIRMAN MARTIN: Mr. Shanahan.

MR. SHANAHAN: Mr. Chairman and fellow delegates, before I start my presentation, I am going to, for the benefit of those of you who may wish to follow me and my comments, which I'll take right out of the journal, pages 412 and 413 of Journal 69, invite your attention to the top of the page in the lefthand column on page 413 where the word "majority" appears in the first line. That should be "minority."

[Correction made. The comment on section f of the supporting reasons was read by Mr. Shanahan. For text, see above, page 2215.]

Now, I might explain — there are a great many people who are aware of this, I know — that when it comes time to vote for a bond issue for any purpose, such as building a school, building a hospital, it is necessary for 2 proposals to be presented to the electorate: the one on the issue of the bonds, the bonding of the personal property, real estate property that's involved requires that the people be property owners. However, that's for the issuing of the bonds. For the taxes to pay for the bonds, that does not require the person voting thereon to be a property owner. It was the feeling of the committee that if one is required, then the other should be required and that it would be representation without taxation for people who are not property owners to vote taxes on the property owners. I believe that there is a minority report and there are also some amendments to be presented at this time.

CHAIRMAN MARTIN: Mr. Bentley.

MR. BENTLEY: Mr. Chairman, I merely wish to refer to the remarks of Mr. Shanahan in which he said that the position of the committee on education had not been received. That was true at the time, which was some time ago when the supporting reasons from the committee on rights, suffrage and elections were prepared. We subsequently, however, advised the committee on rights, suffrage and elections that the question had been considered in the committee on education and the committee on education at that time was unanimous in favoring the deletion of the revised provisions and to return to the present language of the constitution. However, I believe that the majority, if not all the committee on education, are now prepared to support a suggested amendment or possibly an amendment to an amendment which will be offered in due course. I merely wished to state the position of our committee at this time.

CHAIRMAN MARTIN: Mr. Powell.

MR. POWELL: Mr. Chairman and ladies and gentlemen of the committee, I feel that I should speak with reference to the inclusion of the new language in section f, lines 15 and 16, because these words were included in the committee report in conformity with a delegate proposal which I sponsored and which I advocated to the committee. I feel that a little historical review of this particular section would be in order. At the time when the 1908 constitution was drafted, the franchise had not been granted to women —

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

CHAIRMAN MARTIN: State your point.

MR. NORRIS: I'm sorry to interrupt Delegate Powell, but I do have a minority report which was entered on behalf of 6 members of the committee and I did understand that this minority report would be given treatment at this particular juncture. As I say, I apologize to Delegate Powell for interrupting.

MR. POWELL: I'm perfectly willing to delay, if that is what is going to be before the house. I thought the explanation of the proposal was in order at this time and then the various amendments, including the minority report, would be before the house. But whatever the Chair decides, I'll cooperate here.

CHAIRMAN MARTIN: Are you speaking on behalf of the committee?

MR. POWELL: I desire to speak at this juncture on behalf of the inclusion of this new language and then I'm prepared also to speak against certain amendments that I know of, including the minority report in due order.

CHAIRMAN MARTIN: The Chair will permit you to proceed with your statement.

MR. HODGES: Mr. Chairman, point of information.

CHAIRMAN MARTIN: Mr. Hodges.

MR. HODGES: I believe the right order for this is that once the explanation is made by the committee itself on the majority report, then the minority report is in order. Is that not true?

CHAIRMAN MARTIN: The Chair understood that Mr. Powell was speaking on behalf of the committee.

MR. POWELL: I'm not a member of the committee. I was the father, you might say, of the delegate proposal which is represented by this particular new language that is included in this section.

CHAIRMAN MARTIN: In that event, Mr. Powell, the Chair will ask you to withhold your presentation for the time being and the secretary will read the minority amendment.

SECRETARY CHASE: Pursuant to minority report A of Messrs. Norris, Pollock, Dade, Mrs. Hatcher, Messrs. Hodges and Buback,

Mr. Norris offers the following amendment:

1. Amend page 2, line 14, after "money" by striking out the comma and reinserting "or"; and in line 15, by striking out "or the increase of tax limitations on real or personal property"; so that the language would then read:

> Whenever any question is submitted to a vote of the electors which involves the direct expenditure of public money or the issue of bonds, only such persons having the qualifications of electors who have property assessed for taxes

and so forth.

CHAIRMAN MARTIN: Mr. Norris.

MR. NORRIS: Mr. Chairman and fellow delegates, on behalf of Professor Pollock, Father Dade, Mrs. Hatcher, Mr. Hodges, Mr. Buback and myself, I prepared the following minority report, the thrust of which is to oppose the new language which has been suggested by the committee, which would in essence require that when there was an issue of the increase of tax limitations on real or personal property, real property ownership would be the basis for permitting one to vote. This is a major matter before the convention and I would like to put before the convention and on the record this report. We urge opposition to the proposed new language for the following reasons, and these reasons are stated in Journal 72, pages 512 and 513:

[The supporting reasons for minority report A were read by Mr. Norris. For text, see above, page 2215.]

In further support of the position of the minority, I'd like to bring to your attention a position which has been formerly expressed by the city of Detroit in a communication to us by Mr. Robert Reese, corporation counsel for the city of Detroit, who indicated on February 1, 1962, as follows — any part of the language was incorporated in the minority report, but I want to underscore its pertinency here:

> At the time of the adoption of the Constitution of 1908, ad valorem property taxes provided revenues not only for local units of government, but for the state as well. For the state, this is no longer the case. Also, at the time of its adoption, property was considered a fair measure of ability to pay taxes. This is no longer the generally accepted view. The state today relies mainly on specific taxes which are primarily designed to tap nonproperty tax sources reflecting relative ability to pay.
>
> As the recommended sections indicate, it no longer appears to be desirable that constitutional provisions rigidly control property tax structure. It would be an improvement, we believe, to leave to the legislature the authority to add such ad valorem or other taxes as well as such standard of value as it may determine will equalize tax burdens. Uniformity when frozen by constitutional provision does not always imply resulting equitable contributions to revenue requirements. In other words, it is the official position of the city of Detroit by resolution of the Detroit common council to oppose the suggested language of the committee.

And accordingly, may I respectfully urge support for the amendment proposed by the minority.

CHAIRMAN MARTIN: Mr. Buback.

MR. BUBACK: Mr. Chairman, ladies and gentlemen of the committee, I also have a statement here I'd like to read into the record relative to this minority report.

The constitution adopted by the people of this state in 1908 conferred the title and privileges of elector on male inhabitants only. Males meeting the qualification of electors were permitted to vote on all questions submitted to a vote. Section 4 of article III of that document, as originally adopted, extended the voting privilege to women who were owners of property assessed for taxes in the district affected, in all elections involving the direct expenditure of public money or the issue of bonds. Women did not achieve the status of general electors until many years later, in 1920. This same section 4 of article III, which was designed originally to expand voting rights, was amended in 1932 to deprive electors of their right to vote in any election involving the direct expenditure of public money or the issuance of bonds, if they were not owners of real or personal property assessed for property taxes in the affected district or lawful husbands or wives of such persons.

It is now proposed that section 4 of article III, as restrictively amended in 1932, be included in the new constitution with its restrictive provisions extended to elections to increase property tax rate limitations. Those who favor classifying the voting privilege apparently feel that decisions which may result in increased property taxes should be made only by electors who pay property taxes directly. This means that the renter or lessee, who actually pays property taxes through his landlord or lessor, is deprived of his vote although he is affected by the result as much as is the property owner.

Rationalizing the adoption of the restrictive amendment to section 4 of article III in 1932 is less difficult than comprehending the logic of the current proposal to continue and extend this section's restrictions on the voting privilege. In 1932, property taxes were the main source of tax revenue for all purposes, including state purposes. They were virtually the only revenues of most local governments. At that time, there was no sales tax, no use tax, no business activities tax and no intangibles tax. Today, the state derives no revenues from property taxes. The role of the property tax in local government financing is declining rapidly and this trend is likely to continue. Less than 60 per cent of the tax money required currently to operate our public schools comes from property taxes. An issue of bonds may be part of a project which is also financed from tax sources other than property. A vote to increase tax rate limitations may be required primarily as security for an issue which will be paid off in part with sales or intangible tax revenues. Yet all nonproperty taxpayers in the district are disfranchised by the proposal.

Section 4 of article III does not belong in a modern constitution. If it were eliminated, the voting privilege would be restored to all electors as they enjoyed this unclassified privilege under our constitution in 1920 — that is, 42 years ago. I urge you to adopt the minority report amendment.

CHAIRMAN MARTIN: Delegate Austin.

MR. AUSTIN: Mr. Chairman and members of the committee, I am speaking in favor of the minority report amendment although I do not believe that it goes far enough in this matter. It appears to me that the whole concept of a denial of nonproperty owners the right to vote on direct expenditures, the issue of bonds and rate limitations is certainly taking a step backward in providing what we consider to be a better concept of the elective franchise.

Consider that at the time of the adoption of the 1908 constitution, property tax revenue was the only source of revenue available to local units of government and the better part of the revenue of state government was derived also from the property tax. However, today local units of government, particularly school districts, do not rely entirely on the property tax for their revenue. They get a considerable amount of their revenue in the form of state aid and state aid is afforded out of taxes that are not based on property ownership. The state aid received by school districts and also cities, villages and townships is derived from the sales taxes paid by individuals on the basis of what they spend for tangible property and is not based on their real property ownership.

Now, there is a very definite inconsistency here and we've got to recognize this trend. When you consider that at the

local level, direct expenditures and bond payments are made out of the total revenue received by a local unit of government, it is impossible to relate the payment of debt service and direct expenditures to property tax only. These expenditures are paid out of the total revenue received by the local units of government, and that revenue includes income derived from sources other than the property tax. And when we consider this carefully, I don't see how we can conclude that only those who own property should vote on these direct expenditures and certainly rate limitations.

There is one other point that I think should be stated here, and that is that a good deal of even the property tax that is paid at the local level is paid by business. Business does not vote. When you consider that in urban centers a large percentage of the residents live in apartment dwellings that may be owned by corporations and people who do not reside in the community, and when you consider also that a good deal of the property tax is paid by the local industry, you will realize that only a small percentage of the residents who are individual home owners are direct property taxpayers. The rest of the property tax is paid indirectly by renters and by those individuals who pay the business taxes. And let's not kid ourselves into believing that individuals do not pay business taxes. Businesses pay their taxes out of either their sales revenue or through a reduction of their profits and ultimately individuals must bear the burden of all business taxes, and the individuals who bear these taxes are not bearing them on the basis of the property that they own.

Now, when you consider all of this, you will have to concede that there is absolutely no basis for continuing this trend toward restricting the voting franchise to only those who own property. As I stated when I began, I do not believe that the minority report amendment goes far enough in just suggesting that we delete reference to rate limitations. It is my feeling that we ought to go further and delete this section altogether. But certainly, we can do no less than to delete the reference to rate limitations. I support the minority report amendment.

CHAIRMAN MARTIN: Mr. Tubbs.

MR. TUBBS: Mr. Chairman, when Professor Norris speaks, I usually listen and enjoy his dissertation. But I am afraid that he does not know some of the facts about financing school districts. And his arguments have been echoed by the CPA — perhaps I should call him Delegate C. P. Austin — who usually is pretty sound in his arguments. I call their attention and the attention of the other delegates to the fact that all school districts in this state must finance capital improvements out of ad valorem taxes on real and personal property, and that is exclusive. So the very arguments which Professor Norris made for putting this amendment in, are actually the arguments which should be made to keep it out.

I have represented many school districts during the past 10 to 15 years in bond issues amounting to several millions of dollars, and I don't know how many bond issues have been raised by the school districts of this state for capital improvements. It amounts to several hundred millions, I think. And the thing that the people of the school districts and the members of the boards of education, especially of the smaller school districts, have been utterly unable to understand, was why there should be a division and why the people who voted to increase the millage could be anybody who lived in the district, while those who voted simply to borrow the money on bonds could be only owners of property. Now, I think just for the sake of clarity, if nothing more, the committee report should be accepted.

I grant, however, and I agree with Mr. Austin, that there are arguments in favor of knocking the whole business out. But if we're going to have this division between voters and this qualification of voters, I think we should adopt the committee language.

CHAIRMAN MARTIN: Mr. Powell.

MR. POWELL: Mr. Chairman and ladies and gentlemen of the committee, I want to thank Delegate Tubbs for most of the things that he said, which are in tune with my thinking on this subject.

Earlier I started to comment that I thought a little historical review of this particular section would be in order. Some of that has been given by these other speakers. I'd like to present it from my own point of view. At the time when the 1908 constitution was drafted, the franchise had not been granted to women and the delegates felt that it was only fair that a provision should be included to permit any woman having the qualifications of a male elector and who had property assessed for taxes in any part of the district to be affected by the result of an election to be entitled to vote on any question involving the direct expenditure of public money or the issuance of bonds.

I was interested to note that the Address to the People issued in connection with the 1908 constitution stated that the purpose of this section, that is, the extension of the elective franchise in certain elections to women property owners was, and I quote, "in keeping with the principle that no person's property should be directly affected without the consent of the owner thereof." You will note that the purpose of this provision as included in the 1908 constitution was to extend the elective franchise in certain elections specifically to women property owners. However, by 1932 that feature was no longer significant in the light of the earlier adoption of the extension of the right of suffrage to women, which I think occurred in 1920; so the section was considerably modified to limit the franchise in elections involving expenditure of public money or the issuance of bonds to property owners and their spouses who were qualified electors in the district affected by the result of the election.

The language resulting from the adoption of that amendment — I'm referring now to the amendment of 1932 — was the same as that in the proposed section f, not including the new provision which appears in capital letters in lines 15 and 16. I might point out that this amendment was adopted by the voters in the same election at which the 15 mill limitation was submitted and adopted. And I have the feeling that if the 15 mill limitation had been in effect at that time, no doubt the voting on increasing of tax limitation on general property would have been included along with the direct expenditure of money or the approval of a bond issue. Now, of course, that could not be done under the circumstances because the 15 mill limitation was not a part of the constitution when this present language was adopted simultaneously.

All 3 of these restrictions, I feel, are in the same category. They impose a continued obligation on general property which is virtually a mortgage or lien on that property, since clear title to it cannot be maintained unless the resulting taxes are kept paid currently until the obligation has been fully met.

In the Comparative Analysis of the Michigan Constitution prepared by the citizens research council of Michigan — that's this big book with which you all are very familiar here — on page 10 of the portion pertaining to article III, I was interested in the following paragraphs — it is just a couple of short paragraphs quoted from that portion of the citizens research council report:

> In respect to local governments, which do rely on the property tax to finance general obligation bond issues and a large portion of their direct expenditures, this provision presents an interesting anomaly. Only property owners and their spouses can vote to issue bonds or make direct expenditures, but all electors, whether property owners or not can vote to increase the limitation on the amount of property taxes which can be levied by the local governing body. Thus, on a local bond issue on the ballot, only property owners and their spouses can vote, but on the question of increasing the property tax limitation to raise the funds to pay the debt service on the bonds, all qualified electors can vote.

I was particularly interested in this last brief paragraph in that report:

> As noted previously, the more recent state constitutions do not contain provisions of this type. If this section is to be continued, the convention may wish to consider the question of whether voting on millage increases should be similarly restricted.

I think the whole thing ought to go together here and not be separated.

Now, with more particular reference to the minority report amendment which is immediately before us, I was interested in analyzing this minority report as I read it in our journal and as it's been read for us here tonight by the first signer, Delegate Norris. And to my mind, there is very little of it that has any bearing on this new language. That is, it seems to me to have more to do with other matters than it does as to who should vote on increasing millage to be paid by property owners. They point out, very properly, that "There has been an accelerated trend in the diffusion of the revenue base." And then in another place here they say, "Property taxes no longer constitute the bulk of taxes paid." Well, I think that's more of an argument on my side than theirs, as I think I am bringing out here. They go on to make the questionable statement that "It is as difficult to relate property taxes to the payment of debt service as it is to relate other revenue sources to specific expenditures." That statement would be pertinent if the issue were as to who should be eligible to vote to approve a bond issue. May I emphasize that virtually the only source of revenue available to a school district or other local units of government is the general property tax. However, I do not see just what the statements quoted from the minority report have to do with the issue under discussion here.

The point I wish to make is, if the property tax rate is raised above that available within the 15 mill limitation, the only people who will pay that added tax will be the owners of general property in the district. This is true regardless of what the purpose of the millage increase may be, that is, whether it is for capital improvements or for operating purposes. It is also true regardless of the length of time for which the increase is granted, that is, whether it is for 1 year, 5 years or any period up to the maximum of 20 years permitted under the 15 mill limitation as it now stands. The minority report gives the implication that renters would join in the payment of these added property taxes. I think it is highly improbable that rental rates would be adjusted periodically to keep in tune with current imposition of added millage rates. Certainly, the bulk of all of these payments would come directly from the property owners against whom they would be levied.

The suggestion has been made that the restrictive qualifications which I am advocating for voting on millage increases should be imposed in the case of increases for capital improvements, but not for operating purposes. While I feel that half a loaf is better than no bread, I fail to see the logic behind such a distinction. Both are levies which will be paid only by the property owners. Millage increases for operating purposes are frequently made for periods of 5 years or longer. Also in many cases, the rate may be increased periodically as soon as one term expires so that the increase is virtually continuous and constant.

It has been the settled policy of our state for 30 years that only property owners can vote on the approval of bond issues. I submit that authorizing increased millage for a period of years is as much an obligation or a virtual mortgage on the general property in the district as a bond issue and the same qualifications for voting thereon should prevail.

I support the language as recommended to you by the committee on declaration of rights, suffrage and elections and oppose the minority report amendment or any other weakening or watering down of the provisions as presented in the committee proposal.

CHAIRMAN MARTIN: Mr. Stevens.

MR. STEVENS: Mr. Chairman, members of the committee, in replying to Professor Norris' statement, which he so frequently makes, that we in Michigan have constantly increased the number of voters, that is not entirely true. I suggest that up until 1924, many persons could vote in Michigan who were not citizens of the United States, but by constitutional amendment, it was provided that after that date, no person could vote in Michigan unless he was a citizen of the United States. In 1932, of course, the amendment was passed to provide that only taxpayers, their wives and husbands could vote upon the question of direct expenditure of funds and bonds, the subject about which we have been talking in part.

I merely would like to announce — and I think it's relevant — that Mr. Brake and I have an amendment to this which would make it consistent with the provision we have already passed in the committee, providing that persons must be taxpayers or the spouses of taxpayers to vote on the increase in millage for capital purposes, but permitting all registered qualified voters to vote on millage which would be used for maintenance purposes only. I am sure Delegate Austin knows about this provision in finance and taxation. The provision there is the one that would be accepted by this amendment. It would be a compromise between the provision of the committee proposal and the existing provision of the constitution. Thank you.

CHAIRMAN MARTIN: Mr. Leppien.

MR. LEPPIEN: Mr. Chairman and fellow delegates, one would think from the amount of discussion that this pertains only to the property of the home owner being assessed for taxes. We very well heard tonight by, I believe, Delegate Austin that business likewise pays property tax but has no vote. And I want to cite some figures that were taken from various sources, as gotten together by our reseach department at my request for some figures for tax purposes in a study that I was making. I'll briefly read it:

> For the past 10 years, the total property taxes levied locally in Michigan for all purposes have risen from $375 million to $875 million, or 133 per cent. In the same period, the property tax for all school purposes has increased from $148 million to $451 million, which is an increase of 205 per cent.

Mr. Chairman and fellow delegates, if you will study these figures as they have been studied, you will have to reach one conclusion. That one conclusion is that property is bearing too much of the tax burden, not only the home owner, but the business property as well.

Now, in addition to that, our legislature has seen fit to create a lot of other taxes that we've heard about: the business activities tax, which must be paid, profit or no profit; the other kind of taxes, nuisance taxes, some of which can be passed on to the consumer and some of which cannot. And as a result of this, we have a climate here in Michigan in relation to property taxes that, I submit to you, is not healthy, industrially speaking. It is my firm opinion that this convention could well afford and should look this question full in the face and establish some guide lines for our legislature to follow in the future in order that our tax burden can be properly spread on all facets of human endeavor. Thank you.

CHAIRMAN MARTIN: Mr. Austin.

MR. AUSTIN: Mr. Chairman, I am wondering if I could ask Mr. Powell one or 2 questions.

CHAIRMAN MARTIN: Mr. Powell, do you care to answer?

MR. AUSTIN: Mr. Powell, have you considered what protection ought to be given to corporate property owners? Just to clarify my question, you seem to be concerned that we should not increase the millage on electors who are property owners. What about corporate property owners who do not have a vote?

MR. POWELL: Well, it seems to me, Mr. Chairman, Delegate Austin, that the interests of the individual property owners and the corporate property owners would be comparable. In many cases, they would be the same folks as the owners of corporate property. They probably own personal

property — that is, individual property, real and personal property. I don't know how you seek to get around the point that you raise. But I cannot understand why there should be a different rule for approving a bond issue, let us say, than for providing the millage that will repay it. I think it should all be leveled off and made comparable and harmonious and equitable, logical, defensible, and a lot of other big words. (laughter)

MR. AUSTIN: Actually, the point that I wanted to make — and I think you probably know what it is — is that in some communities, the bulk of the assessable property is owned by corporations, either the industrial property or apartment dwellings, multiple dwellings. And it is quite conceivable that only a few home owners living in a community may be able to vote for millage increases but the bigger portion of the residents who may happen to be apartment house dwellers or multiple house dwellers, renters, would have no vote at all. And since all of the property is involved, and not just that that is owned by the few home owners, it would seem as though all of the voters ought to have a right to vote, and not just the few who might happen to own individual homes. Of course, that's an oversimplification of the situation.

But now I'd like to go to another question. Are you aware that there is a trend toward exemption of certain property from taxation, such as, let's say, industrial personal property, and to replace it with an alternative state tax? Have you heard of such a plan?

MR. POWELL: For the last 2 years I have.

MR. AUSTIN: Have you considered what the impact — Mr. Chairman, I know this is colloquy. Maybe I should be directing these questions to you — have you considered what the impact will be of this new type of taxation at the state level on the bond issues at the local level? Do you understand my question?

MR. POWELL: Mr. Chairman, Mr. Austin, I partially do, I think. But I still don't see any reason why there should be one classification for voting on a bond issue and another on whatever millage increase may be necessary to make that bond issue solvent. Of course, if at the time of selling the bond it can be made plain that there is other revenue that is going to retire the bond issue, then I wouldn't think that an added millage increase for the full amount would be indicated.

MR. AUSTIN: I think you understand what my point was. It is possible that revenue other than property tax will be required to pay off some of these bond issues and that revenue will not be derived from property; it will be derived from other sources. And the main point that I want to make is that there is a trend toward, let's say, reducing the property tax wherever it can be done and a shift toward other forms of taxation. These other forms of taxation will be more generally participated in by the electors. They will not just be the property owners.

MR. POWELL: Mr. Chairman, may I get a word in edgewise?

MR. AUSTIN: Oh, yes.

MR. POWELL: If, as and when that happy day comes — a consummation devoutly to be wished and toward which I look forward with great and glorious anticipation — why would we have to have such a large increase in millage than would otherwise be the case? That is, if a large portion of the revenue is going to be forthcoming from these new methods, then would it not be possible that you wouldn't have to have as high an increase in the millage rate, possibly none at all?

CHAIRMAN MARTIN: Mr. Austin.

MR. AUSTIN: Mr. Chairman, I think we ought to recognize the fact that since we can anticipate new forms of taxation at the local level — for example, down in Detroit, they are now considering an income tax. That income tax will be used to pay bond issues, that is, to pay the debt service as well as other expenditures of government — it would seem to me that it would be unwise to fix into the constitution at this point a limitation on voting when there is a trend away from complete reliance on the property tax as the source of revenue at at the local level.

I believe that this is a very dangerous trend in view of the fact that we are contending for some relief from the property tax and more reliance on other forms of taxation. And it would appear to me that we ought to try to avoid writing more of these restrictions in our constitution.

CHAIRMAN MARTIN: Mr. Powell.

MR. POWELL: Mr. Chairman, if I still could have the floor for a moment, it just appears to me that the only thing at stake here, the new language that is involved in the committee proposal, is a qualification for voting on increased millage, and if that isn't going to be needed, why, then, this new language doesn't do anything. It doesn't become operative. It becomes operative only in the case where property tax millage increase is proposed.

Now, much that has been said here is so far aside from the point, that it rather irks me. For instance, earlier today, Professor Norris started off by saying here, "There has not been any dispositive showing that the recommended voting restriction is made necessary by experience since the adoption of the 1908 constitution." Now the fact of the matter is, of course, that at the time of the adoption of the 1908 constitution, nobody had ever heard of the 15 mill limitation. And then in 1932, when the present language, to which this committee proposal makes an insert, was adopted, the 15 mill limitation was being submitted simultaneously and was not then a part of our constitution. I am sure that if it had been a part of the constitution and they changed the voting requirements for direct expenditure of public money or for approval of a bond issue, they would certainly have added along with it the increasing in property tax millage.

CHAIRMAN MARTIN: Mr. Stevens.

MR. STEVENS: Mr. Chairman, members of the committee, I merely want to repeat, because apparently many people didn't listen or didn't understand that if this amendment is defeated, there will be offered an amendment in the shape of a compromise which will take care of the conflict now existing, because we have already passed in the finance and taxation provisions a provision that only taxpayers and their spouses may vote to increase limitations for capital expenditures but in that, it was provided that any registered, qualified voter could vote on the increase in millage for expenditures for maintenance. I understand there's another amendment that sets up the time at 5 years, but in any case, this would be a compromise between the 2 ideas. And since we have already passed the one, it wouldn't add anything to what already exists. So my suggestion would be that we vote this down and vote for the amendment which makes this provision the same as the one we've already passed. I'd like to yield to Mr. Brake. Did you want to submit that as a substitute? Then my suggestion is that we vote this down and vote for the amendment which will do away with the conflict which would result if we adopt the committee proposal. We can't have both of them in the same constitution.

CHAIRMAN MARTIN: Mr. Powell.

MR. POWELL: Mr. Chairman and ladies and gentlemen of the committee, just another brief word. Many of you will recall that when the report of the committee on finance and taxation that referred to this point was before the committee of the whole, I proposed an amendment to make this provision comparable with what is now in this provision that the committee has reported, and at that time the suggestion was: let us wait until the report having to do with elections is before the delegates, and then we will reach the decision there, and that will be the governing decision; that is, the decision we reach relative to elections will later be worked into the report of the committee on finance and taxation, and with that assurance and on the strength of that agreement, I withdrew my amendment at that time, and waited until this occasion here today. I am sure you all understand that the report of the committee on finance and taxation isn't written into the new document yet. It has not been before us on second reading. Whatever we want to decide here will be appropriate and then we can make the other one fall in step with our action here tonight.

CHAIRMAN MARTIN: Mr. Perras, do you care to be heard?

MR. PERRAS: Mr. Chairman, through the Chair, I would like to ask Mr. Austin a question, if I may.

CHAIRMAN MARTIN: Mr. Austin.

MR. PERRAS: You mentioned in your statement a few minutes ago that there are new taxes forthcoming relative to property taxes, millage on bond issues, in other words. In my neighborhood the people voted in a new high school — it was a $3 million high school — and in order to get the proper financing of these bonds at a low interest rate, we had to sell nonredeemable bonds. In other words, no matter how high our value went, we would have to pay the amount that we had agreed on on these bonds and pay for those for 25 years. Now, you say that there are taxes forthcoming. You mentioned the income tax, possibly in the Detroit area. Now, how would that help people that have bonded themselves with these long term bonds when you're already committed to that type of bonding or paying payments for 25 years? So you see, that's why we've got to be very careful here.

MR. AUSTIN: Mr. Chairman, I did not want to go into detail on what I had in mind here because I thought most of the delegates were aware that there have been several programs that have been submitted. One is the governor's program which would provide for the exemption of personal property — that is, certain industrial personal property — from property ad valorem taxation and the state would replace this revenue from a new source of revenue that the state would have, probably a state income tax. Now, actually where the local unit of government is now receiving a certain amount of revenue from this property tax, that money would be replaced by state aid. The state aid will be derived from a tax which all of the taxpayers pay, and it is not just restricted to the property owners who live in the area, and yet this state aid money will be used just like the other moneys that are received by the local unit of government, for the payment of debt service and any other expenses that the local unit of government incurs. And I might add this: that 3 years ago, when I served on the Conlin committee, we recommended the repeal of all personal property tax except on inventories and the revenue would be replaced —

MR. TUBBS: Mr. Chairman, I rise to a point of order.

CHAIRMAN MARTIN: Mr. Tubbs.

MR. TUBBS: I appreciate very much the philosophical discussion by Delegate Austin, but we are here dealing with elective franchise and not theories of taxation.

CHAIRMAN MARTIN: Mr. Austin.

MR. AUSTIN: I'll await the ruling of the Chair.

CHAIRMAN MARTIN: Confine yourself as closely as you can to the question of taxation.

MR. AUSTIN: If I may say this, Mr. Chairman and Mr. Tubbs, what I had in mind was simply to illustrate as near as I could that local property taxes may be replaced by revenues derived from taxes other than property taxes and in the process many of the bond issues and direct expenditures that were initially expected to be paid out of property taxes will be paid by revenue from other sources and these other sources will be derived from taxes that will be paid by all of the people and not just the property owners. And if we at this time attempt to restrict in the constitution the voting rights of the people on direct expenditures and bond issues, we may be unfairly disfranchising them for the future.

CHAIRMAN MARTIN: Dr. Pollock.

MR. POLLOCK: Mr. Chairman, are there any more speakers on the minority report amendment?

CHAIRMAN MARTIN: The Chair thinks not; that's all on the minority report amendment.

MR. POLLOCK: I was going to say if we could get a vote on it, then I would make the proper motion.

CHAIRMAN MARTIN: All right. Mr. Shanahan had his hand up. Mr. Shanahan, do you wish to be heard?

MR. SHANAHAN: Mr. Chairman, ladies and gentlemen, there has been a good deal said in regard to this. There have been arguments made that I think probably could be used with equal validity for those in favor of the position of the committee as well and if not even better for the minority group. In the presentation, there was a comment made about the accelerated trend of other sources of taxation for support of government in this so called modern age. Well, now, whether that is an argument for imposing more taxes on what is generally considered to be an overburdened tax source — namely, property, both real and personal — it is difficult for me to see how that would be. One thing that we have been hearing from time to time is something about the business climate and one of the factors in that has been the increasing taxes on business, on the inventory of the man in business. I've heard considerable about the small businessman and the problem that he is confronted with in regard to personal property taxes, real estate taxes.

As a farmer, it is perhaps significant that any farmer is confronted every morning when he gets up with a tax bill of $4 or $5 or $6, or even more than that. Every day whether he makes a nickel or not, whether he is working that day or not, it is a burden that he has to bear.

A good deal was said a little while ago that renters do pay taxes through their rent, which in theory is so. In actual practice it is hard to demonstrate. The rental market is a competitive market and it is difficult to raise rents because taxes have been raised on the property. Sometimes it does. The example was given that during world war II, the OPA granted rent increases where it could be shown that taxes had been increased. But that was a special situation. Rent controls were imposed because there was a shortage of housing and without the controls, we were told, the cost of rents would skyrocket so that in places where the availability of rental properties for the resident was scarce, it was not a problem of passing the cost of taxes on to the renter, provided you could get the authority to do so. That is not the situation so much today. Apartment house dwellers who are an increasing proportion of city population would be barred from any voice on a matter which could significantly affect the cost of their rentals. I question that statement. For one thing, there are apartment house dwellers who are owners of the property. This is a continuing trend, a growing trend, and I do not believe that that is anything that we would want to prevent here at this time.

Another statement was made that said: it could well be that a family renting a home pays a larger proportion of its income in taxes than another family who lives on property that it owns, but it can more likely be that the family renting does not pay a larger proportion of its income in taxes. I don't believe there is an argument there at all.

Something else has been mentioned about the property owners and what they would do in regard to schools. I can't speak from my own observation throughout the state, but I can talk of my own area. All the communities in and around Charlevoix in the last 12 years have built at least once, and some of them have built twice. They've added school properties, and they've done it on a vote of the people, including the property owners. They have met their responsibility; they know what their responsibility is in regard to certain of these things, and it is also true that they have turned down certain proposals. They have also turned down certain proposals for operating purposes for a limited time because apparently they felt that they were being asked to pay more taxes than they thought they should. Now, that is nothing I am going to try to talk about right now. What I am saying is that in case you have people able to vote taxes for a long period of time who do not have the responsibility of paying them, you have a situation, as I mentioned earlier, of representation without taxation. They can vote the taxes on somebody else and not have to be concerned about the payment thereon. An obligation against property, as has been mentioned, is a permanent one until the obligation is satisfied. It may go for 10 years, 20 years, I even heard mentioned 25 years. And that could be a very real burden on the property. I certainly urge that the minority report amendment not be adopted.

CHAIRMAN MARTIN: Mr. Norris.

MR. NORRIS: Mr. Chairman, I only want to make one

very simple statement on behalf of the minority report amendment, and that is simply this: that the only thing before us is whether you believe the elective franchise in relation to increase in tax limitations on real or personal property ought to be restricted to property owners. If you agree that it ought to be so restricted, then you vote no. If you feel that it ought not to, then you ought to vote yes for this amendment. I submit that the whole trend of American history has been on the side of removing property qualifications. All the majority of the committee wants to do here is to add another basis for restricting the elective franchise. We already have, in this particular amendment to the constitution, bonds and direct expenditures. Now they want to put in their tax limitations, and this is the wrong trend. If you want to reverse the trend, then vote for the minority report amendment. I urge that you vote yes on the minority report amendment.

CHAIRMAN MARTIN: The question is on the minority amendment. The secretary will ring the bell.

MR. FAXON: Mr. Chairman. Have the yeas and nays been ordered?

CHAIRMAN MARTIN: They have not.

MR. FAXON: May I so request?

CHAIRMAN MARTIN: The yeas and nays have been requested. Is there sufficient number to support it? Sufficient number up.

SECRETARY CHASE: The question is on the minority report amendment to section f:

[The amendment was again read by the secretary. For text, see above, page 2248.]

CHAIRMAN MARTIN: So that it will read how, Mr. Secretary?

SECRETARY CHASE: So that the language will read:

> Whenever any question is submitted to a vote of the electors which involves the direct expenditure of public money or the issue of bonds, only such persons having the qualifications of electors who have property assessed for taxes in any part of the district or territory to be affected by the result of such election or the lawful husbands or wives of such persons shall be entitled to vote thereon.

CHAIRMAN MARTIN: The question is on the minority amendment. The yeas and nays have been demanded. All those in favor will vote aye. All 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—38

Allen	Faxon	Mahinske
Andrus, Miss	Garvin	Marshall
Austin	Greene	McGowan, Miss
Balcer	Hart, Miss	Murphy
Barthwell	Hatcher, Mrs.	Norris
Binkowski	Hodges	Ostrow
Bledsoe	Hood	Perlich
Brown, T. S.	Jones	Pollock
Buback	Kelsey	Rajkovich
Cushman, Mrs.	King	Van Dusen
Douglas	Lesinski	Walker
Elliott, A. G.	Liberato	Young
Elliott, Mrs. Daisy	Madar	

Nays—80

Anspach	Haskill	Radka
Batchelor	Hatch	Richards, J. B.
Beaman	Higgs	Richards, L. W.
Bentley	Hoxie	Romney
Bonisteel	Hubbs	Rush
Boothby	Hutchinson	Sablich
Brake	Iverson	Seyferth
Brown, G. E.	Judd, Mrs.	Shaffer
Butler, Mrs.	Karn	Shanahan
Conklin, Mrs.	Kirk, S.	Sharpe
Danhof	Knirk, B.	Sleder
Dehnke	Koeze, Mrs.	Spitler
Dell	Krolikowski	Stafseth
Donnelly, Miss	Kuhn	Staiger
Doty, Dean	Lawrence	Sterrett
Doty, Donald	Leibrand	Stevens
Durst	Leppien	Stopczynski
Erickson	McAllister	Thomson
Everett	McLogan	Turner
Farnsworth	Millard	Tweedie
Figy	Nisbet	Upton
Finch	Page	Wanger
Follo	Perras	White
Goebel	Plank	Wood
Gover	Powell	Woolfenden
Hanna, W. F.	Prettie	Yeager
Hannah, J. A.	Pugsley	

SECRETARY CHASE: On the adoption of the minority report amendment to section f, the yeas are 38; the nays are 80.

CHAIRMAN MARTIN: The amendment is not adopted. Dr. Pollock.

MR. POLLOCK: Mr. Chairman, I move the committee rise.

CHAIRMAN MARTIN: The question is on Dr. Pollock's motion that the committee rise. All those in favor will say aye. Opposed, no.

The motion prevails and the committee will rise.

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

PRESIDENT NISBET: The Chair recognizes Mr. Martin.

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

SECRETARY CHASE: Mr. President, the committee of the whole has had under consideration **Committee Proposal 58,** pertaining to the elective franchise, has considered several amendments thereto and has come to no final resolution thereon. This completes the report of the committee of the whole.

PRESIDENT NISBET: Are there announcements?

SECRETARY CHASE: The committee on administration will meet Wednesday immediately after the morning session. Walter DeVries, chairman.

The committee on legislative powers will meet in room H Tuesday, tomorrow, immediately following the afternoon session. Any delegate desiring to offer an amendment to any committee proposal reported by the committee on legislative powers or any delegate wishing to discuss any of these proposals is invited to meet with the committee after the session. T. Jefferson Hoxie, chairman.

The committee on emerging problems will meet Tuesday, tomorrow, at 11:30 a.m. or immediately after the morning session in room H on the third floor. Frank Millard, chairman. P.S. Bring your lunch.

There will be a meeting of the committee on finance and taxation tomorrow morning, April 10, at 8:00 o'clock in room E to consider committee proposals as submitted by the committee on style and drafting.

We have the following requests for leave: "Like to be excused from the early part of the session Tuesday," Mr. Gover; requesting leave from the sessions of Tuesday and Wednesday, Donald Doty; Mr. Kirk would like to be excused from the sessions of Tuesday and Wednesday to attend sessions of Tuscola county board of supervisors; and Mr. Van Dusen would like to be excused from the session of Tuesday morning and early Tuesday afternoon to attend the funeral of one of his law partners.

PRESIDENT NISBET: Without objection, the excuses are granted. The Chair recognizes Mr. Wood.

MR. WOOD: Mr. President, I move we adjourn.

PRESIDENT NISBET: The question is on adjournment. Those in favor say aye. Opposed, no.

We are adjourned until 9:00 o'clock tomorrow.

[Whereupon, at 10:45 o'clock p.m., the convention adjourned until 9:00 o'clock a.m., Tuesday, April 10, 1962.]

ONE HUNDRED EIGHTEENTH DAY

Tuesday, April 10, 1962, 9:00 o'clock a.m.

PROCEEDINGS

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

Our **invocation** this morning will be given by the Reverend Jacob Hasper of the Seymour Christian Reformed Church of Grand Rapids.

REVEREND HASPER: Let us unite in prayer. Our eternal God and heavenly Father, we thank Thee for access to Thy throne through Jesus Christ our Lord. We pray that these sacred moments of prayer may not be mere custom but may they be the expression of our real sense of need of Thee. We thank Thee for Thy love which flows endlessly into our lives.

Thou who art the ruler of nations, in whose hands are all the times and circumstances of men, we praise Thee for the heritage of freedom which is ours to enjoy. We thank Thee for noble men who are willing to dedicate their lives to maintain this heritage. We thank Thee for these men who work to present our state with a new constitution which will be beneficial to all the people.

This morning we pause to ask Thy continued benedictions upon us as we begin the work of a new day. We need Thy Spirit to give us light and vision and wisdom to formulate a constitution founded upon truth and justice. We need Thy Son to free us from the terrible bondage of self and pride and to lead us in paths of holy service and a right decision. We need Thy grace, Father, to rededicate ourselves to the principles of freedom and righteousness and peace revealed in Thy Holy Word.

Release then Thy benedictions upon us, we pray, that we may today be diligent in serving Thee and our fellow man. In Jesus' name we pray. Amen.

PRESIDENT NISBET: The **roll call** will be taken by the secretary. If you are present, please vote aye. Have you all recorded your attendance? If so, the secretary will lock the machine.

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

Prior to today's session, the secretary received the following requests for leave: Mr. Marshall, from the morning session; Mr. Austin, from the afternoon session to attend a meeting of the board of supervisors; Mr. J. A. Hannah, from the middle of the forenoon session and part of the afternoon session to attend the funeral of Mr. Alfred G. Wilson, who made a contribution of $10 million to Michigan State; and Mr. McLogan, from the latter part of the afternoon session.

PRESIDENT NISBET: Without objection, the requests are granted.

SECRETARY CHASE: Absent with leave: Messrs. Baginski, Cudlip, Donald Doty, Ford, Gadola, Gover, Howes, Kirk, McCauley, Marshall, Mosier, Rood, Shackleton, Stamm, Suzore and Van Dusen.

Absent without leave: Messrs. DeVries and Gust.

PRESIDENT NISBET: Without objection, the delegates are excused.

[During the proceedings, the following delegates entered the chamber and took their seats: Messrs. DeVries, Gust, Cudlip, Gadola, Gover, Marshall, Mosier and Van Dusen.]

Reports of standing committees.

SECRETARY CHASE: None.

PRESIDENT NISBET: Communications.

SECRETARY CHASE: No communications.

PRESIDENT NISBET: Motions and resolutions.

SECRETARY CHASE: There are no resolutions on file.

PRESIDENT NISBET: Unfinished business.

SECRETARY CHASE: None.

PRESIDENT NISBET: **General orders.** The Chair recognizes Mr. Martin.

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

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

The motion prevails. Mr. Martin.

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

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

SECRETARY CHASE: Item 2 on the calendar, from the committee on declaration of rights, suffrage and elections, by Mr. Pollock, chairman, **Committee Proposal 58,** A proposal pertaining to the elective franchise. Sections a through e have been agreed to. Under present consideration is section f on page 2.

For last previous action by the committee of the whole on Committee Proposal 58, see above, page 2232.

Messrs. Brake and Stevens now offer the following amendment:

1. Amend page 2, line 13, after "Sec. f.", by striking out the balance of the section and inserting "Whenever any question is submitted to a vote of the electors which involves the direct expenditure of public money, the issue of bonds or increased millage for capital outlay purposes, only such persons having the qualifications of electors who have property assessed for ad valorem taxes in any part of the district or territory to be affected by the result of such election or the lawful husbands or wives of such persons shall be entitled to vote thereon.".

CHAIRMAN MARTIN: Mr. Brake.

MR. BRAKE: Mr. Chairman, ladies and gentlemen of the committee, this has been referred to as a compromise position. It is a compromise in the sense of being in between the extremes but not a compromise in the sense of being something arrived at by agreement or by negotiation.

The committee on finance and taxation wrote into the 15 mill provision as we presented it to the convention, this provision. The committee agrees, however, that the restriction or the qualification ought not be in 2 different places in the constitution and that the election article is the proper place for it. The position that the committee took was that increased millage for capital outlay should require the vote by people on the tax roll but that operating millage should not. The difference is principally a matter of time. We thought that the argument that a tenant is paying taxes in his rent generally would apply perhaps in operating millage for a short time: 1 year, 2 years, and possibly 5 years, but that when it comes to putting a mortgage on the property, as in effect it does, for a capital outlay on a long term basis, that the qualification should be just the same as for voting on a bond issue.

I understand that there is an amendment on the secretary's desk by Delegates Page, Spitler and Follo, which places it squarely on a time basis; that if it's under 5 years, just ordinary electors would have the right to vote; if it's over 5 years, it would require property on the tax roll. I think Mr. Stevens and I are willing to accept that as part of our amendment, if we may do so, so just 1 decision will have to be made instead of the 2. We think this is a sound distinction;

that a short term millage may well be voted upon by any qualified elector but that the long term millage should have the vote of those who are on the tax roll.

CHAIRMAN MARTIN: Mr. Stevens.

MR. STEVENS: Mr. Chairman and members, Mr. Brake has very adequately explained the purpose of this amendment. It is obvious that you can't have 2 conflicting statements in the constitution. The committee on style and drafting can obviously correct this if the floor will decide what it wants. It would not be right for the committee on style and drafting to decide which of these to have, but if the committee of the whole can now decide what it wants, then the 2 parts can be rewritten, or perhaps be taken out of the finance and taxation and just appear in this 1 place. So the only thing now is to decide just what you want to do about this and make it at any rate harmonize throughout the constitution.

CHAIRMAN MARTIN: The Chair will ask the secretary to read the amendment with the Page-Spitler-Follo addition and then if the sponsors of that amendment wish to speak, the Chair will recognize them.

SECRETARY CHASE: The amendment as now revised by the acceptance by Messrs. Brake and Stevens of the amendment offered by Messrs. Page, Spitler and Follo, is as follows:

1. Amend page 2, line 13, after "Sec. f.", by striking out the balance of the section and inserting "Whenever any question is submitted to a vote of the electors which involves the direct expenditure of public money, the issue of bonds or increased millage for a period of more than 5 years, only such persons having the qualifications of electors who have property assessed for ad valorem taxes in any part of the district or territory to be affected by the result of such election or the lawful husbands or wives of such persons shall be entitled to vote thereon. In all other questions involving increased millage all persons having the qualifications of electors may vote thereon.".

CHAIRMAN MARTIN: Mr. Page.

MR. PAGE: Mr. Chairman and members of the committee, as Mr. Brake has so clearly pointed out, it seemed to us that the issue in this situation was primarily one of time. We felt that the fear that communities or property owners in communities might be subjected to long term millage levies for either capital outlay or operating purposes was a justifiable fear and at the same time as a compromise and to point up what we considered to be the issue, we put the 5 year period in as an amendment to the Brake-Stevens amendment.

It is our feeling that shortening this period to 5 years will very definitely eliminate practically all, if not all of the hazards involved in allowing electors who are nonproperty owners to vote on millage levies for short periods of time. Anything in excess of 5 years would require the property owner qualification in order to be eligible to vote on such levies, whether for operating or capital outlay purposes.

CHAIRMAN MARTIN: Mr. Knirk.

MR. KNIRK: Mr. Chairman and ladies and gentlemen of the committee, I have been quite disturbed over this particular issue for a long time and I think as chairman of our local school district down home, I am very much concerned with it because I think that many of us here in the convention—and I was hoping that Delegate Austin would think about this just a little other than just the metropolitan areas because he mentioned last evening that people should be allowed to vote on this extra millage because all they need to do was transfer this additional cost to the renters of apartment houses and so forth. I come from an entirely different community, a community which is primarily made up of farm properties. In fact, in our particular school district, nearly 70 per cent of the total value of our school district is farms and the balance are homes within a small community.

I am not in favor of this particular amendment—the one offered by Mr. Brake and Mr. Stevens originally or the amendment as revised—due to the fact that I do not believe this is the way to solve our financial problems primarily with education. I think this is really what we're trying to do. The only real concern we have here is primarily with educational problems and we're trying to finance our school systems from ad valorem taxes, both property and real. I think it's a very unfair way of trying to bail ourselves out. I think the tighter we keep the restrictions so that only those property owners—the people that are paying the burden, paying the cost—have the responsibility of voting upon the particular issue that is offered to the people, the sooner we'll get a more realistic approach to the problem. And as long as we have the back door open or left ajar and allow people to vote on this question of financing primarily on the problem of education here, we will never have adequate funds.

I have the dubious experience tomorrow, Wednesday, of being, I might say, investigated—that would be the wrong word, but at least passing out information and knowledge of our school district for a particular senator within our state because he has charged that we have mishandled our funds. Ladies and gentlemen, we operate the lowest per capita cost school in our county and some $60, $75 less than the state average, and we are having difficulty, real serious difficulty in operating for this next year. And I think that we very definitely have to look at this from an objective standpoint and admit that we have to have more funds to operate our educational plants, to man the kind of a staff that we want, but the answer is not necessarily just raising taxes.

You take a farmer who has a state equalized valuation of $20,000 to $30,000—and that's not at all unusual today, because as things have developed over the past 20 years, in order to have and be able to use the best knowledge, technological advances in agriculture, you have to have this large investment—but by having this large investment and having this size operation to be efficient, we should not be abused in the heavy tax burdens that are essential because we are forced to own this type of a setup in order to be efficient. And if we should have adverse weather conditions or markets, it does not mean necessarily that we have the ability to pay this tremendous burden. I don't want to become personal on this, but I think that each and every one of us owe to our people back home, and particularly to the rural people of this state—and I certainly hope and plead with the metropolitan areas that they consider what this would do to us. I think it's very important that we not leave this back door ajar and try to survive and continue to place upon the property owner the burden of this load that they should not have to carry.

We are absolutely going to destroy the incentive and the desire, in my book, to own property if we continue on the trend that we have in the past. And I hope that Mr. Austin was correct last night when he said there is a tendency to reduce property tax. It has not been true in my community and I don't know where it has applied. I certainly hope that sooner or later that the legislators and people in this convention will wake up to the fact and will do something about it. But up to now, they have not and I don't think that we should reduce this restriction. In fact, we should make it more rigid than it is today. And I hope that you will turn down this amendment. (applause)

CHAIRMAN MARTIN: The Chair might interrupt the debate to make a short statement. Since the debate last night, 1 or 2 delegates have complained that during the debate they were unable to hear the speakers clearly because of the noise within the hall, with people conversing. The Chair realizes that it is necessary to discuss some of these matters as we go along, but would like to suggest this: that if you simply have a comment you want to make to a friend or to a seat mate or someone, that you make it in as low a voice as you can, and not try to outspeak the speaker. If you have a conference—if you've got something that is going to take some work—that you retire to outside the hall, because if conferences are going on in full voice in several places within the hall at once, it is difficult for the speaker to be heard and difficult for him to speak and the Chair doesn't like to keep pounding the gavel. So the Chair just asks your consideration for the speaker, whoever he may be or she may be, and for the general decorum of the committee. In that way we will be able to proceed more efficiently and more rapidly.

Next the Chair will recognize Mr. Spitler.

MR. SPITLER: Mr. Chairman and delegates, first of all I would like to say that I agree with Delegate Knirk that the time must come when there is other revenue than property tax. And when that time does come, with the support of schools and the local districts, then it will not be necessary to take the stand that we are taking in some of these amendments. First of all, I would like to say that this amendment recognizes that there is merit in both the majority and the minority reports. From a discussion with some of the delegates, it appears that there are many who find it difficult to support or oppose either the majority or minority report. This amendment offers these delegates a middle ground, a compromise, if you prefer to call it that.

Most bond issues are voted for long periods of time, usually 10, 15 or 20 years. Under the present constitution, 2 ballots are used in voting on these bond issues. The one ballot is for the increase of millage to provide the necessary funds. On this ballot, any qualified voter may vote. The other ballot provides for the direct expenditure of the funds for these bonds. On this ballot, only qualified property owners may vote. Both issues must carry by a majority of the voters qualified to vote on each issue. If either fails to secure a majority of the vote, the bond issue fails.

This amendment continues the provision that on the bond issues only qualified property owners may vote. It further provides that in the election for the increase of millage for periods in excess of 5 years, whether the millage be for operation or for capital outlay, only property owners are eligible to vote. To this extent, it carries out the intent of the majority report. It further provides that in the elections for the increase of millage for periods of 5 years or less, either for operation or for capital outlay, only qualified electors shall be eligible to vote. It takes into consideration the argument of the minority report that in some districts those who are not owners of property, through rentals, may be paying indirectly more taxes than some of the property owners. It also makes possible a means of securing funds in those districts where property is owned to a large extent by a few property owners, such as industry, corporations or large apartment buildings. The amendment attempts to protect the property owners against the increase in taxes for long periods of time by voters who may have moved out of the district before the obligation has been fully met.

Again let me say that this amendment is offered strictly as a compromise for those delegates who find it difficult to support or oppose either the majority proposal or minority amendment. It protects property owners against taxes voted for long periods of time. Yet it does not disfranchise the nonproperty owner in elections for increase of millage over a short period of time, when in many cases, these people may be paying indirectly as much or even more than many of the property owners.

CHAIRMAN MARTIN: Mr. Austin.

MR. AUSTIN: Mr. Chairman and fellow delegates, I've already spoken at length on this subject and I don't feel that I should take the time this morning to repeat some of the arguments that I made last night. However, in answer to Delegate Knirk, I would like to say this: that I can give no guarantee that there will be a reduction of the property tax; but I think that we will all agree that there is a trend away from total reliance on this source of revenue at the local level. We have certainly moved away from reliance on this source of revenue at the state level.

I am joining in an amendment to delete the whole of section f because I believe that section f has no place in a modern constitution because of the trend away from reliance on property taxes. However, if this section is to remain in the constitution, I believe that the least we can do is make the adjustment that is embodied in the present amendment. I would therefore urge a yes vote on this compromise amendment.

CHAIRMAN MARTIN: Mr. Stevens.

MR. STEVENS: Mr. Chairman and members, Mr. Spitler has pretty much explained what I want to repeat: first, that this is a compromise, not in the sense of a deal or anything but in the sense of trying to resolve differences as previously stated. I would merely like to point out first that this has no reference to bonds and direct expenditures. That was in the constitution. This amendment does not in any way touch that. Second, that you did have about 3 choices, or maybe it's 4 now: we can eliminate the whole section; that's Mr. Austin's amendment to come up. You had an opportunity to eliminate the part on tax limitations; you turned that down. Now you have a choice between the committee proposal where all persons voting on limitations would have to be taxpayers or the wives or husbands of the same, or the proposal as it now stands; or where, as provided by this amendment, you have to be a taxpayer to vote on anything over 5 years. You do not have to be a taxpayer if it's under 5 years. This 5 year period simplifies the original proposal.

CHAIRMAN MARTIN: Mr. Powell.

MR. POWELL: Mr. Chairman and fellow delegates, I assume that most of you who were here last evening followed the debate on this issue at that time. I pointed out that this section was inserted in the constitution before the adoption of women's suffrage and its original purpose was to permit any woman having the qualifications of a male elector and who had property assessed for taxes in any part of the district to be affected by the result of an election, to be entitled to vote on any question involving the direct expenditure of public money on the issuance of bonds. In 1932, this section was substantially revised. In its new form, it provided that voting on direct expenditure of public money for the issuance of bonds was limited to property owners. As I pointed out in the debate last evening, this amendment was submitted to the voters simultaneously with the 15 mill limitation. It is interesting to note that it was approved by the voters by a substantially larger margin than was the 15 mill limitation.

I looked in the red book this morning and I have here in my hand the figures as to the margin by which these 2 proposals were written into our constitution, and the excess of yes over no votes in the case of this restriction of requirements for voting on direct expenditure of money and issuance of bonds was more than 6 times the margin by which the 15 mill limitation was written into our constitution. I thought that was significant. It was called to my attention last evening by one of my fellow delegates and I looked it up and I feel that it is an indication of how the folks felt on that matter at that time. I hope that you'll keep it in mind if an amendment is proposed, as I just heard hinted here, to knock out this entire section. I feel certain that had the 15 mill limitation been in effect at that time, the vote required to raise extra millage would have been made subject to the same qualifications as the vote for direct expenditure of public money or for the approval of a bond issue.

Probably I should mention that in the original language of the 15 mill limitation, a 2/3 majority was required to approve extra millage and the increase was limited to not to exceed 5 years. However, in 1948 these restrictions were liberalized. The vote requirement was reduced from 2/3 to a simple majority and the period for which there could be an increase as the result of one election was lengthened from 5 to 20 years. Reducing the majority from 2/3 to a simple majority makes it all the more imperative that the voting should be restricted to property owners who are the only ones who will be footing the bill.

Last night, we delegates decided by an overwhelming vote, 38 to 80, against adoption of the minority report amendment. Now amendments are being offered which would materially weaken the language as recommended by the committee. I am unable to justify these changes on any basis other than that of compromise or expediency. I am at a loss to comprehend the logic behind these changes. Certainly it seems that this limitation should apply only to those who will be paying the bill. This is true regardless of what the purpose of the millage increase may be; that is, whether it is for capital improvements or for operating purposes. It is also true regardless of the length of time for which the increase is granted; that is, whether it's for 1 year, 5 years or any

period up to the maximum of 20 years permitted under the 15 mill limitation as it now stands.

As I pointed out last evening, in many cases this business of an extra millage for operating purposes is a sort of a continuing ritual and each time one extension is about to expire, it is extended and it goes on and on so it's a more or less perpetual part of our local budget system. I also would point out that it is possible that before we get done here, we will have in our constitution a provision which would make it possible to have 18 mills instead of 15 mills in the counties that desire that limitation. Now, I am glad of the prospect for property tax relief hinted at by Delegate Austin and some others here. When that time comes, probably millage increases will not be as necessary as they are right now. That isn't here today.

A few days ago, I was interrogated out in the corridor by one of the reporters from a metropolitan paper and he asked me a rather soul searching question. He said, "Do you think when this convention is over that you folks can go outstate and sell the new document to the rural parts of Michigan?" And he reminded me that some 79 counties voted against calling con con; that this thing was going to have a lot of sales resistance out there in those areas that didn't want it in the first place. And I did some thinking. I said, "Well, I think there are going to be quite a few things that are better. I think we're going to eliminate some deadwood. I think we're going to clarify some language. I'm on the committee on style and drafting. We think we're doing a good job there. I think many of the committee reports are resulting in an improvement," and so on. But while I didn't tell him this, I got to thinking in my own mind how I'd go outstate and talk on this, and thought: well, I can say that, in this regard, what we've got is about the way it used to be; and in this regard, we didn't lose much; and in this regard it isn't much worse, and so on. But what is there that I could say that was a real decided definite improvement to make this a salable package?

During the last 6 months, I've been talking and writing, trying to give a favorable image of us as delegates and of our work. I just this morning sent to The Michigan Farmer magazine, which goes to some 142,000 rural homes—about 95 per cent of the farm families in the state, rural people, get that magazine. My article for next week's paper—those of you who read The Michigan Farmer know that twice a month throughout the convention I've been telling about what we've been doing here. I do the same in The Michigan Farm News, the county farm bureau publications and The Michigan Patron, the official organ of the state grange. And everywhere I've been trying to make this sound good: we're really doing a good job and we're going to have something that will be acceptable. I do that despite the fact that I was active in trying to head off having a con con. I do hope that when we get done here we'll have something that those of us that associate with the rural people of Michigan can commend as representing progress and a desirable package. I am sure that, in my contacts with the rural folks of Michigan, if we could say that we have adopted the committee report just the way the committee on declaration of rights, suffrage and elections sent it out to the floor—without any watering down, without any of these pending or proposed amendments—that we'd have something there that we could relish, that we could really talk up, and that I think would help a lot in making this something that, we trust, will be approved when our labors are ended here.

CHAIRMAN MARTIN: Mr. Bentley.

MR. BENTLEY: Mr. Chairman, I cannot, of course, speak for the entire committee on education regarding the pending amendments, but I feel that a substantial majority of the committee would be inclined to favor the proposed Brake-Stevens amendment as revised by the Spitler-Page-Follo amendment pending at the present time. I think, Mr. Chairman, that this represents a fair and equitable compromise—and I see nothing particularly wrong with the use of that word. We've used it before and we'll undoubtedly use it again. I feel that this makes a distinction which is necessary between operating expenses and capital outlay for our schools. It does provide that in case of long term issues that only property owners should be qualified to vote on those—and that, I think, is proper—and in case of short term, up to 5 year matters, principally in questions regarding operating millage, I think those people who not only own property, but who reside within a particular district whose children plan to attend the schools and who if not directly at least indirectly through their rents will be contributing to the property taxes of the district, should be entitled to have a vote on this matter, and yet, by putting in the 5 year deadline, we take care of those who may be of a temporary or transient nature and would not be around in the event of a long term issue to continue supporting the payments of that issue afterwards. So I respect the feelings of my good friends, Mr. Knirk and Mr. Powell. I know that their constituents—and after all, I represent a rural district here at this con con—feel that property taxes are as high as they should go and I am inclined to agree with them. I think that, by and large, property taxes are just about as high as they should go and I, like both of them and many others here, hope that some form of property tax relief will be imminent. I suggest that that form of relief will be much more imminent when the legislature, as it has now the opportunity to do, will be resourceful and courageous in finding other sources of needed revenue for the public services desired by the people of this state.

I think, as I say, that the pending amendment is a good one. I support the Brake-Stevens amendment. I support the Spitler-Page revision to it. And I strongly urge that we vote on this as representing the best possible and most equitable arrangement which can be made between those people who want no form of any restriction on any form of votes of this type and those people who want the suffrage limited entirely and exclusively to property owners. I think that the pending amendment offers a fair and equitable compromise and defensible in any part of the state and I strongly urge your support for it.

CHAIRMAN MARTIN: Mr. Follo.

MR. FOLLO: Mr. Chairman and members of the committee, I just want to explain that I regret that at this time, when schools are crowded, when we have more and more youngsters, when many of our schools are getting old and obsolete, we seem to be taking a step backward and making it more difficult to build schools. I would have wished that we could have left things the way they were. It seems impossible to pass the amendment which was offered last night and so I have lent my name to this compromise, which I feel is fully justified. Thank you.

CHAIRMAN MARTIN: Mr. Knirk.

MR. KNIRK: I sometimes feel like I might be, Mr. Chairman, a heel when it comes to education, yet I've been in it since I was in the kindergarten. I've never been out of it, in one capacity or another, either as a teacher, as the school board chairman, or in the colleges and universities and so forth, trying to obtain a little knowledge. I think I'd like to answer one of the charges here of Mr. Bentley saying that this was a justifiable means to an end. I'd like to know just when the people of our state are going to really face the issue. I think the educational people had better quit looking for gimmicks and means of attempting to secure enough funds through this—I call it the back door process—the process of levying a tax upon people who are outnumbered. I think that it's very, very unfair. It reminds me we are, in desperation, trying to finance a program that is not adequately financed today. So therefore we try to build a gimmick. We, incidentally, presently have a gimmick as far as I'm concerned—and I've been very much involved in trying to raise in our community 4 extra mills for operating our schools. It's not a pleasant task to sit down with the other board members of a community and take the teachers of art, music and physical education and the librarian off of your staff, as I had the responsibility to do 2 weeks ago tonight. It's not fun. And I think that only points up one of our problems. But when a person is faced with a $400, $500, up to, and I'm going to be personal, over $1,500 tax on my own little operation—and incidentally, I say for the record here that I definitely voted for the 4 mills because I knew that our schools needed it definitely and

pleaded with others to vote for it. But the point is this: this is not the way to finance our program. It reminds me of the national agricultural subsidies that we have developed in this country. They are the soothing syrup; they're not treating the real cancer. I remember as a boy, my mother would say they act as a sugar tit, if I may use the expression—I guess I did. (laughter) I think we have to be practical about this thing and I think we might just as well face up to the fact that the past approaches that we've attempted to make in regard to financing and getting enough funds to operate our schools is not adequate, it's not proper. I think the more realistic and the more difficult it becomes to approach the answer in this way, the quicker the people in the state of Michigan will actually face the issue and we will make progress toward a tax reform in this state that makes it possible to give the kind of an educational program that we want for our boys and girls; and you'll never do it through this particular gimmick that is being offered in this amendment. I certainly hope that you folks defeat this—it's like it is today, what we have in this amendment—and I do not believe it is fair and I certainly hope that you will defeat this and go back to the majority report. Thank you, Mr. Chairman.

CHAIRMAN MARTIN: Mr. Page.

MR. PAGE: Mr. Chairman, members of the committee, it seems to me that we have been subjected to, in this debate this morning, a lot of confusing issues. We've had the question of women suffrage brought in as it existed in 1908 and as it was changed in 1920. We've been asked to consider what might have happened 30 years ago in 1932 if the 15 mill limitation had been a part of our constitution. We've been faced with the constant differences of opinion as to whether taxpayers are the only people who pay taxes or whether rental occupants of property pay taxes. As a renter of property, I can testify from my own landlord as to just why my rent has been raised twice in the past 8 years—to help pay an increased taxload on his property. All of these things may be good debate; they may be interesting to many of the delegates, but it seems to me we ought to get down to the issue of education.

Delegate Knirk just said that what we have before us now is the same as what we now have. That is not true because there is a 5 year limitation on what we now have, as far as the eligibility of voters is concerned, if the revised amendment is adopted. The education committee, as Mr. Bentley told you last night, was unanimously against the wording in the committee proposal. We did not concur in that wording. We have not had a meeting of the education committee, but subject to their having been swayed by the eloquent oratory that we've listened to this morning and last evening, there were this morning 16 out of the 21 members of that committee who felt this revised amendment that is now before you was good for education and was a fair compromise agreement, not a gimmick. I urge that you vote yes on the revised amendment in the interest of education.

CHAIRMAN MARTIN: Mr. Norris.

MR. NORRIS: Mr. Chairman and fellow delegates, as one of the subscribers to the minority report which was offered on the floor last evening, I think I am duty bound to make a very short statement with regard to the present amendment now offered. I want to call your attention to the fact that the minority report rejected the majority inclusion of language requiring property ownership as a qualification for voting simply on the additional language of the increase of tax limitations on real and personal property. In other respects, the minority report favored what was in the 1908 constitution without any change. Some people, I understand, were somewhat confused as to the minority report amendment that was on the board last night. All we were suggesting was that the majority language not be included, and not that there be any other substantial alterations in the 1908 constitution, but that was defeated and we have now before us this revised amendment.

It seems to me there is a basic question of philosophy—I am moved by many of the comments that have been made thus far—but the question of philosophy is whether or not you believe that a responsible and responsive democracy is best promoted by the attachment of property qualifications on the suffrage. I happen to subscribe to the idea that the removal of these property qualifications on the right to vote for anything is not in the best interests of democracy or responsible or responsive democracy, and I would be in favor of deletion of the entire section in the constitution. However, I do think that the people who have formulated and proposed the amendment now before us are making a good faith effort to resolve some of the basic controverted contentions of last night's debate and, while I prefer a different formulation—in fact, no formulation—I still would urge that those who subscribe to the minority report amendment and the minority position last night would vote for the amendment now before us.

CHAIRMAN MARTIN: The question is on the Brake-Stevens, Page-Spitler-Follo amendment. The secretary will ring the bell.

MR. PAGE: Mr. Chairman, have the yeas and nays been requested?

CHAIRMAN MARTIN: They have not.

MR. PAGE: I so request.

CHAIRMAN MARTIN: The yeas and nays have been requested. Is the demand supported? Sufficient number up. The question is on the Brake-Stevens amendment as revised. Will the secretary please read the amendment.

SECRETARY CHASE: The amendment as now revised is as follows:

[The amendment was again read by the secretary. For text, see above, page 2255.]

CHAIRMAN MARTIN: Mr. Knirk.

MR. KNIRK: Mr. Chairman, I'd like to ask a question here if any delegate knows of a school district that presently levies an operating millage for more than 5 years. I do not know of any. I've never seen one in the newspaper before for that length of time. Therefore, I don't think that this 5 year limitation has any bearing or any meaning. Does anyone have news to the contrary?

CHAIRMAN MARTIN: Mr. Shanahan.

MR. SHANAHAN: Mr. Chairman, fellow delegates, speaking on behalf of the committee, we are opposed to the amendment and the amendment as revised for reasons that I will develop here in the next few minutes. Yesterday, we discussed this same situation at some length and overwhelmingly defeated it. Today, apparently there is an effort to so weaken it that it will accomplish the same thing that was proposed by the minority report amendment of yesterday.

Chairman Bentley of the education committee has mentioned this as being a compromise and I wonder if it is a compromise. I don't see it that way. There are some things that are not subject to compromise, and I believe this is one of them. Either you have this kind of a limitation or you don't have this kind of limitation. I'm going to mention further his comments that property taxes are high. Well, I agree they are high. I can repeat practically verbatim, Delegate Knirk's comments—

MR. KING: Mr. Chairman, point of information.

CHAIRMAN MARTIN: State your point of information, Mr. King.

MR. KING: Mr. Chairman, I'd like an interpretation of rule 65, which states:

> After a question has been stated by the president, and the call of the roll has been started by the secretary, the president shall not recognize a delegate for any purpose, except upon points of order, until after the announcement of the vote by the secretary.

CHAIRMAN MARTIN: Mr. King, the roll call had not been called. The Chair had started in that direction but had not called the roll. You may proceed, Mr. Shanahan.

MR. SHANAHAN: Thank you. If we are going to do something about taxes on property, let us do it in a straightforward manner. Much has been said about the renter who does pay. Obviously he does pay through his rent, but they do not always

reflect increases in taxes, but if he thinks that he is paying too much rent, he has the option of moving, whereas the property owner does not. He is literally stuck with the situation.

Now, consider the full impact of the present limitations of 50 mills—that's 5 per cent over a period of 20 years. That means that a property owner in that case has to buy his property back in that length of time. Now, prior to some of these limitations that have been imposed upon property taxes—I am referring to the conditions in 1932, when property was bearing the burden not only of local, but of state costs—conditions were getting confiscatory and it was actually a matter of desperation that by initiative—not by action of the legislature—the question went on the ballot and was adopted.

We as individuals, for the most part, found out we have to live within our means. That is something that some of our levels of government apparently are not realizing. If there is to be a limitation on property taxes, there must be some way of controlling it. As you think about various situations, proposals that have been in your own communities—I can talk about my own community, where the voters, including property owners, have voted to increase millages for certain definite purposes; where voters, exclusively property owners, have voted to bond themselves, with their property as security over the last, I'll say, 12 years. The property owners have been straightforward. They have recognized needs and they have voted to do these things. They also have turned some things down. There was a proposal in my home community for building a school plant that the people thought ridiculous. The cost would have been about 3 times what the local community believed we could afford, and it was roundly defeated. So a second proposal was made, cutting out some of the frills, and that was defeated. Finally a proposal was made that the people would adopt.

Now, on any bonding proposal of this kind, there are decisions that must be made. The decision must not be made on the basis of "we need", so much as "can we afford?" or "can we afford not to?" In many cases, the decision is between the last 2 much more so than on "we need." Oftentimes what we need is somebody's idea that is not necessarily the majority's. Now, it has been hinted and suggested that in increasing taxes on real and personal property—the impact that it has on business, on inventories—it is pushing certain business out of the state. I believe that is so because I've seen it operating in that manner. I believe that taxes can be increased to the extent that it results in diminishing returns. I believe that we are coming toward that as regards real and personal property. There is one comment that was made quite recently on this floor that the amendment would be good for education. I am wondering if education has a good that is inseparable from the whole state of Michigan. I am wondering if the proposition that something is good for education means that it has to be good for the state of Michigan. I believe that that comment can cut very deeply.

In conclusion, I just wish to say, simply, the committee had this under consideration. The committee, by a majority vote, took the position as it is in section f in the committee proposal, and I strongly urge a no vote on the pending amendment to section f. Thank you.

CHAIRMAN MARTIN: Mr. Hubbs.

MR. HUBBS: Mr. Chairman and members of the committee, I feel very strongly on this subject and I've written a 5 page speech. If there is anyone here who hasn't made up his mind, if he'll hold up his hand, I'll deliver it. (laughter)

CHAIRMAN MARTIN: Mr. Hubbs, the Chair suggests you don't pay any attention to those who hold up their hands. (laughter)

MR. HUBBS: Mr. Chairman, I think you're absolutely right and I'm not going to deliver this speech. I would only ask that, being a member of the majority of the committee, I feel that this amendment should be defeated and the reasons have been amply stated.

CHAIRMAN MARTIN: Mr. Page.

MR. PAGE: Mr. Chairman, members of the committee, I'm so glad that Mr. Knirk asked that question. He asked if there was any school district in the state that was levying operating millage for more than 5 years. I happen to be in a good position to answer that, and the answer is yes. In 1953, the Flint school district voted by an overwhelming majority a 5 mill levy for 10 years, 60 per cent, or 3 mills, of which was to be used for capital outlay, and 40 per cent, or 2 mills, for operation. That levy is still in effect and still being collected.

CHAIRMAN MARTIN: The question is on the Brake-Stevens, Page-Spitler-Follo amendment. The yeas and the nays have been called for. The secretary will ring the bell. The secretary has read the amendment unless you wish it read again. The question is on the Brake-Stevens amendment. All 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—74

Allen	Greene	Pellow
Andrus, Miss	Hart, Miss	Perlich
Anspach	Hatcher, Mrs.	Pollock
Austin	Heideman	Pugsley
Balcer	Hodges	Radka
Barthwell	Hood	Rajkovich
Bentley	Jones	Richards, L. W.
Bledsoe	Judd, Mrs.	Romney
Bonisteel	Karn	Sablich
Brake	King	Seyferth
Brown, T. S.	Krolikowski	Snyder
Buback	Kuhn	Spitler
Conklin, Mrs.	Lawrence	Stafseth
Cushman, Mrs.	Leppien	Sterrett
Dade	Lesinski	Stevens
Danhof	Liberato	Thomson
Douglas	Madar	Tubbs
Downs	Mahinske	Tweedie
Durst	McGowan, Miss	Upton
Elliott, Mrs. Daisy	McLogan	Walker
Faxon	Millard	Wanger
Figy	Murphy	Wilkowski
Follo	Nord	Young
Garvin	Norris	Youngblood
Goebel	Page	

Nays—39

Batchelor	Habermehl	Prettie
Beaman	Haskill	Richards, J. B.
Brown, G. E.	Hatch	Rush
Butler, Mrs.	Hoxie	Shaffer
Dehnke	Hubbs	Shanahan
Dell	Hutchinson	Sharpe
DeVries	Iverson	Sleder
Donnelly, Miss	Knirk, B.	Stopczynski
Doty, Dean	Koeze, Mrs.	Turner
Erickson	Leibrand	White
Everett	McAllister	Wood
Farnsworth	Perras	Woolfenden
Finch	Powell	Yeager

SECRETARY CHASE: On the adoption of the amendment, the yeas are 74; the nays are 39.

CHAIRMAN MARTIN: The amendment is adopted. The secretary will read the next amendment.

SECRETARY CHASE: The amendment previously filed by Mrs. Judd has been withdrawn.

Messrs. King, Austin, Nord and Norris offer an amendment:

1. Amend page 2, line 13, by striking out all of section f, lines 13 through 20, inclusive.

CHAIRMAN MARTIN: Mr. King.

MR. KING: Mr. Chairman and fellow delegates, I have been pleased to receive the support of some Democrats who wished to join with me in sponsoring this amendment. I have advised them that they run the risk of being branded as "young radicals" but they apparently are willing to take that chance.

I should like to talk first of all about my own district, the city of Pontiac. Here we have 56 per cent of the property taxes paid by one taxpayer, apparently a retired army officer

named General Motors. Now, who really pays this tax? Well, I suggest that perhaps the employees, the management, the stockholders—yes, and the customers pay this tax. But if you feel that the good "General," he and he alone pays this tax, I don't know why it wouldn't be logical in view of some of the arguments we've heard, to allow him to cast 56 per cent of the vote on all bond issues and money issues at the polls. No—you would rebel at this idea, and rightly so. Of course, once only property owners could vote in this country, and inasmuch as property was the only source of taxation at that time, I submit that there may be more logic in that idea than in the committee proposal today.

It has been pointed out that renters pay taxes indirectly. But of course, those who lease property on a long term basis usually pay the taxes on the leased property directly. It is not part of the regular arrangement. But certainly, anybody who rents property does pay the taxes indirectly. The law of supply and demand, which still exists in this country, to a degree anyway, takes care of this. Now, in my school district—and I believe this is true throughout the state as the result of a general law—one must be on the assessor's roll and a taxpaying property owner in order to run for the school board. Because this question is related to the question before us, let's think about this one for a moment. Should it be that only property owners can be interested in school affairs? Many—if, indeed, not most—of these property owners are elderly people with no children in school, or bachelors, or young couples without children. Still others may have their children in private schools or parochial schools. Under these rules, you can almost predict the future of school millage propositions on the ballot. But don't take my word for it; check the record; school millage proposals are being defeated in all parts of the state. But to you—and I quote—"conservatives" let me say: all is not lost. Just as a department of urban affairs will make home rule for counties that are necessary, perhaps the comprehensive federal aid to education bill will solve this problem to your satisfaction. As for me, I shall continue to work for effective and efficient government close to the people.

The history of this section has been well gone over and I shall not belabor it. It was founded as a device to introduce to our way of lives, suffrage for women. Of course, almost half a century later, the question of women's suffrage seems remote, even quaint, perhaps silly. I submit that 50 years from now, the committee proposal as amended will look just as quaint and old fashioned.

I don't expect my amendment to pass. But at least it will give those of us who are concerned with a forward looking constitution the chance to express ourselves. It will give to those who wish to prevent further federal and state encroachment in the field of education a chance to express ourselves. Of course, with my amendment in effect—in other words, section f completely stricken—the legislature, as long as it feels that this is necessary and in the interests of good government and reflecting the needs of the people of the state of Michigan, can put such limitations in by statute. I frankly don't know that this would be too long a period of time. But it certainly leaves the door open for that possibility. For these and other reasons, I urge the support of the pending amendment.

CHAIRMAN MARTIN: Mr. Austin.

MR. AUSTIN: Mr. Chairman and members of the committee, I do appreciate your calling on me at this time. I'm already late for my meeting down in Detroit, but I did feel keenly that I should make a few remarks in connection with the deletion of section f.

The main points that I would like to make in favor of deleting section f are as follows: first, local units of government no longer rely entirely on the property tax for revenues for the payment of debt service and other expenditures. Since voters at the local level are going to be contributing to the payment of these items from other sources of revenue, there is no reason why they should not have the right to vote on them. Secondly, there is a marked trend away from total reliance on property taxes as a means of raising revenue for local units of government. Constitutional restrictions of this nature on voting have no place in the modern concept of expanded participation by all voters. Thirdly—this point has been made very clearly—renters do pay property taxes although they pay them indirectly. Fourth, taxation at the state level, which affords state aid to local units of government, is paid by all taxpayers and is not based on property ownership. If there must be any restriction of this kind it ought to be in the form of legislation and not in the constitution so that the legislature may shift the requirements as the need warrants. And finally, I would say that if you wish to reflect an enlightened appreciation for the dynamics of modern industrial society, you must delete this section from the constitution. I urge a yes vote on the amendment.

CHAIRMAN MARTIN: Mrs. Cushman.

MRS. CUSHMAN: I rise to support the King amendment. We have been proud, as we should be, of the civil rights provision that we are putting into this new constitution. But here it seems to me we're putting in additional restrictions on the most fundamental of all of our civil rights, that of voting. The question will naturally be raised: are we serious about our civil rights provision? There is an old saying: put your money where your mouth is. And I suggest that in this particular case, we think about this thing very seriously.

The great majority of states have no property qualifications whatever for voting in their constitutions. Thirty-six states have no such qualifications. None of the recent state constitutional conventions have put such qualifications into their constitutions. And I suggest to you that we'll be making a very serious mistake indeed if we do such an action. Thank you.

CHAIRMAN MARTIN: Mr. Tubbs.

MR. TUBBS: Mr. Chairman, despite some of the things I may have said last evening, and despite some of the reasons given for it by people who have spoken for it this morning, I am in favor of this amendment. It saves a lot of confusion. When I say "reasons" I am reminded—I didn't intend to say this, but I will—of a dictum by Lord Mansfield. All of the lawyers here know—and probably some of the laymen—that Lord Mansfield was probably the greatest common law judge who ever lived. He is the father of business law in this country and England. He was asked one time by a young man who had been appointed to be a magistrate and administrator over one of the island possessions of Great Britain, what he should do. He had never been in a courtroom and out there he would have to sit as a judge. And Lord Mansfield looked at him and said, "Young man, remember this: when you have a matter to decide, decide it quickly and give no reasons. Your decision is apt to be right. Your reasons are bound to be wrong." (laughter)

CHAIRMAN MARTIN: Mr. Young.

MR. YOUNG: Mr. Chairman and members of the committee, I support this amendment for 3 closely related reasons: 1, I feel that the present proposal as amended is a step in the wrong direction; 2, it's undemocratic; and 3, it exacerbates all the painful impact of a regressive tax structure. All these reasons have been stated before and I'll try to be brief.

I believe that this convention should very delicately approach any restriction of the franchise. In fact, it should be our concern—and I'm very disappointed that to date, no proposal has yet come forth—to expand the franchise. I believe that such an expansion is a basic democratic need and that we could perform a real service to our constituents by expanding rather than restricting the franchise. Secondly, it's been pretty clearly established that all people pay property taxes. Now, if that's true, all people could participate in all decisions on all tax questions. My third point: this is a further imposition on low income groups. The tax structure, as we have noted, is regressive. There is a disproportionate burden on citizens at the lower rung of the economic level. There can be little question that this proposal would deny the right to vote to more poor people than rich people. Thus, those who are the principal victims of an unfair tax structure are denied a voice in the principal forms of taxation.

CHAIRMAN MARTIN: Mr. Nord.

MR. NORD: Mr. Chairman, before stating my reasons for

supporting this amendment, I would like to demand the yeas and nays.

CHAIRMAN MARTIN: The yeas and nays have been demanded. Is there support? Sufficient number up.

MR. NORD: Mr. Chairman, in support of the amendment, I would simply like to state very briefly and very simply my convictions on this matter. My position, I think, might be described as extremely naive and idealistic and uncomplicated. I am not particularly concerned about the specific outcome which anybody can predict. I am not concerned about the specifics in the situation at all as to how many people or which people will be deprived of a voice to vote and how that will affect schools, or any such matter. To me, it is a much simpler problem. It is just a question of whether you believe as I do; and I believe, extremely briefly, that every man should have one vote. One man, one vote, I believe, is involved in this issue. I don't believe in drawing arbitrary lines of any sort to limit the suffrage or to dilute the value of the vote. I think it is wrong to manipulate the right to vote in order to attempt to reach some specific desired end, whether that might have to do with taxation or schools or any other matter. I think that it's wrong to take the approach in this issue, as in many issues, that the means could justify the end. I think it is too basic a matter to permit any such approach. It seems to me that what is involved is the equality of all persons before the law. All that we are asking here is that every person who is qualified to vote should vote and that no arbitrary limitation on that right to vote should be permitted. I therefore urge support for the amendment.

CHAIRMAN MARTIN: Mr. Shanahan.

MR. SHANAHAN: Mr. Chairman and fellow delegates, on behalf of the committee, I will be very brief. Just a few minutes ago, you took away our hide. At least leave us with a squeal. We are opposed to the pending amendment.

CHAIRMAN MARTIN: Mr. Knirk.

MR. KNIRK: Mr. Chairman and ladies and gentlemen, I feel very sincere about this next statement and I only hope that you delegates here will lean back and look up toward the ceiling and do a little quiet thinking about the action taken a few moments ago. I'll abide, of course, by the majority rule. I have no other choice. And you certainly, in my humble opinion, delayed proper educational financing of our schools in this state for another decade. All I can say is: shame on you. I feel just that way about it.

I certainly am opposed to the amendment here now to strike out this particular section. I think that Delegate Nord put his finger on the sensitive chord when he said he might seem a little idealistic. Believe me, I concur with that statement. He appears very idealistic on this issue. I think that we have something that's very basic to our way of life and one that has made this country what it is. I am wondering—and when I hear someone bandy the idea within this room of federal aid to education—I am wondering what they are thinking of: a state such as Michigan going down this type of a socialistic road?

Folks, you cannot continue to place a burden upon people who have taken the individual initiative and the desire to achieve and to own and to prosper and to save and to sacrifice, and destroy that and expect to build a free people and a people that are the proudest people in the world, the most successful people in the world, if you are going to tax until you destroy the incentive to own. Now, I wish to just say this: that you will destroy the very foundation of America and its educational program will mean little to anyone. Let's think before we take this next leap and maybe as Mr. Shanahan said, please leave us a squeal. Thank you.

CHAIRMAN MARTIN: Mr. King.

MR. KING: Mr. Chairman and fellow members of the committee, I don't think anyone misunderstood what I said about federal aid to education, including Mr. Knirk. But in the unlikely event that he did misunderstand what I said, I shall repeat it: I suggested that by continually voting down school millage proposals across the state as the result of a discriminatory method of deciding who is interested in schools, that we are forcing the hand of the federal government. I said—and I quote—I'll say it again and I'll quote again: "As for me, I shall continue to work for effective and efficient government close to the people." This means that as far as I am concerned personally—and let there be no mistake about this—as far as I am concerned, I believe that the only way we can keep government close to the people is to recognize that problems exist and to get out and solve those problems. Now, by hiding our head in the sand, we don't solve problems. We force the federal government to step into these vital areas and seek solutions to these problems. As I said before, I don't think anybody misunderstood what I said. But in the event that anyone did, I shall repeat myself.

CHAIRMAN MARTIN: Judge Dehnke.

MR. DEHNKE: Mr. Chairman and fellow delegates, once again in the course of this debate, we have heard a suggestion that we've heard frequently before, namely, talk about broadening the base, expanding the franchise. That, I think, makes pertinent recalling what was said last week on the subject of democracy as we understand it in America: that we have a pure democracy. I think the great majority of the students of government agree that our form of government is not based on the concept of pure democracy, except perhaps in the case of townships or school districts where the voters can get together and talk things over and express their opinions directly. This to me represents an attempt to approach the idea of pure democracy on a statewide or federal level to broaden the base so that the majority of the moment, whether they are in a position to be directly responsible for the consequences or not, can express the desire of the majority of the moment forthwith and directly rather than through representatives and within the limitations of constitutional restraints that history has taught to be necessary. Of course, there are extremes; there are extremes either way, and I don't think that this amendment represents either extreme. Thank you.

CHAIRMAN MARTIN: Mr. Sleder.

MR. SLEDER: Mr. Chairman and fellow delegates, on the last amendment, I had difficulty in sitting in my seat. I had hoped and probably had thought that we had a sufficient number of practical thinkers rather than the ideal thinking that would defeat the past amendment. I feel this: I agree fully and I think all of us agree as delegates that we do support and do want to see the furthering of education in our state. However, I feel that we sometimes look towards one tax source to too great an extent to support education and our local and county governments. To date, of course, our local and county and city government is supported on a local basis only through real estate and personal property tax. Our schools likewise from a local area are supported only on real estate and personal property taxes. Now we have expanded this area further relative to supporting local government only through real and personal property again. We have heard a great deal, of course, about equality and we cannot get equality in taxation when we're speaking about real estate and personal property taxes for several reasons: 1, on assessments; and 2, on area location.

I hesitate in bringing any personal examples before this committee but I find it necessary. For instance, in the business that I'm engaged in, in a small meatpacking plant, we compete with another plant located in the same county that we are. However, our plant is located in an area in a school district that is partly residential and partly agricultural. Our competitor is located in an area that is a great deal industrial. Their tax, their school millage, is much lower than ours. Now, I don't argue with them. I have no brief against them whatsoever. The only thing I do oppose is this type of taxation and its unfairness. We heard here on the floor that the product can be increased in cost. In this situation, you cannot increase your product costs because your competitor will not let you. You are operating under a higher tax base than he is. Likewise the same with the property owner who has rental property. The renter can move within a short period of time—within 30 days—to an area that has a lower tax base, a matter of a few blocks or a few miles. They can locate in an area where the school tax or the county tax or the town-

PRESIDENT NISBET: Without objection, the delegates are excused.

[During the proceedings the following delegates entered the chamber and took their seats: Messrs. Barthwell, Hodges, Faxon, G. E. Brown, Rush, Durst, Binkowski, T. S. Brown, Dell, Liberato, Romney, L. W. Richards, Farnsworth, Pollock, Baginski, Boothby, Perlich, Allen, King, Hutchinson, Jones, Tubbs, Yeager and J. A. Hannah.]

Reports of standing committees.

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 81 of that committee, reporting back to the convention **Committee Proposal 79,** A proposal pertaining to a commission on legislative apapportionment;
with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

For Committee Proposal 79 as reported by the committee on style and drafting, see below under date of April 25.

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

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 82 of that committee, reporting back to the convention **Committee Proposal 80,** A proposal pertaining to the reapportionment of the legislature: (a) the senate; (b) the house of representatives; (c) districting of territories annexed to cities and municipalities;
with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

For Committee Proposal 80 as reported by the committee on style and drafting, see below under date of April 25.

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

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 83 of that committee, reporting back to the convention **Committee Proposal 58,** A proposal pertaining to the elective franchise;
with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

For Committee Proposal 58 as reported by the committee on style and drafting, see below under date of April 26.

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 84 of that committee, reporting back to the convention **Committee Proposal 99,** A proposal to provide that the legislature may provide for a jury of less than 12 in civil cases;
with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

For Committee Proposal 99 as reported by the committee on style and drafting, see below under date of April 30.

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 85 of that committee, reporting back to the convention **Committee Proposal 100,** A proposal to provide that the legislature shall not authorize lotteries or the sale of lottery tickets;
with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

For Committee Proposal 100 as reported by the committee on style and drafting, see below under date of April 27.

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 86 of that committee, reporting back to the convention **Committee Proposal 101,** A proposal to provide that the state shall not engage in internal improvements except in certain specified areas and except that the legislature may empower local subdivisions to act in the area of internal improvements;
with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

For Committee Proposal 101 as reported by the committee on style and drafting, see below under date of April 30.

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 87 of that committee, reporting back to the convention **Committee Proposal 102,** A proposal to provide that each house of the legislature may choose its officers, determine its rules, judge qualifications of its members and other matters;
with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

For Committee Proposal 102 as reported by the committee on style and drafting, see below under date of April 30.

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 88 of that committee, reporting back to the convention **Committee Proposal 103,** A proposal to provide that sessions of the legislature be open and that a concurrent resolution is necessary for adjournment for more than 3 days;
with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

For Committee Proposal 103 as reported by the committee on style and drafting, see below under date of April 30.

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 89 of that committee, reporting back to the convention **Committee Proposal 104,** A proposal to provide for 3 readings of a bill before passage and for passage of bills by a majority of the members elected;
with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

For Committee Proposal 104 as reported by the committee on style and drafting, see below under date of April 30.

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 90 of that committee, reporting back to the convention **Committee Proposal 105,** A proposal to provide that bills must be printed 5 days prior to passage and for limitation of extraordinary sessions;
with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

For Committee Proposal 105 as reported by the committee on style and drafting, see below under date of April 30.

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 91 of that committee, reporting back to the convention **Committee Proposal 106,** A proposal to allow the legislature to pass laws regarding indeterminate sentences;

Brake	Hubbs	Rood
Brown, G. E.	Iverson	Rush
Buback	Jones	Sablich
Butler, Mrs.	Judd, Mrs.	Seyferth
Conklin, Mrs.	Karn	Shaffer
Cudlip	Kelsey	Shanahan
Cushman, Mrs.	King	Snyder
Danhof	Kirk, S.	Spitler
Dehnke	Knirk, B.	Staiger
Dell	Koeze, Mrs.	Stamm
DeVries	Krolikowski	Sterrett
Donnelly, Miss	Kuhn	Stevens
Doty, Donald	Leibrand	Stopczynski
Douglas	Leppien	Suzore
Downs	Lesinski	Thomson
Durst	Liberato	Turner
Elliott, A. G.	Madar	Tweedie
Elliott, Mrs. Daisy	Mahinske	Upton
Erickson	Marshall	Van Dusen
Everett	Martin	Walker
Farnsworth	McCauley	Wanger
Faxon	McGowan, Miss	White
Figy	McLogan	Wilkowski
Finch	Millard	Woolfenden
Follo	Mosier	Yeager
Ford	Murphy	Young
Gadola	Norris	Youngblood
Goebel		

Nays—0

SECRETARY CHASE: On the adoption of Committee Proposal 26, the yeas are 118; the nays, none.

VICE PRESIDENT HUTCHINSON: **Committee Proposal 26** is passed and referred to the committee on style and drafting.

For Committee Proposal 26 as rereferred to the committee on style and drafting, see above, page 2887.

Mr. Pollock.

MR. POLLOCK: Before considering the next proposal, I would just like to comment that I think we have made history in enacting Committee Proposal 26. I think it is one of the most significant actions of this convention. (applause)

VICE PRESIDENT HUTCHINSON: The secretary will read.

SECRETARY CHASE: **Committee Proposal 58,** A proposal pertaining to the elective franchise. A substitute for article III amending sections 4, 8, 9 and substituting new language for the other sections thereof.

MR. POLLOCK: Mr. President, I move that we dispense with the reading of Committee Proposal 58.

VICE PRESIDENT HUTCHINSON: Without objection, Committee Proposal 58 will be considered read. The Chair hears no objection and it is so ordered.

Following is Committee Proposal 58 as reported by the committee on style and drafting and considered read. (For full text as referred to said committee, see above, page 2282.):

Sec. a. Every citizen of the United States who has attained the age of 21 years, and has resided in this state 6 months, shall be an elector and qualified to vote in any election, except as otherwise provided in this constitution. The legislature shall by law define residence for voting purposes, and may impose a local residence requirement of no less than 30 days.

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

Sec. c. 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 months and may waive residence requirements of citizens of this state who have removed therefrom. The legislature may provide the manner of voting by such persons but shall not permit voting by any such person who meets the voting residence requirements of the state to which he has removed.

Sec. d. 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 [shall] provide for a system of voter registration and absentee voting[:]. [Provided however, That] No law shall be enacted which permits a candidate in any partisan primary or PARTISAN election to have a ballot designation except when required for identification of persons who are candidates for the same office and have the same or similar surnames.

Sec. e. EXCEPT FOR SPECIAL ELECTIONS TO FILL VACANCIES 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 may hereafter be provided by the Constitution of the United States or by congress for election of members thereof[, except for special elections to fill vacancies].

Sec. f. Whenever any question is submitted to a vote of the electors which involves the direct expenditure of public money, the issue of bonds or THE INCREASE OF ANY AD VALOREM TAX RATE [increased millage] for a period of more than 5 years, only [such] persons having the qualifications of electors IN, AND who have property assessed for ANY ad valorem taxes in, any part of the district or territory to be affected by the result of such election or the lawful husbands or wives of such persons shall be entitled to vote thereon. [In all other questions involving increased millage] All persons having the qualifications of electors may vote ON ALL OTHER QUESTIONS INVOLVING AN INCREASE IN ANY AD VALOREM TAX RATE AND ON BORROWING BY THIS STATE [thereon].

Sec. g. Laws shall be [passed] ENACTED to provide for the recall of all elective officers[,] except judges of courts of record [and courts of like jurisdiction] upon petition of electors [comparable] EQUAL in number to 25 per cent of the number of [electors] PERSONS voting at the LAST preceding election for the office of governor in the electoral district of the officer sought to be recalled. Any statement of reasons or grounds procedurally required shall be deemed to pose a political rather than a judicial question.

Sec. h. A board of state canvassers consisting of 4 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[;] . [nor shall] A majority of any board of canvassers SHALL NOT be composed of MEMBERS [adherents] of the same political party.

VICE PRESIDENT HUTCHINSON (continuing): Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, I understand that on this proposal there are 2 amendments pending. One of these is the 18 year old vote amendment offered by Mr. Faxon, on which you will recall there were some 31 speakers in committee of the whole. The other is the closed primary offered by Mr. Yeager and others. I have spoken with Dr. Pollock, with Miss Hart, with the sponsors of each of these amendments, and in the interest of completing our work on the declaration of rights section within a reasonable period, I would move to limit debate on these amendments to 15 minutes each.

VICE PRESIDENT HUTCHINSON: The motion of Mr. Van Dusen is to limit debate upon each amendment to Committee Proopsal 58 to 15 minutes. Now, the Chair wants to have this clearly understood. Does this include all amendments to any such amendments, Mr. Van Dusen?

MR. VAN DUSEN: Yes, Mr. President.

VICE PRESIDENT HUTCHINSON: This would include

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

VICE PRESIDENT HUTCHINSON: The Chair recognizes Mr. Stevens.

MR. STEVENS: Mr. President and delegates, I will not talk long on this matter. I am sure Mr. Kuhn knows that we had it and what it was like. But I don't think he remembers the actual processes at the time as I do, because he is much younger. We had a preferential primary for presidential nomination in Michigan. It simply did not work because of the nature of the thing. All the state can do is give its preference and if it doesn't have 2 or 3 outstanding candidates to consider, it almost always gives its preference to a native son. The delegates then go to the convention prepared to trade their native son votes for other votes. And that's all it amounts to. The people do not in reality get any chance unless you have a really outright contest between 2 men. Now, probably at the time my very highly esteemed candidate, Mr. Taft, was considered, it might have worked out in that particular year. But that was the experience we had in Michigan. When you don't have that cleancut distinction between 2 national candidates, you get a native son and you just get a little more of something with which to trade.

VICE PRESIDENT HUTCHINSON: Mr. Buback.

MR. BUBACK: Mr. President and fellow delegates, I rise to oppose this for just one practical reason: we just don't have any room on the voting machines for these candidates. Now, we have gone into a 4 year term for these state and county officers. We have put the supreme court justices and all these others—if we get this, we just don't physically have enough room on the voting machine. I have this here for anyone to see. From a practical standpoint, we just can't put it on the voting machine.

VICE PRESIDENT HUTCHINSON: Mr. Martin.

MR. MARTIN: The amendment on the board calling for a presidential primary would involve us in a tremendously expensive operation here in the state of Michigan. I have been through some of these primaries as well as some of the general elections and I know the cost that is involved to everybody concerned, particularly when the result is nothing more than to bind the delegation for an initial vote. The candidate is seldom nominated on an initial vote. The delegates really need to be able to use their best judgment when they get to the convention and it seems to me that this would be highly undesirable because of the great cost to all of us here in the state, in money as well as in time. I think the presidential primary is really a waste of time as well as a waste of money and even if it were held, I would oppose the provision calling for a binding of the delegates on the first convention ballot because that does nothing really, although, as I say, it binds them for an initial vote, which is seldom the final vote in any political convention. For that reason, I certainly hope that you will not vote favorably on this and thereby force a presidential primary on us here in Michigan.

VICE PRESIDENT HUTCHINSON: Mr. Pollock.

MR. POLLOCK: Mr. President, I also wish to speak against this proposed amendment. It is not good constitution drafting. It's as large as the whole section to which it is attached. It's not good politics. It's certainly not good political science or good election administration.

For the same reason that we defeated the previous amendment on the open and closed primary, we should also defeat this one because this is purely a statutory matter and the sort of subject matter which the legislature should have the discretion to deal with. It does not belong in the constitution. I am opposed to the amendment.

VICE PRESIDENT HUTCHINSON: Miss Hart.

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

VICE PRESIDENT HUTCHINSON: Miss Hart has been recognized.

MISS HART: Thank you, Mr. President. Mr. President, I don't know what national conventions Mr. Stevens has attended. My experience—I've been to 3—my experience has been completely different. I couldn't agree more than I do with Mr. Martin and I would recommend to anyone that has a question on this that they might read The Making of a President, by Theodore White, in which he describes the problem in this primary situation in the states. I'd also like to suggest that we could end up with Garry Moore or some other television personality rather than someone who stands for the positions of parties. And for my part, I should like to leave this in the hands of delegates to the national conventions, whom I have found responsible.

VICE PRESIDENT HUTCHINSON: Mr. Iverson, the Chair would advise that your motion for the previous question would not be in order since a motion to limit debate has been already made and carried and it takes priority. The Chair recognizes Mr. Hodges.

MR. HODGES: Mr. President, first I would want to oppose the amendment, probably not for the same reasons that Miss Hart just advocated because I believe that people inherently will elect qualified people and are probably just as qualified as party people. But I think the main thing we find happening in this country is the growing cost and expense of elections. And as to the point of the primary elections that we just went through in the presidential year, as pointed out in The Making of a President it makes it amply clear that we are closely coming to a point where unless somebody has a tremendous personal fortune to go through, he cannot become a candidate for president. Certainly, after he is nominated by the party, sufficient funds can be raised for that candidate. But when he is on his own and it is his own personal organization, he either has to get some vested interest groups to support that campaign or support it out of a personal fortune. Pretty soon we're going to have just battles of millionaires, which we're closely reaching today, in our search for qualified people for presidency. I think this would be just one more step in this growing trend. Therefore, I oppose this amendment.

VICE PRESIDENT HUTCHINSON: Mr. Kuhn.

MR. KUHN: Mr. President, as I said earlier, I don't expect any real partisan politician to support it. Of course, they can throw all the red herrings they'd like; but the fact remains that Mr. Kennedy would not be in the white house today if it weren't for presidential primaries. I demand the yeas and nays.

VICE PRESIDENT HUTCHINSON: Mr. Kuhn demands the yeas and nays upon his amendment. Is the demand supported?

SECRETARY CHASE: Fourteen.

VICE PRESIDENT HUTCHINSON: Not a sufficient number.

MR. KUHN: Division.

VICE PRESIDENT HUTCHINSON: Mr. Kuhn demands a division. Is the demand supported? Sufficient number up. The question is upon the amendment offered by Mr. Kuhn. All those in favor will vote aye. Those opposed will vote no. This is a division vote. Have you all voted? The secretary will lock the machine and record the total.

SECRETARY CHASE: On the Kuhn amendment, the yeas are 8; the nays are 99.

VICE PRESIDENT HUTCHINSON: The amendment is not adopted. Are there any further amendments, Mr. Secretary?

SECRETARY CHASE: No.

VICE PRESIDENT HUTCHINSON: The question is upon the passage of Committee Proposal 58. The board will please be cleared. Please clear the board. All those in favor of Committee Proposal 58 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—110

Allen	Greene	Plank
Baginski	Hart, Miss	Pollock
Balcer	Haskill	Powell
Barthwell	Hatch	Prettie
Batchelor	Hatcher, Mrs.	Pugsley
Beaman	Heideman	Radka
Binkowski	Hodges	Rajkovich

Blandford	Hood	Richards, J. B.
Boothby	Howes	Rood
Bradley	Hoxie	Rush
Brake	Hutchinson	Sablich
Brown, G. E.	Iverson	Seyferth
Buback	Judd, Mrs.	Shaffer
Butler, Mrs.	Karn	Shanahan
Conklin, Mrs.	Kelsey	Sharpe
Cudlip	King	Sleder
Cushman, Mrs.	Kirk, S.	Snyder
Danhof	Knirk, B.	Spitler
Dehnke	Koeze, Mrs.	Stafseth
Dell	Krolikowski	Staiger
DeVries	Kuhn	Sterrett
Donnelly, Miss	Leibrand	Stevens
Doty, Dean	Leppien	Stopczynski
Doty, Donald	Lesinski	Suzore
Douglas	Liberato	Thomson
Downs	Madar	Turner
Durst	Marshall	Tweedie
Elliott, A. G.	Martin	Upton
Elliott, Mrs. Daisy	McCauley	Van Dusen
Erickson	McGowan, Miss	Walker
Everett	McLogan	Wanger
Farnsworth	Millard	White
Faxon	Mosier	Wilkowski
Figy	Murphy	Woolfenden
Follo	Norris	Yeager
Ford	Perlich	Youngblood
Gover	Perras	

Nays—3

Finch	Hubbs	Jones

SECRETARY CHASE: On the passage of Committee Proposal 58, as amended, the yeas are 110; the nays are 3.

VICE PRESIDENT HUTCHINSON: **Committee Proposal 58,** as amended, is passed.

Following is explanation of vote submitted by Mr. Finch:

I voted no on Committee Proposal 58 because I object to a portion of section f. I believe that only property owners or their spouses should have the right to vote on proposals which will increase millage or on bond issues which will raise property taxes.

Following is explanation of vote submitted by Mr. Hubbs:

Explanation of my no vote on Committee Proposal 58.

I feel that the proposal is not the best provision that could be presented in the proposed constitution, because the amendment to provide for a closed primary election was lost by a tie vote with only 116 delegates voting.

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

Following is Committee Proposal 58 as amended and rereferred to the committee on style and drafting:

Sec. a. Every citizen of the United States who has attained the age of 21 years, who has resided in this state 6 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. b. The legislature may by law exclude persons from voting because of mental incompetence, or commitment to a jail or penal institution.

Sec. c. 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 months and may waive residence requirements of citizens of this state who have removed therefrom. The legislature may provide the manner of voting by such persons but shall not permit voting by any such person who meets the voting residence requirements of the state to which he has removed.

Sec. d. The legislature shall enact laws to regulate the time, place, and manner of all nominations and elections, except as otherwise provided in this constitution or in the constitution and laws of the United States. The legislature shall enact laws to preserve the purity of elections, to preserve the secrecy of the ballot, to guard against abuses of the elective franchise, and to provide for a system of voter registration and absentee voting. No law shall be enacted which permits a candidate in any partisan primary or partisan election to have a ballot designation except when required for identification of persons who are candidates for the same office and have the same or similar surnames.

Sec. e. Except for special elections to fill vacancies 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 may hereafter be provided by the Constitution of the United States or by congress for election of members thereof.

Sec. f. Whenever any question is submitted to a vote of the electors which involves the direct expenditure of public money, the issue of bonds or the increase of any ad valorem tax rate for a period of more than 5 years, only persons having the qualifications of electors in, and who have property assessed for any ad valorem taxes in, any part of the district or territory to be affected by the result of such election or the lawful husbands or wives of such persons shall be entitled to vote thereon. All persons having the qualifications of electors may vote on all other questions involving an increase in any ad valorem tax rate and on borrowing by this state.

Sec. g. 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 per cent of the number of persons voting at the last preceding election for the office of governor in the electoral district of the officer sought to be recalled. Any statement of reasons or grounds procedurally required shall be deemed to pose a political rather than a judicial question.

Sec. h. A board of state canvassers consisting of 4 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.

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

MR. POLLOCK: Mr. President, this completes the proposals presented by the committee on declaration of rights, suffrage and elections and I want to thank the members of the convention for their cooperation and for their very thorough consideration. And now may I make another motion, Mr. President?

VICE PRESIDENT HUTCHINSON: You may proceed.

MR. POLLOCK: I should like to move at this time a reconsideration of the vote by which **Committee Proposal 22** and amendments were passed yesterday and ask that the vote on this be postponed until tomorrow morning because this is a rather small house.

For the vote on the passage of Committee Proposal 22, see above, page 2794.

VICE PRESIDENT HUTCHINSON: Mr. Pollock moves that the vote by which Committee Proposal 22, relating to civil service, that was passed on yesterday, be reconsidered. Mr. Pollock moves that further consideration of this motion be postponed until tomorrow. The question is upon the motion to postpone. All those in favor will say aye. Did you desire recognition, Mr. Leibrand?

MR. LEIBRAND: Maybe I'm a little slow on the trigger here but, if it's in order, I'd like to move that Mr. Pollock's motion also be laid on the table until tomorrow. I think the

VICE PRESIDENT HUTCHINSON: Not a sufficient number up.

The Chair declares that the amendment is adopted. The question now is upon the adoption of the proposal, as amended. All those in favor will vote aye. Those opposed will vote no. Have you all voted? The secretary will lock the machine and record the vote.

MRS. HATCHER: Mr. President, I would like to know how Kay Cushman is voting.

VICE PRESIDENT HUTCHINSON: Does Mrs. Cushman wish to vote?

MRS. CUSHMAN: I did not vote on this because I did not feel I had competent legal advice on what this thing meant.

The roll was called and the delegates voted as follows:

Yeas—116

Allen	Gust	Powell
Andrus, Miss	Habermehl	Prettie
Austin	Hannah, J. A.	Pugsley
Baginski	Hart, Miss	Radka
Balcer	Hatch	Rajkovich
Barthwell	Hatcher, Mrs.	Richards, J. B.
Batchelor	Heideman	Richards, L. W.
Beaman	Higgs	Rood
Bentley	Hood	Rush
Blandford	Hoxie	Sablich
Bonisteel	Hubbs	Seyferth
Bradley	Iverson	Shaffer
Brake	Jones	Shanahan
Buback	Kelsey	Sharpe
Butler, Mrs.	King	Sleder
Conklin, Mrs.	Kirk, S.	Snyder
Cudlip	Knirk, B.	Spitler
Danhof	Koeze, Mrs.	Stafseth
Dehnke	Krolikowski	Staiger
Dell	Kuhn	Stamm
DeVries	Lawrence	Sterrett
Donnelly, Miss	Leibrand	Stevens
Doty, Donald	Leppien	Stopczynski
Douglas	Liberato	Suzore
Downs	Madar	Thomson
Durst	Marshall	Turner
Elliott, A. G.	Martin	Tweedie
Elliott, Mrs. Daisy	McCauley	Upton
Erickson	McGowan, Miss	Van Dusen
Everett	McLogan	Walker
Farnsworth	Millard	Wanger
Faxon	Mosier	White
Figy	Murphy	Wilkowski
Finch	Norris	Wood
Ford	Ostrow	Woolfenden
Gadola	Perlich	Yeager
Goebel	Perras	Young
Gover	Plank	Youngblood
Greene	Pollock	

Nays—3

Follo	Judd, Mrs.	Karn

SECRETARY CHASE: On the passage of Committee Proposal 26, as amended, the yeas are 116; the nays are 3.

VICE PRESIDENT HUTCHINSON: The majority of the delegates elect having voted therefor, **Committee Proposal 26, as amended, is passed and is referred to the committee on style and drafting.**

Following is Committee Proposal 26 as amended and rereferred to the committee on style and drafting:

Sec. a. 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, religion, sex or national origin. The legislature shall implement this section by appropriate legislation. This shall not be construed to prevent reasonable classification for the protection of women.

VICE PRESIDENT HUTCHINSON (continuing): Mr. Yeager.

MR. YEAGER: Mr. President, I would, at this time, like to move for reconsideration of the vote by which the convention took action on **Committee Proposal 58.** I would next move, after that, to reconsider the closed primary amendment.

For the vote on the passage of Committee Proposal 58, see above, page 2898.

VICE PRESIDENT HUTCHINSON: The question is upon the motion of Mr. Yeager to reconsider the vote by which Committee Proposal 58 was passed on yesterday.

MR. YEAGER: Mr. President, I request a division.

VICE PRESIDENT HUTCHINSON: Upon which motion Mr. Yeager demands a division. Is the demand for division supported? The demand is supported, 10 or more delegates having voted therefor. The question is upon the motion to reconsider the vote by which Committee Proposal 58 was passed on yesterday. All those in favor — Mr. Barthwell.

MR. BARTHWELL: I would like the machine to be cleared, please.

VICE PRESIDENT HUTCHINSON: Will the machine please be cleared. Mr. Downs.

MR. DOWNS: Mr. President, I just wish to speak against the reconsideration of the vote on this proposal. I think we gave it sufficient time and have made up our minds. I see no reason to reopen it.

MRS. CONKLIN: Mr. President.

VICE PRESIDENT HUTCHINSON: Mrs. Conklin.

MRS. CONKLIN: I would like to support the motion to reconsider. I think any time anything is lost by a tie vote, it should be reconsidered.

VICE PRESIDENT HUTCHINSON: Mr. Madar.

MR. MADAR: Mr. President, it seems as if we have had our ears pounded a lot today, and we haven't accomplished anything. At this time, I would like to move the previous question, and if the previous question passes, I also would like to ask the previous question on the proposal, and I would like to ask for the yeas and nays.

VICE PRESIDENT HUTCHINSON: Mr. Madar demands the previous question at this time upon the motion to reconsider. 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 motion of Mr. Yeager to reconsider the vote by which Committee Proposal 58 was passed on yesterday. A division has been ordered. All those in favor will vote aye. Those opposed will vote no.

MR. MADAR: Mr. President, I asked for the yeas and nays on the proposal.

VICE PRESIDENT HUTCHINSON: On the proposal or on the motion to reconsider?

MR. MADAR: No, on the proposal.

VICE PRESIDENT HUTCHINSON: Well, this is not it.

MR. MADAR: Okay.

MR. YEAGER: Mr. President, I would like to ask a question. Is a motion for yeas and nays debatable?

VICE PRESIDENT HUTCHINSON: The motion for the yeas and nays has not been made.

MR. BUBACK: I move the yeas and nays.

VICE PRESIDENT HUTCHINSON: On what? What do you make a motion on the yeas and nays for?

MR. BUBACK: On the motion for reconsideration.

VICE PRESIDENT HUTCHINSON: The yeas and nays on reconsideration have been requested. Is the demand supported?

MR. YEAGER: Is this debatable, Mr. President?

VICE PRESIDENT HUTCHINSON: The motion is not debatable. For what purpose does the gentleman rise?

MR. DEHNKE: To make a parliamentary inquiry. May we ask what particular part of the proposal Mr. Yeager desires to have reconsidered?

VICE PRESIDENT HUTCHINSON: He made the statement, that he proposes — if this motion carries, the Chair understands Mr. Yeager then proposes to move the reconsideration of the vote by which his closed primary amendment failed to pass on yesterday. Have you all voted? The yeas and nays have been

ordered. This is a record roll call vote on the motion to reconsider the vote by which Committee Proposal 58 was passed on yesterday. All those in favor will vote aye. Those opposed will vote no. The voting has commenced. Have you all voted? If so, the secretary will lock the machine and record the vote.

MR. YEAGER: Mr. President, could I ask for the vote of the Chair, please?

VICE PRESIDENT HUTCHINSON: The Chair votes aye.

The roll was called and the delegates voted as follows:

Yeas—58

Andrus, Miss	Goebel	Perras
Batchelor	Gover	Plank
Beaman	Gust	Powell
Bentley	Habermehl	Pugsley
Blandford	Hoxie	Radka
Bonisteel	Hubbs	Richards, J. B.
Brake	Hutchinson	Rood
Brown, G. E.	Iverson	Rush
Conklin, Mrs.	Karn	Seyferth
Danhof	King	Shaffer
Dehnke	Kirk, S.	Shanahan
DeVries	Knirk, B.	Sharpe
Donnelly, Miss	Koeze, Mrs.	Sterrett
Doty, Dean	Kuhn	Stevens
Doty, Donald	Lawrence	Thomson
Erickson	Leibrand	Turner
Everett	Leppien	Upton
Farnsworth	Millard	White
Figy	Mosier	Yeager
Finch		

Nays—68

Allen	Hart, Miss	Perlich
Austin	Hatch	Pollock
Baginski	Hatcher, Mrs.	Prettie
Balcer	Heideman	Rajkovich
Barthwell	Higgs	Richards, L. W.
Binkowski	Hodges	Sablich
Bradley	Hood	Sleder
Buback	Howes	Snyder
Butler, Mrs.	Jones	Spitler
Cudlip	Judd, Mrs.	Staiger
Cushman, Mrs.	Kelsey	Stamm
Dell	Krolikowski	Stopczynski
Douglas	Lesinski	Suzore
Downs	Liberato	Tweedie
Durst	Madar	Van Dusen
Elliott, A. G.	Mahinske	Walker
Elliott, Mrs. Daisy	Marshall	Wanger
Faxon	Martin	Wilkowski
Follo	McCauley	Wood
Ford	McGowan, Miss	Woolfenden
Gadola	McLogan	Young
Greene	Murphy	Youngblood
Hannah, J. A.	Ostrow	

SECRETARY CHASE: On the motion to reconsider the vote by which Committee Proposal 58 passed on yesterday, the yeas are 58; the nays are 68.

VICE PRESIDENT HUTCHINSON: The motion to reconsider does not prevail.

MR. BENTLEY: Mr. President, a parliamentary inquiry.

VICE PRESIDENT HUTCHINSON: Mr. Bentley.

MR. BENTLEY: Mr. President, we had a tie vote on this matter last night, and we have had one tie vote already this morning, and I think there is something that should be cleared up. I understood the Chair to rule a few moments ago that according to our rules, the Chair votes as one of the delegates. There is, on page 358 of Mason's Manual, I believe it is section 514, paragraph 4, a ruling to the effect that where the presiding officer votes as one of the delegates, in the event of a tie vote, the presiding officer is thereby entitled to a second vote to break the tie, and I would ask for a parliamentary ruling that this prevails.

MR. BUBACK: That wasn't the situation with this last vote; with the Chair's vote, it was a tie.

VICE PRESIDENT HUTCHINSON: Mr. Bentley, the people of my district sent me here and they are entitled only to my vote. I don't think I am entitled to vote twice, even though Mr. Mason says I might. (applause)

MRS. CONKLIN: Mr. President.

VICE PRESIDENT HUTCHINSON: Mrs. Conklin.

MRS. CONKLIN: May I ask on rule 67 where you said before that you were not voting, that you were voting as a delegate; it says in rule 67, that no delegate shall be entitled to abstain from voting unless he shall have stated his intention to abstain before the voting starts.

VICE PRESIDENT HUTCHINSON: The Chair would like to observe that the rule of this convention with regard to voting or not — the present presiding officer was a member of the committee on organization, and when this thing was originally presented it seemed as though it was a kind of anomalous thing — this chairman has previously pointed out that the rule does not say that you can demand a vote. On the other hand, the rules say that no delegate shall be entitled to abstain from voting unless he shall announce prior to the time that the vote is taken that he intends to abstain. As a practical matter, the delegate in the Chair, admittedly, sometimes misses votes. There are a lot of other things here to keep track of, you know — who is supposed to speak next, and so on — and on a record roll call vote, your present chairman is always willing to vote if his vote is requested. But, the rules of this convention are kind of a peculiar thing. On one hand, they don't say that you can demand a vote, and on the other hand, they say no delegate shall abstain from voting; so, in the end it is a kind of a voluntary thing with the delegate. Now, Mr. Chase has some further precedent on this matter, which the Chair will ask him to read.

SECRETARY CHASE: This case arose in the instance of John Quincy Adams, as a member of the house of representatives (laughter) and I think the delegates will agree that he was no mean attorney. This is quoted from Hinds Precedents, volume V, section 5943.

> Attempts to require members to vote.
>
> The house does not have power to compel a member to vote. A member declined to vote in 1832, and the house found itself powerless to compel a vote in this as in later instances.
>
> On July 11, 1832, the house was considering a resolution relating to words spoken in debate by Mr. William Stanbery of Ohio, and the yeas and nays were being called on the question of agreeing to the resolution. When the name of Mr. John Quincy Adams of Massachusetts was called, Mr. Adams rose and asked to be excused from voting (under the present practice of the house a roll call may not be interrupted in this way), assigning his reasons in a paper which the clerk read as follows:
>
> > I ask to be excused from voting (the motion that a member be excused from voting now has no privilege) on the resolution, believing it to be unconstitutional, inasmuch as it assumes inferences of fact from words spoken by the member, without giving the words themselves; and the facts not being warranted, in my judgment, by the words which he did use.
>
> The question being taken, "Shall Mr. Adams be excused?" it was decided in the negative.
>
> Mr. Adams' name was again called, when he responded: "I decline to answer."
>
> A motion to reconsider the vote whereby the house had declined to excuse Mr. Adams being decided in the negative, the speaker read the rule of the house requiring every member to vote, and directed the clerk to call Mr. Adams' name again.
>
> The clerk again called the name, but no response was made by Mr. Adams, who was in his seat in the house.
>
> Thereupon Mr. William Drayton of South Carolina, moved the following resolutions:
>
> > Resolved, That John Quincy Adams, a member from Massachusetts, in refusing to vote when his name was called by the clerk, after the house had rejected his application to be excused from voting, for reasons assigned by him, has committed a breach of one of the rules of the house.
> >
> > Resolved, That a committee be appointed for the purpose of inquiring and reporting to this house the course

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

PREAMBLE

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

ARTICLE I
DECLARATION OF RIGHTS

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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
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3.	Presidential electors, residence	58c
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Article II
Elections

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

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

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

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

Sec. 4. The legislature shall enact laws to regulate the time, place [,] and manner of all nominations and elections, except as otherwise provided in this constitution or in the constitution and laws of the United States. The legislature shall enact laws to preserve the purity of elections, to preserve the secrecy of the ballot, to guard against abuses of the elective franchise, and to provide for a system of voter registration and absentee voting. No law shall be enacted which permits a candidate in any partisan primary or partisan election to have a ballot designation except when required for identification of [persons who are] candidates for the same office WHO [and] have the same or similar surnames.

Sec. 5. Except for special elections to fill vacancies, OR AS OTHERWISE PROVIDED IN THIS CONSTITUTION, all elections for national, state, county and township offices shall be held on the first Tuesday after the first Monday in November in each even-numbered year[,] or on such other date as MEMBERS OF THE CONGRESS OF THE UNITED STATES ARE REGULARLY ELECTED [may hereafter be provided by the Constitution of the United States or by congress for election of members thereof].

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

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

Sec. 8. Laws shall be enacted to provide for the recall of all elective officers except judges of courts of record upon petition of electors equal in number to 25 percent of the number of persons voting [at] IN the last preceding election for the office of governor in the electoral district of the officer sought to be recalled. THE SUFFICIENCY OF any statement of reasons or grounds procedurally required shall be [deemed to pose] a political rather than a judicial question.

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

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

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

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

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

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

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

The legislature shall implement the provisions of this section.

ARTICLE III
GENERAL GOVERNMENT

Sec.		Com. Proposal
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2.	Division of Powers	21a
3.	Great Seal	18a
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6.	Internal Improvement	101a
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Article III
General Government

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

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

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

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

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

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

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

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

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

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LEGISLATIVE BRANCH

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Article IV
Legislative Branch

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 6. A commission on legislative apportionment is hereby established consisting of [8] EIGHT persons, [4] FOUR of whom shall be selected by the state organizations of each of the [2] TWO political parties whose candidates for governor received the highest vote at the last general election AT WHICH A GOVERNOR WAS ELECTED preceding each apportionment. If a candidate for governor of a third political party has received at such election more than 25 percent of such gubernatorial vote, the commission shall consist of 12 members, [4] FOUR of whom shall be selected by the state organization of the third political party. One member of the commission shall be selected by each political party organization from each of the following [4] FOUR regions: (1) The upper peninsula; (2) The northern part of the lower peninsula, north of a line drawn along the northern boundaries of the counties of Bay, Midland, Isabella, Mecosta, Newaygo and Oceana; (3) Southwestern Michigan, those counties south of region (2) and west of a line drawn along the western boundaries of the counties of Bay, Saginaw, Shiawassee, Ingham, Jackson and Hillsdale; (4) Southeastern Michigan, the remaining counties of the state.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 17. Each house of the legislature may establish the committees necessary for the efficient conduct of its business and the legislature may create joint committees. Each committee shall [keep a recorded] BY roll call vote RECORD THE VOTE AND NAME [by yeas and nays] of all action on bills and resolutions taken in the committee. Such vote shall be available FOR [to] public inspection. Notice of all committee hearings and a clear statement of all subjects to be considered at each hearing shall be published in the journal in advance of the hearing.

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

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

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

Sec. 21. Neither house shall, without the consent of the other, adjourn for more than [3] TWO INTERVENING CALENDAR days, nor to any place other than where the legislature may then be in session.

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

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

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

Sec. 25. No law shall be revised, altered or amended by reference to its title only. The section or sections of the act altered or amended shall be re-enacted and published at length.

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

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

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

Sec. 29. The legislature shall pass no local or special act in any case where a general act can be made applicable, and whether a general act can be made applicable shall be a judicial question. No local or special act shall take effect until approved by TWO-THIRDS [2/3] of the members elected to and serving in each house [of the legislature] and by a majority of the electors voting thereon in the district [to be] affected. Any act repealing local or special acts [in effect as of the effective date of this constitution] shall require only a majority of the members elected to and serving in each house and shall not require submission to the electors of such district.

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

Sec. 31. The general appropriation bills for the succeeding fiscal period covering items set forth in the budget shall be passed or rejected in either house of the legislature before that house passes any appropriation bill for items not in the budget except bills supplementing appropriations for the current FISCAL year's operation. Any bill requiring an appropriation to carry out its purpose shall be considered an appropriation bill. One of the general appropriation bills as passed by the legislature shall contain an itemized statement of estimated revenue by major source in each operating fund for the ensuing fiscal period, the total of which shall not be less than the total of all appropriations made from each fund in the gen-

eral appropriation bills as passed.

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

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

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

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

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

Sec. 37. The legislature may by concurrent resolution empower a joint committee of the legislature acting [in the interim] between sessions to suspend until the end of the next regular legislative session any rule or regulation [promulgated by] OF an administrative agency PROMULGATED when the legislature is not in regular session.

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

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

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

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

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

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

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

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

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

sons imprisoned or detained [on] UNDER such sentences.

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE V

EXECUTIVE BRANCH

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Article V
Executive Branch

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 17. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state. Proposed expenditures from any fund shall not exceed the estimated revenue thereof. On the same date, the governor shall submit to the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills to provide new or additional revenues to meet proposed expenditures. The amount of any surplus created or deficit incurred in any fund during the last preceding fiscal period shall be entered as an item in the budget and in one of the appropriation bills. The governor may submit amendments to appropriation bills to be offered in either house during consideration of the bill by that house, and shall submit any bills to meet deficiencies in current appropriations.

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

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

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

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

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

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

YEARS NEXT PRECEDING HIS ELECTION.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE VI
JUDICIAL BRANCH

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Article VI
Judicial Branch

Sec. 1. The judicial power of the state is vested exclusively in one court of justice[,] which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court, one probate court, and other courts of limited jurisdiction that the legislature may establish by a [2/3] TWO-THIRDS vote of the members ELECTED TO AND SERVING IN [of] each house.

Sec. 2. The supreme court shall consist of [8] SEVEN justices [to be] elected at non-partisan elections as provided by law. [A vacancy hereafter created as the result of the death, retirement or resignation of one incumbent justice shall not be filled.] The term of office shall be [for 8] EIGHT years and not more than [3] TWO terms of office shall expire at the same time. Nominations for justices of the supreme court shall be in the manner [as provided] PRESCRIBED by law[,]. [except] Any incumbent justice whose term is to expire may become a candidate for re-election by filing an affidavit of candidacy, in the form and manner prescribed by law, not less than 180 days prior to the expiration of his term.

Sec. 3. One justice of the supreme court shall be selected by the court as its chief justice AS [in the manner and for the term] provided by [the] rules of the court. He shall perform other duties required by the court. The supreme court shall appoint an administrator of the courts and other assistants of the supreme court as [shall] MAY be [deemed] necessary to aid in the administration of the courts of this state. The administrator shall perform administrative duties assigned by the court.

Sec. 4. The supreme court shall have general superintending control over all courts; power to issue, hear, and determine prerogative and remedial writs; and appellate jurisdiction as provided by rules of the supreme court. The supreme court shall not have the power to remove a judge.

Sec. 5. The supreme court shall by general rules establish, modify, amend and simplify the practice and procedure in all courts of this state. The distinctions between law and equity proceedings shall, as far as practicable, be abolished. The office of master in chancery is prohibited.

Sec. 6. Decisions of the supreme court, including all decisions on prerogative writs, shall be in writing and shall contain a concise statement of the facts and reasons for each decision and reasons for each denial of leave to appeal. When a judge dissents in whole or in part he shall give in writing the reasons for his dissent.

Sec. 7. The supreme court may appoint, may remove, and shall have general supervision of its staff. It shall have control of the preparation of its budget recommendations and the expenditure of [the funds] MONEYS appropriated for any purpose pertaining to the operation of the court or the performance of activities of its staff except that the salaries of the justices shall be established by law. All fees and perquisites collected by the court staff shall be turned over to the state treasury and credited to the general fund.

Sec. 8. The court of appeals shall consist initially of [9] NINE judges who shall be nominated and elected [on a] AT non-partisan ELECTIONS [basis] from districts, and in the manner, prescribed by law. The supreme court may prescribe by rule that the court of appeals may sit in divisions and for the terms of court and the times and places thereof. Each such division shall consist of not fewer than three judges. The number of judges comprising the court of appeals may be increased, and the districts from which they are elected may be [altered] CHANGED by law.

Sec. 9. Judges of the court of appeals shall hold office for a TERM [period] of [6] SIX years and until their successors are elected and qualified. The terms of office for the judges in each district shall be arranged by law to provide that not all terms will expire at the same time.

Sec. 10. The jurisdiction of the court of appeals shall be provided by law and the practice and procedure therein shall be [as provided] PRESCRIBED by rules of the supreme court.

Sec. 11. The state shall be divided into judicial circuits along county lines in each of which there shall be elected one or more circuit judges as provided by law. [A] SESSIONS OF THE circuit court shall be held at least [4] FOUR times in each year in every county organized for judicial purposes. Each circuit judge shall hold court in the county or counties within the circuit in which he is elected, and in other circuits as may be provided by rules of the supreme court. The number of judges may be changed and circuits may be created, altered and discontinued by law and the number of judges shall be changed and circuits shall be created, altered and discontinued on recommendation of the supreme court to reflect changes in judicial activity. No change in the number of judges [n]or alteration or discontinuance of a circuit shall have the effect of removing a judge from office during his term.

Sec. 12. Circuit judges shall be nominated and elected at non-partisan elections in the circuit in which they reside, and shall hold office for a TERM [period] of [6] SIX years and until their successors are elected and qualified. In circuits having more than one circuit judge their terms of office shall be arranged by law to provide that not all terms will expire at the same time.

Sec. 13. THE circuit court[s] shall have original jurisdiction in all matters not prohibited by law; appellate jurisdiction from all inferior courts and tribunals except as otherwise provided by law; power to issue, hear and determine prerogative and remedial writs; supervisory and general control over inferior courts and tribunals within their respective jurisdictions[,] in accordance with rules of the supreme court; and jurisdiction of other cases and matters as provided by rules of the supreme court.

Sec. 14. The clerk of each county organized for judicial purposes or other officer performing the duties of such office as provided in a county charter shall be clerk of the circuit court for such county. The judges of the circuit court[s] may fill [any] A vacancy in an elective office of county clerk or prosecuting attorney within their respective jurisdictions.

Sec. 15. In each county organized for judicial purposes[,] there shall be a probate court. The legislature may [combine one or more counties into] CREATE OR ALTER probate COURT districts OF MORE THAN ONE COUNTY [upon the approval by a majority of the voters of each county voting separately on the question,] IF APPROVED IN EACH AFFECTED COUNTY BY A MAJORITY OF THE ELECTORS VOTING ON THE QUESTION. [or combine] THE LEGISLATURE MAY PROVIDE FOR THE COMBINATION OF the office of probate judge with any judicial office of limited jurisdiction [in any] WITHIN A county with supplemental salary as provided by law. The jurisdiction, powers and duties of the probate court[s] and of the judges thereof shall be [prescribed] PROVIDED by law. They shall [also] have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

Sec. 16. ONE OR MORE judges of probate AS PROVIDED BY LAW shall be nominated and elected at non-partisan elections in the counties or the probate districtS in which they reside and shall hold office for [a period] TERMS of [6] SIX years and until their successors are elected and qualified. In counties or districts with more than one judge the terms of office shall be arranged by law to provide that NOT all terms will [not] expire at the same time.

Sec. 17. No judge or justice of any court of this state shall be paid from the fees of his office nor shall the amount of his salary be measured by fees, other moneys received or [by] the amount of judicial activity of his office.

Sec. 18. Salaries of justices of the supreme court, of the judges of the court of appeals, of the circuit judges within a [county or] circuit, and of the probate judges within a county or district, shall be uniform, and may be increased, but shall not be decreased during a term of office except and only to the extent of a general salary reduction in all other branches of government.

Each of the judges of the circuit court[s] shall receive an annual salary as provided by law. In addition to the salary received from the state, [treasury,] each circuit judge may receive from any county in which he regularly holds court [such] AN additional salary as [may be] determined from time to time by the board of supervisors of the county. In any county where [such] AN additional salary is granted, it shall be paid at the same rate to all circuit judges regularly holding court therein.

Sec. 19. The supreme court, the court of appeals, the circuit court, the probate court and other courts designated as such by the legislature shall be courts of record and [shall] each SHALL have a common seal. [Except as otherwise authorized by this constitution,] Justices and judges of [the] courts of record [of this state shall] MUST be PERSONS WHO ARE licensed to practice law in this state. [and] No person shall be elected or appointed to a judicial office after reaching the age of 70 years.

Sec. 20. Whenever a JUSTICE OR judge removes his domicile beyond the limits of the territory from which he was elected, he shall [be deemed to] have vacated his office.

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

Sec. 21. Any justice or judge of a court of record shall be ineligible to be nominated for or elected to an elective office other than a judicial office during the period of his service [as a judge] and for one year thereafter.

Sec. 22. Any elected judge of [a] THE court of appeals, circuit court or probate court may become a candidate in the primary election for the office of which he is the incumbent by filing an affidavit of candidacy in the form and manner [provided] PRESCRIBED by law.

Sec. 23. A vacancy in the elective office of a judge of any court of record shall be filled at a general or special election AS PROVIDED BY [according to] law. The supreme court may authorize persons who have served as judges and who have retired, to perform judicial duties for the limited period of time from the occurrence of the vacancy until the successor is elected and qualified. SUCH PERSONS SHALL BE INELIGIBLE FOR ELECTION TO FILL THE VACANCY.

Sec. 24. There shall be printed upon the ballot under the name of each elected incumbent justice or judge[,] who is a candidate for nomination or election to the same office[,] the designation of that office.

Sec. 25. For reasonable cause, which is not sufficient ground for impeachment, the governor shall remove any judge on a concurrent resolution of [2/3] TWO-THIRDS of the members elected to and serving in each house of the legislature. The cause for removal shall be stated at length in [such] THE resolution.

Sec. 26. The offices of circuit court commissioner and justice of the peace shall be abolished at the expiration of [5] FIVE years from the date this constitution becomes effective or may within this period be abolished by law. Their jurisdiction and powers within this period shall be as provided by law. Within [such] THIS [5] FIVE-year period, the legislature shall establish a court or courts of limited jurisdiction with powers and jurisdiction defined by law. The location of such court or courts, and the qualifications, tenure, method of election[,] and salary of the judges of such court or courts, and by what governmental units the JUDGES [same] shall be paid, shall be provided by law, subject to the limitations contained in this Article.

Statutory courts in existence at the time this constitution becomes effective shall retain their powers and jurisdiction, except as provided by law, until they are abolished by law.

Sec. 27. The supreme court, the court of appeals, the circuit court, or any justices or judges thereof, shall not exercise any power of appointment to public office except as [otherwise] provided in this constitution.

Sec. 28. All final decisions, findings, rulings and orders of any administrative officer or [body] AGENCY existing under the constitution or by law, which are judicial or quasi-judicial and affect private rights [,] or licenses, shall be subject to direct review by the courts as [shall be] provided by law. This review shall include, as a minimum, the determination whether such final decisions, findings, rulings and orders are authorized by law[,]; and, in cases in which a hearing is required, whether the same are supported by competent, material[,] and substantial evidence on the whole record[:]. [Provided however, that the] Findings of fact [of the] IN workmen's compensation [commission] PROCEEDINGS shall be conclusive in the absence of fraud unless otherwise provided by law.

Sec. 29. Justices of the supreme court, judges of the court of appeals, circuit judges[,] and other judges as provided by law shall be conservators of the peace within their respective jurisdictions.

ARTICLE VII
LOCAL GOVERNMENT

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Article VII
Local Government

Sec. 1. Each organized county shall be a body corporate with powers and immunities [prescribed] PROVIDED by law.

Sec. 2. Any county may frame, adopt, amend or repeal a county charter in a manner and with powers and limitations to be provided by general law, which shall among other things provide for the election of a charter commission. The law may permit the organization of county government in form different from that set forth in this constitution and shall limit the rate of ad valorem property taxation for county purposes, and restrict THE [their] powers of CHARTER COUNTIES TO borrow[ing] money and contract[ing] debts. Each charter county is hereby granted power to levy other taxes for county purposes subject to limitations and prohibitions set forth in this constitution or law. Subject to law, a county charter may authorize the county through its regularly constituted authority to [enact] ADOPT resolutions and ordinances relating to its concerns.

The board of supervisors by a majority vote of its members may, and upon petition of [5] FIVE percent of the electors shall, place upon the ballot the question of electing a commission to frame a charter.

No county charter shall be adopted, amended or repealed until approved by a majority of electors voting on the question.

Sec. 3. No organized county shall be reduced by the organization of new counties to less than 16 townships as surveyed by the United States, unless APPROVED in [pursuance of] THE MANNER PRESCRIBED BY law BY a majority of electors voting [on] THEREON [the question] in each county to be affected. [thereby shall so decide.]

Sec. 4. There shall be elected for [4] FOUR-year terms in each organized county a sheriff, a county clerk, a county treasurer, a register of deeds and a prosecuting attorney, whose duties and powers shall be [prescribed] PROVIDED by law. The board of supervisors in any county may COMBINE [unite] the offices of county clerk and register of deeds in one office or separate the same at pleasure.

Sec. 5. The sheriff, county clerk, county treasurer and register of deeds shall hold their principal offices at the county seat.

Sec. 6. The sheriff may be required by law to renew his security [from time to time] PERIODICALLY and in default of giving such security, his office shall be [deemed] vacant. The county shall never be responsible for his acts, except that the board of supervisors may protect him against claims by prisoners for unintentional injuries received while in his custody. He shall not hold any other office except in [connection with] civil defense.

Sec. 7. A board of supervisors shall be established in each ORGANIZED county consisting of one member from each organized township and such representation from cities as [shall be prescribed] PROVIDED by law.

Sec. 8. [The] Boards of supervisors shall have LEGISLATIVE, ADMINISTRATIVE [such] AND SUCH OTHER powers and duties as provided by law [not inconsistent with this constitution].

Sec. 9. [The] Boards of supervisors shall have exclusive power to fix the compensation of [all] county [officials] OFFICERS not otherwise provided [for] by law.

Sec. 10. [No] A county seat once established shall NOT be removed until the place to which it is proposed to be [re]moved shall be designated by [2/3] TWO-THIRDS of the MEMBERS OF THE board of supervisors [of the county,] and a majority of the electors voting thereon shall have [voted in favor of] APPROVED the proposed location in [a] THE manner prescribed by law.

Sec. 11. No county shall incur any indebtedness which shall increase its total debt beyond 10 percent of its assessed valuation.

Sec. 12. [No] A navigable stream [of this state] shall NOT be bridged or dammed without permission granted by the board of supervisors of the county [under the provisions of] AS PROVIDED BY law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and POLITICAL SUBDIVISIONS [the municipalities] therein.

Sec. 13. Two or more CONTIGUOUS counties may combine into a single county [provided] IF APPROVED IN EACH AFFECTED COUNTY BY a majority of the [voters] ELECTORS voting on the question. [of each county, voting separately, approve such combination and the counties are contiguous.]

Sec. 14. The board of supervisors of each organized county may organize and consolidate townships under restrictions and limitations [prescribed] PROVIDED by law.

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

Sec. 15. Any county, when authorized by its BOARD OF SUPERVISORS [legislative body] shall have the authority to enter or to intervene in any ACTION [suit] or certificate proceeding involving the services, charges or rates of any privately owned public utility furnishing services or commodities to rate payers within the county.

Sec. 16. The legislature may provide for the laying out, construction, improvement and maintenance of highways, bridges, culverts and airports by the state and by the counties and townships thereof; and may authorize counties to take charge and control of any highway within their limits for such purposes. The legislature may [also prescribe] PROVIDE the powers and duties of counties in relation to highways, bridges, culverts and airports; may provide for county road commissioners to be appointed or elected, with powers and duties [as may be prescribed] PROVIDED by law. The ad valorem property tax IMPOSED for road purposes by any county shall not exceed in any year [1/2] ONE-HALF of one percent of the assessed valuation for the preceding year.

Sec. 17. Each organized township shall be a body corporate with powers and immunities [prescribed] PROVIDED by law [and not inconsistent with this constitution].

Sec. 18. IN EACH ORGANIZED TOWNSHIP there shall be elected for [a] termS of not less than [2 years] TWO nor more than [4] FOUR years as [provided] PRESCRIBED by law [in each organized township] a [township] supervisor, a [township] clerk, a [township] treasurer, and[,] not to exceed [4 township] FOUR trustees, whose legislative and administrative powers and duties shall be [prescribed] PROVIDED by law.

Sec. 19. No ORGANIZED township shall grant any public utility franchise which is not subject to revocation at the will of the township, unless the proposition shall FIRST have BEEN APPROVED BY [first received the affirmative vote of] a majority of the electors of such township voting thereon at a regular or special election.

Sec. 20. The legislature shall provide by law for the dissolution of township government whenever all the territory of [a] AN ORGANIZED township is included within the boundaries of a village or villages NOTWITHSTANDING THAT A VILLAGE MAY INCLUDE TERRITORY WITHIN ANOTHER ORGANIZED TOWNSHIP and provide by law for the classification of such village or villages as cities [notwithstanding that a village may include territory within another township].

Sec. 21. The legislature shall provide by general laws for the incorporation of cities and villages[;] . [such general laws] SUCH LAWS shall limit their rate of [general] AD VALOREM property taxation for municipal purposes, and restrict [their] THE powers of CITIES AND VILLAGES TO borrow[ing] money and contract[ing] debts. Each city and village is granted power to levy other taxes for public purposes, subject to limitations and prohibitions provided by this constitution or by law.

Sec. 22. Under general laws the electors of each city and village shall have the power and authority to frame, adopt[,] and amend its charter, and to amend an existing charter of the city or village heretofore granted or enacted by the legislature for the government of the city or village. Each such city and village shall have power to [pass] ADOPT resolutions and ordinances relating to its municipal concerns, property and government, subject to the constitution and law. No enumeration of powers granted to cities and villages in this constitution shall [be deemed to] limit or restrict the general grant of authority conferred by this section.

Sec. 23. Any city or village may acquire, own, establish and maintain, within or without its corporate limits, parks, boulevards, cemeteries, hospitals[,] and all works which involve the public health or safety.

Sec. 24. Subject to this constitution, any city or village may acquire, own[,] and operate, within or without its corporate limits, public service facilities for supplying water, light, heat, power, sewage disposal and transportation to the municipality and the inhabitants thereof.

Any city or village may sell and deliver heat, power[, and] OR light without its corporate limits [to] IN an amount not [to exceed] EXCEEDING 25 percent of that furnished by it within the corporate limits, except as greater amounts may be permitted by law; may sell and deliver water and provide sewage disposal services[,] outside of its corporate limits in such amount as may be determined by the legislative body of the city or village; and may operate transportation lines [without] OUTSIDE the municipality within such limits as may be prescribed by law.

Sec. 25. No city or village shall acquire any public utility furnishing light, heat [and] OR power, or grant any public utility franchise which is not subject to revocation at the will of the city or village, unless the proposition shall FIRST have been approved by [3/5] THREE-FIFTHS of the electors voting thereon. No city or village may sell any such public utility unless the proposition shall FIRST have been approved by a majority of the electors voting thereon, or a greater number if the charter shall so provide.

Sec. 26. Except as otherwise provided in this constitution, no city or village shall have the power to loan its credit for any private purpose or, except as [authorized] PROVIDED by law, for any public purpose.

Sec. 27. Notwithstanding any other provision

of this constitution the legislature may establish in metropolitan areas additional forms of government or authorities with powers, duties and jurisdictions as the legislature shall provide. Wherever possible, such additional forms of government or authorities shall be designed to perform multi-purpose functions rather than a single function.

Sec. 28. The legislature by general law shall authorize two or more counties, cities, villages, townships or districts, or any combination thereof among other things to: enter into contractual undertakings or agreements with one another or with the state or with any combination thereof for the joint administration of any of the functions or powers which each would have the power to perform separately; share the costs and responsibilities of functions and services with one another or with the state or with any combination thereof which each would have the power to perform separately; transfer functions or responsibilities to one another or any combination thereof upon the consent of each unit involved; cooperate with one another and with state government [and with intergovernmental agencies]; lend their credit to one another or any combination thereof as PROVIDED [prescribed] by law in connection with any authorized publicly owned undertaking.

Any other provision of this constitution notwithstanding, an officer or employee of the state or any [of] such unit[s] of government or subdivision or agency thereof, except members of the legislature, may serve on or with any governmental body established for the [above] purposes SET FORTH IN THIS SECTION and shall not be required to relinquish his office or employment by reason of such service.

Sec. 29. No person, partnership, association or corporation, public or private, operating a public utility shall have the right to the use of the highways, streets, alleys or other public places of any county, city, village or township for wires, poles, pipes, tracks, conduits or other utility facilities, without the consent of the duly constituted authority of the county, city, village or township; or to transact local business therein without first obtaining a franchise from the city, village or township. Except as otherwise [authorized] PROVIDED in this constitution the right of all counties, cities, villages and townships to the reasonable control of their highways, streets, alleys and public places is hereby reserved to such local units of government.

Sec. 30. No franchise or license shall be granted by any city, village or township for a [longer] period LONGER than 30 years.

Sec. 31. The legislature shall not vacate or alter any road, street, alley, or public place under the jurisdiction of any county, township, city or village.

Sec. 32. Any county, township, city, village, authority or school district empowered by the legislature or by this constitution to prepare budgets of estimated expenditures and revenues shall adopt [said] SUCH budgets only after a public hearing in a manner prescribed by law.

Sec. 33. The provisions of this constitution and law concerning cities, villages, counties and townships shall be liberally construed in their favor. Powers granted to counties and townships by this constitution and by law shall include those fairly implied and not [inconsistent with nor] prohibited by this constitution.

ARTICLE VIII
EDUCATION

Sec.		Com. Proposal
1.	Principles	1a
2.	Legislative duty to public education	30a
3.	State Board of Education—Superintendent of Public Instruction	47a
4.	Higher education appropriations	98a
5.	Higher education—U of M, MSU, WSU	98b
6.	Other institutions of higher education.	98c
7.	Community and Junior colleges	98d
8.	Instruction programs, etc.	13a
9.	Public libraries, support of	31a

Article VIII
Education

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

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

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

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

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

have powers and duties provided by law.

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

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

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

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

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

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

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

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

ARTICLE IX
FINANCE & TAXATION

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

Article IX
Finance and Taxation

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The power to tax for the payment of principal

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE X
PROPERTY

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

Article X
Property

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

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

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

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

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

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

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

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

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

ARTICLE XI
PUBLIC OFFICERS AND EMPLOYMENT

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

Article XI
Public Officers and Employment

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

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

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

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

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

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

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

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

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

partisan, racial or religious considerations.

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

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

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

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

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

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

Sec. 13. BY ORDINANCE OR RESOLUTION WHICH SHALL NOT TAKE EFFECT UNTIL APPROVED BY A MAJORITY OF THE ELECTORS VOTING THEREON, each city, village, township, county, school district[,] and other governmental unit[s] or authorit[ies]Y [performing the same or similar functions] may[, by ordinance or resolution of the governing body which ordinance or resolution shall not take effect until approved by a majority of the electors voting thereon,] establish, modify or discontinue a merit system for its employees other than teachers under contract or tenure. The state civil service commission may on request furnish technical services [to them] TO ANY SUCH UNIT on a reimbursable basis.

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

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

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

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

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

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

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

ARTICLE XII
AMENDMENT & REVISION

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

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

Article XII
Amendment & Revision

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

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

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

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

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

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

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

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

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

SCHEDULE AND TEMPORARY PROVISIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 17. Every registered elector may vote

on the adoption of the constitution. The board of election commissioners in each county shall cause to be printed on a ballot separate from the ballot containing the names of the nominees for office, the words: ["] Shall the revised constitution be adopted? ( ) Yes. ( ) No. ["] All votes cast at THE [this] election shall be taken, counted, canvassed and returned as provided by law for the election of state officers. [Should] IF the revised constitution so submitted receiveS more votes in its favor than were cast against it, it shall be the supreme law of the state on and after the first day of January OF THE YEAR FOLLOWING ITS ADOPTION [,1963, except as otherwise provided in this constitution].

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

SECRETARY CHASE (continuing): **Preamble.**

[The preamble was read by the secretary. For text, see above, page 3047.]

VICE PRESIDENT HUTCHINSON: The question is upon the adoption of the preamble. 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—127

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

Nays—2

Jones	Norris

SECRETARY CHASE: On the passage of the preamble, the yeas are 127; the nays, 2.

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

For the preamble as passed, see above, page 3047.

SECRETARY CHASE: **Article I,** declaration of rights.

VICE PRESIDENT HUTCHINSON: On this article, there having been filed a notice by the committee on style and drafting relative to a motion for reconsideration of article I, section 2, tomorrow, the Chair will rule that **article I,** declaration of rights, will be passed for the day.

SECRETARY CHASE: **Article II,** elections.

MR. POLLOCK: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Pollock.

MR. POLLOCK: Is it necessary to have the reading? May I move to dispense with the reading of this article?

VICE PRESIDENT HUTCHINSON: Without objection, the article will be considered read.

A DELEGATE: Objection.

VICE PRESIDENT HUTCHINSON: Objection is heard. The secretary will continue reading.

SECRETARY CHASE: Section 1.

[Article II, section 1, was read by the secretary. For text, see above, page 3048.]

MR. WANGER: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Wanger.

MR. WANGER: Parliamentary inquiry.

VICE PRESIDENT HUTCHINSON: The gentleman will state it.

MR. WANGER: Would the Chair please briefly describe the total procedure on third reading? Particularly, at what point is a vote of 73 required under our rules now, and also will there be an opportunity at the end to offer amendments to the whole constitution such as was the case with individual proposals on second reading?

VICE PRESIDENT HUTCHINSON: In reply to the parliamentary inquiry made by Mr. Wanger, rule 58 says that upon passage of every article the vote shall be taken by yeas and nays and entered on the journal and no article shall be declared passed unless a majority of all the delegates elected to the convention shall have voted in favor of the passage of the same. Therefore, it is very obvious that 73 votes are necessary for the passage of every article.

Amendments to any article would be in order after the reading of that article and before the article is voted upon finally. It would appear that amendments may be adopted by a majority of the delegates voting on the question.

The Chair would rule that amendments to the whole constitution would be in order after the several articles had all been adopted. The question then, finally, under the provisions of the present constitution of Michigan, will be on the passage of the constitution as one document. At that point further amendments to the constitution would be in order.

MR. WANGER: I raised this last question in particular, Mr. President, since the whole declaration of rights has been put over until tomorrow and those committees who were next in line are not going to have anywhere nearly as much time as they thought they would otherwise. So I understand, then, that an amendment can be offered at the end of the first complete consideration of all articles to any article which has been considered on third reading?

VICE PRESIDENT HUTCHINSON: Any amendment which would be in order to the body of the constitution would be in order.

MRS. HATCHER: Mr. President.

VICE PRESIDENT HUTCHINSON: Mrs. Hatcher.

MRS. HATCHER: I would like a thorough explanation of why we are bypassing the first portion of article I. Why is it being put over until tomorrow for discussion?

VICE PRESIDENT HUTCHINSON: We are bypassing the whole of article I because under the order of third reading it is article by article that we consider, and since the committee on style and drafting, through its chairman, served notice upon this convention that under the rules it proposes to move to reconsider a particular provision in the bill of rights, article I, on the morrow, then the article must be laid over in order to accommodate that.

MRS. HATCHER: I can understand this explanation. I think it's a little more thorough than you said in the beginning. I was of the impression that we would begin today at the opening of the session on article I, and I went to a tremendous expense and quite a sacrifice to be here this afternoon to commence with my committee's report and I certainly would like to have had this kind of information prior to making the sacrifices, especially the money that was involved that I had to lose in order to be back here this afternoon. And I think this last minute notice of it being postponed until tomorrow is just ridiculous.

VICE PRESIDENT HUTCHINSON: The secretary will continue to read the second article.

SECRETARY CHASE: Section 2:

[Article II, sections 2, 3 and 4, was read by the secretary. For text, see above, page 3048.]

MR. DOWNS: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Downs.

MR. DOWNS: I have an amendment which is being typed up. I wish to say that on the time on this, as the other delegates, we have just received the journal and we are reading it as fast as we can. I believe that the amendment is practically ready. Would you rather have it offered now to the section or wait until the whole article has been presented?

VICE PRESIDENT HUTCHINSON: If we may read the entire article first and then offer amendments to the article, that would be more orderly.

MR. DOWNS: Just so we are sure that after the entire article is read we will have a chance to offer the amendment.

VICE PRESIDENT HUTCHINSON: You will have.

SECRETARY CHASE: Section 5 —

MR. WOOLFENDEN: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Woolfenden.

MR. WOOLFENDEN: I'd like to make a parliamentary inquiry. If I understand our situation on article I, it is laid over because of the fact that it is necessary under our rules to have a one day layover for Mr. Cudlip's motion. Am I correct on that?

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

MR. WOOLFENDEN: Well, I'd like to make this inquiry of the Chair: would it be possible by a vote of this body, if it were so inclined, to suspend the rules requiring that one day layover which would then permit consideration of article I today?

VICE PRESIDENT HUTCHINSON: It could be done if the body desired to suspend the rules. The Chair received no motion to suspend.

MR. WOOLFENDEN: Would I be in order now to make that motion?

VICE PRESIDENT HUTCHINSON: The Chair would suggest that inasmuch as article II has been entered upon, that the motion to suspend, in order to take up article I, does not come timely. You can do it after completion of consideration of article II. You can bring it up then before we get on to article III.

MR. WOOLFENDEN: I will then ask for recognition for the purpose of making that motion at the conclusion of article II.

VICE PRESIDENT HUTCHINSON: Very well.

SECRETARY CHASE: Section 5.

[Article II, sections 5, 6, 7, 8 and 9, was read by the secretary. For text, see above, page 3049.]

Mr. William F. Hanna offers the following amendment:

1. Amend article II, section 5 (column 1, line 30) after "elected" by inserting a period and "The legislature may provide by law for the election of judicial, educational and township officers at elections to be held in odd-numbered years".

VICE PRESIDENT HUTCHINSON: On the amendment, Mr. Hanna.

MR. W. F. HANNA: Mr. President and fellow delegates, as we proceeded through this in style and drafting I became perturbed with the number of persons under this constitution that we have required to be elected at either an election in the presidential or gubernatorial election years, there being now only 2 fall elections.

I want to make it clear at the outset that, so far as I can see, there is no mechanical difficulty. Mr. Buback has presented to me today — I have talked to him before — models of voting machines which clearly show that you can get all the persons which we have provided here to be elected at the biennial fall elections on either of the 2 voting machines commonly in use in the state of Michigan. And of course, it is immediately obvious that we could always do it on some paper ballot.

However, I call to your attention that this means approximately 36 to 40 positions to be filled at the so called biennial fall election. Now, one of the objects of good citizen participation is that the people should be able to intelligently cast their ballot. And I submit to you that when you have at the same election 36 to 40 different positions to be filled — some of them township, some of them nonpartisan judicial, some of them county and state — that you have created a very long and what we have sometimes referred to as a bedsheet ballot. I am making this argument not because of the mechanical difficulties, but because, as a personal conviction, I believe that a ballot of 40 positions to be filled is entirely too many. Now, this ballot will be somewhat shorter to the extent that you elect one circuit judge only every 6 years or one every 3 years, and I call to your attention that in Wayne county, of course, this will be increased to the extent that you have more judges. You also have, in Wayne county and some other counties, boards of auditors where other counties operate under an appointive controller system. But I submit to you that 36 to 40 positions to be filled are too many.

Now, if we leave this in the constitution, it will clearly require, if this shall prove to be too long, a constitutional amendment. And from our experience in style and drafting, it would appear that constitutional amendments that are submitted by the initiative method are not always well worded, not always well placed in a new constitution. You do not have so much trouble with amendments submitted by the legislature.

The import of my amendment is simply this: it provides that the legislature may by law take from the biennial fall election judicial, educational and township officers and hold that election in odd numbered years. Now, a lot of people are going to say that I am merely recreating the old spring election. I would hope that I am not, and I would hope that the legislature would create, at the most, an annual fall election. But I submit to you that a ballot of 40 people is too long and I would not want this body to adopt the biennial fall election without these facts being before it and an expression of opinion.

I myself will vote for this amendment but I feel everyone should vote as they see fit and what their personal conclusions are as to whether the ballot should be 36 or 40 positions to be filled, or something less than that.

MR. POLLOCK: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Pollock, before we continue, I am advised that the secretary has an amendment to the amendment which we should first read.

SECRETARY CHASE: Mr. Van Dusen offers the following amendment to the amendment:

1. Amend the amendment, after "held" by inserting "on the first Tuesday after the first Monday in November"; so that the language to be inserted would read:

The legislature may provide by law for the election of judicial, educational and township officers at elections to be held on the first Tuesday after the first Monday in November in odd-numbered years.

MR. W. F. HANNA: Mr. President, I will accept the amendment.

VICE PRESIDENT HUTCHINSON: Mr. Hanna accepts the amendment and so the amendment is revised as the secretary will now read.

SECRETARY CHASE: The amendment now reads:

1. Amend article II, section 5 (column 1, line 30) after "elected" by inserting a period and "The legislature may provide by law for the election of judicial, educational and township officers at elections to be held on the first Tuesday after the first Monday in November in odd-numbered years".

VICE PRESIDENT HUTCHINSON: Mr. Pollock.

MR. POLLOCK: Mr. President and fellow delegates, I was about to remark before this amendment to the amendment came in, Mr. Hanna was attempting to do in a partial way what the convention had decided not to do when it was at an earlier stage. Now, with Mr. Van Dusen's amendment we have the same issue before us that we had in another reading, either committee of the whole or second reading — I can't remember which. In substance it's the same that we've already voted on and I suppose I could raise a point of order. But I believe the language is somewhat different and now it's combined with 2 or 3 ideas, so I believe it is entirely different. However, it's

Garvin	Nord	Young
Greene	Norris	Youngblood
Hannah, J. A.	Ostrow	

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Yeager, Miss Andrus and Mrs. Koeze, the yeas are 55; the nays are 71.

VICE PRESIDENT HUTCHINSON: The amendment is not adopted.

SECRETARY CHASE: Mr. Allen offers the following amendment:

1. Amend article II, section 6 (first column, line 33) after "Sec. 6.", by inserting "Except as otherwise provided by charter,"; so that section 6 will read:

> Except as otherwise provided by charter, 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, the direct expenditure of public money, 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 the lawful husbands or wives of such persons shall be entitled to vote thereon.

VICE PRESIDENT HUTCHINSON: Mr. Allen.

MR. ALLEN: Mr. President, I believe when the convention put in the additional restriction that on a millage increase the person voting must be a property owner, the convention was thinking entirely of the 15 mill limitation and school issues, and I don't think the convention was thinking in terms of city charters. Now, I'm not sure of this but I don't recall any discussion this way. Now, supposing we have a city charter with a 10 mill limitation — the state law limits now to 20 mills — and this city wants to increase its millage limitation from 10 to more than 10. And let us say that the existing charter of the city permits a person to vote on this question of raising the millage who is not a property owner. Now, do we want by this language — and I think we already do — to rewrite the city charter provision that already exists? I don't think that we do, although I'm not sure of it. If we do want it, at least the proposed language presents the issue squarely to this convention.

What I'm trying to do by this amendment is to take out of this language the questions which apply where you have a millage limitation set by a city charter. And I don't think at this late date in the game the convention would be wise to go around and try to make some more enemies of this constitution by overriding existing charter provisions. I can't give you chapter and verse what charters would say where the charter limitation is to be raised, who may and who may not vote: but it occurs to me there may be some, and if there are, I don't think we should try to override the charter provision.

Therefore, I am simply saying in this language that if an existing charter says that someone who is not a property owner may vote on a millage increase, then this language shall not apply. I'm trying to exclude charters now in existence or, I think you could say, charters that might be amended, although I didn't have that particularly in mind. Therefore, I would urge support of this amendment.

VICE PRESIDENT HUTCHINSON: Mr. Brake.

MR. BRAKE: Mr. President, Mr. Allen, may I call your attention to the fact that your word "charter" goes beyond cities and villages. We already have charter townships and very possibly in the future, very probably in the future, we will have charter counties. Would you be willing to restrict your language to cities and villages?

MR. ALLEN: Mr. President, in replying to Mr. Brake, I would be, except I feel this would open the subject up to an accusation of special favors for cities, or something like that. I had not thought of the charter township. I had thought that perhaps a charter home rule county, which we may have under the new constitution, might come under this. But if it would be agreeable to Mr. Brake, I would restrict this amendment to city charters.

VICE PRESIDENT HUTCHINSON: Will you state to the secretary how you propose to revise your amendment?

MR. ALLEN: I would change the language, Mr. President, so as to read, "Except as otherwise provided by the charter of any city."

SECRETARY CHASE: The revised amendment is as follows:

1. Amend article II, section 6 (first column, line 33) after "Sec. 6.", by inserting "Except as otherwise provided by the charter of any city,".

VICE PRESIDENT HUTCHINSON: Mr. Powell.

MR. POWELL: Mr. President and fellow delegates, I would point out that this new language goes considerably further than Delegate Allen has mentioned. He has talked merely about the millage increase part but as I understand it, it would apply to the entire balance of the section there and that would include voting even to approve a bond issue.

VICE PRESIDENT HUTCHINSON: Mr. Allen.

MR. ALLEN: I would answer that, Mr. Powell, that I don't think you'll find a single city charter now in existence on bond issues which allows a nonproperty owner to vote. You would on the millage but not on the bond issues.

VICE PRESIDENT HUTCHINSON: Mr. Austin.

MR. AUSTIN: Mr. President and fellow delegates, I confess that I have an amendment in which seeks to strike this whole section, but I would urge that we vote in favor of Mr. Allen's amendment because it does offer a protection to charter units that they ought to have. I therefore urge the adoption of this amendment.

VICE PRESIDENT HUTCHINSON: Mr. William F. Hanna.

MR. W. F. HANNA: Mr. President and fellow delegates, I do not believe the Allen amendment is necesary because it says, in the language on lines 35, 36 and 37, "which involves the increase of any ad valorem tax rate limitation. . . ." Now, when you get over to the taxation article, Mr. Allen, you will find that you are exempt from the 15 mill limitation, and it's only when you will involve the increase of any ad valorem tax limitation. As to those falling within the 15 mills, the statute of ad valorem taxation is the 15 mills. The exception in the 15 mill limitation section in taxation falls and excepts those having charters, and over there we have excepted from this the charter township, city, village, and so forth.

I do not believe your amendment is necessary because of the word "any" in line 36. It covers any tax limitation that may exist. I'm sure it means any state law, constitutional provision, city charter, and so forth. Once you try to exceed that limitation, then you must. But it does not cover the amendment of the charter which you are talking about. I do not believe your amendment is at all necessary.

VICE PRESIDENT HUTCHINSON: Mr. Staiger.

MR. STAIGER: This provision for the 5 year limit or anything over 5 years having a vote of property owners, at one time was considered in the 15 mill limitation itself in the finance and taxation committee. If it had gone in there, then this problem wouldn't be before us now. It was decided, however, to place it over in the election section on the bonding requirements and when we did that — and I never heard any discussion, in finance and taxation or anywhere else, of this possible effect that it would have on charters. If it would have been over the 15 mill, then the charter exception would have applied. Now, however, with the broad language of "any ad valorem tax rate limitation" in this, I think that it would apply to any tax rate limitation and would restrict cities and other charter units which was not intended. I therefore support the Allen amendment.

VICE PRESIDENT HUTCHINSON: The question is upon the amendment offered by Mr. Allen, which has been read. All those in favor will say aye. Opposed will say no.

The amendment is not adopted.

MR. BUBACK: Division.

VICE PRESIDENT HUTCHINSON: A division is called for. Is the demand for a division supported? It is supported; 10 or more up. All those in favor of the Allen amendment will

vote aye. Those opposed will vote no. Have you all voted? The secretary will lock the machine and record the total.

SECRETARY CHASE: On the amendment offered by Mr. Allen, the yeas are 55; the nays are 66.

VICE PRESIDENT HUTCHINSON: The amendment is not adopted.

SECRETARY CHASE: Messrs. Buback, Baginski and Downs offer the following amendment:

1. Amend article II, section 4 (first column, line 15) after "voting.", by striking out the balance of the section; which reads:

> 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.

VICE PRESIDENT HUTCHINSON: Mr. Buback.

MR. VAN DUSEN: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen.

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

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen moves to limit debate to 5 minutes. All those in favor will say aye. Opposed, say no.

The motion prevails. The Chair recognizes Mr. Buback.

MR. BUBACK: Mr. President and fellow delegates, I urge adoption of this amendment due to the fact that I don't think this should be in the constitution. I think it's a legislative matter. I think that by precluding it — I think that this should absolutely be out of the constitution because I think it's a legislative matter and therefore shouldn't be in the constitution.

VICE PRESIDENT HUTCHINSON: Mr. Downs:

MR. DOWNS: Mr. President, before speaking, I'd like to make a parliamentary inquiry of clarification. I believe when the convention started, I understood the president to rule that after we had read all 12 articles on third reading there still would be an opportunity to present an amendment or a substitute article to any or all 12 articles. Is that correct?

VICE PRESIDENT HUTCHINSON: The present constitution directs that there has to be a vote upon the entire document which, under our present schedule, is scheduled for next Friday. At that time, or whenever we get to it, before that vote is taken, there is an opportunity for any amendment to the body of the constitution, of course.

MR. DOWNS: And any amendment includes to strike or insert for an entire article; is that correct?

VICE PRESIDENT HUTCHINSON: That's an amendment, all right. Of course, the Chair is not wanting to commit the Chair in advance to anything. You might offer an amendment which might be ruled to be improper for some reason or other, but as a general proposition, the subject will be open for proper amendments at that time.

MR. DOWNS: All right, then, just one other question. If, for example, this amendment — then the amendment can be offered — I'm sorry. I have my ruling. I'm going to quit while I'm ahead. Thank you, Mr. President. (laughter)

I would like to speak in favor of the amendment to strike this sentence. I think we have a rather anomalous situation where a filing fee is used if the candidate who wished to use the designation could, by simply filing a relative with the same name, get the use of the designation. I am inclined to think that the voters should be the ones that make the decision whether they wish to retain or reject the incumbent and I therefore believe this sentence should not be in the constitution and urge adoption of the amendment.

VICE PRESIDENT: Mr. Kuhn.

MR. KUHN: Mr. President, first I'd like to raise a point of order that this amendment is out of order, since it was acted on on second reading. And the Chair has ruled previously that even an amendment to strike would be out of order if it was passed by the convention.

VICE PRESIDENT HUTCHINSON: Will you give us the citation, please, Mr. Kuhn?

MR. KUHN: Of the Chair's ruling?

VICE PRESIDENT HUTCHINSON: Will you give us the citation?

MR. KUHN: What citation are you looking for?

VICE PRESIDENT HUTCHINSON: You say that this amendment is not in order. You state it is not in order because it has been previously considered. Is that right?

MR. KUHN: Right. I'd have to look that up. I believe, Mr. President, on page 909 of our journal this amendment was adopted by a roll call vote of 92 to 24.

VICE PRESIDENT HUTCHINSON: We'll get the journal and check it. Was that in committee of the whole, Mr. Kuhn?

MR. KUHN: Yes, it was, I believe.

VICE PRESIDENT HUTCHINSON: Then the amendment would still be in order, if it was in committee of the whole.

MR. KUHN: Yes, it was in committee of the whole.

VICE PRESIDENT HUTCHINSON: Very well. Then the Chair will overrule the point. Mr. Kuhn.

MR. KUHN: Mr. President, then definitely I would like to oppose this amendment. This would do away with some of the great work that has been done by this convention. As I have just read to you, this language was adopted on a vote of 92 to 24. The Lansing State Journal praised the convention for its good work in this line. This will be something that will make our legislature more responsive to the will of the people in their districts. As we pointed out, this reduced the amount of defeats of incumbent legislators from a high of 11 to a low of 3 in the 1960 elections; this is something that is really necessary. And I think the fact that it got 92 votes on that night when it first was brought up indicates that the convention saw the wisdom in this provision. I very strongly urge this convention to vote down this amendment and leave it in as it is today: that the legislature shall not provide ballot designation for themselves.

As was pointed out in committee of the whole, the legislature did not see fit to give it to the county officials, to township officials, or to any state officials; this statute was merely one to take care of themselves, to perpetuate themselves in office. Now, we have given a blanket prohibition against this for any partisan candidate. So we are not looking just at the legislature but we're taking care of all state officials as well as county and township officials. And I strongly urge you to defeat this amendment.

VICE PRESIDENT HUTCHINSON: The question is upon the amendment offered by Messrs. Buback, Baginski and Downs, which has been read. All those in favor will say aye. Opposed will say no.

The amendment is not adopted.

MR. BAGINSKI: Mr. President, I demand the yeas and nays.

VICE PRESIDENT HUTCHINSON: The yeas and nays are demanded. Is the demand supported?

SECRETARY CHASE: Sixteen.

VICE PRESIDENT HUTCHINSON: Not a sufficient number up. The ruling of the Chair is that the amendment was not adopted.

MR. DOWNS: I have a point of information.

VICE PRESIDENT HUTCHINSON: State the point.

MR. DOWNS: May this be put in on the final day again before we finally act?

VICE PRESIDENT HUTCHINSON: It may not.

SECRETARY CHASE: Messrs. Wanger and Kuhn offer the following amendment:

1. Amend article II, section 9, paragraph 5 (first column, line 6) after "or" by inserting "unless a smaller number is provided in said law, by"; so the language will then read, going back to the beginning of the sentence at the bottom of the previous page:

> 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 unless a smaller number is provided in said law, by three-fourths of the members elected to and serving in each house of the legislature.

VICE PRESIDENT HUTCHINSON: Mr. Wanger.

MR. WANGER: Mr. President, fellow delegates, this is, briefly, intended to be merely a perfecting amendment. Under the present constitution it is provided that the initiative act can provide, if the people initiating it want to provide, that the legislature can amend it or repeal it. And this is language which is contained in our present constitution.

Now, when this proposal came upon the floor, it was amended to provide that ¾ of the members elected to and serving in each house of the legislature could make amendments. But that clause which authorized the people to provide that a lesser number of the legislators could amend it was removed and as the language presently reads, Mr. Kuhn and I believe that the most reasonable interpretation would be that the people could not in their own initiative measure provide that less than a ¾ vote of the legislature could amend it or repeal it. This is an unreasonable restriction upon the people, in proposing initiative measures. Therefore, we offer this amendment to clear it up and put the language of this proposal in this respect back where it was in the old constitution. It, of course, in no way impugns the power of the legislature by a ¾ vote to amend any such law as was adopted previously on the floor of the convention. I would like to yield to Mr. Kuhn.

VICE PRESIDENT HUTCHINSON: Mr. Kuhn.

MR. KUHN: Mr. President, members of the convention, in no way do we want to allow the legislature by less than ¾ vote to be able to amend an initiatory petition unless the people themselves who start this petition give them that right. Now, under the constitution of 1908, the people can provide that the legislature may amend it or modify it by a simple majority. It's up to them.

Now, we have allowed the legislature in this proposed new constitution, by a ¾ vote, to change it if they saw fit. We'd also now like to go back and say to the people: if you want to allow them to do it by a less vote, okay. This does not in any way allow the legislature on their own to change the ¾. If the people who start these petitions do not give them the authority, they must have a ¾ vote of each house of the legislature to amend.

VICE PRESIDENT HUTCHINSON: The question is upon the amendment offered by Mr. Wanger and Mr. Kuhn, which has been read. All those in favor will say aye. Opposed will say no. The Chair is in doubt. It seemed to be about equally weak. All those in favor will vote aye. Those opposed will vote no. Have you all voted? The secretary will lock the machine and record the total.

SECRETARY CHASE: On the adoption of the amendment, the yeas are 29; the nays are 72.

VICE PRESIDENT HUTCHINSON: The amendment is not adopted.

SECRETARY CHASE: Mr. Staiger offers the following amendment:

1. Amend article II, section 6 (first column, line 38) after "five years,", by striking out "the direct expenditure of public money,"; so that the language will then read:

> 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 the lawful husbands or wives of such persons shall be entitled to vote thereon.

VICE PRESIDENT HUTCHINSON: Mr. Staiger.

MR. STAIGER: Mr. President, this is obviously a tough day on amendments. We haven't been able to get one through yet. This is one that came up in style and drafting: the question of what is a direct expenditure of money. When we checked the cases and the annotations it's obvious that the courts have spent much more time saying what is not a direct expenditure than what is. The only case — there is an attorney general's opinion that sinking funds are a direct expenditure. Because of this, you have this phrase in the constitution which myself, in style and drafting, and some of the other members I am sure, felt the constitution would be better without it in there.

As far as the policy reason for having only property owners vote on, say, a 5 year or less sinking fund when everybody, all taxpayers can vote on the actual millage increase, I see no reason for that. If the people want to set up a sinking fund and save their money rather than going into deficit financing or borrowing, I think the freedom should be there to do it. The phrase has given a lot of trouble to the courts in the past and I suggest that it be removed from the constitution at this time.

VICE PRESIDENT HUTCHINSON: Mr. W. F. Hanna.

MR. W. F. HANNA: Mr. President and fellow delegates, I would like to support Mr. Staiger's position and call to your attention that this language was in the constitution before the 15 mill limitation. Possibly at that time when it referred to such things as sinking funds it had a valid place in the constitution. Now that we have tax rate limitation by state constitutional provision or charter, there is no reason why the people should vote if the legislative body of a unit, without raising the property taxes above the tax limitation, may create a sinking fund. There is no reason for that limitation any longer. If they have to increase the tax rate limitation to secure the money, or if they have to issue bonds then, of course, the vote is protected. But if a township, for instance, has a surplus of money as a result of sales tax diversion or a city has this under their general tax allocation or sales tax diversion, and wishes to establish a sinking fund it seems to me that they should have that permission so long as it does not in any way affect the tax bill.

I submit to you this is an anachronism of the old constitution that should have gone out with the 15 mill limitation, and I urge the support of this amendment in clarity. The taxpayers are fully protected under the provisions of the raising of the tax rate requiring a vote or the issuing of bonds requiring a vote.

VICE PRESIDENT HUTCHINSON: Mr. Austin.

MR. AUSTIN: Mr. President and fellow delegates, I would like to confirm the fact that as a member of the committee on style and drafting, we did have trouble with this expression and we're not sure of its need and it's our feeling that it should be deleted. And of course, I again confess that I have an amendment in to strike the whole section.

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

The amendment is adopted.

DELEGATES: Division.

VICE PRESIDENT HUTCHINSON: Division is called for. Is the division supported? Ten or more are up. It is supported. All those in favor of the amendment will vote aye. Those opposed will vote no. Have you all voted? The secretary will lock the machine and record the total.

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Staiger, the yeas are 76; the nays are 45.

VICE PRESIDENT HUTCHINSON: The amendment is adopted.

SECRETARY CHASE: Mr. Finch offers the following amendment:

1. Amend article II, section 6 (first column, line 38) after "than" by striking out "five" and inserting "two"; so the language will then read, ". . . the increase of any ad valorem tax rate limitation for a period of more than two years . . . ."

VICE PRESIDENT HUTCHINSON: Mr. Finch.

MR. FINCH: Mr. President, fellow delegates, this has been a subject that has been a very sore subject back home amongst the taxpayers for many years and this is one thing, I think, that we have taken a step toward correcting in this constitution, but I don't think we've gone far enough.

While we had a recess last week, I did some checking around home and found, first, that the people that rent houses to individuals are unable to pass tax increases on to the renter because if they do pass it on, then people move out and they're left with an empty home. I never could figure out, and neither

could the rest of the people at home; why people that are not taxpayers should increase taxes on those that are taxpayers. I know it is said, and the argument is used that it goes on the rent and the rent pays some of this. However, in our findings at home it is not true.

Another thing that has happened is that in my looking around and after some investigation, I only found one individual that lived in the same house for 2 years. In other words, people move in, they live 6 months or a year, they move to some other place or to another house. And I cannot see them having the right to increase the taxes on those people that are taxpayers and own property. Under this present provision that we have in our proposed constitution, it would be possible for a proposal to come up to raise the millage 35 mills, and nontaxpayers would have the right to vote on that if it did not go longer than 5 years. It would be impossible to raise rent on the houses in our area, at least, $15 to $25 a month to take care of these additional taxes because the people would just plain move out. So I ask your support in adopting this amendment. I think it would get it down to where it's a more fair and uniform provision.

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen.

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

VICE PRESIDENT HUTCHINSON: The question is upon the motion of Mr. Van Dusen to limit debate upon this amendment to 5 minutes. All those in favor say aye. Opposed, say no.

The motion prevails. It is so ordered. The Chair recognizes Mr. Austin.

MR. AUSTIN: Mr. President and fellow delegates, speaking very briefly in opposition to this amendment, the 5 year provision is bad enough. This 2 year provision is entirely too restrictive on the democratic process. I strongly urge defeat of this amendment.

VICE PRESIDENT HUTCHINSON: Mr. Powell.

MR. POWELL: Mr. President and fellow delegates, I don't care to repeat any lengthy arguments that I made earlier in these proceedings with reference to this. I pointed out that the 5 years apparently must be just some sort of a compromise because I couldn't justify it on any basis. I don't see any reason why it makes a difference whether it's for an operating purpose or a capital improvement, or whether it's for one year or a longer period. I was in favor of the 5 years if that was the best we could get, although I couldn't justify it. I certainly would support this amendment to bring this figure down to 2 years.

VICE PRESIDENT HUTCHINSON: The question is upon the amendment offered by Mr. Finch, which has been read. All those in favor will say aye. Opposed will say no.

DELEGATES: Division.

VICE PRESIDENT HUTCHINSON: Division is called for. Is the demand for a division supported? It is supported. All those in favor of the amendment will vote aye. Those opposed will vote no. Have you all voted? The secretary will lock the machine and record the total.

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Finch, the yeas are 55; the nays are 68.

VICE PRESIDENT HUTCHINSON: The amendment is not adopted. Mr. Madar.

MR. MADAR: Mr. President, may I just request of the official time keeper that instead of waiting until someone has spoken 10 minutes and then moving to limit debate to 5 minutes, that he try to get up right after an amendment is offered, so that we can be fair to everybody?

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

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

1. Amend article II, section 9 (second column, line 12) after "power to" by inserting "approve or"; and on the next page, first column, line 8 after "laws" by striking out "adopted" and inserting "approved"; so the language will then read:

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 to reject laws enacted by the legislature, called the referendum.

And on the next page the language will there read:

Laws approved by the people under the referendum provision of this section may be amended by the legislature at any subsequent session thereof.

VICE PRESIDENT HUTCHINSON: Mr. Hanna.

MR. W. F. HANNA: Mr. President and fellow delegates, this is purely a technical amendment that I failed to catch. I had a note from Mr. Garry Brown, who had called my attention to this inconsistency and I think it could have been done in style and drafting, but I believe it should be done now.

When, as we have defined in section 9, the legislature passes a bill in which they provide that it will be submitted to the people, this is called a referendum. Under the section here, as now adopted, the people would only have the power to reject. And actually, as I understand the procedure, the referendum provides that the bill is submitted for the approval or rejection of the people. That's the reason for clearly bringing this language into technical perspective with what happens.

Now, the second part of this is simply then to bring the language in because the law is enacted. And what you're saying in the second part is simply that laws approved by the people, once submitted for referendum, are not to be amended. And I submit that this brings the language into the technical perspective, and corrects what we know is the difference between what we know as initiative and what we know as referendum.

VICE PRESIDENT HUTCHINSON: The question is on the amendment offered by Mr. Hanna. All those in favor will say aye. Opposed will say no.

The amendment is adopted.

SECRETARY CHASE: Messrs. Austin and Downs offer the following amendment:

1. Amend article II, section 6 (first column, line 33) after "Sec. 6.", by striking out the balance of the section and renumbering the remaining sections.

VICE PRESIDENT HUTCHINSON: Mr. Austin.

MR. AUSTIN: Mr. President and fellow delegates, I think I have been hinting, as Miss Donnelly says, that this amendment was coming up. As I view it, it is simply an appeal for the democratic process. What we have taken in section 6 is, in my opinion, a step backward from granting the full franchise to the electors of our state. And this is a time when we ought to be expanding the franchise instead of contracting it.

Property tax does not now and will not in the future be the only source of revenue at the local level. There will be other sources of revenue from taxation that will be used to pay the cost of government, including debts, as the bases at the local level are expanded. The provision that we now have in section 6 will amount to a further disenfranchisement of nonproperty owners. We must bear in mind that renters also pay taxes.

I would like to add one other point, and that is that the section is really ineffective when you consider that a good deal of the property in all units is owned by property owners who do not live in the area: nonresidents and corporations. If it were true that the property generally were owned by the residents who were voters, the provision might accomplish the purpose it is intended to accomplish. But when we consider the dynamics of a modern industrial society, I think we have to agree that this provision does not belong in a modern constitution. I therefore urge the adoption of this amendment and the deletion of section 6.

VICE PRESIDENT HUTCHINSON: Mr. Powell.

MR. POWELL: Mr. President, I generally find my colleague, Delegate Dick Austin, very logical. I don't think he's been quite that logical in this particular presentation. I am glad to hear him say that property tax will not be the only source of local revenue in the future. But I submit that the property taxpayers will be the only ones who will be paying property tax. And they're the ones that should be concerned about increasing this millage.

He worries about nonresidents. May I submit that a nonresident cannot vote on one of these increases because they've

first got to be voters in the district involved before they have any qualification to vote at all. I don't think that there's much chance that this section is going to be deleted. Let's think very carefully and then vote against this pending amendment.

VICE PRESIDENT HUTCHINSON: The question is upon the amendment offered by Mr. Austin and Mr. Downs.

MR. FAXON: The yeas and nays.

VICE PRESIDENT HUTCHINSON: Mr. Faxon demands the yeas and nays on the amendment. Is the demand supported?

SECRETARY CHASE: Twenty-eight.

VICE PRESIDENT HUTCHINSON: That's a sufficient number up. The yeas and nays are ordered. 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—34

Austin	Hart, Miss	Nord
Balcer	Hodges	Norris
Barthwell	Jones	Ostrow
Binkowski	King	Pellow
Bradley	Krolikowski	Perlich
Buback	Lesinski	Pollock
Cushman, Mrs.	Madar	Romney
Downs	Mahinske	Snyder
Elliott, Mrs. Daisy	Marshall	Thomson
Faxon	McCauley	Walker
Follo	Murphy	Young
Garvin		

Nays—83

Allen	Hatch	Richards, L. W.
Anspach	Heideman	Rush
Batchelor	Higgs	Sablich
Beaman	Howes	Seyferth
Bentley	Hoxie	Shackleton
Blandford	Hubbs	Shaffer
Boothby	Iverson	Shanahan
Brake	Judd, Mrs.	Sharpe
Brown, G. E.	Karn	Sleder
Butler, Mrs.	Kirk, S.	Spitler
Cudlip	Koeze, Mrs.	Stafseth
Danhof	Kuhn	Staiger
Dehnke	Lawrence	Stamm
Dell	Leibrand	Sterrett
Donnelly, Miss	Leppien	Stevens
Doty, Dean	Martin	Stopczynski
Doty, Donald	McAllister	Suzore
Durst	McLogan	Tubbs
Erickson	Millard	Turner
Everett	Mosier	Tweedie
Farnsworth	Page	Upton
Figy	Perras	Van Dusen
Finch	Plank	Wanger
Gadola	Powell	White
Goebel	Prettie	Wood
Gover	Pugsley	Woolfenden
Hannah, J. A.	Rajkovich	Yeager
Haskill	Richards, J. B.	

SECRETARY CHASE: On the amendment offered by Messrs. Austin and Downs, the yeas are 34; the nays are 83.

VICE PRESIDENT HUTCHINSON: The amendment is not adopted. The question is upon the passage of article II. Mr. Downs.

MR. DOWNS: Are there any other amendments?

VICE PRESIDENT HUTCHINSON: There are none.

MR. DOWNS: Are we now prepared to vote on the entire article?

VICE PRESIDENT HUTCHINSON: That is the question before the house, Mr. Downs.

MR. DOWNS: Mr. President, sometimes these get up on us kind of quick after we've had a series of amendments. I wanted to be sure I was in order to speak on the entire article. I wish to speak and urge a no vote on the entire article. I think the property qualification for voting is alone sufficient reason for warranting that and there are some other improvements that could be done. In urging a no vote, I wish to advise the fellow delegates that before the final action on this, I hope there will be a substitute article presented in due course which will give the delegates a positive alternative and one which I, for one, feel will be more in keeping with the needs of a twentieth century constitution. I therefore urge a no vote on article II.

VICE PRESIDENT HUTCHINSON: Mr. Brake.

MR. BRAKE: Mr. President, ladies and gentlemen of the convention, I have a question. In column 2, page 3, line 38, where it is talking about legislative action on initiative petitions presented to the legislature, it says this must be done within 40 days. I wonder if that shouldn't be 40 legislative days. Suppose this petition is presented the last day before the legislature adjourns, or while they're completely in recess?

VICE PRESIDENT HUTCHINSON: Mr. Brake, are you directing a question to a particular person?

MR. BRAKE: Yes, Dr. Pollock, please.

MR. POLLOCK: Mr. President, this was not before our committee as a substantive matter. I have not had an opportunity to point out to the delegates that the committee on style and drafting included the legislative initiative and referendum in the elections article. Heretofore it's been, I believe, in the committee on legislative powers. Interestingly enough, they did not include the initiative and referendum on constitutional amendments, which is in the article on amendment and revision. I haven't heretofore had the chance to ask for the rationale of including the initiative and referendum with the elections article without including all of it. Therefore, I'm not prepared to answer your question, although it seems to me your point is very well taken.

MR. BRAKE: Mr. President, may I offer from the floor as an amendment, that one word there, "legislative," — "within 40 legislative days."

MR. KUHN: Will the gentleman yield?

VICE PRESIDENT HUTCHINSON: Will the gentleman yield to Mr. Kuhn?

MR. BRAKE: Surely.

MR. KUHN: Mr. President, this was before our committee and this is the identical language that was in the last constitution, and this question did come up, and the answer is that the legislature, if it was not in session, could not receive the petition, and therefore, it was 40 legislative days. But if you'd like to offer this amendment, I wouldn't see any objection.

MR. BRAKE: Mr. President, Mr. Kuhn, what you said doesn't answer the proposition when the petition comes in the last day of the session, with no possible time to study it or to act on it. I think the amendment ought to be made, Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Staiger.

MR. STAIGER: I wonder if I could ask a question of Mr. Brake? As I understood you, you would amend it to add "legislative" days. In another section we had that term used and Professor Pierce, who was going over it in style and drafting with us, raised the question that a legislative day is a technical term which means something to the legislature in which they're able to extend longer than a "session" day, which was the word we used when we wanted to tie it down to days as we know them. Is this an accurate description, that there is something called a legislative day that can go longer than the normal 24 hours?

MR. BRAKE: I didn't so understand it, Mr. President, Mr. Staiger. I presume the president would be in better position to answer that than anybody else. I understand it to mean days in which the legislature is supposed to be in session, which means 5 days a week, ordinarily.

VICE PRESIDENT HUTCHINSON: The secretary will report the amendment now offered by Mr. Brake.

SECRETARY CHASE: Mr. Brake offers the following amendment:

1. Amend article II, section 9 (column 2, line 38) after "40" by inserting "legislative"; so the language will then read:

Any law proposed by initiative petition shall be either enacted or rejected by the legislature without change or

amendment within 40 legislative days from the time such petition is received by the legislature.

MR. VAN DUSEN: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen.

MR. VAN DUSEN: I wonder, in the light of Mr. Staiger's comment, whether Mr. Brake would accept "session" days instead of "legislative" days.

MR. WANGER: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Wanger.

MR. WANGER: I don't want to belabor this. I wonder if Mr. Brake would accept "regular session days" because, you see, if it's a special session, the days still run, but the legislature is powerless to act on any other subject but that stated in the governor's message or proclamation. So the time would run out even though the legislature would have no power whatsoever to act if a special session of longer than 40 days would intervene.

VICE PRESIDENT HUTCHINSON: Mr. Brake.

MR. BRAKE: I think not. Special sessions are short. That many days wouldn't hurt anything.

VICE PRESIDENT HUTCHINSON: The question is on the amendment offered by Mr. Brake to insert after the word "40" the word "session" on line 38, column 2. The secretary will report the amendment, as revised.

SECRETARY CHASE: The amendment now reads:

1. Amend article II, section 9, (column 2, line 38) after "40" by inserting "session"; so that sentence beginning in line 36 will read:

> 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.

VICE PRESIDENT HUTCHINSON: All those in favor of the amendment, as revised, will say aye. Opposed will say no.

The amendment is adopted. The question is upon the passage of article II, elections, as now amended. Mr. Shanahan.

MR. SHANAHAN: Mr. President and fellow delegates, referring to section 3, I'm a little bit concerned if we are not doing something here that maybe is not exactly what we intend to do. The purpose is to enable the people who, for one reason or other, may be moving from one state to another to be able to vote for president and vice president but not necessarily otherwise — that is, for state or local offices. But in reading this, I'm very much concerned about the possibility of the interpretation of this disenfranchising people who might be obliged to be out of the state for some reason for a period that would be long enough to meet the voting resident requirements of another state. I refer particularly to the last sentence, where it says in very positive terms, "The legislature shall not permit voting by any person who meets the voting resident requirements of the state to which he has removed."

Now, I spent quite a few years in the service, in the navy, and there's about a 7 year period when I was essentially a resident of California. I never voted in California. I always maintained that my home was in Charlevoix, Michigan and voted by absent ballot. But I did meet the voting residence requirements of the state of California. Now, it might be argued that it wouldn't apply to me because I was in the navy, I was in the service. But what about my wife? I notice that style and drafting has removed the word "such" which might take away the curse of this particular sentence. I have a question I'd like to ask anyone who might be able to answer. How does a person lose Michigan citizenship and not be sent to jail or a mental institution and so forth? Would anyone care to answer that?

VICE PRESIDENT HUTCHINSON: Do you yield to Mr. Dehnke?

MR. SHANAHAN: I yield.

VICE PRESIDENT HUTCHINSON: Mr. Dehnke.

MR. DEHNKE: Mr. President, Mr. Shanahan, I don't think there's any basis for any such concern as has occurred to Mr. Shanahan. Merely leaving the state does not make him the citizen of another state. It requires not only a removal but an intention to abandon Michigan as his place of residence and to set up a residence in some other state. I don't think there's any reason for any fear of complications on that account. This merely means that when some person leaves Michigan with the intention of abandoning his Michigan residence, setting up a residence in some other state, then if he has been in that other state long enough to meet their requirements, he cannot be permitted to vote in Michigan under the first part of this section.

MR. SHANAHAN: Mr. President, thank you, Judge Dehnke. If that is the meaning of this, I am not concerned. If there is any question about it, I would like to be sure that it could be resolved, perhaps by style and drafting. Thank you.

VICE PRESIDENT HUTCHINSON: The question is on the passage of article II of the proposed constitution on elections. Mr. Stafseth.

MR. STAFSETH: May I raise one question of the chairman who handled section 6 of this article? It provides that only qualified electors shall vote. Then when we get down to line 45 and 46, it makes an exception and says, "or the lawful husbands or wives." The reason I raise that question, the husband or the wife may be a qualified voter, but his or her spouse could be an alien even to this country.

MR. STEVENS: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Stevens.

MR. STEVENS: There is no change in this from the language in the present constitution and such a person could not vote anyway if he or she did not have the other necessary qualifications of residence, age and citizenship.

VICE PRESIDENT HUTCHINSON: The question is upon the adoption of article II. 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—98

Allen	Hannah, J. A.	Rajkovich
Andrus, Miss	Haskill	Richards, J. B.
Anspach	Hatch	Richards, L. W.
Balcer	Heideman	Romney
Barthwell	Higgs	Rush
Batchelor	Howes	Sablich
Beaman	Hoxie	Seyferth
Bentley	Hutchinson	Shackleton
Blandford	Iverson	Shaffer
Brake	Judd, Mrs.	Shanahan
Brown, G. E.	Karn	Sharpe
Butler, Mrs.	King	Sleder
Cudlip	Kirk, S.	Spitler
Cushman, Mrs.	Koeze, Mrs.	Stafseth
Dade	Kuhn	Staiger
Danhof	Lawrence	Stamm
Dehnke	Leibrand	Sterrett
Dell	Leppien	Stevens
DeVries	Lesinski	Stopczynski
Donnelly, Miss	Martin	Suzore
Doty, Dean	McCauley	Thomson
Doty, Donald	McGowan, Miss	Tubbs
Durst	McLogan	Turner
Elliott, A. G.	Millard	Tweedie
Erickson	Mosier	Upton
Everett	Page	Van Dusen
Farnsworth	Perras	Wanger
Figy	Plank	White
Gadola	Pollock	Wilkowski
Goebel	Powell	Wood
Gover	Prettie	Woolfenden
Gust	Pugsley	Yeager
Hanna, W. F.	Radka	

Nays—33

Austin	Garvin	McAllister
Baginski	Greene	Murphy
Binkowski	Hart, Miss	Nord
Boothby	Hatcher, Mrs.	Norris
Bradley	Hodges	Ostrow
Buback	Hubbs	Pellow
Downs	Jones	Perlich
Elliott, Mrs. Daisy	Krolikowski	Snyder
Faxon	Madar	Walker

Finch	Mahinske	Young
Follo	Marshall	Youngblood

SECRETARY CHASE: On the passage of article II, as amended, the yeas are 98; the nays are 33.

VICE PRESIDENT HUTCHINSON: A majority of the delegates elect having voted therefor, **article II**, as amended, is passed.

For sections 1, 2, 3, 4, 5, 7 and 8 of article II as passed, see above, page 3048.

Following is section 6 of article II, as amended and passed:

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 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.

Following is section 9 of article II, as amended and passed:

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.

Following is explanation of vote submitted by Messrs. Austin, Garvin, Greene, Bradley, Baginski, Buback, Downs, Faxon, Nord, Marshall, Young, Mrs. Daisy Elliott, Mrs. Hatcher and Miss Hart:

We voted against article II. This article includes property qualifications for some elections, which are contrary to our tradition of an expanded franchise.

This also fails to make the initiative a practical help to voters by lowering the requirement for petitioning. The initiative procedure should be more clearly defined.

The portion that attempts to eliminate designation for incumbents defeats itself by permitting designation if there is a similar named candidate. The voter should be allowed to know who the incumbent is.

We further believe the voting age should be lowered from 21 to 18.

Following is explanation of vote submitted by Mr. Madar:

I voted against article II because this article includes property qualifications for some elections, which are contrary to our tradition of an expanded franchise.

This also fails to make the initiative a practical help to voters by lowering the requirement for petitioning. The initiative procedure should be more clearly defined.

Following is explanation of vote submitted by Mr. Hubbs:

I voted no on third reading of article II on elections because 2 important factors were not included. I favor a closed primary election system. I also do not believe that people who are not property owners should have the right to vote to increase millage as is provided in the new constitution as well as the 1908 constitution. We had an opportunity to make these 2 improvements and did not make them.

Following is explanation of vote submitted by Mr. Finch:

I voted no on article II because I object to a portion of section 6.

I believe that only property owners or their spouses should have the right to vote on proposals which will increase millage or on bond issues which will raise property taxes.

VICE PRESIDENT HUTCHINSON (continuing): Mr. Woolfenden.

MR. WOOLFENDEN: Mr. President, it's my understanding that the Chair's ruling earlier that article I should be put over until tomorrow was based upon the fact that the committee on style and drafting, under rule 53, had given notice for reconsideration in order to propose an amendment to article I, and therefore I now move that unanimous consent be given to suspending the rules to permit the committee on style and drafting at this time to proceed with its motion for reconsideration in order that article I can then be considered. I move that the rules be suspended so that the committee on style and drafting can proceed at this time with its motion for reconsideration.

VICE PRESIDENT HUTCHINSON: Are you asking for unanimous consent or are you moving for suspension of the rules?

MR. WOOLFENDEN: Well, I am agreeable to either, but I was moving for —

VICE PRESIDENT HUTCHINSON: All right. The Chair will put it this way, then: Mr. Woolfenden moves that the rules be suspended. Is there objection?

The Chair hears no objection. The rules are suspended to permit the committee on style and drafting to —

A DELEGATE: I object.

VICE PRESIDENT HUTCHINSON: Objection is heard.

PREAMBLE

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

Article I

Declaration of Rights

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

Sec. 2. No person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color or national origin. The legislature shall implement this section by appropriate legislation.

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

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

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

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

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

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

Sec. 9. Neither slavery, nor involuntary servitude unless for the punishment of crime, shall ever be tolerated in this state.

Sec. 10. No bill of attainder, ex post facto law or law impairing the obligation of contract shall be enacted.

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

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

Sec. 13. A suitor in any court of this state has the right to prosecute or defend his suit,

either in his own proper person or by an attorney.

Sec. 14. The right of trial by jury shall remain, but shall be waived in all civil cases unless demanded by one of the parties in the manner prescribed by law. In all civil cases tried by 12 jurors a verdict shall be received when 10 jurors agree.

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

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

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

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

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

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

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

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

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

Article II
Elections

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

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

Sec. 3. For purposes of voting in the election for president and vice-president of the United States only, the legislature may by law establish lesser residence requirements for citizens who have resided in this state for less than six months and may waive residence requirements for former citizens of this state who have removed herefrom. The legislature shall not permit voting by any person who meets the voting residence requirements of the state to which he has removed.

Sec. 4. The legislature shall enact laws to regulate the time, place and manner of all nominations and elections, except as otherwise provided in this constitution or in the constitution and laws of the United States. The legislature shall enact laws to preserve the purity of elections, to preserve the secrecy of the ballot, to guard against abuses of the elective franchise, and to provide for a system of voter registration and absentee voting. No law shall be enacted which permits a candidate in any partisan primary or partisan election to have a ballot designation except when required for identification of candidates for the same office who have the same or similar surnames.

Sec. 5. Except for special elections to fill vacancies, or as otherwise provided in this constitution, all elections for national, state, county and township offices shall be held on the first Tuesday after the first Monday in November in each even-numbered year or on such other date as members of the congress of the United States are regularly elected.

Sec. 6. Whenever any question is required to be submitted by a political subdivision to the electors which involves the increase of any ad valorem tax rate limitation for a period of more than five years, or the issue of bonds, only electors in, and who have property assessed for any ad valorem taxes in, any part of the district or territory to be affected by the result of such election or electors who are the lawful husbands or wives of such persons shall be entitled to vote thereon. All electors in the district or territory affected may vote on all other questions.

Sec. 7. A board of state canvassers of four

members shall be established by law. No candidate for an office to be canvassed nor any inspector of elections shall be eligible to serve as a member of a board of canvassers. A majority of any board of canvassers shall not be composed of members of the same political party.

Sec. 8. Laws shall be enacted to provide for the recall of all elective officers except judges of courts of record upon petition of electors equal in number to 25 percent of the number of persons voting in the last preceding election for the office of governor in the electoral district of the officer sought to be recalled. The sufficiency of any statement of reasons or grounds procedurally required shall be a political rather than a judicial question.

Sec. 9. The people reserve to themselves the power to propose laws and to enact and reject laws, called the initiative, and the power to approve or reject laws enacted by the legislature, called the referendum. The power of initiative extends only to laws which the legislature may enact under this constitution. The power of referendum does not extend to acts making appropriations for state institutions or to meet deficiencies in state funds and must be invoked in the manner prescribed by law within 90 days following the final adjournment of the legislative session at which the law was enacted. To invoke the initiative or referendum, petitions signed by a number of registered electors, not less than eight percent for initiative and five percent for referendum of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected shall be required.

No law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election.

Any law proposed by initiative petition shall be either enacted or rejected by the legislature without change or amendment within 40 session days from the time such petition is received by the legislature. If any law proposed by such petition shall be enacted by the legislature it shall be subject to referendum, as hereinafter provided.

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

Any law submitted to the people by either initiative or referendum petition and approved by a majority of the votes cast thereon at any election shall take effect 10 days after the date of the official declaration of the vote. No law initiated or adopted by the people shall be subject to the veto power of the governor, and no law adopted by the people at the polls under the initiative provisions of this section shall be amended or repealed, except by a vote of the electors or three-fourths of the members elected to and serving in each house of the legislature. Laws approved by the people under the referendum provision of this section may be amended by the legislature at any subsequent session thereof. If two or more measures approved by the electors at the same election conflict, that receiving the highest affirmative vote shall prevail.

The legislature shall implement the provisions of this section.

Article III
General Government

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

Sec. 2. The powers of government are divided into three branches: legislative, executive and judicial. No person exercising powers of one branch shall exercise powers properly belonging to another branch except as expressly provided in this constitution.

Sec. 3. There shall be a great seal of the State of Michigan and its use shall be provided by law.

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

Sec. 5. Subject to provisions of general law, this state or any political subdivision, any governmental authority or any combination thereof may enter into agreements for the performance, financing or execution of their respective functions, with any one or more of the other states, the United States, the Dominion of Canada, or any political subdivision thereof unless otherwise provided in this constitution. Any other provision of this constitution notwithstanding, an officer or employee of the state or of any such unit of government or subdivision or agency thereof may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service. The legislature may impose such restrictions, limitations or conditions on such service as it may deem appropriate.

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

Sec. 7. The common law and the statute laws now in force, not repugnant to this consti-

tution, shall remain in force until they expire by their own limitations, or are changed, amended or repealed.

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

Article IV
Legislative Branch

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

Sec. 2. The senate shall consist of 38 members to be elected from single member districts at the same election as the governor for four-year terms concurrent with the term of office of the governor.

In districting the state for the purpose of electing senators after the official publication of the total population count of each federal decennial census, each county shall be assigned an apportionment factor equal to the sum of its percentage of the state's population as shown by the last regular federal decennial census computed to the nearest one-one hundredth of one percent multiplied by four and its percentage of the state's land area computed to the nearest one-one hundredth of one percent.

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

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

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

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

Sec. 3. The house of representatives shall consist of 110 members elected for two-year terms from single member districts apportioned on a basis of population as provided in this article. The districts shall consist of compact and convenient territory contiguous by land.

Each county which has a population of not less than seven-tenths of one percent of the population of the state shall constitute a separate representative area. Each county having less than seven-tenths of one percent of the population of the state shall be combined with another county or counties to form a representative area of not less than seven-tenths of one percent of the population of the state. Any county which is isolated under the initial allocation as provided in this section shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.

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

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

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

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

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

Sec. 4. In counties having more than one representative or senatorial district, the territory in the same county annexed to or merged with a city between apportionments shall become a part of a contiguous representative or senatorial dis-

trict in the city with which it is combined, if provided by ordinance of the city. The district or districts with which the territory shall be combined shall be determined by such ordinance certified to the secretary of state. No such change in the boundaries of a representative or senatorial district shall have the effect of removing a legislator from office during his term.

Sec. 5. Island areas are considered to be contiguous by land to the county of which they are a part.

Sec. 6. A commission on legislative apportionment is hereby established consisting of eight persons, four of whom shall be selected by the state organizations of each of the two political parties whose candidates for governor received the highest vote at the last general election at which a governor was elected preceding each apportionment. If a candidate for governor of a third political party has received at such election more than 25 percent of such gubernatorial vote, the commission shall consist of 12 members, four of whom shall be selected by the state organization of the third political party. One member of the commission shall be selected by each political party organization from each of the following four regions: (1) The upper peninsula; (2) The northern part of the lower peninsula, north of a line drawn along the northern boundaries of the counties of Bay, Midland, Isabella, Mecosta, Newaygo and Oceana; (3) Southwestern Michigan, those counties south of region (2) and west of a line drawn along the western boundaries of the counties of Bay, Saginaw, Shiawassee, Ingham, Jackson and Hillsdale; (4) Southeastern Michigan, the remaining counties of the state.

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

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

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

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

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

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

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

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

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

Sec. 9. No person elected to the legislature shall receive any civil appointment within this

state from the governor, except notaries public, from the legislature, or from any other state authority, during the term for which he is elected.

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

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

Sec. 12. The compensation and expense allowances of the members of the legislature shall be determined by law. Changes in compensation or expense allowances shall become effective only when legislators commence their terms of office after a general election.

Sec. 13. The legislature shall meet at the seat of government on the second Wednesday in January of each year at twelve o'clock noon. Each regular session shall adjourn without day, on a day determined by concurrent resolution, at twelve o'clock noon. Any business, bill or joint resolution pending at the final adjournment of a regular session held in an odd numbered year shall carry over with the same status to the next regular session.

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

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

Sec. 16. Each house, except as otherwise provided in this constitution, shall choose its own officers and determine the rules of its proceedings, but shall not adopt any rule that will prevent a majority of the members elected thereto and serving therein from discharging a committee from the further consideration of any measure. Each house shall be the sole judge of the qualifications, elections and returns of its members, and may, with the concurrence of two-thirds of all the members elected thereto and serving therein, expel a member. The reasons for such expulsion shall be entered in the journal, with the votes and names of the members voting upon the question. No member shall be expelled a second time for the same cause.

Sec. 17. Each house of the legislature may establish the committees necessary for the efficient conduct of its business and the legislature may create joint committees. Each committee shall by roll call vote record the vote and name of all action on bills and resolutions taken in the committee. Such vote shall be available for public inspection. Notice of all committee hearings and a clear statement of all subjects to be considered at each hearing shall be published in the journal in advance of the hearing.

Sec. 18. Each house shall keep a journal of its proceedings, and publish the same unless the public security otherwise requires. The record of the vote and name of the members of either house voting on any question shall be entered in the journal at the request of one-fifth of the members present. Any member of either house may dissent from and protest against any act, proceeding or resolution which he deems injurious to any person or the public, and have the reason for his dissent entered in the journal.

Sec. 19. All elections in either house or in joint convention and all votes on appointments submitted to the senate for advice and consent shall be published by vote and name in the journal.

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

Sec. 21. Neither house shall, without the consent of the other, adjourn for more than two intervening calendar days, nor to any place other than where the legislature may then be in session.

Sec. 22. All legislation shall be by bill and may originate in either house.

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

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

Sec. 25. No law shall be revised, altered or amended by reference to its title only. The section or sections of the act altered or amended shall be re-enacted and published at length.

Sec. 26. No bill shall be passed or become a law at any regular session of the legislature until it has been printed or reproduced and in the possession of each house for at least five days. Every bill shall be read three times in each house before the final passage thereof. No bill shall become a law without the concurrence of a majority of the members elected to and serving in each

house. On the final passage of bills, the votes and names of the members voting thereon shall be entered in the journal.

Sec. 27. No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.

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

Sec. 29. The legislature shall pass no local or special act in any case where a general act can be made applicable, and whether a general act can be made applicable shall be a judicial question. No local or special act shall take effect until approved by two-thirds of the members elected to and serving in each house and by a majority of the electors voting thereon in the district affected. Any act repealing local or special acts shall require only a majority of the members elected to and serving in each house and shall not require submission to the electors of such district.

Sec. 30. The assent of two-thirds of the members elected to and serving in each house of the legislature shall be required for the appropriation of public money or property for local or private purposes.

Sec. 31. The general appropriation bills for the succeeding fiscal period covering items set forth in the budget shall be passed or rejected in either house of the legislature before that house passes any appropriation bill for items not in the budget except bills supplementing appropriations for the current fiscal year's operation. Any bill requiring an appropriation to carry out its purpose shall be considered an appropriation bill. One of the general appropriation bills as passed by the legislature shall contain an itemized statement of estimated revenue by major source in each operating fund for the ensuing fiscal period, the total of which shall not be less than the total of all appropriations made from each fund in the general appropriation bills as passed.

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

Sec. 33. Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law. If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he does not approve, and the legislature continues the session at which the bill was passed, he shall return it within such 14-day period with his objections, to the house in which it originated. That house shall enter such objections in full in its journal and reconsider the bill. If two-thirds of the members elected to and serving in that house pass the bill notwithstanding the objections of the governor, it shall be sent with the objections to the other house for reconsideration. The bill shall become law if passed by two-thirds of the members elected to and serving in that house. The vote of each house shall be entered in the journal with the votes and names of the members voting thereon. If any bill is not returned by the governor within such 14-day period, the legislature continuing in session, it shall become law as if he had signed it.

Sec. 34. Any bill passed by the legislature and approved by the governor, except a bill appropriating money, may provide that it will not become law unless approved by a majority of the electors voting thereon.

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

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

Sec. 37. The legislature may by concurrent resolution empower a joint committee of the legislature acting between sessions to suspend until the end of the next regular legislative session any rule or regulation of an administrative agency promulgated when the legislature is not in regular session.

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

Sec. 39. In order to insure continuity of state and local governmental operations in periods of emergency only, resulting from disasters occurring in this state caused by enemy attack on the United States, the legislature may provide by law for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices; and enact other laws necessary and proper for insuring the continuity of governmental operations. Notwithstanding the power conferred by this section, elections shall always

be called as soon as possible to fill any vacancies in elective offices temporarily occupied by operation of any legislation enacted pursuant to the provisions of this section.

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

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

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

Sec. 43. No general law providing for the incorporation of trust companies or corporations for banking purposes, or regulating the business thereof, shall be enacted, amended or repealed except by a vote of two-thirds of the members elected to and serving in each house.

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

Sec. 45. The legislature may provide for indeterminate sentences as punishment for crime and for the detention and release of persons imprisoned or detained under such sentences.

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

Sec. 47. The legislature may authorize the employment of chaplains in state institutions of detention or confinement.

Sec. 48. The legislature may enact laws providing for the resolution of disputes concerning public employees, except those in the state classified civil service.

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

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

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

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

Sec. 53. The legislature by a majority vote of the members elected to and serving in each house, shall appoint an auditor general, who shall be a certified public accountant licensed to practice in this state, to serve for a term of eight years. He shall be ineligible for appointment or election to any other public office in this state from which compensation is derived while serving as auditor general and for two years following the termination of his service. He may be removed for cause at any time by a two-thirds vote of the members elected to and serving in each house. The auditor general shall conduct post audits of financial transactions and accounts of the state and of all branches, departments, offices, boards, commissions, agencies, authorities and institutions of the state established by this constitution or by law, and performance post audits thereof.

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

Nothing in this section shall be construed in any way to infringe the responsibility and constitutional authority of the governing boards of the institutions of higher education to be solely responsible for the control and direction of all expenditures from the institutions' funds.

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

Article V
Executive Branch

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

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

Subsequent to the initial allocation, the governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these

changes require the force of law, they shall be set forth in executive orders and submitted to the legislature. Thereafter the legislature shall have 60 calendar days of a regular session, or a full session if of shorter duration, to disapprove each executive order. Unless disapproved in both houses by a resolution concurred in by a majority of the members elected to and serving in each house, each order shall become effective at a date thereafter to be designated by the governor.

Sec. 3. The head of each principal department shall be a single executive unless otherwise provided in this constitution or by law. The single executives heading principal departments shall include a secretary of state, a state treasurer and an attorney general. When a single executive is the head of a principal department, unless elected or appointed as otherwise provided in this constitution, he shall be appointed by the governor by and with the advice and consent of the senate and he shall serve at the pleasure of the governor.

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

Terms of office of any board or commission created or enlarged after the effective date of this constitution shall not exceed four years except as otherwise authorized in this constitution. The terms of office of existing boards and commissions which are longer than four years shall not be further extended except as provided in this constitution.

Sec. 4. Temporary commissions or agencies for special purposes with a life of no more than two years may be established by law and need not be allocated within a principal department.

Sec. 5. At no time shall an examining or licensing board of a profession include less than a majority of members of that profession.

Sec. 6. Appointment by and with the advice and consent of the senate when used in this constitution or laws in effect or hereafter enacted means appointment subject to disapproval by a majority vote of the members elected to and serving in the senate if such action is taken within 60 session days after the date of such appointment. Any appointment not disapproved within such period shall stand confirmed.

Sec. 7. Vacancies in any office, appointment to which requires advice and consent of the senate, shall be filled by the governor by and with the advice and consent of the senate. A person whose appointment has been disapproved by the senate shall not be eligible for an interim appointment to the same office.

Sec. 8. Each principal department shall be under the supervision of the governor unless otherwise provided by this constitution. The governor shall take care that the laws be faithfully executed. He shall transact all necessary business with the officers of government and may require information in writing from all executive and administrative state officers, elective and appointive, upon any subject relating to the duties of their respective offices.

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

Sec. 9. Single executives heading principal departments and the chief executive officers of principal departments headed by boards or commissions shall keep their offices at the seat of government except as otherwise provided by law, superintend them in person and perform duties prescribed by law.

Sec. 10. The governor shall have power and it shall be his duty to inquire into the condition and administration of any public office and the acts of any public officer, elective or appointive. He may remove or suspend from office for gross neglect of duty or for corrupt conduct in office, or for any other misfeasance or malfeasance therein, any elective or appointive state officer, except legislative or judicial, and shall report the reasons for such removal or suspension to the legislature.

Sec. 11. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an appointed or elected officer, other than a legislative or judicial officer, until he is reinstated or until the vacancy is filled in the manner prescribed by law or this constitution.

Sec. 12. The governor shall be commander-in-chief of the armed forces and may call them out to execute the laws, suppress insurrection and repel invasion.

Sec. 13. The governor shall issue writs of election to fill vacancies in the senate or house of representatives. Any such election shall be held in a manner prescribed by law.

Sec. 14. The governor shall have power to grant reprieves, commutations and pardons after convictions for all offenses, except cases of impeachment, upon such conditions and limitations as he may direct, subject to procedures and regulations prescribed by law. He shall inform the legislature annually of each reprieve, commutation and pardon granted, stating reasons

therefor.

Sec. 15. The governor may convene the legislature on extraordinary occasions.

Sec. 16. The governor may convene the legislature at some other place when the seat of government becomes dangerous from any cause.

Sec. 17. The governor shall communicate by message to the legislature at the beginning of each session and may at other times present to the legislature information as to the affairs of the state and recommend measures he considers necessary or desirable.

Sec. 18. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state. Proposed expenditures from any fund shall not exceed the estimated revenue thereof. On the same date, the governor shall submit to the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills to provide new or additional revenues to meet proposed expenditures. The amount of any surplus created or deficit incurred in any fund during the last preceding fiscal period shall be entered as an item in the budget and in one of the appropriation bills. The governor may submit amendments to appropriation bills to be offered in either house during consideration of the bill by that house, and shall submit any bills to meet deficiencies in current appropriations.

Sec. 19. The governor may disapprove any distinct item or items appropriating moneys in any appropriation bill. The part or parts approved shall become law, and the item or items disapproved shall be void unless re-passed according to the method prescribed for the passage of other bills over the executive veto.

Sec. 20. No appropriation shall be a mandate to spend. The governor, with the approval of the appropriating committees of the house and senate, shall reduce expenditures authorized by appropriations whenever it appears that actual revenues for a fiscal period will fall below the revenue estimates on which appropriations for that period were based. Reductions in expenditures shall be made in accordance with procedures prescribed by law. The governor may not reduce expenditures of the legislative and judicial branches or from funds constitutionally dedicated for specific purposes.

Sec. 21. The governor, lieutenant governor, secretary of state and attorney general shall be elected for four-year terms at the general election in each alternate even-numbered year.

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

Vacancies in the office of the secretary of state and attorney general shall be filled by appointment by the governor.

Sec. 22. To be eligible for the office of governor or lieutenant governor a person must have attained the age of 30 years, and have been a registered elector in this state for four years next preceding his election.

Sec. 23. The governor, lieutenant governor, secretary of state and attorney general shall each receive the compensation provided by law in full payment for all services performed and expenses incurred during his term of office. Such compensation shall not be changed during the term of office except as otherwise provided in this constitution.

Sec. 24. An executive residence suitably furnished shall be provided at the seat of government for the use of the governor. He shall receive an allowance for its maintenance as provided by law.

Sec. 25. The lieutenant governor shall be president of the senate, but shall have no vote except in case of equal division. He may perform duties requested of him by the governor, but no power vested in the governor shall be delegated.

Sec. 26. In case of the conviction of the governor on impeachment, his removal from office, his resignation or his death, the lieutenant governor, the elected secretary of state, the elected attorney general and such other persons designated by law shall in that order be governor for the remainder of the governor's term.

In case of the death of the governor-elect, the lieutenant governor-elect, the secretary of state-elect, the attorney general-elect and such other persons designated by law shall become governor in that order at the commencement of the governor-elect's term.

If the governor or the person in line of succession to serve as governor is absent from the state, or suffering under an inability, the powers and duties of the office of governor shall devolve in order of precedence until the absence or inability giving rise to the devolution of powers ceases.

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

Sec. 27. The legislature shall provide that the salary of any state officer while acting as governor shall be equal to that of the governor.

Sec. 28. There is hereby established a state highway commission, which shall administer the state highway department and have jurisdiction

and control over all state trunkline highways and appurtenant facilities, and such other public works of the state, as provided by law.

The state highway commission shall consist of four members, not more than two of whom shall be members of the same political party. They shall be appointed by the governor by and with the advice and consent of the senate for four-year terms, no two of which shall expire in the same year as provided by law.

The state highway commission shall appoint and may remove a state highway director, who shall be a competent highway engineer and administrator. He shall be the principal executive officer of the state highway department and shall be responsible for executing the policy of the state highway commission.

Sec. 29. There is hereby established a civil rights commission which shall consist of eight persons, not more than four of whom shall be members of the same political party, who shall be appointed by the governor, by and with the advice and consent of the senate, for four-year terms not more than two of which shall expire in the same year. It shall be the duty of the commission in a manner which may be prescribed by law to investigate alleged discrimination against any person because of religion, race, color or national origin in the enjoyment of the civil rights guaranteed by law and by this constitution, and to secure the equal protection of such civil rights without such discrimination. The legislature shall provide an annual appropriation for the effective operation of the commission.

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

Appeals from final orders of the commission, including cease and desist orders and refusals to issue complaints, shall be tried de novo before the circuit court having jurisdiction provided by law.

Article VI
Judicial Branch

Sec. 1. The judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court, one probate court, and other courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.

Sec. 2. The supreme court shall consist of seven justices elected at non-partisan elections as provided by law. The term of office shall be eight years and not more than two terms of office shall expire at the same time. Nominations for justices of the supreme court shall be in the manner prescribed by law. Any incumbent justice whose term is to expire may become a candidate for re-election by filing an affidavit of candidacy, in the form and manner prescribed by law, not less than 180 days prior to the expiration of his term.

Sec. 3. One justice of the supreme court shall be selected by the court as its chief justice as provided by rules of the court. He shall perform other duties required by the court. The supreme court shall appoint an administrator of the courts and other assistants of the supreme court as may be necessary to aid in the administration of the courts of this state. The administrator shall perform administrative duties assigned by the court.

Sec. 4. The supreme court shall have general superintending control over all courts; power to issue, hear, and determine prerogative and remedial writs; and appellate jurisdiction as provided by rules of the supreme court. The supreme court shall not have the power to remove a judge.

Sec. 5. The supreme court shall by general rules establish, modify, amend and simplify the practice and procedure in all courts of this state. The distinctions between law and equity proceedings shall, as far as practicable, be abolished. The office of master in chancery is prohibited.

Sec. 6. Decisions of the supreme court, including all decisions on prerogative writs, shall be in writing and shall contain a concise statement of the facts and reasons for each decision and reasons for each denial of leave to appeal. When a judge dissents in whole or in part he shall give in writing the reasons for his dissent.

Sec. 7. The supreme court may appoint, may remove, and shall have general supervision of its staff. It shall have control of the preparation of its budget recommendations and the expenditure of moneys appropriated for any purpose pertaining to the operation of the court or the performance of activities of its staff except that the salaries of the justices shall be established by law. All fees and perquisites collected by the court staff shall be turned over to the state treasury and credited to the general fund.

Sec. 8. The court of appeals shall consist initially of nine judges who shall be nominated and elected at non-partisan elections from districts drawn on county lines and as nearly as possible of equal population, as provided by law. The

supreme court may prescribe by rule that the court of appeals may sit in divisions and for the terms of court and the times and places thereof. Each such division shall consist of not fewer than three judges. The number of judges comprising the court of appeals may be increased, and the districts from which they are elected may be changed by law.

Sec. 9. Judges of the court of appeals shall hold office for a term of six years and until their successors are elected and qualified. The terms of office for the judges in each district shall be arranged by law to provide that not all terms will expire at the same time.

Sec. 10. The jurisdiction of the court of appeals shall be provided by law and the practice and procedure therein shall be prescribed by rules of the supreme court.

Sec. 11. The state shall be divided into judicial circuits along county lines in each of which there shall be elected one or more circuit judges as provided by law. Sessions of the circuit court shall be held at least four times in each year in every county organized for judicial purposes. Each circuit judge shall hold court in the county or counties within the circuit in which he is elected, and in other circuits as may be provided by rules of the supreme court. The number of judges may be changed and circuits may be created, altered and discontinued by law and the number of judges shall be changed and circuits shall be created, altered and discontinued on recommendation of the supreme court to reflect changes in judicial activity. No change in the number of judges or alteration or discontinuance of a circuit shall have the effect of removing a judge from office during his term.

Sec. 12. Circuit judges shall be nominated and elected at non-partisan elections in the circuit in which they reside, and shall hold office for a term of six years and until their successors are elected and qualified. In circuits having more than one circuit judge their terms of office shall be arranged by law to provide that not all terms will expire at the same time.

Sec. 13. The circuit court shall have original jurisdiction in all matters not prohibited by law; appellate jurisdiction from all inferior courts and tribunals except as otherwise provided by law; power to issue, hear and determine prerogative and remedial writs; supervisory and general control over inferior courts and tribunals within their respective jurisdictions in accordance with rules of the supreme court; and jurisdiction of other cases and matters as provided by rules of the supreme court.

Sec. 14. The clerk of each county organized for judicial purposes or other officer performing the duties of such office as provided in a county charter shall be clerk of the circuit court for such county. The judges of the circuit court may fill a vacancy in an elective office of county clerk or prosecuting attorney within their respective jurisdictions.

Sec. 15. In each county organized for judicial purposes there shall be a probate court. The legislature may create or alter probate court districts of more than one county if approved in each affected county by a majority of the electors voting on the question. The legislature may provide for the combination of the office of probate judge with any judicial office of limited jurisdiction within a county with supplemental salary as provided by law. The jurisdiction, powers and duties of the probate court and of the judges thereof shall be provided by law. They shall have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

Sec. 16. One or more judges of probate as provided by law shall be nominated and elected at non-partisan elections in the counties or the probate districts in which they reside and shall hold office for terms of six years and until their successors are elected and qualified. In counties or districts with more than one judge the terms of office shall be arranged by law to provide that not all terms will expire at the same time.

Sec. 17. No judge or justice of any court of this state shall be paid from the fees of his office nor shall the amount of his salary be measured by fees, other moneys received or the amount of judicial activity of his office.

Sec. 18. Salaries of justices of the supreme court, of the judges of the court of appeals, of the circuit judges within a circuit, and of the probate judges within a county or district, shall be uniform, and may be increased, but shall not be decreased during a term of office except and only to the extent of a general salary reduction in all other branches of government.

Each of the judges of the circuit court shall receive an annual salary as provided by law. In addition to the salary received from the state, each circuit judge may receive from any county in which he regularly holds court an additional salary as determined from time to time by the board of supervisors of the county. In any county where an additional salary is granted, it shall be paid at the same rate to all circuit judges regularly holding court therein.

Sec. 19. The supreme court, the court of appeals, the circuit court, the probate court and other courts designated as such by the legislature shall be courts of record and each shall have a common seal. Justices and judges of courts of record must be persons who are licensed to practice law in this state. No person shall be elected or appointed to a judicial office after reaching the age of 70 years.

Sec. 20. Whenever a justice or judge removes his domicile beyond the limits of the territory from which he was elected, he shall have vacated his office.

Sec. 21. Any justice or judge of a court of record shall be ineligible to be nominated for or elected to an elective office other than a judicial office during the period of his service and for one year thereafter.

Sec. 22. Any elected judge of the court of appeals, circuit court or probate court may become a candidate in the primary election for the office of which he is the incumbent by filing an affidavit of candidacy in the form and manner prescribed by law.

Sec. 23. A vacancy in the elective office of a judge of any court of record shall be filled at a general or special election as provided by law. The supreme court may authorize persons who have served as judges and who have retired, to perform judicial duties for the limited period of time from the occurrence of the vacancy until the successor is elected and qualified. Such persons shall be ineligible for election to fill the vacancy.

Sec. 24. There shall be printed upon the ballot under the name of each elected incumbent justice or judge who is a candidate for nomination or election to the same office the designation of that office.

Sec. 25. For reasonable cause, which is not sufficient ground for impeachment, the governor shall remove any judge on a concurrent resolution of two-thirds of the members elected to and serving in each house of the legislature. The cause for removal shall be stated at length in the resolution.

Sec. 26. The offices of circuit court commissioner and justice of the peace are abolished at the expiration of five years from the date this constitution becomes effective or may within this period be abolished by law. Their jurisdiction, compensation and powers within this period shall be as provided by law. Within this five-year period, the legislature shall establish a court or courts of limited jurisdiction with powers and jurisdiction defined by law. The location of such court or courts, and the qualifications, tenure, method of election and salary of the judges of such court or courts, and by what governmental units the judges shall be paid, shall be provided by law, subject to the limitations contained in this Article.

Statutory courts in existence at the time this constitution becomes effective shall retain their powers and jurisdiction, except as provided by law, until they are abolished by law.

Sec. 27. The supreme court, the court of appeals, the circuit court, or any justices or judges thereof, shall not exercise any power of appointment to public office except as provided in this constitution.

Sec. 28. All final decisions, findings, rulings and orders of any administrative officer or agency existing under the constitution or by law, which are judicial or quasi-judicial and affect private rights or licenses, shall be subject to direct review by the courts as provided by law. This review shall include, as a minimum, the determination whether such final decisions, findings, rulings and orders are authorized by law; and, in cases in which a hearing is required, whether the same are supported by competent, material and substantial evidence on the whole record. Findings of fact in workmen's compensation proceedings shall be conclusive in the absence of fraud unless otherwise provided by law.

Sec. 29. Justices of the supreme court, judges of the court of appeals, circuit judges and other judges as provided by law shall be conservators of the peace within their respective jurisdictions.

Article VII
Local Government

Sec. 1. Each organized county shall be a body corporate with powers and immunities provided by law.

Sec. 2. Any county may frame, adopt, amend or repeal a county charter in a manner and with powers and limitations to be provided by general law, which shall among other things provide for the election of a charter commission. The law may permit the organization of county government in form different from that set forth in this constitution and shall limit the rate of ad valorem property taxation for county purposes, and restrict the powers of charter counties to borrow money and contract debts. Each charter county is hereby granted power to levy other taxes for county purposes subject to limitations and prohibitions set forth in this constitution or law. Subject to law, a county charter may authorize the county through its regularly constituted authority to adopt resolutions and ordinances relating to its concerns.

The board of supervisors by a majority vote of its members may, and upon petition of five percent of the electors shall, place upon the ballot the question of electing a commission to frame a charter.

No county charter shall be adopted, amended or repealed until approved by a majority of electors voting on the question.

Sec. 3. No organized county shall be reduced by the organization of new counties to less than 16 townships as surveyed by the United States, unless approved in the manner prescribed by law by a majority of electors voting thereon in each county to be affected.

Sec. 4. There shall be elected for four-year terms in each organized county a sheriff, a county

clerk, a county treasurer, a register of deeds and a prosecuting attorney, whose duties and powers shall be provided by law. The board of supervisors in any county may combine the offices of county clerk and register of deeds in one office or separate the same at pleasure.

Sec. 5. The sheriff, county clerk, county treasurer and register of deeds shall hold their principal offices at the county seat.

Sec. 6. The sheriff may be required by law to renew his security periodically and in default of giving such security, his office shall be vacant. The county shall never be responsible for his acts, except that the board of supervisors may protect him against claims by prisoners for unintentional injuries received while in his custody. He shall not hold any other office except in civil defense.

Sec. 7. A board of supervisors shall be established in each organized county consisting of one member from each organized township and such representation from cities as provided by law.

Sec. 8. Boards of supervisors shall have legislative, administrative and such other powers and duties as provided by law.

Sec. 9. Boards of supervisors shall have exclusive power to fix the compensation of county officers not otherwise provided by law.

Sec. 10. A county seat once established shall not be removed until the place to which it is proposed to be moved shall be designated by two-thirds of the members of the board of supervisors and a majority of the electors voting thereon shall have approved the proposed location in the manner prescribed by law.

Sec. 11. No county shall incur any indebtedness which shall increase its total debt beyond 10 percent of its assessed valuation.

Sec. 12. A navigable stream shall not be bridged or dammed without permission granted by the board of supervisors of the county as provided by law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and political subdivisions therein.

Sec. 13. Two or more contiguous counties may combine into a single county if approved in each affected county by a majority of the electors voting on the question.

Sec. 14. The board of supervisors of each organized county may organize and consolidate townships under restrictions and limitations provided by law.

Sec. 15. Any county, when authorized by its board of supervisors shall have the authority to enter or to intervene in any action or certificate proceeding involving the services, charges or rates of any privately owned public utility furnishing services or commodities to rate payers within the county.

Sec. 16. The legislature may provide for the laying out, construction, improvement and maintenance of highways, bridges, culverts and airports by the state and by the counties and townships thereof; and may authorize counties to take charge and control of any highway within their limits for such purposes. The legislature may provide the powers and duties of counties in relation to highways, bridges, culverts and airports; may provide for county road commissioners to be appointed or elected, with powers and duties provided by law. The ad valorem property tax imposed for road purposes by any county shall not exceed in any year one-half of one percent of the assessed valuation for the preceding year.

Sec. 17. Each organized township shall be a body corporate with powers and immunities provided by law.

Sec. 18. In each organized township there shall be elected for terms of not less than two nor more than four years as prescribed by law a supervisor, a clerk, a treasurer, and not to exceed four trustees, whose legislative and administrative powers and duties shall be provided by law.

Sec. 19. No organized township shall grant any public utility franchise which is not subject to revocation at the will of the township, unless the proposition shall first have been approved by a majority of the electors of such township voting thereon at a regular or special election.

Sec. 20. The legislature shall provide by law for the dissolution of township government whenever all the territory of an organized township is included within the boundaries of a village or villages notwithstanding that a village may include territory within another organized township and provide by law for the classification of such village or villages as cities.

Sec. 21. The legislature shall provide by general laws for the incorporation of cities and villages. Such laws shall limit their rate of ad valorem property taxation for municipal purposes, and restrict the powers of cities and villages to borrow money and contract debts. Each city and village is granted power to levy other taxes for public purposes, subject to limitations and prohibitions provided by this constitution or by law.

Sec. 22. Under general laws the electors of each city and village shall have the power and authority to frame, adopt and amend its charter, and to amend an existing charter of the city or village heretofore granted or enacted by the legislature for the government of the city or village. Each such city and village shall have power to adopt resolutions and ordinances relating to its municipal concerns, property and government, subject to the constitution and law. No enumeration of powers granted to cities and villages in this constitution shall limit or restrict the general grant of authority conferred by this section.

Sec. 23. Any city or village may acquire, own, establish and maintain, within or without its corporate limits, parks, boulevards, cemeteries, hospitals and all works which involve the public health or safety.

Sec. 24. Subject to this constitution, any city or village may acquire, own or operate, within or without its corporate limits, public service facilities for supplying water, light, heat, power, sewage disposal and transportation to the municipality and the inhabitants thereof.

Any city or village may sell and deliver heat, power or light without its corporate limits in an amount not exceeding 25 percent of that furnished by it within the corporate limits, except as greater amounts may be permitted by law; may sell and deliver water and provide sewage disposal services outside of its corporate limits in such amount as may be determined by the legislative body of the city or village; and may operate transportation lines outside the municipality within such limits as may be prescribed by law.

Sec. 25. No city or village shall acquire any public utility furnishing light, heat or power, or grant any public utility franchise which is not subject to revocation at the will of the city or village, unless the proposition shall first have been approved by three-fifths of the electors voting thereon. No city or village may sell any public utility unless the proposition shall first have been approved by a majority of the electors voting thereon, or a greater number if the charter shall so provide.

Sec. 26. Except as otherwise provided in this constitution, no city or village shall have the power to loan its credit for any private purpose or, except as provided by law, for any public purpose.

Sec. 27. Notwithstanding any other provision of this constitution the legislature may establish in metropolitan areas additional forms of government or authorities with powers, duties and jurisdictions as the legislature shall provide. Wherever possible, such additional forms of government or authorities shall be designed to perform multi-purpose functions rather than a single function.

Sec. 28. The legislature by general law shall authorize two or more counties, townships, cities, villages or districts, or any combination thereof among other things to: enter into contractual undertakings or agreements with one another or with the state or with any combination thereof for the joint administration of any of the functions or powers which each would have the power to perform separately; share the costs and responsibilities of functions and services with one another or with the state or with any combination thereof which each would have the power to perform separately; transfer functions or responsibilities to one another or any combination thereof upon the consent of each unit involved; cooperate with one another and with state government; lend their credit to one another or any combination thereof as provided by law in connection with any authorized publicly owned undertaking.

Any other provision of this constitution notwithstanding, an officer or employee of the state or any such unit of government or subdivision or agency thereof, except members of the legislature, may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service.

Sec. 29. No person, partnership, association or corporation, public or private, operating a public utility shall have the right to the use of the highways, streets, alleys or other public places of any county, township, city or village for wires, poles, pipes, tracks, conduits or other utility facilities, without the consent of the duly constituted authority of the county, township, city or village; or to transact local business therein without first obtaining a franchise from the township, city or village. Except as otherwise provided in this constitution the right of all counties, townships, cities and villages to the reasonable control of their highways, streets, alleys and public places is hereby reserved to such local units of government.

Sec. 30. No franchise or license shall be granted by any township, city or village for a period longer than 30 years.

Sec. 31. The legislature shall not vacate or alter any road, street, alley, or public place under the jurisdiction of any county, township, city or village.

Sec. 32. Any county, township, city, village, authority or school district empowered by the legislature or by this constitution to prepare budgets of estimated expenditures and revenues shall adopt such budgets only after a public hearing in a manner prescribed by law.

Sec. 33. Any elected officer of a political subdivision may be removed from office in the manner and for the causes provided by law.

Sec. 34. The provisions of this constitution and law concerning counties, townships, cities and villages shall be liberally construed in their favor. Powers granted to counties and townships by this constitution and by law shall include those fairly implied and not prohibited by this constitution.

Article VIII
Education

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

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

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

The state board of education shall appoint a superintendent of public instruction whose term of office shall be determined by the board. He shall be the chairman of the board without the right to vote, and shall be responsible for the execution of its policies. He shall be the principal executive officer of a state department of education which shall have powers and duties provided by law.

The state board of education shall consist of eight members who shall be nominated by party conventions and elected at large for terms of eight years as prescribed by law. The governor shall fill any vacancy by appointment for the unexpired term. The governor shall be ex-officio a member of the state board of education without the right to vote.

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

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

Sec. 5. The regents of the University of Michigan and their successors in office shall constitute a body corporate known as the Regents of the University of Michigan; the trustees of Michigan State University and their successors in office shall constitute a body corporate known as the Board of Trustees of Michigan State University; the governors of Wayne State University and their successors in office shall constitute a body corporate known as the Board of Governors of Wayne State University. Each board shall have general supervision of its institution and the control and direction of all expenditures from the institution's funds. Each board shall, as often as necessary, elect a president of the institution under its supervision. He shall be the principal executive officer of the institution, be ex-officio a member of the board without the right to vote and preside at meetings of the board. The board of each institution shall consist of eight members who shall hold office for terms of eight years and who shall be elected as provided by law. The governor shall fill board vacancies by appointment. Each appointee shall hold office until a successor has been nominated and elected as provided by law.

Sec. 6. Other institutions of higher education established by law having authority to grant baccalaureate degrees shall each be governed by a board of control which shall be a body corporate. The board shall have general supervision of the institution and the control and direction of all expenditures from the institution's funds. It shall, as often as necessary, elect a president of the institution under its supervision. He shall be the principal executive officer of the institution and be ex-officio a member of the board without the right to vote. The board may elect one of its members or may designate the president, to preside at board meetings. Each board of control shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the governor by and with the advice and consent of the senate. Vacancies shall be filled in like manner.

Sec. 7. The legislature shall provide by law for the establishment and financial support of public community and junior colleges which shall be supervised and controlled by locally elected boards. The legislature shall provide by law for a state board for public community and junior colleges which shall advise the state board of education concerning general supervision and planning for such colleges and requests for annual appropriations for their support. The board shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the state board of education. Vacancies shall be filled in like manner. The superintendent of public instruction shall be ex-officio a member of this board without the right to vote.

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

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

Article IX
Finance and Taxation

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

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

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

Sec. 4. Property owned and occupied by nonprofit religious or educational organizations and used exclusively for religious or educational purposes, as defined by law, shall be exempt from real and personal property taxes.

Sec. 5. The legislature shall provide for the assessment by the state of the property of those public service businesses assessed by the state at the date this constitution becomes effective, and of other property as designated by the legislature, and for the imposition and collection of taxes thereon. Property assessed by the state shall be assessed at the same proportion of its true cash value as the legislature shall specify for property subject to general ad valorem taxation. The rate of taxation on such property shall be the average rate levied upon other property in this state under the general ad valorem tax law, or, if the legislature provides, the rate of tax applicable to the property of each business enterprise assessed by the state shall be the average rate of ad valorem taxation levied upon other property in all counties in which any of such property is situated.

Sec. 6. Except as otherwise provided in this constitution, the total amount of general ad valorem taxes imposed upon real and tangible personal property for all purposes in any one year shall not exceed 15 mills on each dollar of the assessed valuation of property as finally equalized. Under procedures provided by law, which shall guarantee the right of initiative, separate tax limitations for any county and for the townships and for school districts therein, the aggregate of which shall not exceed 18 mills on each dollar of such valuation, may be adopted and thereafter altered by the vote of a majority of the qualified electors of such county voting thereon, in lieu of the limitation hereinbefore established. These limitations may be increased to an aggregate of not to exceed 50 mills on each dollar of valuation, for a period of not to exceed 20 years at any one time, if approved by a majority of the electors, qualified under Section 6 of Article II of this constitution, voting on the question.

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

In any school district which extends into two or more counties, property taxes at the highest rate available in the county which contains the greatest part of the area of the district may be imposed and collected for school purposes throughout the district.

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

Sec. 8. The legislature shall not impose a sales tax on retailers at a rate of more than four percent of their gross taxable sales of tangible personal property.

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

Sec. 10. One-eighth of all taxes imposed on retailers on taxable sales at retail of tangible personal property shall be used exclusively for assistance to townships, cities and villages, on a population basis as provided by law. In determining population the legislature may exclude any portion of the total number of persons who are wards, patients or convicts in any tax supported institution.

Sec. 11. There shall be established a state school aid fund which shall be used exclusively for the support of public education and school

employees' retirement systems, as provided by law. One-half of all taxes imposed on retailers on taxable sales at retail of tangible personal property, and other tax revenues provided by law, shall be dedicated to this fund. Payments from this fund shall be made in full on a scheduled basis, as provided by law.

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

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

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

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

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

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

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

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

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

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

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

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

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

This section shall not be construed to prohibit the investment of public funds until needed for current requirements or the investment of funds accumulated to provide retirement or pension benefits for public officials and employees, as provided by law.

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

Sec. 20. No state money shall be deposited in banks other than those organized under the national or state banking laws. No state money

shall be deposited in any bank in excess of 50 percent of the capital and surplus of such bank. Any bank receiving deposits of state money shall show the amount of state money so deposited as a separate item in all published statements.

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

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

Sec. 22. Procedures for the examination and adjustment of claims against the state shall be prescribed by law.

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

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

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

Article X
Property

Sec. 1. The disabilities of coverture as to property are abolished. The real and personal estate of every woman acquired before marriage and all real and personal property to which she may afterwards become entitled shall be and remain the estate and property of such woman, and shall not be liable for the debts, obligations or engagements of her husband, and may be dealt with and disposed of by her as if she were unmarried. Dower may be relinquished or conveyed as provided by law.

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

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

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

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

The legislature by an act adopted by two-thirds of the members elected to and serving in each house may designate any part of such lands as a state land reserve. No lands in the state land reserve may be removed from the reserve, sold, leased or otherwise disposed of except by an act of the legislature.

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

Article XI
Public Officers and Employment

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

Sec. 2. The terms of office of elective state officers, members of the legislature and justices and judges of courts of record shall begin at twelve o'clock noon on the first day of January next succeeding their election, except as otherwise provided in this constitution. The terms of office of county officers shall begin on the first day of January next succeeding their election, except as otherwise provided by law.

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

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

Sec. 5. The classified state civil service shall consist of all positions in the state service except those filled by popular election, heads of principal departments, members of boards and commissions, the principal executive officer of boards and commissions heading principal departments, employees of courts of record, employees of the legis-

lature, employees of the state institutions of higher education, all persons in the armed forces of the state, eight exempt positions in the office of the governor, and within each principal department, when requested by the department head, two other exempt positions, one of which shall be policy-making. The civil service commission may exempt three additional positions of a policy-making nature within each principal department.

The civil service commission shall be non-salaried and shall consist of four persons, not more than two of whom shall be members of the same political party, appointed by the governor for terms of eight years, no two of which shall expire in the same year.

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

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

No person shall be appointed to or promoted in the classified service who has not been certified by the commission as qualified for such appointment or promotion. No appointments, promotions, demotions or removals in the classified service shall be made for religious, racial or partisan considerations.

Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year. Within 60 calendar days following such transmission, the legislature may, by a two-thirds vote of the members elected to and serving in each house, reject or reduce increases in rates of compensation authorized by the commission. Any reduction ordered by the legislature shall apply uniformly to all classes of employees affected by the increases and shall not adjust pay differentials already established by the civil service commission. The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases authorized by the commission.

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

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

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

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

No payment for personal services shall be made or authorized until the provisions of this constitution pertaining to civil service have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

Sec. 6. By ordinance or resolution of its governing body which shall not take effect until approved by a majority of the electors voting thereon, unless otherwise provided by charter, each county, township, city, village, school district and other governmental unit or authority may establish, modify or discontinue a merit system for its employees other than teachers under contract or tenure. The state civil service commission may on request furnish technical services to any such unit on a reimbursable basis.

Sec. 7. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office or for crimes or misdemeanors, but a majority of the members elected and serving shall be necessary to direct an impeachment.

When an impeachment is directed, the house of representatives shall elect three of its members to prosecute the impeachment.

Every impeachment shall be tried by the senate immediately after the final adjournment of the legislature. The senators shall take an oath or affirmation truly and impartially to try and determine the impeachment according to the evi-

dence. When the governor or lieutenant governor is tried, the chief justice of the supreme court shall preside.

No person shall be convicted without the concurrence of two-thirds of the senators elected and serving. Judgment in case of conviction shall not extend further than removal from office, but the person convicted shall be liable to punishment according to law.

No judicial officer shall exercise any of the functions of his office after an impeachment is directed until he is acquitted.

Article XII
Amendment & Revision

Sec. 1. Amendments to this constitution may be proposed in the senate or house of representatives. Proposed amendments agreed to by two-thirds of the members elected to and serving in each house on a vote with the names and vote of those voting entered in the respective journals shall be submitted, not less than 60 days thereafter, to the electors at the next general election or special election as the legislature shall direct. If a majority of electors voting on a proposed amendment approve the same, it shall become part of the constitution and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved.

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

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

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

If the proposed amendment is approved by a majority of the electors voting on the question, it shall become part of the constitution, and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved. If two or more amendments approved by the electors at the same election conflict, that amendment receiving the highest affirmative vote shall prevail.

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

The convention shall choose its own officers, determine the rules of its proceedings and judge the qualifications, elections and returns of its members. The governor shall appoint a qualified resident of the same district to fill a vacancy in the office of any delegate who shall be a member of the same party as the delegate vacating the office. The convention shall have power to appoint such officers, employees and assistants as it deems necessary and to fix their compensation; to provide for the printing and distribution of its documents, journals and proceedings; to explain and disseminate information about the proposed constitution and to complete the business of the convention in an orderly manner. Each delegate shall receive for his services compensation provided by law.

No proposed constitution or amendment adopted by such convention shall be submitted to the electors for approval as hereinafter provided unless by the assent of a majority of all the delegates elected to and serving in the convention, with the names and vote of those voting entered in the

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

Schedule and Temporary Provisions

To insure the orderly transition from the constitution of 1908 to this constitution the following schedule and temporary provisions are set forth to be effective for such period as are thereby required.

Sec. 1. The attorney general shall recommend to the legislature as soon as practicable such changes as may be necessary to adapt existing laws to this constitution.

Sec. 2. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights existing on the effective date of this constitution shall continue unaffected except as modified in accordance with the provisions of this constitution.

Sec. 3. Except as otherwise provided in this constitution, all officers filling any office by election or appointment shall continue to exercise their powers and duties until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

No provision of this constitution, or of law or of executive order authorized by this constitution shall shorten the term of any person elected to state office at a statewide election on or prior to the date on which this constitution is submitted to a vote. In the event the duties of any such officers shall not have been abolished or incorporated into one or more of the principal departments at the expiration of his term, such officer shall continue to serve until his duties are so incorporated or abolished.

Sec. 4. All officers elected at the same election that this constitution is submitted to the people for adoption shall take office and complete the term to which they were elected under the 1908 constitution and existing laws and continue to serve until their successors are elected and qualified pursuant to this constitution or law.

Sec. 5. Notwithstanding any other provision in this constitution, the governor, the lieutenant governor, the secretary of state, the attorney general, and state senators shall be elected at the general election in 1964 to serve for two year terms beginning on the first day of January next succeeding their election. The first election of such officers for four-year terms under this constitution shall be held at the general election in 1966.

Sec. 6. The state shall be districted for the purpose of electing senators in accordance with the provisions of Section 2 of Article IV of this constitution, after the official publication of the total population count of the 1970 decennial federal census. Until the apportionment of the senate following the 1970 census, the senatorial districts under the 1908 constitution shall remain intact except that upon the adoption of this constitution each of the counties of Kent, Genesee, Macomb and Oakland shall be divide by the apportionment commission into two senatorial districts and Wayne county into eight senatorial districts in accordance with this constitution. The legislature may give prior effect to Section 2 of Article IV of this constitution, which action shall not be subject to veto by the governor.

Sec. 7. Notwithstanding the provisions of this constitution that the supreme court shall consist of seven justices it shall consist of eight justices until the time that a vacancy occurs as a result of death, retirement or resignation of a justice. The first such vacancy shall not be filled.

Sec. 8. Any judge of probate serving on the effective date of this constitution may serve the remainder of the term and be eligible to succeed himself for election regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

Sec. 9. The provisions of Article VI providing that terms of judicial offices shall not all expire at the same time, shall be implemented by law providing that at the next election for such offices judges shall be elected for terms of varying length, none of which shall be shorter than the regular term provided for the office.

Sec. 10. The members of the state board of education provided for in Section 3 of Article VIII of this constitution shall first be elected at the first general election after the effective date of this constitution for the following terms: two shall be elected for two years, two for four years, two for six years, and two for eight years as prescribed by law.

The State Board of Education provided for in the constitution of 1908 is abolished at twelve o'clock noon January 1 of the year following the first general election under this constitution and the terms of members thereof shall then expire.

Sec. 11. The provisions of this constitution providing for members of boards of control of institutions of higher education and the State Board of Public Community and Junior Colleges shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be

extended, and may further provide that the initial terms of office of members may be less than eight years.

Sec. 12. The provisions of this constitution increasing the number of members of the Board of Trustees of Michigan State University and of the Board of Governors of Wayne State University to eight, and of their term of office to eight years, shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended one year, and may further provide that the initial terms of office of the additional members may be less than eight years.

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

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

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

Sec. 15. The legislature by a vote of two-thirds of the members elected to and serving in each house may provide that the state may borrow money and may pledge its full faith and credit for refunding any bonds issued by the Mackinac Bridge Authority and at the time of refunding the Mackinac Bridge Authority shall be abolished and the operation of the bridge shall be assumed by the state highway department. The legislature may implement this section by law.

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

Sec. 17. Every registered elector may vote on the adoption of the constitution. The board of election commissioners in each county shall cause to be printed on a ballot separate from the ballot containing the names of the nominees for office, the words: Shall the revised constitution be adopted? ( ) Yes. ( ) No. All votes cast at the election shall be taken, counted, canvassed and returned as provided by law for the election of state officers. If the revised constitution so submitted receives more votes in its favor than were cast against it, it shall be the supreme law of the state on and after the first day of January of the year following its adoption.

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):

article	section	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 previously been section 15 of article XI.)
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

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

Nays—0

SECRETARY CHASE: On the adoption of the amendment, the yeas are 141; the nays are none.

PRESIDENT NISBET: The amendment is adopted. The question now is on the **final passage of the constitution as amended** this morning. Those who are in favor will answer aye as your names are called. Those opposed will answer nay. The secretary will call the roll.

The roll was called and the delegates voted as follows:

Yeas—98

Allen	Gover	Powell
Andrus, Miss	Gust	Prettie
Anspach	Habermehl	Pugsley
Balcer	Hanna, W. F.	Radka
Batchelor	Hannah, J. A.	Rajkovich
Beaman	Haskill	Richards, J. B.
Bentley	Hatch	Richards, L. W
Blandford	Heideman	Romney
Bonisteel	Higgs	Rood
Boothby	Howes	Rush
Brake	Hoxie	Seyferth
Brown, G. E.	Hubbs	Shackleton
Butler, Mrs.	Hutchinson	Shaffer
Conklin, Mrs.	Iverson	Sharpe
Cudlip	Judd, Mrs.	Sleder
Cushman, Mrs.	Karn	Spitler
Danhof	Kirk, S.	Stafseth
Dehnke	Knirk, B.	Staiger
Dell	Koeze, Mrs.	Stamm
DeVries	Kuhn	Sterrett
Donnelly, Miss	Lawrence	Stevens
Doty, Dean	Leppien	Thomson
Doty, Donald	Martin	Tubbs
Durst	McCauley	Turner
Elliott, A. G.	McGowan, Miss	Tweedie
Erickson	McLogan	Upton
Everett	Millard	Van Dusen
Farnsworth	Mosier	Wanger
Figy	Nisbet	White
Finch	Page	Wood

Follo	Perras	Woolfenden
Gadola	Plank	Yeager
Goebel	Pollock	

Nays—43

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

SECRETARY CHASE: On the adoption of the constitution as amended, the yeas are 98; the nays are 43. (applause)

PRESIDENT NISBET: The **constitution** is adopted.

For the constitution as adopted, see below, page 3317.

Because of the hour, it being almost noon, the Chair recognizes Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, I move that the convention now stand in recess until 2:00 p.m.

PRESIDENT NISBET: The question is on the motion of Mr. Van Dusen that we recess until 2:00 p.m. Those in favor will say aye. Opposed, no.

The motion prevails. We are recessed until 2:00 o'clock.

[Whereupon, at 11:50 o'clock a.m., the convention recessed; and, at 2:00 o'clock p.m., reconvened.]

Will the delegates please take their seats. The convention will please come to order.

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

PRESIDENT NISBET: I think we should recognize the fact that many of our employees are voluntarily back with us today, meeting with the delegates. I'm sure all of us are very happy to have them here. It brings about a happy result to see them and I think we ought to give them a good hand. (applause) Mr. Chase has an announcement.

SECRETARY CHASE: There are 3 announcements that possibly should have been made before we recessed for lunch.

First, there is mail for all of the delegates in the mail room downstairs.

Just prior to the May 11 adjournment, several of the delegates took out, on loan, sets of convention slides which have not been returned. Missing from our files are 12 complete sets of slides. Since we frequently have call from other delegates for the use of these slides, we would appreciate their return as soon as possible. Ink White, chairman of the committee on public information.

I am sure the delegates recall the lady on the civic center staff who took such good care of keeping the windows clean and the place well slicked up, who had to go to the hospital for a very critical operation. A number of the delegates contributed to a fund to help her over her financial difficulties. I have the following card:

> It is very difficult to express my appreciation to all the wonderful people of con con. Let me say, with my heart, your kindness and generosity will always be remembered.
>
> Sincerely,
> Freda Adams.

PRESIDENT NISBET: Since the adjournment on May 11, we have added 2 new associate members to the delegation: Mrs. Charles Follo and Mrs. Gil Wanger.

I asked Charlie if Mrs. Follo was present so that he might present her, but he said she isn't. We are sorry, Charlie, she couldn't be with us.

Mr. Wanger, is your associate delegate present? Would you present her?

[Whereupon, the delegates accorded Mrs. Wanger a standing ovation.]

At the final session before the long recess the president was authorized to name a reunion committee for the constitutional convention. Accordingly, the **president appoints,** as members of the reunion committee: Mr. Erickson, Mrs. Koeze, Messrs. Jones, Bowens, Brake, Mrs. Conklin, Mr. Dean Doty, Mrs. Daisy Elliott, Messrs. Faxon, Kelsey, Kuhn, Powell, Sharpe, Wanger, White and Norris.

Without objection, the appointments are approved. You will notice that most of these delegates are within the area of Lansing, Detroit or Grand Rapids for their ease in getting together when they have to meet. Mr. Claud Erickson is chairman of the committee.

Returning to the order of business, **approval of address to people.** We will take up the **report of the committee on public information.** Mr. White, chairman.

MR. WHITE: Mr. President, under date of June 26, 1962, each delegate was mailed proof copies of the proposed address to the people. Since that time our committee has received numerous suggestions for corrections, additions, deletions and so on. Our committee has met and gone over these suggestions and they have been, for the most part, agreed to. I might say, parenthetically, the address in its present corrected form represents the writing and editing of upwards of 50 of our delegates.

Under date of July 27, 1962, each of you was mailed a 16 page multilith report which outlined in detail some 108 corrections. This communication also carried the recommendation that we be authorized to correct the text of the constitution as it appears in the address to conform with the style and drafting changes adopted at today's session, and to offer comments accordingly, if necessary. All of this material has been delivered again to each delegate's desk today. Additionally, you have a single white multilith sheet from our committee containing brief addenda to this 16 page report.

It seems to me, Mr. President, the delegates have had ample time to consider these matters, and to expedite our final deliberations, I move that the report of the public information committee, with the recommended addenda, be considered read.

PRESIDENT NISBET: Without objection, it is so ordered.

Following is the report as submitted and considered read:

After careful consideration of suggestions from delegates, your committee on public information recommends the adoption of the following changes in the proof copy of the address to the people:

For document incorporating following changes, see below, page 3355. Page numbers in report refer to document pages.

1. Amend page 2, second full paragraph, line 3, after "that one" by striking out "must" and inserting "should"; to improve phraseology.

2. Amend page 2, third full paragraph, line 1, by striking out "Ordered by popular vote, its delegates selected by the people on the basis of one from each senatorial and representative district, the Constitutional Convention of 1961-62 met in Lansing on October 3, 1961.", and inserting "The convention was ordered by popular vote in April of 1961. There were 144 delegates, representing Michigan's 34 State Senatorial districts and 110 State Representative seats. They were elected in statewide voting on September 12, 1961, and convened at Lansing on October 3, 1961."; to improve awkward sentence construction and correct error by indicating "seats" rather than representative "districts."

3. Amend page 2, fifth full paragraph, line 2, after "overlapped" by striking out "each other"; to improve phraseology.

4. Amend page 2, fifth full paragraph, line 6, after

CONSTITUTION
OF THE
STATE OF MICHIGAN

as finally adopted
by the Convention
August 1, 1962

PREAMBLE

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

ARTICLE I

Declaration of Rights

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

Sec. 2. No person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color or national origin. The legislature shall implement this section by appropriate legislation.

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

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

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

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

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

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

Sec. 9. Neither slavery, nor involuntary servitude unless for the punishment of crime, shall ever be tolerated in this state.

Sec. 10. No bill of attainder, ex post facto law or law impairing the obligation of contract shall be enacted.

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

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

Sec. 13. A suitor in any court of this state has the right to prosecute or defend his suit, either in his own proper person or by an attorney.

Sec. 14. The right of trial by jury shall remain, but shall be waived in all civil cases unless demanded by one of the parties in the manner prescribed by law. In all civil cases tried by 12 jurors a verdict shall be received when 10 jurors agree.

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

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

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

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

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

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

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

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

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

ARTICLE II

Elections

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

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

Sec. 3. For purposes of voting in the election for president and vice-president of the United States only, the legislature may by law establish lesser residence requirements for citizens who have resided in this state for less than six months and may waive residence requirements for former citizens of this state who have removed herefrom. The legislature shall not permit voting by any person who meets the voting residence requirements of the state to which he has removed.

Sec. 4. The legislature shall enact laws to regulate the time, place and manner of all nominations and elections, except as otherwise provided in this constitution or in the constitution and laws of the United States. The legislature shall enact laws to preserve the purity of elections, to preserve the secrecy of the ballot, to guard against abuses of the elective franchise, and to provide for a system of voter registration and absentee voting. No law shall be enacted which permits a candidate in any partisan primary or partisan election to have a ballot designation except when required for identification of candidates for the same office who have the same or similar surnames.

Sec. 5. Except for special elections to fill vacancies, or as otherwise provided in this constitution, all elections for national, state, county and township offices shall be held on the first Tuesday after the first Monday in November in each even-numbered year or on such other date as members of the congress of the United States are regularly elected.

Sec. 6. Whenever any question is required to be submitted by a political subdivision to the electors for the increase of the ad valorem tax rate limitation imposed by Section 6 of Article IX for a period of more than five years, or for the issue of bonds, only electors in, and who have property assessed for any ad valorem taxes in, any part of the district or territory to be affected by the result of such election or electors who are the lawful husbands or wives of such persons shall be entitled to vote thereon. All electors in the district or territory affected may vote on all other questions.

Sec. 7. A board of state canvassers of four members shall be established by law. No candidate for an office to be canvassed nor any inspector of elections shall be eligible to serve as a member of a board of canvassers. A majority of any board of canvassers shall not be composed of members of the same political party.

Sec. 8. Laws shall be enacted to provide for the recall of all elective officers except judges of courts of record upon petition of electors equal in number to 25 percent of the number of persons voting in the last preceding election for the office of governor in the electoral district of the officer sought to be recalled. The sufficiency of any statement of reasons or grounds procedurally required shall be a political rather than a judicial question.

Sec. 9. The people reserve to themselves the power to propose laws and to enact and reject laws, called the initiative, and the power to approve or reject laws enacted by the legislature, called the referendum. The power of initiative extends only to laws which the legislature may enact under this constitution. The power of referendum does not extend to acts making appropriations for state institutions or to meet deficiencies in state funds and must be invoked in the manner prescribed by law within 90 days following the final adjournment of the legislative session at which the law was enacted. To invoke the initiative or referendum, petitions signed by a number of registered electors, not less than eight percent for initiative and five percent for referendum of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected shall be required.

No law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election.

Any law proposed by initiative petition shall be either enacted or rejected by the legislature without change or amendment within 40 session days from the time such petition is received by the legislature. If any law proposed by such petition shall be enacted by the legislature it shall be subject to referendum, as hereinafter provided.

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

Any law submitted to the people by either initiative or referendum petition and approved by a majority of the votes cast thereon at any election shall take effect 10 days after the date of the official declaration of the vote. No law initiated or adopted by the people shall be subject to the veto power of the governor, and no law adopted by the people at the polls under the initiative provisions of this section shall be amended or repealed, except by a vote of the electors unless otherwise provided in the initiative measure or by three-fourths of the members elected to and serving in each house of the legislature. Laws approved by the people under the referendum provision of this section may be amended by the legislature at any subsequent session thereof. If two or more measures approved by the electors at the same election conflict, that receiving the highest affirmative vote shall prevail.

The legislature shall implement the provisions of this section.

ARTICLE III

General Government

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

Sec. 2. The powers of government are divided into three branches: legislative, executive and judicial. No person exercising powers of one branch shall exercise powers properly belonging to another branch except as expressly provided in this constitution.

Sec. 3. There shall be a great seal of the State of Michigan and its use shall be provided by law.

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

Sec. 5. Subject to provisions of general law, this state or any political subdivision thereof, any governmental authority or any combination thereof may enter into agreements for the performance, financing or execution of their respective functions, with any one or more of the other states, the United States, the Dominion of Canada, or any political subdivision thereof unless otherwise provided in this constitution. Any other provision of this constitution notwithstanding, an officer or employee of the state or of any such unit of government or subdivision or agency thereof may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service. The legislature may impose such restrictions, limitations or conditions on such service as it may deem appropriate.

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

Sec. 7. The common law and the statute laws now in force, not repugnant to this constitution, shall remain in force until they expire by their own limitations, or are changed, amended or repealed.

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

ARTICLE IV

Legislative Branch

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

Sec. 2. The senate shall consist of 38 members to be elected from single member districts at the same election as the governor for four-year terms concurrent with the term of office of the governor.

In districting the state for the purpose of electing senators after the official publication of the total population count of each federal decennial census, each county shall be assigned apportionment factors equal to the sum of its percentage of the state's population as shown by the last regular federal decennial census computed to the nearest one-one hundredth of one percent multiplied by four and its percentage of the state's land area computed to the nearest one-one hundredth of one percent.

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

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

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

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

Sec. 3. The house of representatives shall consist of 110 members elected for two-year terms from single member districts apportioned on a basis of population as provided in this article. The districts shall consist of compact and convenient territory contiguous by land.

Each county which has a population of not less than seven-tenths of one percent of the population of the state shall constitute a separate representative area. Each county having less than seven-tenths of one percent of the population of the state shall be combined with another county or counties to form a representative area of not less than seven-tenths of one percent of the population of the state. Any county which is isolated under the initial allocation as provided in this section shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.

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

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

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

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

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

Sec. 4. In counties having more than one representative or senatorial district, the territory in the same county annexed to or merged with a city between apportionments shall become a part of a contiguous representative or senatorial district in the city with which it is combined, if provided by ordinance of the city. The district or districts with which the territory shall be combined shall be determined by such ordinance certified to the secretary of state. No such change in the boundaries of a representative or senatorial district shall have the effect of removing a legislator from office during his term.

Sec. 5. Island areas are considered to be contiguous by land to the county of which they are a part.

Sec. 6. A commission on legislative apportionment is hereby established consisting of eight electors, four of whom shall be selected by the state organizations of each of the two political parties whose candidates for governor received the highest vote at the last general election at which a governor was elected preceding each apportionment. If a candidate for governor of a third political party has received at such election more than 25 percent of such gubernatorial vote, the commission shall consist of 12 members, four of whom shall be selected by the state organization of the third political party. One resident of each of the following four regions shall be selected by each political party organization: (1) the upper peninsula; (2) the northern part of the lower peninsula, north of a line drawn along the northern boundaries of the counties of Bay, Midland, Isabella, Mecosta, Newaygo and Oceana; (3) southwestern Michigan, those counties south of region (2) and west of a line drawn along the western boundaries of the counties of Bay, Saginaw, Shiawassee, Ingham, Jackson and Hillsdale; (4) southeastern Michigan, the remaining counties of the state.

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

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

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

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

Each final apportionment and districting plan shall be published as provided by law within 30 days from the date of its adoption and shall become law 60 days after

publication. The secretary of state shall keep a public record of all the proceedings of the commission and shall be responsible for the publication and distribution of each plan.

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

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

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

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

Sec. 9. No person elected to the legislature shall receive any civil appointment within this state from the governor, except notaries public, from the legislature, or from any other state authority, during the term for which he is elected.

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

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

Sec. 12. The compensation and expense allowances of the members of the legislature shall be determined by law. Changes in compensation or expense allowances shall become effective only when legislators commence their terms of office after a general election.

Sec. 13. The legislature shall meet at the seat of government on the second Wednesday in January of each year at twelve o'clock noon. Each regular session shall adjourn without day, on a day determined by concurrent resolution, at twelve o'clock noon. Any business, bill or joint resolution pending at the final adjournment of a regular session held in an odd numbered year shall carry over with the same status to the next regular session.

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

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

Sec. 16. Each house, except as otherwise provided in this constitution, shall choose its own officers and determine the rules of its proceedings, but shall not adopt any rule that will prevent a majority of the members elected thereto and serving therein from discharging a committee from the further consideration of any measure. Each house shall be the sole judge of the qualifications, elections and returns of its members, and may, with the concurrence of two-thirds of all the members elected thereto and serving therein, expel a member. The reasons for such expulsion shall be entered in the journal, with the votes and names of the members voting upon the question. No member shall be expelled a second time for the same cause.

Sec. 17. Each house of the legislature may establish the committees necessary for the efficient conduct of its business and the legislature may create joint committees. On all actions on bills and resolutions in each committee, names and votes of members shall be recorded. Such vote shall be available for public inspection. Notice of all committee hearings and a clear statement of all subjects to be considered at each hearing shall be published in the journal in advance of the hearing.

Sec. 18. Each house shall keep a journal of its proceedings, and publish the same unless the public security otherwise requires. The record of the vote and name of the members of either house voting on any question shall be entered in the journal at the request of one-fifth of the members present. Any member of either house may dissent from and protest against any act, proceeding or resolution which he deems injurious to any person or the public, and have the reason for his dissent entered in the journal.

Sec. 19. All elections in either house or in joint convention and all votes on appointments submitted to the senate for advice and consent shall be published by vote and name in the journal.

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

Sec. 21. Neither house shall, without the consent of the other, adjourn for more than two intervening calendar days, nor to any place other than where the legislature may then be in session.

Sec. 22. All legislation shall be by bill and may originate in either house.

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

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

Sec. 25. No law shall be revised, altered or amended by reference to its title only. The section or sections of the act altered or amended shall be re-enacted and published at length.

Sec. 26. No bill shall be passed or become a law at any regular session of the legislature until it has been printed or reproduced and in the possession of each house for

at least five days. Every bill shall be read three times in each house before the final passage thereof. No bill shall become a law without the concurrence of a majority of the members elected to and serving in each house. On the final passage of bills, the votes and names of the members voting thereon shall be entered in the journal.

Sec. 27. No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.

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

Sec. 29. The legislature shall pass no local or special act in any case where a general act can be made applicable, and whether a general act can be made applicable shall be a judicial question. No local or special act shall take effect until approved by two-thirds of the members elected to and serving in each house and by a majority of the electors voting thereon in the district affected. Any act repealing local or special acts shall require only a majority of the members elected to and serving in each house and shall not require submission to the electors of such district.

Sec. 30. The assent of two-thirds of the members elected to and serving in each house of the legislature shall be required for the appropriation of public money or property for local or private purposes.

Sec. 31. The general appropriation bills for the succeeding fiscal period covering items set forth in the budget shall be passed or rejected in either house of the legislature before that house passes any appropriation bill for items not in the budget except bills supplementing appropriations for the current fiscal year's operation. Any bill requiring an appropriation to carry out its purpose shall be considered an appropriation bill. One of the general appropriation bills as passed by the legislature shall contain an itemized statement of estimated revenue by major source in each operating fund for the ensuing fiscal period, the total of which shall not be less than the total of all appropriations made from each fund in the general appropriation bills as passed.

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

Sec. 33. Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law. If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves, and the legislature continues the session at which the bill was passed, he shall return it within such 14-day period with his objections, to the house in which it originated. That house shall enter such objections in full in its journal and reconsider the bill. If two-thirds of the members elected to and serving in that house pass the bill notwithstanding the objections of the governor, it shall be sent with the objections to the other house for reconsideration. The bill shall become law if passed by two-thirds of the members elected to and serving in that house. The vote of each house shall be entered in the journal with the votes and names of the members voting thereon. If any bill is not returned by the governor within such 14-day period, the legislature continuing in session, it shall become law as if he had signed it.

Sec. 34. Any bill passed by the legislature and approved by the governor, except a bill appropriating money, may provide that it will not become law unless approved by a majority of the electors voting thereon.

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

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

Sec. 37. The legislature may by concurrent resolution empower a joint committee of the legislature, acting between sessions, to suspend any rule or regulation promulgated by an administrative agency subsequent to the adjournment of the last preceding regular legislative session. Such suspension shall continue no longer than the end of the next regular legislative session.

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

Sec. 39. In order to insure continuity of state and local governmental operations in periods of emergency only, resulting from disasters occurring in this state caused by enemy attack on the United States, the legislature may provide by law for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices; and enact other laws necessary and proper for insuring the continuity of governmental operations. Notwithstanding the power conferred by this section, elections shall always be called as soon as possible to fill any vacancies in elective offices temporarily occupied by operation of any legislation enacted pursuant to the provisions of this section.

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

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

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

Sec. 43. No general law providing for the incorporation of trust companies or corporations for banking purposes, or regulating the business thereof, shall be enacted, amended or repealed except by a vote of two-thirds of the members elected to and serving in each house.

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

Sec. 45. The legislature may provide for indeterminate sentences as punishment for crime and for the detention and release of persons imprisoned or detained under such sentences.

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

Sec. 47. The legislature may authorize the employment of chaplains in state institutions of detention or confinement.

Sec. 48. The legislature may enact laws providing for the resolution of disputes concerning public employees, except those in the state classified civil service.

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

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

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

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

Sec. 53. The legislature by a majority vote of the members elected to and serving in each house, shall appoint an auditor general, who shall be a certified public accountant licensed to practice in this state, to serve for a term of eight years. He shall be ineligible for appointment or election to any other public office in this state from which compensation is derived while serving as auditor general and for two years following the termination of his service. He may be removed for cause at any time by a two-thirds vote of the members elected to and serving in each house. The auditor general shall conduct post audits of financial transactions and accounts of the state and of all branches, departments, offices, boards, commissions, agencies, authorities and institutions of the state established by this constitution or by law, and performance post audits thereof.

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

Nothing in this section shall be construed in any way to infringe the responsibility and constitutional authority of the governing boards of the institutions of higher education to be solely responsible for the control and direction of all expenditures from the institutions' funds.

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

ARTICLE V
Executive Branch

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

Sec. 2. All executive and administrative offices, agencies and instrumentalities of the executive branch of state government and their respective functions, powers and

duties, except for the office of governor and lieutenant governor and the governing bodies of institutions of higher education provided for in this constitution, shall be allocated by law among and within not more than 20 principal departments. They shall be grouped as far as practicable according to major purposes.

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

Sec. 3. The head of each principal department shall be a single executive unless otherwise provided in this constitution or by law. The single executives heading principal departments shall include a secretary of state, a state treasurer and an attorney general. When a single executive is the head of a principal department, unless elected or appointed as otherwise provided in this constitution, he shall be appointed by the governor by and with the advice and consent of the senate and he shall serve at the pleasure of the governor.

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

Terms of office of any board or commission created or enlarged after the effective date of this constitution shall not exceed four years except as otherwise authorized in this constitution. The terms of office of existing boards and commissions which are longer than four years shall not be further extended except as provided in this constitution.

Sec. 4. Temporary commissions or agencies for special purposes with a life of no more than two years may be established by law and need not be allocated within a principal department.

Sec. 5. A majority of the members of an appointed examining or licensing board of a profession shall be members of that profession.

Sec. 6. Appointment by and with the advice and consent of the senate when used in this constitution or laws in effect or hereafter enacted means appointment subject to disapproval by a majority vote of the members elected to and serving in the senate if such action is taken within 60 session days after the date of such appointment. Any appointment not disapproved within such period shall stand confirmed.

Sec. 7. Vacancies in any office, appointment to which requires advice and consent of the senate, shall be filled by the governor by and with the advice and consent of the senate. A person whose appointment has been disapproved by the senate shall not be eligible for an interim appointment to the same office.

Sec. 8. Each principal department shall be under the supervision of the governor unless otherwise provided by this constitution. The governor shall take care that the laws be faithfully executed. He shall transact all necessary business with the officers of

government and may require information in writing from all executive and administrative state officers, elective and appointive, upon any subject relating to the duties of their respective offices.

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

Sec. 9. Single executives heading principal departments and the chief executive officers of principal departments headed by boards or commissions shall keep their offices at the seat of government except as otherwise provided by law, superintend them in person and perform duties prescribed by law.

Sec. 10. The governor shall have power and it shall be his duty to inquire into the condition and administration of any public office and the acts of any public officer, elective or appointive. He may remove or suspend from office for gross neglect of duty or for corrupt conduct in office, or for any other misfeasance or malfeasance therein, any elective or appointive state officer, except legislative or judicial, and shall report the reasons for such removal or suspension to the legislature.

Sec. 11. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an appointed or elected officer, other than a legislative or judicial officer, until he is reinstated or until the vacancy is filled in the manner prescribed by law or this constitution.

Sec. 12. The governor shall be commander-in-chief of the armed forces and may call them out to execute the laws, suppress insurrection and repel invasion.

Sec. 13. The governor shall issue writs of election to fill vacancies in the senate or house of representatives. Any such election shall be held in a manner prescribed by law.

Sec. 14. The governor shall have power to grant reprieves, commutations and pardons after convictions for all offenses, except cases of impeachment, upon such conditions and limitations as he may direct, subject to procedures and regulations prescribed by law. He shall inform the legislature annually of each reprieve, commutation and pardon granted, stating reasons therefor.

Sec. 15. The governor may convene the legislature on extraordinary occasions.

Sec. 16. The governor may convene the legislature at some other place when the seat of government becomes dangerous from any cause.

Sec. 17. The governor shall communicate by message to the legislature at the beginning of each session and may at other times present to the legislature information as to the affairs of the state and recommend measures he considers necessary or desirable.

Sec. 18. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state. Proposed expenditures from any fund shall not exceed the estimated revenue thereof. On the same date, the governor shall submit to the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills to provide new or additional revenues to meet proposed expenditures. The amount of any surplus created or deficit incurred in any fund during the last preceding fiscal period shall be entered as an item in the budget and in one of the appropriation bills. The governor may submit amendments to appropriation bills to be offered in either house during consideration of the bill by that house, and shall submit bills to meet deficiencies in current appropriations.

Sec. 19. The governor may disapprove any distinct item or items appropriating moneys in any appropriation bill. The part or parts approved shall become law, and the item or items disapproved shall be void unless re-passed according to the method prescribed for the passage of other bills over the executive veto.

Sec. 20. No appropriation shall be a mandate to spend. The governor, with the approval of the appropriating committees of the house and senate, shall reduce expenditures authorized by appropriations whenever it appears that actual revenues for a fiscal period will fall below the revenue estimates on which appropriations for that period were based. Reductions in expenditures shall be made in accordance with procedures prescribed by law. The governor may not reduce expenditures of the legislative and judicial branches or from funds constitutionally dedicated for specific purposes.

Sec. 21. The governor, lieutenant governor, secretary of state and attorney general shall be elected for four-year terms at the general election in each alternate even-numbered year.

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

Vacancies in the office of the secretary of state and attorney general shall be filled by appointment by the governor.

Sec. 22. To be eligible for the office of governor or lieutenant governor a person must have attained the age of 30 years, and have been a registered elector in this state for four years next preceding his election.

Sec. 23. The governor, lieutenant governor, secretary of state and attorney general shall each receive the compensation provided by law in full payment for all services performed and expenses incurred during his term of office. Such compensation shall not be changed during the term of office except as otherwise provided in this constitution.

Sec. 24. An executive residence suitably furnished shall be provided at the seat of government for the use of the governor. He shall receive an allowance for its maintenance as provided by law.

Sec. 25. The lieutenant governor shall be president of the senate, but shall have no vote, unless they be equally divided. He may perform duties requested of him by the governor, but no power vested in the governor shall be delegated.

Sec. 26. In case of the conviction of the governor on impeachment, his removal from office, his resignation or his death, the lieutenant governor, the elected secretary of state, the elected attorney general and such other persons designated by law shall in that order be governor for the remainder of the governor's term.

In case of the death of the governor-elect, the lieutenant governor-elect, the secretary of state-elect, the attorney general-elect and such other persons designated by law shall become governor in that order at the commencement of the governor-elect's term.

If the governor or the person in line of succession to serve as governor is absent from the state, or suffering under an inability, the powers and duties of the office of governor shall devolve in order of precedence until the absence or inability giving rise to the devolution of powers ceases.

The inability of the governor or person acting as governor shall be determined by a majority of the supreme court on joint request of the president pro tempore of the senate and the speaker of the house of representatives. Such determination shall be final

and conclusive. The supreme court shall upon its own initiative determine if and when the inability ceases.

Sec. 27. The legislature shall provide that the salary of any state officer while acting as governor shall be equal to that of the governor.

Sec. 28. There is hereby established a state highway commission, which shall administer the state highway department and have jurisdiction and control over all state trunkline highways and appurtenant facilities, and such other public works of the state, as provided by law.

The state highway commission shall consist of four members, not more than two of whom shall be members of the same political party. They shall be appointed by the governor by and with the advice and consent of the senate for four-year terms, no two of which shall expire in the same year, as provided by law.

The state highway commission shall appoint and may remove a state highway director, who shall be a competent highway engineer and administrator. He shall be the principal executive officer of the state highway department and shall be responsible for executing the policy of the state highway commission.

Sec. 29. There is hereby established a civil rights commission which shall consist of eight persons, not more than four of whom shall be members of the same political party, who shall be appointed by the governor, by and with the advice and consent of the senate, for four-year terms not more than two of which shall expire in the same year. It shall be the duty of the commission in a manner which may be prescribed by law to investigate alleged discrimination against any person because of religion, race, color or national origin in the enjoyment of the civil rights guaranteed by law and by this constitution, and to secure the equal protection of such civil rights without such discrimination. The legislature shall provide an annual appropriation for the effective operation of the commission.

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

Appeals from final orders of the commission, including cease and desist orders and refusals to issue complaints, shall be tried de novo before the circuit court having jurisdiction provided by law.

ARTICLE VI

Judicial Branch

Sec. 1. The judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court, one probate court, and courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.

Sec. 2. The supreme court shall consist of seven justices elected at non-partisan elections as provided by law. The term of office shall be eight years and not more than

two terms of office shall expire at the same time. Nominations for justices of the supreme court shall be in the manner prescribed by law. Any incumbent justice whose term is to expire may become a candidate for re-election by filing an affidavit of candidacy, in the form and manner prescribed by law, not less than 180 days prior to the expiration of his term.

Sec. 3. One justice of the supreme court shall be selected by the court as its chief justice as provided by rules of the court. He shall perform duties required by the court. The supreme court shall appoint an administrator of the courts and other assistants of the supreme court as may be necessary to aid in the administration of the courts of this state. The administrator shall perform administrative duties assigned by the court.

Sec. 4. The supreme court shall have general superintending control over all courts; power to issue, hear and determine prerogative and remedial writs; and appellate jurisdiction as provided by rules of the supreme court. The supreme court shall not have the power to remove a judge.

Sec. 5. The supreme court shall by general rules establish, modify, amend and simplify the practice and procedure in all courts of this state. The distinctions between law and equity proceedings shall, as far as practicable, be abolished. The office of master in chancery is prohibited.

Sec. 6. Decisions of the supreme court, including all decisions on prerogative writs, shall be in writing and shall contain a concise statement of the facts and reasons for each decision and reasons for each denial of leave to appeal. When a judge dissents in whole or in part he shall give in writing the reasons for his dissent.

Sec. 7. The supreme court may appoint, may remove, and shall have general supervision of its staff. It shall have control of the preparation of its budget recommendations and the expenditure of moneys appropriated for any purpose pertaining to the operation of the court or the performance of activities of its staff except that the salaries of the justices shall be established by law. All fees and perquisites collected by the court staff shall be turned over to the state treasury and credited to the general fund.

Sec. 8. The court of appeals shall consist initially of nine judges who shall be nominated and elected at non-partisan elections from districts drawn on county lines and as nearly as possible of equal population, as provided by law. The supreme court may prescribe by rule that the court of appeals sit in divisions and for the terms of court and the times and places thereof. Each such division shall consist of not fewer than three judges. The number of judges comprising the court of appeals may be increased, and the districts from which they are elected may be changed by law.

Sec. 9. Judges of the court of appeals shall hold office for a term of six years and until their successors are elected and qualified. The terms of office for the judges in each district shall be arranged by law to provide that not all terms will expire at the same time.

Sec. 10. The jurisdiction of the court of appeals shall be provided by law and the practice and procedure therein shall be prescribed by rules of the supreme court.

Sec. 11. The state shall be divided into judicial circuits along county lines in each of which there shall be elected one or more circuit judges as provided by law. Sessions of the circuit court shall be held at least four times in each year in every county organized for judicial purposes. Each circuit judge shall hold court in the county or

counties within the circuit in which he is elected, and in other circuits as may be provided by rules of the supreme court. The number of judges may be changed and circuits may be created, altered and discontinued by law and the number of judges shall be changed and circuits shall be created, altered and discontinued on recommendation of the supreme court to reflect changes in judicial activity. No change in the number of judges or alteration or discontinuance of a circuit shall have the effect of removing a judge from office during his term.

Sec. 12. Circuit judges shall be nominated and elected at non-partisan elections in the circuit in which they reside, and shall hold office for a term of six years and until their successors are elected and qualified. In circuits having more than one circuit judge their terms of office shall be arranged by law to provide that not all terms will expire at the same time.

Sec. 13. The circuit court shall have original jurisdiction in all matters not prohibited by law; appellate jurisdiction from all inferior courts and tribunals except as otherwise provided by law; power to issue, hear and determine prerogative and remedial writs; supervisory and general control over inferior courts and tribunals within their respective jurisdictions in accordance with rules of the supreme court; and jurisdiction of other cases and matters as provided by rules of the supreme court.

Sec. 14. The clerk of each county organized for judicial purposes or other officer performing the duties of such office as provided in a county charter shall be clerk of the circuit court for such county. The judges of the circuit court may fill a vacancy in an elective office of county clerk or prosecuting attorney within their respective jurisdictions.

Sec. 15. In each county organized for judicial purposes there shall be a probate court. The legislature may create or alter probate court districts of more than one county if approved in each affected county by a majority of the electors voting on the question. The legislature may provide for the combination of the office of probate judge with any judicial office of limited jurisdiction within a county with supplemental salary as provided by law. The jurisdiction, powers and duties of the probate court and of the judges thereof shall be provided by law. They shall have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

Sec. 16. One or more judges of probate as provided by law shall be nominated and elected at non-partisan elections in the counties or the probate districts in which they reside and shall hold office for terms of six years and until their successors are elected and qualified. In counties or districts with more than one judge the terms of office shall be arranged by law to provide that not all terms will expire at the same time.

Sec. 17. No judge or justice of any court of this state shall be paid from the fees of his office nor shall the amount of his salary be measured by fees, other moneys received or the amount of judicial activity of his office.

Sec. 18. Salaries of justices of the supreme court, of the judges of the court of appeals, of the circuit judges within a circuit, and of the probate judges within a county or district, shall be uniform, and may be increased but shall not be decreased during a term of office except and only to the extent of a general salary reduction in all other branches of government.

Each of the judges of the circuit court shall receive an annual salary as provided by law. In addition to the salary received from the state, each circuit judge may receive from any county in which he regularly holds court an additional salary as determined

from time to time by the board of supervisors of the county. In any county where an additional salary is granted, it shall be paid at the same rate to all circuit judges regularly holding court therein.

Sec. 19. The supreme court, the court of appeals, the circuit court, the probate court and other courts designated as such by the legislature shall be courts of record and each shall have a common seal. Justices and judges of courts of record must be persons who are licensed to practice law in this state. No person shall be elected or appointed to a judicial office after reaching the age of 70 years.

Sec. 20. Whenever a justice or judge removes his domicile beyond the limits of the territory from which he was elected, he shall have vacated his office.

Sec. 21. Any justice or judge of a court of record shall be ineligible to be nominated for or elected to an elective office other than a judicial office during the period of his service and for one year thereafter.

Sec. 22. Any elected judge of the court of appeals, circuit court or probate court may become a candidate in the primary election for the office of which he is the incumbent by filing an affidavit of candidacy in the form and manner prescribed by law.

Sec. 23. A vacancy in the elective office of a judge of any court of record shall be filled at a general or special election as provided by law. The supreme court may authorize persons who have served as judges and who have retired, to perform judicial duties for the limited period of time from the occurrence of the vacancy until the successor is elected and qualified. Such persons shall be ineligible for election to fill the vacancy.

Sec. 24. There shall be printed upon the ballot under the name of each elected incumbent justice or judge who is a candidate for nomination or election to the same office the designation of that office.

Sec. 25. For reasonable cause, which is not sufficient ground for impeachment, the governor shall remove any judge on a concurrent resolution of two-thirds of the members elected to and serving in each house of the legislature. The cause for removal shall be stated at length in the resolution.

Sec. 26. The offices of circuit court commissioner and justice of the peace are abolished at the expiration of five years from the date this constitution becomes effective or may within this period be abolished by law. Their jurisdiction, compensation and powers within this period shall be as provided by law. Within this five-year period, the legislature shall establish a court or courts of limited jurisdiction with powers and jurisdiction defined by law. The location of such court or courts, and the qualifications, tenure, method of election and salary of the judges of such court or courts, and by what governmental units the judges shall be paid, shall be provided by law, subject to the limitations contained in this article.

Statutory courts in existence at the time this constitution becomes effective shall retain their powers and jurisdiction, except as provided by law, until they are abolished by law.

Sec. 27. The supreme court, the court of appeals, the circuit court, or any justices or judges thereof, shall not exercise any power of appointment to public office except as provided in this constitution.

Sec. 28. All final decisions, findings, rulings and orders of any administrative officer or agency existing under the constitution or by law, which are judicial or quasi-judicial and affect private rights or licenses, shall be subject to direct review by the courts as

provided by law. This review shall include, as a minimum, the determination whether such final decisions, findings, rulings and orders are authorized by law; and, in cases in which a hearing is required, whether the same are supported by competent, material and substantial evidence on the whole record. Findings of fact in workmen's compensation proceedings shall be conclusive in the absence of fraud unless otherwise provided by law.

In the absence of fraud, error of law or the adoption of wrong principles, no appeal may be taken to any court from any final agency provided for the administration of property tax laws from any decision relating to valuation or allocation.

Sec. 29. Justices of the supreme court, judges of the court of appeals, circuit judges and other judges as provided by law shall be conservators of the peace within their respective jurisdictions.

ARTICLE VII

Local Government

Sec. 1. Each organized county shall be a body corporate with powers and immunities provided by law.

Sec. 2. Any county may frame, adopt, amend or repeal a county charter in a manner and with powers and limitations to be provided by general law, which shall among other things provide for the election of a charter commission. The law may permit the organization of county government in form different from that set forth in this constitution and shall limit the rate of ad valorem property taxation for county purposes, and restrict the powers of charter counties to borrow money and contract debts. Each charter county is hereby granted power to levy other taxes for county purposes subject to limitations and prohibitions set forth in this constitution or law. Subject to law, a county charter may authorize the county through its regularly constituted authority to adopt resolutions and ordinances relating to its concerns.

The board of supervisors by a majority vote of its members may, and upon petition of five percent of the electors shall, place upon the ballot the question of electing a commission to frame a charter.

No county charter shall be adopted, amended or repealed until approved by a majority of electors voting on the question.

Sec. 3. No organized county shall be reduced by the organization of new counties to less than 16 townships as surveyed by the United States, unless approved in the manner prescribed by law by a majority of electors voting thereon in each county to be affected.

Sec. 4. There shall be elected for four-year terms in each organized county a sheriff, a county clerk, a county treasurer, a register of deeds and a prosecuting attorney, whose duties and powers shall be provided by law. The board of supervisors in any county may combine the offices of county clerk and register of deeds in one office or separate the same at pleasure.

Sec. 5. The sheriff, county clerk, county treasurer and register of deeds shall hold their principal offices at the county seat.

Sec. 6. The sheriff may be required by law to renew his security periodically and in default of giving such security, his office shall be vacant. The county shall never be responsible for his acts, except that the board of supervisors may protect him against

claims by prisoners for unintentional injuries received while in his custody. He shall not hold any other office except in civil defense.

Sec. 7. A board of supervisors shall be established in each organized county consisting of one member from each organized township and such representation from cities as provided by law.

Sec. 8. Boards of supervisors shall have legislative, administrative and such other powers and duties as provided by law.

Sec. 9. Boards of supervisors shall have exclusive power to fix the compensation of county officers not otherwise provided by law.

Sec. 10. A county seat once established shall not be removed until the place to which it is proposed to be moved shall be designated by two-thirds of the members of the board of supervisors and a majority of the electors voting thereon shall have approved the proposed location in the manner prescribed by law.

Sec. 11. No county shall incur any indebtedness which shall increase its total debt beyond 10 percent of its assessed valuation.

Sec. 12. A navigable stream shall not be bridged or dammed without permission granted by the board of supervisors of the county as provided by law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and political subdivisions therein.

Sec. 13. Two or more contiguous counties may combine into a single county if approved in each affected county by a majority of the electors voting on the question.

Sec. 14. The board of supervisors of each organized county may organize and consolidate townships under restrictions and limitations provided by law.

Sec. 15. Any county, when authorized by its board of supervisors shall have the authority to enter or to intervene in any action or certificate proceeding involving the services, charges or rates of any privately owned public utility furnishing services or commodities to rate payers within the county.

Sec. 16. The legislature may provide for the laying out, construction, improvement and maintenance of highways, bridges, culverts and airports by the state and by the counties and townships thereof; and may authorize counties to take charge and control of any highway within their limits for such purposes. The legislature may provide the powers and duties of counties in relation to highways, bridges, culverts and airports; may provide for county road commissioners to be appointed or elected, with powers and duties provided by law. The ad valorem property tax imposed for road purposes by any county shall not exceed in any year one-half of one percent of the assessed valuation for the preceding year.

Sec. 17. Each organized township shall be a body corporate with powers and immunities provided by law.

Sec. 18. In each organized township there shall be elected for terms of not less than two nor more than four years as prescribed by law a supervisor, a clerk, a treasurer, and not to exceed four trustees, whose legislative and administrative powers and duties shall be provided by law.

Sec. 19. No organized township shall grant any public utility franchise which is not subject to revocation at the will of the township, unless the proposition shall first have been approved by a majority of the electors of such township voting thereon at a regular or special election.

Sec. 20. The legislature shall provide by law for the dissolution of township government whenever all the territory of an organized township is included within the boundaries of a village or villages notwithstanding that a village may include territory within another organized township and provide by law for the classification of such village or villages as cities.

Sec. 21. The legislature shall provide by general laws for the incorporation of cities and villages. Such laws shall limit their rate of ad valorem property taxation for municipal purposes, and restrict the powers of cities and villages to borrow money and contract debts. Each city and village is granted power to levy other taxes for public purposes, subject to limitations and prohibitions provided by this constitution or by law.

Sec. 22. Under general laws the electors of each city and village shall have the power and authority to frame, adopt and amend its charter, and to amend an existing charter of the city or village heretofore granted or enacted by the legislature for the government of the city or village. Each such city and village shall have power to adopt resolutions and ordinances relating to its municipal concerns, property and government, subject to the constitution and law. No enumeration of powers granted to cities and villages in this constitution shall limit or restrict the general grant of authority conferred by this section.

Sec. 23. Any city or village may acquire, own, establish and maintain, within or without its corporate limits, parks, boulevards, cemeteries, hospitals and all works which involve the public health or safety.

Sec. 24. Subject to this constitution, any city or village may acquire, own or operate, within or without its corporate limits, public service facilities for supplying water, light, heat, power, sewage disposal and transportation to the municipality and the inhabitants thereof.

Any city or village may sell and deliver heat, power or light without its corporate limits in an amount not exceeding 25 percent of that furnished by it within the corporate limits, except as greater amounts may be permitted by law; may sell and deliver water and provide sewage disposal services outside of its corporate limits in such amount as may be determined by the legislative body of the city or village; and may operate transportation lines outside the municipality within such limits as may be prescribed by law.

Sec. 25. No city or village shall acquire any public utility furnishing light, heat or power, or grant any public utility franchise which is not subject to revocation at the will of the city or village, unless the proposition shall first have been approved by three-fifths of the electors voting thereon. No city or village may sell any public utility unless the proposition shall first have been approved by a majority of the electors voting thereon, or a greater number if the charter shall so provide.

Sec. 26. Except as otherwise provided in this constitution, no city or village shall have the power to loan its credit for any private purpose or, except as provided by law, for any public purpose.

Sec. 27. Notwithstanding any other provision of this constitution the legislature may establish in metropolitan areas additional forms of government or authorities with powers, duties and jurisdictions as the legislature shall provide. Wherever possible, such additional forms of government or authorities shall be designed to perform multi-purpose functions rather than a single function.

Sec. 28. The legislature by general law shall authorize two or more counties, townships, cities, villages or districts, or any combination thereof among other things to:

enter into contractual undertakings or agreements with one another or with the state or with any combination thereof for the joint administration of any of the functions or powers which each would have the power to perform separately; share the costs and responsibilities of functions and services with one another or with the state or with any combination thereof which each would have the power to perform separately; transfer functions or responsibilities to one another or any combination thereof upon the consent of each unit involved; cooperate with one another and with state government; lend their credit to one another or any combination thereof as provided by law in connection with any authorized publicly owned undertaking.

Any other provision of this constitution notwithstanding, an officer or employee of the state or any such unit of government or subdivision or agency thereof, except members of the legislature, may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service.

Sec. 29. No person, partnership, association or corporation, public or private, operating a public utility shall have the right to the use of the highways, streets, alleys or other public places of any county, township, city or village for wires, poles, pipes, tracks, conduits or other utility facilities, without the consent of the duly constituted authority of the county, township, city or village; or to transact local business therein without first obtaining a franchise from the township, city or village. Except as otherwise provided in this constitution the right of all counties, townships, cities and villages to the reasonable control of their highways, streets, alleys and public places is hereby reserved to such local units of government.

Sec. 30. No franchise or license shall be granted by any township, city or village for a period longer than 30 years.

Sec. 31. The legislature shall not vacate or alter any road, street, alley or public place under the jurisdiction of any county, township, city or village.

Sec. 32. Any county, township, city, village, authority or school district empowered by the legislature or by this constitution to prepare budgets of estimated expenditures and revenues shall adopt such budgets only after a public hearing in a manner prescribed by law.

Sec. 33. Any elected officer of a political subdivision may be removed from office in the manner and for the causes provided by law.

Sec. 34. The provisions of this constitution and law concerning counties, townships, cities and villages shall be liberally construed in their favor. Powers granted to counties and townships by this constitution and by law shall include those fairly implied and not prohibited by this constitution.

ARTICLE VIII

Education

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

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

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

The state board of education shall appoint a superintendent of public instruction whose term of office shall be determined by the board. He shall be the chairman of the board without the right to vote, and shall be responsible for the execution of its policies. He shall be the principal executive officer of a state department of education which shall have powers and duties provided by law.

The state board of education shall consist of eight members who shall be nominated by party conventions and elected at large for terms of eight years as prescribed by law. The governor shall fill any vacancy by appointment for the unexpired term. The governor shall be ex-officio a member of the state board of education without the right to vote.

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

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

Sec. 5. The regents of the University of Michigan and their successors in office shall constitute a body corporate known as the Regents of the University of Michigan; the trustees of Michigan State University and their successors in office shall constitute a body corporate known as the Board of Trustees of Michigan State University; the governors of Wayne State University and their successors in office shall constitute a body corporate known as the Board of Governors of Wayne State University. Each board shall have general supervision of its institution and the control and direction of all expenditures from the institution's funds. Each board shall, as often as necessary, elect a president of the institution under its supervision. He shall be the principal executive officer of the institution, be ex-officio a member of the board without the right to vote and preside at meetings of the board. The board of each institution shall consist of eight members who shall hold office for terms of eight years and who shall be elected as provided by law. The governor shall fill board vacancies by appointment. Each appointee shall hold office until a successor has been nominated and elected as provided by law.

Sec. 6. Other institutions of higher education established by law having authority to grant baccalaureate degrees shall each be governed by a board of control which shall be a body corporate. The board shall have general supervision of the institution and the control and direction of all expenditures from the institution's funds. It shall, as often as necessary, elect a president of the institution under its supervision.

He shall be the principal executive officer of the institution and be ex-officio a member of the board without the right to vote. The board may elect one of its members or may designate the president, to preside at board meetings. Each board of control shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the governor by and with the advice and consent of the senate. Vacancies shall be filled in like manner.

Sec. 7. The legislature shall provide by law for the establishment and financial support of public community and junior colleges which shall be supervised and controlled by locally elected boards. The legislature shall provide by law for a state board for public community and junior colleges which shall advise the state board of education concerning general supervision and planning for such colleges and requests for annual appropriations for their support. The board shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the state board of education. Vacancies shall be filled in like manner. The superintendent of public instruction shall be ex-officio a member of this board without the right to vote.

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

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

ARTICLE IX

Finance and Taxation

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

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

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

Sec. 4. Property owned and occupied by non-profit religious or educational organizations and used exclusively for religious or educational purposes, as defined by law, shall be exempt from real and personal property taxes.

Sec. 5. The legislature shall provide for the assessment by the state of the property of those public service businesses assessed by the state at the date this constitution becomes effective, and of other property as designated by the legislature,

and for the imposition and collection of taxes thereon. Property assessed by the state shall be assessed at the same proportion of its true cash value as the legislature shall specify for property subject to general ad valorem taxation. The rate of taxation on such property shall be the average rate levied upon other property in this state under the general ad valorem tax law, or, if the legislature provides, the rate of tax applicable to the property of each business enterprise assessed by the state shall be the average rate of ad valorem taxation levied upon other property in all counties in which any of such property is situated.

Sec. 6. Except as otherwise provided in this constitution, the total amount of general ad valorem taxes imposed upon real and tangible personal property for all purposes in any one year shall not exceed 15 mills on each dollar of the assessed valuation of property as finally equalized. Under procedures provided by law, which shall guarantee the right of initiative, separate tax limitations for any county and for the townships and for school districts therein, the aggregate of which shall not exceed 18 mills on each dollar of such valuation, may be adopted and thereafter altered by the vote of a majority of the qualified electors of such county voting thereon, in lieu of the limitation hereinbefore established. These limitations may be increased to an aggregate of not to exceed 50 mills on each dollar of valuation, for a period of not to exceed 20 years at any one time, if approved by a majority of the electors, qualified under Section 6 of Article II of this constitution, voting on the question.

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

In any school district which extends into two or more counties, property taxes at the highest rate available in the county which contains the greatest part of the area of the district may be imposed and collected for school purposes throughout the district.

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

Sec. 8. The legislature shall not impose a sales tax on retailers at a rate of more than four percent of their gross taxable sales of tangible personal property.

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

Sec. 10. One-eighth of all taxes imposed on retailers on taxable sales at retail of tangible personal property shall be used exclusively for assistance to townships, cities and villages, on a population basis as provided by law. In determining population the legislature may exclude any portion of the total number of persons who are wards, patients or convicts in any tax supported institution.

Sec. 11. There shall be established a state school aid fund which shall be used exclusively for aid to school districts, higher education and school employees' retirement systems, as provided by law. One-half of all taxes imposed on retailers on taxable sales at retail of tangible personal property, and other tax revenues provided by law, shall

be dedicated to this fund. Payments from this fund shall be made in full on a scheduled basis, as provided by law.

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

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

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

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

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

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

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

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

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

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

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

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

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

This section shall not be construed to prohibit the investment of public funds until needed for current requirements or the investment of funds accumulated to provide retirement or pension benefits for public officials and employees, as provided by law.

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

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

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

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

Sec. 22. Procedures for the examination and adjustment of claims against the state shall be prescribed by law.

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

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

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

ARTICLE X
Property

Sec. 1. The disabilities of coverture as to property are abolished. The real and personal estate of every woman acquired before marriage and all real and personal

property to which she may afterwards become entitled shall be and remain the estate and property of such woman, and shall not be liable for the debts, obligations or engagements of her husband, and may be dealt with and disposed of by her as if she were unmarried. Dower may be relinquished or conveyed as provided by law.

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

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

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

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

The legislature by an act adopted by two-thirds of the members elected to and serving in each house may designate any part of such lands as a state land reserve. No lands in the state land reserve may be removed from the reserve, sold, leased or otherwise disposed of except by an act of the legislature.

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

ARTICLE XI

Public Officers and Employment

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

Sec. 2. The terms of office of elective state officers, members of the legislature and justices and judges of courts of record shall begin at twelve o'clock noon on the first day of January next succeeding their election, except as otherwise provided in this constitution. The terms of office of county officers shall begin on the first day of January next succeeding their election, except as otherwise provided by law.

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

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

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

The civil service commission shall be non-salaried and shall consist of four persons, not more than two of whom shall be members of the same political party, appointed by the governor for terms of eight years, no two of which shall expire in the same year.

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

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

No person shall be appointed to or promoted in the classified service who has not been certified by the commission as qualified for such appointment or promotion. No appointments, promotions, demotions or removals in the classified service shall be made for religious, racial or partisan considerations.

Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year. Within 60 calendar days following such transmission, the legislature may, by a two-thirds vote of the members elected to and serving in each house, reject or reduce increases in rates of compensation authorized by the commission. Any reduction ordered by the legislature shall apply uniformly to all classes of employees affected by the increases and shall not adjust pay differentials already established by the civil service commission. The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases authorized by the commission.

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

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

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

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

No payment for personal services shall be made or authorized until the provisions of this constitution pertaining to civil service have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

Sec. 6. By ordinance or resolution of its governing body which shall not take effect until approved by a majority of the electors voting thereon, unless otherwise provided by charter, each county, township, city, village, school district and other governmental unit or authority may establish, modify or discontinue a merit system for its employees other than teachers under contract or tenure. The state civil service commission may on request furnish technical services to any such unit on a reimbursable basis.

Sec. 7. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office or for crimes or misdemeanors, but a majority of the members elected thereto and serving therein shall be necessary to direct an impeachment.

When an impeachment is directed, the house of representatives shall elect three of its members to prosecute the impeachment.

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

No person shall be convicted without the concurrence of two-thirds of the senators elected and serving. Judgment in case of conviction shall not extend further than removal from office, but the person convicted shall be liable to punishment according to law.

No judicial officer shall exercise any of the functions of his office after an impeachment is directed until he is acquitted.

ARTICLE XII

Amendment and Revision

Sec. 1. Amendments to this constitution may be proposed in the senate or house of representatives. Proposed amendments agreed to by two-thirds of the members elected to and serving in each house on a vote with the names and vote of those voting entered in the respective journals shall be submitted, not less than 60 days thereafter, to the electors at the next general election or special election as the legislature shall direct. If a majority of electors voting on a proposed amendment approve the same, it shall become part of the constitution and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved.

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

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

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

If the proposed amendment is approved by a majority of the electors voting on the question, it shall become part of the constitution, and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved. If two or more amendments approved by the electors at the same election conflict, that amendment receiving the highest affirmative vote shall prevail.

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

The convention shall choose its own officers, determine the rules of its proceedings and judge the qualifications, elections and returns of its members. To fill a vacancy in the office of any delegate, the governor shall appoint a qualified resident of the same district who shall be a member of the same party as the delegate vacating the office. The convention shall have power to appoint such officers, employees and assistants as it deems necessary and to fix their compensation; to provide for the printing and distribution of its documents, journals and proceedings; to explain and disseminate information about the proposed constitution and to complete the business of

the convention in an orderly manner. Each delegate shall receive for his services compensation provided by law.

No proposed constitution or amendment adopted by such convention shall be submitted to the electors for approval as hereinafter provided unless by the assent of a majority of all the delegates elected to and serving in the convention, with the names and vote of those voting entered in the journal. Any proposed constitution or amendments adopted by such convention shall be submitted to the qualified electors in the manner and at the time provided by such convention not less than 90 days after final adjournment of the convention. Upon the approval of such constitution or amendments by a majority of the qualified electors voting thereon the constitution or amendments shall take effect as provided by the convention.

Schedule and Temporary Provisions

To insure the orderly transition from the constitution of 1908 to this constitution the following schedule and temporary provisions are set forth to be effective for such period as are thereby required.

Sec. 1. The attorney general shall recommend to the legislature as soon as practicable such changes as may be necessary to adapt existing laws to this constitution.

Sec. 2. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights existing on the effective date of this constitution shall continue unaffected except as modified in accordance with the provisions of this constitution.

Sec. 3. Except as otherwise provided in this constitution, all officers filling any office by election or appointment shall continue to exercise their powers and duties until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

No provision of this constitution, or of law or of executive order authorized by this constitution shall shorten the term of any person elected to state office at a statewide election on or prior to the date on which this constitution is submitted to a vote. In the event the duties of any such officers shall not have been abolished or incorporated into one or more of the principal departments at the expiration of his term, such officer shall continue to serve until his duties are so incorporated or abolished.

Sec. 4. All officers elected at the same election that this constitution is submitted to the people for adoption shall take office and complete the term to which they were elected under the 1908 constitution and existing laws and continue to serve until their successors are elected and qualified pursuant to this constitution or law.

Sec. 5. Notwithstanding any other provision in this constitution, the governor, the lieutenant governor, the secretary of state, the attorney general and state senators shall be elected at the general election in 1964 to serve for two-year terms beginning on the first day of January next succeeding their election. The first election of such officers for four-year terms under this constitution shall be held at the general election in 1966.

Sec. 6. Notwithstanding the provisions of this constitution that the supreme court shall consist of seven justices it shall consist of eight justices until the time that a vacancy occurs as a result of death, retirement or resignation of a justice. The first such vacancy shall not be filled.

Sec. 7. Any judge of probate serving on the effective date of this constitution may serve the remainder of the term and be eligible to succeed himself for election

regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

Sec. 8. The provisions of Article VI providing that terms of judicial offices shall not all expire at the same time, shall be implemented by law providing that at the next election for such offices judges shall be elected for terms of varying length, none of which shall be shorter than the regular term provided for the office.

Sec. 9. The members of the state board of education provided for in Section 3 of Article VIII of this constitution shall first be elected at the first general election after the effective date of this constitution for the following terms: two shall be elected for two years, two for four years, two for six years, and two for eight years as prescribed by law.

The state board of education provided for in the constitution of 1908 is abolished at twelve o'clock noon January 1 of the year following the first general election under this constitution and the terms of members thereof shall then expire.

Sec. 10. The provisions of this constitution providing for members of boards of control of institutions of higher education and the state board of public community and junior colleges shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended, and may further provide that the initial terms of office of members may be less than eight years.

Sec. 11. The provisions of this constitution increasing the number of members of the Board of Trustees of Michigan State University and of the Board of Governors of Wayne State University to eight, and of their term of office to eight years, shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended one year, and may further provide that the initial terms of office of the additional members may be less than eight years.

Sec. 12. The initial allocation of departments by law pursuant to Section 2 of Article V of this constitution, shall be completed within two years after the effective date of this constitution. If such allocation shall not have been completed within such period, the governor, within one year thereafter, by executive order, shall make the initial allocation.

Sec. 13. Contractual obligations of the state incurred pursuant to the constitution of 1908 shall continue to be obligations of the state.

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

Sec. 14. The legislature by a vote of two-thirds of the members elected to and serving in each house may provide that the state may borrow money and may pledge its full faith and credit for refunding any bonds issued by the Mackinac Bridge Authority and at the time of refunding the Mackinac Bridge Authority shall be abolished and the operation of the bridge shall be assumed by the state highway department. The legislature may implement this section by law.

Sec. 15. This constitution shall be submitted to the people for their adoption or rejection at the general election to be held on the first Monday in April, 1963. It shall be the duty of the secretary of state forthwith to give notice of such submission to all

other officers required to give or publish any notice in regard to a general election. He shall give notice that this constitution will be duly submitted to the electors at such election. The notice shall be given in the manner required for the election of governor.

Sec. 16. Every registered elector may vote on the adoption of the constitution. The board of election commissioners in each county shall cause to be printed on a ballot separate from the ballot containing the names of the nominees for office, the words: Shall the revised constitution be adopted? ( ) Yes. ( ) No. All votes cast at the election shall be taken, counted, canvassed and returned as provided by law for the election of state officers. If the revised constitution so submitted receives more votes in its favor than were cast against it, it shall be the supreme law of the state on and after the first day of January of the year following its adoption.

Adopted by the Constitutional Convention of nineteen hundred sixty-one at Constitution Hall in Lansing on the first day of August, nineteen hundred sixty-two.

Stephen S. Nisbet

Stephen S. Nisbet, *President*

Fred I. Chase

Fred I. Chase, *Secretary*

[ADDRESS TO THE PEOPLE]

What the Proposed New State Constitution Means to You

- **A report to the people of Michigan by their elected delegates to the Constitutional Convention of 1961-62.**

Lansing, Michigan

August 1, 1962

for former Michigan residents to cast absentee ballots for president and vice-president if they have not yet become eligible to vote in the new state of residence.

This section does not affect residence requirements for eligibility to vote in state and local elections. It recognizes, however, that the issues and candidates are the same throughout the country in presidential elections.

Elections; place and manner.

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.*

This is a revision of Sec. 8, Article III, of the present constitution and vests in the legislature full authority over election administration, subject to other provisions of this constitution and to the U. S. constitution and laws. The legislature is specifically directed to enact corrupt practices legislation.

The provision regarding the secrecy of the ballot is designed to insure that in the future the legislature will be empowered to adopt any new techniques of casting and recording voter choices, so long as the secrecy of the ballot is preserved.

The last sentence of the section prohibits a candidate in any partisan primary or election from having a ballot designation, except when required for identification of candidates for the same office who have the same or similar surnames.

Elections; time.

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.

This is a new section which eliminates the biennial spring election in Michigan and requires that major state-wide elections shall be held on the first Tuesday after the first Monday in November in each even-numbered year, or such other date as U. S. members of congress are elected (See Sec. 5, Schedule, page 103). It permits special elections to fill vacancies and city, village and school elections to be held at other times as prescribed.

The convention determined to abolish the spring election after hearing testimony from voters, election officials and party workers who so recommended. This election, coming almost on the heels of a preceding November election, has had a poor record of voter turnout. Campaigning involved in

this election has also interfered unduly with state legislative activity. Its elimination is expected to cause wider citizen participation in the fall election of officials ranging from supreme court to township officers.

Elimination of the spring vote will reduce state-wide election costs by an estimated $1 million annually.

Expenditure of money.

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.*

This is a revision of Sec. 4, Article III, of the present constitution limiting eligibility for voting on millage increase proposals to property owners and their spouses, but only if the millage increase is for a period in excess of five years.

The section continues present property qualifications for those voting on the issue of bonds but deletes mention of "the direct expenditure of money" as unnecessary language.

Board of canvassers.

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.

This is a revision of Sec. 9, Article III, of the present constitution extending the requirement of bipartisanship to local canvassing boards, which previously were not mentioned in this section. A prohibition against the service of any inspector of elections on a canvassing board is also included. Statutory changes would be required to implement this section at the county and township level.

Recall.

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.*

This is a revision of the recall provisions of Sec. 8, Article III, of the present constitution strengthening it somewhat by stating that the reasons for a recall shall be a political question, so that courts cannot set aside a recall on the grounds that the reasons for it are in some way inadequate.