

# Michigan Constitutional Convention of 1961

## Committee Proposal 118b

### Const 1963, Art 2, § 9

#### Relevant Material From the Constitutional Convention Record

Cross-Reference and Indices .....	pp. 3436, 3455, 3459
First Reading .....	pp. 758, 2390-2403, 2406-2414, 2418, 2779
Second Reading .....	pp. 2927-2928
Draft Constitution (Art 2, § 9) .....	pp. 3047-3075 (pp. 3049-3050)
Third Reading, Article-by-Article .....	pp. 3082-3087
Draft Constitution (Art 2, § 9) .....	pp. 3215-3237 (p. 3217)
Third Reading, Full Constitution .....	pp. 3292, 3300-3301
Adopted Constitution (Art 2, § 9) .....	pp. 3319-3353 (p. 3322)
Address to the People .....	p. 3367

#### Overview of the Constitutional Convention Process

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

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

**State of Michigan**  
**CONSTITUTIONAL CONVENTION**  
**1961 - 1962**  
**OFFICIAL RECORD**



**FRED I. CHASE**  
Secretary of the Convention

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

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

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

\* Created by the committee on style and drafting.

1963		1908		Committee Proposal	1963		1908		Committee Proposal	1963		1908		Committee Proposal
Preamble		Preamble		14	Art.	Sec.	Art.	Sec.		Art.	Sec.	Art.	Sec.	
Art.	Sec.	Art.	Sec.											
I	1	II	1	15-1	IV	24	V	21	121	VI	11	VII	8	93a
I	2	none		26	IV	25	V	22	105	VI	12	VII	9,23	93b
I	3	II	2	15-2	IV	26	V	21	121	VI	13	VII	10	93c
I	4	II	3	15-3	IV	27	V	22	105	VI	14	VII	11	93d
I	5	II	4	15-4	IV	28	V	23	104	VI	15	VII	13	94a
I	6	II	5	15-5	IV	29	V	21	121	VI	16	VII	14,23	94b
I	7	II	6	15-6	IV	30	V	22	105	VI	17	none		96a <sup>1</sup>
I	8	II	7	15-7	IV	31	none		41	VI	18	VII	12	96g
I	9	II	8	15-8	IV	32	X	6	46b	VI	19	VII	17	96a
I	10	II	9	15-9	IV	33	V	36	53	VI	20	VII	19	96b
I	11	II	10	15-10	IV	34	V	38	70	VI	21	VII	9	96c
I	12	II	11	15-11	IV	35	V	39	113	VI	22	none		96l
I	13	II	12	15-12	IV	36	V	40	24	VI	23	VII	20	96d
I	14	II	13	15-13	IV	37	none		108	VI	24	VII	23	96e
I	15	II	14	15-14	IV	38	XVI	5	123	VI	25	IX	6	96h
I	16	II	15	15-15	IV	39	XVI	5	122	VI	26	VII	15,16, 21	96i
I	17	II	16	15-16	IV	40	XVI	11	122	VI	27	VII	6,11	96n
I	18	II	17	15-17	IV	41	V	33	27	VI	28	none		95
I	19	II	18	15-18	IV	42	VIII	30	100	VI	29	VII	18	96o
I	20	II	19	15-19	IV	43	XII	9	87					
I	21	II	20	15-20	IV	44	V	27	5	VII	1	VIII	1	81a
I	22	II	21	15-21	IV	45	V	28	99	VII	2	none		89
I	23	none		15-1	IV	46	none		106	VII	3	VIII	2	81b
II	1	III	1,2,3	58a	IV	47	V	26	111	VII	4	VIII	3	81c
II	2	none		58b	IV	48	XVI	7	109	VII	5	VIII	4	81d
II	3	none		58c	IV	49	V	29	110	VII	6	VIII	5	81e
II	4	III	1,8	58d	IV	50	none		127	VII	7	VIII	7	81f
II	5	V	12	58e	IV	51	none		126	VII	8	VIII	8	81g
		VI	1		IV	52	none		125	VII	9	VIII	9	81h
		VII	2,9,14		IV	53	VI	1	78	VII	10	VIII	13	81j
		VIII	3,18							VII	11	VIII	12	81i
		XI	2,3,6, 7, 16							VII	12	VIII	14	81k
II	6	III	4	58f	V	1	VI	2	2	VII	13	none		81n
II	7	III	9	58h	V	2	none		71b	VII	14	VIII	15	81l
II	8	III	8	58g	V	3	none		71b	VII	15	none		85c
II	9(12*)	V	1	118b	V	4	none		71b	VII	16	VIII	26	86a
					V	5	none		71b	VII	17	VIII	16	82a
					V	6	none		71g	VII	18	VIII	17,18	82b,c
III	1	I	2	10	V	7	VI	10	71e	VII	19	VIII	19	82e
III	2	IV	1,2	21	V	8	VI	3	71d	VII	20	none		82d
III	3	VI	11,12	18	V	9	VI	1	71c	VII	21	VIII	20	83a
III	4	XV	1,2,3	19	V	10	IX	7	71g	VII	22	VIII	21	83b
III	5	none		128	V	11	IX	5	71f	VII	23	VIII	22	83c
III	6	X	14	101	V	12	VI	4	3	VII	24	VIII	23	83e
III	7	S	1	44a	V	13	VI	6	7	VII	25	VIII	25	83f
III	8	none		96k	V	14	VI	9	16	VII	26	VIII	25	83d
IV	1	V	1	118a	V	15	VI	7	8	VII	27	VIII	31	88a
IV	2	V	2	80a	V	16	VI	8	9	VII	28	VIII	31	88b
IV	3	V	3	80b	V	17	VI	5	4	VII	29	VIII	28	85a
IV	4	none		80c	V	18	none		46a	VII	30	VIII	29	85b
IV	5*	none			V	19	V	37	46c	VII	31	VIII	27	86b
IV	6	V	4	79	V	20	none		46d	VII	32	none		57
IV	7	V	5	32	V	21(13*)	VI	1	71a	VII	33	IX	8	42e
IV	8	V	6	112	V	22	VI	13	17	VII	34	none		84
IV	9	V	7	120	V	23	VI	21	75					
IV	10	V	7	115	V	24	none		77	VIII	1	XI	1	1
IV	11	V	25	33	V	25	VI	19	71b	VIII	2	XI	9	30
IV	12	V	9,10	28	V	26	VI	16,17	59,60	VIII	3	XI	2,6	47
IV	13	V	13	116	V	27	VI	18	72	VIII	4	XI	10	98a
IV	14	V	14	34	V	28	none		71h	VIII	5	XI	3,4,5, 7,8,16	98b
IV	15	none		102c	V	29	none		71i-71A					
IV	16	V	15	102a	VI	1	VII	1	90	VIII	6	none		98c
IV	17	none		102b	VI	2	VII	2,23	91a	VIII	7	none		98d
IV	18	V	16	114	VI	3	VII	2	91b	VIII	8	XI	15	13
IV	19	V	17	117	VI	4	VII	4	91c	VIII	9	XI	14	31
IV	20	V	18	103	VI	5	VII	5	91d					
IV	21	V	18	103	VI	6	VII	7	91e	IX	1	X	2	50
IV	22	V	19	35	VI	7	VII	6	91f	IX	2	X	9	54
IV	23	V	20	29	VI	8	none		92a	IX	3	X	3,4,7,8	51
					VI	9	none		92b	IX	4	none		51
					VI	10	none		92c	IX	5	X	3,5	52
										IX	6	X	21	56

Committee Proposal No.	Page
117. A proposal to provide that votes on elections and nominations in the legislature be recorded. Amends article V, sec. 17.	
For text as offered and reasons .....	2390
As referred to style and drafting .....	2390
As reported by style and drafting .....	2952
As rereferred to style and drafting .....	2952
Feb. 2, reported by legislative powers; referred to committee of the whole .....	758
Apr. 12, read first time; considered, passed by committee of the whole .....	2390
Apr. 12, reported by committee of the whole without amendment; referred to style and drafting .....	2403
Apr. 23, reported by style and drafting (Report 101); placed on order of second reading .....	2671
Apr. 30, read second time; passed; rereferred to style and drafting .....	2952-2953
118. A proposal to provide for vesting the legislative power in the senate and house of representatives and to reserve the power of initiative and referendum to the people. Amends article V, section 1.	
For text as offered and reasons .....	2390
For minority reports and reasons .....	2392
As referred to style and drafting .....	2418
As reported by style and drafting .....	2927
As rereferred to style and drafting .....	2927
Feb. 2, reported by legislative powers; referred to committee of the whole .....	758
Apr. 12, read first time; considered, amended by committee of the whole .....	2390-2403
Apr. 13, considered, passed by committee of the whole .....	2406-2414
Apr. 13, reported by committee of the whole with 2 amendments; referred, as amended, to style and drafting .....	2418
Apr. 25, reported by style and drafting (Report 102); placed on order of second reading .....	2779
Apr. 27, read second time; passed; rereferred to style and drafting .....	2927-2928
119. A proposal to provide that the legislature shall not pass local acts when general acts can be made applicable and that local acts require a 2/3 vote of the legislature. Amends article V, section 30.	
For text as offered and reasons .....	2414
As referred to style and drafting .....	2414
As reported by style and drafting .....	2963
As rereferred to style and drafting .....	2963
Feb. 2, reported by legislative powers; referred to committee of the whole .....	758
Apr. 13, read first time; considered, passed by committee of the whole .....	2414-2415
Apr. 13, reported by committee of the whole without amendment; referred to style and drafting .....	2418
Apr. 25, reported by style and drafting (Report 103); placed on order of second reading .....	2779
Apr. 30, read second time; passed; rereferred to style and drafting .....	2963-2964
120. A proposal to provide that a member of the legislature should not be appointed to certain other offices during the term for which he is elected. Amends article V, section 7.	
For text as offered and reasons .....	2415
As referred to style and drafting .....	2415
As reported by style and drafting .....	2930
As rereferred to style and drafting .....	2930
Feb. 2, reported by legislative powers; referred to committee of the whole .....	759
Apr. 13, read first time; considered, passed by committee of the whole .....	2415
Apr. 13, reported by committee of the whole without amendment; referred to style and drafting .....	2418
Apr. 25, reported by style and drafting (Report 104); placed on order of second reading .....	2779
Apr. 27, read second time; passed; rereferred to style and drafting .....	2930

Committee Proposal No.	Page
121. A proposal to provide that no law shall embrace more than one object and that no act shall take effect until 90 days from the end of a session and other incidental matters. Amends article V, section 21.	
For text as offered and reasons .....	2415
As referred to style and drafting .....	2415
As reported by style and drafting .....	2954
As rereferred to style and drafting .....	2957
Feb. 2, reported by legislative powers; referred to committee of the whole .....	759
Apr. 13, read first time; considered, passed by committee of the whole .....	2415-2416
Apr. 13, reported by committee of the whole without amendment; referred to style and drafting .....	2418
Apr. 25, reported by style and drafting (Report 105); placed on order of second reading .....	2779
Apr. 30, read second time; amended, passed; rereferred to style and drafting .....	2954-2957
122. A proposal to include in the constitution the substance of section 5 of article XVI, entitled "Vacancies in office; continuity of government in emergencies."	
For text as offered and reasons .....	2416
As referred to style and drafting .....	2418
As reported by style and drafting .....	2974
As rereferred to style and drafting .....	2975
Feb. 2, reported by legislative powers; referred to committee of the whole .....	759
Apr. 13, read first time; considered, amended, passed by committee of the whole .....	2416-2417
Apr. 13, reported by committee of the whole with 1 amendment; referred, as amended, to style and drafting .....	2418
Apr. 25, reported by style and drafting (Report 106); placed on order of second reading .....	2780
Apr. 30, read second time; amended, passed; rereferred to style and drafting .....	2974-2976
123. A proposal to permit administrative agencies to promulgate rules and regulations and to provide for legislative review thereof, and for judicial review of the findings of such agencies. Amends article V by adding a new section.	
For text as offered and reasons .....	2419
For minority report and reasons .....	2419
As referred to style and drafting .....	2425
As reported by style and drafting .....	2968
As rereferred to style and drafting .....	2971
Feb. 2, reported by legislative powers; referred to committee of the whole .....	759
Apr. 13, read first time; considered, amended, passed by committee of the whole .....	2419-2424
Apr. 13, reported by committee of the whole with 1 amendment; referred, as amended, to style and drafting .....	2424-2425
Apr. 25, reported by style and drafting (Report 107); placed on order of second reading .....	2780
Apr. 30, read second time; amended, passed; rereferred to style and drafting .....	2968-2971
124. A proposal pertaining to increase and decrease in the salaries of officials. Amends the second sentence of section 3, article XVI.	
For text as offered and reasons .....	2493
As referred to style and drafting .....	2504
Feb. 2, reported by miscellaneous provisions and schedule; referred to committee of the whole .....	759
Apr. 16, read first time; considered, amended, passed by committee of the whole .....	2493-2495
Apr. 16, reported by committee of the whole with 1 amendment; referred, as amended, to style and drafting .....	2504
(Note: The entire content stricken.)	
125. A proposed constitutional provision with respect to the conservation of the state's paramount interest	



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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 Proposal 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, 98k)	
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

be printed 5 days prior to passage and for limitation of extraordinary sessions. Amends article V, section 22; with the recommendation that it pass.

T. Jefferson Hoxie, chairman.

*For Committee Proposal 105 and the reasons submitted in support thereof, see below under date of April 11.*

Mr. Hoxie, for the committee on legislative powers, introduced **Committee Proposal 106**, A proposal to allow the legislature to pass laws regarding indeterminate sentences. Retains article V, section 28; with the recommendation that it pass.

T. Jefferson Hoxie, chairman.

*For Committee Proposal 106 and the reasons submitted in support thereof, see below under date of April 11.*

Mr. Hoxie, for the committee on legislative powers, introduced **Committee Proposal 107**, A proposal to provide that legislators shall be elected on the first Tuesday after the first Monday in November. Amends article V, section 12; with the recommendation that it pass.

T. Jefferson Hoxie, chairman.

*For Committee Proposal 107 and the reasons submitted in support thereof, see below under date of April 11.*

Mr. Hoxie, for the committee on legislative powers, introduced **Committee Proposal 108**, A proposal to provide a limitation against general revision of the laws and a method of compilation. Amends article V, section 40; with the recommendation that it pass.

T. Jefferson Hoxie, chairman.

*For Committee Proposal 108 and the reasons submitted in support thereof, see below under date of April 11.*

Mr. Hoxie, for the committee on legislative powers, introduced **Committee Proposal 109**, A proposal to provide that the legislature may enact laws whereby public employment disputes can be settled. Amends article XVI, section 7; with the recommendation that it pass.

T. Jefferson Hoxie, chairman.

*For Committee Proposal 109 and the reasons submitted in support thereof, see below under date of April 11.*

Mr. Hoxie, for the committee on legislative powers, introduced **Committee Proposal 110**, A proposal to provide that the legislature may enact laws relative to hours and condition of employment. Retains article V, section 29; with the recommendation that it pass.

T. Jefferson Hoxie, chairman.

*For Committee Proposal 110 and the reasons submitted in support thereof, see below under date of April 11.*

Mr. Hoxie, for the committee on legislative powers, introduced **Committee Proposal 111**, A proposal pertaining to the employment of chaplains. Amends article V, section 26; with the recommendation that it pass.

T. Jefferson Hoxie, chairman.

*For Committee Proposal 111 and the reasons submitted in support thereof, see below under date of April 11.*

Mr. Hoxie, for the committee on legislative powers, introduced **Committee Proposal 112**, A proposal to provide that certain office holders shall be ineligible for the legislature. Amends article V, section 6; with the recommendation that it pass.

T. Jefferson Hoxie, chairman.

*For Committee Proposal 112 and the reasons submitted in support thereof, see below under date of April 11.*

Mr. Hoxie, for the committee on legislative powers introduced **Committee Proposal 113**, A proposal to provide that the legislature may submit bills to the people for referendum. Retains article V, section 38; with the recommendation that it pass.

T. Jefferson Hoxie, chairman.

*For Committee Proposal 113 and the reasons submitted in support thereof, see below under date of April 12.*

Mr. Hoxie, for the committee on legislative powers, introduced **Committee Proposal 114**, A proposal to provide that each house of the legislature shall keep a journal and the yeas and nays be recorded on a demand of 1/5 of the members present. Amends article V, section 16; with the recommendation that it pass.

T. Jefferson Hoxie, chairman.

*For Committee Proposal 114 and the reasons submitted in support thereof, see below under date of April 12.*

Mr. Hoxie, for the committee on legislative powers, introduced **Committee Proposal 115**, A proposal to provide that no member of the legislature or state officer shall have a substantial conflict of interest with the state. Amends article V, section 25; with the recommendation that it pass.

T. Jefferson Hoxie, chairman.

*For Committee Proposal 115 and the reasons submitted in support thereof, see below under date of April 12.*

Mr. Hoxie, for the committee on legislative powers, introduced **Committee Proposal 116**, A proposal to provide time and place of legislative sessions and that bills and resolutions pending at the end of a session shall be considered introduced at the next session. Amends article V, section 13; with the recommendation that it pass.

T. Jefferson Hoxie, chairman.

*For Committee Proposal 116 and the reasons submitted in support thereof, see below under date of April 12.*

Mr. Hoxie, for the committee on legislative powers, introduced **Committee Proposal 117**, A proposal to provide that votes on elections and nominations in the legislature be recorded. Amends article V, section 17; with the recommendation that it pass.

T. Jefferson Hoxie, chairman.

*For Committee Proposal 117 and the reasons submitted in support thereof, see below under date of April 12.*

Mr. Hoxie, for the committee on legislative powers, introduced **Committee Proposal 118**, A proposal to provide for vesting the legislative power in the senate and house of representatives and to reserve the power of initiative and referendum to the people. Amends article V, section 1; with the recommendation that it pass.

T. Jefferson Hoxie, chairman.

*For Committee Proposal 118 and the reasons submitted in support thereof, see below under date of April 12.*

Mr. Hoxie, for the committee on legislative powers, introduced **Committee Proposal 119**, A proposal to provide that the legislature shall not pass local acts when general acts can be made applicable and that local acts require a 2/3 vote of the legislature. Amends article V, section 30; with the recommendation that it pass.

T. Jefferson Hoxie, chairman.

requested. Is the demand supported? A sufficient number. The yeas and nays will be ordered. The question is on the amendment, as amended, offered by the gentleman from Grand Rapids, Mr. DeVries.

[The amendment, as amended, reads as follows:

1. Amend page 1, following section b, by inserting a new section to read as follows:

"Sec. c. There shall be a bipartisan legislative council consisting of such legislators as the legislature shall prescribe. The legislature shall appropriate adequate funds for the council's operations, provide for a staff of the council which shall maintain bill drafting, research and other services for the members of the legislature. The council shall examine from time to time the various laws of the state and recommend to the legislature revision of such laws.".]

Those in favor will vote aye. Those opposed will vote no. The secretary will lock the machine.

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

Yeas—72

Allen	Gadola	McCauley
Andrus, Miss	Garvin	McGowan, Miss
Anspach	Goebel	McLogan
Austin	Gover	Murphy
Balcer	Gust	Nord
Barthwell	Habermehl	Norris
Bonisteel	Hanna, W. F.	Perlich
Bradley	Hannah, J. A.	Perras
Brake	Hart, Miss	Rajkovich
Brown, G. E.	Hatch	Romney
Buback	Hatcher, Mrs.	Seyferth
Cushman, Mrs.	Higgs	Snyder
Dade	Hood	Spitler
Danhof	Jones	Staiger
DeVries	Judd, Mrs.	Stamm
Doty, Dean	Kelsey	Sterrett
Doty, Donald	King	Stopczynski
Douglas	Koeze, Mrs.	Suzore
Downs	Lawrence	Van Dusen
Durst	Lesinski	White
Elliott, A. G.	Liberato	Wilkowski
Elliott, Mrs. Daisy	Madar	Woolfenden
Faxon	Marshall	Yeager
Follo	Martin	Young

Nays—49

Batchelor	Hutchinson	Richards, L. W.
Beaman	Iverson	Rood
Bledsoe	Karn	Rush
Boothby	Kirk, S.	Sablich
Butler, Mrs.	Knirk, B.	Shackleton
Cudlip	Kuhn	Shaffer
Dehnke	Leibrand	Shanahan
Dell	Leppien	Sharpe
Erickson	Millard	Sleder
Everett	Page	Stevens
Farnsworth	Plank	Thomson
Figy	Powell	Turner
Finch	Prettie	Tweedie
Haskill	Pugsley	Upton
Heideman	Radka	Walker
Hoxie	Richards, J. B.	Wood
Hubbs		

SECRETARY CHASE: On the adoption of the amendment to add section c, the yeas are 72; the nays are 49.

CHAIRMAN BENTLEY: The amendment, as amended, is adopted. Are there any further amendments to the body of Committee Proposal 102?

MR. DURST: Mr. Chairman, may I say on behalf of Mr. DeVries that this is our last amendment, and it doesn't matter how many games you lose during the season if you go out in a crowning glory of victory.

CHAIRMAN BENTLEY: There being no more amendments to the body of Committee Proposal 102, it will pass.

Committee Proposal 102, as amended, is passed, and the secretary will read.

SECRETARY CHASE: Item 19 on the calendar, from the committee on legislative powers, by Mr. Hoxie, chairman, **Committee Proposal 117**, A proposal to provide that votes on elections and nominations in the legislature be recorded. Amends article V, section 17.

*Following is Committee Proposal 117 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. In all elections by either house or in joint convention the votes shall be [given viva voce.] BY RECORDED ROLL CALL. All votes on [nominations] APPOINTMENTS RECOMMENDED to the senate FOR CONFIRMATION shall be taken by yeas and nays and published with the journal of its proceedings.

Mr. Hoxie, chairman of the committee on legislative powers, submits the following reasons in support of Committee Proposal 117:

The committee recommends 2 changes in this section. The right of the legislature to hold an election by voice is changed to a recorded roll call. This is to insure a more responsive legislature.

In the second sentence clarification is offered, "nominations to the senate" is ambiguous. The phrase applies to nominations for state office referred to the senate for approval. The new language clarifies this intent. The yeas and nays will force every legislator to declare himself.

CHAIRMAN BENTLEY: The Chair recognizes the chairman of the committee, the gentleman from St. Louis, Mr. Hoxie.

MR. HOXIE: I yield to Mr. Kuhn for an explanation.

CHAIRMAN BENTLEY: The gentleman from Pontiac, Mr. Kuhn.

MR. KUHN: Mr. Chairman, at this time I'd like to yield to Mr. Perras, who will give our explanation.

CHAIRMAN BENTLEY: The gentleman from Nadeau, Mr. Perras.

MR. PERRAS: Mr. Chairman and fellow delegates:

[The supporting reasons were read by Mr. Perras. For text, see above.]

CHAIRMAN BENTLEY: Are there any amendments to the body of Committee Proposal 117? There being none, it will pass. Committee Proposal 117 is passed, and the secretary will read.

SECRETARY CHASE: Item 20 on the calendar, from the committee on legislative powers, by Mr. Hoxie, chairman, **Committee Proposal 118**, A proposal to provide for vesting the legislative power in the senate and house of representatives and to reserve the power of initiative and referendum to the people. Amends article V, section 1.

MR. HOXIE: Mr. Chairman, under our rules, is it necessary that it be read? If it isn't, I'd like to move that the proposal be considered as read.

CHAIRMAN BENTLEY: Without objection, Committee Proposal 118 will be considered as read.

*Following is Committee Proposal 118 as considered read, and the reasons submitted in support thereof:*

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

Sec. a. The legislative power of the state of Michigan is vested in a senate and a house of representatives [; but the people reserve to themselves the power to propose legislative measures, resolutions and laws; to enact or reject the same at the polls independently of the legislature; and to approve or reject at the polls any act passed by the legislature, except acts making appropriations for state institutions and to meet deficiencies in state funds. The first power reserved by the people is the initiative. Quali-

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

fied and registered electors of the state equal in number to at least 8 per cent 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 to propose any measure by petition: Provided, That no law shall be enacted by the initiative that could not under this constitution be enacted by the legislature. Initiative petitions shall set forth in full the proposed measure, and shall be filed with the secretary of state or such other person or persons as may hereafter be authorized by law to receive same not less than 10 days before the commencement of any session of the legislature. Every petition shall be certified to as herein provided as having been signed by the required number of qualified and registered electors of the state. Upon receipt of any initiative petition, the secretary of state or such other person or persons hereafter authorized by law shall canvass the same to ascertain if such petition has been signed by the requisite number of qualified and registered electors, and may, in determining the validity thereof, cause any doubtful signatures to be checked against the registration records by the clerk of any political subdivision in which said petitions were circulated, for properly determining the authenticity of such signatures. If the same has been so signed, the secretary of state or other person or persons hereafter authorized by law to receive and canvass same, determines that the petition is legal and in proper form and has been signed by the required number of qualified and registered electors, such petition shall be transmitted to the legislature as soon as it convenes and organizes.]

Sec. b. 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 DOES NOT EXTEND TO LAWS THAT THE LEGISLATURE MAY NOT 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. TO INVOKE THE INITIATIVE OR REFERENDUM, PETITIONS SIGNED BY A NUMBER OF REGISTERED ELECTORS NOT LESS THAN 8 PER CENT FOR INITIATIVE AND 5 PER CENT FOR REFERENDUM OF THE TOTAL VOTE CAST FOR ALL CANDIDATES FOR GOVERNOR AT THE LAST PRECEDING GENERAL ELECTION SHALL BE REQUIRED.

The law proposed by [such] 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 [any] THE law so petitioned for [be rejected, or if no action is taken upon it] IS NOT ENACTED by the legislature within [said] THE 40 days, the secretary of state or such other person or persons [hereafter] 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 the secretary of state or such other person or persons hereafter authorized by law to the electors for approval or rejection at the next ensuing general election. [All said initiative petitions last above described shall have printed thereon in 12 point black face type the following: "Initiative measure to be presented to the legislature."]

[The legislature may prescribe penalties for causing or aiding and abetting in causing any fictitious or forged name to be affixed to any initiative or referendum petition,

or for knowingly causing any initiative or referendum petition bearing fictitious or forged names to be circulated.]

[The second power reserved to the people is the referendum. No act passed by the legislature shall go into effect until 90 days after the final adjournment of the session of the legislature which passed such act, except such acts making appropriations and such acts immediately necessary for the preservation of the public peace, health or safety, as have been given immediate effect by action of the legislature. Upon presentation to the secretary of state or such other person or persons hereafter authorized by law, within 90 days after the final adjournment of the legislature, of a petition certified to as herein provided, as having been signed by qualified and registered electors equal in number to 5 per cent of the total vote cast for all candidates for governor at the last election at which a governor was elected, asking that any act, section or part of any act of the legislature, be submitted to the electors for approval or rejection, the secretary of state or other person or persons hereafter authorized by law, shall canvass said petition to ascertain if the same is signed by the requisite number of qualified and registered electors. The secretary of state or such other person or persons hereafter authorized by law may, in determining the validity thereof, cause any doubtful signatures to be checked against the registration records by the clerk of any political subdivision in which said petitions were circulated, for properly determining the authenticity of such signatures. If the secretary of state or such other person or persons hereafter authorized by law to receive and canvass the same determines that the petition is legal and in proper form and has been signed by the required number of qualified and registered electors, he shall then submit to the electors for approval or rejection such act or section or part of any act at the next succeeding general election; and no such act shall go into effect until and unless approved by a majority of the qualified and registered electors voting thereon. An official declaration of the sufficiency or insufficiency of the petition shall be made by the secretary of state or such other person or persons as shall hereafter be authorized at least 2 months prior to such election.]

Any act 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 by the secretary of state. No act initiated or adopted by the people, shall be subject to the veto power of the governor, and no act 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 said initiative measure, but the legislature may propose such amendments, alterations or repeals to the people. Acts adopted by the people under the referendum provision of this section may be amended by the legislature at any subsequent session thereof [ : Provided, ]. However, if 2 or more measures approved by the electors at the same election conflict, the measure receiving the highest affirmative vote shall prevail. [The text of all measures to be submitted shall be published as constitutional amendments are required by law to be published.]

[Any initiative or referendum petition may be presented in sections, each section containing a full and correct copy of the title and text of the proposed measure. Each signer thereto shall add to his signature, his place of residence, street names and also residence numbers in cities and villages having street numbers, and date of signing the same. Any qualified and registered elector of the state shall be competent to solicit such signatures within the county in which he is an elector. Each section of the petition shall bear the name of the county or city in which it is circulated, and only qualified and registered electors of such county or city shall be competent to sign such section. Each section

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

shall have attached thereto the affidavit of the person soliciting signatures to the same, who shall be required to identify himself by affixing his address below his signature, stating that he is a qualified and registered elector and that all the signatures to the attached section were made in his presence, that each signature to the section is the genuine signature of the person signing the same, and no other affidavit thereto shall be required.]

[Each section of the petition shall be filed with the clerk of the county in which it was circulated, but all said sections circulated in any county shall be filed at the same time. Within 20 days after the filing of such petition in his office, the said clerk shall forward said petition to the secretary of state or such other person or persons as shall hereafter be authorized by law.]

THE LEGISLATURE BY GENERAL LAW SHALL PROVIDE FURTHER NECESSARY METHODS FOR THE EXERCISE OF THESE POWERS NOT IN CONFLICT WITH THE PROVISIONS OF THIS SECTION.

Mr. Hoxie, chairman of the committee on legislative powers, submits the following reasons in support of Committee Proposal 118:

The committee is of the opinion there is much within the existing section 1 of a purely legislative character and therefore several exclusions and changes are suggested.

The new language proposed specifically reserves the initiative and referendum powers to the people, limits them and sets out the number of electors necessary to implement them.

The committee is of the opinion that the language of the present section retained is of importance in that it places certain mandatory obligations upon the legislature. The legislature must act upon initiative provisions within certain limits, but they are given a right to propose counter measures to the people.

Provision is also made to place laws passed by vote of the electors on a higher plane than those passed by the legislature. The people's will should not be changed by veto or repeal unless it is provided in the act. Only the people themselves have the right to change or repeal what they have enacted.

Removed from constitutional status are the provisions on content and time of filing petitions, canvassing of names on petitions, type sizes, and right of the legislature to prescribe penalties. Also removed is the date of effectiveness of legislative acts which is covered in article V, section 21.

All of these matters are left to the legislature in the last sentence. However, the language of the last sentence also makes it clear that the section is self executing and the legislature cannot thwart popular will by refusing to act.

*Following is the minority report to Committee Proposal 118 as offered and the reasons submitted in support thereof:*

Messrs. Downs, Powell and Murphy, a minority of the committee on legislative powers, submit the following minority report to Committee Proposal 118:

A minority of the committee recommends that line 30 of page 2 of Committee Proposal 118 be amended to read as follows:

TO INVOKE THE INITIATIVE OR REFERENDUM, PETITIONS SIGNED BY A NUMBER OF REGISTERED ELECTORS NOT LESS THAN 5 PER CENT FOR INITIATIVE AND 5 PER CENT FOR REFERENDUM OF THE TOTAL VOTE CAST FOR ALL CANDIDATES FOR GOVERNOR AT THE LAST PRECEDING GENERAL ELECTION SHALL BE REQUIRED.

Messrs. Downs, Powell and Murphy, a minority of the committee on legislative powers, submit the following reasons in support of the foregoing minority report, which accompanied Committee Proposal 118:

We believe the change from 8 per cent to 5 per cent for the initiative will make this figure consistent with the 5

per cent needed for a referendum. It will also make it twice as hard to get a constitutional amendment as initiative legislation.

The result will be that voters will be more likely to use the legislative initiative and less likely to freeze statutory provisions into the constitution.

Both the states of Massachusetts and Ohio permit such initiative legislation on the basis of 3 per cent of the vote for governor and we believe 5 per cent is an adequate figure to prevent any abuse. The initiative legislation has been used very rarely and this will encourage its more frequent usage instead of the constitutional amendments.

*Following is the minority report to Committee Proposal 113 as offered and the reasons submitted in support thereof (to be considered in conjunction with Committee Proposal 118, in pursuance of the order previously made. See above, page 2358.):*

Messrs. Downs, Lesinski and Murphy, a minority of the committee on legislative powers, submit the following minority report to Committee Proposal 113:

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

FOR THE PURPOSE OF ELECTING REPRESENTATIVES TO THE HOUSE OF REPRESENTATIVES IN THE CONGRESS OF THE UNITED STATES, THE STATE SHALL BE DIVIDED INTO DISTRICTS CORRESPONDING IN NUMBER WITH THE REPRESENTATIVES TO WHICH IT MAY BE ENTITLED, WHICH DISTRICTS SHALL BE COMPOSED OF CONTIGUOUS TERRITORY AND BE COMPACT. EACH DISTRICT SHALL CONTAIN, AS NEARLY AS MAY BE, AN EQUAL NUMBER OF PERSONS, BUT IN NO CASE SHALL THE DISTRICTS VARY IN NUMBERS OF PEOPLE MORE THAN 15 PER CENT ABOVE OR BELOW THE RATIO OF POPULATION FIXED BY CONGRESS OR THE RATIO OF POPULATION DETERMINED IN THE STATE AS A WHOLE BY DIVIDING THE TOTAL POPULATION OF THE STATE BY THE NUMBER OF REPRESENTATIVES ASSIGNED TO IT BY CONGRESS. NOTWITHSTANDING THE ABOVE PROVISIONS WITH RESPECT TO THE POPULATION REQUIRED FOR EACH DISTRICT, THE POPULATION COMPRISING THE UPPER PENINSULA OF THE STATE OF MICHIGAN SHALL BE ENTITLED TO ELECT ONE REPRESENTATIVE TO THE HOUSE OF REPRESENTATIVES IN THE CONGRESS OF THE UNITED STATES.

IF THE LEGISLATURE SHOULD FAIL TO APPORTION ANEW THE REPRESENTATIVES IN CONGRESS IN ACCORDANCE WITH THIS SECTION WITHIN 6 MONTHS FOLLOWING JANUARY 1, 1963, AND EVERY 10 YEARS THEREAFTER, THE BOARD OF STATE CANVASSERS, WITHIN 90 DAYS AFTER THE EXPIRATION OF THE 6 MONTHS, SHALL APPORTION ANEW SUCH DISTRICTS IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE AND SUCH APPORTIONMENT SHALL BECOME EFFECTIVE FOR THE NEXT SUCCEEDING FALL ELECTIONS.

Messrs. Downs, Lesinski and Murphy, a minority of the committee on legislative powers, submit the following reasons in support of the foregoing minority report which accompanied Committee Proposal 113:

We support this amendment to the constitution because it will set standards that will assure congressional districts are as nearly equal in population as possible. This proposal will provide that congressional districts must be equal in population with none varying more than 15 per cent except the upper peninsula which is guaranteed one congressional seat.

We believe this proposal, while it is not perfect, will establish a standard for legislative action that will help insure that congressmen from the state of Michigan equally represent their constituents in Washington.

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

This is particularly needed because Michigan's congressional districts vary in population as follows: first, 283,302; second, 483,343; third, 427,899; fourth, 366,991; fifth, 461,906; sixth, 623,842; seventh, 661,556; eighth, 398,106; ninth, 312,854; tenth, 308,917; eleventh, 240,793; twelfth, 177,431; thirteenth, 268,040; fourteenth, 462,192; fifteenth, 337,017; sixteenth, 802,994; seventeenth, 512,752; and eighteenth, 690,259.

CHAIRMAN BENTLEY (continuing): Mr. Hoxie.

MR. HOXIE: There are some committee amendments, I believe.

CHAIRMAN BENTLEY: Does the gentleman desire to make an explanation of the proposal before the committee amendments are offered?

MR. HOXIE: No.

CHAIRMAN BENTLEY: The secretary will report the pending committee amendment.

SECRETARY CHASE: Mr. Hoxie, on behalf of the committee, offers the following amendment:

1. Amend page 3, line 13, after "the" by striking out "secretary of state or such other person or persons" and inserting "state official"; so the language will there read:

If the law so petitioned for is not enacted by the legislature within the 40 days, the state official authorized by law shall submit such proposed law to the people for approval or rejection at the next ensuing general election. And in line 19, after "the" by striking out "secretary of state or such other person or persons hereafter" and inserting "state official"; and on page 5, line 11, after "vote" by striking out "by the secretary of state"; so the language will there read:

Any act 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 initiated. . . .

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from St. Louis, Mr. Hoxie.

MR. HOXIE: At an official meeting of the committee, Senator Hutchinson appeared before our committee and called attention to what he considered an improvement in the language by the deletion of the words "secretary of state or such other person or persons" and placing this authority in the state official authorized by law. The other part of the amendment is also clarifying, striking the secretary of state's name. I don't believe any explanation is necessary. If there are any questions anyone would like to ask, we will refer you to Senator Hutchinson.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Detroit, Dr. Nord.

MR. NORD: Mr. Chairman, Mr. Hoxie, I'm concerned about this purported change, and I would like to ask you whether this does not prevent the whole initiative and referendum provision from being self executing, on the ground that now, unless the statute exists, there is no person designated, and therefore perhaps the whole provision might tumble.

CHAIRMAN BENTLEY: The gentleman from St. Louis.

MR. HOXIE: As the individual who suggested these amendments, Mr. Hutchinson, would you like to answer?

CHAIRMAN BENTLEY: The gentleman yields to the gentleman from Fennville, Mr. Hutchinson.

MR. HUTCHINSON: Mr. Chairman, I suppose that as a very technical kind of a situation maybe Dr. Nord has a point, except I don't think it is a very practical one. It's inconceivable to me to believe that any legislature would refuse to empower or direct an official to handle this thing. As a matter of fact, we already have statutes on the books. The general election law is already there.

This would be the height of suspicion and distrust of the legislature, if he wouldn't even leave to the legislature this responsibility of providing the machinery insofar as initiative and referendum are concerned. They are going to do it. And if they didn't do it, they wouldn't stay in the legislature very long. So I don't think this is a very practical problem. I don't think it is a very practical point. There is extreme improbability, as Judge Gadola says.

MR. NORD: Mr. Chairman.

CHAIRMAN BENTLEY: The gentleman from Detroit, Mr. Nord.

MR. NORD: I would like to speak further to the point, if I'm in order. I believe these amendments are before the floor. The reason I raise this question — and this is the first moment I have had a chance to see these suggested amendments — in going through the initiative and referendum before today it occurred to me that the whole initiative and referendum is different from any other part of the constitution, in that this is a way in which the people reserve to themselves the right to enact laws. Therefore, they don't wish in this case, it seems to me, to rely on the legislature to make this effective. Otherwise, they wouldn't reserve this right to themselves. Therefore, when they reserve the right to themselves, it appears to me that the theory behind this initiative and referendum is that they want to be absolutely certain that it is to be self executing and that it is not indispensable that the legislature do anything.

I'm quite certain that Mr. Hutchinson is right. I don't believe the legislature ever would — at least in the foreseeable future — repeal the statute which now exists. Nevertheless, it seems to me, to keep in accordance with the theory of initiative and referendum, and the general purpose behind it, it ought to be self executing. And the easiest way in the world to keep it self executing is simply not to make the changes offered. If we don't adopt these changes, then there is the name of a person provided in the proposal; namely, the secretary of state or such person as authorized by law. If no person is authorized by law, the secretary of state must act. Therefore, it is self executing. And, therefore, it seems to me that the only effect that would be achieved by adopting this amendment is to change from a self executing provision to one which is not self executing; I see no reason to do it, and all the reasons I can think of go in the opposite direction.

CHAIRMAN BENTLEY: The question occurs on the committee amendment offered by the gentleman from St. Louis, Mr. Hoxie. As many as are in favor of the amendment will respond by saying aye. Those opposed.

The committee amendment is adopted.

MR. BARTHWELL: Division.

CHAIRMAN BENTLEY: Who demands a division? Is the demand supported? A sufficient number. Those persons in favor of the committee amendment will vote aye. Those opposed will vote no. The secretary will lock the machine.

SECRETARY CHASE: On the adoption of the committee amendment offered by Mr. Hoxie, the yeas are 71; the nays are 39.

CHAIRMAN BENTLEY: Then the committee amendment is adopted. The secretary will report the minority amendment.

SECRETARY CHASE: Pursuant to their minority report, Messrs. Downs, Powell and Murphy offer the following amendment:

1. Amend page 3, line 2, by striking out "8 per cent" and inserting "5 per cent"; so the language will there read:

. . . signed by a number of registered electors not less than 5 per cent for initiative and 5 per cent for referendum of the total vote cast for all candidates for governor at the last preceding general election shall be required.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Detroit, Mr. Downs, in support of the amendment.

MR. DOWNS: Mr. Chairman, I demand the yeas and nays.

CHAIRMAN BENTLEY: The yeas and nays have been requested. Is the demand supported? A sufficient number, and the yeas and nays will be ordered.

MR. DOWNS: What this does, Mr. Chairman and fellow delegates, is lower the requirement for the initiative from 8 to 5 per cent. I believe that with our growing population, this still makes an adequate protection from having superfluous initiative proposals without adequate support. Getting 5 per cent is certainly enough work to assure that. Michigan's legislative history shows that this has been used very seldom. I believe the oleo issue was the only time it was used successfully.

Another argument is that this makes a bigger spread between initiating legislation and adopting constitutional amendments. At the present time, it takes 10 per cent for constitutional



amendments and 8 per cent for the initiative. I think often when people are trying to decide which to do, they may say: well, let's just get 2 per cent more and get a constitutional amendment. And that may be one of the reasons that it's said we have much legislation in our constitution.

I think by making it half as difficult to initiate legislation, we will then encourage that process, rather than the constitutional amendment process. And it does then give the legislature a chance to review what was done; either adopt it, do nothing, or provide an alternative in case the legislature, after hearings, can work out a better proposal. I therefore urge a yes vote on this, and believe that this would be one of the more significant improvements in the document.

**CHAIRMAN BENTLEY:** The gentleman from St. Louis, Mr. Hoxie.

**MR. HOXIE:** Mr. Chairman and fellow delegates, Mr. Downs submitted this amendment to the committee. The majority of the committee did not see fit to adopt it. I would like to yield to Mr. Kuhn for an explanation of our determination.

**CHAIRMAN BENTLEY:** The Chair recognizes the gentleman from Pontiac, Mr. Kuhn.

**MR. KUHN:** Mr. Chairman and members of the committee, we gave this problem a great deal of consideration, and I would like to assure Dr. Nord that no one on the committee has any idea that this will not be a self executing proposal, and that if the legislature failed to move, that it would be my intent—and I would want it on the record—that that state official, as we put it in there, would mean the secretary of state if they do not act; that it is a mandatory thing upon the legislature to move; that we have carried out all of the self executing features; so the legislature could not thwart the will of the people.

Now, as far as 10 per cent goes, there are several states that have 10 per cent for the initiative. We have kept it at 8 per cent. You might remember that former President Hoover wrote and said he thought the initiative and referendum should be done away with. That, however, is not our conclusion. We think it is a good thing. It was a very close vote in the convention of 1907 on this question, but the delegates did not decide to put it in. And just in the year 1913 the people took it upon themselves to include this rather lengthy proposal on the initiative and referendum. The only thing that we really cut out was the way of executing it. That has to do with the content and size and printing, and things of that nature. We did cut out many, many words. But we left it so it would be self executing and so it would be strong.

Now, Alaska, one of the last states to adopt a constitution, requires that 10 per cent of their people sign a petition asking for this initiative. Also, I think it should be noted that even California, one of the largest states in our union, requires 8 per cent. Yes, it's true, Michigan says 8 per cent. Why is this important? It's important because the legislative power should be in the house and senate. Now, if they do not see fit to move on a proposition that the people seem to think is important, then the people have a right. It was only used once successfully. Now, this doesn't mean that it is not a good thing; because the legislature can always keep this in the back of their minds.

I think it is also interesting to note this. I know we do not have a lot of time to explain this very complicated thing, but what are the rights of the legislature after the people start this petition and have the 10 per cent of the people who voted for governor? They must accept it within 40 days, and accept it in toto, or they must place it on the ballot. Now, what happens if they place it on the ballot and the people adopt it? They lose control of it. They can't amend it, they can't repeal it, and they can't change it in any way unless the people give them consent in their initiative petition, or unless they go back to the people and ask them to do this. This makes it rather strong.

The only time we have had an initiative matter that went through was the oleomargarine back in 1950. The legislature saw what the people wanted, and had the pulse and feeling, and adopted it to get away from this control factor so that they could keep control of the matter.

This is a very good thing. It's tough. We want to make it

tough. It should not be easy. The people should not be writing the laws. That's what we have a senate and house of representatives for. But they should have the power, which they do not have in our federal government, but they do have it in this matter, and we are asking you to retain the committee's position and keep it at 8 per cent.

**CHAIRMAN BENTLEY:** The Chair recognizes the gentleman from Schoolcraft, Mr. Brown.

**MR. G. E. BROWN:** Mr. Chairman and members of the committee, I shall be very brief, but I would just like to attempt to cause the delegates to give a little thought to this in relation to this amendment. It also relates to the amendment of the constitution by initiatory petition.

There are 2 elements to initiative and recall. One is the circulating of the petitions and obtaining the signatures; the second is the vote as to whether or not the proposition that has been put on the ballot by the petitions initiating this legislation or constitutional amendment, whichever it may be, shall carry. It has always been my thought—and I think being my thought, that it is the wise thought, of course,—that the method of petitioning should not be made more difficult; that the number of signatures should not be increased. That aspect of it—getting the proposition on the ballot—should not be made more difficult. But, especially with regard to the initiative, whether it is initiative legislation or initiative amendment to the constitution, that the approval by the voters should be made more difficult. And with respect to the constitutional amendment stage, when we come to that in miscellaneous provisions and schedule, I intend to suggest a 3/5 vote of approval.

I only suggest to you that it is the vote I believe which should be made more difficult, and not the petitioning aspect of the matter. I think that when you reduce the percentage of people that have to sign petitions to initiate legislation, you make it possible for so called do gooders to circulate petitions, and I'm favoring them at this time. When you make the circulating of petitions more difficult, what you do in a sense is place a premium on the special interest group who can afford to get petition circulators, and to have done all of the work that is necessary to get petitions signed and to get the matter on the ballot. It is then much easier, I think, to get a simple majority vote at the election. I do not think that the proper perspective to accomplish that which the committee has suggested be accomplished is by increasing the number of voters who sign the petitions, but rather by increasing the percentage of the votes that the proposition must be adopted by after the election.

**CHAIRMAN BENTLEY:** The Chair recognizes the gentleman from Detroit, Mr. Nord.

**MR. KUHN:** Mr. Chairman, I was wondering if he would yield for a question to straighten him out on some facts?

**MR. G. E. BROWN:** I would be happy to.

**CHAIRMAN BENTLEY:** The gentleman yields to the gentleman from Pontiac, Mr. Kuhn.

**MR. KUHN:** I'll make it very short, Mr. Brown. The committee did not increase at all the percentage of signatures required.

**MR. G. E. BROWN:** Excuse me. This was an incorrect statement. I shouldn't have said "increase." But the minority report would decrease it.

**CHAIRMAN BENTLEY:** The gentleman from Detroit, Mr. Nord.

**MR. NORD:** Mr. Chairman, I should like to ask Mr. Kuhn 2 questions, if I may. I'll ask him if he will tell us the percentage required to enact a law under the committee proposal, and the percentage required to repeal a law. Those 2 questions.

**CHAIRMAN BENTLEY:** The gentleman yields to the gentleman from Pontiac, Mr. Kuhn, for the answer.

**MR. KUHN:** I'm not sure I have your question exactly clear. Do you mean the percentage of signatures they need to start a petition?

**MR. NORD:** Yes. To enact a law.

**MR. KUHN:** On initiative, it is 8 per cent of all votes cast for all candidates for governor.

**MR. NORD:** That is to enact a law; is that it?

MR. KUHN: That is correct.

MR. NORD: And to repeal a law?

MR. KUHN: Five per cent.

MR. NORD: Now, I would like to raise this one further question, if I may, with Mr. Kuhn. Is it your understanding then that in the so called initiative the people could not enact a law which in terms, or else impliedly, repeals? In other words, in enacting a law, doesn't that include the possibility of enacting a new law, or amending or repealing an old law?

MR. KUHN: If I understand the question correctly, they can enact a law which would repeal another law?

MR. NORD: Yes. The legislature can do that. They can enact a law which repeals in terms, or else impliedly, another law.

MR. KUHN: Well, the people can do that, yes.

MR. NORD: If that's the case, doesn't it seem as though there is an inconsistency, in that in order to repeal a law under the initiative provision it requires 8 per cent, but in order to repeal it under the referendum provision it requires 5 per cent, and yet there's no difference between the initiative and referendum; they both require petitions?

MR. KUHN: There is a difference, sir.

MR. NORD: What is the difference?

MR. KUHN: The difference is the time limit. After a statute is passed by the legislature, there are 90 days before it goes into effect. And the reason for this 90 days is to give the people time to go out and get those petitions.

MR. NORD: Mr. Chairman, Mr. Kuhn, I understand that when there is a 90 day provision, that is the case. But am I mistaken in assuming that that has been stricken from the provision?

MR. KUHN: Oh, no; that 90 days is still there.

MR. NORD: That is still in this proposal?

MR. KUHN: It is not in this particular article, but it is in our article V, section 21, I believe.

MR. NORD: Oh, I've got you, then. All right. Thank you.

CHAIRMAN BENTLEY: Is the gentleman from Lansing seeking recognition?

MR. WANGER: Yes. A brief question for Mr. Kuhn, Mr. Chairman. Mr. Kuhn, isn't there another difference between initiative and referendum, namely: that referendum cannot result in having a statute on the books which it takes a popular vote to repeal? Whereas, the initiative, if the initiated statute is adopted, means that the people, in order to make any change in that statute, have to vote; and the legislature cannot vote to change it.

MR. KUHN: Well, not exactly. I'll try to explain this a little bit, Mr. Wanger. If the legislature sees fit to adopt the petition of the initiative as being sent out, if the legislature in their wisdom feel it looks like it is going to be good, and they adopt it in toto, then they have full control. They can amend it and do anything they see fit. But if they do not, and you start an initiative petition and it goes through and is adopted by the people without the legislature doing it, then they are precluded from disturbing it.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Adrian, Mr. Durst.

MR. DURST: Mr. Chairman, members of the committee, having worked in the area of revision of the constitution by amendment, and the initiatory petition put on the people, I'm aware of this problem. Very, very seldom has this particular provision of initiative been used, because with the requirement of 10 per cent necessary to put a constitutional amendment on, most groups have taken the alternative of putting the constitutional amendment on, and thereby writing into the constitution many, many things which are really legislative in detail, their theory being, we'll put it in the constitution and the legislature can't change it.

If this were reduced to 5 per cent as suggested by the minority report amendment here, it's quite likely that many groups would take this course, thus leaving us with statutory material that could be changed by the legislature at some subsequent date when it was necessary, rather than taking the course of writing it into the constitution. I would favor the minority report amendment.

CHAIRMAN BENTLEY: The question is on the amendment offered by the gentleman from Detroit, Mr. Downs, on which the yeas and nays have been ordered. Those in favor of the amendment will vote aye. Those opposed will vote no. The secretary will lock the machine.

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

#### Yeas—54

Allen	Gadola	Nord
Austin	Garvin	Norris
Balcer	Greene	Pellow
Barthwell	Hannah, J. A.	Perlich
Bledsoe	Hart, Miss	Powell
Bradley	Hatcher, Mrs.	Prettie
Buback	Hood	Romney
Butler, Mrs.	Jones	Sablich
Cushman, Mrs.	Kelsey	Snyder
Dade	Leppien	Stopczynski
DeVries	Lesinski	Suzore
Douglas	Liberato	Thomson
Downs	Madar	Tweedie
Durst	Mahinske	Wilkowski
Elliott, Mrs. Daisy	Marshall	Woolfenden
Faxon	McCauley	Yeager
Follo	McGowan, Miss	Young
Ford	Murphy	Youngblood

#### Nays—69

Andrus, Miss	Habermehl	Plank
Anspach	Haskill	Pugsley
Batchelor	Hatch	Radka
Beaman	Heideman	Rajkovich
Blandford	Higgs	Richards, J. B.
Bonisteel	Hoxie	Richards, L. W.
Boothby	Hubbs	Rood
Brake	Hutchinson	Rush
Brown, G. E.	Iverson	Seyferth
Cudlip	Judd, Mrs.	Shackleton
Danhof	Karn	Shaffer
Dehnke	King	Shanahan
Dell	Kirk, S.	Sharpe
Doty, Dean	Knirk, B.	Sleder
Doty, Donald	Koeze, Mrs.	Spitler
Elliott, A. G.	Kuhn	Stamm
Erickson	Leibrand	Stevens
Everett	Martin	Turner
Farnsworth	McAllister	Upton
Figy	McLogan	Van Dusen
Finch	Millard	Wanger
Goebel	Page	White
Gover	Perras	Wood

SECRETARY CHASE: On the adoption of the minority report amendment, the yeas are 54; the nays are 69.

CHAIRMAN BENTLEY: The amendment is not adopted. The secretary will report the next amendment.

SECRETARY CHASE: Mr. Hutchinson offers the following amendment:

1. Amend page 5, line 16, after "a vote of" by striking out "the electors unless otherwise provided in said initiative measure, but the legislature may propose such amendments, alterations or repeals to the people" and inserting "3/4 of the members elected and serving in each house of the legislature"; so that the language will then read, going back to the sentence beginning in line 12:

No act initiated or adopted by the people, shall be subject to the veto power of the governor, and no act adopted by the people at the polls under the initiative provisions of this section shall be amended or repealed, except by a vote of 3/4 of the members elected and serving in each house of the legislature.

CHAIRMAN BENTLEY: The gentleman from Fennville, Mr. Hutchinson, is recognized in support of his amendment.

MR. HUTCHINSON: Mr. Chairman, this is a very complicated procedure, and it is difficult without a great deal of thought and analysis to follow it through. But, briefly, as I understand it, let us assume this situation: let us assume that the people initiate a statute and it is referred to the legislature, which has 40 days in which to enact it without any



change. Let us suppose the case where the legislature failed to act in the 40 day period. Under that situation the initiated legislation would go to the people and the people, let us assume then, would adopt that initiated measure.

Now, under the present constitution and under the constitutional provision here before you, under those circumstances the situation would be that the legislature could never amend that act in any respect. All they could do would be to submit amendments to the people. Although this hasn't arisen in the past—because, as a matter of fact, it has been pointed out that this procedure has only been effectively used once in all of Michigan's history—I can well imagine this kind of a situation: an act can be initiated by petition, and there's a great deal of public clamor for it, a great deal of public support, and it's adopted by the people, although the legislature for some reason or another was so far out of step at the time that it didn't adopt it, and it had to go to the people, and it was adopted. Then they have a law, which might in some respects be quite detailed. Then let us say that 5 years later, 10 years later, another problem arose, and the legislature found itself in the situation where in order to bring this act into kilter with some other act in a very minor detail, it was necessary or desirous to amend it. In fact, to make the law conform, it would have to amend this initiated act. Now, it can't do it under the present procedure. It couldn't amend this initiated act. It would have to go back to the people. But, understand, it would go back to the people 5 or 10 years later, when there wasn't any clamor for it, there wasn't any public interest for it and, as a matter of fact, the particular minor detail which it was necessary to amend in order to accomplish some procedure in the law might be something for which you couldn't get public attention or support at all. What I'm saying to you is this: I think I see here in this present procedure a way in which it would be practically impossible to amend statutory law by the legislature, and you couldn't get public support for it because it isn't one of these issues that would draw public attention. In order to remedy that situation, which I say has never arisen yet in Michigan, but we don't know when it might, I offer this proposition: that the legislature be empowered to amend or even repeal these initiated statutes, but only by a 3/4 vote in each house. Now, that will put in a tremendous, extraordinary majority requirement, and it isn't likely that these initiated acts would be repealed, and it certainly isn't likely that they would be amended, unless there was a real necessity for it, due to changed conditions, totally changed conditions, but under an atmosphere where, while the legislature could see the need for the change, the people generally couldn't be stirred. I mean, there wouldn't be this public appeal for the matter.

I think this is a necessary amendment which certainly will not weaken the initiative in the least. But it will simply provide the machinery whereby in the future the legislature might be able to make necessary changes even in initiated legislation.

MR. KUHN: Mr. Chairman, would the gentleman yield for a question?

CHAIRMAN BENTLEY: Would the gentleman yield to the gentleman from Pontiac?

MR. HUTCHINSON: Yes.

MR. KUHN: I was wondering if the gentleman would include in his proposed amendment something to the effect of this being done in a subsequent legislative session; so we wouldn't have to worry about amending it instantly, like it provides down below in a few sentences. If we could perfect something like that, I don't think the committee would have any objection.

MR. HUTCHINSON: Mr. Chairman, if Mr. Kuhn or any other delegate would desire to offer an amendment to this amendment that way, I would be very happy to accept it. However, the reason I didn't offer it at this time is because in talking with the members of the committee, including Mr. Downs, we thought that this 3/4 vote requirement would be a sufficient safeguard and that the time element would become very secondary. In fact, Mr. Downs, indicated to me—

and he can speak for himself on it—that he didn't know whether the time element would work out very well.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Detroit, Mr. Downs, on the Hutchinson amendment.

MR. DOWNS: Mr. Chairman, fellow delegates, I believe that Delegate Hutchinson pointed out what technically and theoretically could be a problem; that if the initiative process got something into the statutes, and then a technical amendment was wanted later on, it would be almost impossible. Now, what we wanted to guard against, and I felt very strongly about it, was a situation where the people go to all the effort of an initiative campaign, which is hard work, win it, and then have the legislature by a 51 per cent vote reverse it. I think that the protection of the 3/4 would be such that it would mean the change would not be on the basic substance of what the people had gotten through the initiative process, but on what Delegate Hutchinson has referred to: some technical part that might need to fit into some other statute. Therefore, I think the 3/4 is a reasonable requirement. I prefer it a little bit to the time concept. I think it is a little better way to handle the problem. I therefore will speak in support of the amendment.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Schoolcraft, Mr. Garry Brown, to speak on the Hutchinson amendment.

MR. G. E. BROWN: Mr. Chairman, members of the committee, the question of Mr. Kuhn prompts a question by me to either Mr. Hutchinson or Mr. Kuhn. I talked to Mr. Hutchinson briefly about this. If you refer back down to the sentence that Mr. Kuhn was talking about, where it relates to the next session, that sentence says, "Acts adopted by the people under the referendum provision of this section. . . ." Now, I respectfully submit that there are no acts adopted by referendum in the section of the committee report that we are presently considering. All the referendum does is repeal legislation. It doesn't enact legislation. The only time we had a reference to what would be commonly called the referendum was back in Committee Proposal 113, in which case we talked about the legislature being able to submit to the people for their approval acts of the legislature. I think this needs to be clarified. If we are only speaking of the initiative, then of course the question that Mr. Kuhn posed to Mr. Hutchinson, which he agreed to, would be all right. But I question very much the leaving of this language as it is if we are only talking of the initiative, because I think that is what we must be talking about, and not the referendum.

CHAIRMAN BENTLEY: Do you want to yield to the gentleman from Fennville for an answer?

MR. G. E. BROWN: Yes.

CHAIRMAN BENTLEY: The gentleman from Fennville, Mr. Hutchinson.

MR. HUTCHINSON: Mr. Chairman, I would much rather have the gentleman yield to Mr. Kuhn on that question, because admittedly I don't know the answer off hand. Probably, a member of the committee who has given much more study to this than I have might be able to answer Mr. Brown more authoritatively than I.

CHAIRMAN BENTLEY: The gentleman from Pontiac, Mr. Kuhn. The question occurs on the amendment offered by the gentleman from Fennville, Mr. Hutchinson. The gentleman is recognized.

MR. HUTCHINSON: Mr. Chairman, I would like to make a revision in this amendment in one respect. Mr. Secretary, I want to insert that amendment after the word "electors," where it says "a vote of the electors". You see, I want to make it read, "a vote of the electors or 3/4 of the members elected and serving in each house of the legislature."

Mr. Wanger very quickly pointed out to me that we might end up with this thing in such fashion that the people themselves might not be in a position to amend this initiated statute by a referendum in the future, and I wouldn't want that. I simply want to provide a way, in addition to the action of the people themselves, that the legislature by an extraordinary majority might be able to amend an initiated

statute because of the problem that I previously raised. Do you have the change in the amendment?

SECRETARY CHASE: May the secretary check with you, sir? As we have it now, the amendment, as revised, would read:

1. Amend page 5, line 16, after "electors" by striking out "unless otherwise provided in said initiative measure, but the legislature may propose such amendments, alterations or repeals to the people" and inserting "or 3/4 of the members elected and serving in each house of the legislature"; so that the language would read:

No act initiated or adopted by the people, shall be subject to the veto power of the governor, and no act 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 of the members elected and serving in each house of the legislature.

CHAIRMAN BENTLEY: The gentleman from Lansing, Mr. Wanger, is recognized.

MR. WANGER: I would like to ask a question of Mr. Hutchinson. In quickly rereading this, I note that the language "unless otherwise provided in said initiated measure" is left out. Now, this might be surplusage; I really don't know. But I wonder if that language perhaps ought not be inserted to make it clear that if the people wanted to provide in an initiated measure that it could be amended or repealed like other bills, then they could do so.

MR. HUTCHINSON: Mr. Chairman, I would prefer not to further complicate a very complicated situation by that amendment. I don't think that it is necessary. I really don't.

CHAIRMAN BENTLEY: The question occurs on the amendment offered by the gentleman from Fennville, Mr. Hutchinson. As many as are in favor will respond by—

MR. HOXIE: Mr. Chairman.

CHAIRMAN BENTLEY: Mr. Hoxie.

MR. HOXIE: So that the delegates can clearly understand what this amendment will do, I think you should recall that the proposal provides, in the first place, that in order to invoke the initiative you must secure the signatures of 8 per cent. That is difficult. However, it can be accomplished. I think you should also remember that the legislature, on initiatory petition, has 40 days in which to enact the substance of that initiatory petition. Upon failure, then it goes to the people. And if the people adopt it, then it's written as statutory law.

The point that I would like to make is that if the legislature doesn't see fit to enact it, what is to prohibit them, under the wording of this proposed amendment—and granted it is difficult perhaps to get 3/4 of the legislature to repeal, but at the same time you must remember that they didn't want to enact it into law, and so I can logically assume that there may be just as many that would like to repeal it. And all of the efforts of those people in circulating the initiatory petitions will come to naught. I say that the people have the right to the protection of their efforts on something on which they feel strongly enough to secure the necessary signatures, and if the legislature doesn't enact it, then it's their responsibility to go back to the people and ask for an amendment of that act if they see fit.

CHAIRMAN BENTLEY: The gentleman from Harrisville, Judge Dehnke.

MR. DEHNKE: I think we need to have in mind. Mr. Chairman and ladies and gentlemen, that one of the difficulties with the initiative and referendum procedure is the number of proposals that the people may be called upon to vote on at one election. I have read of as many as, I think, 30 or more proposals having been submitted to the people of California, at least, at one election to be voted on as separate propositions. I would hesitate about leaving the door open for repeal or amendment of such a statute, even by a 3/4 vote, immediately or within a year or 2. But I would strongly favor the 3/4 amendment and the possibility of disposing of it in that way if we can be assured that a time limit would be put on there of not less than 4 years, or something of that sort.

CHAIRMAN BENTLEY: The question occurs on the amendment offered by the gentleman from Fennville, Mr. Hutchinson.

As many as are in favor will respond by voting aye. Those opposed?

The amendment is adopted. The secretary will report the next amendment.

SECRETARY CHASE: Pursuant to their minority report which had been filed to Committee Proposal 113, withdrawn therefrom, and now offered to this proposal,

Messrs. Downs, Lesinski and Murphy offer the following amendment:

1. Amend page 6, after line 24, by inserting 2 new paragraphs to read as follows:

"For the purpose of electing representatives to the house of representatives in the congress of the United States, the state shall be divided into districts corresponding in number with the representatives to which it may be entitled, which districts shall be composed of contiguous territory and be compact. Each district shall contain, as nearly as may be, an equal number of persons, but in no case shall the districts vary in numbers of people more than 15 per cent above or below the ratio of population fixed by congress or the ratio of population determined in the state as a whole by dividing the total population of the state by the number of representatives assigned to it by congress. Notwithstanding the above provisions with respect to the population required for each district, the population comprising the upper peninsula of the state of Michigan shall be entitled to elect one representative to the house of representatives in the congress of the United States.

If the legislature should fail to apportion anew the representatives in congress in accordance with this section within 6 months following January 1, 1963, and every 10 years thereafter, [the board of state canvassers] the apportionment commission, within 90 days after the expiration of the 6 months, shall apportion anew such districts in accordance with the provisions of this section and such apportionment shall become effective for the next succeeding fall election."

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Detroit, Mr. Downs, in support of his amendment.

MR. DOWNS: Mr. Chairman, I demand the yeas and nays. I ask for one technical correction. That is, on line 18, to change the word "article" to "section," and I ask unanimous consent for that. [Correction made.] And I would like to yield to Delegate Lesinski to explain the amendment.

CHAIRMAN BENTLEY: The yeas and nays have been requested. Is the demand supported? A sufficient number. The yeas and nays will be ordered. The gentleman yields to the gentleman from Detroit, Mr. Lesinski.

MR. LESINSKI: Mr. Chairman, fellow delegates, we of the minority give you the following reasons:

[The first 2 paragraphs of the supporting reasons to the minority report to Committee Proposal 113 were read by Mr. Lesinski. For text, see above, page 2392.]

You have on your desks a 3 page folder relating to congressional redistricting. Possibly you will be able to follow this easier. Following are the reasons why this should be inserted in the constitution:

The constitution of the United States requires that representatives be apportioned among the several states on the basis of population. There is, however, no express provision in the constitution for a reapportionment following each decennial census, but over the years the requirement clearly has been inferred from the location of the population enumeration clause in the apportionment section.

Congress has followed the practice of providing for reapportionment after each enumeration except after the census taken in 1920. Under the automatic reapportionment act of 1929, as amended in 1940, the size of the national house of representatives is fixed by law and the number of representatives due each state is computed after each decennial census and the states are notified of the results. After assigning one seat to each of the several states, the remaining seats are distributed among the states.

in accordance with the formula known as the "method of equal proportions."

The constitution states that congress may at any time by law make or alter the regulations made by the states as to the times, places and manner of holding elections for senators and representatives. It would appear from this language that congress has the power to regulate the drawing of congressional district lines. However, congress has never done so, and the 1929 to 1940 legislation still leaves it to the states to redistrict themselves after each census, should any adjustment in the number of representatives allotted a state be made as a result of the census.

From the beginning of our government to 1842, elections were held both on a district and on an at large basis. In 1842, the congressional act required the election of representatives in single member districts composed of contiguous territory. For many years, also, with the exception of the period from 1850 to 1862, the apportionment acts of congress provided that districts should be composed of contiguous territory.

In 1872 the apportionment act added the provision that districts should contain "as nearly as practicable an equal number of inhabitants." No further changes in substance were made until the enactment of the apportionment act of 1901, which added the words "compact territory" to the previous requirements. These standards were repeated in the act of 1911.

Thus, on the basis of a series of statutes enacted during the years from 1842 to 1911, congress established 3 standards or tests applicable to districting: 1, contiguity of territory; 2, compactness of territory; and 3, substantial equality of population. These standards, however, proved to be ineffective in bringing about any degree of uniformity in the districting by the states. The failure seems to have stemmed largely from the lack or unwillingness on the part of congress to provide adequate enforcement procedures during these years.

I will skip page 2, and I wish to point out on page 3, citation 7:

No categorical answer may be given to the question whether congress has power to set aside a state districting act or to define the boundaries of districts. Congress so far has not attempted to exercise any such power. Neither are there any judicial precedents for testing the possibility that this might be done, at least negatively by judicial remedies.

Thus it appears that as of today there are no immediate adequate remedies available for the failure of a state to apportion its congressional districts equitably. The most satisfactory solution of the problem, authorities agree, is "an aggressive public opinion" which will "force the state legislature to take proper action."

In this connection, it would be constitutionally proper for a state constitutional convention to place in the state constitution a provision imposing upon the legislature a requirement to create congressional districts as nearly as possible in accordance with the standards of contiguity, compactness and reasonable equality as fixed by the older standards of federal law. Such a constitutional provision might well allow enough leeway to the legislature to enable it, in districting the state, to insure that no incumbent congressman would suddenly be dispossessed except where that proves absolutely necessary, and to maintain some stability in the political balance of the state. These standards appear to be compatible with and in the best interests of representative government.

I wish to make this statement and quote from the governor's veto message on congressional reapportionment:

There is no more important matter to be dealt with by the people of a democracy, and consequently by their elected representatives, than that of equal representation in the councils of popular government. Enrolled senate bill 1007 and the arguments that have been presented in behalf of it are unworthy of the crucial public question at stake.

The suggestion that there is some imaginary relationship between the geographical size of a congressional district and the quality of representation afforded by its elected congressman is without basis in fact.

Underlying the arguments presented in behalf of senate bill 1007 has been the implied rule that congressional redistricting must be accomplished in the manner desired by incumbent congressmen. This is a dangerous implication which threatens the foundation of democratic representation. Redistricting is a function of the people. We cannot preserve the basic right of the people to govern themselves if the whole process of redistricting is perceived to be for the benefit of incumbent officeholders.

I cannot believe that incumbent Michigan congressmen place a higher value on retaining their offices than on insuring the people fair and equal representation in the house of representatives.

I yield now to Delegate Downs.

CHAIRMAN BENTLEY: The gentleman yields to the gentleman from Detroit, Mr. Downs.

MR. DOWNS: Mr. Chairman, I wish to speak in favor of the minority report amendment. Michigan has the unusual distinction of having one of the congressional districts with the largest population in the United States, and one with the smallest.

The question of need often arises on this floor. Our history has shown that in order to get congressional districts so each vote is equal, we need to have some protection in the constitution. This will provide that. It provides it on a reasonable basis. And we urge those who have talked about having the Michigan legislature like the national one, with one house on population, that we at least, as a very minimum, get congressional districts that are equal in population, as was the intent of the founding fathers. Thank you.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Pontiac, Mr. King.

MR. KING: Mr. Chairman, fellow delegates, I support the concept of area sovereign unit representation in the United States senate. But I feel strongly that the house of representatives should represent people. Here on this floor I opposed preferential treatment for Kent county in our Michigan senate apportionment plan, and I strongly oppose any such plan as this which will preserve in our constitution any such blatant discrimination as would permit for all time one area of our state to be entitled to one representative. I fully realize that the minority party here may be the majority party there, but this is the sort of thing which I think has no place in our constitution, and for that reason I would have to be opposed to it.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from East Lansing, Dr. Hannah.

MR. J. A. HANNAH: Mr. Chairman, members of the committee, I recognize that everyone is anxious to proceed with their work and not very anxious to spend much time on this matter. You will recall that when we were talking about legislative apportionment there was discussion at that time with reference to the districting for the federal house of representatives. Mr. Hodges proposed an amendment, and he was assured by the president of this convention that at an appropriate time this would be given attention by the convention. This has been designated as the appropriate time.

I commented at the time, in the little green books that were distributed—you will recall the book that looks like this; and you have one of them on your desk—there is a map which shows the congressional districting of this state, with the populations of the 18 districts which we now have. Every citizen of this state is aware of the difficulties the state legislature has been having in trying to come up with a redistricting of the congressional districts. They have proposed 2 or 3 measures, none of them adequate. And I should like to say—and I'm not talking now for the committee on legislative organization, I'm only talking for myself—that I think it is as unrealistic to expect the legislature to apportion seats in the house of representatives on a population basis as it is

to expect them to redistrict the state for seats in the legislature.

I would only like to point out, if you look at this map, what the situation is as of now. You will find there the districts, all listed, with the populations. The state is now entitled to a nineteenth representative. And I should just like to call to your attention that as of now Wayne district 16 has 802,000 people.

If you divide the population of Michigan, 7,823,000 by 19, you come up with a quotient of 411,535. If these congressional districts were apportioned equitably, they would be apportioned as nearly as possible with 411,000 in each congressional district, plus or minus a few to make it possible to adhere to county lines, or city or township lines within the counties which have more than one, which of course is only Wayne county. But I point out that Wayne 16, with 802,000 people, has almost twice an entitlement. They have 391,000 people more than a share. Oakland has 279,000 people more than a congressional district should have. The thumb district has 250,000 more. That's district 7. District 6 has 212,000 too many.

At the other side, the other end, in the upper peninsula, western district 12 is short 234,000 people. The other U.P. district that runs down into the northern end of the lower peninsula is short 171,000 people. And then Wayne 13 is short 143,000; Wayne 1 is short 128,000; and Wayne 10 is short 103,000.

Now, any scheme that proposes to redistrict congressional seats must take into consideration the vast inequities in the city of Detroit or in Wayne county. Can anyone in this convention contend that there is any equity at all in Wayne county, with 6 districts running in size from 268,000 to 802,000? Can we say we just aren't going to do anything about that?

Now, this amendment that Mr. Downs has proposed gives the legislature the opportunity to redistrict the state if they want to. And this would provide, as of now, that they would have until the middle of 1963 which is 3 years after the census is taken. This provides that no one does anything about it until 1963 or 1973 or 1983, after the legislature has had plenty of time to act. Then, if they fail to act, it provides that this responsibility should be assigned to the apportionment commission. This is one way it could be done.

If you want to give the legislature an additional opportunity, you can suggest or you can write into the constitution the proviso that the apportionment commission shall come up with a districting and propose it to the legislature.

The only point I want to make is just because we are in a hurry, we shouldn't pass this one over lightly. Nor should we be unduly concerned because every congressman in Washington wants to be sure that you don't change the districts, and they have put pressure on some of you and on me to say that this isn't the business of the constitutional convention, that this is the forte of the legislature, and nothing should happen to upset it.

Well, the legislature hasn't acted. They aren't likely to act. We are apparently going to elect a congressman at large. And then maybe sometime later they'll come up with some kind of a scheme that some governor will approve, making a little readjustment here and there, but this is not going to be adequate. So I urge, in spite of your haste to get on with your work, that you give serious consideration to this amendment. And unless there are amendments that will perfect it, I expect to vote for it.

CHAIRMAN BENTLEY: The Chair recognizes the chairman of the committee, the gentleman from St. Louis, Mr. Hoxie.

MR. HOXIE: I believe Mr. Downs has a question he would like to ask first.

CHAIRMAN BENTLEY: The gentleman from Detroit.

MR. DOWNS: Mr. Chairman, Delegate King convinced me by his statement that there should not be specific area reference, and if the other cosponsors of this would be agreeable, I would like to withdraw the last sentence of the first paragraph, which was the portion that I believe was offensive to Delegate King, and I believe it would then be an even more consistent document.

CHAIRMAN BENTLEY: The gentleman withdraws the last sentence of the first paragraph, beginning in line 9, "Notwithstanding the above provisions with respect to the population required for each district, the population comprising the upper peninsula of the state of Michigan shall be entitled to elect one representative to the house of representatives in the congress of the United States." Is that correct?

MR. DOWNS: Yes.

CHAIRMAN BENTLEY: The amendment is so revised. The gentleman from St. Louis.

MR. HOXIE: Mr. Chairman, fellow delegates, I would like to state to the committee that we had this before our committee. We discussed it thoroughly. It was assigned to Mr. Millard, and I would like to have a report from him at this time.

CHAIRMAN BENTLEY: The gentleman from Flint, Mr. Millard.

MR. MILLARD: Mr. Chairman, members of the committee, Mr. Lesinski has given somewhat of a history of the provisions of congress to allocate itself, its members. Dr. Hannah has taken our time talking about numbers. I feel that the numbers haven't anything to do with this, because it's purely a question of where the power lies. I think that this amendment which is before you is strictly out of line, because it puts the power in places where it should not be.

The constitution of the United States conferred upon congress the exclusive authority to secure fair representation by the states in the popular house and left to the U.S. house of representatives the determination of whether states have fulfilled their responsibility. I would like to read article 1, section 4 of the United States constitution:

The times, places and manner of holding elections for senators and representatives, shall be prescribed in each state by the legislature thereof; but the congress may at any time by law make or alter such regulations, except as to the places of choosing senators.

I think it is very important to keep in our minds the fact that congress has given to the state legislature the right to apportion the representatives going from that state.

The annotations to this section of the United States constitution, as set forth on page 171, paragraph 43 of the rules and manual of the United States house of representatives, include the following significant statement:

It has been argued generally that the legislature derives the power therein discussed from the federal and not the state constitution, and therefore that the state constitution might not in this respect control the state legislature.

Article 1, section 5 of the U.S. constitution further provides, "Each house shall be the judge of the elections, returns and qualifications of its own members. . . ."

It is clear that the authority of a legislature to enact laws relating to congressional districting and redistricting is derived from the United States constitution and from the laws of congress, and not from the state constitution.

There exists a long history of legislation by congress specifying methods and standards by which the state legislatures shall accomplish congressional districting and redistricting. There are statutes of 1842, 1850, 1862, 1872, 1911 and 1929. Under the apportionment act of June 18, 1929, as amended by the act of April 25, 1940, and further amended by the act of November 15, 1941, an automatic reapportionment of the 435 seats in the house of representatives following the eighteenth — 1960 — census gave Michigan an additional seat — formerly 18, now 19 — beginning with the eighty-eighth congress convening in January, 1963.

For a long period, beginning in 1842 and extending until 1922 — with the exception of a 10 year period following 1852 — the congress in each apportionment act required representatives to be chosen from single member districts of compact and contiguous territory and containing as nearly as practicable an equal number of inhabitants. In enacting legislation on the subject in 1929, cited above, congress omitted these standards to guide the state legislatures. The United States supreme court on October 18, 1932, ruled that insofar as federal legis-

lation setting up standards is concerned, none now exist. In the case of *Wood v. Broom*, 287 U.S., page 1, the court said:

There is thus no ground for the conclusion that the act of 1929 reenacted or made applicable to new districts the requirements of the act of 1911. That act in this respect was left as it had stood, and the requirements it had contained as to the compactness, contiguity and equality in population of districts, did not outlast the apportionment to which they related.

Although there is presently no federal law as to standards of redistricting, the house of representatives could be the final authority on a state redistricting law, under its power to judge the elections, returns and qualifications of its members.

Like the great majority of states, Michigan has no provision in its present constitution relating to congressional districting. There are a few states which have some reference to this subject, and typical of this provision is the Colorado state constitution, "When a new apportionment is made by congress, the general assembly shall divide the state into districts accordingly."

Since it is clear that the U.S. congress has exclusive jurisdiction in this field, and is likely from time to time to change and amend its laws, it would not be wise policy for a constitutional convention to attempt to legislate on this subject in the state constitution. It is my contention that this proposed amendment is legislation. It sets forth conditions which were not even in the law which has gone out of existence because of being repealed by the congress.

I'm glad that Mr. Downs finally found that the one condition in there would probably nullify the whole act, and I think that the 15 per cent provision in there would nullify it also. As I stated before, the United States constitution gives this power of redistricting to the state legislature, and I don't believe that we as a constitutional convention have the right and the power to delegate that authority to a board of canvassers or to an apportionment commission which has been suggested in this amendment. I therefore urge you to leave the redistricting where it is, where it has always been, and to vote no on this amendment.

**CHAIRMAN BENTLEY:** The Chair recognizes the gentleman from Muskegon, Mr. William Hanna.

**MR. W. F. HANNA:** Ladies and gentlemen, I think there are several questions to be answered in this field, part of which were discussed by Delegate Millard and partly by other delegates. The first question that must be answered is whether or not the federal law in any way, through its constitution or the federal statutes, providing for the allocation of congressmen to the several states prohibits the state constitution from setting a standard as to how these districts shall be measured.

I think a thorough examination of the federal statutes and the federal constitution would in no way indicate that there is a federal prohibition against the people of a given state to set, by constitution or referendum, a standard to be applied to congressional districts. And we have seen that out of the 50 states a number have set definite standards.

It is interesting, as I made a study of this, to find that the Virginia constitution provides simply for a 2 house legislature, a senate and a house of delegates, and it says nothing as to how they will be apportioned. It arrives at no complicated formulas, and yet has a well apportioned legislature by any test. But it is very careful to provide that congressional districts will be contiguous, compact and contain as nearly as practicable an equal number of inhabitants. I think this should amaze us. I think it is safe to say that no one has ever challenged the laws of congress or the apportionment or the districting in Virginia because of the state constitution.

And while Mr. Millard makes the charge that the federal government has usurped this field, I do not believe that this is borne out to the point that the states cannot act in this field and cannot act through their constitution in setting certain standards.

Now, analyzing the federal law as it does exist, however, in light of the Downs proposed amendment, I think there is

a problem in that the federal law clearly vests this power in the legislature, and his second paragraph provides that if the legislature should fail to apportion, then the state board of canvassers can apportion. Or if we take the other amendment proposed by Mr. Hodges, he proposes that the apportionment commission submit a plan to the legislature, which would require a 2/3 vote of each house to reject it. I submit to you that both of these plans before us are defective in the attempt to circumscribe federal law by giving it to the legislature.

Now, that then raises a question which should be in our minds, that if we see fit to set a standard in our state constitution, and if the only people that we can give this prerogative to is the legislature, what means do we have to enforce apportionment of congressional districts? If we cannot, as we did in '52, provide that if the legislature shall fail to act, we give it to the board of canvassers; or if we cannot give it to an independent commission, as the legislative organization committee provided, what power do we have to force the legislature to act?

I think there are 2 things that might be done if we see fit to act. One is that the apportionment commission could submit a proposed districting plan to the legislature, asking for its adoption by the legislature, and the force of public opinion, if such apportionment plan or districting plan were fair, would be a tremendous pressure upon the legislature so to act. We have seen in the past history of Michigan that when the governor has specifically proposed an apportionment plan that is fair, and not political, and has brought public pressure to bear upon the legislature, that at the subsequent session of the legislature the legislature has enacted a reasonably fair apportionment.

Now, we can certainly go that far. What if the legislature still fails to act? If it is true, as I interpret the law, that you cannot take it away from the legislature, can you impose a penalty? An examination of a number of state constitutions as providing for legislative penalties if the legislature fails to act in the field of apportionment would indicate that we can provide that if the legislature shall fail to apportion according to the standard of our Michigan constitution, the congressman will be elected at large. This type of penalty has been sufficient to secure districting of state legislatures and congressional districts and has been especially effective in our sister state of Illinois. I see nothing in the federal law that would prevent such a penalty, and it would clearly comply with federal law and the federal constitution.

I think, in addition, the minority report amendment would have to have included in it language that would provide that if, subsequent to the adoption of this constitution, the federal law would provide more restrictive standards, that the federal law, insofar as it was more restrictive, would supersede the state law. Having gotten to this point, I ask the sponsors of either the Downs-Lesinski-Murphy amendment or the Hodges amendment to so amend their amendments, if possible, to comply with this analysis of federal law.

Now, there is a further problem. I'm worried about it only because I know Mr. Downs' philosophy. The requirement of a deviation of not more than 15 per cent is, as far as I can see, practical within county lines. I know that Mr. Downs has no great love or respect for county lines, at least not the love nor respect that I have for county lines, and it comes from a study of this problem and discussing it with outstate members of both parties, that to require somebody to run in an area that has no relationship as far as political organization to our other existing political organizations — and outstate this means along county lines — will cause political havoc. And I would ask Mr. Downs, specifically, if he intended or if he would consider that before this is put to a vote, we perfect it by requiring that insofar as possible districts comprising a single county or one or more counties follow county lines and we not carve up counties in creating congressional districts unless that county in and of itself would fairly be entitled to 2 or more congressional districts.

I believe, personally, that this is an essential problem; that we have the jurisdiction, and that we should not cloud it with the question of whether or not we have the jurisdiction; but



we should face our responsibility and decide here and now whether or not we are going to set standards in the Michigan constitution that congressional districts be on population as nearly as possible, along county lines.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Bessemer, Mr. Pellow.

MR. PELLOW: Mr. Chairman, ladies and gentlemen of the committee, I rise at this time in opposition to this amendment. I am somewhat surprised at this time that the chairman of the legislative organization committee can stand up here now and talk about equality for congressional districts, and yet when we were talking about the state senate, then there necessarily had to be an area factor.

Now, I would say this, also: that not all of the Democrats are in favor of a congressional redistricting of the state of Michigan. In fact, the Gogebic county Democratic committee, of which I'm a member, went on record, sending a telegram to Governor Swainson, opposing the loss of the twelfth congressional district to the people of the upper peninsula. I say to this body that the only hope that the people of the upper peninsula have left is through their congressional representation, since we cannot get anything from the presently mal-apportioned state senate. And since this body does not want to correct the situation all the way, I don't believe at this time that we should start to get self righteous and get up here and proclaim that now we should have equality of representation.

I think the point has also been made, and made very well, that this is a matter for the legislature. And if this body wants to stay in session long enough to do all of the legislature's work, then that is one thing. But I do not think that is the purpose of this body.

At this time I would like to read into the record a letter from Congressman John B. Bennett, dated December 27, 1961, addressed:

Honorable Paul C. Younger  
The Senate  
State of Michigan  
Lansing, Michigan  
Dear Senator:

Thank you for your letter of December 21 enclosing a proposed bill by the senate interim committee on congressional reapportionment for the state of Michigan.

I am not in a position to comment on the committee's recommendations except its proposal to consolidate the present eleventh and twelfth congressional districts. In my opinion, this particular proposal is absurd and ridiculous and in complete disregard for the welfare of the people who would be vitally concerned.

To consolidate the eleventh and twelfth districts would establish a new district whose size in area would comprise approximately  $\frac{1}{2}$  of the total area of the entire state. I recognize that the northern part of the state—particularly the upper peninsula—is more sparsely settled than the areas in the middle and the lower parts of the state. But certainly, population in and of itself is not the only factor to be considered in reapportionment. It would be a virtual impossibility for one member of congress to adequately serve the people of the eleventh and twelfth districts. The mail that comes into my office daily from the twelfth district at least equals and probably exceeds the mail from most other districts in the country. Furthermore, it would take a member of congress several months each year to even make a casual contact with the people in 24 counties. I do not know whether you or your committee have ever traveled north of Grand Rapids. But if you could find the time to make an automobile trip through the 24 counties you want to put into one district, I think you would revise your thinking.

I am also sure you will agree with me that the people in the 24 counties you want to consolidate are entitled to the same type of representation in congress that is given to the remaining districts in the state. This would be an utter impossibility under the suggestion you have made.

I would appreciate it if this letter could be made a part of the record of your hearings on this proposed legislation. I think this letter is applicable to this particular amendment.

I would also like to point out to the members of the committee of the whole that Texas has the second smallest representative district, and that is where the late Speaker Rayburn was from. So I don't think that we have a unique situation here when the upper peninsula has 2 congressmen, and one congressman, for the eleventh district, serves part of the lower peninsula. After all, southeastern Michigan is going to get another congressman. At least, let us have what we have left. Thank you. (applause)

CHAIRMAN BENTLEY: The Chair recognizes the chairman of the committee, the gentleman from St. Louis, Mr. Hoxie.

MR. HOXIE: Mr. Chairman, I don't believe that many votes are going to be changed, and as soon as the vote is taken on this it is the expectation that the committee will rise. I know that many have commitments for this evening, so if there aren't any amendments, and somebody doesn't feel the urge to speak, let's dispose of it.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Harrisville, Judge Dehnke.

MR. DEHNKE: Mr. Chairman and members of the committee, I think the careful study reflected by Mr. William Hanna's remarks here has indicated something that is of utmost importance to us. This amendment not merely undertakes to make it specifically the duty of the legislature to perform a redistricting of the congressional districts, but it proposes to lay down the rules by which that redistricting shall be made and the procedure that is to be followed. I think we need, in this connection, to remember further that whatever might be true at some other time, at this time we have to face the fact realistically that this whole matter is in a state of uncertainty and of flux by reason of the decision in the Tennessee case, just a week or two ago.

This amendment brings before us again the one man, one vote idea in connection with apportionment. It's difficult enough to determine what procedure and regulations should be adopted for the organization of our legislature in this present situation, but the circumstances force that duty upon us, regardless of anything else; but they do not force us to burden ourselves at this particular time to take on the additional load of going into a field primarily of federal authority.

There was a time when the federal statute stated that congressional districts should be apportioned on a basis of being compact and contiguous and as nearly equal in population as was practicable. But as the supreme court pointed out in the case that has already been referred to in 1932, the 1929 act eliminated that requirement, and that is an indication that in the judgment of congress population was not to be the sole factor, or even the controlling factor. And I suggest to you that if in connection with the federal congress any consideration is to be given to anything else except population in apportionment, the only place in which it can be done is the house of representatives, because it cannot be done in the senate.

Now we are asked to adopt this amendment which lays down a hard and fast rule of no more than a 15 per cent deviation from exact equality of population, and without knowing whether or not the future decisions of the supreme court are going to make that necessary. I suggest, members of the committee, that regardless of any other consideration, we have at this time no sufficient guidance to enable us to determine what the rules should be. We simply have to wait for further decisions in which the supreme court of this state or of the United States will give us that guidance; will give the people of Michigan that guidance; will determine whether or not population is to be the controlling factor, the sole factor, or what other factors may be considered along with it.

For that reason I think we would be making a grave error in attempting at this time to write into the constitution the specifications that should be followed. And I think there would be grave doubt as to the constitutionality of any attempt to take away from the legislature, or from the people themselves, the right to make this decision and to confer that responsibility upon some other board.

Another question that we need to consider is the effect on the people's response to including this in our constitution under present conditions. It seems to me that the people of Michigan appreciate that at this particular moment it is advisable for them to wait and see, until these lines and specifications are more definitely stated. We can't solve all of the problems of the future in this convention. We have to leave something for the future to determine. In spite of all of our hopes for the product that we may be hammering out here, we can be assured that within 10 years, or possibly within 5, the people will find it necessary to amend the constitution as we present it, in case they should adopt it. And I think they would concur with the idea that at this time, and in a hurry, with all the uncertainty there is in the air as to what the rules will be, it would be a mistake to attempt to lay down ironclad and hard rules by which to attempt to solve this problem.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from— for what purpose does the gentleman rise?

MR. DOWNS: I rise for a preferential motion, Mr. Chairman.

CHAIRMAN BENTLEY: The gentleman will state it.

MR. DOWNS: I move this item be put over to a time certain, 8:30 Monday night.

CHAIRMAN BENTLEY: The question is on the motion. The gentleman from St. Louis.

MR. HOXIE: Mr. Chairman and fellow delegates, we have debated now for at least 1½ hours on this question. I think everybody knows how they are going to vote. I suggest we proceed to vote and dispose of the matter and adjourn.

CHAIRMAN BENTLEY: The question is on the motion by the gentleman from Detroit, Mr. Downs, which the secretary will repeat.

SECRETARY CHASE: The motion by Mr. Downs is that consideration of this particular amendment and proposal be postponed until Monday evening at 8:30.

MR. HOXIE: I request a division.

CHAIRMAN BENTLEY: Division is requested. Is it supported? A sufficient number. Those in favor of the Downs motion will vote aye. Those opposed will vote no. The board will be cleared, please.

MR. MARTIN: Mr. Chairman.

CHAIRMAN BENTLEY: Mr. Martin.

MR. MARTIN: May I inquire whether there are others who wish to be heard on this matter?

CHAIRMAN BENTLEY: There are 5 speakers on the list.

MR. MARTIN: Then it seems to me that it is essential that they have an opportunity to be heard. The complications I understand that are arising are that we are about to adjourn for tonight, and we are advancing the time to come back on Monday, which is going to create complications for many of us who want to be here when this is voted on. So that it seems to me desirable, if we are going to adjourn now, that we not take this up until, say, 8:30 Monday night.

CHAIRMAN BENTLEY: Those in favor of the Downs motion will vote aye. Those opposed will vote no.

MR. DOWNS: Point of information. Would you repeat the motion? I wanted Delegate Martin to know that the motion was to postpone until 8:30 Monday night.

MR. MARTIN: I understood that.

CHAIRMAN BENTLEY: Those in favor of the Downs motion will vote aye. Those opposed will vote no. If you have all voted, the machine will be locked.

SECRETARY CHASE: On the motion to postpone, the yeas are 49; the nays are 67.

CHAIRMAN BENTLEY: The motion does not prevail. The Chair recognizes the gentleman from Detroit, Mr. Downs.

MR. DOWNS: Mr. Chairman, fellow delegates, I suppose each delegate to the convention thinks that the minority report he has cosponsored, or the majority, as the case may be, is the most important item before the convention and that people should put everything else aside. I confess that I consider this one of the main issues before this body. I know it is late in the day. I had hoped that we could wait until a more favorable time to discuss it.

The question I ask my good friends, Judge Dehnke and others, who say, "Do nothing," is "Where do we get equity?" We have waited for years and for decades for the legislature to act on this matter and the legislature has not acted. Each day we delay we do not have a static situation, we have a situation where more and more people move into the industrial areas; and as each person moves into that industrial area, those of us who welcome our neighbors must realize that as each one moves in he is diluting the vote of each one of us because there is not apportionment. Now, as to the remedy on this, the merits on it, the equities, I believe everybody favors the idea, and at least does more than pay lip service to it, that basically in congressional districts we should have one man, one vote.

Technical questions have been raised, and I assume not to put sand in the eyes, and those can be met. I have 2 amendments I will be glad to put in if they will satisfy my good friend, Bill Hanna. One is on the matter of county lines. The amendment would be—and I can draw it up in a few minutes, and I want to see if Delegate Bill Hanna will agree—that "county lines shall not be divided unless necessary to meet the 15 per cent formula." That one sentence amendment would show that our intent is not to violate the age old county lines, but is to preserve them, unless they counteract the formula, and then while we respect county lines, we do not make sacred cows of them. I would be willing to do this, and I'm sure the cosponsors would, too.

The other question that has been raised is a legal one, a constitutional one. We are told: leave it up to the legislature; they have the constitutional authority. Granted they do. But I just call my jurist's and both my attorney and my nonattorney friends' attention to the 3 page green sheet that I had the research department prepare, and I will not bore you by reading it. But the emphasis in this is on the most recent case, in Tennessee, the Baker vs. Carr case. The court went to great length to show that the Colegrove case had not been construed as the court is now construing it. I'll just quote one sentence from page 46:

No constitutional questions, including the question whether voters have a judicially enforceable constitutional right to vote at elections of congressmen from districts of equal population, were decided in Colegrove.

I will not go into details, but simply say that I believe that Baker v. Carr, in the thrust of the supreme court decisions, is to encourage and sanctify those things which develop the mechanics of getting equality of votes.

But I could be wrong on the legal interpretation. And it may be that my friend, Bill Hanna, is wrong when he suggests we go from the legislative to election at large. That is a drastic remedy. His proposition would be that if the legislature does not make the apportionment on a population basis, then the next election would be, in Michigan's case, 19 congressmen at large. I believe constitutionally we can take the intermediate step of saying if the legislature does not act, the apportionment commission or board of canvassers can, subject to court review and mandamus.

I do not know which of us is right, but I have a second amendment; and this amendment, I believe, Delegate Hanna, permits us to eat our cake and have it too. This amendment says, "If this paragraph"—and that refers to the second one, Delegate Hanna, and with the permission of the Chair I will try to dictate this very slowly; it is one sentence—"If this paragraph is found unconstitutional, congressmen shall be elected at large if the legislature has not met the standards of this section."

I believe that language would provide that if I am wrong and Delegate Hanna is right, we would go directly from the legislative operation into congressmen at large. If, on the other hand, the court would find that Delegate Hanna was wrong—which is inconceivable—and I were right, then there would be that intermediate stage between the legislative action and election at large. I would request those 2 revisions if that will answer the technical questions that have been raised.

I again urge support of the concept of congressional districts on a population basis, and I ask any critics, if they do not go

along with this: where, or where are we to find our relief and our remedy?

[Mr. Downs, without objection of Messrs. Lesinski and Murphy, revised the amendment at the end of the first paragraph by adding: "County lines shall not be crossed unless it is necessary to preserve the 15 per cent provision contained herein."; and at the end of the second paragraph by inserting: "If this paragraph is found unconstitutional, congressmen shall be elected at large if the legislature has not met the standards of this section.".]

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Bloomfield Hills, Mr. Romney.

MR. ROMNEY: Mr. Chairman, I am not certain I understand the present provisions of this amendment now. I don't know whether the revisions just made by Mr. Downs are a part of the amendment or not. Are they?

CHAIRMAN BENTLEY: They are.

MR. ROMNEY: Well, I rose for this purpose, Mr. Chairman: I rose to suggest a division on the amendment between the first paragraph and the second paragraph. It seems to me that the first paragraph, which establishes standards, is clearly within our right as a state constitutional body, and certainly it seems to me that there is a need for an improvement in the apportionment of the seats in the federal house. On the other hand, the second paragraph has the federal constitutional defects that have already been mentioned. I don't want to elaborate on them. But a division of the question would permit a more exact expression of viewpoint, and I therefore propose a division of the question.

CHAIRMAN BENTLEY: The question will be divided as requested. The Chair recognizes the gentleman from Taylor, Mr. Marshall.

MR. MARSHALL: Mr. Chairman and fellow delegates, at the time Delegate Hoxie made his statement that he thought everything had been said on this issue that could be said and that he felt it was time that we should vote, I was inclined to agree with him. But, after listening to some of the discussion, I feel that I, too, would like to say a few words in support of the minority report amendment.

If you will note, throughout the afternoon very few of the minority party in this convention spoke on the floor of this convention. This did not just happen. We knew that there was pressure here to finish this article today, even to the extent of possibly coming back tonight. So this afternoon we were trying to avoid taking up too much time, and it was the majority party who dominated the discussion here this afternoon. And I must say, after listening to a great many of the majority party people speak, I think I have heard just about everything.

Now, the erstwhile militant proponents of states' rights and valiant resisters to confiscatory federal encroachment have now become champions of the exclusive jurisdiction of the U. S. congress and supreme court of the United States as opposed to the state legislatures in the matter of the reapportionment of congressional seats. I agree with the distinguished delegate, Delegate Millard from Flint, that the question before us — and I believe I quote him correctly — is one of "where the power lies," in the people or in area.

Now, we have already adopted an apportionment plan through the state senate and state legislature. In my considered and humble judgment it does not provide true population apportionment. Now, are we to be denied the one man, one vote principle in the apportionment of the congressional seats? I think not. And I would call upon those who constantly talk about the encroachment of the federal government upon states' rights to reappraise some of the statements that have been made here; because now, all of a sudden, this question of apportionment of congressional seats becomes the exclusive jurisdiction of the U. S. congress and the U. S. supreme court.

I support the minority amendment. I think all has been said that can be said on this question, and if I am in order at this time, Mr. Chairman, I would like to ask if there are any more speakers on this question.

CHAIRMAN BENTLEY: The Chair has 4 more speakers listed.

MR. MARSHALL: At this time, Mr. Chairman — I want to state my reasons — because of previous commitments that were made 3 weeks ago which the minority party has committed themselves to, and because of the fact that we are over half an hour late now, I would move at this time that the committee do now rise.

CHAIRMAN BENTLEY: The question is on the motion that the committee shall rise. All those in favor will respond by saying aye. Those opposed. The chair is in doubt.

MR. HOXIE: I ask for a division, Mr. Chairman.

CHAIRMAN BENTLEY: Division is demanded. Is the demand supported? A sufficient number. Those in favor of the motion to rise will vote aye. Those opposed will vote no. Have you all voted? If so, the secretary will lock the machine.

SECRETARY CHASE: On a motion that the committee rise, the yeas are 81; the nays are 35.

CHAIRMAN BENTLEY: The committee will rise.

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

PRESIDENT NISBET: Mr. Bentley.

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

SECRETARY CHASE: Mr. President, the committee of the whole has had under consideration **Committee Proposal 117**, A proposal to provide that votes on elections and nominations in the legislature be recorded. It reports this back to the convention without amendment, and with the recommendation that it pass.

PRESIDENT NISBET: **Committee Proposal 117** is accepted and referred to the committee on style and drafting.

*For Committee Proposal 117 as referred to the committee on style and drafting, see above, page 2390.*

SECRETARY CHASE: Mr. President, the committee of the whole has also had under consideration **Committee Proposal 115**, A proposal to provide that no member of the legislature or state officer shall have a substantial conflict of interest with the state; reports this proposal favorably, with an amendment.

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

1. Amend page 1, line 10, after "legislature" by striking out "may" and inserting "shall further".]

PRESIDENT NISBET: **Committee Proposal 115**, as amended, is accepted and referred to the committee on style and drafting.

*Following is Committee Proposal 115 as amended and referred to the committee on style and drafting:*

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

Sec. a. No member of the legislature or state officer shall be interested directly or indirectly in any contract with the state or any subdivision thereof which shall cause a substantial conflict of interest. The legislature shall further implement this provision by appropriate legislation.

SECRETARY CHASE: Mr. President, the committee of the whole has had under consideration **Committee Proposal 116**, A proposal to provide time and place of legislative sessions and that bills and resolutions pending at the end of a session shall be considered introduced at the next session; reports this proposal favorably, with amendments.

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



**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 61 of that committee, reporting back to the convention **Committee Proposal 37**, A proposal to provide for care and control of state funds, accounting for public moneys, audits, and publication of reports, and covering the general subject matter found in sections 15, 16, 17, 18 and 13 of article X of the 1908 constitution; with the recommendation that the style and form be approved.  
William B. Cudlip, chairman.

*For Committee Proposal 37 as reported by the committee on style and drafting, see below under date of April 19.*

**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 62 of that committee, reporting back to the convention **Committee Proposal 38**, A proposal with reference to the earmarking of the gas and weight taxes for highway purposes covering the subject matter of article X, section 22 of the 1908 constitution; with the recommendation that the style and form be approved.  
William B. Cudlip, chairman.

*For Committee Proposal 38 as reported by the committee on style and drafting, see below under date of April 19.*

**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 63 of that committee, reporting back to the convention **Committee Proposal 39**, A proposal with reference to the earmarking of sales tax revenues covering the subject matter of section 23 of article X of the 1908 constitution; with the recommendation that the style and form be approved.  
William B. Cudlip, chairman.

*For Committee Proposal 39 as reported by the committee on style and drafting, see below under date of April 19.*

**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 64 of that committee, reporting back to the convention **Committee Proposal 49**, A proposal with reference to the borrowing of money by public corporations and bodies; with the recommendation that the style and form be approved.  
William B. Cudlip, chairman.

*For Committee Proposal 49 as reported by the committee on style and drafting, see below under date of April 19.*

**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 65 of that committee, reporting back to the convention **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 the style and form be approved.  
William B. Cudlip, chairman.

*For Committee Proposal 51 as reported by the committee on style and drafting, see below under date of April 19.*

**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 66 of that committee, reporting back to the convention **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 the style and form be approved.  
William B. Cudlip, chairman.

*For Committee Proposal 52 as reported by the committee on style and drafting, see below under date of April 19.*

**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 67 of that committee, reporting back to the convention **Committee Proposal 55**, A proposal to include article X, section 19 of the 1908 constitution in the new constitution; with the recommendation that the style and form be approved.  
William B. Cudlip, chairman.

*For Committee Proposal 55 as reported by the committee on style and drafting, see below under date of April 19.*

**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 68 of that committee, reporting back to the convention **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 the style and form be approved.  
William B. Cudlip, chairman.

*For Committee Proposal 56 as reported by the committee on style and drafting, see below under date of April 19.*

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

Communications.

**SECRETARY CHASE:** None.

**PRESIDENT NISBET:** Motions and resolutions.

**SECRETARY CHASE:** No resolutions on file.

**PRESIDENT NISBET:** Unfinished business.

**SECRETARY CHASE:** None.

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

**MR. HUTCHINSON:** Mr. President, I move that the convention resolve itself into committee of the whole for the further consideration of proposals on general orders.

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

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

**CHAIRMAN HUTCHINSON:** The committee will be in order. The secretary will announce the present situation.

**SECRETARY CHASE:** Item 20 on the general orders calendar, from the committee on legislative powers, by Mr. Hoxie, chairman, **Committee Proposal 118**, A proposal to provide for vesting the legislative power in the senate and house of representatives and to reserve the power of initiative and referendum to the people. Two amendments have been adopted and pursuant to their minority report, Messrs. Downs, Lesinski and Murphy have offered an amendment to insert 2 new paragraphs on page 6, after line 24.

*For last previous action by the committee of the whole on Committee Proposal 118, see above, page 2390.*

Last evening Mr. Downs had revised the amendment by the addition of a sentence to the first paragraph and another sentence at the end of the second paragraph. This revised amend-

ment has been prepared, and is ready to be projected on the wall. It reads as follows:

1. Amend page 6, after line 24, by inserting 2 new paragraphs to read as follows:

"For the purpose of electing representatives to the house of representatives in the congress of the United States, the state shall be divided into districts corresponding in number with the representatives to which it may be entitled, which districts shall be composed of contiguous territory and be compact. Each district shall contain, as nearly as may be, an equal number of persons, but in no case shall the districts vary in numbers of people more than 15 per cent above or below the ratio of population fixed by congress or the ratio of population determined in the state as a whole by dividing the total population of the state by the number of representatives assigned to it by congress. County lines shall not be crossed unless it is necessary to preserve the 15 per cent provision contained herein.

If the legislature should fail to apportion anew the representatives in congress in accordance with this section within 6 months following January 1, 1963, and every 10 years thereafter, the apportionment commission, within 90 days after the expiration of the 6 months, shall apportion anew such districts in accordance with the provisions of this section and such apportionment shall become effective for the next succeeding fall election. If this paragraph is found unconstitutional, congressmen shall be elected at large if the legislature has not met the standards of this section."

CHAIRMAN HUTCHINSON: The question is upon the minority report amendment. The Chair will recognize Mr. Richards of Marquette.

MR. L. W. RICHARDS: Mr. Chairman, fellow delegates, I appreciate the opportunity to speak relative to this amendment. In my opening remarks I should say I definitely oppose this amendment. I will try to give my reasons and I hope you concur with my thinking in this matter. I would like to make a preliminary comment relative to the comment made by our good friend, Delegate Marshall, yesterday that he did throttle his minority group and kept them very quiet yesterday afternoon, which I think he should be commended for. If he can continue and insure us this situation will continue to exist, I would suggest one of the leaders of the Republican party concur with Mr. Marshall and endeavor to try to get the Republicans to act accordingly, so we can proceed. Of course, I wouldn't want this to be done until I had finished with my remarks. (laughter)

I want to state that I concur heartily with the comments made in opposition to this amendment yesterday by my good friend and my senatorial delegate, Bill Pellow. Bill said he was in shock at the time he rose to his feet due to the action of the chairman of the committee. The shock to me wasn't quite as great as it was when one of the delegates here whom I have a lot of respect for, for his intelligence, his very able presentation, and up until yesterday, his good judgment—and I refer to my good friend, Tom Downs. They just had an opportunity to flash this on the wall, and the page had hardly had time to place the light on, when Tom stated, "Let's strike that last sentence in the first paragraph." And I see that that last sentence, where there was assurance that we would have a congressman from the U.P., has been stricken. Now, how my good friend Delegate Tom Downs could put this amendment up and in one minute take that sentence out without any disturbance bothers me somewhat, and I'm sure that Mr. Downs will have the answer. Whether that answer will be acceptable, Mr. Downs, I do not know; I doubt it very much. But I hope you will be able to have a reason for that.

I would like to be serious for a few minutes, just to analyze on behalf of the delegates from the U.P. just what you delegates have done for us in the U.P. at the present time. We have been deeply concerned about conditions in Wayne county. I have voted in favor of things that would help and benefit Wayne county, and that has been true about other parts of the lower part of the state. Up until now, I don't believe that any particular consideration or concern has been manifested by any delegate toward the U.P., and this is one chance that you have. You talk about minority groups and civil rights.

We are in a minority in the U.P. Let's show the U.P. that you believe in civil rights, and certainly assure us at least a congressman to represent 30 per cent of the area of the state, if you don't think that enough people live up there.

I have been asked: how can you justify all you have up in that area with just some 300,000 people, a lot of stumps and a lot of holes in the ground? I want to call to your attention that the reason for some of those stumps up there and the holes in the ground, my good friends, is due to the fact that a lot of the people in lower Michigan today have derived the benefits from the lumber taken from the trees up there and have left those stumps; and those holes in the ground are from the minerals that have been taken. I'm sure that the iron ore has helped to allow you to drive around in your cars which are made of steel.

If you are sincere—one of our good delegates brought up the chance or the possibility of the people being hypocritical here. I think by the vote just the other day that we have removed all doubts that there are any hypocrites among us. (laughter) But I'd like to have this confirmed. If you believe in civil rights and if you believe in minority groups, you will vote against this, and I believe this is the only time that you'll ever vote in favor of helping us in the U.P.

We are a part of your state. The state of Michigan goes beyond Wayne county lines, and even the Bay City line. We are a part of you. And I hope that when you state that you are writing a constitution for the welfare of all of the people in the state of Michigan, you will consider us in the upper peninsula. I hope when this vote is taken that this will be completely stricken, and I'll watch this board and vote, and determine whether I can go along with some of the thinking in lower Michigan. Thank you.

CHAIRMAN HUTCHINSON: The Chair recognizes Mr. Leppien.

MR. LEPPIEN: Mr. Chairman, fellow delegates, in consultation with the congressman from the eighth congressional district, James Harvey, I have a letter, and I wish to quote from it in opposition to the revised minority report amendment before us. It is very short, and I quote in part:

There are now at least 5 separate bills pending before the judiciary committee of the United States house of representatives which, if enacted, would provide different or additional standards and requirements in establishing congressional districts. I think you can understand why I therefore feel it would be a grave mistake for the delegates to adopt the minority report in this regard.

I simply add this to the record for the reason that I think we are treading on something here on which this delegation in this convention has no place to tread. I urge the adoption of the majority report, which deletes anything in relation to congressional apportionment of the districts.

CHAIRMAN HUTCHINSON: Mr. Boothby.

MR. BOOTHBY: Mr. Chairman, ladies and gentlemen of the committee, Mr. Downs yesterday raised a rhetorical question. He said, "Where, oh where, do we find relief?" And this was after he had indicated that he didn't feel that he could seek relief in the state legislature. The constitution of the United States answers Mr. Downs' question. Article 1, section 4, says that congress may at any time by law make or alter such regulations, except as to places of choosing senators. I understand that the majority of the members of the United States congress are members of Mr. Downs' own party, and I think that he would have a group of people that he could talk to and seek relief.

Now, Mr. Marshall has indicated that he felt that to those of us who believe in states' rights, our position that the federal government might take care of this problem is not consistent with our general all over theory of states' rights. Let me remind Mr. Marshall that those of us who do believe in states' rights believe in it to this effect: we say that in those matters that the constitution has not reserved for the federal government, under the tenth amendment, they are reserved to the states. But under article 1, section 4, the federal government has specifically reserved to its own self, to the federal congress, the right to decide these questions. Now, I think there is

a good policy reason behind this, and this is what I would like to speak to at this time.

When you are considering an all over, long range policy matter, I would like to submit that the place to have this done is the federal government. And the reason for it is very simple. The members of the United States congress come not from 1 state, but from the 50 states of the union. This being true, it would seem that the very logical place to have an all over policy as to how members of the federal congress should be selected would be that federal body. Let me give you a reason for that, a specific example. Just very recently, during the last year, the state of California has had several new congressmen added to its state. And the legislature in the state of California, controlled incidentally by members of the opposite party, has seen fit to gerrymander those districts so that the city areas—not the suburban areas that have been growing, but the city areas—have received extra disproportionate representation in the federal congress. Now, if we have some states giving disproportionate representation to the cities, and other states giving disproportionate representation to the rural areas, it would seem that the place to handle any problem that may exist is in the federal congress so that we will have a general, all over policy.

I think that it is not proper to write into the constitution of the state of Michigan something which the congress of the United States by statute could circumvent. I think it is not logical. I would therefore oppose writing into the constitution the long, over all policy and leave to the federal government any writing of policy. As indicated by Mr. Leppien in reading a letter from his congressman, there are pending right now in the federal congress 5 bills. The congress of the United States in the past has acted. This is not an area where congress has not seen fit to act. It is an area where they have acted. And I think it is the place to leave it, especially when you consider that what is now on the board in the way of an amendment is a long range policy which affects the United States and not just the state of Michigan.

CHAIRMAN HUTCHINSON: Mr. Martin.

MR. MARTIN: Mr. Chairman, I don't want to rehash the various arguments that have been made, but I do want to make a brief statement.

First of all, to quote from the *Colegrove v. Green* case, which was and still is, in spite of the *Tennessee* case, the controlling federal court decision on this matter, the majority states this—after quoting the section of the constitution which Mr. Boothby has just recited to you, the court says:

The short of it is that the constitution has conferred upon congress exclusive—  
and I emphasize the word "exclusive"—

authority to secure fair representation by the states in the popular house and left to that house determination whether states have fulfilled their responsibility. If congress failed in exercising its powers, whereby standards of fairness are offended, the remedy ultimately lies with the people. Whether congress faithfully discharges its duty or not—

and I stress this last sentence—

the subject has been committed to the exclusive control of congress.

And in that regard, I simply want to say of this amendment on the board that the second sentence in the second paragraph is clearly unconstitutional in attempting to transfer this authority to a separate board other than the legislature and that the first paragraph is completely unnecessary. I think that the legislature is where this is placed by the constitution and that this is where it should be left. For that reason I hope and urge that the Downs-Murphy-Lesinski amendment will be defeated.

CHAIRMAN HUTCHINSON: Mr. Garry Brown.

MR. G. E. BROWN: Mr. Chairman, members of the committee, it has been suggested here that the whole idea of the federal congress demands a one man, one vote principle in the selection of its congressmen. It was earlier suggested by the minority party, with respect to the senate of the state of Michigan, that the idea of the federal senate does not apply

to the state of Michigan because of the sovereignty doctrine on the federal level.

Now, if we believe that the sovereignty doctrine is correct and that the states have representation in the senate on the basis of 2 senators for each state and the congressmen shall be selected on the basis of population among the states, then certainly under the sovereignty doctrine, the same doctrine that we say makes the U.S. senate not analogous to the state senate, we cannot say that there is any essential reason for saying that congressmen must be elected on a one man, one vote principle. If we believe in the sovereignty doctrine, we have to say that the states may select their congressmen as they care to; and as a matter of policy there is no necessity from a federal standpoint that these be selected on a straight population basis within the states.

CHAIRMAN HUTCHINSON: Mrs. Butler.

MRS. BUTLER: Mr. Chairman, fellow delegates, I rise to support my colleagues from the upper peninsula, Mr. Pellow and Mr. Richards, and ask you to defeat the Downs amendment.

CHAIRMAN HUTCHINSON: Mr. Nord.

MR. NORD: Mr. Chairman, in rising to support the amendment before us, I would like to comment on some of the remarks made by Mr. Boothby this morning. Mr. Boothby says that we get relief from congress. He says that's where we get relief. But I call to Mr. Boothby's attention, by remote control, that if congress is malapportioned then we are not going to be able to get relief from congress. And that is the same type of situation we have had in the state legislature. If the body which is to provide the relief in the way of apportionment is itself malapportioned, the tendency is for it to perpetuate its malapportionment. Therefore, you cannot rely upon, for relief, the very body that is becoming more and more malapportioned.

In various magazines and newspapers in the last few months there appeared statistics to show how the house of representatives of the United States is becoming more and more malapportioned, in a manner resembling the state legislatures. Therefore, we cannot expect to get relief there, just as we have not been able to get relief from about 40 of the state legislatures. And I suggest to the delegates that what you are doing with respect to this issue, having to do with the congressional reapportionment, is the same thing as you have done with respect to apportionment of the state legislature. You have failed to act, looked for excuses, and waited for the United States supreme court to get into the business of settling this type of issue. That is precisely what you are requiring in this issue as well. You are not admonishing congress to act. As far as I know, nobody here has sent any letters to his congressman saying: get into the business of acting. Therefore, you are, in effect, urging the other delegates to this convention to send letters, so to speak, to the United States supreme court, asking them to act. That is exactly what you can expect to occur. It seems to me that you simply duck your responsibilities when you require the United States supreme court to settle every issue whatever.

Now, as to the legal merits of the amendment on the wall, it has been argued by a number of delegates that various things in here are unconstitutional because congress has the principal power. The answer to that legal argument is this: if congress should act, it unquestionably would supersede anything we do. But if congress does not act, it cannot supersede anything we do. Therefore, nothing we do here can be illegal until such time as congress decides to act. And, if it does act, it simply supersedes what we do. The point, therefore, is this: there is nothing to prevent us from acting. If we act and congress does not act, we have accomplished something. If we act and congress does act, in addition, we do not impede congress. There is no reason to delay. There is no reason to duck, and I also point out there is no possibility of ducking the issue. If we don't act, somebody else will be asked to act, and they will act; namely, the United States supreme court.

I also want to call the attention of the delegates to this point; suppose congress says and the United States constitution says the legislature of a state shall do the apportionment. I call to the attention of the delegates that unless the Michigan

constitution provides for a legislature, there isn't any. And if there isn't any, how does the federal law operate? The point, in other words, is this: no matter what the federal constitution or congress may say, unless we provide the legislature with certain powers, they cannot act. And we do reserve certain powers to the people in connection with initiative and referendum. And if we do, I submit that we can reserve these particular powers that we have before us this morning.

Finally, in closing this brief debate on my part, I would call this remark to the attention of the delegates, as well: in the case of *Baker v. Carr*, Judge Frankfurter stated in very elegant words that rather than going to the United States supreme court to solve everybody's problems, the correct solution would be — and I quote as closely as I can recall: to sear the consciences of the people. He says that is the way to solve apportionment problems: to sear the consciences of the people. He said: don't ask the supreme court to act; ask yourself to act. That is precisely what we are doing at this point. If this does not succeed, we will have to use the other approach. I therefore believe that we have the opportunity to act, and we should act by adopting this amendment.

CHAIRMAN HUTCHINSON: Mr. Dehnke.

MR. DEHNKE: Mr. Chairman and fellow delegates, just a reminder at this point. We have heard a good deal said about the senatorial districts in our state being frozen into the constitution. We have unfrozen those. If we assume for present purposes that we have the right to put something into the constitution on the subject, then this amendment is still objectionable, because it proposes to freeze into the constitution a rigid population requirement before we know what the eventual rules will be as they come down from the courts: 15 per cent above or below the strict quotient developed by dividing the population of the state by the number of congressional districts.

The effect of that you can picture to yourselves when I tell you that on that proviso the eleventh and twelfth districts, including the entire upper peninsula and 9 counties in the lower peninsula, would have to be put together in order to meet the 85 per cent requirement, and still more counties would have to go in if the full 100 per cent is adopted.

CHAIRMAN HUTCHINSON: Mr. Downs.

MR. DOWNS: Mr. Chairman and fellow delegates, I want to express appreciation to the committee for listening to one of my longer than usual talks when we were all tired yesterday afternoon, and I don't plan to make a long talk this morning. In fact, I do feel that about all that can be said on the subject has been said. I don't suggest that after I finish talking we vote. But I do suggest that in the near future we do vote on this.

There are just 2 or 3 points that have been raised that I would like to answer very briefly. The first is on this matter of the constitutionality of acting in this area. And I hoped, after Delegate Bill Hanna raised the question, that the last sentence that was added to the second paragraph would take care of it.

I would like to point out to our eminent attorney, Mr. Martin, who raised this question further, that in *Baker v. Carr*, the most recent case in this matter, on page 46 is the one sentence:

No constitutional questions, including the question whether voters have a judicially enforceable constitutional right to vote at elections of congressmen from districts of equal population, were decided in *Colegrove*.

I believe that a thorough study of *Baker v. Carr* will make people agree that as a matter of law the thrust of the court decision is to support this concept that we have in the amendment.

I would point out particularly, in answer to my good friend, Judge Dehnke, that the courts have never said that one man, one vote, or a 15 per cent formula, was unconstitutional. They have been very careful in a double negative fashion often to say what they did not approve, without going into the details of what they did approve. I'm referring particularly to the *Baker* case. Certainly, if the United States congress would preempt this field to the extent of making a 5

per cent formula, that would override what we did in this particular issue. However, the fact that there have been 5 bills introduced doesn't mean any have been passed. There have been bills introduced over a number of years.

From a practical viewpoint, we have the situation where, as I understand it, the opponents of this tell us to go to congress. But a legislature that is not created on a one man, one vote basis establishes congressional districts which are not on a one man, one vote basis, and those congressmen go to Washington, and being human, among other factors, do not vote themselves out of their jobs. So the whole tendency is a vicious circle where, through no individual's wishes, but the whole process, we freeze in the status quo which denies equality of voting.

Finally, to my good friend, Delegate Richards, from the upper peninsula — and I, too, yield to no man in his appreciation of the upper peninsula — I just want to say again that the protection of minorities does not come about by over representing some and under representing others, but by having a bill of rights that protects the minority not of the upper peninsula and not of one county in the upper peninsula or in the lower peninsula, but protects the minority of one individual. That is the minority we protect through our bill of rights, through our due process clauses, through our equal protection clauses, through our separation of powers, and then permit the majority to operate within that framework. From the practical viewpoint, I believe the voting records will generally show that those from industrial areas have supported education, highways, conservation, health facilities and other services that are just as vital to our friends in the upper peninsula as any place else.

I understand now, from a parliamentary viewpoint, that the question has been divided on the 2 paragraphs. I think this does make a clear cut division, the first stating the principle and the second paragraph stating the enforcement technique. I urge support of both, but on the basis that we vote on one at a time, I do think that the first paragraph very clearly states the formula, which is rigid in the concept of putting representation on the basis of people; and the second paragraph has what we consider a practical means of translating that principle into action. Thank you.

CHAIRMAN HUTCHINSON: Mr. Turner.

MR. TURNER: Mr. Chairman,  
In all respect to my friend, Tom Downs,  
On this plan I'm sure we are out of bounds.  
That speech by Richards on the old U. P.  
Sure made a lot of sense to me.  
So when the voting lights show their head  
You'll find that mine is a shiny red.

(applause)

CHAIRMAN HUTCHINSON: The question is on the amendment now offered by Mr. Downs, Mr. Lesinski and Mr. Murphy. The question has been divided. The question is upon the first paragraph of the amendment, as revised. The yeas and nays have been ordered. This is a record roll call vote. All those in favor of the first paragraph of the amendment will vote aye. Those opposed will vote no.

MR. ROMNEY: Mr. Chairman.

CHAIRMAN HUTCHINSON: Mr. Romney.

MR. ROMNEY: I would like to abstain on this vote and state my reasons in writing for the record.

CHAIRMAN HUTCHINSON: All right. Have you all voted? The secretary will lock the machine and record the votes.

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

Yeas—34

Austin	Hart, Miss	McLogan
Bradley	Higgs	Murphy
Buback	Hodges	Nord
Cushman, Mrs.	Hood	Snyder
Dade	Jones	Staiger
Douglas	King	Stopczynski
Downs	Lesinski	Suzore
Elliott, Mrs. Daisy	Madar	Walker
Faxon	Mahinske	Wilkowski

Ford  
Garvin  
Greene

McCauley  
McGowan, Miss

Woolfenden  
Young

Nays—81

Allen  
Andrus, Miss  
Anspach  
Balcer  
Batchelor  
Beaman  
Bentley  
Blandford  
Boothby  
Brake  
Brown, G. E.  
Butler, Mrs.  
Cudlip  
Danhof  
Dehnke  
Dell  
DeVries  
Doty, Dean  
Durst  
Elliott, A. G.  
Erickson  
Everett  
Farnsworth  
Figy  
Finch  
Gadola  
Goebel

Gover  
Gust  
Habermehl  
Haskill  
Hatch  
Heideman  
Hoxie  
Hubbs  
Hutchinson  
Iverson  
Judd, Mrs.  
Karn  
Knirk, B.  
Koeze, Mrs.  
Kuhn  
Lawrence  
Leibbrand  
Leppien  
Martin  
McAllister  
Millard  
Mosier  
Pellow  
Perlich  
Perras  
Plank  
Powell

Prettie  
Pugsley  
Radka  
Rajkovich  
Richards, J. B.  
Richards, L. W.  
Rood  
Rush  
Seyferth  
Shackleton  
Shaffer  
Shanahan  
Sharpe  
Sloder  
Spittler  
Stafseth  
Stamm  
Sterrett  
Stevens  
Turner  
Tweedie  
Upton  
Van Dusen  
Wanger  
White  
Wood  
Yeager

SECRETARY CHASE: On the adoption of the first paragraph of the minority report amendment, the yeas are 34; the nays are 81.

CHAIRMAN HUTCHINSON: The first paragraph is not adopted.

*Following is the statement explaining abstention from voting submitted by Mr. Romney:*

My abstention from voting on the first paragraph of the Downs amendment to Committee Proposal 118, section a, was not because I approve of the present apportioning of the federal house districts. I believe they should be re-districted because their present population spread is excessive.

However, I do not completely concur with the proposed standards.

MR. FORD: Mr. Chairman.

CHAIRMAN HUTCHINSON: Mr. Ford.

MR. FORD: Mr. Chairman, calling the Chair's attention to rule 67 of the convention, I ask, if 5 delegates may request the reasons when a delegate announces his intention to abstain and then says he will give the reason at some later date in writing, if we can request and receive at this time his oral explanation of his reasons for not voting.

CHAIRMAN HUTCHINSON: The last sentence of rule 67 reads as follows, "Upon any announcement of intention to abstain, the delegate making such announcement, upon request of 5 delegates, may be required to state his reasons." It doesn't say that he will be required to state his reasons upon the floor. (laughter)

MR. FORD: Mr. Chairman.

CHAIRMAN HUTCHINSON: Mr. Ford.

MR. FORD: What do you suggest is the alternative to stating the reasons on the floor?

CHAIRMAN HUTCHINSON: He may be compelled to state them on the record.

MR. FORD: And how do you state something on the record quietly and surreptitiously without doing it on the floor?

CHAIRMAN HUTCHINSON: Well, the delegate announced that he was going to submit his reasons in writing. It will be a matter of public record upon the journal of these proceedings.

MR. FORD: Then the only way that we could read this statement of reasons, as delegates, would be to check with the secretary and after it has been filed, ask to have that part of the verbatim record read to us?

CHAIRMAN HUTCHINSON: It will then be a part of the verbatim record. It will be printed in the action journal.

[Mr. Bentley, having been previously granted leave of absence, left the chamber.]

The question occurs upon the second paragraph of the amendment before you. The yeas and nays have been ordered. Mr. Nord.

MR. NORD: Mr. Chairman, now that I see what is left over in the second paragraph, I question whether that can stand by itself. It seems to me that it makes no sense without the first paragraph. That being the case, I also wonder whether it was proper to divide it in the first place. I wonder what the ruling of the Chair is on whether we can even vote on the second paragraph now.

CHAIRMAN HUTCHINSON: The Chair would like to inquire of the proponents, in view of the fact that the wording of the second paragraph is tied in with the wording of the first paragraph, do the proponents wish to withdraw the second paragraph?

MR. DOWNS: I had been so sure of the paragraph passing that we hadn't considered this contingency. Would the Chair permit the proponents to confer for about a minute to see what the others think on this point? Could I have the permission of the Chair to do that?

CHAIRMAN HUTCHINSON: You go ahead and confer. The Chair recognizes Judge Leibbrand in the meantime.

MR. LEIBRAND: May I suggest, Mr. Chairman, that Delegate Nord's point of order came too late. He should have pressed it at the time that the question was divided, and not having done so, he has waived it.

CHAIRMAN HUTCHINSON: It is the opinion of the Chair that Judge Leibbrand is correct that the point of order did come too late; that the question of division should have been raised at the time that the division was requested. The Chair recognizes Mr. Downs.

MR. DOWNS: I have conferred with the other proponents, and we agree. We respectfully request to withdraw the second paragraph since the first paragraph was defeated, and the second paragraph hinges on the passage of the first.

CHAIRMAN HUTCHINSON: The remainder of the amendment is withdrawn. Mr. Hodges.

MR. HODGES: Mr. Chairman, I have an amendment. The secretary is just finishing typing it. I will bring it to the desk.

CHAIRMAN HUTCHINSON: Are there any further amendments to the body of Committee Proposal 118? Mr. Hodges has an amendment. Mr. Hoxie.

MR. HOXIE: Mr. Chairman, I believe Mr. Hodges had his amendment here the other day, which the chairman ruled was germane. It would appear that this body, in its deliberations, should not be delayed because Mr. Hodges has failed to get it here in time. I would like a ruling from the Chair whether any amendment should be at the desk.

CHAIRMAN HUTCHINSON: Here it comes.

SECRETARY CHASE: Mr. Hodges offers the following amendment:

1. Amend page 6, after line 24, by inserting 2 new paragraphs to read as follows:

"For the purpose of electing representatives to the house of representatives in the congress of the United States, the state shall be divided into districts corresponding in number with the representatives to which it may be entitled, which districts shall be composed of contiguous territory and be compact. Each district shall contain, as nearly as may be, an equal number of persons, but in no case shall the districts vary in numbers of people more than 15 per cent above or below the ratio of population fixed by congress or the ratio of population determined in the state as a whole by dividing the total population of the state by the number of representatives assigned to it by congress. Notwithstanding the above provisions with respect to the population required for each district, the population comprising the upper peninsula of the state of Michigan shall be entitled to elect one representative to the house of representatives in the congress of the United States.



Any plan adopted by the apportionment commission regarding election of representatives to the house of representatives to the congress of the United States shall be submitted to the legislature, which may reject the same by a concurrent resolution of 2/3 of the members elected to each house."

CHAIRMAN HUTCHINSON: The Chair recognizes Mr. Hodges on his amendment.

MR. HODGES: Mr. Chairman and fellow delegates, I believe that my amendment helps meet several of the various questions that were raised on the former amendment. One is that it guarantees the upper peninsula one congressman. And I would submit to those delegates from the upper peninsula that they are going to be farther ahead in the long run accepting this built in guarantee of one congressman than wishfully hoping they can ever retain the 1½ they have now. I'm quite sure that reason dictates that they cannot possibly maintain the 1½.

On the other point—I'm sorry it isn't on the board yet; I hope it will be in a moment—you will note that in the last analysis this does go to the legislature, which meets some of the constitutional questions that have been raised here. This would allow—after the apportioning commission gets done—the legislature, by a 2/3 concurrent vote of both houses, to reject the plan. I think this is a safeguard. It does bring the legislature back into the picture, and in the last analysis they will vote on it, which would be in compliance with the federal statutes, for those that feel this would be necessary. But I submit that those of you who use the federal argument against reapportionment of the state legislature in both houses, talk of patterning it on the federal system, and talk about a house based on population—which we did not achieve in our own legislature—at least when you talked about it in the federal government, you did accede to the idea that the house should be based on population in the federal government.

We know that no legislative body can successfully apportion itself. This has been proved time and time again, not only by the federal house, but also by our own legislature. We saw that it was necessary in our own body to get an apportionment commission to take care of this problem. I submit that there is nothing in my amendment which would be unconstitutional. This would set up the guide lines, and in the last analysis the legislature would have the last say on it. But it would give us what everyone here has at least paid lip service to, a house based on state population. To reject this is to say that you do not believe in the concept that at least one house of our federal government or one house of our legislative body here should be based on population.

Mr. Chairman, I will check again to see if it's possible to get it on the board. If there are any questions, or if anybody doesn't understand it beforehand, I will be glad to answer questions.

CHAIRMAN HUTCHINSON: The Chair recognizes Mr. Millard on the amendment.

MR. MILLARD: Mr. Chairman and members of the committee, yesterday I spoke at length on the reasons why we should not put anything in regard to the apportionment of congress into our constitution. I'm not going to repeat that argument. I think that the argument applies to this proposed amendment the same as it did to the Downs amendment. I urge a no vote against the Hodges amendment.

CHAIRMAN HUTCHINSON: Mr. Stevens.

MR. STEVENS: Mr. Chairman, members of the committee, the previous statutory matter that was on the wall and the substitute statutory matter which is now on the wall is so clearly in contravention of the federal law that there seems to be no reason for spending any more time on it.

CHAIRMAN HUTCHINSON: Mr. Hodges.

MR. HODGES: Mr. Chairman, I would submit that there are reports from our research committee, made up of attorneys and respected constitutional authorities, which differ from this view. Dr. Kelley, for one, has a treatise here which was reproduced, in which he feels that this would be constitutional. I suggest that when we get down to it, we better start talking about what we mean and quit making superfluous argument.

If we are here to say that we want a guarantee that there will be retained a certain number of Republican congressmen or a certain number of Democratic congressmen, or any other thing that gets down to the base political motivations behind it, let's argue it on those terms. Let's not use high flowing phrases when we talk about a house based on population, but we won't do anything when it is in our power to do it to guarantee this.

Other constitutions in the United States have mention of congressional districting in them. None of them has ever been challenged. Congress has never said that these were illegal. The courts have never said that these were illegal. Why don't we just say what we mean? If we don't want to do it, let's give the reasons here on the floor, for the record. Let's not use these superfluous arguments of legislative versus constitutionality.

CHAIRMAN HUTCHINSON: Mr. King.

MR. KING: Mr. Chairman, fellow delegates, would Delegate Hodges yield to a question?

CHAIRMAN HUTCHINSON: The Chair recognized you. You have the floor, Mr. King.

MR. KING: I would like to address, through the Chair, a question to Delegate Hodges, Mr. Chairman.

CHAIRMAN HUTCHINSON: You may proceed.

MR. KING: Delegate Hodges, you talk about a concept of population. At the same time you reserve to a certain section of the state the concept of area representation. Now, there was a lot of talk about hypocrisy here the other day, and I think that maybe the question has been brought up anew. How do you justify this? How in your mind, as a one man, one vote representative, do you account for this? I don't understand it.

MR. HODGES: Mr. Chairman and Mr. King, I recognize a certain continuity to the U. P. I realize that this at one time was separate from the state of Michigan, and I realize that its whole base is one that has differentiated from the rest of the state of Michigan. While its population would not justify one in toto, I think it makes more sense in terms of a congressman being allowed in a contiguous area. This is the only other contiguous area we have, save the lower peninsula itself. I think there can be justifications made for it.

I think it is true, there's no question about it, that this amounts to a certain inconsistency of position. But I think rationalizations and justifications for it can be made. Some of them have been made by the delegates from the U. P. on this floor. I don't think that you could expand this beyond that sole exception.

MR. KING: Mr. Chairman, Mr. Hodges, I guess these are the high sounding phrases you were talking about, and they are certainly impressive, but it seems to me that if you are dealing with principles, and basic principles, as you say you are, this is entirely inconsistent.

I take it that under this provision, if there were only a handful of people left living in the U. P., that one of them would be a congressman; is that right?

MR. HODGES: Well, this would probably match what we have now in several of our other districts in the legislature. But I again reiterate that I think there is a justification for the U. P. as a contiguous area. I don't think we are going to see the day that fewer people live there. It is hopeful that if we can expand the economy of the U. P., it will be built up. I'm not going to say that this makes it straight population. I don't think it's that much off the criteria, considering the uniqueness of the area itself.

MR. KING: Mr. Chairman, thank you. I would just comment, in closing, that I think it all depends upon whose ox is being gored.

CHAIRMAN HUTCHINSON: Mr. Nord.

MR. NORD: Mr. Chairman, I believe I would like to make some comments with respect to the remarks just made by Mr. King, which I assume were meant in all sincerity. I believe, however, that his position, if I'm not mistaken, can be summarized about as follows: if we do provide one seat for the U. P., then he is opposed to that. And if we take it out and do not provide the one seat for the U. P., then he is in favor

of that. In other words, I believe he can satisfy his conscience easily because whatever goes on the wall, if it's put up by a Democrat, that is exactly what is wrong.

Now, as to the merits of the situation with respect to the U. P., I personally prefer leaving it out. I think that there should be a population basis. I have pointed out all during the convention, however, that I am not a purist on this subject. For example, I'm not opposed to the plus or minus 15 per cent. That is not a perfect population basis either. Further, I'm not opposed to the concept of contiguity. And in the legislative organization committee this precise question came up, whether or not the upper peninsula is contiguous with any portion whatever of the state of Michigan. And it is not at all certain whether it can ever be claimed that the upper peninsula is contiguous with any part of the state of Michigan at all. It depends on how you define contiguity. If you require contiguity by land, obviously the upper peninsula is not contiguous with any portion of the state. Even if you assume that they can cross over the straits and still be contiguous, the question still remains whether they are contiguous anyway, because there's always the problem of whether contiguity at a point should be counted as contiguity.

In my opinion it is better, if you are going to use the term "contiguity" at all, to insist that contiguity be of such a nature that there is a substantial contact between the 2 parts and not a point contact. A point contact means that there's only an infinitesimal amount of contact between the 2 portions. In this case the upper peninsula is in contact with the rest of the state only by means of a bridge, which is really a point lengthened out so that it is even more narrowly constricted than normal.

Now, the reason for the use of the word "contiguity" in my opinion in any of the apportionment formulas is to make sure there is some substantial flow of people back and forth across the border between the 2 portions that are connected. When you consider the upper peninsula, however, you will find that they are only in contact with each other by means of the bridge, and that bridge is not a free flowing traffic lane, for this reason: it costs \$7.50 to cross back and forth. Therefore, whatever portion of the state might be tested for contiguity with any other portion, the upper peninsula is the least contiguous with any other portion of the state.

It seems to me that it is proper, if we choose to, to say that the upper peninsula is not contiguous with any portion of the state. If we say that, the conclusion we have to arrive at is this: we do not require the upper peninsula to cross over the straits to finish up its population quota. That would mean this: if they have any number of people whatever, starting with one, I suppose, that means that they have a fraction of a quota, and if they have a fraction of a quota, normally we would expect them to cross over the straits to finish their quota. But if they are not allowed to cross over the straits because it is not contiguous, they don't have to cross over the straits. Now, on that logic you can come to the conclusion, if you wish, that the upper peninsula is always entitled to one of any type of representation, whether it is a congressman, representative or senator.

I also call to the attention of the delegates that in the 1850 constitution the same question was considered, and it was treated in the following manner: they provided that there should be always a certain guarantee of state senators and state representatives in the upper peninsula. Part of the reason, no doubt, was the same one I have just given. Therefore, I think that the remark that was made by Mr. King that this is a hypocritical view—that it is not possible to be in favor of one man, one vote and at the same time be in favor of guaranteeing one representative or whatever type it may be to the upper peninsula—is not a correct argument. I think it misses the entire point of the analysis that we made in the legislative organization committee at length as to what is contiguous and what is not contiguous. And, as I stated before, I believe that if you wish to knock down an amendment if it's in one form and then knock it down if it's in the other form, that your argument cannot really be taken at face value.

CHAIRMAN HUTCHINSON: Mr. King.

MR. KING: Mr. Chairman, fellow delegates, I would just point out that I have supported the area sovereign unit concept in the United States senate, the area population concept in the Michigan senate, the population concept in the house here in Michigan, and the population concept in the house of representatives in Washington. There is no inconsistency in my position. While the good doctor was developing rationalizations for an irrational position, we took a vote and my name appeared on the board and I supported it. Under the circumstances I think that he is quite mistaken.

CHAIRMAN HUTCHINSON: The question is on the amendment offered by Mr. Hodges to Committee Proposal 118.

MR. ROMNEY: Mr. Chairman, I would like to abstain again and submit my reasons in writing.

CHAIRMAN HUTCHINSON: All right. Mr. Hodges.

MR. HODGES: Mr. Chairman, since this is the last chance that we will probably have for a majority vote on anything—we've done away with it in the state senate and the state house—this is the last chance for the majority party to show that they mean what they say when they say they believe that one house should be based on population, and therefore I demand the yeas and nays.

CHAIRMAN HUTCHINSON: The yeas and nays have been demanded. Is the demand supported? The demand is supported. The question is upon the amendment offered by Mr. Hodges to Committee Proposal 118. The yeas and nays have been ordered. This is a record roll call vote. 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.

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

#### Yeas—31

Austin	Ford	McGowan, Miss
Barthwell	Garvin	McLogan
Bradley	Greene	Murphy
Buback	Hart, Miss	Nord
Cushman, Mrs.	Hodges	Snyder
Dade	Hood	Stopczynski
Douglas	Jones	Suzore
Downs	Lesinski	Wilkowski
Elliott, Mrs. Daisy	Madar	Woolfenden
Faxon	McCauley	Young
Follo		

#### Nays—83

Allen	Gust	Radka
Andrus, Miss	Habermehl	Rajkovich
Anspach	Haskill	Richards, J. B.
Balcer	Hatch	Richards, L. W.
Batchelor	Heideman	Rood
Beaman	Hoxie	Rush
Blandford	Hubbs	Seyferth
Boothby	Hutchinson	Shackleton
Brake	Iverson	Shaffer
Brown, G. E.	Judd, Mrs.	Shanahan
Butler, Mrs.	Karn	Sharpe
Cudlip	King	Sleder
Danhof	Knirk, B.	Spitler
Dehnke	Koeze, Mrs.	Stafseth
Dell	Kuhn	Staiger
DeVries	Leibbrand	Stamm
Doty, Dean	Leppien	Sterrett
Doty, Donald	Martin	Stevens
Durst	McAllister	Tubbs
Elliott, A. G.	Millard	Turner
Erickson	Mosier	Tweedie
Everett	Pellow	Upton
Farnsworth	Perlich	Van Dusen
Figy	Perras	Wanger
Finch	Plank	White
Gadola	Powell	Wood
Goebel	Prettie	Yeager
Gover	Pugsley	

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Hodges, the yeas are 31; the nays are 83.

CHAIRMAN HUTCHINSON: The amendment is not adopted.

*Following is the statement explaining abstention from voting submitted by Mr. Romney:*

My abstention from voting on the Hodges amendment to Committee Proposal 118, section a, was not because I approve of the present apportioning of the federal house districts.

I abstained for the same reason as in the case of the Downs amendment plus the lack of authority for this convention to delegate the redistricting responsibility to the apportionment commission rather than leaving it with the legislature as provided by the federal constitution.

Are there any further amendments to the body of Committee Proposal 118?

SECRETARY CHASE: Mr. Down offers the following amendment:

1. Amend page 6, after line 24, by inserting a new paragraph to read as follows:

"Unless otherwise provided by federal law, congressional districts shall not be less than 85 per cent nor more than 115 per cent of the ratio of representation as the same is determined by dividing the state's population by the number of seats to which it is entitled."

CHAIRMAN HUTCHINSON: On the amendment, the Chair recognizes Mr. Downs.

MR. DOWNS: Mr. Chairman, I demand the yeas and nays.

CHAIRMAN HUTCHINSON: Mr. Downs demands the yeas and nays on his amendment. Is the demand supported?

MR. MILLARD: Mr. Chairman, point of order.

CHAIRMAN HUTCHINSON: Will the gentleman state the point of order?

MR. MILLARD: I think this same proposition has been voted on twice, and I don't think it is proper to be brought up again.

CHAIRMAN HUTCHINSON: Mr. Downs.

MR. DOWNS: Mr. Chairman, rather than raise a fine parliamentary point, I would like to change the figure "85" to "90" and the figure "115" to "110."

CHAIRMAN HUTCHINSON: The amendment is revised, and the yeas and nays are ordered.

[Following is the amendment as revised:

1. Amend page 6, after line 24, by inserting a new paragraph to read as follows:

"Unless otherwise provided by federal law, congressional districts shall not be less than 90 per cent nor more than 110 per cent of the ratio of representation as the same is determined by dividing the state's population by the number of seats to which it is entitled.".]

The Chair recognizes Mr. Downs.

MR. DOWNS: Mr. Chairman, fellow delegates, we did discuss this whole matter very seriously and at great length yesterday afternoon. We have further discussed it this morning. I wish we could impress upon people that this is perhaps the most vital problem affecting not only those of us from urban areas but, we believe, the whole state of Michigan. This one sentence amendment is a bare skeleton of the basis of representation on population. We have left out the enforcement provisions, relying on the principle of the Tennessee case to carry that out.

I think that this answers entirely the arguments of those who raised the question of federal law, such as Delegate Boothby, with the provision there. I believe that it is about as clear cut an expression as can be done. While it doesn't have the same enforcement provisions of the others, the principle is stated; and if we want a constitution with principles I can think of no better principle to put in than this. I urge support of this amendment.

CHAIRMAN HUTCHINSON: Mr. Millard.

MR. MILLARD: Again, for the same reasons, I recommend that the committee vote no on this revised Downs amendment also.

CHAIRMAN HUTCHINSON: Mr. Garry Brown.

MR. G. E. BROWN: Mr. Chairman, I would like to move to amend the amendment. It's a very simple amendment, so I don't think it's necessary to write it out, really; but I would change the 90 and 110 to 75 and 125.

CHAIRMAN HUTCHINSON: The question is upon the amendment to the amendment. Mr. Downs.

MR. DOWNS: Mr. Chairman, for the sake of the principle, while I think 75 and 125 is a little large, I will accept that, if it will facilitate the operation of the committee.

CHAIRMAN HUTCHINSON: Mr. Downs accepts the amendment. The amendment, as further revised, now reads 75 to 125.

[Following is the amendment as further revised:

1. Amend page 6, after line 24, by inserting a new paragraph to read as follows:

"Unless otherwise provided by federal law, congressional districts shall not be less than 75 per cent nor more than 125 per cent of the ratio of representation as the same is determined by dividing the state's population by the number of seats to which it is entitled.".]

The question is upon the amendment now offered by Mr. Downs. The yeas and nays have been ordered. Mr. Hoxie.

MR. HOXIE: Mr. Chairman, fellow delegates, I think this is the same principle that we voted on before; in effect, the legal authority of this constitutional body to write in a districting system. Now, when you write figures above or below, actually you are establishing districts. I hope you vote no.

CHAIRMAN HUTCHINSON: The question is upon the amendment offered by Mr. Downs. This is a record roll call vote. The yeas and nays have been ordered. All those in favor will vote aye. Those opposed will vote no. Have you all voted?

MR. ROMNEY: Mr. Chairman.

CHAIRMAN HUTCHINSON: Mr. Romney.

MR. ROMNEY: Am I correct in understanding that 75 and 125 have been substituted?

CHAIRMAN HUTCHINSON: That is correct. Have you all voted? The secretary will lock the machine and record the vote.

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

#### Yeas—44

Andrus, Miss	Everett	McGowan, Miss
Austin	Faxon	McLogan
Bradley	Ford	Murphy
Brown, G. E.	Garvin	Nord
Buback	Hart, Miss	Rajkovich
Butler, Mrs.	Hatch	Romney
Cushman, Mrs.	Higgs	Snyder
Dade	Hodges	Staiger
Doty, Donald	Hood	Stopczynski
Douglas	Jones	Suzore
Downs	King	Walker
Durst	Lesinski	Wilkowski
Elliott, A. G.	Madar	Woolfenden
Elliott, Mrs. Daisy	Mahinske	Young
Erickson	McCauley	

#### Nays—71

Allen	Heideman	Richards, L. W.
Anspach	Hoxie	Rood
Balcer	Hubbs	Rush
Barthwell	Hutchinson	Seyferth
Batchelor	Iverson	Shackleton
Beaman	Judd, Mrs.	Shaffer
Blandford	Karn	Shanahan
Boothby	Knirk, B.	Sharpe
Brake	Koeze, Mrs.	Sleder
Cudlip	Kuhn	Spitler
Danhof	Leibrand	Stafseth
Dehnke	Leppien	Stamm
Dell	Martin	Sterrett
DeVries	Millard	Stevens
Doty, Dean	Mosler	Tubbs
Farnsworth	Pellow	Turner
Figy	Perlich	Tweedie



Finch	Perras	Upton
Gadola	Plank	Van Dusen
Goebel	Powell	Wanger
Gover	Prettie	White
Gust	Pugsley	Wood
Habermehl	Radka	Yeager
Haskill	Richards, J. B.	

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Downs, the yeas are 44; the nays are 71.

CHAIRMAN HUTCHINSON: The amendment is not adopted. Are there any further amendments to the body of Committee Proposal 118?

SECRETARY CHASE: Mr. Lesinski offers the following amendment:

1. Amend page 6, following line 24, by inserting a new paragraph to read as follows:

"When the number of representatives to which the state is entitled in the house of the congress of the United States under the census of 1970 and each census thereafter is certified to the governor, the legislature shall by law divide the state into districts corresponding with the number of representatives to which the state is entitled, which districts shall be composed of contiguous territory as compact and as nearly equal in population as may be."

CHAIRMAN HUTCHINSON: Mr. Lesinski.

MR. LESINSKI: Mr. Chairman, fellow delegates, you have on your desks a copy with 2 paragraphs added by myself, of a memorandum sent to many delegates here by the greatest unregistered lobby in this convention, your congressman. Now, this memorandum was read as an argument against my proposal in the committee on legislative powers. And on page 3 it refers to 15 states making reference to this matter in their constitution. One of the constitutions that has this wording is the Missouri constitution. I believe that no delegate will object to this language because it is legal.

CHAIRMAN HUTCHINSON: The question is upon the amendment offered. Mr. Hoxie.

MR. HOXIE: Mr. Chairman, fellow delegates, it appears, as I read this amendment, that this would completely carry out the concept of one man, one vote.

CHAIRMAN HUTCHINSON: Mr. Millard.

MR. MILLARD: Mr. Chairman and members of the committee, just glancing at it in the short time that I have, I think this is worse than the other amendment. This requires 100 per cent allocation. I would recommend that everybody vote no on this one. (laughter)

CHAIRMAN HUTCHINSON: Mr. Lesinski.

MR. LESINSKI: Mr. Chairman, I wish to ask for the yeas and nays at this time.

CHAIRMAN HUTCHINSON: Mr. Lesinski demands the yeas and nays. Is the demand supported? The demand is supported. The yeas and nays are ordered. Mr. Lesinski.

MR. LESINSKI: I don't know how this can be wrong, because these are practically the exact words of the Missouri constitution, and this presentation, as I stated before, was read in legislative powers. So I can't understand Mr. Millard's remarks.

CHAIRMAN HUTCHINSON: The question is upon the amendment now offered by Mr. Lesinski. The yeas and nays have been ordered. All those in favor of the amendment will vote aye. Those opposed will vote no. Mr. Woolfenden, for what purpose does the gentleman rise?

MR. WOOLFENDEN: I wish to abstain from voting, and I would like to state my reasons when it is appropriate.

CHAIRMAN HUTCHINSON: You will be recognized for that purpose.

MR. WOOLFENDEN: I have lost my vote on the last 3 amendments. I think that the—

CHAIRMAN HUTCHINSON: Mr. Woolfenden, the Chair will recognize you to explain your vote after the vote has been recorded.

MR. TUBBS: I wish to announce that I will abstain from voting.

CHAIRMAN HUTCHINSON: 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—30

Andrus, Miss	Ford	McLogan
Balcer	Garvin	Murphy
Barthwell	Hart, Miss	Nord
Buback	Hodges	Romney
Cushman, Mrs.	Hood	Snyder
Dade	Jones	Staiger
Douglas	King	Stopczynski
Downs	Lesinski	Walker
Elliott, Mrs. Daisy	Madar	Wilkowski
Faxon	McGowan, Miss	Young

#### Nays—77

Allen	Gust	Radka
Anspach	Habermehl	Rajkovich
Batchelor	Haskill	Richards, J. B.
Beaman	Hatch	Richards, L. W.
Blandford	Heideman	Rood
Boothby	Hoxie	Rush
Bradley	Hubbs	Seyferth
Brake	Hutchinson	Shackleton
Brown, G. E.	Iverson	Shaffer
Butler, Mrs.	Judd, Mrs.	Shanahan
Cudlip	Karn	Sharpe
Danhof	Knirk, B.	Sleder
Dehnke	Koeze, Mrs.	Spitler
Dell	Kuhn	Stafseth
DeVries	Leibrand	Stamm
Doty, Dean	Leppien	Sterrett
Doty, Donald	Martin	Stevens
Durst	Millard	Turner
Erickson	Mosier	Tweedie
Everett	Pellow	Upton
Farnsworth	Perlich	Van Dusen
Figy	Perras	Wanger
Finch	Plank	White
Gadola	Powell	Wood
Goebel	Prettie	Yeager
Gover	Pugsley	

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Lesinski, the yeas are 30; the nays are 77.

CHAIRMAN HUTCHINSON: The amendment is not adopted. The Chair recognizes Mr. Woolfenden for the purpose of explaining his abstention.

MR. WOOLFENDEN: Mr. Chairman, I voted on the side which lost in the 3 previous amendments. I think that the will of the majority of the delegates — and I might also note it is not on party lines — is crystal clear, and I object to continuing amendments which are merely delaying the proceedings of the convention. I certainly hope we can get on to the next order of business.

CHAIRMAN HUTCHINSON: The Chair recognizes Mr. Tubbs.

MR. TUBBS: Mr. Chairman, I abstained from voting partly because I didn't want to vote yes, although it was in the Missouri constitution, and I'm in favor of a lot of things from Missouri. But I was against it in principle; so I refrained.

CHAIRMAN HUTCHINSON: Are there any further amendments to the body of Committee Proposal 118? If not, it will pass.

Committee Proposal 118, as amended, is passed. The secretary will read the next proposal.

SECRETARY CHASE: Item 21 on the calendar, from the committee on legislative powers, by Mr. Hoxie, chairman, **Committee Proposal 119**, A proposal to provide that the legislature shall not pass local acts when general acts can be made applicable and that local acts require a 2/3 vote of the legislature. Amends article V, section 30.

*Following is Committee Proposal 119 as read by the secretary, and the reasons submitted in support thereof:*

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

Sec. a. The legislature shall pass no local or special act in any case where a general act can be made applicable,

**SECRETARY CHASE:** Mr. President, the committee of the whole has had under consideration **Committee Proposal 119**, A proposal to provide that the legislature shall not pass local acts when general acts can be made applicable and that local acts require a 2/3 vote of the legislature; **Committee Proposal 120**, A proposal to provide that a member of the legislature shall not be appointed to certain other offices during the term for which he is elected; and **Committee Proposal 121**, A proposal to provide that no law shall embrace more than one object and that no act shall take effect until 90 days from the end of a session and other incidental matters. It reports these 3 committee proposals back without amendment and with the recommendation that they do pass.

**PRESIDENT NISBET:** The report of the committee of the whole is accepted and **Committee Proposals 119, 120 and 121** are referred to the committee on style and drafting.

*For Committee Proposal 119 as referred to the committee on style and drafting, see above, page 2414.*

*For Committee Proposal 120 as referred to the committee on style and drafting, see above, page 2415.*

*For Committee Proposal 121 as referred to the committee on style and drafting, see above, page 2415.*

**SECRETARY CHASE:** The committee of the whole has also had under consideration **Committee Proposal 118**, A proposal to provide for vesting the legislative power in the senate and house of representatives and to reserve the power of initiative and referendum to the people. It reports this proposal back to the convention favorably with 2 amendments.

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

1. Amend page 3, line 13, after "the" by striking out "secretary of state or such other person or persons" and inserting "state official"; and in line 19, after "the" by striking out "secretary of state or such other person or persons hereafter" and inserting "state official"; and on page 5, line 11, after "vote" by striking out "by the secretary of state".

2. Amend page 5, line 16, after "electors" by striking out "unless otherwise provided in said initiative measure, but the legislature may propose such amendments, alterations or repeals to the people" and inserting "or  $\frac{3}{4}$  of the members elected and serving in each house of the legislature".]

**PRESIDENT NISBET:** The report is accepted and **Committee Proposal 118**, as amended, is referred to the committee on style and drafting.

*Following is Committee Proposal 118 as amended and referred to the committee on style and drafting:*

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

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

Sec. b. 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 does not extend to laws that the legislature may not 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. To invoke the initiative or referendum, petitions signed by a number of registered electors not less than 8 per cent for initiative and 5 per cent for referendum of the total vote cast for all candidates for governor at the last preceding general election shall be required.

The 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 is not enacted by the legislature within the 40 days, the state official 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 the state official authorized by law to the electors for approval or rejection at the next ensuing general election.

Any act 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 initiated or adopted by the people, shall be subject to the veto power of the governor, and no act 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  $\frac{3}{4}$  of the members elected and serving in each house of the legislature. Acts adopted by the people under the referendum provision of this section may be amended by the legislature at any subsequent session thereof. However, if 2 or more measures approved by the electors at the same election conflict, the measure receiving the highest affirmative vote shall prevail.

The legislature by general law shall provide further necessary methods for the exercise of these powers not in conflict with the provisions of this section.

**SECRETARY CHASE:** Mr. President, the committee of the whole has also had under consideration **Committee Proposal 122**, A proposal to include in the constitution the substance of section 5 of article XVI entitled "Vacancies in offices; continuity of government in emergencies." It has made an amendment to this proposal and, as amended, recommends that it do pass.

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

1. Amend page 1, line 13, after "state" by striking out "caused" and inserting "or".]

**PRESIDENT NISBET:** The report of the committee of the whole is accepted and **Committee Proposal 122**, as amended, is referred to the committee on style and drafting.

*Following is Committee Proposal 122 as amended and referred to the committee on style and drafting:*

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

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

In order to insure continuity of state and local governmental operations in periods of emergency only, resulting from disasters occurring in this state or by enemy attack on the United States, the legislature shall have the power to such extent as it deems advisable (1) to provide by legislative enactment 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 (2) to adopt by legislative enactment such other legislation as may be necessary and proper for insuring the continuity of governmental operations. Notwithstanding the power conferred above, elections shall always be called as soon as possible to fill any elective vacancies in any office temporarily occupied by operation of any legislation enacted pursuant to the provisions of this paragraph.

**SECRETARY CHASE:** This completes the report of the committee of the whole, Mr. President.

PRESIDENT NISBET: Announcements, Mr. Chase.

SECRETARY CHASE: I have the following announcements:

The committee on declaration of rights, suffrage and elections will meet in room F at 8:00 o'clock this evening.

The committee on administration will meet tomorrow at 11:30. Walter DeVries, chairman.

The committee on legislative powers will meet for a short meeting immediately following this session. T. Jefferson Hoxie, chairman. It will also meet Thursday at 8:00 o'clock a.m.

The committee on emerging problems will meet Wednesday in committee room H on the third floor at 8:00 o'clock a.m. for the purpose of hearing all delegates who have questions, suggestions or proposed amendments to the committee proposals.

I have the following requests for leave: Mr. Garvin wishes to be excused from tomorrow's session; Mr. Yeager asks to be

excused from the first part of Friday morning's session; Mr. Hatch asks to be excused from the first part of the session tomorrow; Mr. Bentley asks to be excused from the latter part of the morning session tomorrow; and Mr. McAllister asks to be excused from the session of Friday because of an important appearance in court.

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

MR. MARTIN: Mr. President, I move that the convention do now adjourn.

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

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

[Whereupon, at 7:10 o'clock p.m., the convention adjourned until 9:00 o'clock a.m., Wednesday, April 25, 1962.]

## ONE HUNDRED TWENTY-EIGHTH DAY

Wednesday, April 25, 1962, 9:00 o'clock a.m.

### PROCEEDINGS

PRESIDENT NISBET: The convention will please come to order.

We are very happy to have with us this morning to give the invocation, Glenn Allen's pastor, Reverend Charles K. Johnson of the First Presbyterian Church of Kalamazoo.

REVEREND JOHNSON: Let us pray. Almighty God who hast set our lives in a pleasant place and who hast informed our heritage with freedom to live and work and to seek after truth, grant that we may be worthy of our inheritance and responsible in this present for the future. Forbid that we should become separated from Thee by that selfrighteousness which pretends we are our own to do with as we please. We are not our own but accountable for truth and justice and mercy quite beyond our own preferences. Grant that in humility before Thee, in concern for the dignity of our fellows, in obedience to the welfare of the state, this body may possess the wisdom and courage and patience and graciousness to do out its duty. Amen.

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

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

Prior to today's session, the secretary received the following requests for leave: Mrs. Conklin, Messrs. Ford, Habermehl and Norris, temporarily, from this morning's session; and Mr. Kuhn, from this morning's session.

PRESIDENT NISBET: Without objection, the requests are granted.

SECRETARY CHASE: Absent with leave: Mr. G. E. Brown, Mrs. Conklin, Messrs. Dade, Ford, Garvin, Greene, Habermehl, Hatch, Kuhn, Nord, Norris and Pellow.

Absent without leave: Messrs. Follo, Hodges, Krolikowski and Liberato.

PRESIDENT NISBET: Without objection, the delegates are excused.

[During the proceedings the following delegates entered the chamber and took their seats: Mrs. Conklin, Messrs. Follo, Habermehl, Hodges, Krolikowski, Ford, Hatch, Norris, Kuhn, Liberato and G. E. Brown.]

#### Reports of standing committees.

SECRETARY CHASE: The committee on style and draft-

ing, by Mr. Cudlip, chairman, submits Report 102 of that committee, reporting back to the convention **Committee Proposal 118**, A proposal to provide for vesting the legislative power in the senate and house of representatives and to reserve the power of initiative and referendum to the people;

with the recommendation that the style and form be approved.

W. B. Cudlip, chairman.

*For Committee Proposal 118 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 103 of that committee, reporting back to the convention **Committee Proposal 119**, A proposal to provide that the legislature shall not pass local acts when general acts can be made applicable and that local acts require a 2/3 vote of the legislature;

with the recommendation that the style and form be approved.

W. B. Cudlip, chairman.

*For Committee Proposal 119 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 104 of that committee, reporting back to the convention **Committee Proposal 120**, A proposal to provide that a member of the legislature shall not be appointed to certain other offices during the term for which he is elected;

with the recommendation that the style and form be approved.

W. B. Cudlip, chairman.

*For Committee Proposal 120 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 105 of that committee, reporting back to the convention **Committee Proposal 121**, A proposal to provide that no law shall embrace more

Dell	Lawrence	Sterrett
DeVries	McGowan, Miss	Stevens
Doty, Donald	Millard	Thomson
Finch	Mosier	Turner
Gadola	Plank	Upton
Goebel	Pugsley	Van Dusen
Gover	Radka	White
Gust	Richards, J. B.	Wood
Higgs	Rood	Woolfenden
Hubbs	Rush	Yeager
Iverson	Seyferth	

SECRETARY CHASE: On the motion of Mr. Downs, as amended, the yeas are 70; the nays are 47.

VICE PRESIDENT HUTCHINSON: The motion prevails. Mr. Perras.

MR. PERRAS: Mr. President, at this time, so we don't show any discrimination, I would like to move that the people who voted yes on this issue have the same privilege of printing their reasons in the journal.

VICE PRESIDENT HUTCHINSON: That is already permitted under the rules, Mr. Perras. Mr. Ford.

MR. FORD: Thank you, Mr. President. I had asked the president, at noon, for an opportunity to ask for a personal privilege which wasn't, at that time, related to what we have just done. Yesterday, I asked, on the floor, if we had the privilege of explaining our yes vote and was told that we did, and a statement was prepared with a number of names, and inadvertently my name was left off of it. It is found on page 1164, and at the top of 1165 of yesterday's journal, and I ask the convention's consent, as a matter of personal privilege, to have my name added to the list of people who subscribe to the reasons for voting yes on section 15 at that time.

VICE PRESIDENT HUTCHINSON: Mr. Ford's request will be granted. [Correction made above.]

#### Second reading of proposals.

SECRETARY CHASE: The second reading calendar for the committee on legislative powers, item 1 —

VICE PRESIDENT HUTCHINSON: Mr. Hoxie.

MR. HOXIE: Mr. President and fellow delegates, I don't know that this is the proper time for this body to consider legislative powers, according to the tenor that has so far taken place this afternoon. However, your committee on legislative powers had many requests from delegates to slightly change the schedule for consideration of the various proposals. Your committee on legislative powers met and are recommending to the convention that Committee Proposal 100, being 25 on the calendar, be advanced to follow Committee Proposal 33, which is number 5 on the calendar. I think you all are aware of what Committee Proposal 100 relates to. There is quite a feeling that it would be desirable to dispose of this matter this afternoon, and so I move that Committee Proposal 100 follow Committee Proposal 33, which is number 5 on the calendar.

VICE PRESIDENT HUTCHINSON: The question is upon the motion of Mr. Hoxie that Committee Proposal 100 be advanced to stand as item 6 on the calendar. Mr. Baginski on that motion.

MR. BAGINSKI: Mr. President and fellow delegates, as the minority vice chairman of the committee on legislative powers, I rise to concur in the recommendation made by the chairman.

VICE PRESIDENT HUTCHINSON: All those in favor of the motion to advance will say aye. Those opposed will say no.

The motion prevails. Mrs. Hatcher.

MRS. HATCHER: Mr. President. I would like to have the privilege of cosigning with Mr. Ford on a similar statement that he referred to a few moments ago, stating my reasons for voting yes.

VICE PRESIDENT HUTCHINSON: You may. Your name, we are advised, Mrs. Hatcher, is already on the statement to which Mr. Ford referred.

JUDGE GADOLA: I wish my name to appear on there also.

VICE PRESIDENT HUTCHINSON: Judge Gadola's name also will be added to the list. [Correction made above.]

The secretary will proceed to read the first item on the legislative powers calendar under the order of second reading of proposals.

SECRETARY CHASE: Item 1 on the legislative powers second reading calendar, **Committee Proposal 118**, A proposal to provide for vesting the legislative power in the senate and house of representatives and to reserve the power of initiative and referendum to the people. Amends article V, section 1.

MR. HOXIE: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Hoxie.

MR. HOXIE: Mr. President, I move that we dispense with the reading of this proposal, and I would like to state that since the return of these proposals from style and drafting, the committee has reviewed all of them. The committee finds no change, no substantive change in this proposal and we recommend that it be passed.

VICE PRESIDENT HUTCHINSON: Is there objection to the proposal being considered read? The Chair hears no objection.

It is so ordered.

*Following is Committee Proposal 118 as reported by the committee on style and drafting and considered read. (For text as referred to said committee, see above, page 2418.):*

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

Sec. b. 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 [does not extend] EXTENDS ONLY to laws [that] WHICH the legislature may [not] 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. To invoke the initiative or referendum, petitions signed by a number of registered electors, not less than 8 per cent for initiative and 5 per cent for referendum of the total vote cast for all candidates for governor at the last preceding general election shall be required.

The 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 is not enacted by the legislature within the 40 days, the state [official] 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 [the] SUCH state [official] OFFICER [authorized by law] to the electors for approval or rejection at the next ensuing general election.

Any act 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 initiated or adopted by the people[,] shall be subject to the veto power of the governor, and no act 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  $\frac{3}{4}$  of the members elected TO and serving in each house of the legislature. Acts adopted by the people under the referendum provision of this section may be amended by the legislature at any subsequent session thereof. [However,] If 2 or more measures approved by the electors at the same election conflict, the measure receiving the highest affirmative vote shall prevail.

The legislature [by general law] shall [provide further] IMPLEMENT [necessary methods for the exercise of these powers not in conflict with] the provisions of this section.

VICE PRESIDENT HUTCHINSON (continuing): The question is upon the passage of the proposal. Mr. Baginski.

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

MR. BAGINSKI: Mr. President, fellow delegates, there is no objection to the adoption of this proposal. I understand there was a minority report and it was acted on on general orders; the recorded vote was made at that time, and we have no objection to the adoption of this section.

VICE PRESIDENT HUTCHINSON: As many as are in favor of the passage of Committee Proposal 118 will vote aye. Those so opposed will vote no. The voting has started. 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—117

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

Nays—1

Norris

SECRETARY CHASE: On the passage of Committee Proposal 118, the yeas are 117; the nays, 1.

VICE PRESIDENT HUTCHINSON: A majority of the delegates elect having voted in favor thereof, **Committee Proposal 118 is passed.**

*Following is explanation of vote submitted by Mr. Norris:*

In accordance with rule 65, I should like to state my reasons for my negative vote on Committee Proposal 118, a proposal to reserve the power of initiative and referendum to the people.

It is the purpose of Committee Proposal 118 to provide for the initiative and referendum. By the initiative and referendum 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 initiative and referendum are means for the direct exercise of sovereign power by the people. The initiative and referendum are means reserved to the people to bypass the legislature when the people wish to adopt a measure.

The desire of the legislature and the desire of the people may be at variance. Under Committee Proposal 118 the whole procedure to implementation of the initiative and

referendum pivots upon the "state officer authorized by law." If such a state officer is not named by the legislature, then the entire superstructure of the initiative and referendum procedure falls.

I do not wish to leave fundamental rights of the people to initiative and referendum to rest upon such uncertain language. One can foresee occasions when considerable difference between the legislature and the people may exist. If the state officer upon whom the whole superstructure of procedure rests is not designated clearly and unequivocally, the legislature may defeat the will of the people. The initiative and referendum provisions need to be self executing to be effective. Committee Proposal 118 not being self-executing, I voted against it.

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

*For Committee Proposal 118 as rereferred to the committee on style and drafting, see above, page 2927.*

SECRETARY CHASE: Item 2 on the calendar, **Committee Proposal 32**, A proposal to provide for eligibility to serve in the legislature. Retains article V, section 5.

MR. HOXIE: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Hoxie.

MR. HOXIE: I move that the proposal be considered read.

VICE PRESIDENT HUTCHINSON: Is there objection? The Chair hears no objection.

It is so ordered.

*Following is Committee Proposal 32 as reported by the committee on style and drafting and considered read. (For text as referred to said committee, see above, page 764.):*

Sec. a. Each senator and representative shall be a citizen of the United States, at least 21 years of age, and a qualified elector of the district he represents, and [his] 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 of a felony involving a breach of public trust shall be eligible for either house of the legislature.

MR. HOXIE: The committee approves the proposal as it came back from style and drafting. There is no substantive change. It is my understanding there is an amendment on the secretary's desk.

VICE PRESIDENT HUTCHINSON: The secretary will read the amendment.

SECRETARY CHASE: Mr. Krolikowski, Miss Hart, Messrs. Downs, Buback, Baginski, Hood, Young and Perlich offer the following amendment:

1. Amend page 1, line 5, after "subversion or" by inserting "who has within the preceding 20 years been convicted"; so the language will then read:

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.

VICE PRESIDENT HUTCHINSON: The question is upon the amendment. Mr. Downs.

MR. DOWNS: Mr. President, fellow delegates, this amendment applies solely to the felony portion not to the subversion. It would mean that if a person had been convicted, the penalty against running for office would be limited to 20 years. Personally, I feel that 20 years is certainly a sufficient penalty. I think there is also the fact that if people, the voters, want to select somebody, that this is a matter of public knowledge, that the voters should have that opportunity to. I urge support of the amendment.

MR. HOXIE: Mr. President, this is not a committee amendment. However, I likewise endorse the amendment.

VICE PRESIDENT HUTCHINSON: The question is upon the amendment. All those in favor will say aye. Opposed, no.

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

**PREAMBLE**

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

**PREAMBLE**

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

**ARTICLE I  
DECLARATION OF RIGHTS**

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

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

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

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

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

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

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

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

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

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

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

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



ever be tolerated in this state.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## ARTICLE II ELECTIONS

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

## Article II Elections

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

The legislature shall implement the provisions of this section.

### ARTICLE III GENERAL GOVERNMENT

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

#### Article III General Government

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

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

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

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

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

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

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

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

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

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

### ARTICLE IV LEGISLATIVE BRANCH

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

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

#### Article IV

##### Legislative Branch

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

house.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

eral appropriation bills as passed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



sons imprisoned or detained [on] UNDER such sentences.

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

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

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

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

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

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

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

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

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

specified IN THIS SECTION.

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

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

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

## ARTICLE V

### EXECUTIVE BRANCH

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2. Principal Departments (part Schedule) . . . . .	71b
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## Article V Executive Branch

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

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

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

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

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

Terms of office of any board or commission

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

YEARS NEXT PRECEDING HIS ELECTION.

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

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

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

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

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

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

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

Sec. 26. The legislature shall provide that the

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

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

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

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

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

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

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

## ARTICLE VI JUDICIAL BRANCH

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29.	Conservators of peace .....	96o

### Article VI Judicial Branch

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

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

days prior to the expiration of his term.

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 15. In each county organized for judicial purposes[,] there shall be a probate court. The legislature may [combine one or more counties into] CREATE OR ALTER probate COURT districts OF MORE THAN ONE COUNTY [upon the approval by a majority of the voters of each county voting separately on the question,] IF AP-PROVED IN EACH AFFECTED COUNTY BY A MAJORITY OF THE ELECTORS VOTING ON THE QUESTION. [or combine] THE LEGISLA-

TURE MAY PROVIDE FOR THE COMBINATION OF the office of probate judge with any judicial office of limited jurisdiction [in any] WITHIN A county with supplemental salary as provided by law. The jurisdiction, powers and duties of the probate court[s] and of the judges thereof shall be [prescribed] PROVIDED by law. They shall [also] have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 28. All final decisions, findings, rulings

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

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

## ARTICLE VII LOCAL GOVERNMENT

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## Article VII

### Local Government

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

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

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

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

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

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

at pleasure.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 21. The legislature shall provide by general laws for the incorporation of cities and villages[;] . [such general laws] SUCH LAWS shall limit their rate of [general] AD VALOREM property taxation for municipal purposes, and

restrict [their] THE powers of CITIES AND VILLAGES TO borrow[ing] money and contract[ing] debts. Each city and village is granted power to levy other taxes for public purposes, subject to limitations and prohibitions provided by this constitution or by law.

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

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

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

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

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

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

Sec. 27. Notwithstanding any other provision

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

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

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

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

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

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

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

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

## ARTICLE VIII EDUCATION

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## Article VIII Education

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

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

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

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

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

have powers and duties provided by law.

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

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

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

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

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

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

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

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

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

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## Article IX

### Finance and Taxation

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The power to tax for the payment of principal



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

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

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

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

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

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

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

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

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

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

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

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

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

## ARTICLE X PROPERTY

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

## Article X Property

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

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

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

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

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

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

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

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

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

## ARTICLE XI PUBLIC OFFICERS AND EMPLOYMENT

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

### Article XI

#### Public Officers and Employment

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

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

by law.

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

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

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

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

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

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

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

partisan, racial or religious considerations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## ARTICLE XII AMENDMENT & REVISION

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

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

## Article XII

## Amendment &amp; Revision

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

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

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

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

for or against the proposed amendment.

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

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

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

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

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

## SCHEDULE AND TEMPORARY PROVISIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 17. Every registered elector may vote



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

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

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

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  $\frac{3}{4}$  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  $\frac{3}{4}$  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  $\frac{3}{4}$  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  $\frac{3}{4}$  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  $\frac{3}{4}$  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  $\frac{3}{4}$ . If the people who start these petitions do not give them the authority, they must have a  $\frac{3}{4}$  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 non-property 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 non-resident 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	Krolkowski	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	Sluder
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	Stopezynski
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. R.	

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 improve-

ments 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	Leibbrand	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	Krolkowski	Snyder
Faxon	Madar	Walker



Finch  
Follo

Mahinske  
Marshall

Young  
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 yeas and nays 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 ap-

proved 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-

1 | trict in the city with which it is combined, if  
2 | provided by ordinance of the city. The district  
3 | or districts with which the territory shall be  
4 | combined shall be determined by such ordinance  
5 | certified to the secretary of state. No such change  
6 | in the boundaries of a representative or senatorial  
7 | district shall have the effect of removing a legis-  
8 | lator from office during his term.

9 | Sec. 5. Island areas are considered to be con-  
10 | tiguous by land to the county of which they are  
11 | a part.

12 | Sec. 6. A commission on legislative apportion-  
13 | ment is hereby established consisting of eight  
14 | persons, four of whom shall be selected by the  
15 | state organizations of each of the two political  
16 | parties whose candidates for governor received  
17 | the highest vote at the last general election at  
18 | which a governor was elected preceding each ap-  
19 | portionment. If a candidate for governor of a third  
20 | political party has received at such election more  
21 | than 25 percent of such gubernatorial vote, the  
22 | commission shall consist of 12 members, four of  
23 | whom shall be selected by the state organization of  
24 | the third political party. One member of the com-  
25 | mission shall be selected by each political party or-  
26 | ganization from each of the following four regions:  
27 | (1) The upper peninsula; (2) The northern part of  
28 | the lower peninsula, north of a line drawn along  
29 | the northern boundaries of the counties of Bay,  
30 | Midland, Isabella, Mecosta, Newaygo and Oceana;  
31 | (3) Southwestern Michigan, those counties south  
32 | of region (2) and west of a line drawn along  
33 | the western boundaries of the counties of Bay,  
34 | Saginaw, Shiawassee, Ingham, Jackson and Hills-  
35 | dale; (4) Southeastern Michigan, the remaining  
36 | counties of the state.

37 | No officers or employees of the federal, state  
38 | or local governments, excepting notaries public  
39 | and members of the armed forces reserve, shall  
40 | be eligible for membership on the commission.  
41 | Members of the commission shall not be eligible  
42 | for election to the legislature until two years after  
43 | the apportionment in which they participated  
44 | becomes effective.

45 | The commission shall be appointed immediately  
46 | after the adoption of this constitution and when-  
47 | ever apportionment or districting of the legislature  
48 | is required by the provisions of this constitution.  
49 | Members of the commission shall hold office until  
50 | each apportionment or districting plan becomes  
51 | effective. Vacancies shall be filled in the same  
52 | manner as for original appointment.

53 | The secretary of state shall be secretary of  
54 | the commission without vote, and in that capacity  
55 | shall furnish, under the direction of the commis-  
56 | sion, all necessary technical services. The com-  
57 | mission shall elect its own chairman, shall make  
58 | its own rules of procedure, and shall receive com-  
59 | pensation provided by law. The legislature shall  
60 | appropriate funds to enable the commission to

carry out its activities.

1 | Within 30 days after the adoption of this con-  
2 | stitution, and after the official total population  
3 | count of each federal decennial census of the state  
4 | and its political subdivisions is available, the se-  
5 | cretary of state shall issue a call convening the  
6 | commission not less than 30 nor more than 45  
7 | days thereafter. The commission shall complete  
8 | its work within 180 days after all necessary census  
9 | information is available. The commission shall  
10 | proceed to district and apportion the senate and  
11 | house of representatives according to the provi-  
12 | sions of this constitution. All final decisions shall  
13 | require the concurrence of a majority of the mem-  
14 | bers of the commission. The commission shall hold  
15 | public hearings as may be provided by law.

16 | Each final apportionment and districting plan  
17 | shall be published as provided by law within 30  
18 | days from the date of its adoption and shall be-  
19 | come law 60 days after publication. The secre-  
20 | tary of state shall keep a public record of all the  
21 | proceedings of the commission and shall be re-  
22 | sponsible for the publication and distribution of  
23 | each plan.

24 | If a majority of the commission cannot agree  
25 | on a plan, each member of the commission, indi-  
26 | vidualy or jointly with other members, may sub-  
27 | mit a proposed plan to the supreme court. The  
28 | supreme court shall determine which plan com-  
29 | plies most accurately with the constitutional re-  
30 | quirements and shall direct that it be adopted  
31 | by the commission and published as provided  
32 | in this section.

33 | Upon the application of any elector filed not  
34 | later than 60 days after final publication of the  
35 | plan, the supreme court, in the exercise of origi-  
36 | nal jurisdiction, shall direct the secretary of  
37 | state or the apportionment commission to per-  
38 | form their duties, may review any final plan  
39 | adopted by the commission, and shall remand  
40 | such plan to the commission for further action  
41 | if it fails to comply with the requirements of  
42 | this constitution.

43 | Sec. 7. Each senator and representative  
44 | must be a citizen of the United States, at least  
45 | 21 years of age, and an elector of the district  
46 | he represents. The removal of his domicile from  
47 | the district shall be deemed a vacation of the  
48 | office. No person who has been convicted of sub-  
49 | version or who has within the preceding 20 years  
50 | been convicted of a felony involving a breach  
51 | of public trust shall be eligible for either house  
52 | of the legislature.

53 | Sec. 8. No person holding any office under the  
54 | United States or this state or a political subdivi-  
55 | sion thereof, except notaries public and officers  
56 | of the armed forces reserve, may be a member of  
57 | either house of the legislature.

58 | Sec. 9. No person elected to the legislature  
59 | shall receive any civil appointment within this  
60 |



1 state from the governor, except notaries public,  
2 from the legislature, or from any other state  
3 authority, during the term for which he is elected.

4 Sec. 10. No member of the legislature nor any  
5 state officer shall be interested directly or in-  
6 directly in any contract with the state or any  
7 political subdivision thereof which shall cause a  
8 substantial conflict of interest. The legislature  
9 shall further implement this provision by appro-  
10 priate legislation.

11 Sec. 11. Senators and representatives shall be  
12 privileged from civil arrest and civil process dur-  
13 ing sessions of the legislature and for five days  
14 next before the commencement and after the  
15 termination thereof. They shall not be ques-  
16 tioned in any other place for any speech in either  
17 house.

18 Sec. 12. The compensation and expense al-  
19 lowances of the members of the legislature shall  
20 be determined by law. Changes in compensation  
21 or expense allowances shall become effective only  
22 when legislators commence their terms of office  
23 after a general election.

24 Sec. 13. The legislature shall meet at the seat  
25 of government on the second Wednesday in Janu-  
26 ary of each year at twelve o'clock noon. Each  
27 regular session shall adjourn without day, on a  
28 day determined by concurrent resolution, at  
29 twelve o'clock noon. Any business, bill or joint  
30 resolution pending at the final adjournment of  
31 a regular session held in an odd numbered year  
32 shall carry over with the same status to the  
33 next regular session.

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

41 Sec. 15. There shall be a bi-partisan legisla-  
42 tive council consisting of legislators appointed in  
43 the manner prescribed by law. The legislature  
44 shall appropriate funds for the council's opera-  
45 tions and provide for its staff which shall main-  
46 tain bill drafting, research and other services  
47 for the members of the legislature. The council  
48 shall periodically examine and recommend to the  
49 legislature revision of the various laws of the  
50 state.

51 Sec. 16. Each house, except as otherwise pro-  
52 vided in this constitution, shall choose its own  
53 officers and determine the rules of its proceedings,  
54 but shall not adopt any rule that will prevent a  
55 majority of the members elected thereto and  
56 serving therein from discharging a committee  
57 from the further consideration of any measure.  
58 Each house shall be the sole judge of the quali-  
59 fications, elections and returns of its members,  
60 and may, with the concurrence of two-thirds of

1 all the members elected thereto and serving  
2 therein, expel a member. The reasons for such  
3 expulsion shall be entered in the journal, with  
4 the votes and names of the members voting upon  
5 the question. No member shall be expelled a  
6 second time for the same cause.

7 Sec. 17. Each house of the legislature may  
8 establish the committees necessary for the effi-  
9 cient conduct of its business and the legislature  
10 may create joint committees. Each committee  
11 shall by roll call vote record the vote and name  
12 of all action on bills and resolutions taken in  
13 the committee. Such vote shall be available for  
14 public inspection. Notice of all committee hear-  
15 ings and a clear statement of all subjects to be  
16 considered at each hearing shall be published in  
17 the journal in advance of the hearing.

18 Sec. 18. Each house shall keep a journal of  
19 its proceedings, and publish the same unless the  
20 public security otherwise requires. The record  
21 of the vote and name of the members of either  
22 house voting on any question shall be entered  
23 in the journal at the request of one-fifth of the  
24 members present. Any member of either house  
25 may dissent from and protest against any act,  
26 proceeding or resolution which he deems injuri-  
27 ous to any person or the public, and have the  
28 reason for his dissent entered in the journal.

29 Sec. 19. All elections in either house or in  
30 joint convention and all votes on appointments  
31 submitted to the senate for advice and consent  
32 shall be published by vote and name in the journal.

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

35 Sec. 21. Neither house shall, without the con-  
36 sent of the other, adjourn for more than two  
37 intervening calendar days, nor to any place other  
38 than where the legislature may then be in session.

39 Sec. 22. All legislation shall be by bill and  
40 may originate in either house.

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

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

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

53 Sec. 26. No bill shall be passed or become a  
54 law at any regular session of the legislature until  
55 it has been printed or reproduced and in the pos-  
56 session of each house for at least five days. Every  
57 bill shall be read three times in each house be-  
58 fore the final passage thereof. No bill shall be-  
59 come a law without the concurrence of a majority  
60 of the members elected to and serving in each

house. On the final passage of bills, the votes and names of the members voting thereon shall be entered in the journal.

Sec. 27. No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.

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

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

Sec. 30. The assent of two-thirds of the members elected to and serving in each house of the legislature shall be required for the appropriation of public money or property for local or private purposes.

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

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

Sec. 33. Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law. If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not be-

come law. If he does not approve, and the legislature continues the session at which the bill was passed, he shall return it within such 14-day period with his objections, to the house in which it originated. That house shall enter such objections in full in its journal and reconsider the bill. If two-thirds of the members elected to and serving in that house pass the bill notwithstanding the objections of the governor, it shall be sent with the objections to the other house for reconsideration. The bill shall become law if passed by two-thirds of the members elected to and serving in that house. The vote of each house shall be entered in the journal with the votes and names of the members voting thereon. If any bill is not returned by the governor within such 14-day period, the legislature continuing in session, it shall become law as if he had signed it.

Sec. 34. Any bill passed by the legislature and approved by the governor, except a bill appropriating money, may provide that it will not become law unless approved by a majority of the electors voting thereon.

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

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

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

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

Sec. 39. In order to insure continuity of state and local governmental operations in periods of emergency only, resulting from disasters occurring in this state caused by enemy attack on the United States, the legislature may provide by law for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices; and enact other laws necessary and proper for insuring the continuity of governmental operations. Notwithstanding the power conferred by this section, elections shall always

be called as soon as possible to fill any vacancies in elective offices temporarily occupied by operation of any legislation enacted pursuant to the provisions of this section.

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

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

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

Sec. 43. No general law providing for the incorporation of trust companies or corporations for banking purposes, or regulating the business thereof, shall be enacted, amended or repealed except by a vote of two-thirds of the members elected to and serving in each house.

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

Sec. 45. The legislature may provide for indeterminate sentences as punishment for crime and for the detention and release of persons imprisoned or detained under such sentences.

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

Sec. 47. The legislature may authorize the employment of chaplains in state institutions of detention or confinement.

Sec. 48. The legislature may enact laws providing for the resolution of disputes concerning public employees, except those in the state classified civil service.

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

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

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

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

natural resources of the state from pollution, impairment and destruction.

Sec. 53. The legislature by a majority vote of the members elected to and serving in each house, shall appoint an auditor general, who shall be a certified public accountant licensed to practice in this state, to serve for a term of eight years. He shall be ineligible for appointment or election to any other public office in this state from which compensation is derived while serving as auditor general and for two years following the termination of his service. He may be removed for cause at any time by a two-thirds vote of the members elected to and serving in each house. The auditor general shall conduct post audits of financial transactions and accounts of the state and of all branches, departments, offices, boards, commissions, agencies, authorities and institutions of the state established by this constitution or by law, and performance post audits thereof.

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

Nothing in this section shall be construed in any way to infringe the responsibility and constitutional authority of the governing boards of the institutions of higher education to be solely responsible for the control and direction of all expenditures from the institutions' funds.

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

## Article V

### Executive Branch

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

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

Subsequent to the initial allocation, the governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these

changes require the force of law, they shall be set forth in executive orders and submitted to the legislature. Thereafter the legislature shall have 60 calendar days of a regular session, or a full session if of shorter duration, to disapprove each executive order. Unless disapproved in both houses by a resolution concurred in by a majority of the members elected to and serving in each house, each order shall become effective at a date thereafter to be designated by the governor.

Sec. 3. The head of each principal department shall be a single executive unless otherwise provided in this constitution or by law. The single executives heading principal departments shall include a secretary of state, a state treasurer and an attorney general. When a single executive is the head of a principal department, unless elected or appointed as otherwise provided in this constitution, he shall be appointed by the governor by and with the advice and consent of the senate and he shall serve at the pleasure of the governor.

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

Terms of office of any board or commission created or enlarged after the effective date of this constitution shall not exceed four years except as otherwise authorized in this constitution. The terms of office of existing boards and commissions which are longer than four years shall not be further extended except as provided in this constitution.

Sec. 4. Temporary commissions or agencies for special purposes with a life of no more than two years may be established by law and need not be allocated within a principal department.

Sec. 5. At no time shall an examining or licensing board of a profession include less than a majority of members of that profession.

Sec. 6. Appointment by and with the advice and consent of the senate when used in this constitution or laws in effect or hereafter enacted means appointment subject to disapproval by a majority vote of the members elected to and serving in the senate if such action is taken within 60 session days after the date of such appointment. Any appointment not disapproved within such period shall stand confirmed.

Sec. 7. Vacancies in any office, appointment to which requires advice and consent of the senate, shall be filled by the governor by and with the advice and consent of the senate. A person whose appointment has been disapproved by the senate shall not be eligible for an interim appointment

to the same office.

Sec. 8. Each principal department shall be under the supervision of the governor unless otherwise provided by this constitution. The governor shall take care that the laws be faithfully executed. He shall transact all necessary business with the officers of government and may require information in writing from all executive and administrative state officers, elective and appointive, upon any subject relating to the duties of their respective offices.

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

Sec. 9. Single executives heading principal departments and the chief executive officers of principal departments headed by boards or commissions shall keep their offices at the seat of government except as otherwise provided by law, superintend them in person and perform duties prescribed by law.

Sec. 10. The governor shall have power and it shall be his duty to inquire into the condition and administration of any public office and the acts of any public officer, elective or appointive. He may remove or suspend from office for gross neglect of duty or for corrupt conduct in office, or for any other misfeasance or malfeasance therein, any elective or appointive state officer, except legislative or judicial, and shall report the reasons for such removal or suspension to the legislature.

Sec. 11. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an appointed or elected officer, other than a legislative or judicial officer, until he is reinstated or until the vacancy is filled in the manner prescribed by law or this constitution.

Sec. 12. The governor shall be commander-in-chief of the armed forces and may call them out to execute the laws, suppress insurrection and repel invasion.

Sec. 13. The governor shall issue writs of election to fill vacancies in the senate or house of representatives. Any such election shall be held in a manner prescribed by law.

Sec. 14. The governor shall have power to grant reprieves, commutations and pardons after convictions for all offenses, except cases of impeachment, upon such conditions and limitations as he may direct, subject to procedures and regulations prescribed by law. He shall inform the legislature annually of each reprieve, commutation and pardon granted, stating reasons

therefor.

Sec. 15. The governor may convene the legislature on extraordinary occasions.

Sec. 16. The governor may convene the legislature at some other place when the seat of government becomes dangerous from any cause.

Sec. 17. The governor shall communicate by message to the legislature at the beginning of each session and may at other times present to the legislature information as to the affairs of the state and recommend measures he considers necessary or desirable.

Sec. 18. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state. Proposed expenditures from any fund shall not exceed the estimated revenue thereof. On the same date, the governor shall submit to the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills to provide new or additional revenues to meet proposed expenditures. The amount of any surplus created or deficit incurred in any fund during the last preceding fiscal period shall be entered as an item in the budget and in one of the appropriation bills. The governor may submit amendments to appropriation bills to be offered in either house during consideration of the bill by that house, and shall submit any bills to meet deficiencies in current appropriations.

Sec. 19. The governor may disapprove any distinct item or items appropriating moneys in any appropriation bill. The part or parts approved shall become law, and the item or items disapproved shall be void unless re-passed according to the method prescribed for the passage of other bills over the executive veto.

Sec. 20. No appropriation shall be a mandate to spend. The governor, with the approval of the appropriating committees of the house and senate, shall reduce expenditures authorized by appropriations whenever it appears that actual revenues for a fiscal period will fall below the revenue estimates on which appropriations for that period were based. Reductions in expenditures shall be made in accordance with procedures prescribed by law. The governor may not reduce expenditures of the legislative and judicial branches or from funds constitutionally dedicated for specific purposes.

Sec. 21. The governor, lieutenant governor, secretary of state and attorney general shall be elected for four-year terms at the general election in each alternate even-numbered year.

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

for the candidates for governor and lieutenant governor nominated by the same party.

Vacancies in the office of the secretary of state and attorney general shall be filled by appointment by the governor.

Sec. 22. To be eligible for the office of governor or lieutenant governor a person must have attained the age of 30 years, and have been a registered elector in this state for four years next preceding his election.

Sec. 23. The governor, lieutenant governor, secretary of state and attorney general shall each receive the compensation provided by law in full payment for all services performed and expenses incurred during his term of office. Such compensation shall not be changed during the term of office except as otherwise provided in this constitution.

Sec. 24. An executive residence suitably furnished shall be provided at the seat of government for the use of the governor. He shall receive an allowance for its maintenance as provided by law.

Sec. 25. The lieutenant governor shall be president of the senate, but shall have no vote except in case of equal division. He may perform duties requested of him by the governor, but no power vested in the governor shall be delegated.

Sec. 26. In case of the conviction of the governor on impeachment, his removal from office, his resignation or his death, the lieutenant governor, the elected secretary of state, the elected attorney general and such other persons designated by law shall in that order be governor for the remainder of the governor's term.

In case of the death of the governor-elect, the lieutenant governor-elect, the secretary of state-elect, the attorney general-elect and such other persons designated by law shall become governor in that order at the commencement of the governor-elect's term.

If the governor or the person in line of succession to serve as governor is absent from the state, or suffering under an inability, the powers and duties of the office of governor shall devolve in order of precedence until the absence or inability giving rise to the devolution of powers ceases.

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

Sec. 27. The legislature shall provide that the salary of any state officer while acting as governor shall be equal to that of the governor.

Sec. 28. There is hereby established a state highway commission, which shall administer the state highway department and have jurisdiction

and control over all state trunkline highways and appurtenant facilities, and such other public works of the state, as provided by law.

The state highway commission shall consist of four members, not more than two of whom shall be members of the same political party. They shall be appointed by the governor by and with the advice and consent of the senate for four-year terms, no two of which shall expire in the same year as provided by law.

The state highway commission shall appoint and may remove a state highway director, who shall be a competent highway engineer and administrator. He shall be the principal executive officer of the state highway department and shall be responsible for executing the policy of the state highway commission.

Sec. 29. There is hereby established a civil rights commission which shall consist of eight persons, not more than four of whom shall be members of the same political party, who shall be appointed by the governor, by and with the advice and consent of the senate, for four-year terms not more than two of which shall expire in the same year. It shall be the duty of the commission in a manner which may be prescribed by law to investigate alleged discrimination against any person because of religion, race, color or national origin in the enjoyment of the civil rights guaranteed by law and by this constitution, and to secure the equal protection of such civil rights without such discrimination. The legislature shall provide an annual appropriation for the effective operation of the commission.

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

Appeals from final orders of the commission, including cease and desist orders and refusals to issue complaints, shall be tried de novo before the circuit court having jurisdiction provided by law.

## Article VI Judicial Branch

Sec. 1. The judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction

known as the circuit court, one probate court, and other courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.

Sec. 2. The supreme court shall consist of seven justices elected at non-partisan elections as provided by law. The term of office shall be eight years and not more than two terms of office shall expire at the same time. Nominations for justices of the supreme court shall be in the manner prescribed by law. Any incumbent justice whose term is to expire may become a candidate for re-election by filing an affidavit of candidacy, in the form and manner prescribed by law, not less than 180 days prior to the expiration of his term.

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

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

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

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

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

Sec. 8. The court of appeals shall consist initially of nine judges who shall be nominated and elected at non-partisan elections from districts drawn on county lines and as nearly as possible of equal population, as provided by law. The



supreme court may prescribe by rule that the court of appeals may sit in divisions and for the terms of court and the times and places thereof. Each such division shall consist of not fewer than three judges. The number of judges comprising the court of appeals may be increased, and the districts from which they are elected may be changed by law.

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

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

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

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

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

Sec. 14. The clerk of each county organized for judicial purposes or other officer performing the duties of such office as provided in a county charter shall be clerk of the circuit court for such

county. The judges of the circuit court may fill a vacancy in an elective office of county clerk or prosecuting attorney within their respective jurisdictions.

Sec. 15. In each county organized for judicial purposes there shall be a probate court. The legislature may create or alter probate court districts of more than one county if approved in each affected county by a majority of the electors voting on the question. The legislature may provide for the combination of the office of probate judge with any judicial office of limited jurisdiction within a county with supplemental salary as provided by law. The jurisdiction, powers and duties of the probate court and of the judges thereof shall be provided by law. They shall have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

Sec. 16. One or more judges of probate as provided by law shall be nominated and elected at non-partisan elections in the counties or the probate districts in which they reside and shall hold office for terms of six years and until their successors are elected and qualified. In counties or districts with more than one judge the terms of office shall be arranged by law to provide that not all terms will expire at the same time.

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

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

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

Sec. 19. The supreme court, the court of appeals, the circuit court, the probate court and other courts designated as such by the legislature shall be courts of record and each shall have a common seal. Justices and judges of courts of record must be persons who are licensed to practice law in this state. No person shall be elected or appointed to a judicial office after reaching the age of 70 years.

1 Sec. 20. Whenever a justice or judge removes  
2 his domicile beyond the limits of the territory  
3 from which he was elected, he shall have vacated  
4 his office.

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

10 Sec. 22. Any elected judge of the court of  
11 appeals, circuit court or probate court may be-  
12 come a candidate in the primary election for the  
13 office of which he is the incumbent by filing an  
14 affidavit of candidacy in the form and manner  
15 prescribed by law.

16 Sec. 23. A vacancy in the elective office of a  
17 judge of any court of record shall be filled at a  
18 general or special election as provided by law.  
19 The supreme court may authorize persons who  
20 have served as judges and who have retired, to  
21 perform judicial duties for the limited period of  
22 time from the occurrence of the vacancy until  
23 the successor is elected and qualified. Such per-  
24 sons shall be ineligible for election to fill the  
25 vacancy.

26 Sec. 24. There shall be printed upon the ballot  
27 under the name of each elected incumbent justice  
28 or judge who is a candidate for nomination or  
29 election to the same office the designation of  
30 that office.

31 Sec. 25. For reasonable cause, which is not  
32 sufficient ground for impeachment, the governor  
33 shall remove any judge on a concurrent resolution  
34 of two-thirds of the members elected to and serv-  
35 ing in each house of the legislature. The cause  
36 for removal shall be stated at length in the  
37 resolution.

38 Sec. 26. The offices of circuit court commis-  
39 sioner and justice of the peace are abolished at  
40 the expiration of five years from the date this  
41 constitution becomes effective or may within this  
42 period be abolished by law. Their jurisdiction,  
43 compensation and powers within this period shall  
44 be as provided by law. Within this five-year period,  
45 the legislature shall establish a court or courts  
46 of limited jurisdiction with powers and jurisdic-  
47 tion defined by law. The location of such court  
48 or courts, and the qualifications, tenure, method  
49 of election and salary of the judges of such court  
50 or courts, and by what governmental units the  
51 judges shall be paid, shall be provided by law,  
52 subject to the limitations contained in this Article.

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

57 Sec. 27. The supreme court, the court of ap-  
58 peals, the circuit court, or any justices or judges  
59 thereof, shall not exercise any power of appoint-  
60 ment to public office except as provided in this

constitution.

1 Sec. 28. All final decisions, findings, rulings  
2 and orders of any administrative officer or agency  
3 existing under the constitution or by law, which  
4 are judicial or quasi-judicial and affect private  
5 rights or licenses, shall be subject to direct re-  
6 view by the courts as provided by law. This re-  
7 view shall include, as a minimum, the determina-  
8 tion whether such final decisions, findings, rulings  
9 and orders are authorized by law; and, in cases in  
10 which a hearing is required, whether the same  
11 are supported by competent, material and sub-  
12 stantial evidence on the whole record. Findings  
13 of fact in workmen's compensation proceedings  
14 shall be conclusive in the absence of fraud un-  
15 less otherwise provided by law.

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

## Article VII

### Local Government

1 Sec. 1. Each organized county shall be a body  
2 corporate with powers and immunities provided  
3 by law.

4 Sec. 2. Any county may frame, adopt, amend  
5 or repeal a county charter in a manner and with  
6 powers and limitations to be provided by general  
7 law, which shall among other things provide for  
8 the election of a charter commission. The law  
9 may permit the organization of county govern-  
10 ment in form different from that set forth in this  
11 constitution and shall limit the rate of ad valorem  
12 property taxation for county purposes, and re-  
13 strict the powers of charter counties to borrow  
14 money and contract debts. Each charter county  
15 is hereby granted power to levy other taxes for  
16 county purposes subject to limitations and pro-  
17 hibitions set forth in this constitution or law.  
18 Subject to law, a county charter may authorize  
19 the county through its regularly constituted  
20 authority to adopt resolutions and ordinances re-  
21 lating to its concerns.

22 The board of supervisors by a majority vote  
23 of its members may, and upon petition of five  
24 percent of the electors shall, place upon the ballot  
25 the question of electing a commission to frame a  
26 charter.

27 No county charter shall be adopted, amended  
28 or repealed until approved by a majority of elec-  
29 tors voting on the question.

30 Sec. 3. No organized county shall be reduced  
31 by the organization of new counties to less than  
32 16 townships as surveyed by the United States,  
33 unless approved in the manner prescribed by law  
34 by a majority of electors voting thereon in each  
35 county to be affected.

36 Sec. 4. There shall be elected for four-year  
37 terms in each organized county a sheriff, a county

clerk, a county treasurer, a register of deeds and a prosecuting attorney, whose duties and powers shall be provided by law. The board of supervisors in any county may combine the offices of county clerk and register of deeds in one office or separate the same at pleasure.

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

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

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

Sec. 8. Boards of supervisors shall have legislative, administrative and such other powers and duties as provided by law.

Sec. 9. Boards of supervisors shall have exclusive power to fix the compensation of county officers not otherwise provided by law.

Sec. 10. A county seat once established shall not be removed until the place to which it is proposed to be moved shall be designated by two-thirds of the members of the board of supervisors and a majority of the electors voting thereon shall have approved the proposed location in the manner prescribed by law.

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

Sec. 12. A navigable stream shall not be bridged or dammed without permission granted by the board of supervisors of the county as provided by law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and political subdivisions therein.

Sec. 13. Two or more contiguous counties may combine into a single county if approved in each affected county by a majority of the electors voting on the question.

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

Sec. 15. Any county, when authorized by its board of supervisors shall have the authority to enter or to intervene in any action or certificate proceeding involving the services, charges or rates of any privately owned public utility furnishing services or commodities to rate payers within the county.

Sec. 16. The legislature may provide for the laying out, construction, improvement and maintenance of highways, bridges, culverts and airports by the state and by the counties and townships thereof; and may authorize counties to take charge and control of any highway within their limits for such purposes. The legislature may provide the powers and duties of counties in relation to highways, bridges, culverts and airports; may provide for county road commissioners to be appointed or elected, with powers and duties provided by law. The ad valorem property tax imposed for road purposes by any county shall not exceed in any year one-half of one percent of the assessed valuation for the preceding year.

Sec. 17. Each organized township shall be a body corporate with powers and immunities provided by law.

Sec. 18. In each organized township there shall be elected for terms of not less than two nor more than four years as prescribed by law a supervisor, a clerk, a treasurer, and not to exceed four trustees, whose legislative and administrative powers and duties shall be provided by law.

Sec. 19. No organized township shall grant any public utility franchise which is not subject to revocation at the will of the township, unless the proposition shall first have been approved by a majority of the electors of such township voting thereon at a regular or special election.

Sec. 20. The legislature shall provide by law for the dissolution of township government whenever all the territory of an organized township is included within the boundaries of a village or villages notwithstanding that a village may include territory within another organized township and provide by law for the classification of such village or villages as cities.

Sec. 21. The legislature shall provide by general laws for the incorporation of cities and villages. Such laws shall limit their rate of ad valorem property taxation for municipal purposes, and restrict the powers of cities and villages to borrow money and contract debts. Each city and village is granted power to levy other taxes for public purposes, subject to limitations and prohibitions provided by this constitution or by law.

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

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

6 Sec. 24. Subject to this constitution, any city  
7 or village may acquire, own or operate, within  
8 or without its corporate limits, public service  
9 facilities for supplying water, light, heat, power,  
10 sewage disposal and transportation to the municipi-  
11 lity and the inhabitants thereof.

12 Any city or village may sell and deliver heat,  
13 power or light without its corporate limits in an  
14 amount not exceeding 25 percent of that furnished  
15 by it within the corporate limits, except as greater  
16 amounts may be permitted by law; may sell and  
17 deliver water and provide sewage disposal services  
18 outside of its corporate limits in such amount as  
19 may be determined by the legislative body of the  
20 city or village; and may operate transportation  
21 lines outside the municipality within such limits  
22 as may be prescribed by law.

23 Sec. 25. No city or village shall acquire any  
24 public utility furnishing light, heat or power, or  
25 grant any public utility franchise which is not  
26 subject to revocation at the will of the city or  
27 village, unless the proposition shall first have been  
28 approved by three-fifths of the electors voting  
29 thereon. No city or village may sell any public  
30 utility unless the proposition shall first have been  
31 approved by a majority of the electors voting  
32 thereon, or a greater number if the charter shall  
33 so provide.

34 Sec. 26. Except as otherwise provided in this  
35 constitution, no city or village shall have the  
36 power to loan its credit for any private purpose  
37 or, except as provided by law, for any public pur-  
38 pose.

39 Sec. 27. Notwithstanding any other provision  
40 of this constitution the legislature may establish  
41 in metropolitan areas additional forms of govern-  
42 ment or authorities with powers, duties and juris-  
43 dictions as the legislature shall provide. Where-  
44 ever possible, such additional forms of govern-  
45 ment or authorities shall be designed to perform  
46 multi-purpose functions rather than a single  
47 function.

48 Sec. 28. The legislature by general law shall  
49 authorize two or more counties, townships, cities,  
50 villages or districts, or any combination thereof  
51 among other things to: enter into contractual  
52 undertakings or agreements with one another or  
53 with the state or with any combination thereof  
54 for the joint administration of any of the functions  
55 or powers which each would have the power to  
56 perform separately; share the costs and responsi-  
57 bilities of functions and services with one another  
58 or with the state or with any combination thereof  
59 which each would have the power to perform  
60 separately; transfer functions or responsibilities

1 to one another or any combination thereof upon  
2 the consent of each unit involved; cooperate with  
3 one another and with state government; lend their  
4 credit to one another or any combination thereof  
5 as provided by law in connection with any au-  
6 thorized publicly owned undertaking.

7 Any other provision of this constitution not-  
8 withstanding, an officer or employee of the state  
9 or any such unit of government or subdivision  
10 or agency thereof, except members of the legis-  
11 lature, may serve on or with any governmental  
12 body established for the purposes set forth in  
13 this section and shall not be required to relin-  
14 quish his office or employment by reason of such  
15 service.

16 Sec. 29. No person, partnership, association or  
17 corporation, public or private, operating a public  
18 utility shall have the right to the use of the high-  
19 ways, streets, alleys or other public places of  
20 any county, township, city or village for wires,  
21 poles, pipes, tracks, conduits or other utility  
22 facilities, without the consent of the duly con-  
23 stituted authority of the county, township, city  
24 or village; or to transact local business therein  
25 without first obtaining a franchise from the town-  
26 ship, city or village. Except as otherwise provided  
27 in this constitution the right of all counties, town-  
28 ships, cities and villages to the reasonable control  
29 of their highways, streets, alleys and public  
30 places is hereby reserved to such local units of  
31 government.

32 Sec. 30. No franchise or license shall be  
33 granted by any township, city or village for a  
34 period longer than 30 years.

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

39 Sec. 32. Any county, township, city, village,  
40 authority or school district empowered by the  
41 legislature or by this constitution to prepare bud-  
42 gets of estimated expenditures and revenues shall  
43 adopt such budgets only after a public hearing  
44 in a manner prescribed by law.

45 Sec. 33. Any elected officer of a political sub-  
46 division may be removed from office in the manner  
47 and for the causes provided by law.

48 Sec. 34. The provisions of this constitution and  
49 law concerning counties, townships, cities and vil-  
50 lages shall be liberally construed in their favor.  
51 Powers granted to counties and townships by this  
52 constitution and by law shall include those fairly  
53 implied and not prohibited by this constitution.

## Article VIII Education

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

1 Sec. 2. The legislature shall maintain and sup-  
 2 port a system of free public elementary and sec-  
 3 ondary schools as defined by law. Every school  
 4 district shall provide for the education of its  
 5 pupils without discrimination as to religion, creed,  
 6 race, color or national origin.

7 Sec. 3. Leadership and general supervision over  
 8 all public education, including adult education and  
 9 instructional programs in state institutions, except  
 10 as to institutions of higher education granting  
 11 baccalaureate degrees, is vested in a state board  
 12 of education. It shall serve as the general plan-  
 13 ning and coordinating body for all public educa-  
 14 tion, including higher education, and shall advise  
 15 the legislature as to the financial requirements  
 16 in connection therewith.

17 The state board of education shall appoint a  
 18 superintendent of public instruction whose term  
 19 of office shall be determined by the board. He  
 20 shall be the chairman of the board without the  
 21 right to vote, and shall be responsible for the  
 22 execution of its policies. He shall be the principal  
 23 executive officer of a state department of educa-  
 24 tion which shall have powers and duties provided  
 25 by law.

26 The state board of education shall consist of  
 27 eight members who shall be nominated by party  
 28 conventions and elected at large for terms of  
 29 eight years as prescribed by law. The governor  
 30 shall fill any vacancy by appointment for the  
 31 unexpired term. The governor shall be ex-officio  
 32 a member of the state board of education with-  
 33 out the right to vote.

34 The power of the boards of institutions of higher  
 35 education provided in this constitution to super-  
 36 vise their respective institutions and control and  
 37 direct the expenditure of the institutions' funds  
 38 shall not be limited by this section.

39 Sec. 4. The legislature shall appropriate  
 40 moneys to maintain the university of Michigan,  
 41 Michigan State University, Wayne State Univer-  
 42 sity, Eastern Michigan University, Michigan Col-  
 43 lege of Science and Technology, Central Michi-  
 44 gan University, Northern Michigan University,  
 45 Western Michigan University, Ferris Institute,  
 46 Grand Valley State College, by whatever names  
 47 such institutions may hereafter be known, and  
 48 other institutions of higher education established  
 49 by law. The legislature shall be given an annual  
 50 accounting of all income and expenditures by each  
 51 of these educational institutions. Formal sessions  
 52 of governing boards of such institutions shall be  
 53 open to the public.

54 Sec. 5. The regents of the University of Michi-  
 55 gan and their successors in office shall constitute  
 56 a body corporate known as the Regents of the  
 57 University of Michigan; the trustees of Michigan  
 58 State University and their successors in office shall  
 59 constitute a body corporate known as the Board  
 60 of Trustees of Michigan State University; the

governors of Wayne State University and their  
 successors in office shall constitute a body corpor-  
 ate known as the Board of Governors of Wayne  
 State University. Each board shall have general  
 supervision of its institution and the control and  
 direction of all expenditures from the institution's  
 funds. Each board shall, as often as necessary,  
 elect a president of the institution under its su-  
 pervision. He shall be the principal executive of-  
 ficer of the institution, be ex-officio a member of  
 the board without the right to vote and preside  
 at meetings of the board. The board of each in-  
 stitution shall consist of eight members who shall  
 hold office for terms of eight years and who shall  
 be elected as provided by law. The governor shall  
 fill board vacancies by appointment. Each ap-  
 pointee shall hold office until a successor has been  
 nominated and elected as provided by law.

Sec. 6. Other institutions of higher education  
 established by law having authority to grant  
 baccalaureate degrees shall each be governed by  
 a board of control which shall be a body corporate.  
 The board shall have general supervision of the  
 institution and the control and direction of all  
 expenditures from the institution's funds. It shall,  
 as often as necessary, elect a president of the in-  
 stitution under its supervision. He shall be the  
 principal executive officer of the institution and  
 be ex-officio a member of the board without the  
 right to vote. The board may elect one of its mem-  
 bers or may designate the president, to preside at  
 board meetings. Each board of control shall con-  
 sist of eight members who shall hold office for  
 terms of eight years, not more than two of which  
 shall expire in the same year, and who shall be  
 appointed by the governor by and with the ad-  
 vice and consent of the senate. Vacancies shall  
 be filled in like manner.

Sec. 7. The legislature shall provide by law  
 for the establishment and financial support of  
 public community and junior colleges which shall  
 be supervised and controlled by locally elected  
 boards. The legislature shall provide by law for  
 a state board for public community and junior  
 colleges which shall advise the state board of  
 education concerning general supervision and plan-  
 ning for such colleges and requests for annual  
 appropriations for their support. The board shall  
 consist of eight members who shall hold office  
 for terms of eight years, not more than two of  
 which shall expire in the same year, and who shall  
 be appointed by the state board of education. Va-  
 cancies shall be filled in like manner. The super-  
 intendent of public instruction shall be ex-officio  
 a member of this board without the right to vote.

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



1 Sec. 9. The legislature shall provide by law for  
2 the establishment and support of public libraries  
3 which shall be available to all residents of the state  
4 under regulations adopted by the governing bodies  
5 thereof. All fines assessed and collected in the  
6 several counties, cities and townships for any  
7 breach of the penal laws shall be exclusively ap-  
8 plied to the support of such public libraries, and  
9 county law libraries as provided by law.

## Article IX

### Finance and Taxation

13 Sec. 1. The legislature shall impose taxes suf-  
14 ficient with other resources to pay the expenses of  
15 state government.

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

18 Sec. 3. The legislature shall provide for the  
19 uniform general ad valorem taxation of real and  
20 tangible personal property not exempt by law. The  
21 legislature shall provide for the determination of  
22 true cash value of such property; the proportion  
23 of true cash value at which such property shall  
24 be uniformly assessed, which shall not, after  
25 January 1, 1966, exceed 50 percent; and for a sys-  
26 tem of equalization of assessments. The legislature  
27 may provide for alternative means of taxation of  
28 designated real and tangible personal property in  
29 lieu of general ad valorem taxation. Every tax  
30 other than the general ad valorem property tax  
31 shall be uniform upon the class or classes on  
32 which it operates.

33 Sec. 4. Property owned and occupied by non-  
34 profit religious or educational organizations and  
35 used exclusively for religious or educational pur-  
36 poses, as defined by law, shall be exempt from  
37 real and personal property taxes.

38 Sec. 5. The legislature shall provide for the  
39 assessment by the state of the property of those  
40 public service businesses assessed by the state  
41 at the date this constitution becomes effective, and  
42 of other property as designated by the legislature,  
43 and for the imposition and collection of taxes  
44 thereon. Property assessed by the state shall be  
45 assessed at the same proportion of its true  
46 cash value as the legislature shall specify for  
47 property subject to general ad valorem taxation.  
48 The rate of taxation on such property shall be  
49 the average rate levied upon other property in this  
50 state under the general ad valorem tax law, or,  
51 if the legislature provides, the rate of tax applicable  
52 to the property of each business enterprise assessed  
53 by the state shall be the average rate of ad valorem  
54 taxation levied upon other property in all counties  
55 in which any of such property is situated.

56 Sec. 6. Except as otherwise provided in this  
57 constitution, the total amount of general ad valo-  
58 rem taxes imposed upon real and tangible per-  
59 sonal property for all purposes in any one year  
60 shall not exceed 15 mills on each dollar of the

1 assessed valuation of property as finally equalized.  
2 Under procedures provided by law, which shall  
3 guarantee the right of initiative, separate tax  
4 limitations for any county and for the townships  
5 and for school districts therein, the aggregate of  
6 which shall not exceed 18 mills on each dollar of  
7 such valuation, may be adopted and thereafter  
8 altered by the vote of a majority of the qualified  
9 electors of such county voting thereon, in lieu  
10 of the limitation hereinbefore established. These  
11 limitations may be increased to an aggregate of  
12 not to exceed 50 mills on each dollar of valuation,  
13 for a period of not to exceed 20 years at any one  
14 time, if approved by a majority of the electors,  
15 qualified under Section 6 of Article II of this  
16 constitution, voting on the question.

17 The foregoing limitations shall not apply to  
18 taxes imposed for the payment of principal and  
19 interest on bonds or other evidences of indebted-  
20 ness or for the payment of assessments or con-  
21 tract obligations in anticipation of which bonds  
22 are issued, which taxes may be imposed without  
23 limitation as to rate or amount; or to taxes im-  
24 posed for any other purpose by any city, vil-  
25 lage, charter county, charter township, charter  
26 authority or other authority, the tax limitations  
27 of which are provided by charter or by general  
28 law.

29 In any school district which extends into two  
30 or more counties, property taxes at the highest  
31 rate available in the county which contains the  
32 greatest part of the area of the district may be  
33 imposed and collected for school purposes through-  
34 out the district.

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

38 Sec. 8. The legislature shall not impose a  
39 sales tax on retailers at a rate of more than  
40 four percent of their gross taxable sales of  
41 tangible personal property.

42 Sec. 9. All specific taxes, except general sales  
43 and use taxes and regulatory fees, imposed di-  
44 rectly or indirectly on fuels sold or used  
45 to propel motor vehicles upon highways and on  
46 registered motor vehicles shall, after the payment  
47 of necessary collection expenses, be used exclusi-  
48 vely for highway purposes as defined by law.

49 Sec. 10. One-eighth of all taxes imposed on  
50 retailers on taxable sales at retail of tangible  
51 personal property shall be used exclusively for  
52 assistance to townships, cities and villages, on  
53 a population basis as provided by law. In de-  
54 termining population the legislature may exclude  
55 any portion of the total number of persons who  
56 are wards, patients or convicts in any tax sup-  
57 ported institution.

58 Sec. 11. There shall be established a state  
59 school aid fund which shall be used exclusively  
60 for the support of public education and school



employees' retirement systems, as provided by law. One-half of all taxes imposed on retailers on taxable sales at retail of tangible personal property, and other tax revenues provided by law, shall be dedicated to this fund. Payments from this fund shall be made in full on a scheduled basis, as provided by law.

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

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

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

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

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

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

The term "qualified bonds" means general obli-

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

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

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

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

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

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

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

This section shall not be construed to prohibit the investment of public funds until needed for current requirements or the investment of funds accumulated to provide retirement or pension benefits for public officials and employees, as provided by law.

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

Sec. 20. No state money shall be deposited in banks other than those organized under the national or state banking laws. No state money

1 shall be deposited in any bank in excess of 50  
2 percent of the capital and surplus of such bank.  
3 Any bank receiving deposits of state money shall  
4 show the amount of state money so deposited as  
5 a separate item in all published statements.

6 Sec. 21. The legislature shall provide by law  
7 for the annual accounting for all public moneys,  
8 state and local, and may provide by law for interim  
9 accounting.

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

15 Sec. 22. Procedures for the examination and  
16 adjustment of claims against the state shall be  
17 prescribed by law.

18 Sec. 23. All financial records, accountings,  
19 audit reports and other reports of public moneys  
20 shall be public records and open to inspection. A  
21 statement of all revenues and expenditures of pub-  
22 lic moneys shall be published and distributed  
23 annually, as provided by law.

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

29 Financial benefits arising on account of service  
30 rendered in each fiscal year shall be funded during  
31 that year and such funding shall not be used for  
32 financing unfunded accrued liabilities.

#### Article X Property

33 Sec. 1. The disabilities of coverture as to prop-  
34 erty are abolished. The real and personal estate of  
35 every woman acquired before marriage and all  
36 real and personal property to which she may after-  
37 wards become entitled shall be and remain the  
38 estate and property of such woman, and shall not  
39 be liable for the debts, obligations or engagements  
40 of her husband, and may be dealt with and dis-  
41 posed of by her as if she were unmarried. Dower  
42 may be relinquished or conveyed as provided by  
43 law.

44 Sec. 2. Private property shall not be taken for  
45 public use without just compensation therefor  
46 being first made or secured in a manner prescribed  
47 by law. The amount of compensation shall be  
48 determined in proceedings in a court of record.

49 Sec. 3. A homestead in the amount of not less  
50 than \$3,500 and personal property of every resi-  
51 dent of this state in the amount of not less than  
52 \$750, as defined by law, shall be exempt from  
53 forced sale on execution or other process of any  
54 court. Such exemptions shall not extend to any  
55 lien thereon excluded from exemption by law.

56 Sec. 4. Procedures relating to escheats and to  
57 the custody and disposition of escheated property

shall be prescribed by law.

58 Sec. 5. The legislature shall have general su-  
59 pervisory jurisdiction over all state owned lands  
60 useful for forest preserves, game areas and recrea-  
61 tional purposes; shall require annual reports as  
62 to such lands from all departments having super-  
63 vision or control thereof; and shall by general law  
64 provide for the sale, lease or other disposition of  
65 such lands.

66 The legislature by an act adopted by two-thirds  
67 of the members elected to and serving in each  
68 house may designate any part of such lands as  
69 a state land reserve. No lands in the state land  
70 reserve may be removed from the reserve, sold,  
71 leased or otherwise disposed of except by an act  
72 of the legislature.

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

#### Article XI

##### Public Officers and Employment

76 Sec. 1. All officers, legislative, executive and  
77 judicial, before entering upon the duties of their  
78 respective offices, shall take and subscribe the  
79 following oath or affirmation: I do solemnly swear  
80 (or affirm) that I will support the Constitution  
81 of the United States and the constitution of this  
82 state, and that I will faithfully discharge the duties  
83 of the office of ..... according to the best of  
84 my ability. No other oath, affirmation, or any  
85 religious test shall be required as a qualification  
86 for any office or public trust.

87 Sec. 2. The terms of office of elective state  
88 officers, members of the legislature and justices  
89 and judges of courts of record shall begin at twelve  
90 o'clock noon on the first day of January next suc-  
91 ceeding their election, except as otherwise provided  
92 in this constitution. The terms of office of county  
93 officers shall begin on the first day of January  
94 next succeeding their election, except as otherwise  
95 provided by law.

96 Sec. 3. Neither the legislature nor any poli-  
97 tical subdivision of this state shall grant or author-  
98 ize extra compensation to any public officer, agent  
99 or contractor after the service has been rendered  
100 or the contract entered into.

101 Sec. 4. No person having custody or control of  
102 public moneys shall be a member of the legislature,  
103 or be eligible to any office of trust or profit under  
104 this state, until he shall have made an accounting,  
105 as provided by law, of all sums for which he may  
106 be liable.

107 Sec. 5. The classified state civil service shall  
108 consist of all positions in the state service except  
109 those filled by popular election, heads of principal  
110 departments, members of boards and commis-  
111 sions, the principal executive officer of boards and  
112 commissions heading principal departments, em-  
113 ployees of courts of record, employees of the legis-

lature, employees of the state institutions of higher education, all persons in the armed forces of the state, eight exempt positions in the office of the governor, and within each principal department, when requested by the department head, two other exempt positions, one of which shall be policy-making. The civil service commission may exempt three additional positions of a policy-making nature within each principal department.

The civil service commission shall be non-salaried and shall consist of four persons, not more than two of whom shall be members of the same political party, appointed by the governor for terms of eight years, no two of which shall expire in the same year.

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

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

No person shall be appointed to or promoted in the classified service who has not been certified by the commission as qualified for such appointment or promotion. No appointments, promotions, demotions or removals in the classified service shall be made for religious, racial or partisan considerations.

Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year. Within 60 calendar days following such transmission, the legislature may, by a two-thirds vote of the members elected to and serving in each house, reject or reduce increases in rates of compensation authorized by the commission. Any reduction ordered by the legislature shall apply uniformly to all classes of employees affected by the increases and shall not adjust pay differentials already established by the civil service commission. The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases author-

ized by the commission.

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

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

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

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

No payment for personal services shall be made or authorized until the provisions of this constitution pertaining to civil service have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

Sec. 6. By ordinance or resolution of its governing body which shall not take effect until approved by a majority of the electors voting thereon, unless otherwise provided by charter, each county, township, city, village, school district and other governmental unit or authority may establish, modify or discontinue a merit system for its employees other than teachers under contract or tenure. The state civil service commission may on request furnish technical services to any such unit on a reimbursable basis.

Sec. 7. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office or for crimes or misdemeanors, but a majority of the members elected and serving shall be necessary to direct an impeachment.

When an impeachment is directed, the house of representatives shall elect three of its members to prosecute the impeachment.

Every impeachment shall be tried by the senate immediately after the final adjournment of the legislature. The senators shall take an oath or affirmation truly and impartially to try and determine the impeachment according to the evi-

1 dence. When the governor or lieutenant governor  
2 is tried, the chief justice of the supreme court  
3 shall preside.

4 No person shall be convicted without the con-  
5 currence of two-thirds of the senators elected and  
6 serving. Judgment in case of conviction shall not  
7 extend further than removal from office, but the  
8 person convicted shall be liable to punishment  
9 according to law.

10 No judicial officer shall exercise any of the  
11 functions of his office after an impeachment is  
12 directed until he is acquitted.

## Article XII

### Amendment & Revision

14 Sec. 1. Amendments to this constitution may  
15 be proposed in the senate or house of representa-  
16 tives. Proposed amendments agreed to by two-  
17 thirds of the members elected to and serving in  
18 each house on a vote with the names and vote of  
19 those voting entered in the respective journals  
20 shall be submitted, not less than 60 days there-  
21 after, to the electors at the next general election  
22 or special election as the legislature shall direct.  
23 If a majority of electors voting on a proposed  
24 amendment approve the same, it shall become  
25 part of the constitution and shall abrogate or  
26 amend existing provisions of the constitution at  
27 the end of 45 days after the date of the election  
28 at which it was approved.

29 Sec. 2. Amendments may be proposed to this  
30 constitution by petition of the registered electors  
31 of this state. Every petition shall include the full  
32 text of the proposed amendment, and be signed by  
33 registered electors of the state equal in number to  
34 at least 10 percent of the total vote cast for  
35 all candidates for governor at the last preceding  
36 general election at which a governor was elected.  
37 Such petitions shall be filed with the person au-  
38 thorized by law to receive the same at least 120  
39 days before the election at which the proposed  
40 amendment is to be voted upon. Any such petition  
41 shall be in the form, and shall be signed and  
42 circulated in such manner, as prescribed by law.  
43 The person authorized by law to receive such peti-  
44 tion shall upon its receipt determine, as provided  
45 by law, the validity and sufficiency of the signa-  
46 tures on the petition, and make an official an-  
47 nouncement thereof at least 60 days prior to the  
48 election at which the proposed amendment is to be  
49 voted upon.

50 Any amendment proposed by such petition shall  
51 be submitted, not less than 120 days after it was  
52 filed, to the electors at the next general election.  
53 Such proposed amendment, existing provisions of  
54 the constitution which would be altered or abro-  
55 gated thereby, and the question as it shall appear  
56 on the ballot shall be published in full as provided  
57 by law. Copies of such publication shall be posted  
58 in each polling place and furnished to news media

as provided by law.

59 The ballot to be used in such election shall con-  
60 tain a statement of the purpose of the proposed  
61 amendment, expressed in not more than 100 words,  
62 exclusive of caption. Such statement of purpose  
63 and caption shall be prepared by the person au-  
64 thorized by law, and shall consist of a true and  
65 impartial statement of the purpose of the amend-  
66 ment in such language as shall create no prejudice  
67 for or against the proposed amendment.

68 If the proposed amendment is approved by a  
69 majority of the electors voting on the question,  
70 it shall become part of the constitution, and  
71 shall abrogate or amend existing provisions of  
72 the constitution at the end of 45 days after  
73 the date of the election at which it was ap-  
74 proved. If two or more amendments approved by  
75 the electors at the same election conflict, that  
76 amendment receiving the highest affirmative vote  
77 shall prevail.

78 Sec. 3. At the general election to be held in  
79 the year 1978, and in each 16th year thereafter  
80 and at such times as may be provided by law, the  
81 question of a general revision of the constitution  
82 shall be submitted to the electors of the state. If  
83 a majority of the electors voting on the question  
84 decide in favor of a convention for such purpose,  
85 at an election to be held not later than six months  
86 after the proposal was certified as approved, the  
87 electors of each representative district as then  
88 organized shall elect one delegate and the elec-  
89 tors of each senatorial district as then organized  
90 shall elect one delegate at a partisan election.  
91 The delegates so elected shall convene at the seat  
92 of government on the first Tuesday in October  
93 next succeeding such election or at an earlier date  
94 if provided by law.

95 The convention shall choose its own officers,  
96 determine the rules of its proceedings and judge  
97 the qualifications, elections and returns of its mem-  
98 bers. The governor shall appoint a qualified  
99 resident of the same district to fill a vacancy  
100 in the office of any delegate who shall be a mem-  
101 ber of the same party as the delegate vacating  
102 the office. The convention shall have power to ap-  
103 point such officers, employees and assistants as  
104 it deems necessary and to fix their compensation;  
105 to provide for the printing and distribution of its  
106 documents, journals and proceedings; to explain  
107 and disseminate information about the proposed  
108 constitution and to complete the business of the  
109 convention in an orderly manner. Each delegate  
110 shall receive for his services compensation pro-  
111 vided by law.

112 No proposed constitution or amendment adopted  
113 by such convention shall be submitted to the  
114 electors for approval as hereinafter provided un-  
115 less by the assent of a majority of all the delegates  
116 elected to and serving in the convention, with the  
117 names and vote of those voting entered in the

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

#### Schedule and Temporary Provisions

To insure the orderly transition from the constitution of 1908 to this constitution the following schedule and temporary provisions are set forth to be effective for such period as are thereby required.

Sec. 1. The attorney general shall recommend to the legislature as soon as practicable such changes as may be necessary to adapt existing laws to this constitution.

Sec. 2. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights existing on the effective date of this constitution shall continue unaffected except as modified in accordance with the provisions of this constitution.

Sec. 3. Except as otherwise provided in this constitution, all officers filling any office by election or appointment shall continue to exercise their powers and duties until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

No provision of this constitution, or of law or of executive order authorized by this constitution shall shorten the term of any person elected to state office at a statewide election on or prior to the date on which this constitution is submitted to a vote. In the event the duties of any such officers shall not have been abolished or incorporated into one or more of the principal departments at the expiration of his term, such officer shall continue to serve until his duties are so incorporated or abolished.

Sec. 4. All officers elected at the same election that this constitution is submitted to the people for adoption shall take office and complete the term to which they were elected under the 1908 constitution and existing laws and continue to serve until their successors are elected and qualified pursuant to this constitution or law.

Sec. 5. Notwithstanding any other provision in this constitution, the governor, the lieutenant governor, the secretary of state, the attorney general, and state senators shall be elected at the general election in 1964 to serve for two year terms beginning on the first day of January next

succeeding their election. The first election of such officers for four-year terms under this constitution shall be held at the general election in 1966.

Sec. 6. The state shall be districted for the purpose of electing senators in accordance with the provisions of Section 2 of Article IV of this constitution, after the official publication of the total population count of the 1970 decennial federal census. Until the apportionment of the senate following the 1970 census, the senatorial districts under the 1908 constitution shall remain intact except that upon the adoption of this constitution each of the counties of Kent, Genesee, Macomb and Oakland shall be divide by the apportionment commission into two senatorial districts and Wayne county into eight senatorial districts in accordance with this constitution. The legislature may give prior effect to Section 2 of Article IV of this constitution, which action shall not be subject to veto by the governor.

Sec. 7. Notwithstanding the provisions of this constitution that the supreme court shall consist of seven justices it shall consist of eight justices until the time that a vacancy occurs as a result of death, retirement or resignation of a justice. The first such vacancy shall not be filled.

Sec. 8. Any judge of probate serving on the effective date of this constitution may serve the remainder of the term and be eligible to succeed himself for election regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

Sec. 9. The provisions of Article VI providing that terms of judicial offices shall not all expire at the same time, shall be implemented by law providing that at the next election for such offices judges shall be elected for terms of varying length, none of which shall be shorter than the regular term provided for the office.

Sec. 10. The members of the state board of education provided for in Section 3 of Article VIII of this constitution shall first be elected at the first general election after the effective date of this constitution for the following terms: two shall be elected for two years, two for four years, two for six years, and two for eight years as prescribed by law.

The State Board of Education provided for in the constitution of 1908 is abolished at twelve o'clock noon January 1 of the year following the first general election under this constitution and the terms of members thereof shall then expire.

Sec. 11. The provisions of this constitution providing for members of boards of control of institutions of higher education and the State Board of Public Community and Junior Colleges shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be

extended, and may further provide that the initial terms of office of members may be less than eight years.

Sec. 12. The provisions of this constitution increasing the number of members of the Board of Trustees of Michigan State University and of the Board of Governors of Wayne State University to eight, and of their term of office to eight years, shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended one year, and may further provide that the initial terms of office of the additional members may be less than eight years.

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

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

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

Sec. 15. The legislature by a vote of two-thirds of the members elected to and serving in each house may provide that the state may bor-

row money and may pledge its full faith and credit for refunding any bonds issued by the Mackinac Bridge Authority and at the time of refunding the Mackinac Bridge Authority shall be abolished and the operation of the bridge shall be assumed by the state highway department. The legislature may implement this section by law.

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

Sec. 17. Every registered elector may vote on the adoption of the constitution. The board of election commissioners in each county shall cause to be printed on a ballot separate from the ballot containing the names of the nominees for office, the words: Shall the revised constitution be adopted? ( ) Yes. ( ) No. All votes cast at the election shall be taken, counted, canvassed and returned as provided by law for the election of state officers. If the revised constitution so submitted receives more votes in its favor than were cast against it, it shall be the supreme law of the state on and after the first day of January of the year following its adoption.



*committee on style and drafting as offered and considered read, including the additional changes made by said committee on August 1. (For text as referred to said committee, see above, page 3275):*

1. Amend article II, section 6 (column 2) line 49, after "electors" by striking out "which involves" and inserting "for"; and after "increase of" by striking out "any" and inserting "the"; and line 50, after "limitation" by inserting "imposed by Section 6 of Article IX"; and line 51, after "or" by inserting "for".

2. Amend article II, section 9 (column 2) line 8, after "electors" by striking out "or three-fourths of the members elected to and serving in each house of the legislature.", and inserting "unless otherwise provided in the initiative measure or by three-fourths of the members elected to and serving in each house of the legislature.".

3. Amend article III, section 5 (column 2) line 36, after "subdivision" by inserting "thereof".

4. Amend article IV, section 2 (column 1) line 24, after "assigned" by striking out "an apportionment factor" and inserting "factors".

5. Amend article IV, section 2 (column 2) line 1, after "two or more" by striking out "senate districts" and inserting "senators".

6. Amend article IV, section 3 (column 2) line 54, after "population" by inserting a comma.

7. Amend article IV, section 6 (column 1) line 14, by striking out "persons" and inserting "electors"; and line 24, after "party.", by striking out "One member of the commission shall be selected by each political party organization from each of the following four regions.", and inserting "One resident of each of the following four regions shall be selected by each political party organization."; and line 27, after "(1)" do not capitalize "the"; and after "(2)" do not capitalize "the"; and line 31, after "(3)" do not capitalize "southwestern"; and line 35, after "(4)" do not capitalize "southeastern".

8. Amend article IV, section 6 (column 2) line 38, after "state or the" by striking out "apportionment".

9. Amend article IV, section 8 (column 2) line 56, after "public and" by striking out "officers" and inserting "members".

10. Amend article IV, section 17 (column 2) line 10, after "committees.", by striking out the sentence which reads, "Each committee shall by roll call vote record the vote and name of all action on bills and resolutions taken in the committee.", and inserting "On all actions on bills and resolutions in each committee, names and votes of members shall be recorded.".

11. Amend article IV, section 33 (column 2) line 1, after "If he" by striking out "does not approve" and inserting "disapproves".

12. Amend article IV, section 37 (column 2) line 36, after "Sec. 37.", by striking out the entire section which reads, "The legislature may by concurrent resolution empower a joint committee of the legislature acting between sessions to suspend until the end of the next regular legislative session any rule or regulation of an administrative agency promulgated when the legislature is not in regular session.", and inserting "The legislature may by concurrent resolution empower a joint committee of the legislature, acting between sessions, to suspend any rule or regulation promulgated by an administrative agency subsequent to the adjournment of the last preceding regular legislative session. Such suspension shall continue no longer than the end of the next regular legislative session.".

13. Amend article V, section 2 (column 1) line 4, after "full" by inserting "regular".

14. Amend article V, section 5 (column 1) line 43, after "Sec. 5.", by striking out the entire section which reads, "At no time shall an examining or licensing board of a profession include less than a majority of members of that profession.", and inserting "A majority of the members of an appointed examining or licensing board of a profession shall be members of that profession.".

15. Amend article V, section 18 (column 1) line 31, after "submit" by striking out "any".

16. Amend article V, section 25 (column 2) line 24, after "vote" by inserting a comma; and line 25, by striking out "except in case of equal division.", and inserting "unless they be equally divided.".

17. Amend article V, section 28 (column 1) line 10, after "same year" by inserting a comma.

18. Amend article VI, section 1 (column 2) line 2, by striking out "other".

19. Amend article VI, section 3 (column 2) line 20, by striking out "other".

20. Amend article VI, section 4 (column 2) line 28, after "hear" by striking out the comma.

21. Amend article VI, section 8 (column 1) line 2, after "appeals" by striking out "may".

22. Amend article VI, section 18 (column 2) line 38, after "increased" by striking out the comma.

23. Amend article VI, section 26 (column 1) line 52, do not capitalize "article".

24. Amend article VI, section 28 (column 2) following line 16, by striking out the entire second paragraph [This paragraph added by amendment on May 11, see above, page 3240; for section as amended, see above, page 3275] which reads:

"No appeal may be taken to any court from a decision of the state tax commission fixing the value of described property for property tax purposes or determining an appeal from a decision of the county tax allocation board.", and inserting a new paragraph to read as follows:

"In the absence of fraud, error of law or the adoption of wrong principles, no appeal may be taken to any court from any final agency provided for the administration of property tax laws from any decision relating to valuation or allocation.".

25. Amend article VII, section 31 (column 2) line 36, after "alley" by striking out the comma.

26. Amend article VIII, section 4 (column 1) line 40, capitalize "University".

27. Amend article VIII, section 8 (column 2) line 56, after "programs" by striking out the comma; and line 58, after "mentally" by striking out the comma.

28. Amend article VIII, section 9 (column 1) line 6, after "counties.", by striking out "cities and townships" and inserting "townships and cities".

29. Amend article IX, section 11 (column 2) line 60, after "for" by striking out "the support of public education" and inserting "aid to school districts, higher education".

30. Amend article XI, section 5 (column 2) line 8, after "tion" by inserting "or creation".

31. Amend article XI, section 7 (column 2) line 51, after "elected" by inserting "thereto"; and after "serving" by inserting "therein".

32. Amend article XII, the title (column 1) after "Amendment" by striking out "&" and inserting "and".

33. Amend article XII, section 3 (column 2) line 41, after "bers.", by striking out "The governor shall appoint a qualified resident of the same district to fill a vacancy in the office of any delegate who shall be a member of the same party as the delegate vacating the office.", and inserting "To fill a vacancy in the office of any delegate, the governor shall appoint a qualified resident of the same district who shall be a member of the same party as the delegate vacating the office.".

34. Amend the schedule, section 5 (column 1) line 58, after "general" by striking out the comma; and line 59, after "two" by inserting a hyphen, so that it will read "two-year".

35. Amend the schedule, section 6 (column 2) line 12, after "1908 constitution" by inserting "as amended in 1952".

36. Amend the schedule, section 6 (column 2) line 15, after "shall be" by striking out "divide" and inserting "divided".

against the secretary of state, by Mr. Van Dusen, chairman, submits the following report:

In accordance with Resolution 96, the committee on action against secretary of state on May 14, 1962, filed with the circuit court for the county of Ingham, a petition for declaration of rights in an action entitled, Stephen S. Nisbet, President of the Michigan Constitutional Convention of 1961-1962 v. James M. Hare, Secretary of State. The relief sought was a declaration that the convention has the right to provide for submission of the proposed new constitution to the electors at the general election to be held November 6, 1962. The summons and petition were served on the secretary of state on the same day.

On May 22, having had no response from the attorney general, petitioner filed a motion for the entry of a decree. On May 25, the secretary of state appeared specially by the attorney general and moved to dismiss the petition on the ground that the case did not present an actual controversy. The trial court heard argument on the attorney general's motion on June 1 and on June 6 rendered an opinion denying the motion to dismiss. An order to that effect was entered on June 11.

Instead of proceeding to file an answer, the attorney general then filed an application to the supreme court for leave to appeal. This application was granted by the supreme court and the attorney general, on July 2, filed a claim of appeal.

The attorney general has not yet filed a brief and he states that he does not intend to do so until after August 7.

It is obvious that no judicial determination of the right of the constitutional convention to require submission of the proposed constitution to the electors on November 6 will be made in time to be useful to the convention. Accordingly, the committee recommends:

1) That section 15 [formerly section 16] of the schedule and temporary provisions of the proposed constitution be amended by striking from the first sentence the words "Tuesday after the first Monday of November, 1962" and inserting "first Monday in April, 1963."

2) That the committee be authorized to discontinue the action entitled, Nisbet v. Hare.

Richard C. Van Dusen, chairman.

MR. VAN DUSEN: Mr. President, I move the adoption of the report.

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

The report is adopted. Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, in compliance with our rules, I think it would now be necessary to take a roll call vote on the amendment to the constitution changing the date.

PRESIDENT NISBET: Mr. Chase will read the amendment.

SECRETARY CHASE: The amendment recommended in the report is as follows:

1. Amend the schedule, section 15 [formerly section 16] (column 2) line 11, after "held on the" by striking out "Tuesday after the first Monday of November, 1962.", and inserting "first Monday in April, 1963."

PRESIDENT NISBET: The secretary will call the roll. Those in favor of the amendment will vote aye as your name is called. Those opposed will vote no.

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

Yeas—141

Allen	Goebel	Page
Andrus, Miss	Gover	Pellow
Anspach	Greene	Perlich
Austin	Gust	Perras
Baginski	Habermehl	Plank
Balcer	Hanna, W. F.	Pollock
Barthwell	Hannah, J. A.	Powell
Batchelor	Hart, Miss	Prettie
Beaman	Haskill	Pugsley
Bentley	Hatch	Radka

Binkowski	Hatcher, Mrs.
Blandford	Heideman
Bledsoe	Higgs
Bonisteel	Hood
Boothby	Howes
<b>Bowens</b>	Hoxie
Bradley	Hubbs
Brake	Hutchinson
Brown, G. E.	Iverson
Brown, T. S.	Jones
Buback	Judd, Mrs.
Butler, Mrs.	Karn
Conklin, Mrs.	Kelsey
Cudlip	Kirk, S.
Cushman, Mrs.	Knirk, B.
Danhof	Koeze, Mrs.
Dehnke	Krolkowski
Dell	Kuhn
DeVries	Lawrence
Donnelly, Miss	Lebrand
Doty, Dean	Leppien
Doty, Donald	Lesinski
Douglas	Liberato
Downs	Madar
Durst	Mahinske
Elliott, A. G.	Martin
Elliott, Mrs. Daisy	McAllister
Erickson	McCauley
Everett	McGowan, Miss
Farnsworth	McLogan
Faxon	Millard
Figy	Mosier
Finch	Murphy
Follo	Nisbet
Ford	Nord
Gadola	Norris
Garvin	Ostrow

Nays—0

SECRETARY CHASE: On the adoption of the amendment, the yeas are 141; the nays are none.

PRESIDENT NISBET: The amendment is adopted. The question now is on the final passage of the constitution as amended this morning. Those who are in favor will answer aye as your names are called. Those opposed will answer nay. The secretary will call the roll.

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

Yeas—98

Allen	Gover	Powell
Andrus, Miss	Gust	Prettie
Anspach	Habermehl	Pugsley
Balcer	Hanna, W. F.	Radka
Batchelor	Hannah, J. A.	Rajkovich
Beaman	Haskill	Richards, J. B.
Bentley	Hatch	Richards, L. W.
Blandford	Heideman	Romney
Bonisteel	Higgs	Rood
Boothby	Howes	Rush
Brake	Hoxie	Seyferth
Brown, G. E.	Hubbs	Shackleton
Butler, Mrs.	Hutchinson	Shaffer
Conklin, Mrs.	Iverson	Sharpe
Cudlip	Judd, Mrs.	Sleder
Cushman, Mrs.	Karn	Spitler
Danhof	Kirk, S.	Stafseth
Dehnke	Knirk, B.	Staiger
Dell	Koeze, Mrs.	Stamm
DeVries	Kuhn	Sterrett
Donnelly, Miss	Lawrence	Stevens
Doty, Dean	Leppien	Thomson
Doty, Donald	Martin	Tubbs
Durst	McCauley	Turner
Elliott, A. G.	McGowan, Miss	Tweedie
Erickson	McLogan	Upton
Everett	Millard	Van Dusen
Farnsworth	Mosier	Wanger
Figy	Nisbet	White
Finch	Page	Wood

Follo  
Gadola  
Goebel

Perras  
Plank  
Pollock

Woolfenden  
Yeager

#### Nays—43

Austin  
Baginski  
Barthwell  
Binkowski  
Bledsoe  
**Bowens**  
Bradley  
Brown, T. S.  
Buback  
Douglas  
Downs  
Elliott, Mrs. Daisy  
Faxon  
Ford  
Garvin

Greene  
Hart, Miss  
Hatcher, Mrs.  
Hood  
Jones  
Kelsey  
Krolikowski  
Leibrand  
Lesinski  
Liberato  
Madar  
Mahinske  
McAllister  
Murphy

Nord  
Norris  
Ostrow  
Pellow  
Perlich  
Sablich  
Shanahan  
Snyder  
Stopczynski  
Suzore  
Walker  
Wilkowski  
Young  
Youngblood

SECRETARY CHASE: On the adoption of the constitution as amended, the yeas are 98; the nays are 43. (applause)  
PRESIDENT NISBET: The **constitution** is adopted.

*For the constitution as adopted, see below, page 3317.*

Because of the hour, it being almost noon, the Chair recognizes Mr. Van Dusen.

MR. VANDUSEN: Mr. President, I move that the convention now stand in recess until 2:00 p.m.

PRESIDENT NISBET: The question is on the motion of Mr. Van Dusen that we recess until 2:00 p.m. Those in favor will say aye. Opposed, no.

The motion prevails. We are recessed until 2:00 o'clock.

[Whereupon, at 11:50 o'clock a.m., the convention recessed; and, at 2:00 o'clock p.m., reconvened.]

Will the delegates please take their seats. The convention will please come to order.

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

PRESIDENT NISBET: I think we should recognize the fact that many of our employees are voluntarily back with us today, meeting with the delegates. I'm sure all of us are very happy to have them here. It brings about a happy result to see them and I think we ought to give them a good hand. (applause) Mr. Chase has an announcement.

SECRETARY CHASE: There are 3 announcements that possibly should have been made before we recessed for lunch.

First, there is mail for all of the delegates in the mail room downstairs.

Just prior to the May 11 adjournment, several of the delegates took out, on loan, sets of convention slides which have not been returned. Missing from our files are 12 complete sets of slides. Since we frequently have call from other delegates for the use of these slides, we would appreciate their return as soon as possible. Ink White, chairman of the committee on public information.

I am sure the delegates recall the lady on the civic center staff who took such good care of keeping the windows clean and the place well slicked up, who had to go to the hospital for a very critical operation. A number of the delegates contributed to a fund to help her over her financial difficulties. I have the following card:

It is very difficult to express my appreciation to all the wonderful people of con. con. Let me say, with my heart, your kindness and generosity will always be remembered.

Sincerely,  
Freda Adams.

PRESIDENT NISBET: Since the adjournment on May 11, we have added 2 new associate members to the delegation: Mrs. Charles Follo and Mrs. Gil Wanger.

I asked Charlie if Mrs. Follo was present so that he might present her, but he said she isn't. We are sorry, Charlie, she couldn't be with us.

Mr. Wanger, is your associate delegate present? Would you present her?

[Whereupon, the delegates accorded Mrs. Wanger a standing ovation.]

At the final session before the long recess the president was authorized to name a reunion committee for the constitutional convention. Accordingly, the **president appoints**, as members of the reunion committee: Mr. Erickson, Mrs. Koeze, Messrs. Jones, Bowens, Brake, Mrs. Conklin, Mr. Dean Doty, Mrs. Daisy Elliott, Messrs. Faxon, Kelsey, Kuhn, Powell, Sharpe, Wanger, White and Norris.

Without objection, the appointments are approved. You will notice that most of these delegates are within the area of Lansing, Detroit or Grand Rapids for their ease in getting together when they have to meet. Mr. Claud Erickson is chairman of the committee.

Returning to the order of business, **approval of address to people**. We will take up the **report of the committee on public information**. Mr. White, chairman.

MR. WHITE: Mr. President, under date of June 26, 1962, each delegate was mailed proof copies of the proposed address to the people. Since that time our committee has received numerous suggestions for corrections, additions, deletions and so on. Our committee has met and gone over these suggestions and they have been, for the most part, agreed to. I might say, parenthetically, the address in its present corrected form represents the writing and editing of upwards of 50 of our delegates.

Under date of July 27, 1962, each of you was mailed a 16 page multilith report which outlined in detail some 108 corrections. This communication also carried the recommendation that we be authorized to correct the text of the constitution as it appears in the address to conform with the style and drafting changes adopted at today's session, and to offer comments accordingly, if necessary. All of this material has been delivered again to each delegate's desk today. Additionally, you have a single white multilith sheet from our committee containing brief addenda to this 16 page report.

It seems to me, Mr. President, the delegates have had ample time to consider these matters, and to expedite our final deliberations, I move that the report of the public information committee, with the recommended addenda, be considered read.

PRESIDENT NISBET: Without objection, it is so ordered.

*Following is the report as submitted and considered read:*

After careful consideration of suggestions from delegates, your committee on public information recommends the adoption of the following changes in the proof copy of the address to the people:

*For document incorporating following changes, see below, page 3355. Page numbers in report refer to document pages.*

1. Amend page 2, second full paragraph, line 3, after "that one" by striking out "must" and inserting "should"; to improve phraseology.

2. Amend page 2, third full paragraph, line 1, by striking out "Ordered by popular vote, its delegates selected by the people on the basis of one from each senatorial and representative district, the Constitutional Convention of 1961-62 met in Lansing on October 3, 1961.", and inserting "The convention was ordered by popular vote in April of 1961. There were 144 delegates, representing Michigan's 34 State Senatorial districts and 110 State Representative seats. They were elected in statewide voting on September 12, 1961, and convened at Lansing on October 3, 1961."; to improve awkward sentence construction and correct error by indicating "seats" rather than representative "districts."

3. Amend page 2, fifth full paragraph, line 2, after "overlapped" by striking out "each other"; to improve phraseology.

4. Amend page 2, fifth full paragraph, line 6, after

**CONSTITUTION  
OF THE  
STATE OF MICHIGAN**

**as finally adopted  
by the Convention  
August 1, 1962**

## PREAMBLE

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

## ARTICLE I

### Declaration of Rights

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

Sec. 2. No person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color or national origin. The legislature shall implement this section by appropriate legislation.

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

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

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

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

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

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

Sec. 9. Neither slavery, nor involuntary servitude unless for the punishment of crime, shall ever be tolerated in this state.

Sec. 10. No bill of attainder, ex post facto law or law impairing the obligation of contract shall be enacted.

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

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

Sec. 13. A suitor in any court of this state has the right to prosecute or defend his suit, either in his own proper person or by an attorney.

Sec. 14. The right of trial by jury shall remain, but shall be waived in all civil cases unless demanded by one of the parties in the manner prescribed by law. In all civil cases tried by 12 jurors a verdict shall be received when 10 jurors agree.

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

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

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

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

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

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

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



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

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

## ARTICLE II

### Elections

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

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

Sec. 3. For purposes of voting in the election for president and vice-president of the United States only, the legislature may by law establish lesser residence requirements for citizens who have resided in this state for less than six months and may waive residence requirements for former citizens of this state who have removed herefrom. The legislature shall not permit voting by any person who meets the voting residence requirements of the state to which he has removed.

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

Sec. 5. Except for special elections to fill vacancies, or as otherwise provided in this constitution, all elections for national, state, county and township offices shall be held on the first Tuesday after the first Monday in November in each even-numbered year or on such other date as members of the congress of the United States are regularly elected.

Sec. 6. Whenever any question is required to be submitted by a political subdivision to the electors for the increase of the ad valorem tax rate limitation imposed by Section 6 of Article IX for a period of more than five years, or for the issue of bonds, only electors in, and who have property assessed for any ad valorem taxes in, any part of the district or territory to be affected by the result of such election or electors who are the lawful husbands or wives of such persons shall be entitled to vote thereon. All electors in the district or territory affected may vote on all other questions.

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

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

Sec. 9. The people reserve to themselves the power to propose laws and to enact and reject laws, called the initiative, and the power to approve or reject laws enacted by the legislature, called the referendum. The power of initiative extends only to laws which the legislature may enact under this constitution. The power of referendum does not extend to acts making appropriations for state institutions or to meet deficiencies in state funds and must be invoked in the manner prescribed by law within 90 days following the final adjournment of the legislative session at which the law was enacted. To invoke the initiative or referendum, petitions signed by a number of registered electors, not less than eight percent for initiative and five percent for referendum of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected shall be required.

No law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election.

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

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

Any law submitted to the people by either initiative or referendum petition and approved by a majority of the votes cast thereon at any election shall take effect 10 days after the date of the official declaration of the vote. No law initiated or adopted by the people shall be subject to the veto power of the governor, and no law adopted by the people at the polls under the initiative provisions of this section shall be amended or repealed, except by a vote of the electors unless otherwise provided in the initiative measure or by three-fourths of the members elected to and serving in each house of the legislature. Laws approved by the people under the referendum provision of this section may be amended by the legislature at any subsequent session thereof. If two or more measures approved by the electors at the same election conflict, that receiving the highest affirmative vote shall prevail.

The legislature shall implement the provisions of this section.

### ARTICLE III

#### General Government

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

Sec. 2. The powers of government are divided into three branches: legislative, executive and judicial. No person exercising powers of one branch shall exercise powers properly belonging to another branch except as expressly provided in this constitution.

Sec. 3. There shall be a great seal of the State of Michigan and its use shall be provided by law.

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

Sec. 5. Subject to provisions of general law, this state or any political subdivision thereof, any governmental authority or any combination thereof may enter into agreements for the performance, financing or execution of their respective functions, with any one or more of the other states, the United States, the Dominion of Canada, or any political subdivision thereof unless otherwise provided in this constitution. Any other provision of this constitution notwithstanding, an officer or employee of the state or of any such unit of government or subdivision or agency thereof may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service. The legislature may impose such restrictions, limitations or conditions on such service as it may deem appropriate.

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

Sec. 7. The common law and the statute laws now in force, not repugnant to this constitution, shall remain in force until they expire by their own limitations, or are changed, amended or repealed.

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

### ARTICLE IV

#### Legislative Branch

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

Sec. 2. The senate shall consist of 38 members to be elected from single member districts at the same election as the governor for four-year terms concurrent with the term of office of the governor.

In districting the state for the purpose of electing senators after the official publication of the total population count of each federal decennial census, each county shall be assigned apportionment factors equal to the sum of its percentage of the state's population as shown by the last regular federal decennial census computed to the nearest one-one hundredth of one percent multiplied by four and its percentage of the state's land area computed to the nearest one-one hundredth of one percent.

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

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

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

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

Sec. 3. The house of representatives shall consist of 110 members elected for two-year terms from single member districts apportioned on a basis of population as provided in this article. The districts shall consist of compact and convenient territory contiguous by land.

Each county which has a population of not less than seven-tenths of one percent of the population of the state shall constitute a separate representative area. Each county having less than seven-tenths of one percent of the population of the state shall be combined with another county or counties to form a representative area of not less than seven-tenths of one percent of the population of the state. Any county which is isolated under the initial allocation as provided in this section shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.

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

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

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

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

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

Sec. 4. In counties having more than one representative or senatorial district, the territory in the same county annexed to or merged with a city between apportionments shall become a part of a contiguous representative or senatorial district in the city with which it is combined, if provided by ordinance of the city. The district or districts with which the territory shall be combined shall be determined by such ordinance certified to the secretary of state. No such change in the boundaries of a representative or senatorial district shall have the effect of removing a legislator from office during his term.

Sec. 5. Island areas are considered to be contiguous by land to the county of which they are a part.

Sec. 6. A commission on legislative apportionment is hereby established consisting of eight electors, four of whom shall be selected by the state organizations of each of the two political parties whose candidates for governor received the highest vote at the last general election at which a governor was elected preceding each apportionment. If a candidate for governor of a third political party has received at such election more than 25 percent of such gubernatorial vote, the commission shall consist of 12 members, four of whom shall be selected by the state organization of the third political party. One resident of each of the following four regions shall be selected by each political party organization: (1) the upper peninsula; (2) the northern part of the lower peninsula, north of a line drawn along the northern boundaries of the counties of Bay, Midland, Isabella, Mecosta, Newaygo and Oceana; (3) southwestern Michigan, those counties south of region (2) and west of a line drawn along the western boundaries of the counties of Bay, Saginaw, Shiawassee, Ingham, Jackson and Hillsdale; (4) southeastern Michigan, the remaining counties of the state.

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

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

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

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

Each final apportionment and districting plan shall be published as provided by law within 30 days from the date of its adoption and shall become law 60 days after

publication. The secretary of state shall keep a public record of all the proceedings of the commission and shall be responsible for the publication and distribution of each plan.

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

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

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

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

Sec. 9. No person elected to the legislature shall receive any civil appointment within this state from the governor, except notaries public, from the legislature, or from any other state authority, during the term for which he is elected.

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

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

Sec. 12. The compensation and expense allowances of the members of the legislature shall be determined by law. Changes in compensation or expense allowances shall become effective only when legislators commence their terms of office after a general election.

Sec. 13. The legislature shall meet at the seat of government on the second Wednesday in January of each year at twelve o'clock noon. Each regular session shall adjourn without day, on a day determined by concurrent resolution, at twelve o'clock noon. Any business, bill or joint resolution pending at the final adjournment of a regular session held in an odd numbered year shall carry over with the same status to the next regular session.

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



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

Sec. 16. Each house, except as otherwise provided in this constitution, shall choose its own officers and determine the rules of its proceedings, but shall not adopt any rule that will prevent a majority of the members elected thereto and serving therein from discharging a committee from the further consideration of any measure. Each house shall be the sole judge of the qualifications, elections and returns of its members, and may, with the concurrence of two-thirds of all the members elected thereto and serving therein, expel a member. The reasons for such expulsion shall be entered in the journal, with the votes and names of the members voting upon the question. No member shall be expelled a second time for the same cause.

Sec. 17. Each house of the legislature may establish the committees necessary for the efficient conduct of its business and the legislature may create joint committees. On all actions on bills and resolutions in each committee, names and votes of members shall be recorded. Such vote shall be available for public inspection. Notice of all committee hearings and a clear statement of all subjects to be considered at each hearing shall be published in the journal in advance of the hearing.

Sec. 18. Each house shall keep a journal of its proceedings, and publish the same unless the public security otherwise requires. The record of the vote and name of the members of either house voting on any question shall be entered in the journal at the request of one-fifth of the members present. Any member of either house may dissent from and protest against any act, proceeding or resolution which he deems injurious to any person or the public, and have the reason for his dissent entered in the journal.

Sec. 19. All elections in either house or in joint convention and all votes on appointments submitted to the senate for advice and consent shall be published by vote and name in the journal.

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

Sec. 21. Neither house shall, without the consent of the other, adjourn for more than two intervening calendar days, nor to any place other than where the legislature may then be in session.

Sec. 22. All legislation shall be by bill and may originate in either house.

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

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

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

Sec. 26. No bill shall be passed or become a law at any regular session of the legislature until it has been printed or reproduced and in the possession of each house for

at least five days. Every bill shall be read three times in each house before the final passage thereof. No bill shall become a law without the concurrence of a majority of the members elected to and serving in each house. On the final passage of bills, the votes and names of the members voting thereon shall be entered in the journal.

Sec. 27. No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.

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

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

Sec. 30. The assent of two-thirds of the members elected to and serving in each house of the legislature shall be required for the appropriation of public money or property for local or private purposes.

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

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

Sec. 33. Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law. If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves, and the legislature continues the session at which the bill was passed, he shall return it within such 14-day period with his objections, to the house in which it originated. That house shall enter such objections in full in its journal and reconsider the bill. If two-thirds of the members elected to and serving in that house pass the bill notwithstanding the objections of the governor, it shall be sent with the objections to the other house for reconsideration. The bill shall become law if passed by two-thirds of the members elected to and serving in that house. The vote of each house shall be entered in the journal with the votes and names of the members voting thereon. If any bill is not returned by the governor within such 14-day period, the legislature continuing in session, it shall become law as if he had signed it.

Sec. 34. Any bill passed by the legislature and approved by the governor, except a bill appropriating money, may provide that it will not become law unless approved by a majority of the electors voting thereon.

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

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

Sec. 37. The legislature may by concurrent resolution empower a joint committee of the legislature, acting between sessions, to suspend any rule or regulation promulgated by an administrative agency subsequent to the adjournment of the last preceding regular legislative session. Such suspension shall continue no longer than the end of the next regular legislative session.

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

Sec. 39. In order to insure continuity of state and local governmental operations in periods of emergency only, resulting from disasters occurring in this state caused by enemy attack on the United States, the legislature may provide by law for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices; and enact other laws necessary and proper for insuring the continuity of governmental operations. Notwithstanding the power conferred by this section, elections shall always be called as soon as possible to fill any vacancies in elective offices temporarily occupied by operation of any legislation enacted pursuant to the provisions of this section.

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

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

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

Sec. 43. No general law providing for the incorporation of trust companies or corporations for banking purposes, or regulating the business thereof, shall be enacted, amended or repealed except by a vote of two-thirds of the members elected to and serving in each house.

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

Sec. 45. The legislature may provide for indeterminate sentences as punishment for crime and for the detention and release of persons imprisoned or detained under such sentences.

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

Sec. 47. The legislature may authorize the employment of chaplains in state institutions of detention or confinement.

Sec. 48. The legislature may enact laws providing for the resolution of disputes concerning public employees, except those in the state classified civil service.

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

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

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

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

Sec. 53. The legislature by a majority vote of the members elected to and serving in each house, shall appoint an auditor general, who shall be a certified public accountant licensed to practice in this state, to serve for a term of eight years. He shall be ineligible for appointment or election to any other public office in this state from which compensation is derived while serving as auditor general and for two years following the termination of his service. He may be removed for cause at any time by a two-thirds vote of the members elected to and serving in each house. The auditor general shall conduct post audits of financial transactions and accounts of the state and of all branches, departments, offices, boards, commissions, agencies, authorities and institutions of the state established by this constitution or by law, and performance post audits thereof.

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

Nothing in this section shall be construed in any way to infringe the responsibility and constitutional authority of the governing boards of the institutions of higher education to be solely responsible for the control and direction of all expenditures from the institutions' funds.

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

## ARTICLE V

### Executive Branch

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

Sec. 2. All executive and administrative offices, agencies and instrumentalities of the executive branch of state government and their respective functions, powers and

duties, except for the office of governor and lieutenant governor and the governing bodies of institutions of higher education provided for in this constitution, shall be allocated by law among and within not more than 20 principal departments. They shall be grouped as far as practicable according to major purposes.

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

Sec. 3. The head of each principal department shall be a single executive unless otherwise provided in this constitution or by law. The single executives heading principal departments shall include a secretary of state, a state treasurer and an attorney general. When a single executive is the head of a principal department, unless elected or appointed as otherwise provided in this constitution, he shall be appointed by the governor by and with the advice and consent of the senate and he shall serve at the pleasure of the governor.

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

Terms of office of any board or commission created or enlarged after the effective date of this constitution shall not exceed four years except as otherwise authorized in this constitution. The terms of office of existing boards and commissions which are longer than four years shall not be further extended except as provided in this constitution.

Sec. 4. Temporary commissions or agencies for special purposes with a life of no more than two years may be established by law and need not be allocated within a principal department.

Sec. 5. A majority of the members of an appointed examining or licensing board of a profession shall be members of that profession.

Sec. 6. Appointment by and with the advice and consent of the senate when used in this constitution or laws in effect or hereafter enacted means appointment subject to disapproval by a majority vote of the members elected to and serving in the senate if such action is taken within 60 session days after the date of such appointment. Any appointment not disapproved within such period shall stand confirmed.

Sec. 7. Vacancies in any office, appointment to which requires advice and consent of the senate, shall be filled by the governor by and with the advice and consent of the senate. A person whose appointment has been disapproved by the senate shall not be eligible for an interim appointment to the same office.

Sec. 8. Each principal department shall be under the supervision of the governor unless otherwise provided by this constitution. The governor shall take care that the laws be faithfully executed. He shall transact all necessary business with the officers of

government and may require information in writing from all executive and administrative state officers, elective and appointive, upon any subject relating to the duties of their respective offices.

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

Sec. 9. Single executives heading principal departments and the chief executive officers of principal departments headed by boards or commissions shall keep their offices at the seat of government except as otherwise provided by law, superintend them in person and perform duties prescribed by law.

Sec. 10. The governor shall have power and it shall be his duty to inquire into the condition and administration of any public office and the acts of any public officer, elective or appointive. He may remove or suspend from office for gross neglect of duty or for corrupt conduct in office, or for any other misfeasance or malfeasance therein, any elective or appointive state officer, except legislative or judicial, and shall report the reasons for such removal or suspension to the legislature.

Sec. 11. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an appointed or elected officer, other than a legislative or judicial officer, until he is reinstated or until the vacancy is filled in the manner prescribed by law or this constitution.

Sec. 12. The governor shall be commander-in-chief of the armed forces and may call them out to execute the laws, suppress insurrection and repel invasion.

Sec. 13. The governor shall issue writs of election to fill vacancies in the senate or house of representatives. Any such election shall be held in a manner prescribed by law.

Sec. 14. The governor shall have power to grant reprieves, commutations and pardons after convictions for all offenses, except cases of impeachment, upon such conditions and limitations as he may direct, subject to procedures and regulations prescribed by law. He shall inform the legislature annually of each reprieve, commutation and pardon granted, stating reasons therefor.

Sec. 15. The governor may convene the legislature on extraordinary occasions.

Sec. 16. The governor may convene the legislature at some other place when the seat of government becomes dangerous from any cause.

Sec. 17. The governor shall communicate by message to the legislature at the beginning of each session and may at other times present to the legislature information as to the affairs of the state and recommend measures he considers necessary or desirable.

Sec. 18. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state. Proposed expenditures from any fund shall not exceed the estimated revenue thereof. On the same date, the governor shall submit to the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills to provide new or additional revenues to meet proposed expenditures. The amount of any surplus created or deficit incurred in any fund during the last preceding fiscal period shall be entered as an item in the budget and in one of the appropriation bills. The governor may submit amendments to appropriation bills to be offered in either house during consideration of the bill by that house, and shall submit bills to meet deficiencies in current appropriations.



Sec. 19. The governor may disapprove any distinct item or items appropriating moneys in any appropriation bill. The part or parts approved shall become law, and the item or items disapproved shall be void unless re-passed according to the method prescribed for the passage of other bills over the executive veto.

Sec. 20. No appropriation shall be a mandate to spend. The governor, with the approval of the appropriating committees of the house and senate, shall reduce expenditures authorized by appropriations whenever it appears that actual revenues for a fiscal period will fall below the revenue estimates on which appropriations for that period were based. Reductions in expenditures shall be made in accordance with procedures prescribed by law. The governor may not reduce expenditures of the legislative and judicial branches or from funds constitutionally dedicated for specific purposes.

Sec. 21. The governor, lieutenant governor, secretary of state and attorney general shall be elected for four-year terms at the general election in each alternate even-numbered year.

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

Vacancies in the office of the secretary of state and attorney general shall be filled by appointment by the governor.

Sec. 22. To be eligible for the office of governor or lieutenant governor a person must have attained the age of 30 years, and have been a registered elector in this state for four years next preceding his election.

Sec. 23. The governor, lieutenant governor, secretary of state and attorney general shall each receive the compensation provided by law in full payment for all services performed and expenses incurred during his term of office. Such compensation shall not be changed during the term of office except as otherwise provided in this constitution.

Sec. 24. An executive residence suitably furnished shall be provided at the seat of government for the use of the governor. He shall receive an allowance for its maintenance as provided by law.

Sec. 25. The lieutenant governor shall be president of the senate, but shall have no vote, unless they be equally divided. He may perform duties requested of him by the governor, but no power vested in the governor shall be delegated.

Sec. 26. In case of the conviction of the governor on impeachment, his removal from office, his resignation or his death, the lieutenant governor, the elected secretary of state, the elected attorney general and such other persons designated by law shall in that order be governor for the remainder of the governor's term.

In case of the death of the governor-elect, the lieutenant governor-elect, the secretary of state-elect, the attorney general-elect and such other persons designated by law shall become governor in that order at the commencement of the governor-elect's term.

If the governor or the person in line of succession to serve as governor is absent from the state, or suffering under an inability, the powers and duties of the office of governor shall devolve in order of precedence until the absence or inability giving rise to the devolution of powers ceases.

The inability of the governor or person acting as governor shall be determined by a majority of the supreme court on joint request of the president pro tempore of the senate and the speaker of the house of representatives. Such determination shall be final

and conclusive. The supreme court shall upon its own initiative determine if and when the inability ceases.

Sec. 27. The legislature shall provide that the salary of any state officer while acting as governor shall be equal to that of the governor.

Sec. 28. There is hereby established a state highway commission, which shall administer the state highway department and have jurisdiction and control over all state trunkline highways and appurtenant facilities, and such other public works of the state, as provided by law.

The state highway commission shall consist of four members, not more than two of whom shall be members of the same political party. They shall be appointed by the governor by and with the advice and consent of the senate for four-year terms, no two of which shall expire in the same year, as provided by law.

The state highway commission shall appoint and may remove a state highway director, who shall be a competent highway engineer and administrator. He shall be the principal executive officer of the state highway department and shall be responsible for executing the policy of the state highway commission.

Sec. 29. There is hereby established a civil rights commission which shall consist of eight persons, not more than four of whom shall be members of the same political party, who shall be appointed by the governor, by and with the advice and consent of the senate, for four-year terms not more than two of which shall expire in the same year. It shall be the duty of the commission in a manner which may be prescribed by law to investigate alleged discrimination against any person because of religion, race, color or national origin in the enjoyment of the civil rights guaranteed by law and by this constitution, and to secure the equal protection of such civil rights without such discrimination. The legislature shall provide an annual appropriation for the effective operation of the commission.

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

Appeals from final orders of the commission, including cease and desist orders and refusals to issue complaints, shall be tried de novo before the circuit court having jurisdiction provided by law.

## ARTICLE VI

### Judicial Branch

Sec. 1. The judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court, one probate court, and courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.

Sec. 2. The supreme court shall consist of seven justices elected at non-partisan elections as provided by law. The term of office shall be eight years and not more than

two terms of office shall expire at the same time. Nominations for justices of the supreme court shall be in the manner prescribed by law. Any incumbent justice whose term is to expire may become a candidate for re-election by filing an affidavit of candidacy, in the form and manner prescribed by law, not less than 180 days prior to the expiration of his term.

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

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

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

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

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

Sec. 8. The court of appeals shall consist initially of nine judges who shall be nominated and elected at non-partisan elections from districts drawn on county lines and as nearly as possible of equal population, as provided by law. The supreme court may prescribe by rule that the court of appeals sit in divisions and for the terms of court and the times and places thereof. Each such division shall consist of not fewer than three judges. The number of judges comprising the court of appeals may be increased, and the districts from which they are elected may be changed by law.

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

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

Sec. 11. The state shall be divided into judicial circuits along county lines in each of which there shall be elected one or more circuit judges as provided by law. Sessions of the circuit court shall be held at least four times in each year in every county organized for judicial purposes. Each circuit judge shall hold court in the county or

counties within the circuit in which he is elected, and in other circuits as may be provided by rules of the supreme court. The number of judges may be changed and circuits may be created, altered and discontinued by law and the number of judges shall be changed and circuits shall be created, altered and discontinued on recommendation of the supreme court to reflect changes in judicial activity. No change in the number of judges or alteration or discontinuance of a circuit shall have the effect of removing a judge from office during his term.

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

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

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

Sec. 15. In each county organized for judicial purposes there shall be a probate court. The legislature may create or alter probate court districts of more than one county if approved in each affected county by a majority of the electors voting on the question. The legislature may provide for the combination of the office of probate judge with any judicial office of limited jurisdiction within a county with supplemental salary as provided by law. The jurisdiction, powers and duties of the probate court and of the judges thereof shall be provided by law. They shall have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

Sec. 16. One or more judges of probate as provided by law shall be nominated and elected at non-partisan elections in the counties or the probate districts in which they reside and shall hold office for terms of six years and until their successors are elected and qualified. In counties or districts with more than one judge the terms of office shall be arranged by law to provide that not all terms will expire at the same time.

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

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

Each of the judges of the circuit court shall receive an annual salary as provided by law. In addition to the salary received from the state, each circuit judge may receive from any county in which he regularly holds court an additional salary as determined

from time to time by the board of supervisors of the county. In any county where an additional salary is granted, it shall be paid at the same rate to all circuit judges regularly holding court therein.

Sec. 19. The supreme court, the court of appeals, the circuit court, the probate court and other courts designated as such by the legislature shall be courts of record and each shall have a common seal. Justices and judges of courts of record must be persons who are licensed to practice law in this state. No person shall be elected or appointed to a judicial office after reaching the age of 70 years.

Sec. 20. Whenever a justice or judge removes his domicile beyond the limits of the territory from which he was elected, he shall have vacated his office.

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

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

Sec. 23. A vacancy in the elective office of a judge of any court of record shall be filled at a general or special election as provided by law. The supreme court may authorize persons who have served as judges and who have retired, to perform judicial duties for the limited period of time from the occurrence of the vacancy until the successor is elected and qualified. Such persons shall be ineligible for election to fill the vacancy.

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

Sec. 25. For reasonable cause, which is not sufficient ground for impeachment, the governor shall remove any judge on a concurrent resolution of two-thirds of the members elected to and serving in each house of the legislature. The cause for removal shall be stated at length in the resolution.

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

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

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

Sec. 28. All final decisions, findings, rulings and orders of any administrative officer or agency existing under the constitution or by law, which are judicial or quasi-judicial and affect private rights or licenses, shall be subject to direct review by the courts as

provided by law. This review shall include, as a minimum, the determination whether such final decisions, findings, rulings and orders are authorized by law; and, in cases in which a hearing is required, whether the same are supported by competent, material and substantial evidence on the whole record. Findings of fact in workmen's compensation proceedings shall be conclusive in the absence of fraud unless otherwise provided by law.

In the absence of fraud, error of law or the adoption of wrong principles, no appeal may be taken to any court from any final agency provided for the administration of property tax laws from any decision relating to valuation or allocation.

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

## ARTICLE VII

### Local Government

Sec. 1. Each organized county shall be a body corporate with powers and immunities provided by law.

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

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

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

Sec. 3. No organized county shall be reduced by the organization of new counties to less than 16 townships as surveyed by the United States, unless approved in the manner prescribed by law by a majority of electors voting thereon in each county to be affected.

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

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

Sec. 6. The sheriff may be required by law to renew his security periodically and in default of giving such security, his office shall be vacant. The county shall never be responsible for his acts, except that the board of supervisors may protect him against



claims by prisoners for unintentional injuries received while in his custody. He shall not hold any other office except in civil defense.

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

Sec. 8. Boards of supervisors shall have legislative, administrative and such other powers and duties as provided by law.

Sec. 9. Boards of supervisors shall have exclusive power to fix the compensation of county officers not otherwise provided by law.

Sec. 10. A county seat once established shall not be removed until the place to which it is proposed to be moved shall be designated by two-thirds of the members of the board of supervisors and a majority of the electors voting thereon shall have approved the proposed location in the manner prescribed by law.

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

Sec. 12. A navigable stream shall not be bridged or dammed without permission granted by the board of supervisors of the county as provided by law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and political subdivisions therein.

Sec. 13. Two or more contiguous counties may combine into a single county if approved in each affected county by a majority of the electors voting on the question.

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

Sec. 15. Any county, when authorized by its board of supervisors shall have the authority to enter or to intervene in any action or certificate proceeding involving the services, charges or rates of any privately owned public utility furnishing services or commodities to rate payers within the county.

Sec. 16. The legislature may provide for the laying out, construction, improvement and maintenance of highways, bridges, culverts and airports by the state and by the counties and townships thereof; and may authorize counties to take charge and control of any highway within their limits for such purposes. The legislature may provide the powers and duties of counties in relation to highways, bridges, culverts and airports; may provide for county road commissioners to be appointed or elected, with powers and duties provided by law. The ad valorem property tax imposed for road purposes by any county shall not exceed in any year one-half of one percent of the assessed valuation for the preceding year.

Sec. 17. Each organized township shall be a body corporate with powers and immunities provided by law.

Sec. 18. In each organized township there shall be elected for terms of not less than two nor more than four years as prescribed by law a supervisor, a clerk, a treasurer, and not to exceed four trustees, whose legislative and administrative powers and duties shall be provided by law.

Sec. 19. No organized township shall grant any public utility franchise which is not subject to revocation at the will of the township, unless the proposition shall first have been approved by a majority of the electors of such township voting thereon at a regular or special election.

Sec. 20. The legislature shall provide by law for the dissolution of township government whenever all the territory of an organized township is included within the boundaries of a village or villages notwithstanding that a village may include territory within another organized township and provide by law for the classification of such village or villages as cities.

Sec. 21. The legislature shall provide by general laws for the incorporation of cities and villages. Such laws shall limit their rate of ad valorem property taxation for municipal purposes, and restrict the powers of cities and villages to borrow money and contract debts. Each city and village is granted power to levy other taxes for public purposes, subject to limitations and prohibitions provided by this constitution or by law.

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

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

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

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

Sec. 25. No city or village shall acquire any public utility furnishing light, heat or power, or grant any public utility franchise which is not subject to revocation at the will of the city or village, unless the proposition shall first have been approved by three-fifths of the electors voting thereon. No city or village may sell any public utility unless the proposition shall first have been approved by a majority of the electors voting thereon, or a greater number if the charter shall so provide.

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

Sec. 27. Notwithstanding any other provision of this constitution the legislature may establish in metropolitan areas additional forms of government or authorities with powers, duties and jurisdictions as the legislature shall provide. Wherever possible, such additional forms of government or authorities shall be designed to perform multi-purpose functions rather than a single function.

Sec. 28. The legislature by general law shall authorize two or more counties, townships, cities, villages or districts, or any combination thereof among other things to:

enter into contractual undertakings or agreements with one another or with the state or with any combination thereof for the joint administration of any of the functions or powers which each would have the power to perform separately; share the costs and responsibilities of functions and services with one another or with the state or with any combination thereof which each would have the power to perform separately; transfer functions or responsibilities to one another or any combination thereof upon the consent of each unit involved; cooperate with one another and with state government; lend their credit to one another or any combination thereof as provided by law in connection with any authorized publicly owned undertaking.

Any other provision of this constitution notwithstanding, an officer or employee of the state or any such unit of government or subdivision or agency thereof, except members of the legislature, may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service.

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

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

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

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

Sec. 33. Any elected officer of a political subdivision may be removed from office in the manner and for the causes provided by law.

Sec. 34. The provisions of this constitution and law concerning counties, townships, cities and villages shall be liberally construed in their favor. Powers granted to counties and townships by this constitution and by law shall include those fairly implied and not prohibited by this constitution.

## ARTICLE VIII

### Education

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

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

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

The state board of education shall appoint a superintendent of public instruction whose term of office shall be determined by the board. He shall be the chairman of the board without the right to vote, and shall be responsible for the execution of its policies. He shall be the principal executive officer of a state department of education which shall have powers and duties provided by law.

The state board of education shall consist of eight members who shall be nominated by party conventions and elected at large for terms of eight years as prescribed by law. The governor shall fill any vacancy by appointment for the unexpired term. The governor shall be ex-officio a member of the state board of education without the right to vote.

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

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

Sec. 5. The regents of the University of Michigan and their successors in office shall constitute a body corporate known as the Regents of the University of Michigan; the trustees of Michigan State University and their successors in office shall constitute a body corporate known as the Board of Trustees of Michigan State University; the governors of Wayne State University and their successors in office shall constitute a body corporate known as the Board of Governors of Wayne State University. Each board shall have general supervision of its institution and the control and direction of all expenditures from the institution's funds. Each board shall, as often as necessary, elect a president of the institution under its supervision. He shall be the principal executive officer of the institution, be ex-officio a member of the board without the right to vote and preside at meetings of the board. The board of each institution shall consist of eight members who shall hold office for terms of eight years and who shall be elected as provided by law. The governor shall fill board vacancies by appointment. Each appointee shall hold office until a successor has been nominated and elected as provided by law.

Sec. 6. Other institutions of higher education established by law having authority to grant baccalaureate degrees shall each be governed by a board of control which shall be a body corporate. The board shall have general supervision of the institution and the control and direction of all expenditures from the institution's funds. It shall, as often as necessary, elect a president of the institution under its supervision.

He shall be the principal executive officer of the institution and be ex-officio a member of the board without the right to vote. The board may elect one of its members or may designate the president, to preside at board meetings. Each board of control shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the governor by and with the advice and consent of the senate. Vacancies shall be filled in like manner.

Sec. 7. The legislature shall provide by law for the establishment and financial support of public community and junior colleges which shall be supervised and controlled by locally elected boards. The legislature shall provide by law for a state board for public community and junior colleges which shall advise the state board of education concerning general supervision and planning for such colleges and requests for annual appropriations for their support. The board shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the state board of education. Vacancies shall be filled in like manner. The superintendent of public instruction shall be ex-officio a member of this board without the right to vote.

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

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

## ARTICLE IX

### Finance and Taxation

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

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

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

Sec. 4. Property owned and occupied by non-profit religious or educational organizations and used exclusively for religious or educational purposes, as defined by law, shall be exempt from real and personal property taxes.

Sec. 5. The legislature shall provide for the assessment by the state of the property of those public service businesses assessed by the state at the date this constitution becomes effective, and of other property as designated by the legislature,

and for the imposition and collection of taxes thereon. Property assessed by the state shall be assessed at the same proportion of its true cash value as the legislature shall specify for property subject to general ad valorem taxation. The rate of taxation on such property shall be the average rate levied upon other property in this state under the general ad valorem tax law, or, if the legislature provides, the rate of tax applicable to the property of each business enterprise assessed by the state shall be the average rate of ad valorem taxation levied upon other property in all counties in which any of such property is situated.

Sec. 6. Except as otherwise provided in this constitution, the total amount of general ad valorem taxes imposed upon real and tangible personal property for all purposes in any one year shall not exceed 15 mills on each dollar of the assessed valuation of property as finally equalized. Under procedures provided by law, which shall guarantee the right of initiative, separate tax limitations for any county and for the townships and for school districts therein, the aggregate of which shall not exceed 18 mills on each dollar of such valuation, may be adopted and thereafter altered by the vote of a majority of the qualified electors of such county voting thereon, in lieu of the limitation hereinbefore established. These limitations may be increased to an aggregate of not to exceed 50 mills on each dollar of valuation, for a period of not to exceed 20 years at any one time, if approved by a majority of the electors, qualified under Section 6 of Article II of this constitution, voting on the question.

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

In any school district which extends into two or more counties, property taxes at the highest rate available in the county which contains the greatest part of the area of the district may be imposed and collected for school purposes throughout the district.

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

Sec. 8. The legislature shall not impose a sales tax on retailers at a rate of more than four percent of their gross taxable sales of tangible personal property.

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

Sec. 10. One-eighth of all taxes imposed on retailers on taxable sales at retail of tangible personal property shall be used exclusively for assistance to townships, cities and villages, on a population basis as provided by law. In determining population the legislature may exclude any portion of the total number of persons who are wards, patients or convicts in any tax supported institution.

Sec. 11. There shall be established a state school aid fund which shall be used exclusively for aid to school districts, higher education and school employees' retirement systems, as provided by law. One-half of all taxes imposed on retailers on taxable sales at retail of tangible personal property, and other tax revenues provided by law, shall



be dedicated to this fund. Payments from this fund shall be made in full on a scheduled basis, as provided by law.

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

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

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

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

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

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

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

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

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

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

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

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

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

This section shall not be construed to prohibit the investment of public funds until needed for current requirements or the investment of funds accumulated to provide retirement or pension benefits for public officials and employees, as provided by law.

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

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

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

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

Sec. 22. Procedures for the examination and adjustment of claims against the state shall be prescribed by law.

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

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

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

## ARTICLE X

### Property

Sec. 1. The disabilities of coverture as to property are abolished. The real and personal estate of every woman acquired before marriage and all real and personal

property to which she may afterwards become entitled shall be and remain the estate and property of such woman, and shall not be liable for the debts, obligations or engagements of her husband, and may be dealt with and disposed of by her as if she were unmarried. Dower may be relinquished or conveyed as provided by law.

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

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

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

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

The legislature by an act adopted by two-thirds of the members elected to and serving in each house may designate any part of such lands as a state land reserve. No lands in the state land reserve may be removed from the reserve, sold, leased or otherwise disposed of except by an act of the legislature.

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

## ARTICLE XI

### Public Officers and Employment

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

Sec. 2. The terms of office of elective state officers, members of the legislature and justices and judges of courts of record shall begin at twelve o'clock noon on the first day of January next succeeding their election, except as otherwise provided in this constitution. The terms of office of county officers shall begin on the first day of January next succeeding their election, except as otherwise provided by law.

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

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

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

The civil service commission shall be non-salaried and shall consist of four persons, not more than two of whom shall be members of the same political party, appointed by the governor for terms of eight years, no two of which shall expire in the same year.

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

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

No person shall be appointed to or promoted in the classified service who has not been certified by the commission as qualified for such appointment or promotion. No appointments, promotions, demotions or removals in the classified service shall be made for religious, racial or partisan considerations.

Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year. Within 60 calendar days following such transmission, the legislature may, by a two-thirds vote of the members elected to and serving in each house, reject or reduce increases in rates of compensation authorized by the commission. Any reduction ordered by the legislature shall apply uniformly to all classes of employees affected by the increases and shall not adjust pay differentials already established by the civil service commission. The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases authorized by the commission.

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

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

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

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

No payment for personal services shall be made or authorized until the provisions of this constitution pertaining to civil service have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

Sec. 6. By ordinance or resolution of its governing body which shall not take effect until approved by a majority of the electors voting thereon, unless otherwise provided by charter, each county, township, city, village, school district and other governmental unit or authority may establish, modify or discontinue a merit system for its employees other than teachers under contract or tenure. The state civil service commission may on request furnish technical services to any such unit on a reimbursable basis.

Sec. 7. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office or for crimes or misdemeanors, but a majority of the members elected thereto and serving therein shall be necessary to direct an impeachment.

When an impeachment is directed, the house of representatives shall elect three of its members to prosecute the impeachment.

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

No person shall be convicted without the concurrence of two-thirds of the senators elected and serving. Judgment in case of conviction shall not extend further than removal from office, but the person convicted shall be liable to punishment according to law.

No judicial officer shall exercise any of the functions of his office after an impeachment is directed until he is acquitted.

## ARTICLE XII

### Amendment and Revision

Sec. 1. Amendments to this constitution may be proposed in the senate or house of representatives. Proposed amendments agreed to by two-thirds of the members elected to and serving in each house on a vote with the names and vote of those voting entered in the respective journals shall be submitted, not less than 60 days thereafter, to the electors at the next general election or special election as the legislature shall direct. If a majority of electors voting on a proposed amendment approve the same, it shall become part of the constitution and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved.

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

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

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

If the proposed amendment is approved by a majority of the electors voting on the question, it shall become part of the constitution, and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved. If two or more amendments approved by the electors at the same election conflict, that amendment receiving the highest affirmative vote shall prevail.

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

The convention shall choose its own officers, determine the rules of its proceedings and judge the qualifications, elections and returns of its members. To fill a vacancy in the office of any delegate, the governor shall appoint a qualified resident of the same district who shall be a member of the same party as the delegate vacating the office. The convention shall have power to appoint such officers, employees and assistants as it deems necessary and to fix their compensation; to provide for the printing and distribution of its documents, journals and proceedings; to explain and disseminate information about the proposed constitution and to complete the business of

the convention in an orderly manner. Each delegate shall receive for his services compensation provided by law.

No proposed constitution or amendment adopted by such convention shall be submitted to the electors for approval as hereinafter provided unless by the assent of a majority of all the delegates elected to and serving in the convention, with the names and vote of those voting entered in the journal. Any proposed constitution or amendments adopted by such convention shall be submitted to the qualified electors in the manner and at the time provided by such convention not less than 90 days after final adjournment of the convention. Upon the approval of such constitution or amendments by a majority of the qualified electors voting thereon the constitution or amendments shall take effect as provided by the convention.

#### Schedule and Temporary Provisions

To insure the orderly transition from the constitution of 1908 to this constitution the following schedule and temporary provisions are set forth to be effective for such period as are thereby required.

Sec. 1. The attorney general shall recommend to the legislature as soon as practicable such changes as may be necessary to adapt existing laws to this constitution.

Sec. 2. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights existing on the effective date of this constitution shall continue unaffected except as modified in accordance with the provisions of this constitution.

Sec. 3. Except as otherwise provided in this constitution, all officers filling any office by election or appointment shall continue to exercise their powers and duties until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

No provision of this constitution, or of law or of executive order authorized by this constitution shall shorten the term of any person elected to state office at a statewide election on or prior to the date on which this constitution is submitted to a vote. In the event the duties of any such officers shall not have been abolished or incorporated into one or more of the principal departments at the expiration of his term, such officer shall continue to serve until his duties are so incorporated or abolished.

Sec. 4. All officers elected at the same election that this constitution is submitted to the people for adoption shall take office and complete the term to which they were elected under the 1908 constitution and existing laws and continue to serve until their successors are elected and qualified pursuant to this constitution or law.

Sec. 5. Notwithstanding any other provision in this constitution, the governor, the lieutenant governor, the secretary of state, the attorney general and state senators shall be elected at the general election in 1964 to serve for two-year terms beginning on the first day of January next succeeding their election. The first election of such officers for four-year terms under this constitution shall be held at the general election in 1966.

Sec. 6. Notwithstanding the provisions of this constitution that the supreme court shall consist of seven justices it shall consist of eight justices until the time that a vacancy occurs as a result of death, retirement or resignation of a justice. The first such vacancy shall not be filled.

Sec. 7. Any judge of probate serving on the effective date of this constitution may serve the remainder of the term and be eligible to succeed himself for election



regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

Sec. 8. The provisions of Article VI providing that terms of judicial offices shall not all expire at the same time, shall be implemented by law providing that at the next election for such offices judges shall be elected for terms of varying length, none of which shall be shorter than the regular term provided for the office.

Sec. 9. The members of the state board of education provided for in Section 3 of Article VIII of this constitution shall first be elected at the first general election after the effective date of this constitution for the following terms: two shall be elected for two years, two for four years, two for six years, and two for eight years as prescribed by law.

The state board of education provided for in the constitution of 1908 is abolished at twelve o'clock noon January 1 of the year following the first general election under this constitution and the terms of members thereof shall then expire.

Sec. 10. The provisions of this constitution providing for members of boards of control of institutions of higher education and the state board of public community and junior colleges shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended, and may further provide that the initial terms of office of members may be less than eight years.

Sec. 11. The provisions of this constitution increasing the number of members of the Board of Trustees of Michigan State University and of the Board of Governors of Wayne State University to eight, and of their term of office to eight years, shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended one year, and may further provide that the initial terms of office of the additional members may be less than eight years.

Sec. 12. The initial allocation of departments by law pursuant to Section 2 of Article V of this constitution, shall be completed within two years after the effective date of this constitution. If such allocation shall not have been completed within such period, the governor, within one year thereafter, by executive order, shall make the initial allocation.

Sec. 13. Contractual obligations of the state incurred pursuant to the constitution of 1908 shall continue to be obligations of the state.

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

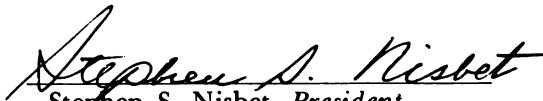
Sec. 14. The legislature by a vote of two-thirds of the members elected to and serving in each house may provide that the state may borrow money and may pledge its full faith and credit for refunding any bonds issued by the Mackinac Bridge Authority and at the time of refunding the Mackinac Bridge Authority shall be abolished and the operation of the bridge shall be assumed by the state highway department. The legislature may implement this section by law.

Sec. 15. This constitution shall be submitted to the people for their adoption or rejection at the general election to be held on the first Monday in April, 1963. It shall be the duty of the secretary of state forthwith to give notice of such submission to all

other officers required to give or publish any notice in regard to a general election. He shall give notice that this constitution will be duly submitted to the electors at such election. The notice shall be given in the manner required for the election of governor.

Sec. 16. Every registered elector may vote on the adoption of the constitution. The board of election commissioners in each county shall cause to be printed on a ballot separate from the ballot containing the names of the nominees for office, the words: Shall the revised constitution be adopted? ( ) Yes. ( ) No. All votes cast at the election shall be taken, counted, canvassed and returned as provided by law for the election of state officers. If the revised constitution so submitted receives more votes in its favor than were cast against it, it shall be the supreme law of the state on and after the first day of January of the year following its adoption.

Adopted by the Constitutional Convention of nineteen hundred sixty-one at Constitution Hall in Lansing on the first day of August, nineteen hundred sixty-two.

  
Stephen S. Nisbet, *President*

  
Fred I. Chase, *Secretary*

[ADDRESS TO THE PEOPLE]

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***What the Proposed  
New State Constitution  
Means to You***

- A report to the people of Michigan  
by their elected delegates to the  
Constitutional Convention of 1961-62.

Lansing, Michigan

August 1, 1962

A clause in the present section relating to purity of elections is deleted and inserted in Sec. 4 of this Article.

#### Initiative and referendum.

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.

This is a revision of Sec. 1, Article V, of the present constitution eliminating much language of a purely statutory character. The new wording specifically reserves the initiative and referendum powers to the people, limits them as noted, and requires signatures equal to at least eight per cent of the electors last voting for governor for initiative petitions and at least five per cent for referendum petitions.

In the section is language which provides that the legislature must act upon initiative proposals within 40 session days, but may propose counter measures to the people.

No laws initiated or adopted by the people can be vetoed; and no law initiated and adopted by them can be amended or repealed except by a vote of the people unless otherwise provided in the initiative measure, or by three-fourths of the members in each house of the legislature. Laws adopted under the referendum provision can be amended or repealed by the legislature at any subsequent session.

Matters of legislative detail contained in the present section of the constitution are left to the legislature. The language makes it clear, however, that this section is self-executing and the legislature cannot thwart the popular will by refusing to act.