

Michigan Constitutional Convention of 1961

Committee Proposal 101

Const 1963, Art 3, § 6

Relevant Material From the Constitutional Convention Record

Cross-Reference and Indices	pp. 3436, 3453, 3459
First Reading	pp. 757, 2309-2332, 2670
Second Reading	pp. 2972-2973
Draft Constitution (Art 3, § 6)	pp. 3047-3075 (p. 3050)
Third Reading, Article-by-Article	pp. 3098-3099
Draft Constitution (Art 3, § 6)	pp. 3215-3237 (p. 3217)
Third Reading, Full Constitution	pp. 3300-3301
Adopted Constitution (Art 3, § 6)	pp. 3319-3353 (p. 3323)
Address to the People	p. 3368

Overview of the Constitutional Convention Process

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

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

State of Michigan
CONSTITUTIONAL CONVENTION
1961 - 1962
OFFICIAL RECORD



FRED I. CHASE
Secretary of the Convention

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

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 ¹
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	5					
I	21	II	20	15-20	IV	44	V	27	99	VII	1	VIII	1	81a
I	22	II	21	15-21	IV	45	V	28	106	VII	2	none		89
I	23	none		15-1	IV	46	none		20	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	8	28	V	26	VI	16,17	59,60	VIII	3	XI	2,6	47
IV	13	V	9,10	116	V	27	VI	18	72	VIII	4	XI	10	98a
IV	14	V	13	34	V	28	none		71h	VIII	5	XI	3,4,5,7,8,16	98b
IV	15	V	14	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	Committee Proposal No.	Page
100. A proposal to provide that the legislature shall not authorize lotteries or the sale of lottery tickets. Retains article V, section 33.		103: Cont'd.	
For text as offered and reasons	2290	Apr. 30, read second time; passed; rereferred to style and drafting	2953
For minority report and reasons	2290		
As referred to style and drafting	2318	104. A proposal to provide for 3 readings of a bill before passage and for passage of bills by a majority of the members elected. Retains article V, section 23.	
As reported by style and drafting	2931	For text as offered and reasons	2334
As rereferred to style and drafting	2939	As referred to style and drafting	2351
Feb. 2, reported by legislative powers; referred to committee of the whole	757	As reported by style and drafting	2958
Apr. 11, read first time; considered, amended, passed by committee of the whole	2290-2309	As rereferred to style and drafting	2958
Apr. 11, reported by committee of the whole with 1 amendment; referred, as amended, to style and drafting	2318	Feb. 2, reported by legislative powers; referred to committee of the whole	757
Apr. 11, motion to reconsider action on report of committee of the whole defeated	2333	Apr. 11, read first time; considered, amended, passed by committee of the whole	2334
Apr. 23, reported by style and drafting (Report 85); placed on order of second reading	2670	Apr. 11, reported by committee of the whole with 1 amendment; referred, as amended, to style and drafting	2351
Apr. 27, read second time; amended, passed; rereferred to style and drafting	2931-2939	Apr. 23, reported by style and drafting (Report 89); placed on order of second reading	2670
		Apr. 30, read second time; passed; rereferred to style and drafting	2958
101. A proposal to provide that the state shall not engage in internal improvements except in certain specified areas and except that the legislature may empower local subdivisions to act in the area of internal improvements. Amends article X, section 14.		105. A proposal to provide that bills must be printed 5 days prior to passage and for limitation of extraordinary sessions. Amends article V, section 22.	
For text as offered and reasons	2309	For text as offered and reasons	2334
For minority report and reasons	2310	As referred to style and drafting	2334
As referred to style and drafting	2332	As reported by style and drafting	2957
As reported by style and drafting	2972	As rereferred to style and drafting	2957
As rereferred to style and drafting	2972	Feb. 2, reported by legislative powers; referred to committee of the whole	757
Feb. 2, reported by legislative powers; referred to committee of the whole	757	Apr. 11, read first time; considered, passed by committee of the whole	2334-2335
Apr. 11, read first time; considered, amended, passed by committee of the whole	2309-2318, 2319-2332	Apr. 11, reported by committee of the whole without amendment; referred to style and drafting	2351
Apr. 11, reported by committee of the whole with 1 amendment; referred, as amended, to style and drafting	2332	Apr. 23, reported by style and drafting (Report 90); placed on order of second reading	2670
Apr. 23, reported by style and drafting (Report 86); placed on order of second reading	2670	Apr. 30, read second time; passed; rereferred to style and drafting	2957-2958
Apr. 30, read second time; passed; rereferred to style and drafting	2972-2973		
102. A proposal to provide that each house of the legislature may choose its officers, determine its rules, judge qualifications of its members and other matters. Amends article V, section 15.		106. A proposal to allow the legislature to pass laws regarding indeterminate sentences. Retains article V, section 28.	
For text as offered and reasons	2378	For text as offered and reasons	2335
For minority report and reasons	2378	As referred to style and drafting	2335
As referred to style and drafting	2404	As reported by style and drafting	2961
As reported by style and drafting	2951	As rereferred to style and drafting	2961
As rereferred to style and drafting	2951	Feb. 2, reported by legislative powers; referred to committee of the whole	758
Feb. 2, reported by legislative powers; referred to committee of the whole	757	Apr. 11, read first time; considered, passed by committee of the whole	2335
Apr. 11, consideration postponed	2332	Apr. 11, reported by committee of the whole without amendment; referred to style and drafting	2351
Apr. 12, read first time; considered, amended, passed by committee of the whole	2378-2390	Apr. 23, reported by style and drafting (Report 91); placed on order of second reading	2670
Apr. 12, reported by committee of the whole with 1 amendment; referred, as amended, to style and drafting	2404	Apr. 30, read second time; passed; rereferred to style and drafting	2961-2962
Apr. 23, reported by style and drafting (Report 87); placed on order of second reading	2670		
Apr. 30, read second time; passed; rereferred to style and drafting	2951	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.	
		For text as offered and reasons	2335
103. A proposal to provide that sessions of the legislature be open and that a concurrent resolution is necessary for adjournment for more than 3 days. Amends article V, section 18.		As referred to style and drafting	2351
For text as offered and reasons	2333	Feb. 2, reported by legislative powers; referred to committee of the whole	758
As referred to style and drafting	2333	Apr. 11, read first time; considered, amended, passed by committee of the whole	2335-2336
As reported by style and drafting	2953	Apr. 11, reported by committee of the whole with 1 amendment; referred, as amended, to style and drafting	2351
As rereferred to style and drafting	2953	(Note: The entire content stricken.)	
Feb. 2, reported by legislative powers; referred to committee of the whole	757	108. A proposal to provide a limitation against general revision of the laws and a method of compilation. Amends article V, section 40.	
Apr. 11, read first time; considered, passed by committee of the whole	2333-2334	For text as offered and reasons	2336
Apr. 11, reported by committee of the whole without amendment; referred to style and drafting	2351	As referred to style and drafting	2336
Apr. 23, reported by style and drafting (Report 88); placed on order of second reading	2670	As reported by style and drafting	2965
		As rereferred to style and drafting	2965
		Feb. 2, reported by legislative powers; referred to committee of the whole	758
		Apr. 11, read first time; considered, passed by committee of the whole	2336-2337

	Page
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

	Page
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

Mr. Danhof, for the committee on judicial branch, introduced **Committee Proposal 90**, A proposal pertaining to the judicial branch. A substitute for section 1 of article VII; with the recommendation that it pass.

Robert J. Danhof, chairman.

For Committee Proposal 90 and the reasons submitted in support thereof, see below under date of February 22.

Mr. Danhof, for the committee on judicial branch, introduced **Committee Proposal 91**, A proposal pertaining to the supreme court. A substitute for sections 2, 4, 5, 6 and 7 of article VII; with the recommendation that it pass.

Robert J. Danhof, chairman.

For Committee Proposal 91 and the reasons submitted in support thereof, see below under date of February 22.

Mr. Danhof, for the committee on judicial branch, introduced **Committee Proposal 92**, A proposal pertaining to a court of appeals. Amends article VII; with the recommendation that it pass.

Robert J. Danhof, chairman.

For Committee Proposal 92 and the reasons submitted in support thereof, see below under date of March 13.

Mr. Danhof, for the committee on judicial branch, introduced **Committee Proposal 93**, A proposal pertaining to the circuit court. A substitute for sections 8, 9, 10 and 11 of article VII; with the recommendation that it pass.

Robert J. Danhof, chairman.

For Committee Proposal 93 and the reasons submitted in support thereof, see below under date of February 28.

Mr. Danhof, for the committee on judicial branch, introduced **Committee Proposal 94**, A proposal pertaining to the probate court. A substitute for sections 13 and 14 of article VII; with the recommendation that it pass.

Robert J. Danhof, chairman.

For Committee Proposal 94 and the reasons submitted in support thereof, see below under date of March 1.

Mr. Danhof, for the committee on judicial branch, introduced **Committee Proposal 95**, A proposal pertaining to appeals from administrative tribunals. Adds a new section to article VII; with the recommendation that it pass.

Robert J. Danhof, chairman.

For Committee Proposal 95 and the reasons submitted in support thereof, see below under date of March 5.

Mr. Danhof, for the committee on judicial branch, introduced **Committee Proposal 96**, A proposal pertaining to general and special provisions relative to the courts of the state. A substitute for sections 17, 19, 20 and 23 of article VII; with the recommendation that it pass.

Robert J. Danhof, chairman.

For Committee Proposal 96 and the reasons submitted in support thereof, see below under date of March 6.

Mr. Bentley, for the committee on education, introduced **Committee Proposal 97**, A proposal to amend article XI by adding a new section pertaining to the arts and recreation; with the recommendation that it pass.

Alvin M. Bentley, chairman.

For Committee Proposal 97 and the reasons submitted in support thereof, see below under date of February 22.

Mr. Bentley, for the committee on education, introduced **Committee Proposal 98**, A proposal pertaining to the educational

institutions of the state. Replaces sections 3, 4, 5, 7, 8, 10 and 16 of article XI; with the recommendation that it pass.

Alvin M. Bentley, chairman.

For Committee Proposal 98 and the reasons submitted in support thereof, see below under date of February 16.

Mr. Hoxie, for the committee on legislative powers, introduced **Committee Proposal 99**, A proposal to provide that the legislature may provide for a jury of less than 12 in civil cases. Amends article V, section 27; with the recommendation that it pass.

T. Jefferson Hoxie, chairman.

For Committee Proposal 99 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 100**, A proposal to provide that the legislature shall not authorize lotteries or the sale of lottery tickets. Retains article V, section 33; with the recommendation that it pass.

T. Jefferson Hoxie, chairman.

For Committee Proposal 100 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 101**, A proposal to provide that the state shall not engage in internal improvements except in certain specified areas and except that the legislature may empower local subdivisions to act in the area of internal improvements. Amends article X, section 14; with the recommendation that it pass.

T. Jefferson Hoxie, chairman.

For Committee Proposal 101 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 102**, A proposal to provide that each house of the legislature may choose its officers, determine its rules, judge qualifications of its members and other matters. Amends article V, section 15; with the recommendation that it pass.

T. Jefferson Hoxie, chairman.

For Committee Proposal 102 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 103**, A proposal to provide that sessions of the legislature be open and that a concurrent resolution is necessary for adjournment for more than 3 days. Amends article V, section 18; with the recommendation that it pass.

T. Jefferson Hoxie, chairman.

For Committee Proposal 103 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 104**, A proposal to provide for 3 readings of a bill before passage and for passage of bills by a majority of the members elected. Retains article V, section 23; with the recommendation that it pass.

T. Jefferson Hoxie, chairman.

For Committee Proposal 104 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 105**, A proposal to provide that bills must

supreme court has said that was not gambling, and it goes back in again if we adopt this amendment.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Fennville, Mr. Hutchinson.

MR. HUTCHINSON: Mr. Chairman, I would like to raise a point of order, since I take it that this demand for division reopens the matter for debate, that the committee has already acted upon this matter, and since we have acted upon the matter, that further amendment at this time is out of order. It seems to me as though, under the rules of parliamentary procedure, any proposition to be amended must be perfected by amendment before it is adopted.

CHAIRMAN BENTLEY: Mr. Tubbs.

MR. TUBBS: Mr. Chairman, I would like to propose an addition or an addendum to my amendment. Have it read "Gambling and parimutuel betting are hereby abolished in this state," or "are hereby prohibited in this state."

CHAIRMAN BENTLEY: The gentleman has the right to revise his amendment. The secretary will read the amendment, as revised.

SECRETARY CHASE: Mr. Tubbs' amendment now reads:

1. Amend page 1, line 5, after "Sec. a.", by striking out the balance of the section and inserting "Gambling and parimutuel betting are hereby prohibited in this state."

MR. HUTCHINSON: Mr. Chairman, I raise the same point of order.

CHAIRMAN BENTLEY: The Chair will have to rule, on the point of order propounded by the gentleman from Fennville, that the Tubbs amendment is actually a substitute to the committee proposal because it purports to strike out the entire section as amended and insert new language, and does not see how it could be ruled out of order at this particular time. The gentleman from Detroit, Mr. Nord.

MR. NORD: Mr. Chairman, I simply want to make a comment about a statement that was made a minute or two ago, I believe, that the supreme court had ruled that parimutuel betting is not gambling. Now, it seems to me that that is in error. As I understood the statement that was read to us, the supreme court simply said it was not a lottery. I don't believe they said it was not gambling. I think they imply that it is gambling, but nevertheless that gambling was never prohibited. But in view of the amendment now proposed by Mr. Tubbs, I suppose this remark is not needed, and I will leave it there.

MR. HUTCHINSON: Mr. Chairman.

CHAIRMAN BENTLEY: For what purpose does the gentleman rise?

MR. HUTCHINSON: I rise further in regard to the point of order I raised.

CHAIRMAN BENTLEY: The gentleman will state it.

MR. HUTCHINSON: The Chair, I understand, has ruled that since this is a substitute, that it would be in order, while I understand the rules to be that a substitute is always to be voted upon and disposed of ahead of the main motion. My point is that if Mr. Tubbs had wanted to offer this amendment or this substitute, he should have done it ahead of the action of the committee upon this section.

CHAIRMAN BENTLEY: The Chair will advise the gentleman from Fennville that from a parliamentary point of view he is probably correct. However, the amendments have been disposed of as they have been received in order. The pending Tubbs amendment or the pending Tubbs substitute was not so labeled at the time. It was filed for disposal after the other pending amendments had been considered, and the Chair would permit the substitute to be offered at this particular time. The Chair recognizes —

MR. HUTCHINSON: Mr. Chairman, I would like to make just one further observation. Then if this is the procedure under which this convention proceeds, it is apparent that we can never have any final action upon anything. And I am not going to appeal the decision of the Chair, but I want the verbatim record to show that I think the Chair is mistaken in this position.

CHAIRMAN BENTLEY: The record will so state. The Chair recognizes the gentleman from Taylor, Mr. Marshall.

MR. MARSHALL: Mr. Chairman and fellow delegates, I am inclined to go along with Senator Hutchinson on his point of parliamentary inquiry, but while I have the floor, I would also like to ask Delegate Tubbs a question, if I may, if he would care to answer.

CHAIRMAN BENTLEY: The gentleman yields to the gentleman from Grand Rapids, Mr. Tubbs. He may state the question.

MR. MARSHALL: Delegate Tubbs, does your amendment imply that the farmers of this state will have to quit farming? They claim that is one of the biggest gambles of all. (laughter)

MR. TUBBS: I presume that all businesses will have to close up, Mr. Marshall —

MR. MARSHALL: This is the point —

MR. TUBBS: — because every business venture is a gamble, but not a gamble as stated in Mr. Webster's dictionary as I read it.

MR. MARSHALL: I will close with this, then, Mr. Chairman: I again want to support the position taken by Senator Hutchinson on his parliamentary inquiry. I also think that Judge Dehnke was correct in the observation that he made concerning parimutuel betting. I think that we are completely out in left field on this, that we have spent entirely too much time. We have spent the entire day on this one question. And there is an old saying going around that blessed are those who run in circles, for they shall be known as wheels (laughter) and obviously we have a lot of wheels. And I am opposed to any mention of this subject in the constitution. I think that we are getting into a question of statutory language. We should leave this question up to the legislature. And to waste an entire day debating whether or not we are going to legalize gambling constitutionally or prohibit it constitutionally and to waste the time of the delegates to this convention on this question is ridiculous, and I would urge the delegates to not spend too much more time on this and let's get on with the business of the committee. Thank you.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Madison Heights, Mr. Walker.

MR. WALKER: First I would like to join Senator Hutchinson in, let's say, his protest or what have you. Secondly, I would like to ask the yeas and nays on this question.

CHAIRMAN BENTLEY: Is the demand for the yeas and nays supported? Not a sufficient number up. The yeas and nays are not ordered. The gentleman from Grand Rapids, Mr. Tubbs.

MR. TUBBS: Mr. Chairman, in view of the parliamentary discussion, I will withdraw the amendment.

CHAIRMAN BENTLEY: The Tubbs amendment is withdrawn. There being no further amendments, the proposal, as amended, will pass.

Committee Proposal 100, as amended, is passed and the secretary will read.

SECRETARY CHASE: Item 3 on the calendar, from the committee on legislative powers, by Mr. Hoxie, chairman, **Committee Proposal 101**, A proposal to provide that the state shall not engage in internal improvements except in certain specified areas and except that the legislature may empower local subdivisions to act in the area of internal improvements. Amends article X, section 14.

Following is Committee Proposal 101 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 state shall not be a party to, nor be interested in, any work of internal improvement, nor engage in carrying on any such work, except:

1. In the development, improvement and control of or aiding in the development, improvement and control of public roads, harbors of refuge, waterways, airways, airports, landing fields and aeronautical facilities;

2. In the development, improvement and control of or aiding in the development, improvement and control of

rivers, streams, lakes and water levels, for purposes of drainage, public health, control of flood waters and soil erosion;

3. In reforestation, protection and improvement of lands in the state of Michigan;

4. In the expenditure of grants to the state of land or other property.

NOTHING IN THIS SECTION SHALL PROHIBIT THE LEGISLATURE FROM AUTHORIZING COUNTIES, TOWNSHIPS, CITIES AND VILLAGES TO BE A PARTY TO OR INTERESTED IN, ANY WORK OF INTERNAL IMPROVEMENT FOR ANY PUBLIC PURPOSE OF THE KIND IN WHICH THE STATE IS NOT PERMITTED TO ENGAGE, AT THEIR OWN EXPENSE.

Mr. Hoxie, chairman of the committee on legislative powers, submits the following reasons in support of Committee Proposal 101:

Section 14 of article X has long been a part of the Michigan constitution. The section provides guidance for the legislature and prevents the state from engaging in a multitude of local internal improvement projects which would not be of benefit to all the people of the state and which, in many instances, might better be performed by private interests.

The committee is of the opinion that the limitation imposed by this section is desirable. Not only is the section a limitation on the state, but it has also been interpreted to be a limitation on the political subdivisions and instrumentalities of the state. Hence, this section has acted as a major deterrent for many desirable improvements by local units of government.

The amendment proposed by the committee maintains the limitations on the state while allowing local units, with legislative authorization, to make internal improvements in which the state could not engage. In this manner many desirable local internal improvement problems can be satisfactorily resolved without committing the state to an almost unlimited number of purely local projects.

The amendment also protects the state against the added costs of internal improvements by providing that the costs of local improvements shall be borne by the political subdivision authorized to engage in the project.

Following is the minority report to Committee Proposal 101 as offered and the reasons submitted in support thereof:

Messrs. Downs, Lesinski and Murphy, a minority of the committee on legislative powers, submit the following minority report to Committee Proposal 101:

A minority of the committee recommends that Committee Proposal 101 be not adopted and that article X, section 14, be excluded from the new constitution.

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 101:

Michigan needs to move ahead into the changing needs of a dynamic economy. The state of Michigan should be prepared to help develop great scientific research centers in cooperation with our universities and private industries as is done by the states of Massachusetts and California. Michigan should be able to assist in economic development of nuclear energy based on water resources, reforestation and mining development, bridging the scientific knowhow of universities with the practical needs of industry.

Local units of government and the community may need special assistance in the years to come on problems of transportation, resources and community development. Article X, section 14 makes unnecessary limitations because it precludes the state from any internal improvements and then lists specific exceptions. It is impossible to anticipate the expectations for the next 50 years, so it would be better to delete the entire section and leave it up to the legislature to meet its responsibility for the generations to come.

The provision in the present constitution developed as a result of the panic of 1837. We do not believe there is a danger of the recurrence of such a panic. We would prefer to remove any legislative straitjacket and permit the legislature to meet the challenges and opportunities with wholesome cooperation with local units of government, private industry and universities.

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

MR. HOXIE: Mr. Chairman, fellow delegates, this particular subject matter fell under the jurisdiction of Claude Wood, vice chairman of our committee.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Brown City, Mr. Wood.

MR. WOOD: Mr. Chairman, fellow delegates, this proposal is a proposal to provide that the state shall not engage in internal improvements except in certain specified areas, and except that the legislature may empower local subdivisions to act in the area of internal improvements. A majority of the committee, after holding hearings and debating this subject for several days, decided that it should stay in the constitution with an amendment or an added section at the bottom of it.

[The supporting reasons, except the last 2 paragraphs, were read by Mr. Wood. For text, see above.]

If you will look at the bottom of Committee Proposal 101, in capital type you will notice that we have taken care of that part of the section by adding:

Nothing in this section shall prohibit the legislature from authorizing counties, townships, cities and villages to be a party to or interested in, any work of internal improvement for any public purpose of the kind in which the state is not permitted to engage, at their own expense.

Just as an example of what we mean by that, we had in the hearing a question of sewer or drainage conditions in Dearborn, Garden City and Livonia which necessitated the working together of those municipalities to effect an improvement, and the old constitution didn't permit them to join for that purpose or didn't permit the legislature to permit them to join. Under the new section they are permitted to do that.

[The remainder of the supporting reasons were read by Mr. Wood. For text, see above.]

It seems to me that this is one of the most important sections in the constitution. At this time, when every branch of state government, as well as every branch of the federal government, is in trouble financially and our newspapers are full of the various efforts to secure more money by almost any means; when our business corporations are leaving the state because of excessive taxation; and when the farmers of our state are going out of business because taxation is out of line with income, it behooves us to consider seriously this and other limitations on the power of the state to expend money and to go into debt. Committee Proposal 101 gives the state the power to enter into the fields where individual municipalities or private interests cannot act efficiently and, of course, in the future if some development came out which we can't think of at the present time in a field in which the state should act, this section can be amended.

The philosophy that activities financed by the state do not cost individual municipalities or private individuals anything, of course, is wrong, as well as the belief that the state can do these things more efficiently or more cheaply than private or municipal interests.

Now, just to mention some of the things that are happening, we have heard all winter here about the federal government establishing a large park on the west side of the state, and I understand that most of the people on that side of the state wish they would stay in Washington. Today if you look in your newspaper, the boat owners of Michigan are going to be taxed \$4 million to take care of recreation areas in parks,

no doubt to take care of that particular park known as "the dunes" on the western side of the state. That is just one of the things that are happening. We also heard a candidate, or a man who is considering running for governor in the state, some 3 or 4 months ago in several instances recommend that the state build buildings in various locations to invite industry in those locations, and I don't know what he was thinking of either, because those people who would rent those buildings or would be given the use of them free would still be competing with private industry. And I am not speaking of a man who is a delegate in this convention either. But that has been proposed, and that is being proposed today by the economic development commission. They are recommending that the state do just that. This section would prohibit that. There are many other things that the state, if we eliminate this section, will find themselves doing. And we might say that the present legislature will not do such things if we leave it to the legislature. We won't always have the present legislature. We don't know the makeup of future legislatures. I think it is a very necessary article in our constitution.

I would like to defer at this time to the legal counsel of our committee who has a lot more statistics regarding this matter, Gil Wanger.

CHAIRMAN BENTLEY: The gentleman from Brown City yields to the gentleman from Lansing, Mr. Wanger.

MR. WANGER: Mr. Chairman, members of the committee, I ask your very serious attention to this matter. There is, quite naturally, some detail which must be presented in connection with as important a constitutional item as the restriction against internal improvements, and while—pardon me, Mr. Chairman, I think I hear some noise around on the other side of the hall. Maybe—

CHAIRMAN BENTLEY: The committee will be in order.

MR. WANGER: I was going to say, perhaps a plaintive whiny.

An examination of the materials which the committee studied revealed that Michigan is 1 of the 8 or 9 states which contains in its constitution a type of restriction against internal improvements. If you will look at the committee proposal before you throughout this discussion you will be considerably aided in your understanding of the subject matter. I would like to make these comments with regard to the language which is before you in this committee proposal. The language in small type is the language of our present constitution as contained in section 14 of article X. You will notice that it restricts the state from engaging in internal improvements in the language there set out. It also contains certain exceptions.

Now, there is language at the bottom which was added by the committee. This language, of course, is not presently in our constitution, but it is language which, in the opinion of the committee, should be added to the old language and inserted with it into the revised document. This prohibition against internal improvements applies to the state as the central authority, but it also applies, through court interpretation, to all subdivisions of the state and all local units of government, so that under the exceptions the state may indeed engage in many activities which perhaps were previously prohibited. These exceptions, however, are not self executing with regard to local units of government, because under the law of Michigan, local units of government may engage in activities which are expressly authorized by the legislature in statutes or, of course, by express constitutional grants. This is not an express constitutional grant, and therefore these exceptions do not allow local units of government to directly engage in these activities except as authorized by the state legislature, and this is an important matter which we should keep in mind throughout the course of this discussion.

In addition to the exceptions which are contained in this particular section under the present constitution, there are additional exceptions which have been established and have been uniformly excepted by law, and they are 3 in number. The first is this: that this prohibition against the state or its local units engaging in internal improvements does not, of course, apply to necessary governmental functions, or func-

tions which are exercised under the general police power. This has been long excepted by the law and has been established by court interpretation. The second exception which is established by law but expressly listed, down in section 14, is the exception created in article VIII of our present constitution. Article VIII deals with local units of government, and particularly sections 22 and 23 of article VIII. Section 22 of article VIII says:

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

This, of course, supersedes the restriction set out in section 14 of article X. And, of course, section 23 also, similar to 22, empowers local units of government to "acquire, own and operate, either within or without its corporate limits, public utilities for supplying water, light, heat, power and transportation" and so on and so on. These 2 sections of article VIII of the 1908 constitution were basically transferred by the committee on local government to sections c and d of Committee Proposal 83, and so we can assume that those also would apply to the new constitution. That completes the second exception which has been established by law. The third exception is this: it has to do with self liquidating projects. Neither the state nor any local unit of government is prohibited by section 14 of article X from engaging in self liquidating projects. These projects, of course, are defined, generally speaking, as projects which must be paid for out of the revenue which the project itself produces, such as is established by revenue bond that I am sure practically all of the delegates in this convention are familiar with. This section, of course, does not prohibit engaging in that type of activity.

Now, to complete the explanation of what this does, I direct your attention to the new language at the bottom which has been added by the committee, and which reads as follows:

Nothing in this section shall prohibit the legislature from authorizing counties, townships, cities and villages to be a party to or interested in, any work of internal improvement for any public purpose of the kind in which the state is not permitted to engage, at their own expense.

As we have pointed out, this section has previously been construed to prohibit local units of government from engaging in any nonexcepted work of internal improvement. This language which we added would permit the local units of government—subject, of course, to the authorization which must come from the legislature—to carry on any work of internal improvement, but it would be at the expense of the local unit of government which was undertaking that particular project, and it would also have to be for a public purpose, not for a private purpose of any kind.

Now, when we argued this matter in the committee and considered it, we of course realized that in a modern age it was not possible to look ahead for 50 or 100 or 200 years and determine exactly what the government should do in a particular given situation. However, we thought it best to leave the language as it is, so that in the future the enlargement of the area of activity in which the state could engage would be subject to a vote of the people and would not be subject to the whim or caprice or pressure within the legislature.

In order to understand exactly why the committee took this point of view, it is important to present briefly the history of this provision to acquaint the committee of the whole with that history. As was pointed out earlier, the Constitution of 1835 contained not a restriction against internal improvement but a mandatory article requiring the state and the legislature to enter into this area, and as Kent Sagendorph, the historical biographer of Stevens T. Mason, said in his book published in 1947, "Most democratic of all state constitutions, Michigan's was at the same time the most socialistic." That is from page 215, in speaking of the 1835 constitution. If you take your blue book and turn to page 147, you will find there on the righthand side of the leaf this section of the 1835 constitution. It is article XII, section 3. It reads as follows:

Internal improvement shall be encouraged by the government of this state; and it shall be the duty of the legislature, as soon as may be, to make provision by law for ascertaining the proper objects of internal improvement in relation to roads, canals and navigable waters; and it shall also be their duty to provide by law for an equal, systematic, economical application of the funds which may be appropriated to these objects.

That was in 1835. And it wasn't long before the state began to get into this area in a very large degree. As Sagendorph describes these projects on page 319 of his work:

Some of the projects on the list had no immediate value and were frankly designed to provide local employment and relief for out of the way communities hardest hit by the wildcat banks. Others were obviously political, being thinly disguised bribes by which the local legislator had bought reelection. Conrad Ten Eyck, one of Mason's good friends, was U. S. marshal by Mason's appointment and also was slated to receive \$13,000 for the railroad right of way across his farm. This was the chief motive behind the Whig bombardment of the plan. The Whigs, naturally, wanted all these spoils for themselves.

If we wish to turn to an additional and widely known authority to state the history behind this provision of the constitution, we turn to the language of Mr. Justice Cooley in the case of Bay City against State Treasurer, 23 Michigan on page 504, where Mr. Justice Cooley states as follows in regard to the prohibition against internal improvements which was inserted into our constitution first in the Constitution of 1850:

Our state had once before had a bitter experience of the evils of the government connecting itself with works of internal improvement. In a time of inflation and imagined prosperity, the state had contracted a large debt for the construction of a system of railroads, and the people were oppressed with heavy taxation in consequence. Moreover, for a portion of this debt they had not received what they bargained for, and they did not recognize their legal or moral obligation to pay it. The good name and fame of the state suffered in consequence. The result of it all was that a settled conviction fastened itself upon the minds of our people, that works of internal improvement should be private enterprises; and that it was not within the proper province of government to connect itself with their construction or management, and that an imperative state policy demanded that no more burdens should be imposed upon the people by state authority for any such purpose. Under this conviction they incorporated in the Constitution of 1850, under the significant title of "finance and taxation," several provisions expressly prohibiting the state from being a party to, or interested in, any work of internal improvement, or engaged in carrying on any such work, except in the expenditure of grants made to it; and also from subscribing to, or being interested in, the stock of any company, association or corporation, or loaning its credit in aid of any person, association or corporation.

All these provisions were incorporated by the people in the constitution as precautions against injudicious action by themselves, if in another time of inflation and excitement they should be tempted to incur the like burdensome taxation in order to accomplish public improvements in cases where they were not content to wait the result of private enterprise. The people meant to erect such effectual barriers that if the temptation should return, the means of inflicting the like injury upon the credit, reputation and prosperity of the state should not be within the reach of the authorities. They believed these clauses of the constitution accomplished this purpose perfectly; and none of its provisions had more influence in recommending that instrument to the hearty good will of the people.

There is, of course, additional material which could be added by way of illustration and citation to the above background, but I am not going to add it unless further debate upon the subject indicates that it is necessary as a matter of clarity. I wish instead to close by briefly discussing the significance of the language which the committee has added to this section.

This language does open the door to activity in areas in which the state and its municipalities are now prohibited from engaging. However, you will notice that this language only authorizes these municipalities to enter into internal improvements for a public purpose. We believe this is very important. We do not wish—I am speaking for the committee—that this power should be granted for private purposes by any local unit of government in the state, and we have also added the language at the end which requires that for municipalities to engage in such an improvement—that is to say an improvement which the language above it would prevent it or the state from engaging in—it must do so at its own expense.

Now, not the only reason, of course, but the primary reason for this language is to guard against the problems which are always prone to face a legislature, no matter how fine a legislature it may be, when bills are introduced to appropriate money for improvements in various parts of the state; the problem, plainly speaking, of log rolling, back scratching and boodle, with which this state had a bitter experience, and as long as human beings are human beings will always be a possible danger to state and local and federal government. We thought that this language was necessary to prohibit, insofar as possible, this type of situation from developing and to strengthen local governments in their determination to solve problems at their own level without running up the tier to some higher level of the state in order to get money to solve those problems within this limited area. Also, we believe that when a project is being financed by people locally, those local people are going to take considerable care to see that the project is being wisely managed or wisely constructed in their area, and since it will be in their area they will have the ready means for ascertaining the facts on that particular project, whereas they would not have that if it was a matter which was taken entirely over by the state itself.

Naturally this last paragraph does not apply to all internal improvements, but only those internal improvements which are otherwise prohibited. This concludes my presentation on this subject initially, and I yield the floor back to Mr. Wood.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Brown City, Mr. Wood.

MR. WOOD: I would like to defer at this time to a man who has had a lot of experience with the legislature, Delegate Powell.

CHAIRMAN BENTLEY: The gentleman from Brown City yields to the gentleman from Ionia, Mr. Powell.

MR. POWELL: Mr. Chairman and fellow delegates, I feel that this subject has been very adequately covered by the presentations of Delegates Wood and Wanger. It is true that I have spent many years observing legislative activities. I don't know as that makes me any greater authority than many of you here in this room on such matters as pork barrel legislation and log rolling and vote swapping and the other things that are often a part of programs of internal improvements, so called.

I certainly hope that we will retain the main portion of the language here as it has been found in our constitution, and that we will add this feature that permits the local units of government to carry on desired programs of internal improvement. We had presented before us the needs of the metropolitan area in matters of water supply and sewage and other things that are beyond the confines of a municipality in many instances and require joint action, and we think the machinery should be made available whereby things that are needed on an area basis could be worked out, but not through some state program that would be like the allocation of the TB sanitariums and other things that we could allude to that have come within recent years.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Brown City, Mr. Wood.

MR. WOOD: Mr. Chairman, that completes the presentation of the majority of the committee. There is a minority report, I believe, on this.

CHAIRMAN BENTLEY: The Chair will state to the gentleman from Brown City that he understands there are certain

delegates who desire to pose questions before the minority report amendment is offered. Will the gentleman yield for questions?

MR. WOOD: Yes.

CHAIRMAN BENTLEY: Will the gentleman yield to the lady from Dearborn, Mrs. Cushman?

MR. WOOD: Yes.

MRS. CUSHMAN: Mr. Chairman and Mr. Wood, I wonder if you could give us some examples of how this section has prevented the state from engaging in undesirable purely local projects.

MR. WOOD: No, I don't think I am prepared to do that at the present time. In fact, after reading this limitation in the constitution, I don't think those things were ever presented.

MRS. CUSHMAN: What type of purely local projects do you think that the section will prevent that are undesirable in the future?

MR. WOOD: Well, it will prevent these projects being promoted by the economic development commission at the present time whereby they recommend that factory buildings, for example, be built in my town or yours in order to draw industry to that town. That is one.

MRS. CUSHMAN: Mr. Chairman and Mr. Wood, I wonder if you could answer then: do you not feel that the public interest is protected in this regard when we have these particular prohibitions against the use of the state's credit for the benefit of public or private corporations, and the prohibition about investment in stock and so forth?

MR. WOOD: No, I don't. I think that without this section they probably could get that done. Naturally any town would be glad to have it, considering their own local interest.

MRS. CUSHMAN: And how would it be possible for them to get around this particular provision about benefiting private corporations in this regard?

MR. WOOD: I think they are permitted at the present time to set up a public corporation to do these things. I think I have one in my town right now, but it was financed by local people rather than by the state.

MRS. CUSHMAN: Excuse me, Mr. Chairman and Mr. Wood, but I thought you earlier stated that this was also a prohibition against local governments in the interpretation of this particular section.

MR. WOOD: Well, it certainly is. It certainly is. And I think in your testimony before the committee you stated that you would like to see the state participate with Dearborn and some other municipalities in a drainage problem which you have in Dearborn, and this, of course, would prohibit that unless you did it at your own expense. It would prohibit the state spending money for that purpose.

MRS. CUSHMAN: Well, excuse me. That wasn't quite my testimony as I recall it. How is it possible—I am still not quite clear—that this section which has been interpreted as applying to local communities doesn't prohibit the thing that you say you have in your own home town of a development for private corporations?

MR. WOOD: It does prohibit the state putting any money in it. It simply allows them to form a public corporation. And they collected the money locally. There is no state money involved, only the services of the economic development commission in the setting up of this arrangement.

MRS. CUSHMAN: Well, I am sorry. My interpretation of what was said earlier would seem to prohibit this in any case. It would be interesting to know how this has been done. Thank you.

CHAIRMAN BENTLEY: Will the gentleman yield to the lady from Grand Rapids for a question?

MR. WOOD: Yes.

CHAIRMAN BENTLEY: Mrs. Judd.

MRS. JUDD: Mr. Chairman, I would like to ask a question of Mr. Wood. In the first place, I agree with you very much that neither the state nor cities should go into this business of building factories and trying to get factories to come to Michigan. I don't think this has been economically sound in the south, and I don't like to see us go into it even to compete

with the south. However, I would like to ask a legal question on this point as to just how this section, as it now stands, does prohibit the state from building and leasing a factory building. In other words, what is the judicial interpretation of the words "internal improvements" and how does a factory building come under that interpretation?

MR. WOOD: I don't think a factory building does come under it at the present time. That is the reason I like the section in the constitution. But if you eliminate it or amend it, such as some of the amendments I have seen here, they will be able to do those things.

MRS. JUDD: But you have just said that this present section does prevent the state from doing these things.

MR. WOOD: I think it does, because it only allows certain things to be done. There are exceptions listed there which wouldn't cover that.

MRS. JUDD: But I am talking about the prohibition in the first sentence, which says: "The state shall not be a party to, nor be interested in, any work of internal improvement. . . ." What I am trying to get at is, just exactly what is prohibited by this provision? How does the court interpret that term "internal improvement?"

MR. WOOD: Well, I have no court interpretation, but my own interpretation would be that the state can only spend money on the exceptions listed in this section.

MRS. JUDD: I understand that, and yet you seem to be greatly concerned about retaining prohibitions—

MR. WOOD: I am.

MRS. JUDD: —and I think the definition of this phrase "internal improvement," which is the thing that is prohibited, then becomes very important as to the effectiveness of this provision. Thank you, Mr. Chairman.

CHAIRMAN BENTLEY: Will the gentleman yield to the gentleman from Pontiac, Mr. King, for a question?

MR. WOOD: Yes.

MR. KING: Mr. Chairman, fellow delegates, I should like to direct a question through the Chair to Mr. Wood. First of all, because I have been misunderstood apparently in the past, let me say that I hold no brief with the way the federal government spends some of the money in the state of Michigan that it takes from the taxpayers, but I can't change the tax structure, and 1 state against the other 49 can't do a great deal. So, with that preface, let me ask you this question: if the federal government offered federal aid for a local activity which required state matching funds or state supervision, would the local unit of government have to refuse such aid if it were in a field not listed in the exceptions permitted to the state under this committee proposal?

MR. WOOD: I would think they would.

MR. KING: They would have to refuse that state aid. Thank you.

CHAIRMAN BENTLEY: Will the gentleman yield to the gentleman from Escanaba, Mr. Follo, for a question?

MR. WOOD: Yes.

MR. FOLLO: Mr. Chairman, Mr. Wood, if a work of internal improvement is something so dangerous for the state to engage in, why didn't the committee define "internal improvement" directly and positively in constitutional language and thus eliminate the need for much indirect negative and statutory language as is found in the long list of exceptions?

MR. WOOD: I would think that answers itself. There is probably more than one definition on the floor here of "internal improvement." That is why the exceptions that the state is permitted to become involved in are listed.

MR. FOLLO: Thank you.

CHAIRMAN BENTLEY: Has the gentleman completed the committee presentation, Mr. Wood?

MR. WOOD: Yes, we have.

CHAIRMAN BENTLEY: Will the gentleman yield to the gentleman from Kalamazoo, Mr. Allen, for a question?

MR. WOOD: Yes.

MR. ALLEN: Mr. Wood, I am bothered about the last words in the exception you create; that is, provided it is done at a city's own expense. For example, some of our large cities, particularly Detroit, have gone in with federal funds

on urban renewal projects, and some have gone in on Hill-Burton funds for construction of hospitals so that when the city does this work, it is doing it with part of its own money and it is also doing it with part federal money, and I suppose if you followed the funds specifically, that if they used any of the sales tax, it is part of the state money. It seems to me that when you add the exception, "at their own expense," you may create a situation, without intending really to do so, where it could be argued that cities are precluded from in any way using any money that might come from the sales tax. They might be precluded also from using any federal money because the entire project is not paid for by the city.

MR. WOOD: Mr. Allen, I believe that after the sales tax is returned to the city, they can use it any way they want to, can't they?

MR. ALLEN: But if you have in this exception here, Mr. Wood, that they cannot engage in internal improvements, you see, except as authorized by the legislature and at their own expense, you certainly would shut out the federal funds.

MR. WOOD: Well, I could see where it would shut out the federal funds, and I think we probably missed that point, and if you want to submit an amendment I think the committee would be glad to accept an amendment permitting the use of federal funds, but I believe the sales tax funds would be their money once it is returned to them.

MR. ALLEN: I have a perfecting amendment that would come after some other amendments that I know are on the desk which may correct it. Now, my second question is—

MR. WANGER: Mr. Chairman, Mr. Allen, would you yield at this point—

CHAIRMAN BENTLEY: Mr. Wanger, the gentleman from Brown City has the floor.

MR. WANGER: Oh, pardon me. I was wondering if the gentleman would care to yield for a further answer to Mr. Allen's first question.

MR. WOOD: Yes.

MR. WANGER: Thank you. Mr. Chairman, Mr. Wood, Mr. Allen, I think you missed my statement which covers your question completely, which is that the cities and villages have the power, notwithstanding the prohibitions expressly stated in section 14 of article X, to take care of this matter. They are contained—and I read them—in sections 22 and 23 of article VIII of our constitution, which expressly empower any city or village to acquire, own, establish and maintain, et cetera, many things, including hospitals, which is the express point which you raised. So that covers the matter completely, and there is no problem whatsoever in that regard as far as the committee could determine.

MR. WOOD: Mr. Chairman, may I—

CHAIRMAN BENTLEY: The gentleman from Brown City has the floor.

MR. WOOD: Does that answer your question, Mr. Allen?

MR. ALLEN: Not completely, Mr. Wood, because if the cities are able to do all these things, then there is no purpose in writing the exception.

MR. WOOD: Yes. They are not enabled to do it with state funds. The state isn't allowed to participate with them. And I can see a great danger if they were. You might wind up with the state paying 70 per cent and the municipalities engaged in the project paying the other 30.

MR. ALLEN: Mr. Chairman, I don't think we should have an argument. This is for purposes of questions. I am not satisfied with the answer, although I am satisfied that an effort has been made to give an answer. I think the point remains that you may shut out the federal funds.

Now, the second question is this: Mr. Wood, I am really afraid that something of a bogey man is raised here—it has come up on these other questions—and that is: I take it that you and Mr. Wanger feel that this is the section which would prevent the state from going into something along the lines of a state economic development corporation where the state puts up \$50 million as was proposed on the amendment that was turned down.

Now, I have here the Constitution of 1908, and I really think

that the state can't get into this kind of thing, nor can the cities, because of 2 other sections: that is article X, sections 12 and 13. Section 12 very clearly says that the state may not loan its credit for any private purpose. And then when it comes to making a grant of money, as distinguished from loaning credit, section 13 picks up and says, "The state shall not subscribe to, nor be interested in the stock of any company, association or corporation." And I understand that the attorney general's rulings have been that these are the 2 exceptions which prevent the state from going into this type of thing, and also the municipal subdivisions, and if this is so, then it isn't the internal improvement section that blocks the state from doing the thing you don't want the state to do, but it is these other 2 sections.

MR. WOOD: Well, they might have some bearing on it, but I think I would have to study them a little. Do you have an answer to that, Mr. Wanger, through the Chair?

MR. WANGER: Mr. Chairman, Delegate Allen, I think you are right when you say a stumbling block to those activities are contained in sections 12 and 13, but they are not the only ones, because, you see, that has to do with the credit of the state or buying or being interested in stock and it does not prohibit direct expenditures or any type of activity which is not covered by the term extending the credit of the state or of the municipality in that regard. So you're right when you say—and of course we had considerable discussion when the finance committee's recommendation in this area was before us on this subject, but this also does relate to that problem.

CHAIRMAN BENTLEY: Will the gentleman yield to the gentleman from Grand Haven, Mr. Stafseth, for a question?

MR. WOOD: Yes.

MR. STAFSETH: Mr. Chairman and members of the committee, I would like to pose to Mr. Wood a hypothetical problem and ask him what the possibilities would be. I can read 2 possibilities into it. With the depletion of the ground water in the central part of the state of Michigan, I could envision the possibility in the future of a pipeline going from Lake Michigan to Lake Huron, and that probably one of the methods of doing this would be by setting up a state authority, much as the Mackinac bridge authority, with the purpose of using the state's credit to borrow money to serve municipalities with their necessary water supply. Now, in the process of bonding, I could also see that maybe in order to accomplish it, it may require some money from the state to guarantee a bond issue. Under your subparagraph 2 you have included the words "public health." It could conceivably mean that "public health" would mean water supplies. Is it the intent of the committee that this would be the case, or that this would be a project it wouldn't be possible for the state to do?

MR. WOOD: Mr. Chairman, my thinking is "public health" would adequately cover that subject. There is no question but what adequate water supply is necessary for public health, and that will be taken care of.

MR. STAFSETH: Thank you, Mr. Chairman.

CHAIRMAN BENTLEY: Will the gentleman yield to the gentleman from Muskegon for a question, Mr. William Hanna?

MR. WOOD: Yes.

MR. W. F. HANNA: Mr. Chairman, Mr. Wood, I am wondering whether or not your committee considered couching this language in terms of a local or private act, rather than getting into all this enumeration, which certainly will change from time to time, a provision that simply would say that the state would not be a party to or engage in works of internal improvement except by a 2/3 vote of each house of the legislature and stop there. That would cast it in the same language as a local or private act and would allow us to develop new works of internal improvement without amending the constitution from time to time.

MR. WOOD: Yes, through the Chair, we did consider that, and considering the present legislature, we would have no fears along that line. But in the future we don't know the makeup of the legislature, and with the present trend of both the federal and state government to get into private business and to take part in all individual activities of the states as well

as the federal government, we thought it best to make it firm in this section.

MR. W. F. HANNA: Mr. Chairman, Mr. Wood, if we said "internal improvements for public purposes," would this solve your problem? This would not allow them to build or engage in private business as such.

MR. WOOD: Well, you are thinking of this situation where they might build a factory building. That could still be called a public improvement, I believe, if you wish to call it that.

MR. W. F. HANNA: Mr. Wood, I believe that has been interpreted as not a public purpose. We have not seen fit to so interpret it as to cities, townships and counties.

MR. WOOD: It seems to me, Mr. Chairman, that if we don't want the state to take part in these various fields, that there is nothing wrong with having this section in the constitution. We know with it in there they are not going to take part. It seems to me that when you want to change it, in most cases there is some reason for wanting someone to take part in something.

CHAIRMAN BENTLEY: Will the gentleman yield to the gentleman from Escanaba for another question?

MR. WOOD: Yes.

CHAIRMAN BENTLEY: Mr. Follo.

MR. FOLLO: Mr. Wood, you may recall that President Eisenhower in his speech to us here told us that very often, because of certain prohibitions in the constitutions of the states, they were unable to attack some of the very problems that were besetting them. It has been mentioned by some here, I think, that there are certain problems such as water problems in some of the counties where it may involve as many as 8 counties, and these counties find it difficult to get together to do something about this, feeling that these prohibitions have kept them from doing so. In your mind, would this preclude the state from taking leadership and perhaps acting as a catalytic agent in getting those counties together to work on the problems to solve them by mutual and cooperative action?

MR. WOOD: Mr. Chairman, Mr. Follo, there is nothing here that would prevent such branches of state government as the economic development commission and others—and I understand from the time they spent up in my town, they need something to do—there is nothing to prevent them helping set up that organization as long as they don't put state money into it. I think that is the purpose of such groups as the economic development commission, to assist in getting various municipalities or counties together and mapping a program. That is all they have to do.

CHAIRMAN BENTLEY: Is the chairman of the committee, Mr. Hoxie, seeking recognition?

MR. HOXIE: Mr. Chairman, fellow delegates, I think there is a lot of confusion relative to this particular proposal. Mrs. Judd stopped on the first sentence and failed to read the balance of that sentence, "The state shall not be a party to, nor be interested in, any work of internal improvement, nor engage in carrying on any such work, except. . . ." Now, the exceptions are set forth. In other words, anything that is enumerated here, the state can engage in as being internal improvements within the scope of the language as it has existed in our constitution for some 50 years.

In answer to Mr. Allen, the particular sections that he was referring to are completely foreign to this provision. He is referring to loaning the credit or to pledging the credit of the state of Michigan. These are exceptions which the state can engage in. Other things are prohibited. So the particular sections of the constitution he is referring to are on a completely different basis of loaning the credit or guaranteeing certain expenditures. The state does engage in certain types of activities such as cooperation with the federal government in the matter of hospitals. That is federal money. But the state itself doesn't go out and spend money to build hospitals.

We do have an amendment on the secretary's desk which provides as follows: on line 19, after "property," by inserting "The provisions of this section shall not apply to local units of government unless otherwise provided by law," which I

think completely would answer the question that has been raised relative to any possible federal funds that might be available in which the state would act as a participant with local units of government.

Now, coming back to Mr. Hanna's statement as to what constitutes internal improvements, I think any activity the state might engage in could be construed as internal improvements. Whether it be in St. Louis or whether it be in Jackson or whether it be in Detroit in the building of Cobo hall, for example, it is something of an internal nature that would be to the benefit of all of the people of the state of Michigan. You can stretch the interpretation of "internal improvement" to any extent.

Now, the whole question in this proposal is this—we know that under the local government proposal, local units can get together. They can finance projects at the local level and share the costs. We know that they can bond for those improvements if they see fit. There is nothing in this proposal that would prohibit that. The question is whether you wish to have any reasonable restraints on the legislature of the state of Michigan as to the extent to which they can engage in any type of activity that can be considered as internal improvements in the state. I think the possibilities and the dangers involved have already been called to your attention. Certainly if this convention wishes to take that chance, these things can be done.

I think it was wise on the part of the framers of our 1908 constitution to feel that the legislature shouldn't be given the opportunity to engage in any type of improvement to the detriment of the taxpayers of the state of Michigan.

CHAIRMAN BENTLEY: The Chair desires to ask the gentleman from Brown City if this completes the committee presentation.

MR. WOOD: This completes the committee presentation.

CHAIRMAN BENTLEY: The secretary will report the first of 12 proposed amendments to Committee Proposal 101.

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

1. Amend page 1, line 7, by striking out all of the proposal.

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

MR. DOWNS: Mr. Chairman, I would like to yield to Delegate Lesinski to summarize the report.

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

MR. KING: Mr. Chairman.

CHAIRMAN BENTLEY: For what purpose does the gentleman rise?

MR. KING: I would like to raise a question of parliamentary inquiry. Yesterday we had before us a section relating to the ownership of private property and its sale by owners. I personally found the language of the committee unacceptable. However, I was advised by the committee chairman that he proposed an amendment which I thought would help clarify it, and I understood there were other amendments.

It is my understanding of parliamentary procedure that all perfecting amendments are in order to a proposition or a proposal before an amendment to strike is in order. I recognize we have here a conflict between what I consider good parliamentary procedure and precedent as established in this convention of considering the minority report amendment first, but at this time I ask for a ruling from the Chair with regard to this matter.

CHAIRMAN BENTLEY: The Chair would advise the gentleman from Pontiac that perfecting amendments are, of course, in order if they have been offered by the committee. He is not aware that there are any amendments that are so called committee amendments on the desk. Are there any committee amendments in the nature of perfecting amendments to be offered?

MR. HOXIE: No.

CHAIRMAN BENTLEY: The chairman of the committee has advised me that there are none, and therefore the Chair

feels constrained, in accordance with previous practice, to recognize the minority amendment in first order.

MR. KING: Mr. Chairman, I don't intend to appeal the decision of the Chair, but I just point out that it is my personal belief: 1, that any perfecting amendment should be ordered and handled and acted upon prior to an amendment to strike the whole section; and, 2, that the chairman of the committee, Mr. Hoxie, has endorsed on the floor—whether in order or not, I am not sure—a certain amendment which he related to us, and if it is not a committee amendment, it is certainly endorsed by the committee chairman.

CHAIRMAN BENTLEY: The Chair will advise the gentleman from Pontiac that there are no pending amendments on the desk with the name of the committee chairman on them. If he desires to offer one, it has not been submitted at this time. The Chair further understands that the amendments at the desk are the minority amendment, which has already been offered, a substitute amendment by Mrs. Judd and others, and a number of amendments to the body of the proposal which the Chair is unable, without having read them all, to say whether they fall in the nature of perfecting amendments or not.

The Chair will permit the minority to proceed in order at this time with their amendment. The gentleman from Detroit has yielded to the gentleman from Detroit, Mr. Lesinski.

MR. LESINSKI: Mr. Chairman, fellow delegates:

[The minority report and supporting reasons were read by Mr. Lesinski. For text, see above, page 2310.]

Thank you.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Detroit. Mr. Downs has the floor.

MR. DOWNS: Mr. Chairman and delegates, I shall try to be very brief on this. First I would like to demand the yeas and nays on the amendment.

CHAIRMAN BENTLEY: The yeas and nays have been demanded. Is the demand supported? The Chair rules that there is a sufficient number supporting. The yeas and nays will be ordered.

MR. DOWNS: Thank you, Mr. Chairman. This amendment, in my judgment, is one of the most important we can have in the constitution. It would permit the people of Michigan, through the legislature, to look ahead to the new problems of internal improvement, research and industrial development. It is perfectly true that when the question is asked, "What would the majority report preclude?" nobody could answer, because we don't know just what will happen, nor can I say for sure what the elimination of this language would permit the legislature to do, because none of us knows what will happen in the next 10, 20, 30 or 40 years. I regret that the majority report seems to be thinking in terms of the fears of past abuses rather than the hopes of future needs.

The areas I see that would be included in the type of internal improvement if this language would be deleted would be first in the field of research. Our great universities—whether in the field of agriculture, low grade ore development in the upper peninsula, or atomic plant development in the Charlevoix area—could, with the use of this, work on a constructive basis with private industry, local government and federal funds to develop practical and pure research that would in turn make a wholesome scientific and industrial development.

In the field of transportation, all we know is that we know not what the means of transportation will be in the years to come. Our past constitutions would put in language such as post roads. Then we needed laboriously to amend that to include airports. Will the transportation of tomorrow be mono-rails or some new system of off the road transportation that is on the scientist's drawing board today? Will the federal government make available money for metropolitan area transportation for 3 and 4 counties, perhaps a system where the local community or state by participating on a matching basis could receive the advantages of a great deal of federal assistance as has been done in water development?

I just point out that if we do not do this, other states, I am sure, Delegate King, will have been able to take advantage of these developments.

On the question of industrial development, of which there was so much discussion, certainly I do not recommend that this be used for an unwholesome economic development, but feel that a responsible legislature—and in this field I feel we certainly could trust the legislature—can work with our university and industrial centers on a constructive private and public program to do that research that will particularly help those new industries requiring great skills, whether it is chemical, automation, nuclear or whatnot, that will benefit not only the development of scientific knowledge but the economic development of our state, and for that matter, the nation. I would like to point out that only 8 other states have these limitations on internal improvements.

I therefore urge support of the amendment which would strike out all reference to this material and give the legislature the responsibility of meeting new needs. This concludes the minority report. If there are any questions, Mr. Chairman, I would be glad to yield for those. If not, I will yield the floor.

CHAIRMAN BENTLEY: Does the gentleman from Pontiac desire to ask a question or make a statement?

MR. KING: I would like to ask the indulgence of the Chair and the committee to pursue my point of parliamentary inquiry a little bit further. I would refer the Chair to page 270, section 397, paragraph 5 of Mason's Manual, which states as follows:

A motion to amend a paragraph takes precedence over a motion to approve, to insert or to strike out the paragraph, and a motion to amend a section takes precedence over a motion to approve, to insert or strike out a section.

As I stated before, I will not appeal the decision of the Chair, but I do think that you put the delegates in a rather difficult position in forcing a decision at this time on striking the committee proposal before we know how it is going to look, if it ever had a chance to look that way, after amendment.

CHAIRMAN BENTLEY: The Chair would state to the gentleman from Pontiac that he has accurately quoted Mason's Manual, but would point out, on the other hand, that the practice followed in committee of the whole up until this time, so far as the Chair is aware, has been to accept the committee proposal, committee amendments thereto, the report of the minority, and then subsequent amendments and, although the Chair admits that the point raised by the gentleman from Pontiac is strictly in accordance with Mason's Manual, it is in conflict with the practice followed hitherto in committee of the whole, and the Chair would feel constrained to adhere to the practice followed up until this time unless the gentleman has further serious objections. And the Chair recognizes the gentleman's point and might point out to the gentleman that there is pending a substitute for the minority amendment; and amendments to the substitute, of course, would be in order if it is the desire to offer them. The gentleman from Pontiac.

MR. KING: Mr. Chairman, are you saying that the substitute can be moved before the minority report amendment?

CHAIRMAN BENTLEY: If this is a substitute, which I understand it is, for the minority report or the minority amendment, the substitute will be voted on after amendments have been offered thereto before the minority amendment.

MR. KING: Thank you, Mr. Chairman.

CHAIRMAN BENTLEY: Is the gentleman from Lansing seeking recognition? He is recognized.

MR. WANGER: Mr. Chairman, members of the committee, the implication was made in the preceding speech supporting the minority report amendment that the present language of section 14, article X, or the language of it and the committee's recommended addition somehow restrain the universities or colleges of our state from engaging in research or engaging in education. Nothing of this kind has been discovered by the committee either in its research or in its deliberations, and we submit that there is no restriction placed by this language upon research or education in any way unless, of course, you want the universities to enter into partnership with other state

authorities and start running internal improvements around the state. But as far as research and education are concerned, this section has absolutely nothing to do with it as far as we can see. And we call the attention of the committee to the fact that our colleges and our great universities have always carried on research in many, many areas, and so far as we have been given to understand, there has never been at any time any legal objection raised to that activity, and particularly none based upon the language of section 14 of article X.

CHAIRMAN BENTLEY: The Chair understands that there is a substitute to the minority amendment at the desk, which the secretary will read.

SECRETARY CHASE: Mrs. Judd, Messrs. King, Farnsworth, Rajkovich, Follo and Mrs. Cushman offer the following substitute for the minority amendment:

1. Amend page 1, line 7, after "Sec. a.", by striking out the balance of the section and inserting "The state shall not be a party to, nor be interested in, any work of internal improvement, nor engage in carrying on any such work, except for such public internal improvements as may be authorized by law."

CHAIRMAN BENTLEY: The Chair recognizes the lady from Grand Rapids, Mrs. Judd, in support of her substitute amendment.

MRS. JUDD: Mr. Chairman and members of the committee, I have in front of me the little pin with the robin on it that was distributed to us all, and it says, "Michigan marching forward." I can't help but feel that anyone who has read the pamphlet from the Upjohn institute that we all received prior to the convention, called, What's Ahead For Michigan, must realize that unless we begin to look at Michigan's present and future needs rather than the fears of the past and measuring everything by the penny, that we are not going to be able to supply Michigan with the hundreds of thousands of jobs that will bring in the pennies a great deal faster ultimately.

I would like to outline briefly the reasons why we believe that the committee proposal is not a proper provision for the constitution, but why we do believe that it should be retained in a modified form rather than be deleted as proposed in the minority report amendment. We have found authority for much of what we propose coming from the citizens research council and from the law school at the University of Michigan. Their research center has a booklet which treats of this matter entitled, Constitutional Limitations to Metropolitan Area Problems, and also from the Michigan municipal league.

I would like to just give you briefly the outline of the reasons, and then perhaps some others in the committee would like to develop them a little further. If you were to read your big volume 2 of the Comparative Analysis on this section, you would see that the original objectives of it in 1850 were to keep the state and its subdivisions out of private business, as has been stated, and to protect the public purse against burdens of ill advised ventures. Now, let us look upon its operation as a prohibition against government ventures in, hopefully, self supporting and self liquidating projects. One, it is no longer very effective in this direction. First of all, the field of "internal improvements" has been so prohibited and continuously narrowed by constitutional amendment and judicial interpretation. Secondly, as Mr. Wanger stated, judicial interpretation has excepted self liquidating improvements from the field of prohibited internal improvements, and this indeed contravenes the original objective of the provision, which was to keep the state out of possibly ill advised ventures.

Again, as a prohibition we have considered that it was not necessary. I know Mr. Wood apparently differs from us on this, but we have thought that the 2 provisions in the finance article that prohibit the state and also one in the local government article that prohibits cities and villages from loaning their credit for any private purpose, and the provision that prohibits the state from subscribing to stock in any company, association or corporation, would be a deterrent to the state's entering private business. We believe further that Committee Proposal 23, which requires a 2/3 vote of the legislature and a popular vote to approve of general obligation bond issues

for capital improvements, would also be a deterrent. We have noted that other states, as I believe Mr. Downs indicated, have achieved this objective without such a prohibition. This is also indicated in the research council analysis.

Then, looking upon its operation as a direct authorization of legislative power through the listing of exceptions, this listing of exceptions is in fact restrictive, since any such enumeration of powers by implication prohibits all but those that are enumerated. It breeds frequent constitutional amendment to provide for new, changing and unforeseeable needs. Mr. Hoxie, I believe, has admitted this, and they apparently do not disapprove of the necessity of frequently amending the constitution, although I thought we were trying to write one that would not need frequent amendment. Again, it creates extensive litigation, partly due to the fact that the area of uncertainty between what is strictly governmental and what is strictly private continues to exist and will continue to exist as long as this provision is in the constitution. Again, as an authorization we believe it is unnecessary, since all such powers would be inherent in the legislature if the prohibition itself were either deleted or if all the exceptions to the prohibition were left to law. We believe it is an unsuitable vehicle for authorizing powers to solve potential metropolitan area problems and needs.

We think that the language that the committee has proposed in this respect is very cumbersome and very illogical, and we don't know how to write any better language for it when we are trying to put it into the framework of a prohibition. Our third reason for wanting to change this provision is, we believe it is unsuitable constitutional language; that the exceptions are statutory; that they are only needed in order to circumvent a prohibition, and this seems like a paradox. Proof of its unsuitability lies in the number of times it has been amended. I think it would be interesting just to follow those amendments historically a moment.

Point 4 about lands was in the original provision in 1850. Then in 1893 it was amended to provide for the improvement of Grand river by the city of Grand Rapids. This was deleted by the 1908 convention. In 1905, when the single cylinder automobiles were trying to chug along the roads and the little boys were saying, "Mister, get a horse," they amended the constitution to provide for "public wagon roads." In 1908 the convention added reforestation and protection of lands, but it wasn't until 1945 that the word "wagon" was taken out of the constitution and all of these were added in 1945 and 1946 that you now see in the provisions. In other words, these things have not been in the constitution for 50 years. Most of them have only been in since 1945 and '46.

Returning to my argument, we believe it is also unsuitable for the constitution because of the amount of litigation that it creates, and I would like to refer you to the big blue book — most of which now have all the delegates' names written in the front — to show you the number of pages that relate the cases that have come before the court. You will find about 5 pages of cases, some 20 or more cases and numerous attorney generals' opinions, and I feel confident that the new exception with respect to local government will certainly create more litigation in view of the very fuzzy definition of "internal improvements" that still exists.

Now, just a word or 2 about our proposed amendment. First, we believe it removes the unsuitable constitutional language. Second, it implies, insofar as the absence of a clear definition of "internal improvements" can imply, that internal improvements of a nonpublic nature are still prohibited. You will note that in the second line, where it simply speaks of prohibiting internal improvements. There is no certainty that they are so defined, but after reading all of the decisions one comes to the conclusion that the definition points in that direction. Third, we believe that we can still rely on other constitutional provisions to protect the people against state activity in the field of private enterprise and unwise public projects. Fourth — and this is a point that was made by Mr. Nicholas Olds of the attorney general's office — we admit that the provision otherwise is largely hortatory in nature and that it does serve as a warning to administrative agencies not to embark

on capital improvements without legislative authorization. Fifth, we think that it leaves intact legislative control over the substantive powers of local government in line with the power doctrines we have tried to embody in the local government article. We fear that the amendments proposed really contravene this doctrine that the state should not have power over things that its children do. And lastly, we believe that it enables the legislature, and through the legislature, local government, to authorize such improvements as future technological, social, economic and political changes may require for the growth of our state.

MR. CHAIRMAN, I would like to yield to any of the cosponsors of the amendment that would like to speak.

CHAIRMAN BENTLEY: The Chair would like to advise the lady from Grand Rapids of the following problem which the questions of the gentleman from Pontiac have brought to the attention of the committee. We have the minority amendment offered by the gentleman from Detroit, Mr. Downs, to strike the entire proposal. We have the substitute amendment offered by the lady from Grand Rapids to strike the proposal and insert new language. The gentleman from Pontiac pointed out correctly that there are pending at the desk several amendments to the original committee proposal, some of which, if not all, may be of a so called perfecting nature.

It has been suggested that the situation might be resolved by having the amendments to strike the proposal, the 2 amendments, the Downs amendment and the Judd amendment, withdrawn temporarily, permit the committee of the whole to work its will on the so called perfecting amendments to the committee proposal, and then when those have been disposed of and the final version of the committee proposal is before the committee of the whole, to have the Downs and Judd amendments reoffered at that time. The gentleman from Detroit, Mr. Downs, and his cosponsors have agreed to withdraw their amendment. The Chair would inquire of the lady from Grand Rapids, Mrs. Judd, how she would feel about this suggestion.

MRS. JUDD: I think it would be a good idea, a very instructive exercise to try to perfect this provision.

CHAIRMAN BENTLEY: Without objection then, the minority amendment and the Judd substitute amendment will both be temporarily withdrawn, and the committee of the whole will now proceed to consider perfecting amendments to Committee Proposal 101, following which the Downs and Judd amendments will be offered at the proper time. The secretary will report the first amendment to the committee proposal, which I believe has been offered by the lady from Grand Rapids and other sponsors.

SECRETARY CHASE: Mrs. Judd, Messrs. King, Farnsworth, Rajkovich, Follo and Mrs. Cushman offer the following amendment:

1. Amend page 1, line 10, after "roads," by inserting "ports and"; so the language will there read, "In the development, improvement and control of or aiding in the development, improvement and control of public roads, ports and harbors of refuge. . . ."

CHAIRMAN BENTLEY: The Chair recognizes the lady from Grand Rapids in support of this amendment.

MRS. JUDD: This is kind of a reverse action, Mr. Chairman. I didn't expect to be back here so soon. This was an amendment we were going to offer in case the convention turned down our substitute amendment and turned down the deletion. However, I think it is quite fun to see what we can do with this. I put all of these in as one amendment, Mr. Chairman, but I see, when it came back to me, you separated them so it looks like a lot of amendments.

CHAIRMAN BENTLEY: Would the lady like the amendments offered en bloc?

MRS. JUDD: It seems to me it would be easier for the convention, although they may wish to vote on them separately.

CHAIRMAN BENTLEY: The secretary will read the various amendments offered by Mrs. Judd, Messrs. King, Farnsworth, Rajkovich, Follo and Mrs. Cushman, and they may be considered as the committee of the whole shall dictate.

SECRETARY CHASE: The amendments are:

1. Amend page 1, line 10, after "roads," by inserting "ports and"; and in line 14, after "waters" by inserting a comma; and in line 15, by striking out "and"; and after "erosion" by changing the semicolon to a comma and inserting "domestic, agricultural, industrial and recreational use;"; and in line 17, after "Michigan" by changing the semicolon to a comma and inserting "including state owned land for park and recreational use;"; and by striking out all of lines 18 and 19 and inserting "4. In the protection of air against pollution."; and on page 2, line 1, after "in" by inserting "or engaging in"; and in line 2, after "purpose" by inserting a period and striking out the balance of the sentence.

CHAIRMAN BENTLEY: The Chair will suggest to the lady that we only consider those amendments that can be shown on the wall. I am not sure they will all fit on there.

MR. KING: Mr. Chairman.

CHAIRMAN BENTLEY: Mr. King.

MR. KING: It seems as though I am right back in the parliamentary position which I tried so desperately to avoid earlier. I would like to suggest to the sponsors of these amendments—I being one of the sponsors—that we at this time withdraw this series of amendments with the intent of, if necessary, reoffering them at a later time. Could I get the consent of the other sponsors to do that?

CHAIRMAN BENTLEY: The Chair will state to the gentleman from Pontiac that he has been endeavoring to accommodate the gentleman and the other sponsors by having the amendments to strike out temporarily withdrawn so that the committee of the whole could work its will upon the perfecting amendments which you described beforehand. If the gentleman now desires to have the so called "strike out" amendments of Mr. Downs and Mrs. Judd acted upon before these amendments are considered, of course, he may withdraw them subject to the approval of the other sponsors.

MR. KING: I would move to do that at this time.

CHAIRMAN BENTLEY: It doesn't take a motion. It is merely a question of securing the concurrence of the others.

MRS. JUDD: I would always follow Mr. King's advice.

CHAIRMAN BENTLEY: Is there objection on the part of Messrs. Farnsworth, Rajkovich, Follo and Mrs. Cushman? Hearing none, the collective amendments are temporarily withdrawn. The secretary will now report the next amendment to Committee Proposal 101 offered by the gentleman from Kalamazoo, Mr. Allen.

The Chair will recognize the gentleman from St. Louis.

MR. HOXIE: Mr. Chairman, it has been suggested that we make a motion that the committee rise for our afternoon recess of 10 minutes. I so move.

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

The committee will rise.

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

PRESIDENT NISBET: The Chair recognizes Mr. Bentley.

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

SECRETARY CHASE: Mr. President, the committee of the whole has had under consideration **Committee Proposal 100**, A proposal to provide the legislature shall not authorize lotteries or the sale of lottery tickets; reports this proposal back to the convention favorably with one amendment thereto.

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

1. Amend page 1, line 5, after "lottery" by inserting "or parimutuel betting."

PRESIDENT NISBET: **Committee Proposal 100**, as amended by the committee of the whole, is referred to the committee on style and drafting.

Following is Committee Proposal 100 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 shall not authorize any lottery or parimutuel betting, nor permit the sale of lottery tickets.

SECRETARY CHASE: The committee of the whole has also had under consideration **Committee Proposal 101**, A proposal to provide that the state shall not engage in internal improvements except in certain specified areas and except that the legislature may empower local subdivisions to act in the area of internal improvements; has considered several amendments thereto; has come to no final resolution thereon. This completes the report of the committee of the whole, Mr. President.

PRESIDENT NISBET: Before putting the motion to recess, may I suggest to the delegates that they make every effort to get back here within the 10 minutes. Lately we have had trouble getting a quorum after recess. The Chair recognizes Mr. Balcer.

MR. BALCER: Mr. President, I move we recess for 10 minutes.

PRESIDENT NISBET: Mr. Balcer makes the motion we recess for 10 minutes. Those in favor say aye. Opposed, no. We are recessed until 3:50.

[Whereupon, at 3:40 o'clock p.m., the convention recessed; and, at 3:50 o'clock p.m., reconvened.]

The convention will please come to order.

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

PRESIDENT NISBET: Without objection, we will return to the order of **communications from state officers**.

SECRETARY CHASE: State of Michigan, office of the governor,

Lansing
March 30, 1962

The Honorable Stephen S. Nisbet, President
Michigan Constitutional Convention
Constitution Hall
Lansing, Michigan

Dear Mr. Nisbet:

Thank you for transmitting to me the resignation of Mr. Kent T. Lundgren as a delegate to the constitutional convention from the thirtieth senatorial district, effective March 31, 1962.

I have accepted the resignation of Mr. Lundgren according to its terms, and notified the secretary of state that a vacancy exists in this office.

Sincerely yours,
John B. Swainson,
Governor.

The following message from the governor:

State of Michigan
Office of the Governor
Lansing
April 11, 1962

Mr. Stephen S. Nisbet, President
Michigan Constitutional Convention
Constitution Hall
Lansing, Michigan

Dear Mr. Nisbet:

Please be advised of the appointment of Mr. Russell W. Bradley, 1103 First street, Menominee, Michigan as delegate to the Michigan constitutional convention, representing the thirtieth senatorial district, succeeding Mr. Kent T. Lundgren, resigned.

With best wishes,

Sincerely yours,
John B. Swainson,
Governor.

PRESIDENT NISBET: Will Delegates Perras, Dell, Follo and Sablich please escort our new delegate, Mr. Bradley, to the rostrum for the purpose of being sworn in?

[Whereupon Messrs. Perras, Dell, Follo and Sablich escorted Mr. Bradley to the rostrum.]

Mr. Bradley, will you raise your right hand, please?

Do you solemnly swear that you will support the Constitution of the United States and the constitution of this state, and that you will faithfully discharge the duties of the office of delegate to the Michigan constitutional convention to the best of your ability?

MR. BRADLEY: I do.

PRESIDENT NISBET: We welcome you to the convention, Mr. Bradley. We hope you will enjoy the work of the convention. If you will please sign the oath, you are a member.

MR. BRADLEY: Thank you, sir. (applause)

PRESIDENT NISBET: The convention will please be in order.

MR. DADE: Mr. President.

PRESIDENT NISBET: Mr. Dade.

MR. DADE: Continuing this bipartisan spirit, may I correct an omission. A short time ago the committee on declaration of rights, suffrage and elections finished its work. And in continuing a very delightful custom established in this convention, I would like—and I am sure my colleagues on the committee agree with me—to felicitate the distinguished chairman of that committee, Dr. Pollock. Dr. Pollock did a very competent job as chairman. There were times when he said, "I have no other course to follow but the right course," and he disagreed both with Republicans and Democrats and did what he believed was right. He was at all times eminently fair. At times we thought he was pushing us too fast, but we realized it was in the interest of the convention and the efficiency of our committee. Now, we hail him and we place upon the record our appreciation, our commendation and our deep respect for a fine chap. (applause)

PRESIDENT NISBET: Thank you, Mr. Dade. Congratulations, Dr. Pollock. Those remarks, of course, will be in the verbatim record.

The Chair recognizes Mr. Bentley.

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

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

The motion prevails. Mr. Bentley.

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

CHAIRMAN BENTLEY: The committee will be in order. The secretary will read the amendment offered by the gentleman from Nadeau, Mr. Perras to **Committee Proposal 101**.

SECRETARY CHASE: Messrs. Perras and Perlich offer the following amendment:

1. Amend page 1, line 16, after "reforestation," by inserting "mineral resources research,"; so that this language will read, "In reforestation, mineral resources research, protection and improvement of lands in the state of Michigan. . . ."

CHAIRMAN BENTLEY: Mr. Perras.

MR. PERRAS: Mr. Chairman and fellow delegates, I have an editorial here from the State Journal dated April 8 that I would like to quote in reference to this amendment, and then I will make my remarks after, if it is all right with the delegates.

CHAIRMAN BENTLEY: The gentleman has the floor.

MR. PERRAS: This is quite interesting. I think a lot of people will enjoy hearing it:

The upper peninsula folks have not forgotten—and probably never will—that their area, geographically unrelated to the big mitt of Michigan's lower peninsula, came into the state as a consolation award when Michigan lost its dispute with Ohio over the city of Toledo.

As it eventually turned out, the consolation award proved to be a far more valuable piece of real estate than the main prize, because the iron and copper deposits of the upper peninsula, not to mention the vast virgin timberlands, provided much of the sinews of a young nation struggling for economic importance in the world.

Before discovery of the fabulous Mesabi iron range in Minnesota, Michigan's upper peninsula was the major source of iron in the new world. The great copper mines of the upper peninsula, producing almost pure copper from the rich veins of the Keweenaw peninsula, helped to found great industrial dynasties in this country.

The iron and the copper and the timber are no longer as abundant in the upper peninsula as they were in bygone generations, although these natural resources still play an important economic role in the area.

Since the mining heyday of the upper peninsula, the area has gradually been losing population. There has been considerable economic distress, too, but by and large, the people of the upper peninsula are hardy folks, unusually self-reliant, a distinctive virtue in an era of creeping socialism.

Now, the reason for introducing this amendment, Mr. Chairman and fellow delegates, is that by so doing, the various colleges and agencies of the state could, by investing a small amount of money, get research to find how to produce and make this low grade ore that we have up in that country able to be manufactured into pellets and otherwise. That is the reason we are introducing this amendment.

CHAIRMAN BENTLEY: The Chair recognizes the chairman of the committee, Mr. Hoxie.

MR. HOXIE: Mr. Chairman and fellow delegates, the state is already engaged in that type of activity. I very definitely recall appropriations that were made, particularly to the Houghton School of Mines for wood research and for research on how to use low grade ore to the advantage of the mining companies. The University of Michigan does work for different automobile plants in the field of research. Certainly that is a part of the present activity of our state government. I can see no disadvantage to incorporating this in the constitution if it is the desire of the committee.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Grosse Pointe Shores, Mr. Cudlip.

MR. CUDLIP: Mr. Chairman and members of the committee, just briefly, I think this is very desirable if needed. Mr. Hoxie seems to agree, but he is not sure whether it is needed.

I know something about that country and that industry, and I think we should follow the practice of encouraging research in connection with the vast ore lands up there that are second grade right now. Minnesota is doing the same thing, and we can't do too much, within limits or prudence, to engage in research to find out whether these vast lands of second grade ore, so called semi taconite ores, can be made commercially available.

I think this is the kind of thing we can do to help that part of our great state. There are too few things we can do in this area, but that is one. I think we would be allwise if we vote for such an amendment.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Lansing, Mr. Wanger.

MR. WANGER: Mr. Chairman, members of the committee, I oppose this amendment in speaking, I believe, for the majority of the committee, and for 3 reasons. The first reason is that this insertion in line 16 of the committee proposal is verbally improper. As proposed the language reads in line 16, "3. In reforestation, protection and improvement of lands in the state of Michigan." We are proposing here to insert "mineral resources research" after "reforestation," so the language will read, "In reforestation, mineral resources research, protection and improvement of lands in the state of Michigan." This does not make sense. The second reason why I oppose the amendment is that it is, I believe, legally unnecessary. At present the great College of Mines up in the upper peninsula has been appropriated money, according to Delegate Hoxie's statement,

and, as I pointed out earlier, there has been no showing that there is any restriction on research imposed by the language of the committee proposal or of the old constitution. The third reason why we oppose it is that it seems to me that if this clause has any added meaning, it might be meaning which would allow the state to get into the area of operating mines or mineral fabrication or processing industries or activities. Inasmuch as the courts use a rule of construction which says if you add language you definitely intend it to have some additional or different legal meaning than the original, I would suggest that unless you are in favor of having the state go into this area and actually take over some aspects of the operation of these activities, then you should vote against it.

The position of the committee is certainly that nothing should be put into the constitution which would be construed as permitting the state to get into this area, particularly on such short notice as this. This was not thoroughly explored by the committee and was not presented, at least to the best of my recollection, before the committee. Mr. Perras was a member of the committee, and I myself do not recall that this particular amendment was discussed at that time, although Mr. Perras will correct me if I am in error. Nevertheless, we oppose it for the 3 reasons stated and not for that reason alone.

CHAIRMAN BENTLEY: The Chair recognizes the lady from Grand Rapids, Mrs. Judd.

MRS. JUDD: Just a question to Mr. Wanger, if you please, Mr. Chairman. Mr. Wanger, you suggested that the state might follow this up by getting into the business of operating mines. I would like to ask how it is that you define the words "internal improvement" to mean the operation of a business.

CHAIRMAN BENTLEY: The lady yields to the gentleman from Lansing, Mr. Wanger, for reply.

MR. WANGER: Because the language says, starting in line 7, "The state shall not be a party to, nor be interested in, any work of internal improvement," and this exclusion would certainly cover the operation, although the word "operation" is not expressly used by the language.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Nadeau, Mr. Perras.

MR. PERRAS: Mr. Chairman and fellow delegates, in answer to Mr. Wanger's remarks, I don't see where he gets the idea that the state could go into the mining business, but if it did and it brought that part of our state back economically the way it should be, I don't think that would be all bad either, because there definitely has to be something done up in that area where the mines are gone. And if you remember back in the time of the Korean war and world war II, the federal government went in and put a subsidy on copper because we needed the copper at the time. And under the conditions as they are today, it is too costly to mine it. I move that you support this amendment.

CHAIRMAN BENTLEY: The Chair recognizes the lady from Houghton, Mrs. Butler.

MRS. BUTLER: Mr. Chairman, Mrs. Judd brought out one of the things that I wanted to ask Mr. Wanger about: how in the world he thought the state was going to get into the production of something by doing a little research. At the Michigan College of Mining and Technology they now have 2 quite large research centers. One is forest products research and the other is mineral research. And we have a vast area up there where there is no research of any kind going on, and we have 2 other at least medium sized colleges, and it seems to me that there would be a lot of place for research to find out what might help our depressed area.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Kalamazoo, Mr. Allen.

MR. ALLEN: Mr. Chairman, I don't oppose in any way the proposed amendment of Mr. Perras, provided we keep the record clear; because I can see where we may be getting into a future legal problem on this, and that is this: it wouldn't be my own opinion, having studied this section, that mineral research would be an internal improvement. Now, I am not positive of it. The reason I am not positive of it is that no one seems to know exactly, the way the court interprets this

section, what an internal improvement, within the prohibition of the section, means.

I know that we have other universities doing other types of research. Ann Arbor is doing some in the atomic field. I am sure that President Hannah's college is doing quite a bit, and if we add this here, I am not opposed to it. I would like to have it made clear on the record that this convention is not by implication saying that unless we have in this whole list of exceptions all the other research done by all of our other universities, that all of this research, from the time this constitution is adopted, is illegal because it is or might be an internal improvement. In other words, it would be my feeling that no one here wants to preclude what is being done in the field of research by other schools, and that we aren't saying, by putting in these words "mineral resources research" that all other research is an internal improvement. I think we ought to keep the record straight on it in order not to get into this future possible legal difficulty.

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

MR. PELLOW: Mr. Chairman, fellow delegates, I rise to support this amendment. Since we have recently taken the state out of the gambling industry, perhaps now we may get some help in the upper peninsula from the state. And on this particular question I request the yeas and nays.

CHAIRMAN BENTLEY: The yeas and nays have been requested. Is the demand supported? A sufficient number is up, and the yeas and nays will be ordered. The question occurs on the amendment offered by the gentleman from Nadeau, Mr. Perras. The yeas and nays have been ordered. Is the gentleman from Brown City seeking recognition?

MR. WOOD: Yes.

CHAIRMAN BENTLEY: The gentleman is recognized.

MR. WOOD: Mr. Chairman and fellow delegates, the committee, I think, would have to recommend that you didn't adopt this amendment. I believe most of the mines and lands in the upper peninsula are privately owned. And while I am sympathetic with the economic condition of the upper peninsula, it also reminds me of my own economic position. I happen to own a lumber yard, and I will be forced to introduce an amendment to institute some research whereby I may find some customers to sell my lumber to. It amounts to about the same thing. I urge that you defeat this amendment.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Escanaba, Mr. Follo.

MR. FOLLO: Mr. Chairman, I am going to abstain on this vote for this reason: that I chose not to speak against this because it was proposed by my friends from the upper peninsula. I am heartily in sympathy with the objective expressed by the amendment. However, I believe this could be readily accomplished if our legislature would just appropriate enough funds to Michigan Tech for this purpose.

CHAIRMAN BENTLEY: The question occurs on the amendment offered by the gentleman from Nadeau, Mr. Perras. The yeas and nays have been ordered. The secretary will ring the bell.

Is the gentleman from Detroit seeking recognition?

MR. STEVENS: Mr. Chairman, I would like to join Mr. Follo in refraining from voting for the same reason he stated, plus the fact that I do not think the language is necessary to accomplish the purpose.

CHAIRMAN BENTLEY: The secretary will ring the bell. The gentleman from Hancock, Mr. Heideman.

MR. HEIDEMAN: Mr. Chairman, ladies and gentlemen, may I just read a couple of paragraphs here. This is Michigan Tech Broadens Scope from the Detroit News. I think the various delegates got copies of this:

Tech's newest state financed building, housing its civil-geology department, was erected in 1957. Its institute of mineral research building, erected in 1956, ended a drouth of state financed building that had endured since 1931.

And then down here:

Tech's institute of mineral research, operating on a state appropriation of \$125,000 a year, has the mission of hunt-

ing new and improved uses of the state's mineral resources with the view of increasing industry and employment.

The institute recently developed a new process which, its researchers say, offers new hope to the state's sulphide copper mining industry, and may, if additional research bears fruit, be applicable to nickel and cobalt mining. Then the other department:

Tech's forestry products research center, occupying a temporary wartime barracks type building, operates under a legislative dictate to seek new products for the utilization of the upper peninsula's timber.

The feasibility of making a composition board from Michigan hardwoods, in predominant supply, was proved several years ago by Tech research, resulting, researchers said, in the building of a \$12 million Celotex plant that employs 200 persons in the L'Anse area.

So that there is an appropriation made annually by the legislature both for mineral research and for forestry products research. Naturally I cannot be opposed to an amendment of this kind. I am in favor of it. But there is a program of this kind at the present time.

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

MR. WANGER: Mr. Chairman, in light of Delegate Heideman's statement and his experience, I submit this is additional proof that this amendment is absolutely unnecessary to accomplish the purpose which is already being accomplished under present law. This will add new language to our constitution and, as implied by Delegate Allen, it might be construed to indicate that other types of research were in the category of prohibited internal improvements. This interpretation, if a court should adopt it, would unduly restrict the institutions of higher learning and research in this state, and this is an additional reason for voting against this unnecessary amendment.

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

MR. KING: Mr. Chairman, I just wish to announce that I intend to abstain from this vote knowing that there is an amendment coming up, a substitute amendment, which will comply with the wishes of Mr. Wanger and eliminate a lot of unnecessary language.

CHAIRMAN BENTLEY: The question occurs on the amendment offered by the gentleman from Nadeau, Mr. Perras. The yeas and nays have been ordered. The secretary will ring the bell. All those in favor of the Perras 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—84

Allen	Gover	Pellow
Anspach	Greene	Perlich
Balcer	Habermehl	Perras
Barthwell	Hanna, W. F.	Plank
Batchelor	Hart, Miss	Pugsley
Beaman	Heideman	Radka
Blandford	Higgs	Rajkovich
Bledsoe	Hodges	Richards, J. B.
Boothby	Hood	Richards, L. W.
Buback	Jones	Romney
Butler, Mrs.	Kelsey	Rood
Conklin, Mrs.	Koeze, Mrs.	Sablich
Cudlip	Krolkowski	Shanahan
Cushman, Mrs.	Kuhn	Sharpe
Dade	Lawrence	Sleder
Danhof	Leibbrand	Snyder
Dehnke	Leppien	Spitler
Dell	Lesinski	Stafseth
Doty, Donald	Liberato	Stopczynski
Douglas	Mahinske	Suzore
Downs	Marshall	Thomson
Elliott, Mrs. Daisy	Martin	Tubbs
Erickson	McCauley	Upton
Everett	McGowan, Miss	Van Dusen
Farnsworth	McLogan	Walker
Faxon	Murphy	Wilkowski
Figy	Norris	Yeager
Ford	Page	Youngblood

Nays—32

Andrus, Miss	Hubbs	Pugsley
Bradley	Hutchinson	Rush
Brown, G. E.	Iverson	Seyferth
DeVries	Judd, Mrs.	Shackleton
Donnelly, Miss	Karn	Shaffer
Finch	Knirk, B.	Turner
Gadola	Millard	Tweedie
Goebel	Mosier	Wanger
Haskill	Pollock	White
Hatch	Powell	Wood
Hoxie	Prettie	

SECRETARY CHASE: On the adoption of the amendment offered by Messrs. Perras and Perlich, the yeas are 84; the nays are 32.

CHAIRMAN BENTLEY: The amendment is adopted. The secretary will report the amendment offered by the gentleman from Grand Haven, Mr. Stafseth, to page 1, line 11.

SECRETARY CHASE: Messrs. Stafseth, Goebel and William Hanna offer the following amendment:

1. Amend page 1, line 11, after "waterways," by inserting "water supply,".

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Grand Haven, Mr. Stafseth.

MR. STAFSETH: Mr. Chairman and members of the delegation, when I asked the question of the committee relative to a water line, if the state ever wanted one across the state, and got an affirmative answer, I took a second look at the second paragraph and talked to Bill Hanna, and there was a reasonable doubt. So, by inserting these words in the first paragraph after "waterways," there would be no doubt as to the ability of the state if this had to be the case in order to supply water to the internal cities of the lower peninsula or any other part of the state.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Brown City, Mr. Wood.

MR. WOOD: Mr. Chairman, the committee has no objection to this amendment.

CHAIRMAN BENTLEY: The question occurs on the amendment offered by the gentleman from Grand Haven, Mr. Stafseth. All those in favor—

MR. HOXIE: Mr. Chairman.

CHAIRMAN BENTLEY: Mr. Hoxie.

MR. HOXIE: Mr. Chairman, this question was considered in our committee and it was our belief that the language was broad enough to cover what Mr. Stafseth has in mind, so I would also like to endorse the amendment, if there is any question.

CHAIRMAN BENTLEY: Mr. Wanger.

MR. WANGER: Mr. Chairman, members of the committee, I think you should realize that if this amendment is adopted in this particular place, into exception 1 on line 11, this will authorize the state to pass legislation to provide water facilities for industry and promote industrial development in the way we have previously sought to prohibit, by giving them economical, long range help in terms of water. If you want to do this, you should remember that water is one of the biggest problems for industry; that in the past we had hoped to leave this area up to local government. But standing where it is, I suggest that this, in effect, would partially vitiate the intent of this committee as previously expressed. Therefore, I also urge you to vote against this amendment because the problem can be adequately solved under the existing provisions which have already been explained to the committee.

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

MR. MAHINSKE: I would like to direct a question through the Chair to one of the proponents, either one that cares to respond.

CHAIRMAN BENTLEY: The gentleman yields to the gentleman from Grand Haven. The gentleman will state his question.

MR. MAHINSKE: Would it be your interpretation of this new language that the state could enter into competition with

local municipal governments in supplying water either to the residents or the industrial users?

MR. STAFSETH: No; this isn't the intent of the amendment. The intent of the amendment basically is that if the natural ground waters in the internal cities such as Lansing or other cities were seriously jeopardized, and if you had to set up an authority such as the Mackinac bridge authority and sell bonds, that it may be necessary that the legislature would have to participate in order to make the bonds salable and that the state would supply the waters to these municipalities as a substitute source. That is the intent of it.

I might say one thing in answer to Mr. Wanger, and I might be wrong in my English, but at the beginning it says "public roads, harbors of refuge," and so forth, and I am assuming that the word "public" applies to this water supply. If it doesn't it should be put in.

MR. MAHINSKE: Well, this raises a further question. This would be interpreted as a public water supply, but to whom?

MR. STAFSETH: To the various municipalities that would need it. In other words, they would buy from this authority.

MR. MAHINSKE: But your intent is that this would not be public water supplied directly to the users other than the municipal users?

MR. STAFSETH: No, that is right. The intent is that this would be open to public agencies that are now distributing water. It wouldn't be in competition to them.

MR. MAHINSKE: That answers my question.

CHAIRMAN BENTLEY: The question occurs on the amendment of the gentleman from Grand Haven, Mr. Stafseth. All those in favor will respond by saying aye. Those opposed?

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

SECRETARY CHASE: Mr. Allen offers the following amendment:

1. Amend page 1, line 19, after "property," by striking out the balance of the section and inserting a new paragraph to read as follows:

"The provisions of this section shall not apply to local units of government unless otherwise provided by law or this constitution."

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

MR. ALLEN: Mr. Chairman, I think we can accomplish with this shorter language everything that is intended in the new language which the committee suggested and at the same time not run into some problems which the new language possibly invites.

Now, the first point I would like to direct myself to is that the committee language, in effect, says that nothing will prevent the legislature from authorizing these various local units of government to engage in internal improvements. I would like to say this: counties, townships and villages do not act without authorization from the legislature anyway, and for the most part cities don't either, although cities do have some reserved powers that the other units do not have. So we are really restating something that has already been stated and would already, under our form of local government, have to occur, that the legislature would authorize these units, so the legislature has the protection in that it may or may not make the authorization anyway. The second difficulty we clear up by the new language is the omission of the words "or engage in," which were omitted in the committee language.

The third difficulty which I think we get away from is a rather technical one. You will notice the committee language says that the legislature may authorize the local units of government to do those things which the state is prevented from doing, and it might be implied that the legislature may not allow cities, townships and counties to do those things which the state could do.

I think the most serious problem is the one I referred to before, the phrase "at their own expense," because it won't be entirely at their own expense if they come in under participating federal grants. Now, Mr. Wanger has said that doesn't make any difference, because in the example which I used of a hospital for a city, hospitals are mentioned in the constitution

as a power of cities. But this doesn't solve the problem, you see, for counties or for townships; we have a growing number of townships and I think we also will have counties which will be participating in federal grants. I know that we already have metropolitan townships doing it, and there is nothing in the constitution which grants the specific authority.

I think we can eliminate all of these problems by adopting the language which I have suggested here, but at the same time leave with the legislature the right to take away the power of any local unit of government to engage in an otherwise forbidden so called internal improvement if it wishes to do so. In other words, what I have attempted to do by this is to eliminate the problems which the committee—and, I know, in good faith—probably didn't realize might come up, and at the same time it reserves to the legislature the control. If at any time the legislature feels any of these units shouldn't be engaged in an internal improvement, it simply has to pass a general act saying so and that is it.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Lansing, Mr. Wanger.

MR. WANGER: Mr. Chairman, the committee is definitely opposed to this amendment for 2 reasons which I don't believe the proponent of it even mentioned. The first reason is, if you will look at the language you will see that it implies that the local units of government have the power to do these things without an express grant of the legislature rather than pursuant to a grant or an authorization by statute. We think that this is contrary to Michigan's tradition in this area where the local units of government can only do those things which are expressly granted to them either in a statute or in the constitution itself. While this is not expressly set out, it seems to me that the language proposed by Delegate Allen leaves itself very clearly, in the last line, open to that construction, and I think that creates a very serious problem and should not be handled in that way. The second matter which is of importance, and perhaps even of more importance in the long run in the opinion of the committee, is that this removes the requirement that such improvements must be done at the local unit's own expense. Without that language being added to this section, this section could be construed to allow these units to do it; however, with money provided by the state legislature. This is a great deal of the substance of the argument of the committee for retaining this entire section, and we very seriously urge you not to vote in favor of this amendment for that reason.

I think the other arguments presented by Delegate Allen can be cleared up with a slight revision in language, if they are problems. I fail to follow 2 or 3 of his points, although I was listening very carefully, and I think that any difficulty with the actual operation of the language merely as far as technicalities and substantive matters go can be cleared up either by an amendment to them here on the floor or by style and drafting. But as far as the substantive changes which this works, they are as I have stated them, and for that reason I urge you to vote no.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Kalamazoo, Mr. Allen.

MR. ALLEN: In reply to Delegate Wanger on his first point, you would have to read, Mr. Wanger, this language as a grant of power to cities to engage in internal improvements. Now, if you read the section, you will find that this is a limitation on power. There is no grant of power here to cities to engage in internal improvements. This language simply says that the prohibitions on the state which are listed in section a—this whole section does not apply to the local units. In other words, it doesn't grant power; it simply says that the restrictions which are on the state are not on the local units.

If you don't have this language, because local units are children of the state, the law has said they do follow; they are restrictions also on the local units, although the courts haven't been consistent. What I am saying here on your first point is that my language, in fact the committee's language, is not a grant—well, at least my language is not a grant of power. It simply says that what we have said in the preceding paragraph does not apply to local units. That doesn't grant the power.

Where does the local unit get its power? It gets it from the legislature. None of our local units may function without a grant from the legislature. They can't do anything without the legislature granting the power, you see. The legislature is already in control. So on your first point I think you have it completely turned around. This is not conferring power. It is simply an exclusion clause that says the prohibitions on the state do not apply to the local units of government.

And on your second point—I don't recall right now what the second point was. I had an answer on your second point, but I think it was your first point that was your major point. I think you get into all kinds of trouble or possible trouble with the suggested committee language, and therefore I think we can get away from this trouble. We grant no more power to the cities or the counties or so on. We leave the control in the legislature.

CHAIRMAN BENTLEY: Does the gentleman from Lansing again desire recognition?

MR. WANGER: Merely to remind Delegate Allen of the second point, if he should desire to have his recollection refreshed.

MR. ALLEN: At their own expense?

MR. WANGER: Yes, the fact that this language as it stands in your amendment would permit the state government to make appropriations for any of these improvements which the local units were going to undertake in any part of the state.

MR. ALLEN: No, I would say it would not, because as long as you keep the prohibitions you see in subparagraph 1 of section a on the state, then the state would not be able to make a matching grant or participate with a local unit in those off limit fields, nor would it be able to grant the money.

The language is, it "shall not be a party to, nor be interested in. . . ." If it gives some money rather than doing the work itself, it certainly is "interested in." Or if it somehow goes into a joint contract with the local unit, it is a "party to." We had this kind of situation on airports where the state is a party to an improvement, for example, in the airport of Kalamazoo or Lansing. The way the state is able to do this is because it comes within the first listed exception, so that the state would not be able to grant any money in any way to a local unit. It would leave the local unit in these off limit fields entirely on its own except as it might come in under the federal grants.

MR. WANGER: Mr. Chairman, in light of that, I wish to disagree completely with Delegate Allen's interpretation of this section. The state, I would say first of all, may make a grant perhaps under this language without being necessarily "a party to" or "interested in." The whole history of the interpretation of this section as we have considered it in the committee indicates quite clearly that the only way to be sure that grants will not be granted by the state for the purposes of being used by the local units in this regard is to expressly say so. If you do not expressly say so, as the committee has done, then you leave the question in very serious doubt.

In my opinion, the very strongest way of stating Delegate Allen's argument is that the best it would do is leave it in very serious doubt, and there is no question but what we do not want to create doubts in this area of the law regarding our municipal and local units of government.

CHAIRMAN BENTLEY: The question is on the amendment offered by the gentleman from Kalamazoo, Mr. Allen. All those in favor will say aye. Those opposed will say no. The Chair rules the amendment is adopted.

MR. YEAGER: Division.

CHAIRMAN BENTLEY: A division is demanded. Is the demand supported? A sufficient number up. All those in favor of the Allen amendment will vote aye. Those opposed will vote no.

MR. WANGER: Mr. Chairman, in order to save time, I request the yeas and nays on this. We could do it by one vote.

CHAIRMAN BENTLEY: Is the demand for the yeas and nays supported? Not a sufficient number up for the yeas and nays. The vote is a division vote. The secretary will lock the machine.

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Allen, the yeas are 63; the nays are 39.

CHAIRMAN BENTLEY: The amendment is adopted. The secretary will report the next amendment, offered by the gentleman from Detroit, Mr. Murphy, to page 2, line 3.

SECRETARY CHASE: Mr. Murphy offers the following amendment:

1. Amend page 2, following line 3, by inserting a new section b to read as follows:

"Sec. b. Nothing in this section shall prohibit the legislature from authorizing the state or its political subdivisions from participating in federal programs in cooperation with the federal government or its agencies as may be provided by law."

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

MR. MURPHY: Mr. Chairman, fellow delegates, the proposal as it was formally submitted is the same as article X, section 14. The proposal could serve as a major deterrent for many improvements which were generally desired by the people in this state. In 1946 this section was largely rewritten in the present broadened form. Even in its broadened form, however, the proposal could serve as a deterrent on the ability of the state to effectively participate jointly with the federal government in projects which may have been unacceptable years ago, but which now or may in the near future be necessary for the welfare of our state. I feel that we need to do something whereby, if it becomes necessary, we can work jointly with any grant that we might be able to get from the federal government.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Lansing, Mr. Wanger.

MR. WANGER: Mr. Chairman, members of the committee, I would observe first of all that it has become apparent, both in private conversation and from the actions here on the floor, that it is quite probable that the strategy of those opposed to the entire committee report under our procedure newly adopted today is, of course, to try to amend the section to death and then knock it out altogether when everyone is reduced to a state of confusion. (laughter) I make this observation not in any feeling of anger, because there may be many people who don't go with that attitude, but I want to alert the delegates to that impression which has been received.

I would like to oppose this amendment because, quite frankly, ladies and gentlemen, if you leave a restriction of any kind in the constitution against internal improvements but say that notwithstanding that, the people in the state can go to Washington, you see, and get the money to do something which the constitution prohibits the state from doing, you are driving to Washington those people that don't want to take the trouble to amend the constitution to accomplish their purpose directly. If you want to do this, you go right ahead. But it will be interesting, of course, to see how many of those people vote to do it who, during the course of this convention, have been talking so strongly about having the state solve its own problems and having the local units of government solve their own problems without going one branch up the ladder. I demand the yeas and nays.

CHAIRMAN BENTLEY: The yeas and nays have been demanded. Is the demand supported? A sufficient number. The yeas and nays will be ordered. The Chair recognizes the gentleman from Ann Arbor, Dr. Pollock.

MR. POLLOCK: Mr. Chairman, I approve the idea and most of the language of this amendment because I think it clarifies a point which, in my study of the committee proposal, badly needed clarification. I myself have prepared a similar amendment but have not introduced it because I thought perhaps someone would have a better one.

But could I suggest to you, Delegate Murphy, that the language is a little bit awkward. "... prohibit the legislature from authorizing . . ." don't you mean "the participation of the state or its political subdivisions in . . .?" Then you do away with "from authorizing" and "from participating." Wouldn't it be an improvement to say "shall prohibit the legislature from authorizing the participation of the state or

its political subdivisions in federal programs?" I suggest that as a possible improving amendment.

MR. MURPHY: I would accept Dr. Pollock's revision.

CHAIRMAN BENTLEY: The secretary will read the amendment as it has been revised.

SECRETARY CHASE: The language will now read:

1. Amend page 2, following line 3, by inserting a new section b to read as follows:

"Sec. b. Nothing in this section shall prohibit the legislature from authorizing the participation of the state or its political subdivisions in federal programs in cooperation with the federal government or its agencies as may be provided by law."

CHAIRMAN BENTLEY: The question is on the amendment of the gentleman from Detroit. The yeas and nays have been ordered.

The Chair recognizes the gentleman from Grand Rapids, Mr. Martin.

MR. MARTIN: Mr. Chairman, I don't think anybody here wants to encourage the local units to go to Washington for assistance, but there are many federal programs which everyone approves which are available to local units and which do require some participation on the part of the state or some approval if they are to be available to those local units. It seems necessary, if you are going to have this present provision in the constitution, to have a proviso of this sort to make it possible for the legislature, if it so desires and feels that it is necessary and wise, to permit the political subdivisions to participate or to permit the state to participate. Without this provision you may completely cut the state and its local subdivisions out from programs which are necessary and desirable; so I would support this amendment as revised on Dr. Pollock's suggestion.

CHAIRMAN BENTLEY: The Chair recognizes the lady from Grand Rapids, Mrs. Judd.

MRS. JUDD: Mr. Chairman, I am concerned about the fact that although I am not in favor of an increasing amount of federal intervention in state and local affairs, I still feel we should not prevent local units of government from accepting that money if they so desire. On the other hand, although I would like to see all these exceptions wiped out, as you know from my amendment, still I can't conscientiously vote for this if we are to keep the entire provision from the committee proposal, because I think it does contravene the whole spirit of the committee proposal in permitting the state to do anything.

I would think that perhaps there might be added in place of the last clause "as may be provided by law" the phrase "in such internal improvements as are permitted by this provision." I do not have any amendment in for that. I would like to ask Mr. Wanger if this would bring it within the scope of his proposal.

MR. WANGER: I am sorry. I didn't hear you.

MRS. JUDD: Didn't you hear me? I guess Mr. Wanger wasn't listening. Maybe he doesn't want my vote.

CHAIRMAN BENTLEY: The question should be directed to the gentleman from Detroit as to whether or not he is willing to accept your additional suggestion.

MRS. JUDD: Oh, Mr. Murphy, yes. Didn't you hear it either? I am suggesting that in order to keep this amendment within the scope and spirit of the committee proposal, if the projects in which the state could participate should be limited to those in which they could participate under the provisions of the whole proposal.

MR. MURPHY: Mrs. Judd, I like it as it is presently worded. Last time I spoke to the chairman, Mr. Hoxie, he told me that he would approve this wording.

MRS. JUDD: Oh, excuse me. (laughter)

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

MR. HOXIE: Mr. Chairman, fellow delegates, the question arose earlier in the discussion relative to certain programs that might be made available to the state by our federal government. I believe one that Mr. Allen referred to was the possibility, for instance, of shelters. Certainly I don't think that we should, in any way, prohibit the state from participating in some program, and I have confidence that the

federal government would only participate in such programs as were of a national interest, and so I feel that it would be wise to adopt this amendment.

CHAIRMAN BENTLEY: Does the gentleman from Lansing seek recognition?

MR. WANGER: Mr. Chairman, I just want to ask a question of Mrs. Judd or of—

CHAIRMAN BENTLEY: The gentleman yields to the lady from Grand Rapids. The gentleman will state the question.

MR. WANGER: The question is: has there ever been a time when this language has required the state or any unit of local government of the state to reject a federal grant?

CHAIRMAN BENTLEY: The gentleman yields to the lady from Grand Rapids, Mrs. Judd, for reply.

MRS. JUDD: Would you please repeat the question, Mr. Wanger?

MR. WANGER: Has there ever been a time when the language of article X, section 14, which we are discussing, has ever required the state or a municipal branch of it to reject a federal grant?

MRS. JUDD: I cannot answer that question. Perhaps Dr. Pollock can. As I understand it, the federal government is more and more tending toward the policy of going through the state to local governments, and I think this is at the urging of the federal intergovernmental commission. Am I correct, Dr. Pollock?

CHAIRMAN BENTLEY: Does the gentleman desire to yield to the gentleman from Ann Arbor?

MR. WANGER: Yes, I do.

MR. POLLOCK: My only comment would be, we want now to improve the language of the committee proposal so there can be no doubt about this, and we certainly can't look into the future and say that this circumstance will not happen in the future. I am not at the moment, without reviewing all federal programs, able to say whether any of them have been held up or not. My impression is yes.

MR. WANGER: I would like to ask the same question of Delegate Allen because of his experience in this area.

CHAIRMAN BENTLEY: The gentleman yields to the gentleman from Kalamazoo for a reply to his question. Mr. Allen.

MR. ALLEN: I can't give you a specific example, but I can say this which may be helpful: if you have the state set up in a field where it can participate in a federal program such as aviation or in roads, because these are exceptions here, then the federal government goes to the state.

There are some places where the federal government has a program where it can't go to the state because there is an off limits sign posted by this section. It can't go to the state on an urban renewal project; it can't go to the state on a sewage disposal plant; it can't go to the state on some drainage, unless in the sewage disposal plant it is tied in with a river or a stream, and they are not always done that way. Therefore, the federal government goes directly to the cities or the metropolitan townships; and what happens, of course, is that the state loses its control because the state has no machinery set up for it and you find direct dealing between the federal government and the cities. Only 9 states have prohibitions like we do in this section. Now, the federal government in the case of the 9 states deals differently in part—I can't give you all the ramifications—than it does in the other states.

MR. WANGER: Delegate Allen, do you think it would be desirable, then, that the federal government should have to deal with the state government in Lansing in seeking to make improvements under, say, the urban renewal program in a municipality, or do you think it would be better government for it to deal directly with the municipality as it can, as you say, under present law?

MR. ALLEN: Well, personally I would rather see it, if we had a framework without all these prohibitions, where we could deal through the state government, because what is happening is states are growing weaker because we have all these roadblocks set up.

MR. WANGER: Mr. Chairman, we would submit that, under the language here proposed, it is very clear that regardless of any restriction in the constitution on internal improve-

ments, the state or any local unit thereof could go to Washington, and in those prohibited areas it would be forced either to go to Washington or to amend the constitution. At present it has been seen that under this urban renewal project, and of course under any water supply project under sections 22 or 23 of article VIII, any federal grant can be dealt with directly by the municipality. In this limited area the problem is certainly solved.

However, the problem still remains as originally stated. If we want to keep in the constitution any restrictions on internal improvements, then it would be very unwise to adopt this particular provision, as it stands now at any rate, because you are forcing the units of government rather than to try and do it the proper way by correcting the constitution, to take the avenue of going directly to Washington again and again, and it would be entirely defeating the principles which many of the delegates in this convention have voiced, namely that we should try to solve our problems within the state or, better yet, within the localities of the state.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from St. Clair Shores, Mr. Snyder.

MR. SNYDER: Thank you, Mr. Chairman. I would like to direct a question to Mr. Wanger, if I may.

CHAIRMAN BENTLEY: The gentleman yields to the gentleman from Lansing for an answer to his question. You may state the question.

MR. SNYDER: Mr. Wanger, your concern is for a local municipality seeking assistance from the federal government in large and costly projects. Now, I do know that there are many areas in which are multimillion dollar projects that cannot be handled by the municipality alone. We do not have the framework, we do not have the structure to work these matters out on the state level. It is very necessary in many instances to appeal to the federal level, and we have done this on many occasions in our municipality. I certainly would be hesitant in taking away the opportunity that we do have to get the help and the assistance of the federal government, and apparently your position is that if we voted this down, this would put us in that position.

MR. WANGER: That is a very interesting question. However, I would say in response to the statement that it is not the intention of the committee to prohibit local units of government—or the state, for that matter—from participating in federal grants in aid in those areas in which the constitution or the statutes permit the state or the local units of government to operate, but if we are going to have restrictions on what the state or the local units of government may do—I believe that we should have some such restrictions, and the committee position was that we should—it would be very foolish to say, “but it's all right to do anything else to go get the money from Washington.” That is what this provision actually does, and that is what we don't want to do. It is obvious that this would seriously weaken the intention of the committee and the efficacy of the proposal, and it seems to me it would be very foolish to vote in favor of this if you wanted to retain any restrictions at all.

MR. SNYDER: Thank you for answering my question, Mr. Wanger. I do not agree with your overall sentiments, because it has been my experience on several of the programs that when we did refer the matters to the state level, they did become bogged down. I think that there is a direct line of communications that is very necessary on some of these very vital areas so that we don't lose these matters, sometimes, in bureaucratic affairs of the state.

We recently had the condition in our community where we had a 701 program and several other programs that were lost in the shuffle, and if we had had the opportunity to present our problem directly on the federal level we wouldn't have run across this. I would, in view of the experience that we have had, support this particular amendment.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Taylor, Mr. Marshall.

MR. MARSHALL: Mr. Chairman and fellow delegates, I rise to support the amendment and also to advise the delegates that we have 23 more proposals on legislative powers, and at

the rate we are going, we will be here until May 15 completing legislative powers.

CHAIRMAN BENTLEY: The question occurs on the amendment offered by the gentleman from Detroit, Mr. Murphy. The yeas and nays have been ordered. All 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—82

Allen	Ford	Mosler
Andrus, Miss	Gadola	Murphy
Anspach	Goebel	Norris
Austin	Greene	Ostrow
Balcer	Habermehl	Pellow
Barthwell	Hanna, W. F.	Perlich
Batchelor	Hart, Miss	Perras
Beaman	Hatch	Pollock
Blandford	Hatcher, Mrs.	Prettie
Bledsoe	Heideman	Rajkovich
Bonisteel	Higgs	Richards, L. W.
Bradley	Hodges	Romney
Brown, G. E.	Hood	Sablich
Buback	Hoxie	Seyferth
Cudlip	Jones	Snyder
Cushman, Mrs.	Kelsey	Spitler
Dade	King	Stafseth
Danhof	Krolkowski	Staiger
Dehnke	Kuhn	Stopczynski
DeVries	Madar	Suzore
Doty, Donald	Mahinske	Tubbs
Downs	Marshall	Upton
Elliott, Mrs. Daisy	Martin	Van Dusen
Erickson	McCauley	Walker
Everett	McGowan, Miss	White
Farnsworth	McLogan	Wilkowski
Faxon	Millard	Youngblood
Follo		

Nays—34

Boothby	Judd, Mrs.	Shackleton
Brake	Karn	Shaffer
Butler, Mrs.	Knirk, B.	Shanahan
Dell	Koeze, Mrs.	Sharpe
Elliott, A. G.	Leibrand	Sleder
Figy	Lepplen	Stevens
Finch	Powell	Thomson
Gover	Pugsley	Turner
Gust	Richards, J. B.	Tweedie
Haskill	Rood	Wanger
Hubbs	Rush	Yeager
Hutchinson		

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Murphy, the yeas are 82; the nays are 34.

CHAIRMAN BENTLEY: The amendment is adopted. For what purpose does the gentleman from Lansing, Mr. Wanger, rise?

MR. WANGER: To ask the unanimous consent of the committee on a matter of procedure, Mr. Chairman.

CHAIRMAN BENTLEY: The gentleman will state it.

MR. WANGER: The request which I would like to make is this; I have noticed from these votes which have been very substantial in favor of these amendments that there is a great deal of sentiment against certain parts of the restriction, and I also note from personally talking to delegates here that there are a number of delegates who don't want to see any restrictions at all.

If we had followed the course of procedure this convention followed during the first 6 months of its proceedings, we would have been able to determine that question in advance. There are a tremendous number of amendments that are now waiting. It seems to me that while I believe restrictions should be retained —

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

CHAIRMAN BENTLEY: The gentleman will state it.

MR. MARSHALL: May I ask what amendment or proposal the delegate is speaking on?

CHAIRMAN BENTLEY: Delegate Wanger was making a unanimous consent request which has not yet been stated.

MR. WANGER: — and there are other delegates who do not —

MR. MARSHALL: He is making a speech.

CHAIRMAN BENTLEY: The gentleman will state the request that he wishes to propound to the committee of the whole.

MR. MARSHALL: Well, he doesn't have unanimous consent. I don't want to belabor this. Is he speaking on the amendment that was just voted on?

CHAIRMAN BENTLEY: The gentleman, as I understand it, has risen to request to make a unanimous consent request of the committee of the whole. The request has not yet been made. The gentleman will state the unanimous consent request.

MR. WANGER: Do I have the floor?

CHAIRMAN BENTLEY: You have the floor. State the request, please.

MR. WANGER: I request that we now consider and vote upon the minority report amendment which would strike out all of the exceptions in the constitution, strike out the entire section. My reason for doing this is not because I favor it; I am opposed to it. But I think if we go on in the present procedure, we are going to consider amendment after amendment. We are going to be here a long time.

CHAIRMAN BENTLEY: All right. The gentleman has stated his request. The gentleman from Lansing, Mr. Wanger, has made a unanimous consent request that we immediately proceed to consider and dispose of the pending minority amendment. Is there objection?

MR. HOXIE: I object, Mr. Chairman.

CHAIRMAN BENTLEY: Mr. Hoxie objects. Therefore, the Chair will at this time recognize the lady from Grand Rapids, Mrs. Judd, to offer the amendment which was earlier withdrawn.

SECRETARY CHASE: Mrs. Judd, Messrs. King, Farnsworth, Rajkovich, Follo and Mrs. Cushman offer the following amendment:

1. Amend page 1, line 7, after "Sec. a.", by striking out the balance of the proposal and inserting "The state shall not be a party to, nor be interested in, any work of internal improvement, nor engage in carrying on any such work, except for such public internal improvements as may be authorized by law."

CHAIRMAN BENTLEY: The Chair recognizes the lady from Grand Rapids.

MRS. JUDD: Well, Mr. Chairman, I believe I have already made my presentation on it, and so I will yield the floor to any of the other sponsors, if I may, or otherwise free the floor for debate.

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

MR. KING: Mr. Chairman and fellow delegates, I will try to keep this as brief as possible. We withdrew about 7 amendments at my request; so I think that casts some doubt upon Mr. Wanger's assertion that we are trying to amend this thing to death. Obviously if we were trying to do that, we would have left those 7 amendments in. We found ourselves in this parliamentary position with no way out of it.

Just very briefly, Mr. Stafseth has very ably represented the advocates of decent water supply along with Mr. William Hanna. Mr. Perras and others have capably represented the interests of mining in the U.P. Mr. Allen has helped clarify the problem of local government, and Mr. Murphy has removed one other serious doubt. Mr. Wanger said that he does not want to create doubts in this section, but I submit there is nothing but doubts here. It is a section comprised of doubts.

Now, these are just some of the amendments which come to the minds of 144 people on April 11, 1962. At a future date with another group of people, there would be others, of course, that would come to mind. I had quite a lot of authority here on judicial interpretation of this section which would clearly prove, I think, to the delegates here that this thing is loaded with problems and doubts and controversies over the years and conflicting judicial decisions; and believe me, it certainly wasn't planned this way, but I do think that the delegates have been treated to a demonstration of some of these doubts,

and that anything I would say at this time would be quite redundant.

Of course, if this fails, we will submit our 7 amendments which will further perfect and clarify this committee proposal, but I would say right now that we have already reached the point where we are patching the patches, and I move for the adoption of a new pair of pants.

CHAIRMAN BENTLEY: The secretary will report the amendment offered by the gentleman from Muskegon, Mr. Hanna, to the pending amendment.

SECRETARY CHASE: Mr. William Hanna offers an amendment to the amendment:

1. Amend the amendment, at the end thereof, after "law" by inserting "enacted by the affirmative vote of 2/3 of the members elected to and serving in each house of the legislature"; so that the language will then read:

The state shall not be a party to, nor be interested in, any work of internal improvement, nor engage in carrying on any such work, except for such public internal improvements as may be authorized by law enacted by the affirmative vote of 2/3 of the members elected to and serving in each house of the legislature.

CHAIRMAN BENTLEY: The gentleman from Muskegon is recognized in support of his amendment.

MR. W. F. HANNA: Mr. Chairman, fellow delegates —

CHAIRMAN BENTLEY: The gentleman will suspend until the committee is in better order. The gentleman will proceed.

MR. W. F. HANNA: — this is somewhat more restrictive than the present constitution. However, it casts the internal improvement section in the same language, substantially, with the same requirements as are required for local or private acts. This was the question I asked Mr. Hoxie prior to this.

It seems to me that each time you enumerate any given series of items in the constitution, you are only dealing with what is current today, and what is current tomorrow will have to be amended. If our provision is to prevent log rolling or the abuse of the internal improvements section, I believe that the 2/3 majority required for local and special acts, required for bank charters, required for court systems, the so called extraordinary majority, is a safeguard. And I believe Mrs. Judd's amendment and others clearly puts this issue now before the committee as to whether or not there is so much bad about a state's participation in internal improvements that you should require something more than an ordinary majority.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Allegan, Mr. Farnsworth, on the Hanna amendment.

MR. FARNSWORTH: Mr. Chairman, members of the committee, as one of the sponsors of the particular amendment that is before you now that Mr. Hanna proposes to amend, I want to say that I am in complete agreement with Bill Hanna's proposed amendment requiring this 2/3 majority. It appeared from the beginning that the reason the committee wanted to retain the old language was out of fear that something was going to happen in one particular part of the state that the other part of the state would be required to pay for, and they didn't like that. Now, I only say to you: if it requires a 2/3 vote of both houses of the legislature, that should remove all fear from your mind. You should be able to adopt the Hanna amendment and go ahead and adopt, then, our amendment as amended.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Lansing, Mr. Wanger.

MR. WANGER: Mr. Chairman, members of the committee, I have changed microphones. I think the one I was at before was a bit unlucky. (laughter) Perhaps this one might be a little bit different, and it is from this point that I raise a couple of questions about this Hanna amendment which requires a 2/3 vote. As you remember, one of the basic reasons for retaining the restriction on internal improvements was, of course, because of the danger, which exists to some extent even in the best governmental bodies, of log rolling, back scratching, pork barrel type of legislation. Of course, as you know, log rolling means getting votes, and if you can't get someone's vote on the merits of your proposal, you get it by

trading a vote you have or by including something in your proposal that the other fellow wants. It doesn't seem to me that this amendment to increase the requirement to 2/3 necessarily resolves this problem. It is something for you to consider.

And another thing for you to consider is this: that if this is adopted as part of the constitution, there are going to be a lot of laws in this state that are going to have to be re-passed by a 2/3 vote of both houses, laws which cover every one of the exceptions which are set out in the committee proposal regarding this.

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

MR. HODGES: Mr. Chairman and fellow committee members, this is just another attempt to allow a veto power of a minority of the people to determine what the majority of the people want in this state. I think it should be voted down. If the majority wants something, they should be able to have it, and if they find it is not right, then they can vote it out.

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

MR. KING: Mr. Chairman, fellow delegates, I would like to address a question to Mr. Hanna.

CHAIRMAN BENTLEY: The gentleman will state the question.

MR. KING: It seems to me, Delegate Hanna, that in all of these areas which previously were excepted from this provision, the development of public roads, harbors, airports, any of these things, drainage, control of floor waters, all of these things would require now a 2/3 vote; is that not right?

CHAIRMAN BENTLEY: The gentleman yields to the gentleman from Muskegon, Mr. Hanna, for a reply.

MR. W. F. HANNA: Mr. King, I clearly stated that to that extent it was more restrictive.

MR. KING: Thank you. In that event, I think I would have to be opposed to this because this would be an undue restriction upon the necessary internal improvements.

With regard to this argument about log rolling, believe me there are more provisions and restrictions in our constitution as we have drafted it through today than perhaps any other constitution in the country to prevent this sort of thing. I know many of them have been pointed out before, but perhaps they ought to be pointed out again. There are provisions against lending the credit of the state, against being interested in stocks and bonds and so on. I won't point them all out because they have been pointed out before. I would urge the defeat of this amendment.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Battle Creek, Mr. Everett.

MR. EVERETT: Mr. Chairman and fellow delegates, I rise to support the Hanna amendment. I think many of us have been sitting here in our chairs trying to figure out some middle ground in this conflict, the middle ground lying somewhere between striking the section entirely and adding amendment after amendment to it to come up with what we think today we want and without knowing what we may want tomorrow. I think Mr. Hanna has found a way out for us.

As he says, it is restrictive. It does require a 2/3 vote, and certainly it should have a tendency to mean that whatever is going to be adopted is going to, necessarily, be good for the state because it would have to be very strongly supported in that line to get that type of vote. I think he has pointed a way in which we can permit the state to move and only in directions in which it should move without the evils which striking this provision would have. I support the amendment, and if it is adopted will support the amendment to which it is added.

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

MR. STEVENS: Mr. Chairman, members of the committee, I support this amendment to the amendment because it appears to me to solve the problem as well as it can be in a practical manner. It is surprisingly easy to get a 2/3 vote when you have a strong popular desire for something that is good for the state. It has worked well in the case of banking, the

courts, one or 2 other places. I see no reason why it shouldn't work here. And it avoids the difficulty of trying to do what we seem to be unable to do in enumerating all these exceptions.

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

MR. MAHINSKE: Well, I wasn't going to speak until Mr. Everett and then especially Mr. Stevens spoke. Mr. Stevens mentions that if you have a proposal or a proposition that is good for the state, it is surprising how fast you get a 2/3 vote, and he mentions banking. Now, in front of the subcommittee that handled the proposition of banking and so forth, the bankers themselves were all in favor of keeping the 2/3 requirement, for the simple reason that it prevented any type of hasty action at all or any type of quick action at all because all propositions would have to be thoroughly debated, thoroughly open to public hearings and so forth before you could glean a 2/3 vote from each house.

I would submit that, in the particular area that we are talking about, we are not talking about any proposal or proposition that would be for the benefit of the entire state. We are talking about local improvements and I think that the tendency would be toward much more difficulty in acquiring a 2/3 vote, and what, in effect, we are doing here is we are putting a 1/3 veto power in the hands of any 1/3 group that could get together and stymie any kind of activity in local government. I would be opposed to placing a 2/3 requirement for any local improvements where the state is involved in these improvements.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Kalamazoo, Mr. Allen.

MR. ALLEN: Mr. Chairman, I feel that Mr. Hanna has his 2/3 vote in the wrong place. By putting it at the very beginning, what it will do is require the legislature, if the constitution is adopted, by a 2/3 vote to pass legislation which restates the present, 1, 2, 3, 4 exceptions and also to do the same thing by a 2/3 vote on anything that we have added by way of amendment. In fact, it wouldn't even be corrected by legislative action. I think there is a defect in omitting the provisions concerning local government which we have just taken care of and which even the committee report as it came out partially took care of. If you are looking for a compromise or anything, I would say that one of the problems here is this: we find that wherever you say all internal improvements, and we still are always vague on what this means because the court keeps shifting, are forbidden except—and we have them; the problem we get into is, as time rolls along, in the next 50 years there are just bound to be some things that come up which most people would feel and the legislature would feel the state should be in, but because it is set up by way of constitution, the legislature can't do anything about it until a constitutional amendment is made.

Now, if you want a 2/3 provision, you might, for example, put it on the end of everything we have done, in the nature of saying that the state may be a party to any other internal improvements providing you have a 2/3 vote. That would eliminate the requirement, possibly, if there is general agreement on this, of going back to the people and adding another amendment to the constitution. But I don't think it serves the purpose now to put it at the beginning, because it does require the legislature by a 2/3 vote to reenact the exceptions and it doesn't take care of the local government provision.

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

MR. MARTIN: Mr. Chairman, Mr. Allen has stated the very point I was going to make, so I won't make it over again. But this would absolutely destroy all of the exceptions in the present law which everybody seems to agree are desirable and force them to be put back in by a 2/3 vote, which would make it practically impossible.

So the joint amendment, the Judd-Farnsworth amendment, is entirely acceptable, it seems to me from my own personal standpoint; but if you add this, you will make it impossible to get all those exceptions back in and nobody will want that, I am sure. I would vote against the Hanna amendment

and then vote favorably on the Judd amendment, if I were making recommendations.

CHAIRMAN BENTLEY: The Chair recognizes the lady from Dearborn, Mrs. Cushman.

MRS. CUSHMAN: As one of the sponsors, I too would have to oppose this amendment. It seems to me that the programs that the state already has underway—development and improvement and control of streams, lakes and water levels, for purposes of drainage and so on, improvement and control of public roads, airports, reforestation and all these things—it seems to me that to require a 2/3 vote to have projects of this kind would certainly defeat the entire intent of our amendment.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Birmingham, Mr. Van Dusen.

MR. VANDUSEN: Mr. Chairman and members of the committee, Mr. Hanna's amendment, as I see it, is a built in pork barrel. The only way you would accumulate in the legislature the necessary 2/3 vote for any internal improvement would be by adding together projects desired by particular members of the legislature until you accumulated enough of them to build the required 2/3 majority. Take an airport, for example. A bill to build a necessary airport would never pass until you added enough unnecessary airports to get 2/3. I can't understand Mr. Hanna, a man of considerable character and judgment in the field of government (laughter) putting in a true pork barrel proposition of this kind. I am distinctly opposed to it.

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

MR. DEHNKE: Mr. Chairman and delegates, I have been trying to determine just where we stand parliamentarily. As I understand it, what we have before us is Mrs. Judd's amendment which would strike out the original proposal and do away with all these exceptions. I see 2 objections: if we are not going to attach any conditions, why put it in the constitution at all? Are we giving the legislature any power it does not already have by merely saying that the state shall not engage in any internal improvements except such as may be authorized by law? It seems to me that if we don't want to put the 2/3 provision in, then, by adopting the original amendment, we are giving the legislature no power which it does not already have.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Traverse City, Mr. Rajkovich.

MR. RAJKOVICH: Mr. Van Dusen already made my speech.

CHAIRMAN BENTLEY: The question occurs on the amendment offered by the gentleman from Muskegon, Mr. Hanna. The gentleman from Muskegon is recognized. Mr. Hanna.

MR. W. F. HANNA: Mr. Chairman, fellow delegates, in answer to Mr. Van Dusen, he is entirely correct. It would be a race between bad projects and good legislators. (laughter)

CHAIRMAN BENTLEY: All those in favor of the Hanna amendment will respond by saying aye. Those opposed will say no.

The amendment to the amendment is not adopted. The question now occurs on the amendment offered by Mrs. Judd and others. Does the chairman of the committee seek recognition? The gentleman from Ionia, Mr. Powell.

MR. POWELL: Mr. Chairman, ladies and gentlemen of the committee, I don't wish to make any speech on this, but I do feel the amendment in its present form, now that we have defeated the 2/3 vote, is a completely asinine proposition; that is, we aren't giving the legislature any power that they wouldn't have if we didn't adopt it. Judge Dehnke just very well said what was on my mind. I think we would have everything in the constitution without this that we would have with it. It is just going through some motions. It is just sticking some words in there that mean nothing, because the legislature would have complete power without this grant if this weren't in there, and I certainly hope that we will defeat this amendment and that we can salvage as much as possible of the committee report.

MRS. JUDD: Mr. Chairman.

CHAIRMAN BENTLEY: The Chair recognizes the lady from Grand Rapids, Mrs. Judd.

MRS. JUDD: I will have to admit to most of what Mr. Powell has said, with one exception: there is a little word in there he may not have noticed. In the first line we speak of prohibiting internal improvements, but in the last line we make the exception of public internal improvements, with the hope that the court might interpret this to mean that private enterprises are forbidden, but that public ones would be possible.

CHAIRMAN BENTLEY: The question is on the amendment offered by the lady from Grand Rapids, Mrs. Judd and others.

MR. HOXIE: Mr. Chairman, I would just like to call the attention of the committee to the fact that the particular word Mrs. Judd referred to was "public," and we already have provisions in the constitution which would prohibit private appropriations of moneys without a 2/3 vote, so I don't think that the matter of "public" means anything. And I would like to ask for the yeas and nays.

CHAIRMAN BENTLEY: The yeas and nays have been demanded. Is the demand supported? A sufficient number. The yeas and nays are ordered. Those in favor of the Judd 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—70

Allen	Faxon	Millard
Andrus, Miss	Finch	Mosier
Anspach	Follo	Murphy
Austin	Ford	Ostrow
Balcer	Habermehl	Pollock
Batchelor	Hart, Miss	Rajkovich
Beaman	Hatch	Richards, J. B.
Binkowski	Heideman	Richards, L. W.
Bledsoe	Higgs	Romney
Bonisteel	Hodges	Rood
Bradley	Hubbs	Rush
Buback	Hutchinson	Sablich
Cudlip	Judd, Mrs.	Seyferth
Cushman, Mrs.	Karn	Sleder
Danhof	King	Spitler
DeVries	Lesinski	Staiger
Douglas	Liberato	Stopczynski
Downs	Madar	Suzore
Durst	Mahinske	Tubbs
Elliott, A. G.	Martin	Tweedie
Elliott, Mrs. Daisy	McCauley	Upton
Erickson	McGowan, Miss	Van Dusen
Everett	McLogan	Youngblood
Farnsworth		

Nays—42

Blandford	Kelsey	Prettie
Boothby	Knirk, B.	Pugsley
Brake	Krolikowski	Shaffer
Butler, Mrs.	Kuhn	Shanahan
Dehnke	Leibrand	Snyder
Dell	Leppien	Stafseth
Figy	Nisbet	Stevens
Goebel	Nord	Thomson
Gover	Norris	Turner
Gust	Pellow	Walker
Haskill	Perlich	Wanger
Hood	Perras	White
Hoxie	Plank	Wilkowski
Jones	Powell	Wood

SECRETARY CHASE: On the adoption of the amendment offered by Mrs. Judd and others, the yeas are 70; the nays are 42.

CHAIRMAN BENTLEY: The amendment is adopted. The question before the committee of the whole now recurs to the minority report amendment offered by Messrs. Downs, Lesinski and Murphy, and the Chair recognizes the gentleman from Detroit, Mr. Downs.

MR. DOWNS: It has been a long time, Mr. Chairman. I would still urge support of the minority report amendment. This is very close to the Judd language, (laughter) but I think the minority report amendment does make it clear. I think

that our language could include the possibility of a university research actively cooperating with a private industry for something that would be of a public as well as of a private concern and it would require legislative action to do it. I therefore, without making a long speech, say we have gone this far; we have cut the tail off an inch at a time. Let's complete the job and adopt the minority report amendment.

CHAIRMAN BENTLEY: The yeas and nays were demanded, and they will be ordered. The secretary will read the minority report amendment again.

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

1. Amend page 1, line 7, by striking out all of the proposal.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Niles, Mr. Boothby.

MR. BOOTHBY: Mr. Chairman, I would like to abstain from voting and have it indicated in the record that the reason for my abstention is that I can't decide which one is worse. (laughter)

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Lansing, Mr. Wanger.

MR. WANGER: Mr. Chairman, there is a very slight difference between Mrs. Judd's amendment and nothing, and she pointed it out and it deserves reemphasis, and that is this: under the language which the committee has adopted by such a substantial majority, the state at least cannot engage in internal improvements of a private nature. Now, if you want to authorize the legislature or enable it to get into internal improvements of a private rather than a public nature, then vote yes. But if you want to leave it like it is under the Judd amendment so that the state can engage in any internal improvement as long as it is of a public nature—for the benefit of the public, in other words, not for the benefit of some private interest—why then it is very clear how you should vote. And I urge you to vote against the minority report amendment. Vote no because, little as it is, the Judd amendment is better than nothing at all.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Bay City, Judge Leibrand.

MR. LEIBRAND: Mr. Chairman, for the reasons indicated by Mr. Boothby, I also will abstain from voting.

CHAIRMAN BENTLEY: The question occurs on the minority report amendment offered by Messrs. Downs, Lesinski and Murphy, on which the yeas and nays have been ordered. All those in favor of the minority report 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—53

Austin	Habermehl	Murphy
Balcer	Hanna, W. F.	Nord
Barthwell	Hart, Miss	Norris
Binkowski	Hatcher, Mrs.	Ostrow
Bradley	Heideman	Pellow
Buback	Hodges	Perlich
Cushman, Mrs.	Hood	Perras
Dade	Jones	Sablich
Dehnke	Kelsey	Snyder
Doty, Donald	Krolikowski	Stafseth
Douglas	Kuhn	Staiger
Downs	Lesinski	Stopczynski
Elliott, Mrs. Daisy	Liberato	Suzore
Faxon	Madar	Walker
Follo	Mahinske	Wilkowski
Ford	Marshall	Wood
Greene	McCauley	Youngblood
Gust	McGowan, Miss	

Nays—61

Allen	Haskill	Rajkovich
Andrus, Miss	Hatch	Richards, L. W.
Anspach	Higgs	Romney
Batchelor	Hoxie	Rood
Beaman	Hubbs	Rush
Blandford	Hutchinson	Seyferth
Bledsoe	Judd, Mrs.	Shaffer

Bonisteel	Karn	Shanahan
Cudlip	King	Sharpe
Danhof	Knirk, B.	Sleder
Dell	Leppien	Spittler
DeVries	Martin	Stevens
Durst	McLogan	Thomson
Elliott, A. G.	Mosier	Tubbs
Erickson	Nisbet	Turner
Everett	Plank	Upton
Farnsworth	Pollock	Van Dusen
Figy	Powell	Wanger
Finch	Prettie	White
Goebel	Pugsley	Yeager
Gover		

SECRETARY CHASE: On the adoption of the minority report amendment, the yeas are 53; the nays are 61.

CHAIRMAN BENTLEY: The amendment is not adopted. There being no further amendments, the proposal, as amended, will pass, and the secretary will read.

MR. ALLEN: Mr. Chairman, this all happened so fast; I do have an amendment.

CHAIRMAN BENTLEY: The gentleman will state it.

MR. ALLEN: The Judd amendment had the effect of taking out the exception on local units, and I would therefore like to add to the Judd amendment the exception we had previously adopted for local units of government. I have my carbon copy of the language which we formally adopted. Mr. Secretary, I can give it to you if you would like. It would simply add to the Judd amendment the exception for local units of government.

CHAIRMAN BENTLEY: Is this the amendment that you originally offered to page 1, line 19?

MR. ALLEN: Yes.

CHAIRMAN BENTLEY: The secretary will read the amendment offered by the gentleman from Kalamazoo.

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

1. Amend page 1, section a, at the end thereof, after "law.", by inserting "The provisions of this section shall not apply to local units of government unless otherwise provided by law or this constitution."

CHAIRMAN BENTLEY: The gentleman is recognized in support of his amendment. Mr. Allen.

MR. ALLEN: As the Judd amendment stands, internal improvements are prohibited to the state unless the legislature does something about it. I think we still ought to carry out the spirit of the original committee report and then the perfecting amendment which was adopted, which is exactly this language, and not make this apply to the local units of government unless the legislature wishes to do so.

I can foresee where the legislature would not want the state to go into a so called local internal improvement, but be very willing to have the local units of government go into it, and unless we have this language, we wouldn't be able to have this situation come up.

CHAIRMAN BENTLEY: The gentleman from Fennville.

MR. HUTCHINSON: Mr. Chairman, I rise in opposition to the amendment that Mr. Allen now offers because I don't believe that his amendment is at all necessary. There hasn't ever been any such language in the present section 14 of article X. So far as I know, that language has never been interpreted to place any prohibition upon the local governments. It is a prohibition against the state itself.

I don't think that the language of the Judd amendment could be interpreted any more broadly than the interpretations of section 14 of article X. Why is it necessary to say that this thing doesn't apply to local governments when there isn't any reasonable basis for believing that anyone ever would interpret that it would? It never has been so interpreted in the past.

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

MR. KING: Mr. Chairman, fellow delegates, my comments were almost precisely the same as Senator Hutchinson's, and I would yield to Delegate Allen for an answer to those comments. I do not see any necessity for it.

CHAIRMAN BENTLEY: The gentleman yields to the gentleman from Kalamazoo, Mr. Allen.

MR. ALLEN: Mr. Chairman, there have been a series of supreme court cases. In fact, most of the supreme court cases have been cases involving either counties or cities rather than the state, and they always start on the supposition that since this is a prohibition that applies against the state, it also applies against the children of the state unless the children of the state fall within one of the exceptions in the statute or unless it comes up under some other exception, so that the prohibition does apply unless you can find a way around it. For example, in Oakland County Drain Commission vs. City of Royal Oak—and I am quoting from the excerpt in the blue book which we have—"proposed sewage disposal system held not work of internal improvement within the constitutional prohibition since the project was self liquidating." In other words, they got around it by saying it was self liquidating. But this was a case involving a county and a city, and the court was faced with a prohibition by this section unless they could find a way around it.

Here is another excerpt from the same case: "The provisions of this section apply to the county as a political subdivision and instrumentality of the state." So we have a whole series of cases which say, Mr. Hutchinson, it does apply unless you can come within one of the exceptions, and the case has always been whether you come within one of the exceptions.

CHAIRMAN BENTLEY: The gentleman from Pontiac retains the floor.

MR. KING: Mr. Chairman, Mr. Allen, couldn't the purposes of your amendment be accomplished by saying "The state, but not its political subdivisions, shall not be interested . . . ?" Would this effect your purpose?

CHAIRMAN BENTLEY: The gentleman yields to the gentleman from Kalamazoo, Mr. Allen.

MR. ALLEN: Well, I think it would open it up then without as much limitation on the political subdivisions by the state or control by the state as some people would like, and I don't think we should say to the political subdivisions, "You can go out and do any improvements you want to." I know that they are going to be tied down anyway by enabling legislation, but I think that you have more protection and control by the legislature under my language than as you suggest.

MR. KING: Mr. Chairman, would it be possible for that amendment to be put on the wall? Is that a possibility even though it originally applied to a different amendment?

CHAIRMAN BENTLEY: The amendment has been acted on once by the committee of the whole and was approved. If the amendment can be located, it can be displayed again.

SECRETARY CHASE: It was the amendment to page 1, line 19, after "property."

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

MR. DOWNS: Could I ask Delegate Allen a question?

CHAIRMAN BENTLEY: State your question.

MR. DOWNS: As I understand it, there is a possibility that we will have increasing moneys available for such things as urban renewal and area redevelopment, which often require certain matching funds from the city or local community. The utilization of these funds includes primarily private industry but it is done with the public purpose of improving economically distressed areas or slum areas and so on. Now, the question I have, Mr. Allen, is this: without your amendment, would there be a danger that the local community could not participate in that, and would your amendment make it easier to assure that a local community could participate in such a federal-local program?

CHAIRMAN BENTLEY: The gentleman yields to the gentleman from Kalamazoo, Mr. Allen, for a reply.

MR. ALLEN: Mr. Downs, I would have to think about it some more, but offhand I would say on that point I wouldn't think that it would make any difference either one way or the other. If it did make any difference, I think my amendment would make it perhaps more possible to accept the funds than without it, but I really don't think it makes, on this point, very much difference. But what it does do is, it stops all these

cases where a political subdivision tries to do something and then runs into this prohibition.

We had a case back in 1909 where the city went out and tried to improve its docks and ran into this section. Traverse City had a big problem on it when they had the park out there between the lake and their new highway. Now, the court found a way around in these cases, but it was clear that the prohibition applied to the city or to the county unless it fell within one of the exceptions. Now we no longer have any exceptions, you see, unless the legislature acts, and therefore I think it is wise to have this limitation, this exclusion clause saying that it doesn't apply to local units unless the legislature does act. The legislature keeps some control this way.

MR. DOWNS: Thank you.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Lansing, Mr. Wanger.

MR. WANGER: Mr. Chairman, the committee would definitely oppose this amendment. I would like to say, first of all, that I have been following Mr. Allen's argument very carefully and I am fairly familiar with the cases of which he speaks because I have studied them. There happen to be 33 of them that even mention this subject in the whole state's history, and I cannot see any substance whatsoever to the argument that he has made.

It is true that in the past the courts have construed this prohibition to apply to local units of government. However, we have abolished the restriction with the Judd amendment and we have allowed the local units of government to enter into any kind of public internal improvement which the legislature by law authorizes them to enter into. Therefore, I don't think there is any substance whatsoever to this argument. But there are 2 very substantial substantive changes which this amendment would work upon the proposal, as changed by the Judd amendment, which have not yet been mentioned. One of them is this: it gives all local units of government what in effect would be self executing constitutional power to enter into these areas unless the legislature would pass a special law prohibiting them from entering into any particular area. That is entirely contrary to our present concept of local government, which is that local units of government operate within powers which are granted to them expressly. And the second thing which this would permit which, in my opinion, is even more serious, is that it would permit the legislature to authorize local units of government or any combination thereof to promote or provide private internal improvements.

Now, we just defeated that. But this says that local units of government could get into any internal improvement whatsoever, public or private, so the effect of this is to vitiate entirely the original purpose of the Judd amendment which was to restrict internal improvements to those which were public in nature. Adopting this, we allow the legislature to authorize or perhaps allow the local units of government to do automatically, unless prohibited, private works of internal improvement. You should understand this before you vote, and I urge you to vote against the Allen amendment.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from St. Clair Shores, Mr. Snyder.

MR. SNYDER: Thank you, Mr. Chairman. I have a question of Mr. Allen, again, similar to the one I posed to Mr. Wanger some time ago. He made reference to a case in Oakland county between a city and the drain commission of Oakland county. My primary concern is this: in all of the areas that I am familiar with, this question of population explosion, in which the counties must provide for additional and adequate drain facilities, is one of the greatest and gravest problems that we have. Under your proposed amendment, Mr. Allen, would this assist rather than deter the thing? Would it give the local units of government the right to enter into these massive programs without the additional authority required?

CHAIRMAN BENTLEY: The gentleman yields to the gentleman from Kalamazoo, Mr. Allen, for a reply.

MR. ALLEN: Yes, Mr. Snyder, it would. You see, what happened in those cases is that the drain commission and the county started doing some work and they were challenged

by a taxpayer who said, "You can't do it because the rule of law is that a state can't become involved in an internal improvement, and since the state can't do it, the political subdivisions can't." Now, the court found a way around it for them. What they said was this, "Since it is on a revenue bond basis, we don't consider it an internal improvement." So the answer would be, this does allow the cities to move ahead, or the counties or the townships, without running afoul of this provision, but it reserves to the legislature the control to say to any of these units, "We think you had better not do thus and so." In other words, they may act, but the legislature may take this right away from them, so you do have control.

The Judd amendment does not do what Mr. Wanger says it does. He says there are no restrictions now. I think everyone ought to know that the restriction is here: the state shall not be a party, under the Judd amendment, unless the legislature does something and then allows the legislature to go ahead. Now, supposing the legislature didn't want the state to go ahead, but very conceivably wanted a city to go ahead. My amendment takes care of that kind of situation. If the legislature doesn't want the state to go ahead and doesn't want the city to go ahead, it can say nothing on the state level and the state doesn't have the power. And it can say to the cities: "You can't do this sort of thing." So there is nothing lost at all. But I do think if we don't add the amendment on, we leave the local units of government out there dangling.

MR. SNYDER: I think in view of your explanation, Mr. Allen, that this does add substance to it, and it will certainly anticipate and recognize a problem that we are running into every day. In view of the explanation, I would urge support of the Allen amendment.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Lansing, Mr. Wanger.

MR. WANGER: I wish to point out quite clearly that this argument is completely incorrect with respect to the restrictions upon local units of government which do not apply to the state. Under the Judd amendment, the legislature has complete power to pass a law which authorizes the cities to do any public work of internal improvement, any one at all. It doesn't have to say the state is going to have to do it too because the cities and the townships and the counties and the villages legally are part of the state. Therefore, all they have to do is pass a law which says the local units of government or any specific classification of them can engage in this type of public internal improvement. Now, that is the law. It is also the law under the Judd amendment, as I pointed out, that only public internal improvements can be engaged in, and the question has not been answered by Delegate Allen or any of the other delegates with respect to the fact that the Allen amendment would permit the legislature indirectly through any and all local units of government to authorize and provide for private works of internal improvement.

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

MR. FAXON: I would just like to call for the yeas and nays.

CHAIRMAN BENTLEY: The yeas and nays have been requested. Is the demand supported? A sufficient number. The yeas and nays are ordered. The question is on the amendment offered by the gentleman from Kalamazoo, Mr. Allen, 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—47

Allen	Elliott, Mrs. Daisly	Mahinske
Andrus, Miss	Erickson	McCauley
Anspach	Farnsworth	McGowan, Miss
Austin	Faxon	McLogan
Balcer	Follo	Murphy
Blandford	Ford	Nord
Bledsoe	Goebel	Norris
Bonisteel	Gover	Ostrow
Bradley	Greene	Sleder
Buback	Hart, Miss	Snyder

Oudlip	Hood	Staiger
Cushman, Mrs.	Jones	Suzore
Doty, Donald	Kelsey	Upton
Douglas	Krolkowski	Walker
Downs	Liberato	Youngblood
Elliott, A. G.	Madar	

Nays—56

Barthwell	Karn	Rood
Batchelor	King	Rush
Beaman	Knirk, B.	Sablich
Boothby	Kuhn	Seyferth
Butler, Mrs.	Leibbrand	Shaffer
Danhof	Leppien	Shanahan
Dehnke	Martin	Sharpe
Dell	Mosler	Stafseth
Durst	Nisbet	Stevens
Everett	Perlich	Stopczynski
Figy	Perras	Tubbs
Finch	Plank	Turner
Haskill	Pollock	Tweedie
Hatch	Powell	Van Dusen
Heideman	Prettie	Wanger
Hoxie	Pugsley	White
Hubbs	Richards, J. B.	Wilkowski
Hutchinson	Richards, L. W.	Wood
Judd, Mrs.	Romney	

SECRETARY CHASE: On the Allen amendment, the yeas are 47; the nays are 56.

CHAIRMAN BENTLEY: And the amendment is not adopted. There being no further amendments, the proposal, as amended, will pass.

Committee Proposal 101, as amended, is passed. The Chair recognizes the gentleman from St. Louis, Mr. Hoxie.

MR. HOXIE: Mr. Chairman, I move the committee do now rise.

CHAIRMAN BENTLEY: All those in favor of the motion that the committee do now rise will respond by saying aye. Those opposed, no.

The committee will rise.

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

PRESIDENT NISBET: The Chair recognizes 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 101**, A proposal to provide that the state shall not engage in internal improvements except in certain specified areas and except that the legislature may empower local subdivisions to act in the area of internal improvements; has adopted an amendment thereto and recommends that the proposal as thus amended do pass.

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

1. Amend page 1, line 7, after "Sec. a.", by striking out the balance of the proposal and inserting "The state shall not be a party to, nor be interested in, any work of internal improvement, nor engage in carrying on any such work, except for such public internal improvements as may be authorized by law.".]

PRESIDENT NISBET: **Committee Proposal 101** as amended by the committee of the whole is accepted and referred to the committee on style and drafting.

Following is Committee Proposal 101 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 state shall not be a party to, nor be interested in, any work of internal improvement, nor engage

in carrying on any such work, except for such public internal improvements as may be authorized by law.

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

PRESIDENT NISBET: Mr. DeVries.

MR. DeVRIES: Mr. President, I would like to remind the members of the committee on administration that there will be a brief meeting immediately following the session.

PRESIDENT NISBET: Mr. Hoxie.

MR. HOXIE: Mr. President, fellow delegates, I had handed to me a few minutes ago a series of amendments, one of which affects the next proposal under consideration, Committee Proposal 102. So that the committee can study these proposed amendments and intelligently discuss them before the committee of the whole, I would like to move that Committee Proposal 102, the next one on the calendar, be moved to a position following 116.

PRESIDENT NISBET: Without objection—

MR. KUHN: I object.

PRESIDENT NISBET: The question is on the motion, then, of Mr. Hoxie that Committee Proposal 102 be placed after Committee Proposal 116 on the general orders calendar.

MR. KING: Mr. President.

PRESIDENT NISBET: Mr. King.

MR. KING: I should like to speak in opposition to the motion. I think that a lot of us have thought that we should in some way attempt to strengthen the legislative branch of the Michigan state government at this convention. This is a sincere effort, coordinated, explained, printed in advance and handed out to the delegates to do just that.

Now, of course, we didn't have to make known our intentions ahead of time, I don't suppose, but it seemed as though this was the proper thing to do, and so those of us who have been working on this did just that. I don't think there is anything here which is going to come as a great surprise to either Mr. Hoxie or anyone else. I think most of these items were discussed in his committee. I am sure Dr. Pollock in his presentation presented many of these items, and I frankly see no great need to postpone this matter and I would prefer to take it up in the normal course.

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

MR. HOXIE: I would just like to answer: in accordance with the suggestion of the president, the legislative powers committee has held 2 hearings in which delegates were invited to appear to present any proposed amendments so that we could give them due consideration.

Certainly I think the members do realize that these proposed amendments are just being distributed at this time. They were handed to me during the discussion on the proposal which was just adopted. I do feel that, in fairness to the committee and in fairness to the delegates, you would desire that the committee be in a position to intelligently discuss these proposed amendments. Exactly what they contain, I don't know myself because I haven't had a chance to study them.

MR. A. G. ELLIOTT: Mr. President, I move the previous question.

PRESIDENT NISBET: The previous question has been asked for. Is that demand seconded? A sufficient number up. The question is: shall the previous question be put? Those in favor will say aye. Opposed, no.

The motion prevails. The question now is on the motion of Mr. Hoxie that Committee Proposal 102 be placed following Committee Proposal 116.

MR. WANGER: Mr. President, I demand the yeas and nays.

PRESIDENT NISBET: The yeas and nays have been demanded. Is that demand seconded? Not a sufficient number up. Those in favor of the motion will say aye. Those opposed say no.

The motion prevails. Announcements.

SECRETARY CHASE: We have the following requests for leave, Mr. President: Mr. John Hannah would like to be excused from the sessions of this evening and tomorrow morning

PRESIDENT NISBET: Without objection, the delegates are excused.

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

Reports of standing committees.

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

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

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

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

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

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

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

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

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

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

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

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

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 85 of that committee, reporting back to the convention **Committee Proposal 100**, A proposal to provide that the legislature shall not authorize lotteries or the sale of lottery tickets; with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 91 of that committee, reporting back to the convention **Committee Proposal 106**, A proposal to allow the legislature to pass laws regarding indeterminate sentences;

Bonisteel	Hubbs	Sablich
Bradley	Hutchinson	Seyferth
Brake	Jones	Shackleton
Brown, G. E.	Judd, Mrs.	Shaffer
Brown, T. S.	Karn	Shanahan
Buback	Kelsey	Sharpe
Butler, Mrs.	King	Sleder
Cushman, Mrs.	Kirk, S.	Spitler
Danhof	Knirk, B.	Stafseth
Dehnke	Koeze, Mrs.	Staiger
DeVries	Krollkowski	Stamm
Donnelly, Miss	Kuhn	Stevens
Doty, Dean	Lawrence	Stopczynski
Doty, Donald	Leibbrand	Suzore
Douglas	Lesinski	Thomson
Downs	Liberato	Hubbs
Durst	Madar	Turner
Elliott, A. G.	Mahinske	Tweedie
Elliott, Mrs. Daisy	Martin	Upton
Erickson	McAllister	Van Dusen
Everett	McCauley	Wanger
Farnsworth	McGowan, Miss	White
Faxon	Millard	Wilkowski
Figy	Murphy	Wood
Finch	Nisbet	Woolfenden
Gadola	Ostrow	Yeager
Goebel	Page	Young
Gover	Perras	Youngblood
Gust		

Nays—2

Norris

Walker

SECRETARY CHASE: On the passage of Committee Proposal 42, the yeas are 118; the nays, 2.

PRESIDENT NISBET: Committee Proposal 42 is passed and referred to the committee on style and drafting.

For Committee Proposal 42 as rereferred to the committee on style and drafting, see above, page 2971.

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

SECRETARY CHASE: Item 33 on the calendar, **Committee Proposal 101**, A proposal to provide that the state shall not engage in internal improvements except in certain specified areas and except that the legislature may empower local subdivisions to act in the area of internal improvements. Amends article X, section 14.

Following is Committee Proposal 101 as reported by the committee on style and drafting and read by the secretary. (For full text as referred to said committee, see above, page 2332.):

Sec. a. 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 [such] public internal improvements [as may be] authorized by law.

PRESIDENT NISBET: Mr. Hoxie.

MR. HOXIE: Mr. President and fellow delegates, this proposal, as indicated, relates to internal improvements. You will recall that the proposal submitted to the convention for consideration from the legislative powers committee went through considerable surgery. This proposal as recommended by the style and drafting committee is the result of that amputation of the right arm and the left leg. However, it still has some significance (laughter) and we recommend it to you for your consideration.

PRESIDENT NISBET: Mr. Baginski.

MR. BAGINSKI: Mr. President and delegates to the convention, in committee we did discuss this matter at some length, and, of course, as you remember from general orders, local government, smaller communities, may indulge in various projects and programs that might involve local government, but it is forbidden that the state take any interest here.

Now, I am reminded of the fact that in 1935 the state of Michigan had an opportunity to get, I believe, \$20 million for

the building of mental hospitals, and because the state couldn't indulge in this project, the legislature would not permit it. We did not get the money through the WPA. As we go through the nation, we will find that small counties to the south, the east and the west have county buildings, city halls, parkways, park driveways, expressways, and this was because the states were able to work with the national government to get the funds to put in these internal improvements. For some reason Michigan didn't take advantage of any of these situations. I think the only county that did was Macomb county, and they had the nicest city-county building in the state of Michigan until we built our city-county building in the city of Detroit.

Now, we can't anticipate what may take place in the next 50 years. Right now I am thinking of a project that the president mentioned—and I think they are working on it in congress now—to set up a rehabilitation program and a re-training program. We don't know what congress may do. Congress may expect the state to handle this particular project and then let it trickle down through counties and local government.

Another venture I am thinking of is the ports of refuge. At this time the federal government and the army corps of engineers are building ports of refuge along Lake Huron, and I think they intend to go through the straits and down Lake Michigan where small boats may take harbor in these harbors or ports, and this money is to come from the federal government. But I don't believe that any city or village or county or township is going to get this money. It will have to be handled through the state of Michigan.

Another matter here: the city of Detroit waterworks is planning on taking water from Lake Huron and coming through the center of the state, and any community that wants to tap on can do so and draw their water from this particular project. Well now, this means that a number of counties will have to pitch in together and issue revenue bonds. Well, if the state of Michigan had the right to participate in this venture and issue or guarantee the bonds, certainly the cost of these projects would be a lot lower than they would be if the state of Michigan did not step in and help out. I think that this language should be deleted completely and let the legislature do as they see fit at the time when the needs are there.

PRESIDENT NISBET: The question is on the adoption of Committee Proposal 101. Mr. Downs.

MR. DOWNS: Mr. President, are there any amendments pending?

SECRETARY CHASE: None.

MR. DOWNS: Mr. President, fellow delegates, I would like to rise in opposition to the proposal and support Delegate Baginski's reasoning. I hope we make it clear that we are both in favor of internal improvements, but think they can better be handled without this constitutional provision that, by its very nature, may be restrictive. Delegate Baginski has cited many examples of what may be coming up in years ahead of us. I would certainly add the whole concept of area redevelopment, port authority, not only the port of refuge which he has mentioned, but the large ports using the St. Lawrence seaway, transportation, utilization of nuclear energy and so on.

Now, unfortunately Michigan had had financial experience over 100 years ago in the railroad boom, and that apparently was the reason many of these restrictions were put in. I feel that we are in such a dynamic kind of world and an economy that is moving so fast that we need to be flexible and encourage, certainly, the state government to move responsibly in these areas that may involve, in the name of public activity, both private and public moneys—federal, state, local and so on. I do feel that even though we don't positively mandate the legislature to act, we should at least leave it completely unrestricted and free to use its judgment in years to come in this area. I am afraid if we don't, that moneys that might otherwise be very usefully spent in Michigan will be diverted to other parts of the country, and we will end up hurting ourselves through this restrictive provision. Therefore, while I agree that the restriction may not be great today, it may be

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

greater in years to come. I agree with Delegate Baginski, and urge a no vote on the proposal.

PRESIDENT NISBET: Mr. Wanger.

MR. WANGER: Mr. President, fellow delegates, I feel that Delegates Baginski and Downs have used the arguments which they had—and used with obvious effectiveness—against the original committee proposal, but those arguments don't apply to what is left of it—what we have before us here at the present time—because under the committee proposal as it is before you on second reading, having undergone the rather liberal surgery which Mr. Hoxie spoke of, the state can enter into any of these works of internal improvement and can be interested in them financially and otherwise as long as they are public in nature. We at least have in this section the prevention of the state getting into the business of providing or being financially interested in works of private enterprise—private water systems, if you will, private roads, private ports, private harbors, things of this type. We believe that that restriction, small as it is, is nevertheless most important and should be retained. By voting in favor of this committee proposal, you will be retaining this one limitation which the committee believes to be of the greatest importance.

PRESIDENT NISBET: Mr. King.

MR. KING: Mr. President and fellow delegates, I would be inclined to agree with Mr. Wanger. There is something left here, and that primarily centers around the word "public." I think that this particular committee proposal did undergo major surgery, and we think we removed most of the malignancy, and we wouldn't want to kill the patient right at this time because there is a little bit left here and what is left is very good, I think. So I would hope that you would find it possible to support this particular proposal and make sure that although we allow the state, at the discretion of the legislature, to enter into and be interested in internal improvements, that we keep them out of purely private internal improvements. That really is the purpose served by this proposal as it now exists.

PRESIDENT NISBET: Mr. Allen.

MR. ALLEN: Mr. President, as the other speakers have said, we had fought all one afternoon on this one, and the position we came up with was somewhere in between the position of Mr. Downs, who wanted to strike the whole section, and the committee report, which was to keep the original language, substantially. Now, Delegate Downs, what I am afraid of is, if there is too much opposition to this, the gains that have been made by this language may be lost. I think we better go along with what we have now in the proposed second reading, because if we don't get this one through, we don't know where we will come out. I do think there is something to what you say, but I think this offers a tremendous amount of flexibility and still insures some protection against the kind of activity that those who oppose any change at all feared most.

PRESIDENT NISBET: Mr. Hubbs.

MR. HUBBS: Mr. President, I just wanted to remark that Mr. Hoxie's patient was so near dead that I would support a mercy killing. (laughter)

PRESIDENT NISBET: Mr. Hoxie.

MR. HOXIE: Mr. President, it is now after 5:00 o'clock. I believe everybody has made up their minds how they want to vote on this particular proposal. I would like to move the previous question.

PRESIDENT NISBET: There are no other speakers. The question now is on the committee proposal, Mr. Hoxie. The question is on Committee Proposal 101. Those in favor will vote aye. Those opposed will vote nay. Have you all voted? If so, the secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas—89

Allen	Hanna, W. F.	Pugsley
Andrus, Miss	Haskill	Radka
Anspach	Hatch	Rajkovich
Beaman	Heideman	Richards, J. B.
Bentley	Howes	Richards, L. W.
Blandford	Hoxie	Romney

Bonisteel	Hubbs	Rood
Bradley	Hutchinson	Rush
Brake	Judd, Mrs.	Seyferth
Brown, G. E.	Karn	Shackleton
Butler, Mrs.	King	Shaffer
Cushman, Mrs.	Kirk, S.	Shanahan
Danhof	Knirk, B.	Sharpe
Dehnke	Koeze, Mrs.	Spitler
DeVries	Kuhn	Stafseth
Donnelly, Miss	Lawrence	Staiger
Doty, Dean	Leibbrand	Stamm
Doty, Donald	Leppien	Stevens
Durst	Mahinske	Thomson
Elliott, A. G.	Martin	Tubbs
Erickson	McAllister	Turner
Everett	McCauley	Tweedie
Farnsworth	Millard	Upton
Figy	Nisbet	Van Dusen
Finch	Page	Wanger
Gadola	Perras	White
Goebel	Plank	Wood
Gover	Pollock	Woolfenden
Gust	Powell	Yeager
Habermehl	Prettie	

Nays—30

Austin	Faxon	Murphy
Baginski	Hart, Miss	Norris
Balcer	Hatcher, Mrs.	Ostrow
Barthwell	Hood	Sablich
Binkowski	Jones	Stopczynski
Brown, T. S.	Kelsey	Suzore
Buback	Krolikowski	Walker
Douglas	Lesinski	Wilkowski
Downs	Liberato	Young
Elliott, Mrs. Daisy	Madar	Youngblood

SECRETARY CHASE: On the passage of Committee Proposal 101, the yeas are 89; the nays, 30.

PRESIDENT NISBET: Committee Proposal 101 is passed and referred to the committee on style and drafting.

For Committee Proposal 101 as rereferred to the committee on style and drafting, see above, page 2972.

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

SECRETARY CHASE: Item 34 on the calendar, **Committee Proposal 12**, A proposal pertaining to exemptions as a substitute for all of article XIV.

Following is Committee Proposal 12 as reported by the committee on style and drafting and read by the secretary. (For full text as referred to said committee, see above, page 457.):

Sec. a. 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 [mortgage] LIEN thereon [lawfully obtained] EXCLUDED BY LAW.

PRESIDENT NISBET: Mr. Hoxie.

MR. HOXIE: Mr. President, fellow delegates, when this proposal was returned to the convention by style and drafting, it was the thinking of the committee that they had gone far beyond the intent of the committee that considered this matter in first reading. However, research has been made, and I am going to yield to Mr. Millard, who was responsible for this particular proposal.

PRESIDENT NISBET: Mr. Millard.

MR. MILLARD: Mr. President and members of the convention, we found that the language in this proposal as inserted by amendment by the committee of the whole was more restrictive than is now in the statutes and actually was in the old constitution. It just said "mortgage" and that could be inferred to mean only a real estate mortgage. It didn't say anything

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
15	29.	Local or special acts, referendum	119a
16	30.	Appropriations for local purposes ...	41a
17	31.	General appropriations, priority	46b
18	32.	Tax laws, title	53a
19	33.	Bills passed, approval and veto by	
20		governor	70a
21	34.	Referendum on certain bills	113a
22	35.	Publication of laws	24a
23	36.	Revision of laws, compilation	108a
24	37.	Administrative rules, suspension	123a
25	38.	Filling vacancies	122a
26	39.	Continuity of government	122a
27	40.	Liquor Control Commission	27a
28	41.	Lotteries	100a
29	42.	Ports and port districts	87a
30	43.	Banking and trust company laws	5a
31	44.	Jury in civil cases	99a
32	45.	Indeterminate sentences	106a
33	46.	Prohibition against death penalty	20a
34	47.	Chaplains	111a
35	48.	Resolution of public disputes	109a
36	49.	Regulation of employment	110a
37	50.	Atomic energy	127a
38	51.	Public Health	126a
39	52.	Natural resources	125a
40	53.	Auditor General	78a

Article IV

Legislative Branch

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

house.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

eral appropriation bills as passed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

sons imprisoned or detained [on] UNDER such sentences.

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

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

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

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

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

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

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

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

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

specified IN THIS SECTION.

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

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

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

ARTICLE V

EXECUTIVE BRANCH

Sec.	Com. Proposal
1. Executive Power—where vested	2a
2. Principal Departments (part Schedule)	71b
3. Same, Appointment	71b
4. Licensing Boards	71b
5. Advice and Consent, Definition (part Schedule)	71g
6. Appointments, Senate not in Session .	71e
7. Principal Departments, supervision of governor	71d
8. Principal Departments, offices	71c
9. Power of Removal	71g
10. Provisional Appointment	71f
11. Governor—Commander in Chief	3a
12. Same—Writs of Election	7a
13. Same—Reprieves and Pardons	16a
14. Same—Convene Legislature	8a
15. Same—Convene Legislature away from Seat	9a
16. Same—Communicate to Legislature .	4a
17. Same—Budget	46a
18. Same—Disapproval Appropriation . .	46c
19. Appropriation—No mandate to spend	46d
20. State Officers (part Schedule)	71a
21. Eligibility for Office	17a
22. State Officer Compensation	75a
23. Executive Residence	77a
24. Lieutenant Governor, duties	71b
25. Succession to Governorship	59–60a
26. Same—Salary	72a

27. Highway Commission 71h
 28. Civil Rights Commission 71A

Article V Executive Branch

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

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

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

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

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

Terms of office of any board or commission

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

YEARS NEXT PRECEDING HIS ELECTION.

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

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

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

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

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

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

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

Sec. 26. The legislature shall provide that the

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

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

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

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

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

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

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

ARTICLE VI JUDICIAL BRANCH

Sec.	Com. Proposal
1. Judicial power	90a
2. Supreme Court; justices, election, term	91a
3. Supreme Court; chief justice	91b
4. Supreme Court; jurisdiction	91c
5. Supreme Court; rules	91d
6. Supreme Court; written decisions ..	91e
7. Supreme Court, staff supervision ...	91f
8. Court of Appeals; judges, elections..	92a
9. Court of Appeals; terms	92b
10. Court of Appeals; jurisdiction	92c
11. Judicial Circuits; districts	93a
12. Circuit Courts; elections, terms	93b
13. Circuit Courts; jurisdiction	93c
14. Clerk; vacancies	93d
15. Probate Courts; jurisdiction	94a
16. Probate Courts; judges, elections ...	94b
17. Salaries; restriction	96a-1
18. Salaries; uniformity	96g
19. Courts of Record; seal	96a
20. Judge; removal from domicile	96b
21. Judges; ineligibility for other office..	96c
22. Candidacy; affidavit	96l
23. Vacancy; courts of record	96d
24. Judges; ballot designation	96e
25. Removal	96h
26. Certain offices abolished	96i
27. Prohibition; power of appointment ..	96n
28. Administrative decisions; review ...	95a
29. Conservators of peace	96o

Article VI Judicial Branch

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

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

days prior to the expiration of his term.

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 15. In each county organized for judicial purposes[,] there shall be a probate court. The legislature may [combine one or more counties into] CREATE OR ALTER probate COURT districts OF MORE THAN ONE COUNTY [upon the approval by a majority of the voters of each county voting separately on the question,] IF AP-PROVED IN EACH AFFECTED COUNTY BY A MAJORITY OF THE ELECTORS VOTING ON THE QUESTION. [or combine] THE LEGISLA-

TURE MAY PROVIDE FOR THE COMBINATION OF the office of probate judge with any judicial office of limited jurisdiction [in any] WITHIN A county with supplemental salary as provided by law. The jurisdiction, powers and duties of the probate court[s] and of the judges thereof shall be [prescribed] PROVIDED by law. They shall [also] have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 28. All final decisions, findings, rulings

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

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

ARTICLE VII LOCAL GOVERNMENT

Sec.	Com. Proposal
1. Counties; corporate character	81a
2. Counties; charter	89a
3. Townships in county	81b
4. County officers	81c
5. Offices at County Seat	81d
6. Sheriff, ineligibility other office, security responsibility for acts	81e
7. Board of Supervisors; representation from cities	81f
8. Board of Supervisors; powers	81g
9. Board of Supervisors; power over compensation	81h
10. Removal of County Seat	81j
11. Indebtedness; limitation	81i
12. Navigable Streams; permission to bridge or dam	81k
13. County Consolidation	81n
14. Townships; organization and consolidation	81l
15. Counties; Intervention in rate proceedings	85c
16. Highways; powers of supervisors; county or district road system; tax limitation	86a
17. Township; corporate character	82a
18. Township officers	82c
19. Public Utility Franchises	82e
20. Townships, dissolution	82d
21. Cities & Villages; incorporation	83a
22. Charters; law and ordinances	83b
23. Power to acquire and maintain parks, hospitals	83c
24. Public utilities; power to own and operate	83e
25. Elective franchise; public utilities ..	83f

1	26. Taxation for private purposes	83d
2	27. Metropolitan Areas	88a
3	28. Intrastate Cooperation	88b
4	29. Highways, streets, etc.; use by util-	
5	ities; control	85a
6	30. Franchises; limitations	85b
7	31. Highways, streets, etc.; vacation, alter-	
8	ation	86b
9	32. Local Government	57a
10	33. Local Government article liberal con-	
11	struction	84a

Article VII

Local Government

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

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

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

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

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

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

at pleasure.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 21. The legislature shall provide by general laws for the incorporation of cities and villages[;] . [such general laws] SUCH LAWS shall limit their rate of [general] AD VALOREM property taxation for municipal purposes, and

restrict [their] THE powers of CITIES AND VILLAGES TO borrow[ing] money and contract[ing] debts. Each city and village is granted power to levy other taxes for public purposes, subject to limitations and prohibitions provided by this constitution or by law.

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

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

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

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

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

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

Sec. 27. Notwithstanding any other provision

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

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

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

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

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

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

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

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

ARTICLE VIII EDUCATION

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

Article VIII Education

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

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

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

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

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

have powers and duties provided by law.

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

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

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

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

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

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

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

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

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

ARTICLE IX FINANCE & TAXATION

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

Article IX

Finance and Taxation

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The power to tax for the payment of principal

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE X PROPERTY

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

Article X Property

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

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

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

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

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

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

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

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

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

ARTICLE XI PUBLIC OFFICERS AND EMPLOYMENT

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

Article XI

Public Officers and Employment

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

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

by law.

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

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

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

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

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

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

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

partisan, racial or religious considerations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE XII AMENDMENT & REVISION

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

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

Article XII

Amendment & 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.

Beaman	Heideman	Richards, J. B.
Bentley	Higgs	Richards, L. W.
Binkowski	Howes	Romney
Blandford	Hoxie	Rush
Boothby	Hubbs	Seyferth
Brake	Hutchinson	Shackleton
Brown, G. E.	Iverson	Shaffer
Butler, Mrs.	Judd, Mrs.	Sharpe
Conklin, Mrs.	Karn	Sleder
Cudlip	Kirk, S.	Spitler
Cushman, Mrs.	Koeze, Mrs.	Stafseth
Danhof	Krolikowski	Staiger
Dehnke	Kuhn	Stamm
Dell	Leibrand	Sterrett
DeVries	Leppien	Stevens
Doty, Dean	Mahinske	Thomson
Doty, Donald	Martin	Tubbs
Durst	McAllister	Turner
Elliott, A. G.	McCauley	Tweedie
Erickson	McGowan, Miss	Upton
Everett	McLogan	Van Dusen
Farnsworth	Millard	Wanger
Figy	Mosier	White
Finch	Norris	Wilkowski
Follo	Page	Wood
Gadola	Perras	Woolfenden
Goebel	Plank	Yeager
Gover	Pollock	Youngblood
Gust	Powell	

Nays — 30

Austin	Elliott, Mrs. Daisy	Marshall
Baginski	Faxon	Murphy
Balcer	Garvin	Nord
Barthwell	Greene	Ostrow
Bradley	Hart, Miss	Pellow
Brown, T. S.	Hatcher, Mrs.	Perlich
Buback	Hodges	Sablich
Dade	Jones	Stopczynski
Douglas	Lesinski	Suzore
Downs	Madar	Young

SECRETARY CHASE: On the passage of article I, as amended, the yeas are 98; the nays, 30.

VICE PRESIDENT HUTCHINSON: A majority of the delegates elect having voted in favor thereof, **article I**, as amended, is passed.

For sections 1, and 3 through 23 of article I as passed, see above, page 3047.

Following is section 2 of article I as amended and passed:

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, or national origin. The legislature shall implement this section by appropriate legislation.

Following is explanation of vote submitted by Messrs. Jones, Young, Marshall, Barthwell, Faxon, Lesinski, Garvin, Sablich, Bradley, Downs, Buback, Mrs. Daisy Elliott and Miss Hart:

We voted against article I because it has included an unconstitutional search and seizure provision.

We favor in preference the language of the United States constitution, which guarantees citizens' rights against unreasonable search and seizure by police and law enforcement officials.

We offered and supported language which would make the provisions of the Michigan constitution identical with that of the federal constitution so Michigan citizens would get the same protection under the state constitution that is received under the federal constitution. Unfortunately these amendments were rejected and the citizens of Michigan under the proposed language of article I would not have the same clearcut state protection that is guaranteed by the federal constitution.

We believe citizens should have clearcut language in both the federal and state constitutions protecting them against

unreasonable search and seizure without any ifs, ands or buts.

We, therefore, voted against article I and hope that before third reading is completed this language will be revised to meet the standards of the federal constitution.

Following is explanation of vote submitted by Mr. Madar:

I voted against article I because it has included an unconstitutional search and seizure provision.

I favor in preference the language of the United States constitution, which guarantees citizens' rights against unreasonable search and seizure by police and law enforcement officials.

There has been offered and supported language which would make the provisions of the Michigan constitution identical with that of the federal constitution so Michigan citizens would get the same protection under the state constitution that is received under the federal constitution. Unfortunately, these amendments were rejected and the citizens of Michigan under the proposed language of article I would not have the same clearcut state protection that is guaranteed by the federal constitution.

I believe citizens should have clearcut language in both the federal and state constitutions protecting them against unreasonable search and seizure without any ifs, ands or buts.

Therefore, I voted against article I and hope that before third reading is completed, this language will be revised to meet the standards of the federal constitution.

VICE PRESIDENT HUTCHINSON: The secretary will read.

SECRETARY CHASE: **Article III**, general government.

[Article III, sections 1 and 2, was read by the secretary. For text, see above, page 3050.]

MR. GUST: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Gust.

MR. GUST: Sometime in the course of this convention somebody will not object that these provisions be approved as read. Do we have to read each and every one? I move that the sections of this article be printed in the journal and be considered read.

VICE PRESIDENT HUTCHINSON: Is there objection?

A DELEGATE: Objection.

VICE PRESIDENT HUTCHINSON: Objection is heard and so the secretary will read.

SECRETARY CHASE: Section 3:

[Article III, sections 3 through 8, was read by the secretary. For text, see above, page 3050.]

VICE PRESIDENT HUTCHINSON: Mr. Cudlip.

MR. CUDLIP: Mr. President, members of the convention, the printed draft that you have before you was received on this floor about 10:30 today, and since that time, the committee on style and drafting and our research department has been reviewing it. It went to bed last night at 4:30 with the printer. We found some typographical errors. These are errors, as you well know, that were made — and I'm not blaming anybody; they did a great job — at the printing establishment and they were contrary to the proofs submitted. When we get to article V I will point out the typographical errors which you should correct on your draft before amendments are offered thereto or before any debate is in line.

VICE PRESIDENT HUTCHINSON: The question is upon the adoption of article III. All those in favor of the passage of article III will vote aye. Those opposed will vote nay. Have you all voted on the passage of article III? If so, the secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas — 128

Allen	Goebel	Page
Andrus, Miss	Gover	Pellow

Anspach	Greene	Perlich
Austin	Gust	Plank
Baginski	Habermehl	Pollock
Balcer	Hanna, W. F.	Powell
Barthwell	Hannah, J. A.	Prettie
Batchelor	Hart, Miss	Pugsley
Beamman	Haskill	Radka
Bentley	Hatch	Rajkovich
Binkowski	Hatcher, Mrs.	Richards, J. B.
Blandford	Heideman	Richards, L. W.
Boothby	Higgs	Romney
Bradley	Hodges	Rush
Brake	Howes	Sablich
Brown, G. E.	Hoxie	Seyferth
Brown, T. S.	Hubbs	Shackleton
Buback	Iverson	Shaffer
Butler, Mrs.	Jones	Sharpe
Conklin, Mrs.	Judd, Mrs.	Sleder
Cudlip	Karn	Spitler
Cushman, Mrs.	King	Stafseth
Dade	Kirk, S.	Staiger
Danhof	Koeze, Mrs.	Stamm
Dehnke	Kuhn	Sterrett
Dell	Lawrence	Stevens
Donnelly, Miss	Leibbrand	Stopczynski
Doty, Dean	Leppien	Suzore
Doty, Donald	Lesinski	Thomson
Douglas	Madar	Tubbs
Downs	Mahinske	Turner
Durst	Marshall	Tweedie
Elliott, A. G.	Martin	Upton
Elliott, Mrs. Daisy	McAllister	Van Dusen
Erickson	McCauley	Wanger
Everett	McGowan, Miss	White
Farnsworth	McLogan	Wilkowski
Faxon	Millard	Wood
Figy	Mosier	Woolfenden
Finch	Murphy	Yeager
Follo	Nord	Young
Gadola	Norris	Youngblood
Garvin	Ostrow	

Nays — 0

SECRETARY CHASE: On the passage of article III, the yeas are 128; the nays, none.

VICE PRESIDENT HUTCHINSON: A majority of the delegates elect voting in favor thereof, **article III** is passed.

For Article III as passed, see above, page 3050.

The secretary will read article IV.

SECRETARY CHASE: Article IV, legislative branch.

MR. WOOLFENDEN: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Woolfenden.

MR. WOOLFENDEN: I note that this article IV is composed of 53 sections and it requires 6 pages of the journal to set it forth in full. It would seem to me that practical considerations and also consideration for the secretary's voicebox would indicate that we should waive the reading of this and, if it's appropriate, I ask unanimous consent that the reading of this entire article be waived.

VICE PRESIDENT HUTCHINSON: Is there objection?

A DELEGATE: Objection:

VICE PRESIDENT HUTCHINSON: Objection is heard.

SECRETARY CHASE: Article IV, legislative branch.

VICE PRESIDENT HUTCHINSON: Mr. Leppien. For what purpose do you seek recognition?

MR. LEPPHEN: I think, Mr. President, fellow delegates, this is a parliamentary inquiry. May I ask if it is proposed that the document as we now have it is to be reprinted with the changes in it and furnished to the delegates? Could someone answer that, either Chairman Cudlip or someone else?

VICE PRESIDENT HUTCHINSON: If Mr. Cudlip cares to answer.

MR. CUDLIP: Mr. President, Mr. Leppien, members of the convention, unless the rules and resolutions committee provides otherwise, it seems to me that, of course, there will be a reprint of this. My concept of this is subject to correction. When we

leave here this week or the first part of next week — whenever we do leave here — we will have before us the will of the convention in terms of substantial proposals from the committee and, of course, there will be a reprint of this to correct any typographical errors and any changes made on third reading so that when this body reconvenes, whenever it is — it is now scheduled for August 1 — there will be before us the will of the body expressed in black and white, and that's it.

MR. LEPPHEN: Mr. President, if I may make this observation and not be out of order: it seems to me, because of what Chairman Cudlip has just informed us, that to put all of this in the journal by the reading of the secretary is a pure waste of time and money. It seems to me that this convention could well resolve itself to not making objections to having it considered read inasmuch as we now understand that this will be furnished to us at the earliest opportunity with all corrections and, of course, with any amendments thereto, so that we will have it in one form in one place.

VICE PRESIDENT HUTCHINSON: Mr. Leppien, Mr. Chase will respond further.

SECRETARY CHASE: The printer is in the process now of printing 500 additional copies of this as a supplement for today's journal. Any typographical errors that have been noted by the chairman of the committee on style and drafting will be indicated in tomorrow's journal. In addition to that, in tomorrow's journal we will print in full the sections that the convention has amended today so that you will have the complete text of the amended sections before you tomorrow, and note will be made of the sections that were agreed to without amendment. So that, between the correction of typographical errors and the amendments that you will make in the consideration by articles, you will have the action of the convention in its entirety by that process.

MR. BENTLEY: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Bentley.

MR. BENTLEY: Parliamentary inquiry. Would a motion be in order to divide the article for purposes of reading and consideration, keeping in mind the fact that we, of course, will require a final vote on the entire article?

VICE PRESIDENT HUTCHINSON: No. The Chair would rule that the question before the body according to our rules is the passage of the article and it cannot be divided. The secretary will read article IV.

SECRETARY CHASE: **Article IV**, legislative branch.

Article IV, sections 1 through 53, was read by the secretary. For text, see above, page 3051.

VICE PRESIDENT HUTCHINSON: Mr. Cudlip.

MR. CUDLIP: Mr. President and members of the convention, just for your information, there are relocations of some of these paragraphs amongst the proposed new articles, as you know. In the next to the last paragraph on the second page of the document, the second column, that —

SECRETARY CHASE: It should be the tenth page, shouldn't it, Mr. Cudlip?

MR. CUDLIP: I'm sorry. I just wanted to call your attention to the fact that the words in brackets there appear in article IX. That's bracketed, which means deleted, and here shifted over in article IX, and in the index regarding article IX that subject is designated as 78a and the words appear — the words taken, as I suggested — appear in the second paragraph of section 21.

SECRETARY CHASE: The material bracketed is the next to the last paragraph, the righthand column, on the tenth page.

MR. CUDLIP: Thank you, Mr. Secretary.

SECRETARY CHASE: The words from section 53 of article IV:

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, will be found in article IX, section 21, column 1, beginning in line 45. You'll find the same language there:

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 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60

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

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

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

Sec. 25. No city or village shall acquire any public utility furnishing light, heat or power, or grant any public utility franchise which is not subject to revocation at the will of the city or village, unless the proposition shall first have been approved by three-fifths of the electors voting thereon. No city or village may sell any public utility unless the proposition shall first have been approved by a majority of the electors voting thereon, or a greater number if the charter shall so provide.

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

Sec. 27. Notwithstanding any other provision of this constitution the legislature may establish in metropolitan areas additional forms of government or authorities with powers, duties and jurisdictions as the legislature shall provide. Whenever possible, such additional forms of government or authorities shall be designed to perform multi-purpose functions rather than a single function.

Sec. 28. The legislature by general law shall authorize two or more counties, townships, cities, villages or districts, or any combination thereof among other things to: enter into contractual undertakings or agreements with one another or with the state or with any combination thereof for the joint administration of any of the functions or powers which each would have the power to perform separately; share the costs and responsibilities of functions and services with one another or with the state or with any combination thereof which each would have the power to perform separately; transfer functions or responsibilities

to one another or any combination thereof upon the consent of each unit involved; cooperate with one another and with state government; lend their credit to one another or any combination thereof as provided by law in connection with any authorized publicly owned undertaking.

Any other provision of this constitution notwithstanding, an officer or employee of the state or any such unit of government or subdivision or agency thereof, except members of the legislature, may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service.

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

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

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

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

Sec. 33. Any elected officer of a political subdivision may be removed from office in the manner and for the causes provided by law.

Sec. 34. The provisions of this constitution and law concerning counties, townships, cities and villages shall be liberally construed in their favor. Powers granted to counties and townships by this constitution and by law shall include those fairly implied and not prohibited by this constitution.

Article VIII Education

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

1 Sec. 2. The legislature shall maintain and sup-
 2 port a system of free public elementary and sec-
 3 ondary schools as defined by law. Every school
 4 district shall provide for the education of its
 5 pupils without discrimination as to religion, creed,
 6 race, color or national origin.

7 Sec. 3. Leadership and general supervision over
 8 all public education, including adult education and
 9 instructional programs in state institutions, except
 10 as to institutions of higher education granting
 11 baccalaureate degrees, is vested in a state board
 12 of education. It shall serve as the general plan-
 13 ning and coordinating body for all public educa-
 14 tion, including higher education, and shall advise
 15 the legislature as to the financial requirements
 16 in connection therewith.

17 The state board of education shall appoint a
 18 superintendent of public instruction whose term
 19 of office shall be determined by the board. He
 20 shall be the chairman of the board without the
 21 right to vote, and shall be responsible for the
 22 execution of its policies. He shall be the principal
 23 executive officer of a state department of educa-
 24 tion which shall have powers and duties provided
 25 by law.

26 The state board of education shall consist of
 27 eight members who shall be nominated by party
 28 conventions and elected at large for terms of
 29 eight years as prescribed by law. The governor
 30 shall fill any vacancy by appointment for the
 31 unexpired term. The governor shall be ex-officio
 32 a member of the state board of education with-
 33 out the right to vote.

34 The power of the boards of institutions of higher
 35 education provided in this constitution to super-
 36 vise their respective institutions and control and
 37 direct the expenditure of the institutions' funds
 38 shall not be limited by this section.

39 Sec. 4. The legislature shall appropriate
 40 moneys to maintain the university of Michigan,
 41 Michigan State University, Wayne State Univer-
 42 sity, Eastern Michigan University, Michigan Col-
 43 lege of Science and Technology, Central Michi-
 44 gan University, Northern Michigan University,
 45 Western Michigan University, Ferris Institute,
 46 Grand Valley State College, by whatever names
 47 such institutions may hereafter be known, and
 48 other institutions of higher education established
 49 by law. The legislature shall be given an annual
 50 accounting of all income and expenditures by each
 51 of these educational institutions. Formal sessions
 52 of governing boards of such institutions shall be
 53 open to the public.

54 Sec. 5. The regents of the University of Michi-
 55 gan and their successors in office shall constitute
 56 a body corporate known as the Regents of the
 57 University of Michigan; the trustees of Michigan
 58 State University and their successors in office shall
 59 constitute a body corporate known as the Board
 60 of Trustees of Michigan State University; the

governors of Wayne State University and their
 successors in office shall constitute a body corpor-
 ate known as the Board of Governors of Wayne
 State University. Each board shall have general
 supervision of its institution and the control and
 direction of all expenditures from the institution's
 funds. Each board shall, as often as necessary,
 elect a president of the institution under its su-
 pervision. He shall be the principal executive of-
 ficer of the institution, be ex-officio a member of
 the board without the right to vote and preside
 at meetings of the board. The board of each in-
 stitution shall consist of eight members who shall
 hold office for terms of eight years and who shall
 be elected as provided by law. The governor shall
 fill board vacancies by appointment. Each ap-
 pointee shall hold office until a successor has been
 nominated and elected as provided by law.

Sec. 6. Other institutions of higher education
 established by law having authority to grant
 baccalaureate degrees shall each be governed by
 a board of control which shall be a body corporate.
 The board shall have general supervision of the
 institution and the control and direction of all
 expenditures from the institution's funds. It shall,
 as often as necessary, elect a president of the in-
 stitution under its supervision. He shall be the
 principal executive officer of the institution and
 be ex-officio a member of the board without the
 right to vote. The board may elect one of its mem-
 bers or may designate the president, to preside at
 board meetings. Each board of control shall con-
 sist of eight members who shall hold office for
 terms of eight years, not more than two of which
 shall expire in the same year, and who shall be
 appointed by the governor by and with the ad-
 vice and consent of the senate. Vacancies shall
 be filled in like manner.

Sec. 7. The legislature shall provide by law
 for the establishment and financial support of
 public community and junior colleges which shall
 be supervised and controlled by locally elected
 boards. The legislature shall provide by law for
 a state board for public community and junior
 colleges which shall advise the state board of
 education concerning general supervision and plan-
 ning for such colleges and requests for annual
 appropriations for their support. The board shall
 consist of eight members who shall hold office
 for terms of eight years, not more than two of
 which shall expire in the same year, and who shall
 be appointed by the state board of education. Va-
 cancies shall be filled in like manner. The super-
 intendent of public instruction shall be ex-officio
 a member of this board without the right to vote.

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

1 Sec. 9. The legislature shall provide by law for
2 the establishment and support of public libraries
3 which shall be available to all residents of the state
4 under regulations adopted by the governing bodies
5 thereof. All fines assessed and collected in the
6 several counties, cities and townships for any
7 breach of the penal laws shall be exclusively ap-
8 plied to the support of such public libraries, and
9 county law libraries as provided by law.

Article IX

Finance and Taxation

13 Sec. 1. The legislature shall impose taxes suf-
14 ficient with other resources to pay the expenses of
15 state government.

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

18 Sec. 3. The legislature shall provide for the
19 uniform general ad valorem taxation of real and
20 tangible personal property not exempt by law. The
21 legislature shall provide for the determination of
22 true cash value of such property; the proportion
23 of true cash value at which such property shall
24 be uniformly assessed, which shall not, after
25 January 1, 1966, exceed 50 percent; and for a sys-
26 tem of equalization of assessments. The legislature
27 may provide for alternative means of taxation of
28 designated real and tangible personal property in
29 lieu of general ad valorem taxation. Every tax
30 other than the general ad valorem property tax
31 shall be uniform upon the class or classes on
32 which it operates.

33 Sec. 4. Property owned and occupied by non-
34 profit religious or educational organizations and
35 used exclusively for religious or educational pur-
36 poses, as defined by law, shall be exempt from
37 real and personal property taxes.

38 Sec. 5. The legislature shall provide for the
39 assessment by the state of the property of those
40 public service businesses assessed by the state
41 at the date this constitution becomes effective, and
42 of other property as designated by the legislature,
43 and for the imposition and collection of taxes
44 thereon. Property assessed by the state shall be
45 assessed at the same proportion of its true
46 cash value as the legislature shall specify for
47 property subject to general ad valorem taxation.
48 The rate of taxation on such property shall be
49 the average rate levied upon other property in this
50 state under the general ad valorem tax law, or,
51 if the legislature provides, the rate of tax applicable
52 to the property of each business enterprise assessed
53 by the state shall be the average rate of ad valorem
54 taxation levied upon other property in all counties
55 in which any of such property is situated.

56 Sec. 6. Except as otherwise provided in this
57 constitution, the total amount of general ad valo-
58 rem taxes imposed upon real and tangible per-
59 sonal property for all purposes in any one year
60 shall not exceed 15 mills on each dollar of the

1 assessed valuation of property as finally equalized.
2 Under procedures provided by law, which shall
3 guarantee the right of initiative, separate tax
4 limitations for any county and for the townships
5 and for school districts therein, the aggregate of
6 which shall not exceed 18 mills on each dollar of
7 such valuation, may be adopted and thereafter
8 altered by the vote of a majority of the qualified
9 electors of such county voting thereon, in lieu
10 of the limitation hereinbefore established. These
11 limitations may be increased to an aggregate of
12 not to exceed 50 mills on each dollar of valuation,
13 for a period of not to exceed 20 years at any one
14 time, if approved by a majority of the electors,
15 qualified under Section 6 of Article II of this
16 constitution, voting on the question.

17 The foregoing limitations shall not apply to
18 taxes imposed for the payment of principal and
19 interest on bonds or other evidences of indebted-
20 ness or for the payment of assessments or con-
21 tract obligations in anticipation of which bonds
22 are issued, which taxes may be imposed without
23 limitation as to rate or amount; or to taxes im-
24 posed for any other purpose by any city, vil-
25 lage, charter county, charter township, charter
26 authority or other authority, the tax limitations
27 of which are provided by charter or by general
28 law.

29 In any school district which extends into two
30 or more counties, property taxes at the highest
31 rate available in the county which contains the
32 greatest part of the area of the district may be
33 imposed and collected for school purposes through-
34 out the district.

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

38 Sec. 8. The legislature shall not impose a
39 sales tax on retailers at a rate of more than
40 four percent of their gross taxable sales of
41 tangible personal property.

42 Sec. 9. All specific taxes, except general sales
43 and use taxes and regulatory fees, imposed di-
44 rectly or indirectly on fuels sold or used
45 to propel motor vehicles upon highways and on
46 registered motor vehicles shall, after the payment
47 of necessary collection expenses, be used exclusi-
48 vely for highway purposes as defined by law.

49 Sec. 10. One-eighth of all taxes imposed on
50 retailers on taxable sales at retail of tangible
51 personal property shall be used exclusively for
52 assistance to townships, cities and villages, on
53 a population basis as provided by law. In de-
54 termining population the legislature may exclude
55 any portion of the total number of persons who
56 are wards, patients or convicts in any tax sup-
57 ported institution.

58 Sec. 11. There shall be established a state
59 school aid fund which shall be used exclusively
60 for the support of public education and school

employees' retirement systems, as provided by law. One-half of all taxes imposed on retailers on taxable sales at retail of tangible personal property, and other tax revenues provided by law, shall be dedicated to this fund. Payments from this fund shall be made in full on a scheduled basis, as provided by law.

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

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

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

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

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

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

The term "qualified bonds" means general obli-

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

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

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

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

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

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

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

This section shall not be construed to prohibit the investment of public funds until needed for current requirements or the investment of funds accumulated to provide retirement or pension benefits for public officials and employees, as provided by law.

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

Sec. 20. No state money shall be deposited in banks other than those organized under the national or state banking laws. No state money

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.

against the secretary of state, by Mr. Van Dusen, chairman, submits the following report:

In accordance with Resolution 96, the committee on action against secretary of state on May 14, 1962, filed with the circuit court for the county of Ingham, a petition for declaration of rights in an action entitled, Stephen S. Nisbet, President of the Michigan Constitutional Convention of 1961-1962 v. James M. Hare, Secretary of State. The relief sought was a declaration that the convention has the right to provide for submission of the proposed new constitution to the electors at the general election to be held November 6, 1962. The summons and petition were served on the secretary of state on the same day.

On May 22, having had no response from the attorney general, petitioner filed a motion for the entry of a decree. On May 25, the secretary of state appeared specially by the attorney general and moved to dismiss the petition on the ground that the case did not present an actual controversy. The trial court heard argument on the attorney general's motion on June 1 and on June 6 rendered an opinion denying the motion to dismiss. An order to that effect was entered on June 11.

Instead of proceeding to file an answer, the attorney general then filed an application to the supreme court for leave to appeal. This application was granted by the supreme court and the attorney general, on July 2, filed a claim of appeal.

The attorney general has not yet filed a brief and he states that he does not intend to do so until after August 7.

It is obvious that no judicial determination of the right of the constitutional convention to require submission of the proposed constitution to the electors on November 6 will be made in time to be useful to the convention. Accordingly, the committee recommends:

1) That section 15 [formerly section 16] of the schedule and temporary provisions of the proposed constitution be amended by striking from the first sentence the words "Tuesday after the first Monday of November, 1962" and inserting "first Monday in April, 1963."

2) That the committee be authorized to discontinue the action entitled, Nisbet v. Hare.

Richard C. Van Dusen, chairman.

MR. VAN DUSEN: Mr. President, I move the adoption of the report.

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

The report is adopted. Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, in compliance with our rules, I think it would now be necessary to take a roll call vote on the amendment to the constitution changing the date.

PRESIDENT NISBET: Mr. Chase will read the amendment.

SECRETARY CHASE: The amendment recommended in the report is as follows:

1. Amend the schedule, section 15 [formerly section 16] (column 2) line 11, after "held on the" by striking out "Tuesday after the first Monday of November, 1962.", and inserting "first Monday in April, 1963."

PRESIDENT NISBET: The secretary will call the roll. Those in favor of the amendment will vote aye as your name is called. Those opposed will vote no.

The roll was called and the delegates voted as follows:

Yeas—141

Allen	Goebel	Page
Andrus, Miss	Gover	Pellow
Anspach	Greene	Perlich
Austin	Gust	Perras
Baginski	Habermehl	Plank
Balcer	Hanna, W. F.	Pollock
Barthwell	Hannah, J. A.	Powell
Batchelor	Hart, Miss	Prettie
Beaman	Haskill	Pugsley
Bentley	Hatch	Radka

Binkowski	Hatcher, Mrs.
Blandford	Heideman
Bledsoe	Higgs
Bonisteel	Hood
Boothby	Howes
Bowens	Hoxie
Bradley	Hubbs
Brake	Hutchinson
Brown, G. E.	Iverson
Brown, T. S.	Jones
Buback	Judd, Mrs.
Butler, Mrs.	Karn
Conklin, Mrs.	Kelsey
Cudlip	Kirk, S.
Cushman, Mrs.	Knirk, B.
Danhof	Koeze, Mrs.
Dehnke	Krolkowski
Dell	Kuhn
DeVries	Lawrence
Donnelly, Miss	Lebrand
Doty, Dean	Leppien
Doty, Donald	Lesinski
Douglas	Liberato
Downs	Madar
Durst	Mahinske
Elliott, A. G.	Martin
Elliott, Mrs. Daisy	McAllister
Erickson	McCauley
Everett	McGowan, Miss
Farnsworth	McLogan
Faxon	Millard
Figy	Mosier
Finch	Murphy
Follo	Nisbet
Ford	Nord
Gadola	Norris
Garvin	Ostrow

Nays—0

SECRETARY CHASE: On the adoption of the amendment, the yeas are 141; the nays are none.

PRESIDENT NISBET: The amendment is adopted. The question now is on the final passage of the constitution as amended this morning. Those who are in favor will answer aye as your names are called. Those opposed will answer nay. The secretary will call the roll.

The roll was called and the delegates voted as follows:

Yeas—98

Allen	Gover	Powell
Andrus, Miss	Gust	Prettie
Anspach	Habermehl	Pugsley
Balcer	Hanna, W. F.	Radka
Batchelor	Hannah, J. A.	Rajkovich
Beaman	Haskill	Richards, J. B.
Bentley	Hatch	Richards, L. W.
Blandford	Heideman	Romney
Bonisteel	Higgs	Rood
Boothby	Howes	Rush
Brake	Hoxie	Seyferth
Brown, G. E.	Hubbs	Shackleton
Butler, Mrs.	Hutchinson	Shaffer
Conklin, Mrs.	Iverson	Sharpe
Cudlip	Judd, Mrs.	Sleder
Cushman, Mrs.	Karn	Spitler
Danhof	Kirk, S.	Stafseth
Dehnke	Knirk, B.	Staiger
Dell	Koeze, Mrs.	Stamm
DeVries	Kuhn	Sterrett
Donnelly, Miss	Lawrence	Stevens
Doty, Dean	Leppien	Thomson
Doty, Donald	Martin	Tubbs
Durst	McCauley	Turner
Elliott, A. G.	McGowan, Miss	Tweedie
Erickson	McLogan	Upton
Everett	Millard	Van Dusen
Farnsworth	Mosier	Wanger
Figy	Nisbet	White
Finch	Page	Wood

Follo
Gadola
Goebel

Perras
Plank
Pollock

Woolfenden
Yeager

Nays—43

Austin
Baginski
Barthwell
Binkowski
Bledsoe
Bowens
Bradley
Brown, T. S.
Buback
Douglas
Downs
Elliott, Mrs. Daisy
Faxon
Ford
Garvin

Greene
Hart, Miss
Hatcher, Mrs.
Hood
Jones
Kelsey
Krolikowski
Leibrand
Lesinski
Liberato
Madar
Mahinske
McAllister
Murphy

Nord
Norris
Ostrow
Pellow
Perlich
Sablich
Shanahan
Snyder
Stopczynski
Suzore
Walker
Wilkowski
Young
Youngblood

SECRETARY CHASE: On the adoption of the constitution as amended, the yeas are 98; the nays are 43. (applause)
PRESIDENT NISBET: The **constitution** is adopted.

For the constitution as adopted, see below, page 3317.

Because of the hour, it being almost noon, the Chair recognizes Mr. Van Dusen.

MR. VANDUSEN: Mr. President, I move that the convention now stand in recess until 2:00 p.m.

PRESIDENT NISBET: The question is on the motion of Mr. Van Dusen that we recess until 2:00 p.m. Those in favor will say aye. Opposed, no.

The motion prevails. We are recessed until 2:00 o'clock.

[Whereupon, at 11:50 o'clock a.m., the convention recessed; and, at 2:00 o'clock p.m., reconvened.]

Will the delegates please take their seats. The convention will please come to order.

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

PRESIDENT NISBET: I think we should recognize the fact that many of our employees are voluntarily back with us today, meeting with the delegates. I'm sure all of us are very happy to have them here. It brings about a happy result to see them and I think we ought to give them a good hand. (applause) Mr. Chase has an announcement.

SECRETARY CHASE: There are 3 announcements that possibly should have been made before we recessed for lunch.

First, there is mail for all of the delegates in the mail room downstairs.

Just prior to the May 11 adjournment, several of the delegates took out, on loan, sets of convention slides which have not been returned. Missing from our files are 12 complete sets of slides. Since we frequently have call from other delegates for the use of these slides, we would appreciate their return as soon as possible. Ink White, chairman of the committee on public information.

I am sure the delegates recall the lady on the civic center staff who took such good care of keeping the windows clean and the place well slicked up, who had to go to the hospital for a very critical operation. A number of the delegates contributed to a fund to help her over her financial difficulties. I have the following card:

It is very difficult to express my appreciation to all the wonderful people of con con. Let me say, with my heart, your kindness and generosity will always be remembered.

Sincerely,
Freda Adams.

PRESIDENT NISBET: Since the adjournment on May 11, we have added 2 new associate members to the delegation: Mrs. Charles Follo and Mrs. Gil Wanger.

I asked Charlie if Mrs. Follo was present so that he might present her, but he said she isn't. We are sorry, Charlie, she couldn't be with us.

Mr. Wanger, is your associate delegate present? Would you present her?

[Whereupon, the delegates accorded Mrs. Wanger a standing ovation.]

At the final session before the long recess the president was authorized to name a reunion committee for the constitutional convention. Accordingly, the **president appoints**, as members of the reunion committee: Mr. Erickson, Mrs. Koeze, Messrs. Jones, Bowens, Brake, Mrs. Conklin, Mr. Dean Doty, Mrs. Daisy Elliott, Messrs. Faxon, Kelsey, Kuhn, Powell, Sharpe, Wanger, White and Norris.

Without objection, the appointments are approved. You will notice that most of these delegates are within the area of Lansing, Detroit or Grand Rapids for their ease in getting together when they have to meet. Mr. Claud Erickson is chairman of the committee.

Returning to the order of business, **approval of address to people**. We will take up the **report of the committee on public information**. Mr. White, chairman.

MR. WHITE: Mr. President, under date of June 26, 1962, each delegate was mailed proof copies of the proposed address to the people. Since that time our committee has received numerous suggestions for corrections, additions, deletions and so on. Our committee has met and gone over these suggestions and they have been, for the most part, agreed to. I might say, parenthetically, the address in its present corrected form represents the writing and editing of upwards of 50 of our delegates.

Under date of July 27, 1962, each of you was mailed a 16 page multilith report which outlined in detail some 108 corrections. This communication also carried the recommendation that we be authorized to correct the text of the constitution as it appears in the address to conform with the style and drafting changes adopted at today's session, and to offer comments accordingly, if necessary. All of this material has been delivered again to each delegate's desk today. Additionally, you have a single white multilith sheet from our committee containing brief addenda to this 16 page report.

It seems to me, Mr. President, the delegates have had ample time to consider these matters, and to expedite our final deliberations, I move that the report of the public information committee, with the recommended addenda, be considered read.

PRESIDENT NISBET: Without objection, it is so ordered.

Following is the report as submitted and considered read:

After careful consideration of suggestions from delegates, your committee on public information recommends the adoption of the following changes in the proof copy of the address to the people:

For document incorporating following changes, see below, page 3355. Page numbers in report refer to document pages.

1. Amend page 2, second full paragraph, line 3, after "that one" by striking out "must" and inserting "should"; to improve phraseology.

2. Amend page 2, third full paragraph, line 1, by striking out "Ordered by popular vote, its delegates selected by the people on the basis of one from each senatorial and representative district, the Constitutional Convention of 1961-62 met in Lansing on October 3, 1961.", and inserting "The convention was ordered by popular vote in April of 1961. There were 144 delegates, representing Michigan's 34 State Senatorial districts and 110 State Representative seats. They were elected in statewide voting on September 12, 1961, and convened at Lansing on October 3, 1961."; to improve awkward sentence construction and correct error by indicating "seats" rather than representative "districts."

3. Amend page 2, fifth full paragraph, line 2, after "overlapped" by striking out "each other"; to improve phraseology.

4. Amend page 2, fifth full paragraph, line 6, after

**CONSTITUTION
OF THE
STATE OF MICHIGAN**

**as finally adopted
by the Convention
August 1, 1962**

PREAMBLE

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

ARTICLE I

Declaration of Rights

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

Sec. 2. No person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color or national origin. The legislature shall implement this section by appropriate legislation.

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

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

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

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

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

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

Sec. 9. Neither slavery, nor involuntary servitude unless for the punishment of crime, shall ever be tolerated in this state.

Sec. 10. No bill of attainder, ex post facto law or law impairing the obligation of contract shall be enacted.

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

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

Sec. 13. A suitor in any court of this state has the right to prosecute or defend his suit, either in his own proper person or by an attorney.

Sec. 14. The right of trial by jury shall remain, but shall be waived in all civil cases unless demanded by one of the parties in the manner prescribed by law. In all civil cases tried by 12 jurors a verdict shall be received when 10 jurors agree.

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

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

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

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

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

Sec. 20. In every criminal prosecution, the accused shall have the right to a speedy and public trial by an impartial jury, which may consist of less than 12 jurors in all courts not of record; to be informed of the nature of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to have the assistance of counsel for his defense; to have an appeal as a matter of right; and in courts of record, when the trial court so orders, to have such reasonable assistance as may be necessary to perfect and prosecute an appeal.

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

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

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

ARTICLE II

Elections

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

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

Sec. 3. For purposes of voting in the election for president and vice-president of the United States only, the legislature may by law establish lesser residence requirements for citizens who have resided in this state for less than six months and may waive residence requirements for former citizens of this state who have removed herefrom. The legislature shall not permit voting by any person who meets the voting residence requirements of the state to which he has removed.

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

Sec. 5. Except for special elections to fill vacancies, or as otherwise provided in this constitution, all elections for national, state, county and township offices shall be held on the first Tuesday after the first Monday in November in each even-numbered year or on such other date as members of the congress of the United States are regularly elected.

Sec. 6. Whenever any question is required to be submitted by a political subdivision to the electors for the increase of the ad valorem tax rate limitation imposed by Section 6 of Article IX for a period of more than five years, or for the issue of bonds, only electors in, and who have property assessed for any ad valorem taxes in, any part of the district or territory to be affected by the result of such election or electors who are the lawful husbands or wives of such persons shall be entitled to vote thereon. All electors in the district or territory affected may vote on all other questions.

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

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

Sec. 9. The people reserve to themselves the power to propose laws and to enact and reject laws, called the initiative, and the power to approve or reject laws enacted by the legislature, called the referendum. The power of initiative extends only to laws which the legislature may enact under this constitution. The power of referendum does not extend to acts making appropriations for state institutions or to meet deficiencies in state funds and must be invoked in the manner prescribed by law within 90 days following the final adjournment of the legislative session at which the law was enacted. To invoke the initiative or referendum, petitions signed by a number of registered electors, not less than eight percent for initiative and five percent for referendum of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected shall be required.

No law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election.

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

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

Any law submitted to the people by either initiative or referendum petition and approved by a majority of the votes cast thereon at any election shall take effect 10 days after the date of the official declaration of the vote. No law initiated or adopted by the people shall be subject to the veto power of the governor, and no law adopted by the people at the polls under the initiative provisions of this section shall be amended or repealed, except by a vote of the electors unless otherwise provided in the initiative measure or by three-fourths of the members elected to and serving in each house of the legislature. Laws approved by the people under the referendum provision of this section may be amended by the legislature at any subsequent session thereof. If two or more measures approved by the electors at the same election conflict, that receiving the highest affirmative vote shall prevail.

The legislature shall implement the provisions of this section.

ARTICLE III

General Government

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

Sec. 2. The powers of government are divided into three branches: legislative, executive and judicial. No person exercising powers of one branch shall exercise powers properly belonging to another branch except as expressly provided in this constitution.

Sec. 3. There shall be a great seal of the State of Michigan and its use shall be provided by law.

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

Sec. 5. Subject to provisions of general law, this state or any political subdivision thereof, any governmental authority or any combination thereof may enter into agreements for the performance, financing or execution of their respective functions, with any one or more of the other states, the United States, the Dominion of Canada, or any political subdivision thereof unless otherwise provided in this constitution. Any other provision of this constitution notwithstanding, an officer or employee of the state or of any such unit of government or subdivision or agency thereof may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service. The legislature may impose such restrictions, limitations or conditions on such service as it may deem appropriate.

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

Sec. 7. The common law and the statute laws now in force, not repugnant to this constitution, shall remain in force until they expire by their own limitations, or are changed, amended or repealed.

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

ARTICLE IV

Legislative Branch

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

Sec. 2. The senate shall consist of 38 members to be elected from single member districts at the same election as the governor for four-year terms concurrent with the term of office of the governor.

In districting the state for the purpose of electing senators after the official publication of the total population count of each federal decennial census, each county shall be assigned apportionment factors equal to the sum of its percentage of the state's population as shown by the last regular federal decennial census computed to the nearest one-one hundredth of one percent multiplied by four and its percentage of the state's land area computed to the nearest one-one hundredth of one percent.

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

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

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

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

Sec. 3. The house of representatives shall consist of 110 members elected for two-year terms from single member districts apportioned on a basis of population as provided in this article. The districts shall consist of compact and convenient territory contiguous by land.

Each county which has a population of not less than seven-tenths of one percent of the population of the state shall constitute a separate representative area. Each county having less than seven-tenths of one percent of the population of the state shall be combined with another county or counties to form a representative area of not less than seven-tenths of one percent of the population of the state. Any county which is isolated under the initial allocation as provided in this section shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.

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

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

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

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

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

Sec. 4. In counties having more than one representative or senatorial district, the territory in the same county annexed to or merged with a city between apportionments shall become a part of a contiguous representative or senatorial district in the city with which it is combined, if provided by ordinance of the city. The district or districts with which the territory shall be combined shall be determined by such ordinance certified to the secretary of state. No such change in the boundaries of a representative or senatorial district shall have the effect of removing a legislator from office during his term.

Sec. 5. Island areas are considered to be contiguous by land to the county of which they are a part.

Sec. 6. A commission on legislative apportionment is hereby established consisting of eight electors, four of whom shall be selected by the state organizations of each of the two political parties whose candidates for governor received the highest vote at the last general election at which a governor was elected preceding each apportionment. If a candidate for governor of a third political party has received at such election more than 25 percent of such gubernatorial vote, the commission shall consist of 12 members, four of whom shall be selected by the state organization of the third political party. One resident of each of the following four regions shall be selected by each political party organization: (1) the upper peninsula; (2) the northern part of the lower peninsula, north of a line drawn along the northern boundaries of the counties of Bay, Midland, Isabella, Mecosta, Newaygo and Oceana; (3) southwestern Michigan, those counties south of region (2) and west of a line drawn along the western boundaries of the counties of Bay, Saginaw, Shiawassee, Ingham, Jackson and Hillsdale; (4) southeastern Michigan, the remaining counties of the state.

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

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

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

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

Each final apportionment and districting plan shall be published as provided by law within 30 days from the date of its adoption and shall become law 60 days after

publication. The secretary of state shall keep a public record of all the proceedings of the commission and shall be responsible for the publication and distribution of each plan.

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

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

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

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

Sec. 9. No person elected to the legislature shall receive any civil appointment within this state from the governor, except notaries public, from the legislature, or from any other state authority, during the term for which he is elected.

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

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

Sec. 12. The compensation and expense allowances of the members of the legislature shall be determined by law. Changes in compensation or expense allowances shall become effective only when legislators commence their terms of office after a general election.

Sec. 13. The legislature shall meet at the seat of government on the second Wednesday in January of each year at twelve o'clock noon. Each regular session shall adjourn without day, on a day determined by concurrent resolution, at twelve o'clock noon. Any business, bill or joint resolution pending at the final adjournment of a regular session held in an odd numbered year shall carry over with the same status to the next regular session.

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

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

Sec. 16. Each house, except as otherwise provided in this constitution, shall choose its own officers and determine the rules of its proceedings, but shall not adopt any rule that will prevent a majority of the members elected thereto and serving therein from discharging a committee from the further consideration of any measure. Each house shall be the sole judge of the qualifications, elections and returns of its members, and may, with the concurrence of two-thirds of all the members elected thereto and serving therein, expel a member. The reasons for such expulsion shall be entered in the journal, with the votes and names of the members voting upon the question. No member shall be expelled a second time for the same cause.

Sec. 17. Each house of the legislature may establish the committees necessary for the efficient conduct of its business and the legislature may create joint committees. On all actions on bills and resolutions in each committee, names and votes of members shall be recorded. Such vote shall be available for public inspection. Notice of all committee hearings and a clear statement of all subjects to be considered at each hearing shall be published in the journal in advance of the hearing.

Sec. 18. Each house shall keep a journal of its proceedings, and publish the same unless the public security otherwise requires. The record of the vote and name of the members of either house voting on any question shall be entered in the journal at the request of one-fifth of the members present. Any member of either house may dissent from and protest against any act, proceeding or resolution which he deems injurious to any person or the public, and have the reason for his dissent entered in the journal.

Sec. 19. All elections in either house or in joint convention and all votes on appointments submitted to the senate for advice and consent shall be published by vote and name in the journal.

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

Sec. 21. Neither house shall, without the consent of the other, adjourn for more than two intervening calendar days, nor to any place other than where the legislature may then be in session.

Sec. 22. All legislation shall be by bill and may originate in either house.

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

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

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

Sec. 26. No bill shall be passed or become a law at any regular session of the legislature until it has been printed or reproduced and in the possession of each house for

at least five days. Every bill shall be read three times in each house before the final passage thereof. No bill shall become a law without the concurrence of a majority of the members elected to and serving in each house. On the final passage of bills, the votes and names of the members voting thereon shall be entered in the journal.

Sec. 27. No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.

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

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

Sec. 30. The assent of two-thirds of the members elected to and serving in each house of the legislature shall be required for the appropriation of public money or property for local or private purposes.

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

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

Sec. 33. Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law. If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves, and the legislature continues the session at which the bill was passed, he shall return it within such 14-day period with his objections, to the house in which it originated. That house shall enter such objections in full in its journal and reconsider the bill. If two-thirds of the members elected to and serving in that house pass the bill notwithstanding the objections of the governor, it shall be sent with the objections to the other house for reconsideration. The bill shall become law if passed by two-thirds of the members elected to and serving in that house. The vote of each house shall be entered in the journal with the votes and names of the members voting thereon. If any bill is not returned by the governor within such 14-day period, the legislature continuing in session, it shall become law as if he had signed it.

Sec. 34. Any bill passed by the legislature and approved by the governor, except a bill appropriating money, may provide that it will not become law unless approved by a majority of the electors voting thereon.

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

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

Sec. 37. The legislature may by concurrent resolution empower a joint committee of the legislature, acting between sessions, to suspend any rule or regulation promulgated by an administrative agency subsequent to the adjournment of the last preceding regular legislative session. Such suspension shall continue no longer than the end of the next regular legislative session.

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

Sec. 39. In order to insure continuity of state and local governmental operations in periods of emergency only, resulting from disasters occurring in this state caused by enemy attack on the United States, the legislature may provide by law for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices; and enact other laws necessary and proper for insuring the continuity of governmental operations. Notwithstanding the power conferred by this section, elections shall always be called as soon as possible to fill any vacancies in elective offices temporarily occupied by operation of any legislation enacted pursuant to the provisions of this section.

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

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

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

Sec. 43. No general law providing for the incorporation of trust companies or corporations for banking purposes, or regulating the business thereof, shall be enacted, amended or repealed except by a vote of two-thirds of the members elected to and serving in each house.

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

Sec. 45. The legislature may provide for indeterminate sentences as punishment for crime and for the detention and release of persons imprisoned or detained under such sentences.

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

Sec. 47. The legislature may authorize the employment of chaplains in state institutions of detention or confinement.

Sec. 48. The legislature may enact laws providing for the resolution of disputes concerning public employees, except those in the state classified civil service.

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

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

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

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

Sec. 53. The legislature by a majority vote of the members elected to and serving in each house, shall appoint an auditor general, who shall be a certified public accountant licensed to practice in this state, to serve for a term of eight years. He shall be ineligible for appointment or election to any other public office in this state from which compensation is derived while serving as auditor general and for two years following the termination of his service. He may be removed for cause at any time by a two-thirds vote of the members elected to and serving in each house. The auditor general shall conduct post audits of financial transactions and accounts of the state and of all branches, departments, offices, boards, commissions, agencies, authorities and institutions of the state established by this constitution or by law, and performance post audits thereof.

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

Nothing in this section shall be construed in any way to infringe the responsibility and constitutional authority of the governing boards of the institutions of higher education to be solely responsible for the control and direction of all expenditures from the institutions' funds.

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

ARTICLE V

Executive Branch

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

Sec. 2. All executive and administrative offices, agencies and instrumentalities of the executive branch of state government and their respective functions, powers and

duties, except for the office of governor and lieutenant governor and the governing bodies of institutions of higher education provided for in this constitution, shall be allocated by law among and within not more than 20 principal departments. They shall be grouped as far as practicable according to major purposes.

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

Sec. 3. The head of each principal department shall be a single executive unless otherwise provided in this constitution or by law. The single executives heading principal departments shall include a secretary of state, a state treasurer and an attorney general. When a single executive is the head of a principal department, unless elected or appointed as otherwise provided in this constitution, he shall be appointed by the governor by and with the advice and consent of the senate and he shall serve at the pleasure of the governor.

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

Terms of office of any board or commission created or enlarged after the effective date of this constitution shall not exceed four years except as otherwise authorized in this constitution. The terms of office of existing boards and commissions which are longer than four years shall not be further extended except as provided in this constitution.

Sec. 4. Temporary commissions or agencies for special purposes with a life of no more than two years may be established by law and need not be allocated within a principal department.

Sec. 5. A majority of the members of an appointed examining or licensing board of a profession shall be members of that profession.

Sec. 6. Appointment by and with the advice and consent of the senate when used in this constitution or laws in effect or hereafter enacted means appointment subject to disapproval by a majority vote of the members elected to and serving in the senate if such action is taken within 60 session days after the date of such appointment. Any appointment not disapproved within such period shall stand confirmed.

Sec. 7. Vacancies in any office, appointment to which requires advice and consent of the senate, shall be filled by the governor by and with the advice and consent of the senate. A person whose appointment has been disapproved by the senate shall not be eligible for an interim appointment to the same office.

Sec. 8. Each principal department shall be under the supervision of the governor unless otherwise provided by this constitution. The governor shall take care that the laws be faithfully executed. He shall transact all necessary business with the officers of

government and may require information in writing from all executive and administrative state officers, elective and appointive, upon any subject relating to the duties of their respective offices.

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

Sec. 9. Single executives heading principal departments and the chief executive officers of principal departments headed by boards or commissions shall keep their offices at the seat of government except as otherwise provided by law, superintend them in person and perform duties prescribed by law.

Sec. 10. The governor shall have power and it shall be his duty to inquire into the condition and administration of any public office and the acts of any public officer, elective or appointive. He may remove or suspend from office for gross neglect of duty or for corrupt conduct in office, or for any other misfeasance or malfeasance therein, any elective or appointive state officer, except legislative or judicial, and shall report the reasons for such removal or suspension to the legislature.

Sec. 11. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an appointed or elected officer, other than a legislative or judicial officer, until he is reinstated or until the vacancy is filled in the manner prescribed by law or this constitution.

Sec. 12. The governor shall be commander-in-chief of the armed forces and may call them out to execute the laws, suppress insurrection and repel invasion.

Sec. 13. The governor shall issue writs of election to fill vacancies in the senate or house of representatives. Any such election shall be held in a manner prescribed by law.

Sec. 14. The governor shall have power to grant reprieves, commutations and pardons after convictions for all offenses, except cases of impeachment, upon such conditions and limitations as he may direct, subject to procedures and regulations prescribed by law. He shall inform the legislature annually of each reprieve, commutation and pardon granted, stating reasons therefor.

Sec. 15. The governor may convene the legislature on extraordinary occasions.

Sec. 16. The governor may convene the legislature at some other place when the seat of government becomes dangerous from any cause.

Sec. 17. The governor shall communicate by message to the legislature at the beginning of each session and may at other times present to the legislature information as to the affairs of the state and recommend measures he considers necessary or desirable.

Sec. 18. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state. Proposed expenditures from any fund shall not exceed the estimated revenue thereof. On the same date, the governor shall submit to the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills to provide new or additional revenues to meet proposed expenditures. The amount of any surplus created or deficit incurred in any fund during the last preceding fiscal period shall be entered as an item in the budget and in one of the appropriation bills. The governor may submit amendments to appropriation bills to be offered in either house during consideration of the bill by that house, and shall submit bills to meet deficiencies in current appropriations.

Sec. 19. The governor may disapprove any distinct item or items appropriating moneys in any appropriation bill. The part or parts approved shall become law, and the item or items disapproved shall be void unless re-passed according to the method prescribed for the passage of other bills over the executive veto.

Sec. 20. No appropriation shall be a mandate to spend. The governor, with the approval of the appropriating committees of the house and senate, shall reduce expenditures authorized by appropriations whenever it appears that actual revenues for a fiscal period will fall below the revenue estimates on which appropriations for that period were based. Reductions in expenditures shall be made in accordance with procedures prescribed by law. The governor may not reduce expenditures of the legislative and judicial branches or from funds constitutionally dedicated for specific purposes.

Sec. 21. The governor, lieutenant governor, secretary of state and attorney general shall be elected for four-year terms at the general election in each alternate even-numbered year.

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

Vacancies in the office of the secretary of state and attorney general shall be filled by appointment by the governor.

Sec. 22. To be eligible for the office of governor or lieutenant governor a person must have attained the age of 30 years, and have been a registered elector in this state for four years next preceding his election.

Sec. 23. The governor, lieutenant governor, secretary of state and attorney general shall each receive the compensation provided by law in full payment for all services performed and expenses incurred during his term of office. Such compensation shall not be changed during the term of office except as otherwise provided in this constitution.

Sec. 24. An executive residence suitably furnished shall be provided at the seat of government for the use of the governor. He shall receive an allowance for its maintenance as provided by law.

Sec. 25. The lieutenant governor shall be president of the senate, but shall have no vote, unless they be equally divided. He may perform duties requested of him by the governor, but no power vested in the governor shall be delegated.

Sec. 26. In case of the conviction of the governor on impeachment, his removal from office, his resignation or his death, the lieutenant governor, the elected secretary of state, the elected attorney general and such other persons designated by law shall in that order be governor for the remainder of the governor's term.

In case of the death of the governor-elect, the lieutenant governor-elect, the secretary of state-elect, the attorney general-elect and such other persons designated by law shall become governor in that order at the commencement of the governor-elect's term.

If the governor or the person in line of succession to serve as governor is absent from the state, or suffering under an inability, the powers and duties of the office of governor shall devolve in order of precedence until the absence or inability giving rise to the devolution of powers ceases.

The inability of the governor or person acting as governor shall be determined by a majority of the supreme court on joint request of the president pro tempore of the senate and the speaker of the house of representatives. Such determination shall be final

and conclusive. The supreme court shall upon its own initiative determine if and when the inability ceases.

Sec. 27. The legislature shall provide that the salary of any state officer while acting as governor shall be equal to that of the governor.

Sec. 28. There is hereby established a state highway commission, which shall administer the state highway department and have jurisdiction and control over all state trunkline highways and appurtenant facilities, and such other public works of the state, as provided by law.

The state highway commission shall consist of four members, not more than two of whom shall be members of the same political party. They shall be appointed by the governor by and with the advice and consent of the senate for four-year terms, no two of which shall expire in the same year, as provided by law.

The state highway commission shall appoint and may remove a state highway director, who shall be a competent highway engineer and administrator. He shall be the principal executive officer of the state highway department and shall be responsible for executing the policy of the state highway commission.

Sec. 29. There is hereby established a civil rights commission which shall consist of eight persons, not more than four of whom shall be members of the same political party, who shall be appointed by the governor, by and with the advice and consent of the senate, for four-year terms not more than two of which shall expire in the same year. It shall be the duty of the commission in a manner which may be prescribed by law to investigate alleged discrimination against any person because of religion, race, color or national origin in the enjoyment of the civil rights guaranteed by law and by this constitution, and to secure the equal protection of such civil rights without such discrimination. The legislature shall provide an annual appropriation for the effective operation of the commission.

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

Appeals from final orders of the commission, including cease and desist orders and refusals to issue complaints, shall be tried de novo before the circuit court having jurisdiction provided by law.

ARTICLE VI

Judicial Branch

Sec. 1. The judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court, one probate court, and courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.

Sec. 2. The supreme court shall consist of seven justices elected at non-partisan elections as provided by law. The term of office shall be eight years and not more than

two terms of office shall expire at the same time. Nominations for justices of the supreme court shall be in the manner prescribed by law. Any incumbent justice whose term is to expire may become a candidate for re-election by filing an affidavit of candidacy, in the form and manner prescribed by law, not less than 180 days prior to the expiration of his term.

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

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

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

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

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

Sec. 8. The court of appeals shall consist initially of nine judges who shall be nominated and elected at non-partisan elections from districts drawn on county lines and as nearly as possible of equal population, as provided by law. The supreme court may prescribe by rule that the court of appeals sit in divisions and for the terms of court and the times and places thereof. Each such division shall consist of not fewer than three judges. The number of judges comprising the court of appeals may be increased, and the districts from which they are elected may be changed by law.

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

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

Sec. 11. The state shall be divided into judicial circuits along county lines in each of which there shall be elected one or more circuit judges as provided by law. Sessions of the circuit court shall be held at least four times in each year in every county organized for judicial purposes. Each circuit judge shall hold court in the county or

counties within the circuit in which he is elected, and in other circuits as may be provided by rules of the supreme court. The number of judges may be changed and circuits may be created, altered and discontinued by law and the number of judges shall be changed and circuits shall be created, altered and discontinued on recommendation of the supreme court to reflect changes in judicial activity. No change in the number of judges or alteration or discontinuance of a circuit shall have the effect of removing a judge from office during his term.

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

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

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

Sec. 15. In each county organized for judicial purposes there shall be a probate court. The legislature may create or alter probate court districts of more than one county if approved in each affected county by a majority of the electors voting on the question. The legislature may provide for the combination of the office of probate judge with any judicial office of limited jurisdiction within a county with supplemental salary as provided by law. The jurisdiction, powers and duties of the probate court and of the judges thereof shall be provided by law. They shall have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

Sec. 16. One or more judges of probate as provided by law shall be nominated and elected at non-partisan elections in the counties or the probate districts in which they reside and shall hold office for terms of six years and until their successors are elected and qualified. In counties or districts with more than one judge the terms of office shall be arranged by law to provide that not all terms will expire at the same time.

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

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

Each of the judges of the circuit court shall receive an annual salary as provided by law. In addition to the salary received from the state, each circuit judge may receive from any county in which he regularly holds court an additional salary as determined

from time to time by the board of supervisors of the county. In any county where an additional salary is granted, it shall be paid at the same rate to all circuit judges regularly holding court therein.

Sec. 19. The supreme court, the court of appeals, the circuit court, the probate court and other courts designated as such by the legislature shall be courts of record and each shall have a common seal. Justices and judges of courts of record must be persons who are licensed to practice law in this state. No person shall be elected or appointed to a judicial office after reaching the age of 70 years.

Sec. 20. Whenever a justice or judge removes his domicile beyond the limits of the territory from which he was elected, he shall have vacated his office.

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

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

Sec. 23. A vacancy in the elective office of a judge of any court of record shall be filled at a general or special election as provided by law. The supreme court may authorize persons who have served as judges and who have retired, to perform judicial duties for the limited period of time from the occurrence of the vacancy until the successor is elected and qualified. Such persons shall be ineligible for election to fill the vacancy.

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

Sec. 25. For reasonable cause, which is not sufficient ground for impeachment, the governor shall remove any judge on a concurrent resolution of two-thirds of the members elected to and serving in each house of the legislature. The cause for removal shall be stated at length in the resolution.

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

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

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

Sec. 28. All final decisions, findings, rulings and orders of any administrative officer or agency existing under the constitution or by law, which are judicial or quasi-judicial and affect private rights or licenses, shall be subject to direct review by the courts as

provided by law. This review shall include, as a minimum, the determination whether such final decisions, findings, rulings and orders are authorized by law; and, in cases in which a hearing is required, whether the same are supported by competent, material and substantial evidence on the whole record. Findings of fact in workmen's compensation proceedings shall be conclusive in the absence of fraud unless otherwise provided by law.

In the absence of fraud, error of law or the adoption of wrong principles, no appeal may be taken to any court from any final agency provided for the administration of property tax laws from any decision relating to valuation or allocation.

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

ARTICLE VII

Local Government

Sec. 1. Each organized county shall be a body corporate with powers and immunities provided by law.

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

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

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

Sec. 3. No organized county shall be reduced by the organization of new counties to less than 16 townships as surveyed by the United States, unless approved in the manner prescribed by law by a majority of electors voting thereon in each county to be affected.

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

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

Sec. 6. The sheriff may be required by law to renew his security periodically and in default of giving such security, his office shall be vacant. The county shall never be responsible for his acts, except that the board of supervisors may protect him against

claims by prisoners for unintentional injuries received while in his custody. He shall not hold any other office except in civil defense.

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

Sec. 8. Boards of supervisors shall have legislative, administrative and such other powers and duties as provided by law.

Sec. 9. Boards of supervisors shall have exclusive power to fix the compensation of county officers not otherwise provided by law.

Sec. 10. A county seat once established shall not be removed until the place to which it is proposed to be moved shall be designated by two-thirds of the members of the board of supervisors and a majority of the electors voting thereon shall have approved the proposed location in the manner prescribed by law.

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

Sec. 12. A navigable stream shall not be bridged or dammed without permission granted by the board of supervisors of the county as provided by law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and political subdivisions therein.

Sec. 13. Two or more contiguous counties may combine into a single county if approved in each affected county by a majority of the electors voting on the question.

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

Sec. 15. Any county, when authorized by its board of supervisors shall have the authority to enter or to intervene in any action or certificate proceeding involving the services, charges or rates of any privately owned public utility furnishing services or commodities to rate payers within the county.

Sec. 16. The legislature may provide for the laying out, construction, improvement and maintenance of highways, bridges, culverts and airports by the state and by the counties and townships thereof; and may authorize counties to take charge and control of any highway within their limits for such purposes. The legislature may provide the powers and duties of counties in relation to highways, bridges, culverts and airports; may provide for county road commissioners to be appointed or elected, with powers and duties provided by law. The ad valorem property tax imposed for road purposes by any county shall not exceed in any year one-half of one percent of the assessed valuation for the preceding year.

Sec. 17. Each organized township shall be a body corporate with powers and immunities provided by law.

Sec. 18. In each organized township there shall be elected for terms of not less than two nor more than four years as prescribed by law a supervisor, a clerk, a treasurer, and not to exceed four trustees, whose legislative and administrative powers and duties shall be provided by law.

Sec. 19. No organized township shall grant any public utility franchise which is not subject to revocation at the will of the township, unless the proposition shall first have been approved by a majority of the electors of such township voting thereon at a regular or special election.

Sec. 20. The legislature shall provide by law for the dissolution of township government whenever all the territory of an organized township is included within the boundaries of a village or villages notwithstanding that a village may include territory within another organized township and provide by law for the classification of such village or villages as cities.

Sec. 21. The legislature shall provide by general laws for the incorporation of cities and villages. Such laws shall limit their rate of ad valorem property taxation for municipal purposes, and restrict the powers of cities and villages to borrow money and contract debts. Each city and village is granted power to levy other taxes for public purposes, subject to limitations and prohibitions provided by this constitution or by law.

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

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

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

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

Sec. 25. No city or village shall acquire any public utility furnishing light, heat or power, or grant any public utility franchise which is not subject to revocation at the will of the city or village, unless the proposition shall first have been approved by three-fifths of the electors voting thereon. No city or village may sell any public utility unless the proposition shall first have been approved by a majority of the electors voting thereon, or a greater number if the charter shall so provide.

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

Sec. 27. Notwithstanding any other provision of this constitution the legislature may establish in metropolitan areas additional forms of government or authorities with powers, duties and jurisdictions as the legislature shall provide. Wherever possible, such additional forms of government or authorities shall be designed to perform multi-purpose functions rather than a single function.

Sec. 28. The legislature by general law shall authorize two or more counties, townships, cities, villages or districts, or any combination thereof among other things to:

enter into contractual undertakings or agreements with one another or with the state or with any combination thereof for the joint administration of any of the functions or powers which each would have the power to perform separately; share the costs and responsibilities of functions and services with one another or with the state or with any combination thereof which each would have the power to perform separately; transfer functions or responsibilities to one another or any combination thereof upon the consent of each unit involved; cooperate with one another and with state government; lend their credit to one another or any combination thereof as provided by law in connection with any authorized publicly owned undertaking.

Any other provision of this constitution notwithstanding, an officer or employee of the state or any such unit of government or subdivision or agency thereof, except members of the legislature, may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service.

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

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

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

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

Sec. 33. Any elected officer of a political subdivision may be removed from office in the manner and for the causes provided by law.

Sec. 34. The provisions of this constitution and law concerning counties, townships, cities and villages shall be liberally construed in their favor. Powers granted to counties and townships by this constitution and by law shall include those fairly implied and not prohibited by this constitution.

ARTICLE VIII

Education

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

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

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

The state board of education shall appoint a superintendent of public instruction whose term of office shall be determined by the board. He shall be the chairman of the board without the right to vote, and shall be responsible for the execution of its policies. He shall be the principal executive officer of a state department of education which shall have powers and duties provided by law.

The state board of education shall consist of eight members who shall be nominated by party conventions and elected at large for terms of eight years as prescribed by law. The governor shall fill any vacancy by appointment for the unexpired term. The governor shall be ex-officio a member of the state board of education without the right to vote.

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

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

Sec. 5. The regents of the University of Michigan and their successors in office shall constitute a body corporate known as the Regents of the University of Michigan; the trustees of Michigan State University and their successors in office shall constitute a body corporate known as the Board of Trustees of Michigan State University; the governors of Wayne State University and their successors in office shall constitute a body corporate known as the Board of Governors of Wayne State University. Each board shall have general supervision of its institution and the control and direction of all expenditures from the institution's funds. Each board shall, as often as necessary, elect a president of the institution under its supervision. He shall be the principal executive officer of the institution, be ex-officio a member of the board without the right to vote and preside at meetings of the board. The board of each institution shall consist of eight members who shall hold office for terms of eight years and who shall be elected as provided by law. The governor shall fill board vacancies by appointment. Each appointee shall hold office until a successor has been nominated and elected as provided by law.

Sec. 6. Other institutions of higher education established by law having authority to grant baccalaureate degrees shall each be governed by a board of control which shall be a body corporate. The board shall have general supervision of the institution and the control and direction of all expenditures from the institution's funds. It shall, as often as necessary, elect a president of the institution under its supervision.

He shall be the principal executive officer of the institution and be ex-officio a member of the board without the right to vote. The board may elect one of its members or may designate the president, to preside at board meetings. Each board of control shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the governor by and with the advice and consent of the senate. Vacancies shall be filled in like manner.

Sec. 7. The legislature shall provide by law for the establishment and financial support of public community and junior colleges which shall be supervised and controlled by locally elected boards. The legislature shall provide by law for a state board for public community and junior colleges which shall advise the state board of education concerning general supervision and planning for such colleges and requests for annual appropriations for their support. The board shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the state board of education. Vacancies shall be filled in like manner. The superintendent of public instruction shall be ex-officio a member of this board without the right to vote.

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

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

ARTICLE IX

Finance and Taxation

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

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

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

Sec. 4. Property owned and occupied by non-profit religious or educational organizations and used exclusively for religious or educational purposes, as defined by law, shall be exempt from real and personal property taxes.

Sec. 5. The legislature shall provide for the assessment by the state of the property of those public service businesses assessed by the state at the date this constitution becomes effective, and of other property as designated by the legislature,

and for the imposition and collection of taxes thereon. Property assessed by the state shall be assessed at the same proportion of its true cash value as the legislature shall specify for property subject to general ad valorem taxation. The rate of taxation on such property shall be the average rate levied upon other property in this state under the general ad valorem tax law, or, if the legislature provides, the rate of tax applicable to the property of each business enterprise assessed by the state shall be the average rate of ad valorem taxation levied upon other property in all counties in which any of such property is situated.

Sec. 6. Except as otherwise provided in this constitution, the total amount of general ad valorem taxes imposed upon real and tangible personal property for all purposes in any one year shall not exceed 15 mills on each dollar of the assessed valuation of property as finally equalized. Under procedures provided by law, which shall guarantee the right of initiative, separate tax limitations for any county and for the townships and for school districts therein, the aggregate of which shall not exceed 18 mills on each dollar of such valuation, may be adopted and thereafter altered by the vote of a majority of the qualified electors of such county voting thereon, in lieu of the limitation hereinbefore established. These limitations may be increased to an aggregate of not to exceed 50 mills on each dollar of valuation, for a period of not to exceed 20 years at any one time, if approved by a majority of the electors, qualified under Section 6 of Article II of this constitution, voting on the question.

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

In any school district which extends into two or more counties, property taxes at the highest rate available in the county which contains the greatest part of the area of the district may be imposed and collected for school purposes throughout the district.

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

Sec. 8. The legislature shall not impose a sales tax on retailers at a rate of more than four percent of their gross taxable sales of tangible personal property.

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

Sec. 10. One-eighth of all taxes imposed on retailers on taxable sales at retail of tangible personal property shall be used exclusively for assistance to townships, cities and villages, on a population basis as provided by law. In determining population the legislature may exclude any portion of the total number of persons who are wards, patients or convicts in any tax supported institution.

Sec. 11. There shall be established a state school aid fund which shall be used exclusively for aid to school districts, higher education and school employees' retirement systems, as provided by law. One-half of all taxes imposed on retailers on taxable sales at retail of tangible personal property, and other tax revenues provided by law, shall

be dedicated to this fund. Payments from this fund shall be made in full on a scheduled basis, as provided by law.

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

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

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

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

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

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

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

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

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

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

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

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

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

This section shall not be construed to prohibit the investment of public funds until needed for current requirements or the investment of funds accumulated to provide retirement or pension benefits for public officials and employees, as provided by law.

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

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

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

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

Sec. 22. Procedures for the examination and adjustment of claims against the state shall be prescribed by law.

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

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

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

ARTICLE X

Property

Sec. 1. The disabilities of coverture as to property are abolished. The real and personal estate of every woman acquired before marriage and all real and personal

property to which she may afterwards become entitled shall be and remain the estate and property of such woman, and shall not be liable for the debts, obligations or engagements of her husband, and may be dealt with and disposed of by her as if she were unmarried. Dower may be relinquished or conveyed as provided by law.

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

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

Sec. 4. Procedures relating to escheats and to the custody and disposition of escheated property shall be prescribed by law.

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

The legislature by an act adopted by two-thirds of the members elected to and serving in each house may designate any part of such lands as a state land reserve. No lands in the state land reserve may be removed from the reserve, sold, leased or otherwise disposed of except by an act of the legislature.

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

ARTICLE XI

Public Officers and Employment

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

Sec. 2. The terms of office of elective state officers, members of the legislature and justices and judges of courts of record shall begin at twelve o'clock noon on the first day of January next succeeding their election, except as otherwise provided in this constitution. The terms of office of county officers shall begin on the first day of January next succeeding their election, except as otherwise provided by law.

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

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

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

The civil service commission shall be non-salaried and shall consist of four persons, not more than two of whom shall be members of the same political party, appointed by the governor for terms of eight years, no two of which shall expire in the same year.

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

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

No person shall be appointed to or promoted in the classified service who has not been certified by the commission as qualified for such appointment or promotion. No appointments, promotions, demotions or removals in the classified service shall be made for religious, racial or partisan considerations.

Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year. Within 60 calendar days following such transmission, the legislature may, by a two-thirds vote of the members elected to and serving in each house, reject or reduce increases in rates of compensation authorized by the commission. Any reduction ordered by the legislature shall apply uniformly to all classes of employees affected by the increases and shall not adjust pay differentials already established by the civil service commission. The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases authorized by the commission.

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

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

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

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

No payment for personal services shall be made or authorized until the provisions of this constitution pertaining to civil service have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

Sec. 6. By ordinance or resolution of its governing body which shall not take effect until approved by a majority of the electors voting thereon, unless otherwise provided by charter, each county, township, city, village, school district and other governmental unit or authority may establish, modify or discontinue a merit system for its employees other than teachers under contract or tenure. The state civil service commission may on request furnish technical services to any such unit on a reimbursable basis.

Sec. 7. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office or for crimes or misdemeanors, but a majority of the members elected thereto and serving therein shall be necessary to direct an impeachment.

When an impeachment is directed, the house of representatives shall elect three of its members to prosecute the impeachment.

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

No person shall be convicted without the concurrence of two-thirds of the senators elected and serving. Judgment in case of conviction shall not extend further than removal from office, but the person convicted shall be liable to punishment according to law.

No judicial officer shall exercise any of the functions of his office after an impeachment is directed until he is acquitted.

ARTICLE XII

Amendment and Revision

Sec. 1. Amendments to this constitution may be proposed in the senate or house of representatives. Proposed amendments agreed to by two-thirds of the members elected to and serving in each house on a vote with the names and vote of those voting entered in the respective journals shall be submitted, not less than 60 days thereafter, to the electors at the next general election or special election as the legislature shall direct. If a majority of electors voting on a proposed amendment approve the same, it shall become part of the constitution and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved.

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

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

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

If the proposed amendment is approved by a majority of the electors voting on the question, it shall become part of the constitution, and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved. If two or more amendments approved by the electors at the same election conflict, that amendment receiving the highest affirmative vote shall prevail.

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

The convention shall choose its own officers, determine the rules of its proceedings and judge the qualifications, elections and returns of its members. To fill a vacancy in the office of any delegate, the governor shall appoint a qualified resident of the same district who shall be a member of the same party as the delegate vacating the office. The convention shall have power to appoint such officers, employees and assistants as it deems necessary and to fix their compensation; to provide for the printing and distribution of its documents, journals and proceedings; to explain and disseminate information about the proposed constitution and to complete the business of

the convention in an orderly manner. Each delegate shall receive for his services compensation provided by law.

No proposed constitution or amendment adopted by such convention shall be submitted to the electors for approval as hereinafter provided unless by the assent of a majority of all the delegates elected to and serving in the convention, with the names and vote of those voting entered in the journal. Any proposed constitution or amendments adopted by such convention shall be submitted to the qualified electors in the manner and at the time provided by such convention not less than 90 days after final adjournment of the convention. Upon the approval of such constitution or amendments by a majority of the qualified electors voting thereon the constitution or amendments shall take effect as provided by the convention.

Schedule and Temporary Provisions

To insure the orderly transition from the constitution of 1908 to this constitution the following schedule and temporary provisions are set forth to be effective for such period as are thereby required.

Sec. 1. The attorney general shall recommend to the legislature as soon as practicable such changes as may be necessary to adapt existing laws to this constitution.

Sec. 2. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights existing on the effective date of this constitution shall continue unaffected except as modified in accordance with the provisions of this constitution.

Sec. 3. Except as otherwise provided in this constitution, all officers filling any office by election or appointment shall continue to exercise their powers and duties until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

No provision of this constitution, or of law or of executive order authorized by this constitution shall shorten the term of any person elected to state office at a statewide election on or prior to the date on which this constitution is submitted to a vote. In the event the duties of any such officers shall not have been abolished or incorporated into one or more of the principal departments at the expiration of his term, such officer shall continue to serve until his duties are so incorporated or abolished.

Sec. 4. All officers elected at the same election that this constitution is submitted to the people for adoption shall take office and complete the term to which they were elected under the 1908 constitution and existing laws and continue to serve until their successors are elected and qualified pursuant to this constitution or law.

Sec. 5. Notwithstanding any other provision in this constitution, the governor, the lieutenant governor, the secretary of state, the attorney general and state senators shall be elected at the general election in 1964 to serve for two-year terms beginning on the first day of January next succeeding their election. The first election of such officers for four-year terms under this constitution shall be held at the general election in 1966.

Sec. 6. Notwithstanding the provisions of this constitution that the supreme court shall consist of seven justices it shall consist of eight justices until the time that a vacancy occurs as a result of death, retirement or resignation of a justice. The first such vacancy shall not be filled.

Sec. 7. Any judge of probate serving on the effective date of this constitution may serve the remainder of the term and be eligible to succeed himself for election

regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

Sec. 8. The provisions of Article VI providing that terms of judicial offices shall not all expire at the same time, shall be implemented by law providing that at the next election for such offices judges shall be elected for terms of varying length, none of which shall be shorter than the regular term provided for the office.

Sec. 9. The members of the state board of education provided for in Section 3 of Article VIII of this constitution shall first be elected at the first general election after the effective date of this constitution for the following terms: two shall be elected for two years, two for four years, two for six years, and two for eight years as prescribed by law.

The state board of education provided for in the constitution of 1908 is abolished at twelve o'clock noon January 1 of the year following the first general election under this constitution and the terms of members thereof shall then expire.

Sec. 10. The provisions of this constitution providing for members of boards of control of institutions of higher education and the state board of public community and junior colleges shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended, and may further provide that the initial terms of office of members may be less than eight years.

Sec. 11. The provisions of this constitution increasing the number of members of the Board of Trustees of Michigan State University and of the Board of Governors of Wayne State University to eight, and of their term of office to eight years, shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended one year, and may further provide that the initial terms of office of the additional members may be less than eight years.

Sec. 12. The initial allocation of departments by law pursuant to Section 2 of Article V of this constitution, shall be completed within two years after the effective date of this constitution. If such allocation shall not have been completed within such period, the governor, within one year thereafter, by executive order, shall make the initial allocation.

Sec. 13. Contractual obligations of the state incurred pursuant to the constitution of 1908 shall continue to be obligations of the state.

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

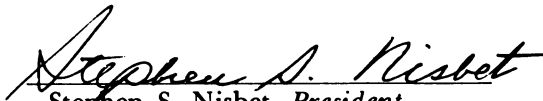
Sec. 14. The legislature by a vote of two-thirds of the members elected to and serving in each house may provide that the state may borrow money and may pledge its full faith and credit for refunding any bonds issued by the Mackinac Bridge Authority and at the time of refunding the Mackinac Bridge Authority shall be abolished and the operation of the bridge shall be assumed by the state highway department. The legislature may implement this section by law.

Sec. 15. This constitution shall be submitted to the people for their adoption or rejection at the general election to be held on the first Monday in April, 1963. It shall be the duty of the secretary of state forthwith to give notice of such submission to all

other officers required to give or publish any notice in regard to a general election. He shall give notice that this constitution will be duly submitted to the electors at such election. The notice shall be given in the manner required for the election of governor.

Sec. 16. Every registered elector may vote on the adoption of the constitution. The board of election commissioners in each county shall cause to be printed on a ballot separate from the ballot containing the names of the nominees for office, the words: Shall the revised constitution be adopted? () Yes. () No. All votes cast at the election shall be taken, counted, canvassed and returned as provided by law for the election of state officers. If the revised constitution so submitted receives more votes in its favor than were cast against it, it shall be the supreme law of the state on and after the first day of January of the year following its adoption.

Adopted by the Constitutional Convention of nineteen hundred sixty-one at Constitution Hall in Lansing on the first day of August, nineteen hundred sixty-two.


Stephen S. Nisbet, *President*


Fred I. Chase, *Secretary*

[ADDRESS TO THE PEOPLE]

***What the Proposed
New State Constitution
Means to You***

- A report to the people of Michigan
by their elected delegates to the
Constitutional Convention of 1961-62.

Lansing, Michigan

August 1, 1962

Article III

GENERAL GOVERNMENT

Seat.

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

No change from Sec. 2, Article I, of the present constitution except for elimination of the words "where it is now established" as unnecessary language.

Separation of powers.

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.

This is a revision of Secs. 1 and 2, Article IV, of the present constitution combining their provisions and substituting the word "branch" for "department" as a more adequate definition of the separate divisions of government.

Great seal.

Sec. 3. *There shall be a great seal of the State of Michigan and its use shall be provided by law.*

This is a revision of Secs. 11 and 12, Article VI, of the present constitution which provide in detail for the use of the great seal of Michigan. Both sections are unduly mandatory in their provisions as to the use of the seal.

The convention felt such a seal is necessary and should be given the dignity of a constitutional provision. It is believed, however, that the legislature can and will provide for the use of the great seal in a proper manner.

Militia.

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

This single section is substituted for all of Article XV, relating to the militia, in the present constitution. The existing Article ties the legislature down to an outmoded concept of what the militia should be. Details as to organizing, equipping and disciplining the militia are left to legislative enactment in the interests of flexibility and future requirements.

Inter-governmental agreements.

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.

This is a new section recognizing the emerging problems involved in co-operation between this state or its political subdivisions with one or more of the other states, the federal government, the Dominion of Canada or any of their political subdivisions.

Subject to general law, this state or any of its political subdivisions are permitted to enter into working agreements with the other units mentioned for the performance, financing or execution of their governmental functions. The convention record notes relation of this section to such matters as "flood control, navigation, water conservation, protection of wildlife and game and harbor development and regulation."

The section permits any officer or employee of the state or any of its political subdivisions to serve as a member of joint governmental bodies such as described herein without relinquishing his office or employment. The legislature is empowered to impose such restrictions and limitations as it deems appropriate on the service of the officer or employee.

Internal improvements.

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.*

This is a revision of Sec. 14, Article X, of the present constitution deleting detailed language listing exceptions relative to internal improvements in which the state may engage.

The new, abbreviated wording makes it clear that the state "may not be a party to" nor "financially interested" in internal improvements other than those of a public nature and by authorization of law.

Laws remain in effect.

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.

No change from Sec. 1 of the Schedule in the present constitution except for improvement in phraseology.

Advisory opinions.

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.*

This is a new section which empowers the supreme court to furnish advisory opinions to the governor and each house of the legislature on important questions of law and on solemn occasions—but only as to legislative acts that are already passed and signed by the governor, and before they become effective.

An example of the possible exercise of this section would have been the matter of the 4-cent state use tax which was passed and later declared unconstitutional.