Michigan Constitutional Convention of 1961
Committee Proposal 80c
Const 1963, Art 4, § 4

Relevant Material From the Constitutional Convention Record

Cross-Reference and Indices . . . . . pp. 3436, 3450, 3460

First Reading . . . . . pp. 756, 939-940, 1026, 2034-2060, 2153, 2177-2179, 2670

Second Reading . . . . . pp. 2803-2808, 2817-2822

Draft Constitution (Art 4, § 4) . . . . . pp. 3047-3075 (p. 3052)

Third Reading, Article-by-Article . . . . . pp. 3102-3103, 3113-3116

Draft Constitution (Art 4, § 4) . . . . . pp. 3215-3237 (pp. 3218-3219)

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

Adopted Constitution (Art 4, § 4) . . . . . pp. 3319-3353 (p. 3325)

Address to the People . . . . . p. 3370

Overview of the Constitutional Convention Process

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

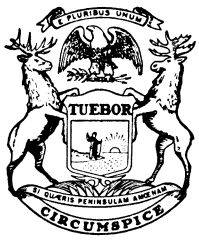
The convention used ALL CAPS to denote added material and [brackets] to denote removed material.

State of Michigan

CONSTITUTIONAL CONVENTION

1961

OFFICIAL RECORD



FRED I. CHASE
Secretary of the Convention

AUSTIN C. KNAPP
Editor

LYNN M. NETHAWAY
Associate Editor

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

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

* Created by the committee on style and drafting.

1963		1908		Committee Proposal
Preamble		Preamble		14
Art.	Sec.	Art.	Sec.	
I	1	II	1	15-1
I	2	none		26
I	3	II	2	15-2
I	4	II	3	15-3
I	5	II	4	15-4
I	6	II	5	15-5
I	7	II	6	15-6
I	8	II	7	15-7
I	9	II	8	15-8
I	10	II	9	15-9
I	11	II	10	15-10
I	12	II	11	15-11
I	13	II	12	15-12
I	14	II	13	15-13
I	15	II	14	15-14
I	16	II	15	15-15
I	17	II	16	15-16
I	18	II	17	15-17
I	19	II	18	15-18
I	20	II	19	15-19
I	21	II	20	15-20
I	22	II	21	15-21
I	23	none		15-1
II	1	III	1,2,3	58a
II	2	none		58b
II	3	none		58c
II	4	III	1,8	58d
II	5	V	12	58e
		VI	1	
		VII	2,9,14	
		VIII	3,18	
		XI	2,3,6, 7, 16	
II	6	III	4	58f
II	7	III	9	58h
II	8	III	8	58g
II	9(¶2*)	V	1	118b
III	1	I	2	10
III	2	IV	1,2	21
III	3	VI	11,12	18
III	4	XV	1,2,3	19
III	5	none		128
III	6	X	14	101
III	7	S	1	44a
III	8	none		96k
IV	1	V	1	118a
IV	2	V	2	80a
IV	3	V	3	80b
IV	4	none		80c
IV	5*	none		...
IV	6	V	4	79
IV	7	V	5	32
IV	8	V	6	112
IV	9	V	7	120
IV	10	V	7	115
		V	25	
IV	11	V	8	33
IV	12	V	9,10	28
IV	13	V	13	116
IV	14	V	14	34
IV	15	none		102c
IV	16	V	15	102a
IV	17	none		102b
IV	18	V	16	114
IV	19	V	17	117
IV	20	V	18	103
IV	21	V	18	103
IV	22	V	19	35
IV	23	V	20	29
IV	24	V	21	121
		V	22	105
IV	25	V	21	121
IV	26	V	22	105
		V	23	104
IV	27	V	21	121
IV	28	V	22	105
IV	29	V	30	119
IV	30	V	24	41
IV	31	none		46b
IV	32	X	6	53
IV	33	V	36	70
IV	34	V	38	113
IV	35	V	39	24
IV	36	V	40	108
IV	37	none		123
IV	38	XVI	5	122
IV	39	XVI	5	122
IV	40	XVI	11	27
IV	41	V	33	100
IV	42	VIII	30	87
IV	43	XII	9	5
IV	44	V	27	99
IV	45	V	28	106
IV	46	none		20
IV	47	V	26	111
IV	48	XVI	7	109
IV	49	V	29	110
IV	50	none		127
IV	51	none		126
IV	52	none		125
IV	53	VI	1	78
V	1	VI	2	2
V	2	none		71b
V	3	none		71b
V	4	none		71b
V	5	none		71b
V	6	none		71g
V	7	VI	10	71e
V	8	VI	3	71d
V	9	VI	1	71c
V	10	IX	7	71g
V	11	IX	5	71f
V	12	VI	4	3
V	13	VI	6	7
V	14	VI	9	16
V	15	VI	7	8
V	16	VI	8	9
V	17	VI	5	4
V	18	none		46a
V	19	V	37	46c
V	20	none		46d
V	21(¶3*)	VI	1	71a
V	22	VI	13	17
V	23	VI	21	75
V	24	none		77
V	25	VI	19	71b
V	26	VI	16,17	59,60
V	27	VI	18	72
V	28	none		71h
V	29	none		71i-71A
VI	1	VII	1	90
VI	2	VII	2,23	91a
VI	3	VII	2	91b
VI	4	VII	4	91c
VI	5	VII	5	91d
VI	6	VII	7	91e
VI	7	VII	6	91f
VI	8	none		92a
VI	9	none		92b
VI	10	none		92c
VI	11	VII	8	93a
VI	12	VII	9,23	93b
VI	13	VII	10	93c
VI	14	VII	11	93d
VI	15	VII	13	94a
VI	16	VII	14,23	94b
VI	17	none		96a[1]
VI	18	VII	12	96g
VI	19	VII	17	96a
VI	20	VII	19	96b
VI	21	VII	9	96c
VI	22	none		96l
VI	23	VII	20	96d
VI	24	VII	23	96e
VI	25	IX	6	96h
VI	26	VII	15,16, 21	96i
VI	27	VII	6,11	96n
VI	28	none		95
VI	29	VII	18	96o
VII	1	VIII	1	81a
VII	2	none		89
VII	3	VIII	2	81b
VII	4	VIII	3	81c
VII	5	VIII	4	81d
VII	6	VIII	5	81e
VII	7	VIII	7	81f
VII	8	VIII	8	81g
VII	9	VIII	9	81h
VII	10	VIII	13	81j
VII	11	VIII	12	81i
VII	12	VIII	14	81k
VII	13	none		81n
VII	14	VIII	15	81l
VII	15	none		85c
VII	16	VIII	26	86a
VII	17	VIII	16	82a
VII	18	VIII	17,18	82b,c
VII	19	VIII	19	82e
VII	20	none		82d
VII	21	VIII	20	83a
VII	22	VIII	21	83b
VII	23	VIII	22	83c
VII	24	VIII	23	83e
VII	25	VIII	25	83f
VII	26	VIII	25	83d
VII	27	VIII	31	88a
VII	28	VIII	31	88b
VII	29	VIII	28	85a
VII	30	VIII	29	85b
VII	31	VIII	27	86b
VII	32	none		57
VII	33	IX	8	42e
VII	34	none		84
VIII	1	XI	1	1
VIII	2	XI	9	30
VIII	3	XI	2,6	47
VIII	4	XI	10	98a
VIII	5	XI	3,4,5, 7,8,16	98b
VIII	6	none		98c
VIII	7	none		98d
VIII	8	XI	15	13
VIII	9	XI	14	31
IX	1	X	2	50
IX	2	X	9	54
IX	3	X	3,4,7,8	51
IX	4	none		51
IX	5	X	3,5	52
IX	6	X	21	56

Committee Proposal No. — Page

79. A proposal pertaining to a commission on legislative apportionment. Replaces article V, section 4.
For text as offered and reasons 2014
As referred to style and drafting 2029
As reported by style and drafting 2799
As rereferred to style and drafting 2799
Feb. 2, reported by legislative organization; referred to committee of the whole 756
Feb. 9, made a special order on general orders for Feb. 14 939-940
Feb. 13, returned to regular order on general orders 1026
Mar. 30, read first time; considered, amended, passed by committee of the whole 2014-2029
Mar. 30, reported by committee of the whole with 6 amendments; amendments concurred in; referred to style and drafting 2029
Apr. 23, reported by style and drafting (Report 81); placed on order of second reading 2670
Apr. 25, read second time; passed; rereferred to style and drafting 2799-2803

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. Replaces article V, sections 2 and 3.
For text as offered and reasons 2034
For minority report and reasons 2036
As referred to style and drafting 2178
As reported by style and drafting 2805
As rereferred to style and drafting 2821
Feb. 2, reported by legislative organization; referred to committee of the whole 756
Feb. 9, made a special order on general orders for Feb. 14 939-940
Feb. 13, returned to regular order on general orders 1026
Apr. 2, read first time; section a considered by committee of the whole 2034-2059
Apr. 3, section a considered, amended by committee of the whole 2062-2074, 2076-2096
Apr. 4, sections a, b, c considered; section a amended, sections b, c passed by committee of the whole 2098-2153
Apr. 5, section a considered, amended, passed; committee proposal as amended considered, passed by committee of the whole 2154-2177
Apr. 5, reported by committee of the whole with 7 amendments; referred, as amended, to style and drafting 2178
Apr. 23, reported by style and drafting (Report 82); placed on order of second reading 2670
Apr. 25, motion to postpone until Aug. 1 defeated 2803-2805
Apr. 25, read second time; amended, passed; rereferred to style and drafting 2805-2822

81. A proposal pertaining to county government. Amends article VIII, sections 1, 2, 3, 4, 5, 7, 8, 9, 12, 13, 14 and 15.
For text as offered and reasons 929
For minority reports and reasons 930
As referred to style and drafting 985
As reported by style and drafting 2505
As rereferred to style and drafting 2512
Feb. 1, reported by local government; referred to committee of the whole 738
Feb. 9, read first time; sections a, b, c, d, e, f considered, passed by committee of the whole 929-938, 940-952
Feb. 12, sections g, h, i, j, k, l, m considered; sections g, h, i, j, k, l passed; section m amended, passed; committee proposal as amended considered, passed by committee of the whole 957-980
Feb. 12, reported by committee of the whole with 1 amendment; amendment concurred in; referred to style and drafting 982-985
Mar. 27, reported by style and drafting (Report 39); placed on order of second reading 1890
Apr. 17, read second time; amended, passed; rereferred to style and drafting 2505-2513

Committee Proposal No. — Page

82. A proposal pertaining to townships. Amends article VIII, sections 16, 17, 18 and 19.
For text as offered and reasons 980
For minority report and reasons 981
As referred to style and drafting 1024
As reported by style and drafting 2513
As rereferred to style and drafting 2513
Feb. 1, reported by local government; referred to committee of the whole 738
Feb. 12, read first time; section a considered, passed by committee of the whole 980-982
Feb. 13, sections b, c, d, e considered; sections b, d amended, passed; sections c, e passed; committee proposal as amended considered, passed by committee of the whole 988-1005
Feb. 13, reported by committee of the whole with 2 amendments; amendments concurred in; referred to style and drafting 1023-1024
Mar. 27, reported by style and drafting (Report 40); placed on order of second reading 1890
Apr. 17, read second time; passed; rereferred to style and drafting 2513-2516

83. A proposal pertaining to cities and villages. Amends article VIII, sections 20, 21, 22, 23 and 25.
For text as offered and reasons 1005
For minority reports and reasons 1007
As referred to style and drafting 1070
As reported by style and drafting 2516
As rereferred to style and drafting 2536
Feb. 1, reported by local government; referred to committee of the whole 738
Feb. 13, read first time; sections a, b considered; section a amended, passed; section b amended by committee of the whole 1005-1023
Feb. 14, sections b, c, d, e, f considered; sections b, d, f amended, passed; sections c, e passed; committee proposal as amended considered, passed by committee of the whole 1029-1048
Feb. 14, reported by committee of the whole with 6 amendments 1065-1066
Feb. 15, report considered; amendments concurred in; referred to style and drafting 1068-1070
Mar. 27, reported by style and drafting (Report 41); placed on order of second reading 1890
Apr. 17, read second time; amended, passed; rereferred to style and drafting 2516-2536

84. A proposal to provide for liberal construction of provisions concerning municipal corporations. Amends article VIII.
For text as offered and reasons 1048
As referred to style and drafting 1048
As reported by style and drafting 2536
As rereferred to style and drafting 2536
Feb. 1, reported by local government; referred to committee of the whole 738
Feb. 14, read first time; considered, passed by committee of the whole 1048-1055
Feb. 14, reported by committee of the whole without amendment; referred to style and drafting 1065
Mar. 27, reported by style and drafting (Report 42); placed on order of second reading 1890
Apr. 17, read second time; passed; rereferred to style and drafting 2536-2538

85. A proposal to provide that public utilities may use public property with consent of local authorities and a limitation on the length of franchise. Amends article VIII, sections 28 and 29.
For text as offered and reasons 1055
As referred to style and drafting 1107
As reported by style and drafting 2538
As rereferred to style and drafting 2538
Feb. 1, reported by local government; referred to committee of the whole 739
Feb. 14, read first time; sections a, b considered; section a amended, passed; section b passed; committee proposal as amended considered; passed until 2:00 p.m., Feb. 15, by committee of the whole 1055-1057

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Article III: Cont'd.
Section 8. Opinions on constitutionality by supreme court. (Committee Proposal 96k)
May 7, reported, placed on order of third reading .. 3045
May 7, read third time, passed 3098-3099
May 9, referred to committee on style and drafting .. 3210
May 11, reported; placed on order of third reading, considered read third time; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3323
For text, and comments in address to the people 3368

ARTICLE IV. Legislative Branch. (Committee Proposals 5, 20, 24, 27, 28, 29, 32, 33, 34, 35, 41, 46b, 53, 70, 78, 79, 80a, b, c, 87, 99, 100, 102a, b, c, 103, 104, 105, 106, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118a, 119, 120, 121, 122, 123, 125, 126, 127)
May 7, reported; placed on order of third reading .. 3045
May 7, read third time; sections 4, 6, 12 and 18 amended; passed 3099-3116
May 9, referred to committee on style and drafting .. 3210
May 11, reported; placed on order of third reading; considered read third time; section 8 amended; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3323-3330
For text, and comments in address to the people..3369-3378

Section 1. Legislative power. (Committee Proposal 118a)
May 7, reported; placed on order of third reading .. 3045
May 7, read third time; passed 3099-3116
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 3369

Section 2. Senators, number, term. Senatorial districts, apportionment factors. Apportionment rules. (Committee Proposal 80a)
May 7, reported; placed on order of third reading .. 3045
May 7, read third time; passed 3099-3116
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 3369

Section 3. Representatives, number, term; contiguity of districts. Representative areas, single and multiple county. Apportionment of representatives to areas. Districting of single county area entitled to 2 or more representatives. Districting of multiple county representative areas. (Committee Proposal 80b)
May 7, reported; placed on order of third reading .. 3045
May 7, read third time; passed 3099-3116
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 3324
For text, and comments in address to the people 3369

Section 4. Annexation or merger with a city. (Committee Proposal 80c)
May 7, reported; placed on order of third reading .. 3045
May 7, read third time; amended; passed 3099-3116
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 3325
For text, and comments in address to the people 3370

Section 5. Island areas, contiguity. (Created by style and drafting)
May 7, reported; placed on order of third reading .. 3045
May 7, read third time; passed 3099-3116
May 9, referred to committee on style and drafting .. 3210

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Article IV, Section 5: Cont'd.
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 3325
For text, and comments in address to the people 3371

Section 6. Commission on legislative apportionment. Eligibility to membership. Appointment, term, vacancies. Officers, rules of procedure, compensation, appropriation. Call to convene; apportionment; public hearings. Apportionment plan, publication; record of proceedings. Disagreement of commission; submission of plans to supreme court. Jurisdiction of supreme court on elector's application. (Committee Proposal 79)
May 7, reported; placed on order of third reading .. 3045
May 7, read third time; amended; passed 3099-3116
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 3325
For text, and comments in address to the people .. 3371

Section 7. Legislators; qualifications, removal from district. (Committee Proposal 32)
May 7, reported; placed on order of third reading .. 3045
May 7, read third time; passed 3099-3116
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 3326
For text, and comments in address to the people .. 3372

Section 8. Ineligibility of government officers and employees. (Committee Proposal 112)
May 7, reported; placed on order of third reading .. 3045
May 7, read third time; passed 3099-3116
May 9, referred to committee on style and drafting 3210
May 11, reported; placed on order of third reading; considered read third time; amended; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3326
For text, and comments in address to the people .. 3372

Section 9. Civil appointments, ineligibility of legislators. (Committee Proposal 120)
May 7, reported; placed on order of third reading 3045
May 7, read third time; passed 3099-3116
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 3326
For text, and comments in address to the people .. 3372

Section 10. Legislators and state officers, government contracts, conflict of interest. (Committee Proposal 115)
May 7, reported; placed on order of third reading .. 3045
May 7, read third time; passed 3099-3116
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 3326
For text, and comments in address to the people 3372

Section 11. Legislators, privileges. (Committee Proposal 33)
May 7, reported; placed on order of third reading .. 3045
May 7, read third time; passed 3099-3116
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 3326
For text, and comments in address to the people .. 3372

Section 12. Compensation and expenses of legislators. (Committee Proposal 28)
May 7, reported; placed on order of third reading .. 3045
May 7, read third time; amended; passed 3099-3116
May 9, referred to committee on style and drafting 3210

Dehnke	Krolikowski	Sablich
DeVries	Kuhn	Sleder
Donnelly, Miss	Leibrand	Snyder
Doty, Donald	Lesinski	Stopczynski
Douglas	Liberato	Suzore
Downs	Lundgren	Walker
Elliott, Mrs. Daisy	Madar	Wilkowski
Faxon	Mahinske	Wood
Follo	Marshall	Young
Ford	McAllister	Youngblood

Nays — 71

Allen	Gust	Richards, L. W.
Andrus, Miss	Hannah, J. A.	Romney
Anspach	Haskill	Rood
Batchelor	Hatch	Rush
Beaman	Hubbs	Seyferth
Bentley	Hutchinson	Shackleton
Boothby	Iverson	Shaffer
Brake	Judd, Mrs.	Shanahan
Conklin, Mrs.	Karn	Sharpe
Cudlip	Kirk, S.	Spitler
Cushman, Mrs.	Knirk, B.	Stafseth
Danhof	Koeze, Mrs.	Staiger
Davis	Leppien	Sterrett
Dell	Martin	Stevens
Durst	McCauley	Tubbs
Elliott, A. G.	McGowan, Miss	Turner
Erickson	McLogan	Tweedie
Everett	Millard	Upton
Farnsworth	Nisbet	Van Dusen
Figy	Page	Wanger
Finch	Pollock	White
Gadola	Powell	Woolfenden
Goebel	Prettie	Yeager
Gover	Richards, J. B.	

On the motion to reconsider, the yeas are 60; the nays are 71.

PRESIDENT NISBET: The motion does not prevail.

Reports of standing committees.

SECRETARY CHASE: The secretary would like to suggest that, without objection, all of the remaining committee reports will have been processed this afternoon, and if it is agreeable with the convention, could be included in the journal of today, so that they will be on the general orders calendar for Monday.

PRESIDENT NISBET: Without objection, they will be so included in the journal, considered read, referred to the committee of the whole and placed on general orders.

Following are the remaining committee proposals and exclusion reports introduced January 31, 1962, which were considered read, referred to the committee of the whole and placed on general orders:

Mr. Erickson, for the committee on miscellaneous provisions and schedule, introduced
Committee Proposal 67, A proposal to amend article XIII, sections 1, 2, 3, 4 and 5, pertaining to eminent domain, of the present constitution;
with the recommendation that it pass.

Claud R. Erickson, chairman.

For Committee Proposal 67 and the reasons submitted in support thereof, see below under date of April 18.

Mr. Martin, for the committee on executive branch, introduced
Committee Proposal 71, A proposal to provide for the election, term and duties of state officers; allocation of departments, administrative reorganization, appointment and removal of department heads, supervision of departments, appointments to fill vacancies, provisional appointments, and removal or suspension from office by the governor. Amends or replaces article VI, sections 1, 3, 10 and 19, and article IX, sections 5 and 7; with the recommendation that it pass.

John B. Martin, chairman.

For Committee Proposal 71 and the reasons submitted in support thereof, see below under date of March 20.

[**Committee Proposal 73** withdrawn by committee.]

Mr. Martin, for the committee on executive branch, introduced
Committee Proposal 77, A proposal to provide a suitable residence for the governor and to authorize an allowance for maintenance. Amends article VI;
with the recommendation that it pass.

John B. Martin, chairman.

For Committee Proposal 77 and the reasons submitted in support thereof, see below under date of March 19.

Mr. John Hannah, for the committee on legislative organization, introduced
Committee Proposal 79, A proposal pertaining to a commission on legislative apportionment. Replaces article V, section 4; with the recommendation that it pass.

John A. Hannah, chairman.

For Committee Proposal 79 and the reasons submitted in support thereof, see below under date of March 30.

Mr. John Hannah, for the committee on legislative organization, introduced
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. Replaces article V, sections 2 and 3;
with the recommendation that it pass.

John A. Hannah, chairman.

For Committee Proposal 80 and the reasons submitted in support thereof, see below under date of April 2.

Mr. A. G. Elliott, for the committee on local government, introduced
Committee Proposal 86, A proposal pertaining to highways and their maintenance. Amends article VIII, sections 26 and 27; with the recommendation that it pass.

Arthur G. Elliott, chairman.

For Committee Proposal 86 and the reasons submitted in support thereof, see below under date of February 14.

Mr. A. G. Elliott, for the committee on local government, introduced
Committee Proposal 87, A proposal relating to ports and port districts. Retains section 30 of article VIII unchanged;
with the recommendation that it pass.

Arthur G. Elliott, chairman.

For Committee Proposal 87 and the reasons submitted in support thereof, see below under date of February 14.

Mr. A. G. Elliott, for the committee on local government, introduced
Committee Proposal 88, A proposal pertaining to metropolitan areas. Amends article VIII;
with the recommendation that it pass.

Arthur G. Elliott, chairman.

For Committee Proposal 88 and the reasons submitted in support thereof, see below under date of February 14.

Mr. A. G. Elliott, for the committee on local government, introduced
Committee Proposal 89, A proposal pertaining to county home rule. Amends article VIII;
with the recommendation that it pass.

Arthur G. Elliott, chairman.

For Committee Proposal 89 and the reasons submitted in support thereof, see below under date of February 15.

The question now is: shall the previous question be put? All those in favor say aye. Opposed?

The previous question has been ordered. The vote now is on the amendment. Mr. Chase, will you read the amendment.

SECRETARY CHASE: The amendment is:

[The amendment was again read by the secretary. For text, see above, page 938.]

PRESIDENT NISBET: Those in favor of that amendment will vote aye. Those opposed will vote nay. The machine will be locked, and the vote recorded.

The roll was called and the delegates voted as follows:

Yeas — 65

Allen	Garvin	Pollock
Andrus, Miss	Hanna, W. F.	Rajkovich
Austin	Hannah, J. A.	Romney
Baginski	Hart, Miss	Seyferth
Balcer	Hatcher, Mrs.	Snyder
Binkowski	Higgs	Spitler
Brown, T. S.	Hood	Staiger
Buback	Iverson	Sterrett
Conklin, Mrs.	Judd, Mrs.	Stevens
Cudlip	King	Stopczynski
Cushman, Mrs.	Krolikowski	Suzore
Dade	Lesinski	Tubbs
Danhof	Lundgren	Tweedie
DeVries	Madar	Upton
Douglas	Mahinske	Van Dusen
Downs	McCauley	Walker
Durst	McGowan, Miss	Wanger
Elliott, A. G.	McLogan	Woolfenden
Elliott, Mrs. Daisy	Millard	Yeager
Figy	Mosier	Young
Follo	Murphy	Youngblood
Ford	Nord	

Nays — 53

Batchelor	Greene	Powell
Bentley	Haskill	Prettie
Boothby	Hatch	Pugsley
Brake	Heideman	Richards, J. B.
Butler, Mrs.	Howes	Richards, L. W.
Davis	Hubbs	Rood
Dehnke	Hutchinson	Rush
Dell	Kelsey	Shackleton
Donnelly, Miss	Kirk, S.	Shaffer
Doty, Dean	Knirk, B.	Shanahan
Doty, Donald	Koeze, Mrs.	Sharpe
Erickson	Kuhn	Sleder
Everett	Leppien	Stafseth
Farnsworth	Martin	Thomson
Finch	McAllister	Turner
Gadola	Nisbet	White
Goebel	Page	Wood
Gover	Plank	

SECRETARY CHASE: On the adoption of the McCauley amendment, the yeas are 65, the nays are 53.

PRESIDENT NISBET: The amendment is adopted.

MR. A. G. ELLIOTT: Mr. President, a point of personal privilege.

PRESIDENT NISBET: Mr. Elliott.

MR. A. G. ELLIOTT: I would like to tell Mr. Davis that I completely agree with him, and my vote yea was an indication that when we get another chance, we're going to make this thing a flexible constitution. (applause)

PRESIDENT NISBET: The next amendment.

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

1. Amend page 1, after "Sec. a.", by striking out the balance of the committee proposal and inserting:

"The total amount of taxes assessed against property for all purposes in any one year shall not exceed 1½ per cent of the assessed valuation of said property, except taxes levied for the payment of interest and principal on obligations heretofore incurred, which sums shall be separately assessed in all cases: Provided, That this limitation may be increased for a period of not to exceed 20 years at any one time, to not more than a total of 5 per cent of the assessed valuation, by a majority vote of the electors of any assessing district, or when provided for by the charter of a municipal corporation: Provided further, That this limitation shall not apply to taxes levied in the year 1932.

In any school district which extends into 2 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.".

PRESIDENT NISBET: The question is on the Turner amendment. Those in favor say — Mr. Turner.

MR. TURNER: Mr. President, I think the sentiment has been shown here, and I would much rather withdraw my amendment and go back to work to find a much better way of constructing a better tax picture in this state. Thank you. (applause)

PRESIDENT NISBET: The amendment is withdrawn, and **Committee Proposal 56,** as amended, is referred to the committee on style and drafting.

Following is Committee Proposal 56 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 by general law fix limits on the rates of ad valorem taxes which may be levied by counties, townships, school districts and other political subdivisions, except where such limits are provided by charter or other applicable home rule provisions.

SECRETARY CHASE: The committee of the whole, Mr. President, has also had under consideration **Committee Proposal 81,** has considered amendments thereto, and has come to no final resolution thereon. This completes the report of the committee of the whole, Mr. President.

PRESIDENT NISBET: The Chair recognizes Mr. Higgs.

MR. HIGGS: Mr. President, I move that the convention now recess until 2:00 o'clock.

PRESIDENT NISBET: The question is on the motion of Mr. Higgs. Those in favor say aye. Those opposed.

The motion prevails. The convention is recessed until 2:00 o'clock.

[Whereupon, at 12:20 o'clock p.m., the convention recessed; and, at 2:00 o'clock p.m., reconvened. Vice President Hutchinson assumed the Chair.]

VICE PRESIDENT HUTCHINSON: The convention will be in order.

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

Prior to the noon recess, Mr. Page filed a request with the secretary asking to be excused from the afternoon session.

VICE PRESIDENT HUTCHINSON: Without objection, Mr. Page will be excused. The Chair hears no objection, and it is so ordered.

The Chair recognizes the delegate from the fourteenth district, Dr. Hannah.

MR. J. A. HANNAH: Mr. President, I should like to move that Committee Proposals 79 and 80, the report of the committee on legislative organization, be made a special order on general orders for next Wednesday.

VICE PRESIDENT HUTCHINSON: You have heard the motion of the delegate that the reorganization proposals, Committee Proposals 79 and 80, be placed on the order of general orders for next Wednesday.

MR. STERRETT: Point of information, Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Sterrett.

MR. STERRETT: There is a general calendar that lists 79 and 80, but we received the general calendar today, Friday, February 9. What numbers would they be on that general calendar?

VICE PRESIDENT HUTCHINSON: These are proposal numbers. What are the order numbers on the calendar? Can the secretary advise?

SECRETARY CHASE: They are not on the calendar for today. They are Committee Proposals 79 and 80, which were items 59 and 60 on the previous calendar.

VICE PRESIDENT HUTCHINSON: The question is upon the motion made by Mr. Hannah. All those in favor will say aye. Those opposed will say no.

The ayes have it, the motion prevails, and it is so ordered.

The Chair recognizes the delegate from Gratiot, Mr. Hoxie.

MR. HOXIE: Mr. President, I would like to make a statement under personal privilege.

VICE PRESIDENT HUTCHINSON: You may state it.

MR. HOXIE: At the time we had under consideration Committee Proposal 56 in the committee of the whole, I voted against the McCauley amendment. At the time the vote was taken on the amendment, after the committee rose, I had been called from the convention floor to the legislative powers committee room on official convention business. Had I been present, I would have voted against the amendment and for the retention of the 15 mill tax limitation on real and personal property.

VICE PRESIDENT HUTCHINSON: The statement will be entered in the journal.

The Chair recognizes the delegate from the fifteenth district, Mr. Bentley.

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

VICE PRESIDENT HUTCHINSON: The question is on the motion of Mr. Bentley. All those in favor will say aye. Those opposed will say no.

The ayes have it, the motion prevails, and the gentleman from the fifteenth district, Mr. Bentley, will preside.

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

CHAIRMAN BENTLEY: The committee will be in order. When the committee rose this morning, the Chair was preparing to recognize the gentleman from Detroit, Mr. Madar, to speak on the amendment offered by Mr. Ford to his amendment. Does the gentleman desire recognition at this time?

MR. MADAR: Yes. I would just like to state that I would be willing to accept Mr. Ford's amendment.

CHAIRMAN BENTLEY: The question is on the amendment offered by the gentleman from Taylor, Mr. Ford, to the amendment offered by the gentleman from Detroit, Mr. Madar. As many as are in favor of the amendment to the amendment will respond by saying aye. Those opposed.

The Chair rules the ayes have it, and the amendment to the amendment is adopted.

A DELEGATE: Division.

CHAIRMAN BENTLEY: Division has been demanded. Is the demand supported?

SECRETARY CHASE: There is a sufficient number.

CHAIRMAN BENTLEY: The secretary will read the Ford amendment to the Madar amendment.

SECRETARY CHASE: Mr. Ford's amendment is:

[The amendment was again read by the secretary. For text, see above, page 937.]

CHAIRMAN BENTLEY: Those in favor —

MISS DONNELLY: Point of order.

CHAIRMAN BENTLEY: The lady will state it.

MISS DONNELLY: If Mr. Madar accepted Mr. Ford's amendment, which I gather he did, then are we now not voting on a joint amendment to the committee proposal?

CHAIRMAN BENTLEY: The question is on the amendment to the amendment. The amendment offered by Mr. Ford is the question before the committee.

MISS DONNELLY: Not on Madar's?

CHAIRMAN BENTLEY: No.

The gentleman from Taylor, Mr. Ford.

MR. FORD: Mr. Chairman, during the recess Mr. Wanger called my attention to the fact that in attempting to reinstate the language of the 1908 constitution, I overlooked a deletion in the minority report in line 5. The word "each" would be deleted by Mr. Madar's amendment, and it was my intention to reinstate the language in toto as presently exists in the constitution, except for the 500,000 figure.

CHAIRMAN BENTLEY: Without objection, the Ford amendment will be so corrected.

The gentleman from Detroit, Mr. Madar.

MR. MADAR: Mr. Chairman, with the correction I cannot accept the amendment. This is nothing more nor less than a veto.

CHAIRMAN BENTLEY: The question recurs on the amendment offered by Mr. Ford, and the secretary will again read the amendment as perfected by Mr. Ford.

SECRETARY CHASE: Mr. Ford's revised amendment is as follows:

1. Amend the amendment after "electors of" by reinserting "such city and the remainder of"; and after "question shall" by reinserting "each"; so that the language will read:

> When a city in any county has attained a population of 500,000 inhabitants, the legislature may organize it into a separate county without reference to geographical extent, if a majority of the electors of such city and the remainder of the county voting on the question shall each determine in favor of organizing said city into a separate county.

CHAIRMAN BENTLEY: Those in favor of the Ford amendment to the Madar amendment will vote aye. Those opposed will vote nay.

MR. MADAR: Is this on the Madar amendment, or on the Ford amendment?

CHAIRMAN BENTLEY: This is on the Ford amendment only. The question is on the amendment to the amendment.

MR. MADAR: Mr. Chairman, I don't believe that everybody understands this; that when they vote for Mr. Ford's amendment right now, all they are doing is killing the entire amendment. Because it doesn't do any good at all.

CHAIRMAN BENTLEY: The Chair will restate the question for the last time. The vote is on the Ford amendment only to the Madar amendment, not on the Madar amendment. The machine will be locked.

SECRETARY CHASE: On the adoption of the Ford amendment to the Madar amendment, the yeas are 75, the nays are 35.

CHAIRMAN BENTLEY: Then the amendment to the amendment is adopted. The question now occurs on the Madar amendment, as amended, and the Chair recognizes the lady from Detroit, Mrs. Hatcher.

MRS. HATCHER: Mr. Chairman and delegates, as a cosponsor of the Madar amendment, I rise in support of the amendment, for the same reasons that Mr. Madar pointed out. As a resident in the city of Detroit, I believe that for a number of years we have been faced with many problems, of which certainly Detroit as a city alone has not been able to solve, as a city, or one of the 16 cities in the county. I believe that this type of move would offer an opportunity for the citizens of Detroit to enjoy the services that they are presently paying for. For that reason, and for other reasons that I do not care to take the time of the committee at the moment to state, I fully support the amendment.

CHAIRMAN BENTLEY: The Chair recognizes the chairman of the committee, the gentleman from Pleasant Ridge, Mr. Elliott.

MR. A. G. ELLIOTT: Mr. Chairman and ladies and gentlemen, I would merely like to remind you of the discussion we had before we recessed, and the comments made by Mr. Allen, by Mrs. Judd and others of the committee, and to remind you that what you now have is exactly the language which our committee worked on for quite a long time and decided in its wisdom should be deleted from the constitution. I urge you to oppose the amendment.

CHAIRMAN BENTLEY: The question occurs on the amendment, as amended, offered by the gentleman from Detroit,

in your report, taken from the convention record, since we have a great number of minority reports in respect to the various issues, will both sides then be presented?

MR. DeVRIES: Mr. President and Mr. Binkowski, it is my understanding that the material that will be released by this commission, after we have adjourned, will only be taken from the official draft and the accompanying committee reports sustaining that section of the constitution.

MR. BINKOWSKI: In other words, the majority report.

MR. DeVRIES: The committee report, Mr. Binkowski.

MR. BINKOWSKI: As accepted by the majority of the members of this constitutional convention.

MR. DeVRIES: As accepted by the majority of the members of this constitutional convention.

VICE PRESIDENT ROMNEY: Delegate Hoxie.

MR. HOXIE: Mr. President and Mr. DeVries, I appreciate the work that your committee has done in trying to furnish to the delegates of this convention a breakdown of what you recommend should be done to preserve the records and to do all of the things that you have indicated. However, there is one thing that bothers me, Mr. DeVries, and that is the fact that it seems a little unfair that the delegates haven't had an opportunity to review it and to determine whether or not there are intelligent questions that we would like to ask the committee about this proposed budget. We are dealing with a considerable sum of money. At least, to me, a country boy from St. Louis, when we get to over ¼ of a million dollars, that is quite a lot of the people's money.

I am wondering if you would have any objection to laying this over for a day or so until we can make a study of it.

MR. DeVRIES: Mr. President and Mr. Hoxie, the only reason for some haste on this resolution is that the deadline for the introduction of bills in the legislature is February 21, and we would like to meet with the legislators sometime the end of this week, but we have no objection to laying this over until tomorrow morning. Would that be sufficient time, Mr. Hoxie?

MR. HOXIE: Well, Mr. DeVries, I would suggest tomorrow afternoon and give us a little opportunity. It is nearly 6:00 o'clock now, and we aren't going to be back here until 9:30 in the morning. I don't think it is such a rush that it couldn't wait until the afternoon session.

MR. DeVRIES: Mr. President, I move that the committee on administration's report be laid over until tomorrow afternoon at 2:00 p.m.

VICE PRESIDENT ROMNEY: You have heard the motion. Those in favor say aye. Opposed.

The motion prevails.

Delegate Van Dusen.

MR. VAN DUSEN: Mr. President, yesterday Dr. Pollock made a parliamentary inquiry asking the order in which the committee proposals remaining on our calendar would be considered, and after consultation with President Nisbet, the committee on rules and resolution reports to the convention that the secretary is now in the process of preparing the calendar, and showing the committee proposals by subject matter as follows:

First, local government, in which we are now engaged; then, education; then the judicial branch; then the executive branch; then the legislative organization; and then rights, suffrage and elections; then legislative powers; and finally miscellaneous provisions.

Hopefully, the secretary will have the calendar showing the proposals of these committees in detail in your hands tomorrow morning.

VICE PRESIDENT ROMNEY: Mr. Van Dusen, do you have any motion in connection with special orders for tomorrow?

MR. VAN DUSEN: I think, Mr. President, it probably would be in order, at this time, to move that the matter of legislative organization, Committee Proposals 79 and 80, which had been made a special order for tomorrow, be returned to its regular place in the calendar, as I have just outlined.

VICE PRESIDENT ROMNEY: The question is on the motion. Those in favor of the motion say aye. Opposed?

The motion prevails.

Delegate Downs.

MR. DOWNS: I ask through the Chair, Mr. Van Dusen, was the idea that all of these would be on general orders and each one would be completed before going on to the next?

MR. VAN DUSEN: Mr. President and Mr. Downs, that is certainly the intention of the committee on rules and resolutions, and I trust it meets with the approval of the convention.

VICE PRESIDENT ROMNEY: Delegate Hannah.

MR. J. A. HANNAH: Mr. President, I would like to ask if there isn't some device that we could use to speed up the rate with which we move when we are in the committee of the whole. I recognize all the reasons for unlimited debate, why no one should be hurried or denied the right to have his views heard, and I don't know as I am speaking for anyone but myself, but today has been a very discouraging day. We have moved very slowly. There have been many such days, but we don't seem to be improving ourselves. I thought we might get tired after awhile and people wouldn't talk quite so often and so long. I have raised the question as to whether the management of this convention couldn't do something about it; I have been assured that they couldn't, and I am going to make a motion—it may be out of order; you can rule it out of order if you want to. It may not work, but I would like to see it tried.

So I move that the management of this convention instigate, beginning tomorrow, compiling for each meeting of the committee of the whole, and including in the daily journal a list of the number of speeches and the total number of minutes used in speaking by each delegate during each day's sessions.

VICE PRESIDENT ROMNEY: Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, I move that the rules be suspended for the purpose of immediate consideration of Dr. Hannah's motion.

VICE PRESIDENT ROMNEY: Is there objection?

MR. FARNSWORTH: Point of information.

VICE PRESIDENT ROMNEY: Delegate Farnsworth.

MR. FARNSWORTH: Directed to Mr. Van Dusen, on our desks today was placed a proposed—I don't know whether it is proposed or not—but an instrument that might possibly limit debate on casual amendments. My point of information is, what do you expect to do about that?

MR. VAN DUSEN: Mr. President and Mr. Farnsworth, while this is not precisely on the point of Dr. Hannah's motion, nevertheless, it may be worthwhile to explain briefly the attention which the committee on rules and resolutions has been giving to attempting to solve the problem raised by Dr. Hannah.

Each delegate has today received a suggestion, which the committee on rules and resolution has under consideration, which we give you in a very gingerly fashion because of the concern which all of us feel about arbitrary limitations on debate, but I believe that many of the members of the rules committee believe that the principal problem with which the committee of the whole has been confronted has been what we have defined as the casual amendment, the amendment which is thrown in in the heat of debate, which is not on the desks of the delegates, to which no prior thought, apparently, has been given, and to which no prior thought could have been given by the delegates other than those offering the amendment. We then spend extended time in consideration of these amendments thrown in in the heat of debate.

If you will examine the suggestion carefully, you will note that what we have done is to suggest a device by which any delegate may obtain unlimited debate in the committee of the whole if he can obtain the support of 2 other delegates for his proposed amendment, and if he is sufficiently considerate to have his amendment duplicated and placed on the desks of the members in advance of the session at which his amendment is to be offered. If he will do these things, then his amendment is not subject to limitation of debate. If, however, the amendment is simply thrown in in the course of debate, then

PRESIDENT NISBET: Mr. Walker, a rule change is not in order at the present time by amendment. You will submit it, the Chair understands it, as a rule change through the proper procedure.

The question is on the amendment.

SECRETARY CHASE: The question before the convention is the amendment to Resolution 85 as recommended by the committee on rules and resolutions.

PRESIDENT NISBET: Those in favor of the amendment will please say aye. Opposed, no.

The amendment is adopted. The question is on the resolution, as amended. Those in favor please say aye. Opposed, no.

Resolution 85, as amended, is adopted.

Following is Resolution 85 as amended and adopted:

A resolution to hasten the work of the convention and to enable the convention to meet the fiscal deadline of May 15.

Resolved, That the rules of this convention be forthwith amended so as to incorporate the following change:

That when the committee of the whole reports to the convention, the actions of the committee of the whole be accepted. The yeas and nays may be ordered in the committee of the whole.

Mr. Van Dusen.

MR. VAN DUSEN: Excuse me, Mr. President. I was listening to Mr. Radka. Did you have a question?

PRESIDENT NISBET: Mr. Chase.

SECRETARY CHASE: The secretary now understands that, Resolution 85 having been adopted, as amended, you propose to —

MR. VAN DUSEN: Mr. Secretary, I am grateful for your reminder. I would now move, Mr. President, that rule 41 be amended, as shown to the delegates in the printed forms on their desks, to conform with Resolution 85 which we have just adopted.

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

The motion prevails.

Following is rule 41 as amended:

Rule 41. The rules of the convention shall be observed in the committee of the whole, so far as they may be applicable, except that it cannot adjourn the convention, the previous question shall not be ordered, the vote of a majority of the committee shall govern its action, it cannot refer matters to any other committee, and a motion to postpone indefinitely or for a call of the convention shall not be in order. A delegate may speak more than once in the committee of the whole. A journal of the proceedings in committee of the whole shall be kept as in convention. When the committee of the whole reports to the convention, the actions of the committee of the whole shall be accepted.

Mr. Hutchinson.

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

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

The motion prevails. Mr. Hutchinson.

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

CHAIRMAN HUTCHINSON: The committee will be in order. The committee has under consideration the proposal having to do with reapportionment, which the secretary will read.

SECRETARY CHASE: Item 2 on the calendar, from the committee on legislative organization, by Mr. J. A. Hannah, chairman, **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. Replaces article V, sections 2 and 3.

Following is Committee Proposal 80 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 SENATE SHALL CONSIST OF NOT LESS THAN 36 NOR MORE THAN 40 MEMBERS, ELECTED FROM SINGLE MEMBER DISTRICTS FOR 4 YEAR TERMS CONCURRENT WITH THE TERM OF OFFICE OF THE GOVERNOR.

FOR THE PURPOSE OF ELECTING SENATORS AFTER THE OFFICIAL PUBLICATION OF THE RESULTS OF THE FEDERAL DECENNIAL CENSUS IN 1970 AND EVERY 10 YEARS THEREAFTER, EACH COUNTY SHALL BE ASSIGNED AN APPORTIONMENT FACTOR ACCORDING TO THE FOLLOWING FORMULA: THE PERCENTAGE OF THE STATE'S POPULATION AS SHOWN BY THE LAST REGULAR FEDERAL DECENNIAL CENSUS COMPUTED TO THE NEAREST 1/100 OF 1 PER CENT SHALL BE MULTIPLIED BY 4 AND THERE SHALL BE ADDED THERETO THE PERCENTAGE OF THE STATE'S AREA COMPUTED TO THE NEAREST 1/100 OF 1 PER CENT.

IN ARRANGING THE STATE INTO SENATORIAL DISTRICTS, THE APPORTIONMENT COMMISSION SHALL BE GOVERNED BY THE FOLLOWING RULES:

(1) FIRST: COUNTIES WITH 13 OR MORE APPORTIONMENT FACTORS SHALL BE ENTITLED TO ONE SENATORIAL DISTRICT FOR EACH 13 APPORTIONMENT FACTORS EXCEPT THAT ANY COUNTY WITH 19.5 OR MORE APPORTIONMENT FACTORS SHALL BE ENTITLED TO NOT LESS THAN 2 SENATE DISTRICTS.

(2) SECOND: THE REMAINING COUNTIES OF THE STATE SHALL BE ARRANGED INTO SENATORIAL DISTRICTS THAT ARE COMPACT, CONTIGUOUS BY LAND AND AS RECTANGULAR IN SHAPE AS POSSIBLE, 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 EACH REAPPORTIONMENT SHALL NOT BE CHANGED UNLESS THERE SHALL BE A FAILURE TO COMPLY WITH THE ABOVE STANDARDS.

(3) THIRD: COUNTIES ENTITLED TO 2 OR MORE SENATE DISTRICTS SHALL BE FURTHER SUBDIVIDED INTO SINGLE MEMBER DISTRICTS SO THAT THE POPULATION OF ANY DISTRICT SHALL BE NOT LESS THAN 75 PER CENT NOR MORE THAN 125 PER CENT OF THE RATIO OF REPRESENTATION DETERMINED BY DIVIDING THE POPULATION OF THE COUNTY BY THE NUMBER OF SENATORS TO WHICH IT IS ENTITLED AND EACH DISTRICT SHALL FOLLOW INCORPORATED CITY OR TOWNSHIP BOUNDARY LINES TO THE EXTENT POSSIBLE AND SHALL BE COMPACT, CONTIGUOUS, AND AS NEARLY RECTANGULAR AS POSSIBLE.

UNTIL THE REAPPORTIONMENT OF THE SENATE FOLLOWING THE 1970 CENSUS, THE SENATORIAL DISTRICTS UNDER THE 1908 CONSTITUTION, AS AMENDED, SHALL REMAIN INTACT EXCEPT THAT EACH OF THE COUNTIES OF GENESEE, MACOMB AND OAKLAND SHALL BE DIVIDED INTO 2 SENATORIAL DISTRICTS AND WAYNE COUNTY INTO 8 SENATORIAL DISTRICTS. IN ALL COUNTIES HAVING MORE THAN ONE SENATORIAL DISTRICT, THE APPORTIONING COMMISSION SHALL REDISTRICT THE SAME.

Sec. b. THE HOUSE OF REPRESENTATIVES SHALL CONSIST OF 110 MEMBERS ELECTED FOR A 2 YEAR TERM FROM SINGLE MEMBER DISTRICTS APPOR-

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

TIONED ON A BASIS OF POPULATION AS HEREINAFTER PROVIDED. THE DISTRICTS SHALL CONSIST OF COMPACT AND CONVENIENT TERRITORY CONTIGUOUS BY LAND.

EACH COUNTY WHICH HAS A POPULATION OF NOT LESS THAN 7/10 OF 1 PER CENT OF THE POPULATION OF THE STATE SHALL BE A SEPARATE REPRESENTATIVE AREA. EACH COUNTY HAVING LESS THAN 7/10 OF 1 PER CENT 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 OF 1 PER CENT OF THE POPULATION OF THE STATE. ANY COUNTY WHICH SHALL BE ISOLATED UNDER THE INITIAL ALLOCATION AS HEREIN PROVIDED 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 SEAT.

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 OR MORE REPRESENTATIVES SHALL BE DIVIDED INTO SINGLE MEMBER REPRESENTATIVE DISTRICTS AS FOLLOWS:

(1) THE RATIO OF REPRESENTATION FOR EACH REPRESENTATIVE DISTRICT SHALL BE DETERMINED BY DIVIDING THE POPULATION OF THE REPRESENTATIVE AREA BY THE NUMBER OF SEATS TO WHICH IT IS ENTITLED. EACH DISTRICT WITHIN EACH AREA SHALL CONTAIN NOT LESS THAN 75 PER CENT NOR MORE THAN 125 PER CENT OF THAT AREA'S RATIO OF REPRESENTATION.

(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. c. IN COUNTIES HAVING MORE THAN ONE REPRESENTATIVE OR SENATORIAL DISTRICT, THE TERRITORY ANNEXED OR MERGED TO A MUNICIPALITY SHALL BECOME A PART OF THE CONTIGUOUS REPRESENTATIVE OR SENATORIAL DISTRICT OF THE MUNICIPALITY WITH WHICH IT IS COMBINED, UPON THE EFFECTIVE DATE OF THE ANNEXATION OR MERGER: PROVIDED HOWEVER, THE FOREGOING SHALL NOT APPLY TO ANY ANNEXATION OR MERGER ACROSS COUNTY LINES.

NO LEGISLATOR SHALL BE DEEMED TO HAVE VACATED HIS OFFICE BY VIRTUE OF THE ABOVE SECTION.

Mr. John Hannah, chairman of the committee on legislative organization, submits the following reasons in support of Committee Proposal 80:

Few problems of state government recur so persistently or are so critical as legislative apportionment and redistricting. As most delegates recognize, this subject conditions the whole matter of constitutional change.

The substantial population shifts which have occurred in Michigan in recent decades pose serious problems for representative government.

At the present time a number of different bases of representation are used for the apportionment of state legislatures. In the early history of the American states emphasis was placed upon population as a basis of representation.

As new states were formed throughout the nineteenth century with large territory and few inhabitants, the people in framing their constitutions recognized territory as a base in addition to population.

Today 6 bases are used in the apportionment of state legislatures. One student of apportionment (Gordon Baker) has categorized the methods used in the 50 states as follows:

	Senates	Houses	Unicameral	Total
(1) Population	19	12	1	32
(2) Population, but with weighted ratios	1	7	—	8
(3) Combination of population and area	17	28	—	45
(4) Equal apportionment for each unit	7	1	—	8
(5) Fixed constitutional apportionment	4	1	—	5
(6) Apportionment by taxation	1	0	—	1
Total	49	49	1	99

One-third of the total legislative houses are based on population alone. Almost half of the legislative houses are based on a combination of population and area. The present Michigan constitution bases house representation mainly on population and the senate on a combination of area and population. The committee is convinced that most Michigan citizens would agree with former President Eisenhower that the major basis for representation should be population, but that most also believe that in a state with large and diverse geographic areas, some consideration should be given to the area factor in determining representative districts in at least one house of the legislature. However, as shifts in Michigan population continue, the senate will move increasingly toward area as the principal basis for representation unless some change is made to maintain the intended balance between the area and population factors. Thus, in its 3½ months of deliberation, it was the intent of the committee on legislative organization to preserve for Michigan an apportionment plan which would be fair, equitable, and as valid 30 or 40 years from now as it is today. It is our belief that this intent is fully realized in the proposal now placed before the convention by the committee. This plan will encourage and foster interest and participation in the affairs of our state by citizens in every part of our state.

Sec. a. The senate: senate districts in the present constitution were established by a majority vote of the people of Michigan in 1952.

The committee, however, recognizes that there has been a population expansion in certain areas of southeastern Michigan since 1952.

The majority of the committee concluded after extended hearings that the representation in the senate should be based on a blend of population and area factors. The committee agreed with former President Eisenhower who, in addressing the convention, stated that population should be given major consideration, but that some consideration should also be given to equitable representation for all areas of the state.

The committee examined over 40 different proposals for apportionment of the senate. All proposals, including those submitted by citizens, were carefully considered.

The majority members of the committee concluded that a formula was needed that would combine area and population factors in a way that would accomplish precisely the balance intended. The committee was impressed by testimony offered at public hearings in Lansing, Detroit, Kalamazoo and Berrien Springs urging that the senate apportionment should reflect area as well as population.

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

In the formula adopted, a plan which evolved from many earlier proposals, the majority of the committee feels it has achieved the most effective method of providing the balance that the voters desire.

The majority members of the committee feel that in the interest of an orderly and sound transition, change should be made gradually. The committee proposes that upon the adoption of this constitution, the senate membership shall be increased from 34 to 38, adding one senate seat each to Wayne, Oakland, Genesee and Macomb counties. This proposal recognizes the continued shift of population to southeastern Michigan.

The plan which will go into effect after the 1970 census bases representation 80 per cent on population and 20 per cent on area. This is achieved by calculating the percentage of the state's population living in each county, multiplying this number by 4, and adding the percentage of the total area in the county to that figure. The resulting figure is the county's apportionment factor, and the county unit becomes the major building block in creating senate districts. From 36 to 40 single member districts will be established by the apportionment commission in such a way that districts will have approximately 13 apportionment factors per district.

Established districts that fit the new apportionment specifications will remain unchanged. Multidistrict counties will be districted by the apportionment commission so that each district will not vary more than 25 per cent from the county district population ratio.

The majority of the committee feels this plan offers many advantages. It is responsive to population shifts so that the precise balance of population and area can be maintained. It limits considerably the discretion of the apportioning commission because it is based on a clearly stated formula rather than vague guides. Most important, the plan achieves precisely what it is designed to accomplish, a blend of population and area factors in a logical and effective way.

Sec. b. The house of representatives: under the committee proposal, the membership of the house of representatives will be fixed at 110. The size of Michigan's house thus will continue to stand twenty-first among the states in a ranking from largest to smallest, and the house will be approximately 2.7 times larger than the senate, about average among the states.

On the basis of much testimony emphasizing that larger legislative bodies tend to grow unwieldy and become less effective, the committee recommends maintaining the house at its present size rather than increasing the membership.

All house districts will follow county boundary lines. This is recommended in order to assure citizens clearly identifiable and traditionally recognized voting districts, and to conform to the long established county organization patterns of many groups, including the political parties. Many states follow county lines in districting, and the weight of testimony heard by the committee overwhelmingly favored continuing this practice in Michigan.

Single member districts are recommended in the house. The committee is convinced that single member districts increase the opportunity for meaningful citizen participation and for effective, responsible representation.

By providing one representative to a county or to a group of counties which has not less than 7/10 of 1 per cent of the population of the state, the plan recommended comes as close as possible to basing the house on population without breaking county lines and without combining great numbers of counties into districts of unwieldy and unreasonable size.

After first awarding one seat to each of the single county and multicounty representative areas meeting the 7/10 ratio required, the remaining seats will be apportioned among the districts using the method of "equal proportions," the formula used by the federal government in distributing congressional seats among the states.

Under equal proportions, each remaining representative seat is distributed on an exact population basis, with the first seat being awarded to the district with the highest population ratio, and so on down the list. This formula is included in the constitutions of Alaska and Hawaii. The use of equal proportions assures the allocation of seats upon the basis of population, and precisely determines the priority of various districts in receiving additional representation. This procedure limits the discretion of the apportioning commission.

The plan recommended by the committee thus increases the population ratio required to qualify for representation from the present 5/10 to 7/10 of 1 per cent of the state's total population per district. After one representative is awarded to each district so established, the plan uses a mathematical formula (equal proportions) based wholly on population to distribute the remaining number of seats.

The committee observed that the modern constitutions of Alaska and Hawaii retained the half ratio moiety provisions in their legislative apportionment.

Under the present plan of apportionment, the committee found in its studies that Michigan stands seventh among the states in terms of using population as a base for providing representation in the house. The plan recommended by the committee will give Michigan an even higher ranking among the states. The committee feels that it is equitable and fair now and will be equally valid in the future.

Sec. c. Districting of annexed territories: in some senatorial and representative districts, after extensive annexations have been made from townships or the merger of 2 cities has occurred, election procedures have been complicated by the fact that city residents in the same city wards vote in different legislative districts. Where these combinations of territory do not cross county lines, it is proposed that the annexed territory immediately become a part of the municipality's legislative district. Such change would not, however, unseat a member of the legislature living in the annexed area for the remainder of the term to which he was elected.

Following is the minority report to Committee Proposal 80 as offered and the reasons submitted in support thereof:

Messrs. Nord, Marshall, T. S. Brown, Greene, Hodges, Liberato and Sablich, a minority of the committee on legislative organization, submit the following minority report to Committee Proposal 80:

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

Sec. a. THE SENATE: SENATORS SHALL BE ELECTED AT GENERAL ELECTIONS FOR 2 YEAR TERMS AND BY SINGLE DISTRICTS. SUCH DISTRICTS SHALL BE NUMBERED FROM 1 TO 19, INCLUSIVE, AND SHALL BE COMPRISED AS FOLLOWS: THE STATE SHALL BE DIVIDED INTO THE FOLLOWING 4 ZONES OF APPROXIMATELY EQUAL AREA: (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, COMPRISING THOSE COUNTIES WEST OF A LINE DRAWN ALONG THE WESTERN BOUNDARIES OF THE COUNTIES OF BAY, SAGINAW, SHIAWASSEE, INGHAM, JACKSON AND HILLSDALE; AND (4) SOUTHEASTERN MICHIGAN, COMPRISING THE REMAINING COUNTIES OF THE STATE LOCATED EAST OF THE LINE DESCRIBED ABOVE. EACH SUCH ZONE SHALL FIRST BE ALLOCATED ONE DISTRICT, AND THERE SHALL THEREAFTER ALSO BE ALLOCATED 15 ADDITIONAL DISTRICTS TO BE DISTRIBUTED AMONG SAID 4 ZONES ON THE BASIS OF THEIR RESPECTIVE POPULATIONS ON AS NEARLY EQUAL

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

A BASIS AS POSSIBLE. EACH SUCH ZONE SHALL THEN BE DIVIDED INTO THE TOTAL NUMBER OF DISTRICTS THUS ALLOCATED THERETO, ON THE BASIS OF POPULATIONS WHICH ARE AS NEARLY EQUAL AS MAY BE WITHIN SAID ZONE, EACH SUCH DISTRICT BEING COMPACT AND CONTIGUOUS AND RESPECTING COUNTY LINES. IN DETER MINING THE APPROACH TO EQUALITY OF POPULATION IN SAID DISTRICTS, THE TEST TO BE APPLIED SHALL BE THE MINIMIZATION OF THE SUM OF THE ABSOLUTE VALUES OF THE DEVIATIONS OF THE POPULATIONS OF EACH OF SAID DISTRICTS FROM THE MEAN. THERE SHALL BE ELECTED FROM EACH SUCH DISTRICT 2 OR MORE MEMBERS ON THE FOLLOWING BASIS: EACH POLITICAL PARTY APPEARING ON THE BALLOT MAY NOMINATE NOT MORE THAN ONE PERSON AS CANDIDATE FOR SENATOR FROM EACH SUCH DISTRICT. EACH VOTER IN EACH SUCH DISTRICT SHALL VOTE FOR NOT MORE THAN ONE SUCH CANDIDATE FOR SENATOR. THE 2 CANDIDATES IN EACH SUCH DISTRICT RECEIVING THE LARGEST NUMBER OF VOTES SHALL BE ELECTED, AND ANY OTHER CANDIDATE RECEIVING AT LEAST 25 PER CENT OF THE TOTAL VOTES CAST FOR SENATOR IN SAID DISTRICT SHALL ALSO BE ELECTED. IN THE ORGANIZATION OF THE SENATE THEREAFTER AS A PARLIAMENTARY BODY, IN THE SELECTION OF COMMITTEES THEREIN, AND IN THE ENACTMENT OF LEGISLATION, EACH SENATOR SHALL HAVE A VOTE EQUAL TO THE NUMBER OF VOTES RECEIVED BY HIM IN HIS ELECTION, EXCEPT THAT THIS PROVISION MAY BE WAIVED BY FAILURE TO MAKE EFFECTIVE DEMAND FOR THE YEAS AND NAYS. EACH SENATOR SHALL HAVE AN EQUAL VOTE IN EACH COMMITTEE OTHER THAN THE COMMITTEE OF THE WHOLE. IN THE EVENT OF A VACANCY OCCURRING IN THE MEMBERSHIP OF THE SENATE, SAID VACANCY SHALL BE FILLED BY A RESIDENT OF THE DISTRICT IN QUESTION SELECTED BY THE STATE CENTRAL COMMITTEE OF THE POLITICAL PARTY OF THE MEMBER WHO FORMERLY HELD SUCH OFFICE; SAID RESIDENT SO SELECTED SHALL SERVE FOR THE REMAINDER OF THE TERM AND SHALL HAVE THE SAME VOTING RIGHTS AND PRIVILEGES AS THOSE OF THE MEMBER WHOM HE REPLACES.

Sec. b. THE HOUSE: THE HOUSE OF REPRESENTATIVES SHALL CONSIST OF 115 MEMBERS ELECTED FOR 2 YEAR TERMS FROM SINGLE MEMBER DISTRICTS APPORTIONED ON THE BASIS OF DISTRICTS WHICH SHALL BE COMPACT, CONTIGUOUS BY LAND, ADHERING TO COUNTY LINES, AND AS NEARLY EQUAL IN POPULATION AS MAY BE. IN DETERMINING THE APPROACH TO EQUALITY OF POPULATION IN SUCH DISTRICTS, THE TEST TO BE APPLIED SHALL BE THE MINIMIZATION OF THE SUM OF THE ABSOLUTE VALUES OF THE DEVIATIONS OF THE POPULATIONS OF EACH OF SAID DISTRICTS FROM THE MEAN.

Messrs. Nord, Marshall, T. S. Brown, Greene, Hodges, Liberato and Sablich, a minority of the committee on legislative organization, submit the following reasons in support of the foregoing minority report which accompanied Committee Proposal 80:

I. Introduction

A. Apportionment of the legislature. We dissent from the apportionment systems proposed by the majority of the committee for both the house of representatives and the senate, on the grounds that they are wrong in principle and in practice.

B. Annexation. We also dissent from that portion of the majority report dealing with annexation, on the ground that this matter was not thoroughly discussed in committee, was a last minute decision, is not supported by any reasons, and arbitrarily singles out one particular problem resulting from changes between reapportionments.

II. The need for a new apportionment of the legislature

A. Burden of proof. We believe no changes ought to be made in the constitution unless the proponents are willing and able to carry the burden of proof of showing (1) a need for a change from the present system, and (2) that the proposed system meets such need. In our opinion, the majority report fails to carry these burdens and, for this reason alone, the majority proposal ought to be rejected by the committee of the whole.

We believe a change in the apportionment of the senate is indispensable to effective and representative government in Michigan, and that a change in the apportionment of the house is warranted, though not indispensable. We believe the majority proposal, however, fails to make changes commensurate with the needs.

B. Reasons for a change in the apportionment of the legislature. We believe that a change in the apportionment of the legislature is indispensable for the following reasons:

(1) The majority does not prevail in the legislature. On the contrary, important legislation is enacted by legislators representing a minority of the people. The existence of a gubernatorial veto has been no solution for this, since a veto cannot per se enact any legislation, and excessive use of the veto would paralyze all government in the state.

(2) Some persons' votes have arbitrarily been magnified, while other persons' votes have been arbitrarily diluted. Thus, the basic principle of morality and democracy — that each person shall be entitled to equality before the law — has been grossly violated. This weakens the whole substructure of representative government in Michigan.

(3) In the past 10 years, 10 legislative bodies have been elected in Michigan. On the basis of the popular vote for legislators, 5 of these bodies should have been Republican and 5 Democratic. In fact, all 10 were Republican. Thus, (a) the legislature is not responsive to public opinion, and (b) it is biased against Democratic voters and in favor of Republican voters.

(4) Further, a minority consisting largely of rural Republican legislators has the substantially perpetual power to block any legislation with which it does not concur, while no other minority has such power. As a result, we have a legislature which is (a) biased towards rural Republicans, (b) is subject to perpetual blockage by the same group, and (c) is not subject to the will of the people.

(5) The effect of under representation of the metropolitan voters has been that the state government has failed to provide adequately for the needs of urban residents, and this function is being undertaken more and more by the federal government.

(6) Over 40 proposals have been received from delegates urging one change or another in the legislature. This clearly indicates that the problem is recognized by the delegates to the convention as of paramount importance.

(7) Finally, the overall result of the present apportionment system has been: (a) a failure of popular sovereignty, and (b) a failure of effective state government.

We believe that a solution to the problem of apportionment of the legislature is thus absolutely indispensable to effective representative government in Michigan and that it is the duty of this convention to find such a solution.

C. Reasons for a change in the apportionment of the senate. The problem is especially acute in the senate. In the past 4 elections, the popular vote for Republican senators has ranged from 46.7 to 50.2 per cent. Yet in each case, Republicans controlled the senate by nearly 2:1 majorities.

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Furthermore, the present senatorial districts are "frozen" into the constitution. Thus, the deviation from equality of representation in the senate has gone from an allowable maximum of 2:1 under all previous Michigan constitutions, to 6.5:1 in 1952, to 12:1 at present, and to a predicted 28:1 in 1975 if no change in senate apportionment is made.

Further, the present senatorial districts are more or less "frozen" politically, i.e., only 1 of the 34 districts has "swung" from one party to the other since they were set up in 1952.

Thus, while the senate was always the house based on population until recently, it now has lost all contact with the principle of popular sovereignty and is tending towards a condition having no resemblance whatever to popular sovereignty or representative government.

To add to the seriousness of the matter, "advice and consent" by the senate operates as a check on executive appointments. Thus, this one part of the legislature, which is the least representative part of state government, not only can and does blockade legislative action, but also can and does blockade executive action.

It therefore follows that we must return to popular sovereignty and equal representation in the senate if we are to have effective representative government in Michigan.

D. Reasons for a change in the apportionment of the house of representatives. We agree with the majority that the house in Michigan has always been basically on population. The deviation from population at present is 10 area (rural) seats out of 110, or about 9 per cent area, 91 per cent population. This deviation may be small, but it has been enough to maintain Republican control of the house.

In the past 10 years, the popular vote for representatives in the Michigan house favored the Democrats twice and the Republicans 2 times; yet, in each case the Republicans maintained control of the house. Thus, the house has also been unresponsive to the public will, albeit only by a small margin. The point is, however, that this small margin was provided not by the votes of the people, but by the small degree of rural bias in the apportionment of the legislature.

There is therefore ample ground for removing any such bias in favor of one group or another, and placing the house on a straight population basis, with 0 per cent area and 100 per cent population.

III. Reasons for dissent from the majority proposal as to the house

We dissent from the majority proposal for apportionment of the house for this reason: if it is correct that there is a reason for placing the house on a straight population basis in order to make it responsive to the public will, it certainly makes no sense to make half such a change.

The majority proposal reduces the "moiety" (or major fraction) effect from about 10 seats to about 5. (This can be seen if one compares a map based on the majority proposal with one based on a 105 seat house based on population. The difference is substantially only in the addition of 5 more rural seats to the 105 based on population).

It should be emphasized that what is at stake here is not absolute perfection in equality of representation, but rather the more practical question of whether or not one desires to add extra seats in the rural region in order to keep control by a small margin despite the public will.

We have never insisted on perfection or near perfection in equality of representation. Our position is simply that it should be as nearly equal as practical, but that in no event should a bias in favor of any group be thrown onto the scales of justice.

We note further that though the "bias" would now be reduced from 10 to perhaps 5 under the majority proposal, this will also in all likelihood be just enough for the Republicans to maintain control of the house. The reasons it can now be done with fewer "area" seats are: (1) the Wayne county Democratic stronghold has lost population percentagewise, and (2) the proposed provision for single member districts (with which we concur) will, in effect, approach proportional representation in the highly populated areas (thus winning some Republican seats in Democratic strongholds), while in the rural areas there will be no such change (hence the Republicans will continue to win 100 per cent of the seats in their strongholds).

We therefore oppose any half hearted effort to reduce the "area" effect in the house. We believe the house ought to be on a straight population basis. If this is not to be done, the house ought to be left alone altogether. Either make the change or don't. We regard the majority report as deceptive insofar as it leads one to believe that the apportionment proposed by the majority for the house "comes as close as possible to basing the house on population without breaking county lines. . . ."

The record on this point should be perfectly clear: the majority propose a house with 5 per cent area, instead of the present 9 per cent area. The minority on the other hand, propose a house with 0 per cent area seats. There is no difficulty in doing this if you wish to do so. You simply specify a definite number of seats and provide that they shall be apportioned by population "as nearly equal as may be," together with a statistical test for the deviation from equality. In this way, while every district will not be exactly equal in population, there will be no seats added as an arbitrary bonus to any one group. That is, in fact, precisely what the minority proposal provides for the house.

IV. Reasons for our dissent from the majority proposal as to the senate

We dissent from the majority proposal for the senate for 2 reasons:

(1) It is too little; and

(2) It is too late.

If we are correct in believing, as we do, that the senate apportionment is wrong — both in basic principle and in practical operation — we fail to understand what good it does to provide for half a solution, as the majority now propose.

The addition of 4 senate seats to the most populous counties poses the riddle: why? If the reason is that these counties are under represented, the solution is to reapportion the senate so as to eliminate the under representation. This would require the addition of at least 8 more metropolitan seats beyond that proposed if it were to be done in this manner. Thus, it is clear that this type of approach simply cannot cope with the problem. Indeed, it has not been seriously presented by the majority as a solution to the problem, but simply as an excuse for delaying the solution of the problem.

One would think, however, that if one needed such an 8 year delay before making the ultimate senate reapportionment, that at least the ultimate solution really would solve the problem at long last. However, when one finds that the ultimate solution attempts merely to freeze the amount of malapportionment then existing in the senate, one realizes that what the majority intends to do is not to right the wrong, but rather to rationalize the wrong.

It is no answer to argue that half a loaf is better than none. A rope which fails to reach a drowning swimmer by 1 foot is no better than one which misses by 2 feet. In either case, the man drowns. Similarly here, there will be no improvement whatever in principle or in practice if the proposed change is made as compared with the situation if no change is made at all. All the problems which lead us to conclude that a change in the apportionment of the senate is required will continue to remain. The only differences are that they will have been perpetuated, and that what is known to be wrong will be made to look right.

We feel that the ultimate formula provided by the

majority for senate apportionment is extremely objectionable from the point of view of principle, and not merely as a matter of practice. For the first time, the bias against the metropolitan voter is made the basis of a monstrous formula which equates people with square miles. What better form could be found for the expression of contempt for people than to equate one person with a specific amount of dirt? We have always thought that only God could make a man from dirt, but now we see that some delegates have arrogated that function for themselves. Where there are people, the formula acts as though many of them weren't there; it conceptually destroys them. And where there are wide open spaces, the formula creates fictitious people — not in the image of God, but in the image of the Republican party — such fictitious people are thus abominations in the eyes of the Lord — in other words, monsters. This is going a long way to find a way to tilt the scales so as to come out with the result you wish.

According to this formula, it is not even people which are represented in the legislature, but 80 per cent people plus 20 per cent area. These "pseudo people" (which have been specially created for the occasion) are what are henceforth to be represented in the legislature on an equal basis. We submit that this fails to meet the test of democratic or even republican form of government, since it is not people which are to be represented, but pseudo people.

Personally, we find pseudo people preposterous. We recognize them for what they are: figments of the imagination, invented specially for the occasion in order to rationalize a wrong by making it look as though at least something is equal, when in fact all that is really provided is that some people shall be more than equal and others less than equal.

V. Reasons for our dissent from the annexation provision

As indicated above, we believe the burden of proof of a showing of need in this area has not been met. Accordingly, we cannot concur in the change recommended by the majority.

VI. The apportionment we propose for the house

In the house, we propose apportionment by population "as nearly equal . . . as may be". We believe this basic principle, which was guaranteed the people of the state of Michigan in the ordinance of 1787, ought to be supported with no qualifications.

For the sake of practical convenience, particularly with respect to partisan elections for the legislature, we have however concurred with the majority in permitting adherence to county lines.

We have also concurred with the majority in the establishment of single member districts, despite the fact that we believe objections in principle can be made with respect to large metropolitan areas, because such "splinter size" districts do not permit effective representation, and despite the further fact that we realize that it is politically disadvantageous for Democrats. We have made these concessions in committee in the hope of reaching agreement with the majority, and we continue to do so now for the same reason, because we do not regard this as a matter of conscience.

We have provided for 115 members, in order to minimize the loss of representation which any region would experience under the new apportionment system.

We have also provided a very simple objective test for determining which of several plans more nearly approaches equality of population in each district. One simply adds up for all the districts the difference between actual population and the norm (ignoring plus and minus signs). Whichever plan gives the smaller total deviation is "more nearly equal." Thus, the amount of discretion which will be available to the apportionment commission will be very small.

VII. The apportionment we propose in the senate

In the senate, we have provided a bipartisan representation system which contains a substantial area factor (21 per cent, as compared with the 20 per cent proposed in the house). The number of seats is the same as that proposed by the majority — 38. The distribution of seats is based upon the concept originally suggested by Dr. Hannah, chairman of our committee, i.e., 2 "area" senators in each of 4 quarters of the state and the rest by population. The overall distribution of seats among the 4 zones is also substantially the same as that proposed by the majority, insofar as this is compatible with the bipartisan representation system (which employs half as many districts, with 2 senators from each district, 1 from each major party). The distribution of seats between the metropolitan and nonmetropolitan areas is also substantially the same in our proposal as in the majority proposal, insofar as is compatible with the bipartisan representation system.

The essential difference, then, between our senate apportionment plan and that of the majority is simply this: we provide 2 senators (1 from each major party) and give them each a vote (in the enactment of legislation) equal to the number of votes they received in their election (in committees, each senator has an equal vote). Provision is also made for third parties, in the event they should ever poll a large vote.

The basic objectives of our plan are to provide: (1) bipartisan representation for every district of the state, (2) a senate which responds precisely to the popular will, (3) equality of representation for all voters, regardless of where they live, even if they live in areas which are strongholds of the opposition political party, and (4) effective representation for all areas, whether sparsely or densely populated. Thus, we believe we have accomplished everything which the majority proposal seeks to do, except one thing — and that is to guarantee perpetual inequality of representation with a perpetual bias in favor of rural and Republican voters. This, of course, we could never agree to do.

We submit that if this convention is to achieve a bipartisan product, it can do so only by providing a bipartisan representation plan for the senate. This is the only way to make sure that no group gets a special advantage.

In support of this view, we suggest that all the members of the legislative organization committee in essence reached this conclusion after long deliberation when they set up a bipartisan apportionment commission, in an attempt at solving what appears to be the insoluble problem. We suggest that there is a remarkable parallel between the apportionment commission proposed by the entire committee and the senate apportionment plan offered by the minority. These are the principal points of similarity:

(1) Dr. Hannah's 4 quarter zones are used in both cases;

(2) In each zone (or district) 2 members of opposite party are selected;

(3) In case a third party polls 25 per cent of the vote, it too is represented; and

(4) There is an equal number of members of each party, i.e., it is bipartisan (assuming no third party problem).

The principal difference, of course, is that the commission members have equal votes, so that no decision can be reached without bipartisan support. Thus, provision must be made for an outside body (the court) to break deadlocks. This, of course, cannot be done in the case of the legislature. Hence, the weighted vote system is needed in the senate.

Other features of our senate apportionment plan, to which we should like to call attention, are the following:

(1) The provision for third parties to participate at the 25 per cent level helps to prevent cheating by a party having great predominance in a district (i.e., by splitting into 2 ostensible parties); since it means that there is some chance of losing votes by this technique, but very little to gain in case of success (an extra senator, but no more votes).

(2) The provisions for limiting elections for the senate to general elections only, and for filling vacancies, prevent cheating at the primaries. A candidate would not be able to run on the opposite ticket in the primary (in order to wipe out the vote of a small minority party) because in such case the real election for other offices is the primary, and persons voting for him on the wrong ticket would not be able to vote in the primary for the other offices because they would be on the opposite ticket.

(3) The same principle of equality of population "as near as may be" within any one zone (but not between zones) is provided, along with the same objective statistical test for equality as provided by us for the house. In any event, under our plan, gerrymandering ceases to be a political problem.

(4) Provision is made for equality of senators in committees.

VIII. Conclusions

We urge the adoption of the minority proposal, because:

(1) It changes the practice to conform to the basic traditional principle of equality of representation, rather than modifying the practice and inventing a new principle to rationalize the result;

(2) To the extent that any weighting of votes is done, it is the votes of senators which are weighted, not the votes of the citizen voters;

(3) The plan gives highly effective representation to each part of the state, because (a) there is provided substantial representation, and (b) representation by members of both parties is provided; and it does this without sacrificing basic principles;

(4) It solves the problem, instead of fumbling with it, and it solves it now;

(5) The solution provided is fair to every voter, each party, every interest, and every region; it is not biased in anyone's favor;

(6) The solutions provided for each house are easier to understand, and more obviously sound in principle, than the majority proposal;

(7) It provides a sound basis of representation for a bicameral legislature — each house having an entirely different type of representation without introducing inequalities among the voters; and

(8) By providing for a bold, new, imaginative plan, which adheres to basic traditional principle and yet provides a modern structure — and which is a truly bipartisan representation plan — we feel that the convention could take the first big step toward producing a bipartisan constitution and ending the partisan "cold war" in Michigan.

We therefore respectfully urge the convention's and the committee of the whole's consideration of the aforesaid minority proposal.

CHAIRMAN HUTCHINSON: The Chair recognizes the chairman of the committee, Mr. Hannah.

MR. J. A. HANNAH: Mr. Chairman and members of the committee, on Friday morning, in introducing this whole subject of reapportionment and Committee Proposals 79 and 80, we went into a discussion of the provisions of the present constitution, the objective that the committee had in mind and the work of the committee. We also presented each delegate with an individual book with your name on it with certain information in it. First of all, I should like to call to your attention an error in those books. It is not necessary for you to make the corrections because we will have the corrections in your boxes in the morning. But you will recall in the section that has to do with the committee recommendations on senate reapportionment there is an outline map chart of the state of Michigan that gives the estimated percentage of the population of each county in 1970, using figures that the committee took from the Consumers Power company. In checking this information on Saturday, it was found that there was an error not in the population figures used but in the percentage figures, and this error was in the material that was furnished to us by the Consumers Power company and they now have called it to our attention with regret, and in your box in the morning will be the letter from Mr. Jefferson with the corrected figures that you can use at that time. It affects only 3 counties: Wayne, Macomb and Oakland, the error being that the Wayne percentage is high and the Macomb and Oakland county figures are low. You will have those figures so that you can correct them.

Now, if we were to follow the procedure that we have been following in this convention, at this point we would next present committee amendments, and the committee has some amendments to this section, but they are to various sections of the proposal, so it has been agreed with Mr. Nord, the vice chairman and minority leader, and your speaker — with the approval of Mr. Chase and the Chair — that we will vary from that procedure and we will not at this time present the committee amendments, but we will rather first go to a consideration of the minority report, and then after that minority report is disposed of, unless it is approved in total, we will then follow the procedure of considering the committee's recommendations by sections. And those sections, as I indicated on Friday, will be presented thusly: that section having to do with senatorial apportionment, by Mr. Knirk; apportionment in the house of representatives, by Mr. Donald Doty; an explanation of the system of equal proportions, by Garry Brown; and the annexation proposal, by Mr. Blandford. I don't think it is necessary to review for you the information we went over on Friday reminding you of the provisions of the present constitution. And the secretary has read Committee Proposal 80 in its entirety and, Mr. Chairman, I would now suggest that you call upon Mr. Nord to present the minority report. He has indicated that he would like to do it at some length.

CHAIRMAN HUTCHINSON: Without objection, the minority report will be next taken up. Mr. Yeager.

MR. YEAGER: Mr. Chairman, I would like to ask a question of Dr. Hannah. I wonder if it is possible for us to consider, regardless of whether it is the majority or the minority report, the senate first and then the house of representatives, or will the minority report present the whole thing in one package?

MR. J. A. HANNAH: It is my understanding that Mr. Nord prefers to present the whole minority report, and I have agreed that so far as I am concerned — and I thought we had discussed it in the committee — that is agreeable, unless the committee of the whole wishes otherwise. I think it is Mr. Nord's desire that he present the whole report, and it would be my recommendation that we have the whole report presented, and then, of course, I shall recommend that it not be concurred in, and then I hope if the committee goes along with me, we will then turn to the committee proposal and consider it by section.

MR. YEAGER: Mr. Chairman, if I may inject one thing here, it seems to me that these 2 bodies are somewhat differently constituted and the reports are different in each case, and it would seem to me for the delegates who are not as familiar with this material, that it would be a great deal simpler for everybody and I should think it would be some help to the minority presentation if we could take the senate up separate from the house. I simply raise that as a suggestion at this time.

CHAIRMAN HUTCHINSON: The Chair will recognize the delegate from Wayne, the minority vice chairman of the committee, Mr. Nord, for whatever statement he would care to make either upon Mr. Yeager's statements, or do you desire to have the secretary read the minority report amendment first, Mr. Nord?

MR. NORD: Mr. Chairman, I would like to adhere to the plan suggested by the chairman of the committee, Dr. Hannah, that the minority present our complete report, that it be read first by the secretary and then we go over our complete report, and then when it is passed — adopted, that is to say — (laughter) if you still intend to insert any other amendments, that you may do so. (laughter)

CHAIRMAN HUTCHINSON: All right. The secretary will read the minority report amendment.

SECRETARY CHASE: Pursuant to the minority report of Messrs. Nord, Marshall, T. S. Brown, Greene, Hodges, Liberato and Sablich,

Mr. Nord offers the following amendment:

1. Amend page 1, line 9, after "Sec. a.", by striking out the balance of the proposal and inserting "Senators shall be elected at general elections for 2 year terms and by single districts. Such districts shall be numbered from 1 to 19, inclusive, and shall be comprised as follows: the state shall be divided into the following 4 zones of approximately equal area: (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, comprising those counties west of a line drawn along the western boundaries of the counties of Bay, Saginaw, Shiawassee, Ingham, Jackson and Hillsdale; and (4) southeastern Michigan, comprising the remaining counties of the state located east of the line described above. Each such zone shall first be allocated one district, and there shall thereafter also be allocated 15 additional districts to be distributed among said 4 zones on the basis of their respective populations on as nearly equal a basis as possible. Each such zone shall then be divided into the total number of districts thus allocated thereto, on the basis of populations which are as nearly equal as may be within said zone, each such district being compact and contiguous and respecting county lines. In determining the approach to equality of population in said districts, the test to be applied shall be the minimization of the sum of the absolute values of the deviations of the populations of each of said districts from the mean. There shall be elected from each such district 2 or more members on the following basis: each political party appearing on the ballot may nominate not more than one person as candidate for senator from each such district. Each voter in each such district shall vote for not more than one such candidate for senator. The 2 candidates in each such district receiving the largest number of votes shall be elected, and any other candidate receiving at least 25 per cent of the total votes cast for senator in said district shall also be elected. In the organization of the senate thereafter as a parliamentary body, in the selection of committees therein, and in the enactment of legislation, each senator shall have a vote equal to the number of votes received by him in his election, except that this provision may be waived by failure to make effective demand for the yeas and nays. Each senator shall have an equal vote in each committee other than the committee of the whole. In the event of a vacancy occurring in the membership of the senate, said vacancy shall be filled by a resident of the district in question selected by the state central committee of the political party of the member who formerly held such office; said resident so selected shall serve for the remainder of the term and shall have the same voting rights and privileges as those of the member whom he replaces.

Sec. b. The house of representatives shall consist of 115 members elected for 2 year terms from single member districts apportioned on the basis of districts which shall be compact, contiguous by land, adhering to county lines, and as nearly equal in population as may be. In determining the approach to equality of population in such districts, the test to be applied shall be the minimization of the sum of the absolute values of the deviations of the populations of each of said districts from the mean.".

CHAIRMAN HUTCHINSON: The Chair recognizes Mr. Nord.

MR. NORD: Mr. Chairman, fellow delegates, I call to your attention first a collection of certain tables and maps which has been put on your desk today. And these maps and tables will be referred to from time to time during the debate. They will not be referred to at the beginning of the debate, but they will be referred to in the second half, and a few of them earlier in the debate. Those tables will refer to the majority proposal and minority proposal for both the senate and the house and comparisons with them and certain other background material.

In general, the plan that we intend to follow for presenting our position is to open with an opening statement which explains as well as we can the underlying basic principles behind our position and the reasons for them and the reasons for our dissent from the majority proposal. Following that we will have a number of delegates explaining various more specific aspects of the problem, and then we will conclude with a careful analysis of the exact differences between the 2 proposals, the majority and minority, and the reasons why we believe you should support ours. I will begin, Mr. Chairman and fellow delegates, with a prepared statement and will deviate from time to time from the prepared statement for other materials, some of which will be found on these notes.

Mr. Chairman and fellow delegates, I speak to you today concerning a problem which I conceive of as the most important we as individuals have faced or shall ever face in our entire lives — the problem of how to provide in our basic law for a legislature which shall truly represent the people and reflect their will. I hope that each of us, in grappling with this problem, will be able to lift ourselves mentally out of our present setting here and now, and see ourselves in a perspective of time and space.

It is a common human failure to picture ourselves as if we were static like a still picture, and to overlook the fact that we are really constantly changing. The "still picture" which represents our concept of ourselves is, however, in reality just one frame of a moving picture. When the 1907 Michigan constitutional convention met, many of us were not yet born. By the time the next convention meets, many of us will be dead. We are not static; we are moving irresistibly into the future, into history. What will history finally say of each of us? Will it say that we added something in the eternal struggle for the improvement of the lot of mankind, that we left the world a little better than when we entered it? Will it place us in its book of minor heroes, as footnotes to the story of the great men of this country who fought a revolution to secure the right of men to govern themselves? Or will it list us with the tories who could see only what had been, but not what was to be? It is up to us first to decide what role we wish to play in history and then, having decided, to play this role with persistence and courage.

Similarly, we must place this problem in a perspective of space. We are not alone in this problem. The problem of how to represent the people in the legislature is one which we share with almost every state of the union. The greater problem of whether the many new nations of the world will be able to build democratic systems is also a part of the perspective which we must perceive. And on an even greater scale, there is the entire question of whether democracy will endure in a world which is half slave and half free. This question is of such paramount importance that it actually threatens to bring all of humanity to the brink of extermination. If we take the narrow view, we add a nail to the coffin of democracy which totalitarians have been building for it ever since it was born. If we think only of the advantage of the moment, only of today's so called "political realities," we fail to see the problem as it really is. If we conceive of our task here as simply requiring us to represent our local constituents, we make a fatal error. If we think only of the desires of the people now living in the districts from which we have been elected, we miss the entire point of why we are here. We are not here merely to record the will of the people of our districts, or even of the entire people of the state.

The reasons for this are obvious if we are willing to stand back and look at our task. In the first place, we do not know where our constituents will live in the next 50 years; they are just as likely to move from rural to urban areas or vice versa, or even to move out of the state, as to remain where they are for the rest of their lives. In 50 years, who can predict where the descendants of the present residents will live? But, aside from that, it must be obvious that we have the duty to provide for people not yet born, who will be born during the next 50 years. These people cannot be represented on the basis of the districts which we supposedly represent; we must all speak for them or no one will. It is not even accurate to regard our duty as requiring us to represent the

entire populace of the state, present and future. Our duty really is not to represent at all; it is to deliberate, to think, to plan, to try to provide a plan broad enough and flexible enough and sound enough in basic principle to survive and to deserve to survive for 50 years.

If we each simply register the sentiment of the voters who sent us here, it is obvious that we are useless. The voters could do that for themselves. Our task is not simply to inquire of the public what they want, but rather to try to devise the best possible plan, and then urge the public to ratify it. That is the only possible justification for our being here. We have not been sent here to be followers, but to be leaders of the public. Unless we perceive this fully, everything we do here is a waste of time. If we look to our localities for leadership, instead of providing it ourselves, we fail them and ourselves. If we fail to search our minds and hearts for answers which are sound in principle and fair and flexible in application, if we fail to find the wisdom in ourselves to solve crucial problems, and instead turn to our constituents or our caucuses for that wisdom, we confess our inability to meet our responsibilities. We shall be judged, when we throw the switch on this issue, as individuals. In the vital task of writing a constitution which is to govern the majority as well as the minorities, the present as well as the future, the only sound rule for a man is: let your conscience, not your caucus, be your guide.

Fellow delegates, my general approach to the problem of apportionment is this: let us examine what we have. Let us decide whether it is satisfactory. If we find it satisfactory, let us leave it alone. If, on the other hand, we find it unsatisfactory, let us determine precisely what is wrong, and then let us find and apply the cure. Let us not prejudge whether the present apportionment system ought to be left alone, patched up, or replaced with a new model. There is no virtue in asserting, without proof, that anyone who favors leaving things alone, or of making the changes needed, is irresponsible or an extremist. It is easy enough to take a so called middle course, but it is premature to do so before examining the question of whether a patch job is required in the first place, or whether it will do any good in the second place. I disagree with those who maintain that a middle position is automatically the correct position. Such maxims are no substitute for thinking about the particular problem at hand. Perhaps you are all familiar with the story of the hungry man who was given 2 loaves of bread and told that one was poisoned sufficiently to kill a dozen men, and that the other was perfectly safe to eat. Not knowing which was which, he decided to play it safe, and he therefore ate half of each. The moral of the story is said to be that sometimes half a loaf is better than none, and sometimes it is worse, and that you can't always have it both ways.

I maintain that he who seeks to change the present practice has the burden of proof that the present practice is unsatisfactory. If he fails to make out his case, our deliberations are ended; we leave things alone. If he succeeds we make the indicated changes. Essentially, my position on this matter is that the present practice is unsatisfactory, and that we ought to return to and adhere to the basic and traditional principle of representation under which this state was organized and under which it has operated until recent times.

I have not the slightest intention of inventing any new principles of representation. What I propose is firm adherence to our basic, traditional principle of representation, coupled with whatever machinery or apparatus we need to invent in order to maintain the basic principle intact and at the same time give effect to such other subsidiary factors as we conclude are also significant. Thus, the position I take is as conservative as it is possible to get insofar as principle is concerned, and as inventive and imaginative as necessary insofar as the practice, or apparatus for carrying out the principle, is concerned. This is, and has always been, the basic American spirit.

The American people are among the most stubborn people in the world when it comes to adhering to principle. This country was populated by people who adhered so tenaciously to their convictions that they gave up their homes and possessions to voyage across uncharted seas to a new and unknown world. Principle was all that mattered to them; they gave up every vestige of their practical life in order to adhere to principle. Later they were the patriots of the American revolution, who risked their lives and their sacred honor, who actually became traitors to their country, because they could never surrender the principle of "no taxation without representation." They did not "stand pat" with the practices of their time; they insisted on adherence to principle, even at the price of a bloody revolution. We are diehards on principle in this country. At the same time we are, as a nation, the greatest inventors and innovators of equipment and apparatus that the world has ever seen. We have so little respect for tradition insofar as equipment or apparatus or practice is concerned that we actually have to bring out new automobile models every year, even if there's no change except in the chrome. If we compare life today with life 50 years ago, we can readily see what an insatiable demand for change in apparatus and equipment there is in the United States. We are probably the least conservative people in the world when it comes to discarding old practices, but we are among the most conservative people when it comes to adhering to traditional basic principles.

This is precisely my attitude in connection with the apportionment issue. I believe there has grown up, in this state, an apportionment practice which has seriously eroded the basic principle. New and novel substitute principles are being invented now, and rationalizations are being provided to justify departure from the basic traditional principle of representation. We therefore are faced with a choice. Shall we adhere to the present practice, or shall we adhere to the basic traditional principle? I cannot follow those who would discard both, without proof that either ought to be altered. That is not a conservative attitude. Neither is it a liberal attitude. It is an arbitrary and irrational attitude, and I hope I may be pardoned if I appear to be stubborn in resisting it. I believe, with all my mind and heart and soul, that when we find a serious wrong, we must move heaven and earth —and delegates to this convention—to right that wrong, and not to rationalize it.

When the idea of government by the people was first conceived, the question arose as to how the will of the people was to be determined. In the selection of any public official, or in the decision of any matter, it was immediately obvious that only one rule could possibly work — majority rule. The reason is clear. If you were to provide, for example, that a 40 per cent vote would win, there would be a stalemate, since the side that has 60 per cent inherently has at least 40 per cent, too. Thus, unless the majority prevailed, no one could prevail. It is thus either majority rule, or no rule. This is inherently the basic rule in any voting system. It would no doubt be possible to invent a system in which different classes of citizens were entitled to be counted unequally in voting. For example, first class citizens' votes would count 2 each, and second class citizens' votes would count 1 each. This could be done if the "first class citizens" ever had sufficient power to lay down such a law. Our system of government differs from all forms of totalitarian systems precisely in that point, that a person either is a citizen or he isn't; there is no in between position, no class system. Each voter is the equal of every other voter, as provided in the declaration of independence, and in the federal and state constitutions. There never has been a time in this country when the vote of one voter was worth more than that of another in the selection of any public official.

As Justice William O. Douglas said in the United States supreme court case of South v. Peters:

> There is more to the right to vote than the right to mark a piece of paper and drop it in a box or the right to pull a lever in a voting booth. The right to vote includes the right to have the ballot counted. . . . It also includes the right to have the vote counted at full value without dilution or discount.

And Rousseau, in The Social Contract, said:

> The citizen gives his consent to all the laws, including

those which are passed in spite of his opposition. . . . This presupposes, indeed, that all the qualities of the general will still reside in the majority: when they cease to do so, whatever side a man may take, liberty is no longer possible.

Sovereignty lies essentially in the general will. It is either the same or other; there is no intermediate possibility.

And in the case of Giddings v. Secretary of State, the Michigan supreme court, in holding a senate apportionment statute to be unconstitutional said:

There is no higher privilege granted to the citizen of a free country than the right of equal suffrage, and thereby to an equal representation in the making and administration of the laws of the land.

Fellow delegates, in the same connection I also wish to read a few brief selections on the same point from statements by Thomas Jefferson, the author of our declaration of independence. The first quotation reads as follows:

Every man and every body of men on earth possess the right of self government. They receive it with their being from the hand of nature. Individuals exercise it by their single will; collections of men by that of their majority, for the law of the majority is the natural law of every society of men.

In another quotation Mr. Jefferson said this:

Our legislators are not sufficiently apprised of the rightful limits of their power that their true office is to declare and enforce only natural rights and duties and to take none of them from us. No man has a natural right to commit aggression on the equal rights of another.

In his first inaugural speech in 1801, Mr. Jefferson said this:

. . . it is proper that you should understand what I deem the essential principles of our government. . . .

And then he listed a number of them, one of them being the following:

. . . absolute acquiescence in the decisions of the majority, the vital principle of republics, from which is no appeal but to force. . . .

And in another quotation from Mr. Jefferson, he said this:

Hume, the great apostle of toryism says: "It is belied by all history and experience that the people are the origin of all just power."

And Mr. Jefferson comments on this:

And where else will this degenerate son of science, this traitor to his fellow man, find the origin of just powers if not in the majority of the society? Will it be in the minority? Or in an individual of that minority?

In another selection, Mr. Jefferson said this:

The first principle of the republic is that the law of the majority is the fundamental law of every society of individuals of equal rights. To consider the will of the society announced by the majority of a single vote as sacred as if unanimous is the first of all lessons in importance, yet the last which is thoroughly learned. This law once disregarded, no other remains but that of force, which ends necessarily in military despotism.

And again, and finally, Mr. Jefferson stated this:

Only lay down 2 principles and adhere to them inflexibly. Do not be frightened into their surrender by the alarms of the timid or the croakings of wealth against the ascendancy of the people. The true foundation of republican government is the equal right of every citizen in his person and property and in their management. Try by this, as a tally, every provision of our constitution and see if it hangs directly on the will of the people. Reduce your legislature to convenient number for full but orderly discussion. Let every man who fights or pays exercise his just and equal right in their election.

Fellow delegates, we therefore know that the fundamental principles of our system are these: (1) that all voters have equal voting rights; and (2) that a majority prevails. Whenever the people directly make any choice, whether it is the election of a public official or the use of initiative or referendum, these 2 principles are applied. However, when we come to the question of enacting laws by means of representatives in the legislature, the question which arises is this: how are we going to get the same result as if the people voted individually? Clearly, the purpose of using representatives is not to arrive at a different result than if the voters had directly decided the issue. The answer to this problem has always been some sort of a proxy system, under which, for example, 1,000 citizens in effect give their proxies or authorization to one agent or representative, another 1,000 citizens select their representative, and so on. If equal numbers of voters select representatives in this manner, it is clear that the result will theoretically be the same as if each voter individually voted on the enactment of legislation himself.

In theory, this would be the perfect way of applying the fundamental principles I have just referred to. However, it has never been possible to do so exactly, because we can never know in advance how many voters would vote for a specific candidate. In order to approach this result as closely as possible, we were forced to make the assumption that if the representatives are elected from districts having equal population, they will each represent equal numbers of voters. This assumption is generally correct to within a few per cent, and hence the basic principle of representation has generally been applied in this form, normally being called "proportionate representation."

Thus, the basic principle of apportionment of a representative legislature is equality of representation, or, as it is also called, proportionate representation. This principle is basic, because without it both the principles of democracy I have referred to tend to be subverted. The principle that all voters have equal voting rights is destroyed, and the principle that the majority prevails is jeopardized. Thus, the principle of equality of representation is basic, in the sense that it is basic to democracy. I don't think anyone denies this. It certainly is not denied by the United States commission on civil rights, of which Dr. Hannah is the chairman. On the contrary, in the book, Voting, his civil rights commission says:

There are many places throughout the country where, though citizens may vote freely, their votes are seriously diluted by unequal electoral districting, or malapportionment.

It also states in the same book:

In a democratic country nothing is worse than disfranchisement. And there is no such thing as being just a little bit disfranchised. A free man's vote is a full right to vote or it is no right to vote. In most states, voting districts for federal and state legislators are so far from equal in population as to cause gross disproportion in representation. This dilution of the votes of some citizens as compared to others is not commonly defended on the merits. Rather, the controversy has centered upon the feasibility and appropriateness of particular methods of rectifying a condition that is admittedly contrary to democratic ideals.

The principle of equal representation is also basic in other ways as well. The general principle of equality of men — whether in the selection of representatives or otherwise — is basic not only to democracy, but to the systems of religion and morals to which the American people have always adhered. Jefferson reduced to one sentence centuries of thinking in terms of those values when he wrote in our declaration of independence the following:

. . . that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness.

Man has some rights, Jefferson said, that derive from God. These are rights which no government can rightfully withhold nor, having recognized, withdraw. These rights honor the spark that is in every human being.

The government of the United States is based on a unique principle. The declaration of independence, endorsed and enforced by the constitution, states that governments are not laws unto themselves, that they are accountable to a Higher Power. It asserts that governments exist "to secure these rights" — the inalienable rights with which these men are endowed by their Creator. It recognizes "the laws of nature

and nature's God" as a higher law binding on all governments. The declaration of independence thus affirms the duty of the government to uphold the right and rights as ordained by Divine Law. And it declares that the citizen is obligated in obedience first to the Divine Law, and that he should defend it against the encroachment of even his government. That is precisely what the American revolutionists did.

At the bottom there is one principle that divides a republic from a monarchy or an aristocracy, and that is the natural equality of men, which is as fully recognized in the laws of the Bible as in the declaration of independence. We are all made in the image of our Creator, and thus we are equal. Where some of us tend to go astray from our religious and moral principles is in perceiving our own supposed superiorities over other men. What we fail to realize when we discover to our great satisfaction that we are better educated, more intelligent, wealthier, or more fortunate, as the case may be, than someone else, is that with these assets go equal liabilities. If any of us is "better" than our fellow man in some way, we are worse in some other way. We are worse, for example, simply because instead of realizing our duty to rectify the difference, we take pride in it. Instead of loving our neighbors, we love ourselves. And thus, if we are superior in a material way, we are likely to be inferior in a spiritual way. The books balance. No one can be "more equal" than any other human being. The essence of humanity is equality.

We are, in America, a religious people. Our forefathers came here because of their religious principles, and these were applied in daily life. As such, the basic religious principle of equality of man became a part of our moral system, and also a part of our political system, including our declaration of independence, our constitution, and the bill of rights. Thus, the principles of equality are basic, not merely in political theory, and in democratic principles and law, but in an even more fundamental sense; they are basic in the religious and moral sense. It is not enough for us to declare, as we do in this constitution, that religion and morality are necessary to good government; it is vital that our conduct in writing this constitution be in accordance with the basic moral principles on which both religion and representative government are predicated — the sacredness, dignity, and equality of every human being. We must never match fine words with shabby deeds. Let us recognize that what is at stake here is a matter of conscience, not a matter of political expediency. Let us look to our consciences. Let us search for the soul that is in us, and when we find it we will know and respect and love our fellow man, because his soul is our soul, and ours is his.

Fellow delegates, I would like now to trace with you briefly the history of apportionment in Michigan to see where we have come from and where we are heading. I start with this proposition: that not only is the principle of equality of representation basic, but it is also traditional in this country. In Michigan, in particular, the tradition has been especially strong. The Michigan history of the subject begins with the northwest ordinance of 1787, which was adopted by the Congress of the United States prior to the adopting of the United States constitution — in the same year in fact, as the holding of the federal constitutional convention. This was the first legally effective document prepared by a deliberative body for the government of the people of Michigan. This instrument provided for a house of representatives based on population, and a legislative council indirectly selected by the people, through their popularly elected house of representatives. The ordinance also contained certain "articles of compact," which provided in a bill of rights the following, which I will now quote: "The following articles shall be considered as articles of compact between the original states and the people and states in the said territory, and forever" — and I will emphasize that word again — "and forever remain unalterable; unless by the common consent. . . ." And then it lists in the bill of rights the following: "The inhabitants of said territory shall always be entitled to the benefits" — and it names several of them, and one of them is, "apportionate representation of the people in the legislature."

That was where we started. We started with a guarantee of a permanent perpetual inalienable right to proportionate representation in the legislature. This provision was intended to secure permanently to the territory what was provided in its temporary organization. It was so worded as to constitute an inalienable right to equality of representation, in accordance with the concepts of the declaration of independence.

The legal effectiveness of the northwest ordinance was not impaired by the subsequent adoption of the United States constitution. For example, in 1805, congress reaffirmed the ordinance, in an act separating Michigan from the Indiana territory. When Michigan was admitted to the union under the 1835 constitution, it was understood that the articles of compact of the northwest ordinance of 1787 were still legally in effect, except insofar as they had been changed by common consent; that is, except to the extent that the new state constitution of Michigan conflicted with the articles of compact.

As to proportionate representation, as to that particular provision, there was in fact no substantial change. While the bill of rights of the 1835 Constitution of Michigan did not expressly contain the language of the northwest ordinance relative to proportionate representation, the legislature was in fact organized under the 1835 constitution under a population method, with a slight variation in the house — slighter than was the case later. Apportionment of representatives and senators under the 1835 constitution was provided according to population, with reapportionment following each census. A slight departure from absolute proportionate representation was provided in the house; namely, each existing county was to have at least one representative, but all counties to be organized subsequently were required to attain the normal population ratio in order to be entitled to a representative. This was not a substantial variation, since there were only 15 counties at that time, and their boundaries were continually being revised as they reached the population ratio. Thus, the principle of proportionate representation was retained in the 1835 Michigan constitution; there was no common consent to change this principle. It would therefore appear that the articles of compact of the northwest ordinance of 1787 would still legally bind the state of Michigan to proportionate representation; that is, as in 1835.

As a matter of fact, it was originally held by the courts that the articles of compact of the northwest ordinance were legally binding on the states formed from them, except to the extent that they were contradicted by the state constitution. And I recall to your attention that they were not contradicted insofar as proportionate representation was concerned. That was the original legal rule. However, the effect of these decisions was later overruled by the United States supreme court — and that just goes to show you that they have overruled themselves from time to time — primarily on the basis that each state was admitted on a basis of equality with every other state and hence could not have been subject to additional limitations. State courts, in construing the proportionate representation provision of the northwest ordinance, have therefore held that it is no longer legally binding on the states, except insofar as their own constitutions provide. However, the provision has been held to furnish a historical guide to the meaning of subsequent state constitutions. It has also been referred to by a court of a neighboring state as an inalienable birthright of the people.

Therefore, to recapitulate the history, in the beginning, in 1787, we had a guarantee of perpetual proportionate representation, and that was provided in fact, or substantially so, in the 1835 constitution. Later the rule was changed so that it was not eternally binding on the states and they could change their constitutions.

That brings us to the 1850 Michigan constitution, just shortly before the civil war. This constitution also provided for a senate and house of representatives, each based essentially on population, except that a moiety provision was introduced in the house, and the upper peninsula was allotted at least 1 senator and 3 representatives. And I call that point to your attention. The upper peninsula was given a special provision

so that it would have at least 1 senator in 1850 and at least 3 representatives. The original object of moiety in 1850 was not to introduce an area factor into the apportionment of the house. At that time, a large part of Michigan was not organized into counties. New counties were, however, being formed as the population increased, and it was felt that the new counties should get their representation when formed, instead of waiting until their populations reached the full quota for representation. Thus, to recapitulate again, in 1787, in 1835 and in 1850, we had the same rule: substantially equal representation or proportionate representation, with only slight deviations, the biggest one being moiety.

Now, the 1908 Michigan constitution continued the provisions of the 1850 constitution, without substantial change, except for the elimination of special provisions for the upper peninsula. In other words, in 1908 it was no longer considered necessary to say 1 senator and 3 representatives in the U.P. At this time, the reason for the moiety provision was gone, as the state was fully organized into counties. Nevertheless, the moiety provision was retained.

Thus, until 1952, the basic traditional principle of representation in the senate was always, according to the constitution, proportionate representation; and in the house, it was always proportionate representation, with the moiety provision as a minor modification based on historical reasons which no longer retained validity. Certainly this principle was never repudiated at any time prior to 1952; nor was any other basic principle ever enunciated. Minor exceptions existed, as pointed out, basically as historical incidents. However, the remarkable shift of population to urban centers in the years 1910 to 1950 was not accompanied by comparable reapportionments of the Michigan legislature, particularly in the senate. The great departure from the traditional principle in the senate was thus not based on a new principle, but was an accident of history, compounded by a repudiation of the constitution by those sworn to uphold it.

In 1952, the people adopted an amendment to the constitution which, with slight exceptions, retained the then existing senatorial districts. The language of the proposal on the ballot contained no language indicating any "area representation" principle, or any other new principle. It was basically a freezing of the status quo, an acceptance of districts which were initially based on population. In a sense, it was a freezing of time, and of population, a freezing of the status quo, as of 1920. It was, in other words, still based on population — on previous population — instead of present population, as if there were some hope that these extra people in the highly urban areas would eventually go away and leave things as they used to be. They have not done so, but the majority proposal for the senate recalculates the populations as if these people had in fact disappeared from the urban areas — and that point I will document in detail later.

Thus, we can see this: (1) no deliberative body ever meeting to provide basic rules for legislative apportionment for Michigan has ever provided any basic principle of representation except proportionate representation. And I would like to repeat that and challenge anyone to prove differently. It seems to me this is the crucial point on this issue, or a crucial point. We must not forget it: no deliberative body ever meeting to provide basic rules for legislative apportionment for Michigan has ever provided any basic principle of representation except proportionate representation; (2) the constitutionally provided departures from this principle have, until 1952, always been slight and always based on historical conditions, usually intended as temporary exceptions; (3) no other principle of representation has ever been enunciated in Michigan; and (4) even the recent departure provided in the 1952 amendment provided no new principle, but was basically nothing but a freezing of districts based on earlier population levels. Thus, I conclude on this point of the history that the principle of proportionate representation is the one and only basic traditional principle of representation in this state. Such a principle is not lightly abandoned. As pointed out by Michigan supreme court Justice Kavanagh:

> During the course of our history a bloody civil war was fought in the name of equality. Within the past 50 years 2 world wars have been participated in by this nation in the interests of freedom and justice. Free elections and equal representation during the last several years have dominated our foreign policy. . . Would it not be ludicrous were we, in our interest in establishing justice and equality under law in other nations of the world, to find ourselves losing it at home?

It is imperative that the delegates to this convention realize full well what they do if they allow this basic traditional principle of equal representation to be subverted. No deliberative body in Michigan has ever done so before. It ill behooves a supposedly conservative group, such as the majority of delegates to this convention, to pulverize principle, to tread on tradition, and to damn democracy.

Fellow delegates, in continuing with the history of apportionment in Michigan, of course it seems to me appropriate at this time to say a few words about the very recent history on the subject and really the future history on the subject. Developments in this field are going fast. They really came to a point, or nearly to a point, perhaps, last week when the United States supreme court handed down its decision in the case of Baker versus Carr, which has to do, of course, specifically with the question of legislative reapportionment in the states. I first want to make it clear that I do not claim that that case holds that equality of representation is indispensable in every state, because that question has not been decided; it has not yet been before the supreme court and may not be for quite a long, long time. But it does say at least this: it says, first of all, that there are some limits to what the legislature can do — or indeed I believe that it says further that what the people can do — either directly or indirectly in the way of diluting or debasing the right to vote. It says that this shall be a justiciable question and the question may be determined on the principle of law in the federal constitution called the equal protection of the laws. Now, this decision seems to be or can be analyzed as being a very minor holding — that all it says is the courts are not powerless to consider such a question. If you consider that case as being such a minor holding, then you disagree, in my opinion, with all of the justices of the supreme court who acted on that case, both majority and minority. The majority did not think it was a minor point. It took them 2 years to make up their minds. They had to have hearings twice. The minority did not think it was a minor matter, because there was, I believe, a 69 page dissent by Justice Frankfurter which pointed out and hammered home the revolutionary effect of that decision.

People may take different views of that decision. The view that I take is that it is a revolution of a new type. It is a revolution similar to the type that happens in England from time to time, such as when they abolished the house of lords. It is that kind of a thing. It is not just a holding in one case. And it seems to me that we have to extrapolate into the future. We know that what has been going on has been found to raise a question of equal protection of the laws, and I leave it to every delegate to determine for himself whether we can continue in the way we have been going, or whether we can take a half measure, or whether in fact it may not be held ultimately in Michigan, as demanded by the plaintiff in a Michigan case, that the 1952 amendment is unconstitutional. That is future history, I can't answer it for you, and I will therefore depart from that subject and go on to the next.

The subject I wish to deal with next is more specific. It has to do with the extent of the departure from the principle. Prior to 1952, as I pointed out, gross violations of the principle of equal or proportionate representation occurred in Michigan, in both the senate and house, because of the failure of the legislature to reapportion itself as required by the state constitution, in order to meet the tremendous shift of population to urban areas. There never was, during that time, any change in the constitution, or any new principle of representation announced. The change occurred not on the

basis of any theory or rationale, but rather because of a refusal of those who make the law to do what the law required of them. It amounted simply to usurpation of power by the legislature, without shadow of right or justification. In 1952 the state constitution was amended to provide in part for an automatic reapportionment of the house, using the mandamusable board of canvassers to make sure that the reapportionment was accomplished. The next reapportionment of the house is scheduled for 1963, based on the 1960 census. There is thus no reason to doubt that there will be reapportionment of the house in 1963 even if the constitutional convention makes no change in the organization of the house. It is true that the moiety system would persist, unless we remove it, but it would be possible to continue to live with it, provided we fully corrected the extreme malapportionment of the senate.

The senate was grossly malapportioned in 1952, because of the historical accident I referred to. The 1952 constitutional amendment froze the existing 32 senatorial districts and added 2 more senatorial districts in populous areas; at the same time the districts were frozen forever, regardless of any future population shifts. At that time, every one of the "metropolitan region" counties was under represented by factors varying between 3 to 1 and 6.5 to 1, as compared with the least populous district. That was the situation in 1952 under the constitutional amendment. The maximum deviation or the maximum ratio in the senate was 6.5 to 1. Of course, under the 1960 census figures, the situation has become much worse. The 2 worst cases are represented now by Wayne county's twenty-first senatorial district, and Oakland county, each having about 12 times as many people as the smallest senatorial district. Now, what the majority proposal proposes to do is to return to a ratio of about 7 to 1; in other words, to perpetuate the malapportionment as it existed in 1952. This also is documented in the papers I presented to you, and I will show it in a little while. As a matter of fact, at this point I would refer — and I hope that you will refer — to the first table in these papers that I have given you. This table shows what I have called the total representation of each county in both the house and the senate, counting each senate seat as worth approximately 3 house seats, for the reason that, of course, there are only 1/3 as many senators, roughly speaking, and this is compared with the 1950 population. This, of course, does not take into account the 1960 changes. But this is the situation. This is the basic apportionment in 1952, and this is substantially — not exactly, but substantially — what is to be continued, or this amount of deviation is to be continued under the majority proposal.

You will note that I have grouped the counties, on the basis of the 1950 population, into 5 different groups depending on whether they are substantially under represented, substantially properly represented, and so on. And I have stated the total representation for each group. And 3, of course, is the total representation which was theoretically correct for 1950, so that those that had less than 3 were under represented; those with more than 3, slightly more, are considered to be just properly represented; and substantially more are over represented. I might add that this method of calculating representation appears now in the United States supreme court decision. In the decision by Justice Clark and also the decision by Justice Harlan, they have a debate going on about whether this is the right way to figure total representation. In any event, the method used is explained in the footnote and is, as I said, in each county it is determined how many representatives they have and how many senators, and we multiply the number of senators by 3 for the reason I mentioned. On that basis you get the amount of representation of each county. And then in the next to the last column, you have the representation per 100,000 population, and then you can see whether it is too little or too much.

In the righthand column I have listed the comment as to whether this is an urban or rural county, and the decision as to whether it is urban or rural is on the basis of note 1 that follows at the end of the table. In other words, the definition of urban and rural was taken to be the same as that offered by Delegate Arthur Elliott in a paper he presented to the legislative organization committee, with the exception that it was required that no county would be counted as urban if it has less than 10,000 people. There are only 2 counties of that type. Aside from that, it is identical with Mr. Elliott's analysis of urban versus rural. And you will note that there are 10 urban and no rural counties which are under represented. Ten urban are under represented; no rural are under represented. And when we come to the next group, group II, there are 7 urban counties that are properly represented and 5 rural. Continuing down the line to substantially over represented counties, it turns out there are 7 urban counties that were substantially over represented as of 1950, and 4 rural. And going down further, you see the urbans disappear. Then you have 15 rural and no urban in each of the last 2 categories. What you can see, then, is that there is over representation of rural counties, under representation of urban counties, and there is a general trend from one to the other depending largely on the population of each county. Now, this was the position of the senate and the house together — most of the malapportionment being in the senate — as of 1950 and as of 1952 and, roughly speaking, this is what is sought to be perpetuated. The last group, group V, has representation of 8.01, and up, as compared to 3, but it goes all the way up to 42, and the overall deviation is large at that point.

This table, as I say, is presented to show you the extent of the departure from the principle. It will therefore be noted that the departure from principle has grown by leaps and bounds, until it can be aptly described as a cancer in the body politic. Palliatives will not suffice; the need is for deep rooted surgery. What is at stake is the survival of effective democratic government in Michigan; the alternative is the collapse of state government and the corresponding growth of federal power. In that connection I simply would like to make 2 comments about the collapse of state government relative to the growth of federal power. One of them is indicated by President Kennedy's recent move, which of course did not succeed, to establish a department of urban affairs. Presumably, at some time or other, that will come to be. If it does, it will be an example of this. Another example which already has come to exist is the recent United States supreme court decision, which unquestionably — without any doubt, anyway, in my opinion — is a blow to those who believe in the rights of states to govern themselves without the federal government interfering. That has already occurred. It had not occurred when this page was typed.

The next question that I would like to deal with, fellow delegates, is the question of the consequences of the departure from the principle. The first effect of the malapportionment built into the 1952 constitutional amendment I have already mentioned in table 1, where we have seen that urban areas are subject to extreme discrimination in favor of rural areas. This is further brought out in the record table to which I now refer, and ask you to refer, table 2, which shows that, in fact, it is only urban counties which are substantially under represented and only rural counties which are substantially over represented, and that substantially half the people of the state were substantially under represented as of 1952 under the 1952 constitutional amendment. And, I repeat, this is approximately what is intended to be continued in the future under the majority proposal.

I suggest that this cannot be explained as a compromise between an area principle and a population principle; it was nothing more nor less than an invitation for democracy in this state to commit suicide. And I call to your attention that it was such a strong and difficult problem and it occurred in so many states that the United States supreme court felt impelled to venture into new and difficult waters.

Collateral to the discrimination against urban areas, insofar as representation is concerned, is the parallel discrimination as to the allocation of state funds. And in table 2, there is presented data representing the average ratio of state aid — you will find that in the second line of each group — to

taxes levied locally for counties. These figures were based on the 1956 data and are taken from an article which is referred to at the bottom of the table. Those are the figures relating the state aid to the local communities as compared to the money that the local communities had to raise themselves. You will notice that there is a great discrimination against urban and highly populated areas in this respect. For example, in group I you will notice that the ratio of state aid to local taxes is only 0.61, a little more than half — that is to say, only about half as much state aid goes to the local communities of this type, the under represented type, as compared to locally raised taxes. In group II, where you have proper representation, it is almost twice as much. The average ratio is 1.02; and so on down the line. In general, when you average up the figures for each of the counties within these groups, you find a trend. You find that, for example, in group IV — the table isn't complete as to group V — but as to the first 4 groups which are in there, you will find a ratio of 3 to 1; relatively 3 times as much state aid goes to the over represented counties as to the under represented counties.

Therefore, we find 2 things from tables 1 and 2: 1, that the urban counties on the whole are under represented and the rural are over represented; and 2, that, just about what you might expect, the ratio of state aid to local taxes varies in the same manner. There is discrimination in connection with the taxes whether it is accidentally or on purpose.

This data is also plotted in a graph which is found near the back of the materials. After the tables, you will find a graph which is called Figure 1, and this graph plots the population of a county along the lefthand axis, the 1955 population. This is estimated by the author of the article I referred to from the 1950 population. It plots the population of a county against the state aid per capita and against the total of state aid plus local taxes per capita. It plots those 2 graphs against the population as of that date. If you will look at, let's say, the graph on the left, the state aid per capita, you find that at the top of the graph, where you have large populations, you have a relatively lower amount of state aid. And when you go down to the bottom of that graph, near the bottom of the page, that curve moves to the right, and that means that you are getting more state aid per capita. You will notice where the vertical dotted line shows the average, and you will see therefore that the counties that have high populations are getting less state aid than average, and the counties that have low population are getting more state aid per capita than the average, and it gets to be much more in the smaller and smaller counties. These circles on the graph are averages for relatively narrow groups of counties. The righthand graph shows the total of state aid plus local taxes per capita, and that is used more or less as an index of the total needs for revenue of each county. This, of course, doesn't count the needs that are supplied by the federal government in addition to this, but these are an index of the needs of counties, and you will notice something which never occurred to me before I saw this, before I plotted this graph. That graph does not follow the other graph. It does not run parallel to it except in the beginning, except at the bottom.

When you have counties small in population, the 2 graphs do run nearly parallel, which means that there is not much variation, let's say, between the amount of state aid and the need in the county. They are proportional to each other, roughly, for small counties. That is the way you would think it ought to be, presumably. But you notice something peculiar when you get to populations of rather large amounts. The line that is marked 100 represents 100,000 population, which is a rather large county, and at about that point and higher you find the graph on the right turning around and going in the wrong direction, which means the needs, instead of continuing to decrease, begin to increase. The needs per capita are higher, let us say, for heavily populated counties than they are for medium populated counties and also for low populated counties. This could, no doubt, be explained in many, many different ways, and I think it is probably not worth while to attempt to figure out why that is so, but anyway, it is so. And if you compare the horizontal distance between these 2 from graphs, that is the amount of local taxes per capita that must be raised by these counties. At the bottom of the graph, these distances are small. The local taxes per capita raised by counties small in population are small amounts. When you get near the top of the graph, you can see that it begins to spread and spread, and it becomes, say, 4 times as large for highly populated counties as for sparsely populated counties. The conclusion, then, that you can draw from these graphs which summarize the article I referred to is that state aid decreases when you get to high population counties, but that the needs increase and that the amount of money that must be raised locally increase even more so. It is the total of the 2; and it runs in a direction not to be anticipated.

Now, fellow delegates, I would next like to refer you to other information about taxes, the first of which occurs in table 3 near the beginning of these notes. And you will find at the bottom of this small table the citation of authority from which it is derived. This was information distributed to all the delegates, I believe probably about a month ago or maybe a little less, from the Michigan AFL-CIO research department, and these are numbers I derived from looking at that data. These are not numbers in the material but they are derivable from it. What we have here are the figures for 2 parts of the state for comparison: Wayne county, the relative tax collections in Wayne county, and in the southeast metropolitan area, which consists of the 4 counties in the southeast metropolitan region: Wayne, Oakland, Macomb and Genesee. The per cent of population in those 2 locations are 34 per cent in Wayne and 53 per cent in the metropolitan region.

Now, the percentage of collections of tax other than the business activities and corporation franchise tax — it was not easy to be certain whether they are to be allocated to one county or another, so they were originally excluded from that report. They are 36 and 53. Therefore, those taxes are about what you would expect. Collections of taxes other than business activities and corporation franchise parallel the population. But the other 2 figures, business activities and corporation franchise taxes, are much higher in these 2 areas than population would indicate.

The other table that follows is a more detailed analysis taken directly from the same data, table 4, which shows the net flow of tax revenue or an indication of the net flow of tax revenue from certain specific counties which were included in this report, and I have organized them into groups based on population, and compared the per capita collections and the per capita distributions. There are some reservations in connection with those, but anyway, they are indications of what happens in each of these counties, and also the difference between the 2 per capita, and without going over any of the specific numbers — you have them before you — you will find that these counties do break up into 2 groups. The first group is a group where these numbers are positive. All of them are positive. That is to say there is a net per capita collection. And in the second group of counties having less population, there is a net per capita distribution. So that the conclusion from this chart is that there is a net flow of tax revenue from the highly populated counties to the less populated counties, a net flow.

Taking the 2 tables together, what we can find is this: the highly populated counties raise taxes equal to or in excess of what would be expected by their population. They receive back less than would be expected. That is what we got from the first chart in this connection. And the last 2 show that the result is what would be anticipated: a net flow of revenue from the populated counties to the less populated counties. Now, this is the reverse of what I — and I believe many people — had originally believed. I think that many people believe that the large counties are receiving more money than they pay in taxes and vice versa, but this is the fact, and we have it from 2 different sources not connected at all with each other.

We can conclude this from these data: that if the state government is of and by some of the people, it is also for some of the people. This discrimination against urban dwellers is so serious as to give the highly urban areas no choice but to look to the federal government instead of the state government for assistance in meeting their pressing problems. Thus, the entire state-federal structure of government is imperiled, and this is a result of the impairment of the basic principles of democracy in the states. Nor can we ignore the further fact that the malapportioned legislature in Michigan has contributed to very serious discrimination against members of the negro communities of the metropolitan region of Michigan. In the name of protection for the minority, negroes and other foreign born residents are being grossly discriminated against.

The figures I quote now were submitted in the Michigan case of Scholle versus Hare and submitted to the United States supreme court by the plaintiff in this case. These are the figures they gave: in 1950, 95 per cent of the negroes and 81 per cent of the foreign born residents of Michigan lived in the urban counties of Michigan, according to the U. S. census. On this basis, it is clear that discrimination against urban voters is discrimination against real, honest to goodness minority groups, who are in most urgent need of protection and fair play. What we have in Michigan now, insofar as negroes are concerned is this: (1) a situation in which they are under represented in the senate to a fantastic extent; (2) they are unemployed in alarmingly high percentages; and (3) the cities in which they live are virtually helpless to help them. If they have moved from the south in order to obtain justice, equality, education, and freedom from poverty, they are met here with the plaintiff defense that that is not very important as compared with the noble concept of protecting some other homemade minority. To their astonishment they learn that the reason they are being discriminated against here is because they are the majority.

The discrimination against urban voters, and against the negro and foreign born residents of urban areas is further compounded by a corresponding discrimination against Democratic voters. And in support of this statement, I present the following facts: (1) during the last 5 elections of the legislature, a total of 10 houses of the legislature were selected by the people of Michigan, 5 senates and 5 houses of representatives. In 5 of these cases, the total popular vote of the people favored the Democratic party, and in the other 5 cases, it favored the Republican party; nevertheless, all 10 houses were controlled by the Republican party. Thus, the legislature completely failed to respond to the recurring swing of public opinion as to political preference. You will find, fellow delegates, the statistics supporting that in table 5, and you will find the statement of the number of votes in thousands in each of those elections for Democrats and Republicans. These were added up — and there was no over adding, as has, I understand, occurred at some previous experiments in the same type of calculation. These are the cumulative popular votes for Democrats and Republicans, and they state which party had the majority popular vote. Five of them were Democrats; 5 Republican. The righthand column shows that in each case, in fact, the majority party in the legislature was Republican.

From this table we can conclude the following: the Democratic voters have been systematically discriminated against, too. The next thing we can learn is this: that the discrimination against Democratic voters is especially flagrant in the Michigan senate. Not only did the Democrats gain a majority of the popular vote for 3 of the last 4 senates under the present apportionment provisions and yet fail ever to gain control of the senate, but the margin of Republican control was, in each case, fantastically out of proportion to popular opinion. These statistics, my fellow delegates, you will find in table 6. And in this table you will find for the last 4 elections for the senate — and these are the only ones for which we have had the present districts, 1954 through 1960 — you find which party had the majority popular vote and then you will find the number of Democratic senators elected, the number of Republicans and the percentage of Republicans elected compared to the percentage of the popular vote for Republicans; you will find whereas the Democrats have the majority of the votes in 3 cases out of 4, they are outnumbered approximately or nearly, in some cases, more than 2 to 1. That is the extent of the discrimination in the senate against Democratic voters. The third point that we can discover by analyzing the results in the Michigan legislature is this: that not only is the present Michigan senate apportionment seriously discriminatory against Democratic voters, but it is basically frozen in that manner at the present time, since the size and composition of the senatorial districts are such that they practically never swing in preference from one political party to the other. And this is supported by the figures in table 7. In table 7 we have a list of each of the 34 senatorial districts which now exist and which have existed since the 1952 amendment, and what happened in each of the elections is listed as to whether they went Democratic or Republican, and you will find the only one that ever swung at all in this entire time was district 32, which is the smallest in population of the entire state.

We can conclude from this that if we start out with a senate that unduly favors Republican voters, as we now have, and also as is proposed by the majority to be continued, it has a tremendous tendency to remain that way in perpetuity. I therefore conclude on this point that it must be obvious to any realistic person that it is expecting more than a miracle to assume that Democrats at this convention could ever agree to sacrifice the basic traditional principle of equal representation and, on top of that, do it by introducing nonpopulation factors in such a way as, in effect, to rig the elections for one or both houses of the legislature to guarantee perpetual Republican control therein. This would not be agreement; it would be unconditional surrender. Let no one deceive himself into thinking that that is within the realm of the possible. It is sheer fantasy. Anyone who persists in such an attitude clearly wishes to make of this convention not a bipartisan effort to write a constitution, but rather a Republican caucus to which Democratic observers are invited to accede. Obviously, the only recourse for Democrats under those circumstances would be to refuse to be party to such subversion of the people's mandate for a bipartisan convention.

Whenever I have attempted to discuss this matter with Republicans, I have been met with the same fantastic answer: let's not mix politics into this; it has nothing to do with politics. This matter is, however, much too grave to be shrugged off with any such glib answer. What is at stake is not mere partisan advantage; it is infinitely more vital than that. I have made a study on the subject of the rule of law — that is to say, the conditions under which it is possible to conclude that in the last analysis the choice is always between the rule of law on the one hand, and the reign of terror on the other. When the people consent to the government which rules them, we have the rule of law; when the people do not consent to the government which rules them, but are governed under it because they are coerced into doing so without their consent, you have a naked battle of power against power. The rule of might replaces the rule of right. The people are pitted against each other in a battle for power. The rule of law degenerates into the reign of terror or coercion. And I call to your attention, fellow delegates, that this is the same conclusion as was stated by Thomas Jefferson — and I read that to you in 2 or 3 different selections — that either a majority rules or you can't have a state. It can't be stable. Some sort of a revolution must burst out. And I call to your attention that in other countries, the revolutions that have burst out killed people. In this country the revolutions that have burst out in the past killed people. But, by good luck, the revolution which is solving this problem is a mere legal battle among lawyers in courts.

The lesson of history teaches that no government is stable which is governed contrary to the people's will. Throughout history, only 2 methods have ever been invented to replace

a government of which the people do not approve. The most common method has been by revolution. But in a democracy, there is another, and infinitely superior way. The people simply dismiss the government, by telling them to go. They do this by voting one political party out and the other in. The 2 party political system is the crux of the system; it is all that makes it possible to solve our problems peacefully. It is what has made our government the best government ever conceived by the mind of man. But it is absolutely indispensable to this system that when the majority of voters tells a political party to go, they go.

Just imagine what would happen, for example, if Mr. Kennedy were defeated in the next election and he refused to leave, saying, "I've got control of thousands of hydrogen bombs, and I'm not about to leave just because you wish me to." Thankfully that cannot happen here, but we know full well that that is precisely what does happen in communist countries and in other totalitarian states. A system which allows no parties, or only one political party, or which system actually freezes the control by one party over any part of the government regardless of the fact that the majority of voters in a given election vote to dismiss them, is brittle and cannot endure. Sooner or later the people are forced to find some way of emerging from such a system. This is what the cold war is all about. But there is no room for a cold war within a democracy.

Basically, then, what the apportionment issue boils down to is this: the question of whether or not the majority of voters can dismiss the "in party" from any part of the government whenever it chooses to do so. If the legislature is organized in such a way as to militate against this — as it is at present in Michigan — the people will always find a way to liquidate the power of the legislature. In Michigan, fortunately, we have the safety valve of turning to Washington. It may not be the best way out, but it is a way out. This is our way of effecting a bloodless revolution instead of a bloody one.

The words of ex President Eisenhower to this convention eloquently show that such a revolution is under way, and that the only way to reverse it is by making the state government as responsive to the public will as is the Congress of the United States. And here is what President Eisenhower said on the point:

> The tendency of bureaucracy to grow in size and power does not bear the whole of the blame for the march of political power toward Washington. Never under our constitutional system could the national government have siphoned away so much state responsibility and authority without the neglect, acquiescence, or unthinking cooperation of the states themselves. Every state failure to meet a pressing public need has created the opportunity, developed the excuse and fed the temptation for the national government to poach on the state's preserve. Year by year, responding to transient popular demands and localities seeking special advantage, the congress has increased federal functions. The pendulum of power has swung far from our states toward the federal government.

Continuing to quote, President Eisenhower said this:

> Eight years ago, I publicly expressed the conviction that unless we preserve the traditional power and responsibilities of state government, with revenues necessary to assure exercise of that power and discharge those responsibilities, there will not forever be preserved the kind of America we have known. Eventually, we shall have, instead, another form of government, and therefore quite another form and kind of America. That conviction I hold just as firmly today.

And President Eisenhower continued:

> I believe that the preservation of our states as vigorous, powerful governmental entities is essential to permanent individual freedom and to national growth. But it is idle to champion states' rights without upholding states' responsibilities as well. So I hope that the rewritten draft of Michigan's constitution will define carefully the responsibilities that its people believe should belong to Michigan, and that they will forthrightly assume and exercise the authority essential to the carrying out of those responsibilities.
>
> So acting, they will do something positive and effective about problems that directly concern their fortunes, their welfare and their lives.
>
> The responsibilities, best exercised by the people of a state, can be returned to them in all 50 states. And Michigan can lead the way.

Fellow delegates, let us hope we can meet the challenge of these inspiring words, by expressing our faith in democracy by returning to the crucial concept that the majority puts into office and the majority puts out of office. Legislators and political parties subject to such a check never fail to perform in a responsible way, because they are responsive to the public. There is nothing magic about voting, but there is something very like magic in a system in which the government knows it must meet the needs of the people or else be booted out of office. Such legislators are forced to behave responsibly, if they are to survive. And they do survive. As pointed out by Dr. William Anderson, professor of political science, emeritus, of the University of Minnesota:

> The effects upon the minds of young persons resulting from unethical and unconstitutional practices in high places are also worthy of mention. Anyone who has believed in and tried to convey and explain to young people the principles of popular government and constitutionalism knows what can happen in young minds when practice departs so far from principles and pretensions. Here we come to what may be the most crucial issue of all, that of constitutional morality. In state after state, the equal protection principles of the fourteenth amendment are being flouted or ignored. There are some state constitutions that contain rules of legislative apportionment that do not conform fully to the equal protection principle of treating every man as equal to every other one in legal and governmental affairs. This issue of constitutionalism or constitutional morality, of abiding by the constitution, cannot be brushed aside as mere idealism. It lies close to the base of all systems of popular government. These systems rest upon such basic ideas as those of mutual respect and confidence among men, and upon keeping faith with all men in all things. When this basis is seriously undermined, and no way can be found for a peaceful and lawful correction of wrongs and the restoration of mutual confidence, the resort to force and violence is not unthinkable.

Those are the words of a professor, and you will note the similarity to the words of Thomas Jefferson.

To summarize the position of the minority on this general problem of what is our basic principle and why do we adhere to it and why will we not be shaken from it, I have one further group of comments to make before we go into the details of our plan and of the majority plan. These factors that I wish to discuss with you now, fellow delegates, have to do with the suggested justification for departure from the principle, and it seems to me that we must grapple with these problems. I have stated what is the basic principle, what has always been adhered to in Michigan until a few years ago, and no doubt the majority, who wish to depart from this principle, have justification which they will present to us. All I can do at this point is to state to you those which have been stated to me and try to find out whether they are valid or not.

The first one of these has to do with difficulty of representation. It has been argued that if population alone is considered, some legislative districts will be so large that effective representation will not be possible, and that therefore such sparsely populated areas are entitled to additional representation. I would like to answer this question which, after all, is one of the basic problems before us.

There are a number of answers that are available. The first one I offer is this: first of all, there is nothing to show that there really is such unusual difficulty in the areas in question; that is, in the sparsely settled areas. It is a mere assertion. No evidence has ever been offered to show that it

really is so in fact. We know that there have been approximately 32 senators in Michigan for over 100 years, distributed most of that time on a population basis. No general complaint was made on that score until after the great population shift had occurred in this state. We also know that congressional districts, in general based on population, cause no tremendous concern even though they are larger than our senatorial districts. During the early days it was obviously much more difficult for the representatives and their constituents to keep in contact with each other than it is now. There were fewer or no railroads, highways, buses, automobiles, airplanes, telephones, telegraph, radio or television during much of that time. If under those conditions a population basis was feasible, how can it have become unfeasible only now, when the conditions of transportation and communication have been so tremendously improved? If under the conditions of travel prevailing when the 1850 constitution was adopted, it was thought necessary to guarantee the upper peninsula only one senator, how can the situation have become worse today? Further, as indicated to us by testimony from the senator from Nebraska who testified before our committee, representation is not less, but more effective in sparsely settled areas for this reason according to the senator. He says the reason is because the people know each other.

An examination of the realities of the situation shows that the real difficulty in obtaining effective representation is actually in the large metropolitan areas, where the legislative districts are much smaller than the city within which they lie. The principal reason for this is that there is no adequate way for news concerning small fragments of a city to be transmitted to its residents. Once you carve a living organism such as a city into atomized segments, you find that most of the pieces are not viable. When you create such fictional communities, you cut off the arteries of communication between the legislators and their constituents. There is no newspaper for a senatorial district, let's say, within a city. Thus, if one were to be concerned about difficulties of effective representation, one would not be especially concerned about sparsely populated areas. There is just as much, or more difficulty in congested areas, and they are not seeking any special consideration on that score.

The second answer to the question about why we don't need extra senators, let us say, in sparsely settled areas is this: even if there is such difficulty of representation, the cure does not require unequal representation. In the first place, we should face the fact that this problem exists only because we make it exist. The obvious cure for districts which are too large is to use districts which are smaller. All you need to do in order to accomplish that is to refrain from using a legislative body which is small, such as the present senate. The obvious cure is to use a larger senate. If we refuse to do this, it is obvious that we insist on bringing the alleged problems on ourselves, so that we can "solve" them by distorting the proportionality of representation. But even if you use a small senate, there is still no need to impair or destroy the proportionality of representation merely in order to bring the senator and his constituency closer together. You can, for example, provide for senators with fractional votes, or with votes weighted by population, or you can use the bipartisan representation system we have proposed in this minority report amendment. Any of these will give extra senators where desired, without any distortion of the basic traditional principle.

Fellow delegates, another excuse or justification given or suggested for the departure from the basic principle is the desire to disperse power all around about the state rather than concentrating it in a small region of the state. I submit, however, that this simply begs the question. The underlying assumption in it is that the amount of area occupied by political power is of some significance, but what that significance is, no one knows. Is there some principle that the amount of power per square foot shall not exceed a certain maximum value? If so, I don't know anyone who knows what that principle is. No one suggests that the political power should be distributed to parts of the state in which no one lives, except, perhaps, the majority in their senate proposal for the future. And, as pointed out by the Republican members of the committee, they do provide for 2 senators in the upper peninsula and the northern part of the lower peninsula, when nobody lives there.

All that can be demanded of a representative scheme is that the voting power follow each person wherever he may go, so that it is distributed in the same way as the people are distributed; in other words, that a voter living in any part of the state, no matter whether it is a city, a farm, a mining area, a lumber area, an industrial area, a recreational area, or whatever, is not deprived of his vote or shortchanged in his voting power. A system in which the value of a man's vote changes greatly as he moves from place to place within a single state is clearly an irrational and arbitrary system. The fallacy in the dispersion of power concept is that you tend to be sucked into it automatically when you start to look at a map, preparatory to inventing an apportionment scheme. To your horror, you see that half the voting power or more is being condensed into a mere flyspeck of area. But the answer is: what of it? It's only because you are looking at a map instead of at people that you are worried. If you think of apportionment as a means of representing people, and not as a means of drawing lines on a map, you will not be led into such error. If, for example, you were to provide 15 senatorial seats for Wayne county on a population basis, you would not provide the county as a whole with those senators. They would not run at large within the county. Instead, they would be divided among single member districts within the county. Each one of those districts would contain just as many people as any other district anywhere in the state. If you refuse to permit that, simply because of the smallness of the area occupied by these people, you are taking an extremely irrational position. What difference does it make that the people in such a district live close together, instead of far apart? Does that entitle them to less right to enact laws than other people? If so, why? If all you are worried about is that there is not enough empty space between the people in Wayne county, the solution is not to decrease the representation of these people, but rather to increase their area. We have plenty of such area bordering on Wayne county which can be added onto it, if you feel it necessary to do so. All we need to do is add on some of the area of the great lakes which border on Wayne county. It's true that such "watered areas" are uninhabited, but they are not more so than the inland lakes and federal forest lands in other counties.

In reality, there is no more inherent virtue in demanding that political power be distributed by geography than that it be distributed by occupation, by number of college degrees, or by race, creed or color. There is nothing sacrosanct about geography. Let us not get hypnotized by maps. Let us keep our mind on each person who is to be represented, without worrying about whether he lives north, south, east or west, or how many people live near him. The only proper distribution of power is that it goes with people wherever they go. Otherwise, what is represented is something other than people, and we then fail to have even a republican form of government.

Another suggested justification I would like to call to your attention is the analogy of the founding fathers' setting up of the United States senate. This is one of the most common arguments; that what we would be doing here is similar to what the founding fathers did in setting up the senate. And I would like to suggest certain answers to this. In the first place, I call to your attention this: the founding fathers did not set up a senate based on area. That is, of course, the most common error. There was no connection whatever between the amount of area of a state and its representation in the senate; in fact the concept of area representation was not even mentioned in the federal constitutional convention. I might add that if anyone thinks differently, I have a nice, big, fat book in front of me and they are at liberty to show me where I am wrong. It was the smallest states, such as New Jersey, which insisted on protection, not the ones which were large in area. It is just the reverse of what you might have thought.

Neither did sparsity of population have anything whatever to do with it; it was never mentioned either. Actually, the small states were not in general sparsely populated — they simply were small in size. Thus, any analogy between the U.S. senate and the idea of extra legislators for large or sparsely populated districts is entirely imaginary. It is not founded on fact, but on fancy.

In the second place, the founding fathers did not set up any senate election system by which the votes of one voter counted unequally with that of another. This is another error that is just about as common as the first one. I might add the reason for that is, at the present time that is the result, but that is not what the founding fathers set up. In the federal constitution, as it was originally drawn up and adopted, the people did not elect the senators at all; they were simply selected by the state legislators. No one suggested to the federal constitutional convention that one person's vote should count more than that of another. It was simply not a question of election of senators at all. What it was, in fact, was this: there was equality of representation of constituents. In the house the constituents were people; in the senate they were states.

The third answer to this analogy about following the founding fathers is this: the founding fathers did not set up any senatorial districts at all. Quite the contrary; the senatorial districts — that is, the states — set them up — set up the union. It was exactly the reverse of what we have to face.

In the fourth place, the direction which the founding fathers took was that of adding a new house based entirely on population to an existing unicameral body in which the representation was by states; whereas in our case, we are urged to go in the exact opposite direction, that is, moving away from a consistent pattern of proportionate representation by introducing an antipopulation element. This kind of difference of direction, of course, is of tremendous importance. Such a change in direction is always based on observation of the features of an imperfect system, seizing on the part which is the necessary evil, and asserting that it is good. That is the precise reason why we must always be vigilant against the introduction or extension of imperfections and irrational factors. I might say that, for an example, in the United States constitution there was another imperfection which could not be avoided, and that was that slavery was not prohibited, but I presume nobody at this date says we should copy that imperfection. Of course, at one time they did state that very vigorously, and we had to kill them to stop them.

In the fifth place, the founding fathers had no choice as to the boundaries of their senate districts. They had no power to change the boundaries of the states. The situation, of course, in Michigan is exactly the reverse. We are not bound by senate districts. Obviously we are going to change the boundaries. I might say there are more answers to this argument than to any other argument. It is the least good one but the most quoted.

In the sixth place, the founding fathers did not select this system finally adopted as a good system. That is another mistake. It was referred to, for example, by Madison in the Federalist Papers as the lesser evil. The history of the way the senate provision was adopted shows fully that the majority of the founding fathers — especially the more prominent ones — were strongly opposed to a senate giving equal voting rights to each state, on the ground that it was a violation of the basic principle of proportionate representation. In fact, they originally won their position in the committee of the whole at the federal constitutional convention, but eventually were forced to surrender to the small states, who in fact threatened to refuse to enter the proposed union and to form alliances with foreign powers. I have before me, in fact, quite a few quotations from the founding fathers exactly on point, in which they admitted over and over again, those who wanted the present senate system, that it was wrong in principle and that they were simply insisting on it because they had the power to insist upon it. I will not read those except privately to people who are not certain that the facts are as I just stated. Nevertheless, the assumption that the founding fathers regarded a senate not based on proportionate representation as a good thing is entirely unjustified. It was a bitter pill for them to swallow. It was not a champagne cocktail; it was a poison daquiri.

Finally, the analogy between the United States senate and the state senate fails because of the sovereignty of the states. This is the point that President Eisenhower called to the attention of the delegates. We have seen that this was the decisive factor in the claim of the states for equal voting rights. They simply said, "We will not join the union. Because of our sovereignty, we can stay out." On the other hand, state senatorial districts are devoid of sovereignty. We must remember, for example, that on account of the sovereignty of the states, unanimity of the states was required in order to form the union; obviously no such problem exists with regard to senatorial districts.

I will also call to the attention of the delegates illustrations of differences between the federal-state system as applied to the state senate and the system within a state. I will not read this table, but I simply call to your attention table 11 which sets forth a few of the differences which occurred to me one morning before I testified before our committee. I jotted down as many things as I could think of at the moment, and I have reproduced it here. These are differences between the federal-state system and the system within a state which show why, when we say that there is sovereignty, we are not just using a word. The state has obligations. The state has rights against the United States; the state has rights against other states. The state has power over its people. None of those things and none of the individual things listed there apply to senatorial districts. For all of these reasons, we can certainly conclude that the analogy between area factors in the state and the founding fathers is entirely fanciful and has no basis in logic, just as was stated by all political scientists of whom I am aware, as well as ex President Eisenhower.

Another argument that has been urged upon us is what might be called the consensus theory. This has been urged as a reason for adding nonpopulation or antipopulation factors. The basis of this theory is this: that it is necessary in order to avoid the tyranny of the majority; that is, to act legislatively only if there is a consensus of the major points of view within the state, rather than a bare majority. Of course, one quick answer to this which has frequently been given is that if the tyranny of the majority is bad, the tyranny of the minority is worse, and that is precisely what we now have in the Michigan legislature, and that is what we will continue to have under the majority proposal in each house.

Of course, if one house were truly responsive to the will of the people — that is, would "swing" as the popular vote swings from one party to the other — it is true that minority rule of a second house would not enable that minority to rule affirmatively, but merely to block action by the majority in the other house. But even in that case the question still remains whether the minority should be able to block action by the majority. Analysis of what is actually involved in a bicameral legislature in which one house is based on proportionate representation and the minority has built in control over the other house leads to the conclusion that what it amounts to is that it takes more than a majority to enact a law. It takes, in essence, a majority in one house plus a majority of the minority in the other house. Of course it is not quite as bad as requiring a unanimous vote, but it tends in that direction. Actually, it amounts in effect to requiring roughly a ¾ vote of the legislature in order to enact certain legislation. The result is thus to make it extremely difficult to pass any laws at all wherever there is a difference of opinion between the majority and the minority, that is if the minority is supporting it. Experience shows that such a system is not feasible for any deliberative body, regardless of whether it is a legislature, a corporation, or any other type of body. Such a system has a tremendous tendency to lead to frustration and to destruction of the effectiveness of the institution concerned. This is the result of compounding fear, lack of faith in democracy, and sheer laziness in analysis.

It, of course, is by no means uncommon to place restrictions

on the legislature making it difficult for them to enact certain laws, in order to protect the minority. That is, in fact, the entire basis of constitutional democracy as we know it in this country. Thus, it is common to provide in constitutions that the legislature cannot change certain laws by an ordinary majority, but that a more difficult procedure is required; for example 2/3 or 3/4, as in the amending of the federal constitution. Such a system makes it possible to pass ordinary laws essentially by an ordinary majority, but makes an extraordinary majority, or consensus, necessary in order to make extraordinary changes in the law. Such a system is extremely effective in both respects, that is, it makes it possible for effective actions of ordinary types to be taken, but it strongly inhibits changes of the fundamental law.

On the other hand, the way the consensus theory is applied in states like Michigan is exactly the reverse. It is, and under the majority proposal would continue to be, easier to amend the Michigan constitution than to enact a law which is favored by Democratic voters but opposed by Republican voters, even when the Democratic voters outnumber the Republican voters. The reason is that, aside from procedural problems in getting a constitutional amendment on the ballot, all that is required to change the basic or constitutional law in Michigan is a majority, but in order to enact an ordinary law over the opposition of minority control in a second house, the consensus of about ¾ is required. This is the way the so called consensus theory works in Michigan; it works upside down. However, our consensus system in Michigan does not work even that well. The reason is that most of the time — up to the present, all the time, in fact — the minority controls both houses, not just one, and this would continue under the majority proposal. Under these conditions, it is substantially impossible, not just very difficult, for the majority to enact any law over the opposition of the minority. Thus, in practice, we do not have a consensus system; we have a "nonsensus" system in Michigan. It is strictly a one way street, in the rural Republican direction.

Obviously, therefore, Michigan law must be and is a crazy quilt pattern of constitutional amendment, coupled with a continual failure to meet the general needs of the public. This is what it has been, and this is what it will continue to be under the majority proposal.

Another excuse or justification which has been offered and which I would like to comment on is what might be called the minority protection theory. It is asserted in this argument that the minority must be able to prevent the majority from enacting laws which are beneficial to itself and harmful to the minority. This is usually stated in the form of a fear that the majority, or the metropolitan dwellers, would use state funds for its own benefit, even though these funds are raised from all parts of the state. This must, in my opinion, be recognized as a baseless, exaggerated, inverted, superstitious fear. The fear is baseless, because there is no evidence to show that it has ever in fact occurred, nothing to show that it is likely to occur, and nothing even to show that it could occur. There is, in fact, no way by which the legislature could grossly discriminate, in the use of funds or otherwise, against one portion of the state, because this would violate the "equal protection of the laws" clause of the United States constitution, as well as the uniformity clause of the Michigan constitution, and the "equal protection of the laws" clause which we have adopted for the proposed new Michigan constitution. Thus, the fear is imaginary.

It is true that there could be some substantial inequities in the distribution of state funds, short of violation of the equal protection clause, but there is nothing to show that the metropolitan or urban voters have any such intentions. The fear, in any event, is certainly purely prospective. On the other hand, there is everything to show that that is precisely what the Republicans in control of both houses of the legislature have in fact been doing to the metropolitan areas, as I have already pointed out. Evidently their fear of the metropolitan voters is nothing but a reflection of their own conduct, transferred mentally into the imagined future misconduct of others. In any event, it is shocking to find that anyone could be so afraid of possible inequities of this magnitude that he would be willing, eager, and in fact insistent on destroying democracy in this state over such fears. It is incredible, in the first place, that anyone would place such an extreme value on money that he would destroy democracy in order to protect his pocketbook. In effect, he is willing to sell the equality of man for filthy lucre.

But how much money is really at stake here in any event? The tax collections in Michigan average about 80 per cent for federal, 10 per cent for state, and 10 per cent for local taxes. Thus, what is at stake overall — the full amount — is 10 per cent of the taxes a person pays. It is obvious that he could not be deprived of any major portion of this without violation of the equal protection clause; therefore, let us assume that, at the absolute imaginable worst 3 per cent of the taxes he pays could conceivably be diverted by misconduct of the type feared. This comes to about $30 per capita, as compared to an income per capita of roughly $1500, or about 2 per cent of income. Two per cent of income, in other words, is what is feared. It is feared that 2 per cent of somebody's income might be diverted to somebody else. Once this is observed, it should be obvious that the most that could be at stake could never be sufficient to justify any impairment of democratic principles or ethical concepts of the equality of men.

If anyone feels that such an economic problem is worth worrying about, what shall we say about people in the upper peninsula and in the city of Detroit who have been unemployed for long periods of time and have no real prospects of obtaining employment in the foreseeable future? They have lost 100 per cent of their income through forces beyond their control. If the imagined prospect of a 2 per cent loss of income can so unnerve people as to make them wish to subvert democracy on account of it, can anyone imagine the tremendous emotional charge which is stored in communities in which there exists the fact — not the imagined fact, but the fact of a 100 per cent loss of income for large numbers of persons? If, on top of this, they are convinced that some of the blame lies in the failure of their local government to help them, and that part of this is in turn due to the fact that the state government is so rigged as to make such help impossible, any sensible person will realize that here there is real danger and not just imaginary fears. Further, when we pile on top of this the fact that the great majority of unemployed persons in this state are urban dwellers who are systematically discriminated against in their representation in the state legislature and that, still further, the urban negro community bears by far the greatest amount of this grave burden, the selfish, unworthy nature of the fears of such rural dwellers becomes readily apparent.

If anyone really wishes to indulge his fears, I suggest he tackle a problem worthy of such concern. We are trembling on the brink of annihilation of all mankind, in the struggle of democracy to preserve itself from the depredations of totalitarian governments. This is a problem over which sane people could really be concerned, and even worried. But, in the face of this, is it within the realm of sanity to dump democracy over an imaginary fear of a possible 2 per cent loss of income? Placed in this light, we must conclude that such fears do not really exist in healthy minds. They are simply excuses — pretenses — offered to justify what they know full well is wrong.

How consistent, in any event, have Republicans in Michigan actually been in their contention that the minority should be protected from tyranny of the majority? If we examine the debates of the 1907 Michigan constitutional convention, we find our answer. The committee of the whole accepted, 40-38, a proposal for proportional representation in 3 seat districts — only 2 persons being nominated by any one party — on the theory that this would give the minority party, which was Democratic, some significant representation in the house of representatives but this was later amended to death on the floor of the convention. The arguments of the 2 leading Democrats in favor of the proposal, and of 1 leading Republican at that time, show how the parties faced the issue of protection of the minority from tyranny of the majority at that time.

I quote first from Delegate Snow, a Democrat, in the 1907 convention. He said this:

> When you find the house of representatives, as you find the present one, with only 5 out of 100 who are Democrats, you do not find that they act as very much of a check upon the majority.

That was one of the arguments. Another one by Fall, a Democrat, said this:

> In the fact that we can bring to this hall a house of representatives wholly or almost wholly of the same party lies the danger to that party, in their self satisfaction leading them to do some things that are not altogether creditable to them. It is the nearly equal composition of the 2 parties in which we find the correction of evils that otherwise will creep in. . . . I submit to you that when a party by its ballots deposited one by one in a legal way speak 220,000 times requesting that they have a representation in the house of representatives, that notice is a petition to the people of the state, and it ought to have recognition.

Now, those were the arguments of the Democrats. Here is the answer, which I wish to call to your attention, of Delegate Townsend, a Republican at that convention:

> The only way and the only safe way that we can rely upon a representative government, is by a majority rule; and I am ready to stand by that now. If the Democratic party gets a majority in this state, I am willing to abide by majority rule under the Democratic party.

The words and deeds of the Republican party in Michigan, from that time to this, however, show that: (1) when the Republicans were consistently in the majority, they favored rule by the majority, even to the extent of a house containing 95 per cent Republicans, and rejected any effective representation for the minority; (2) when the Republicans have come to occupy a position of alternating majority and minority, tending towards the minority — as now — they favor giving the minority, in effect, Republicans, built in control for themselves in the legislature; and (3) the Democrats fought for fair representation for both the majority and the minority at that time, when they were the perpetual minority, and they still fight for the same thing now, when they are in a position of alternating majority and minority tending presumably towards the majority.

On this basis, the answer is clear. There is one real motive behind the position of Republicans in Michigan, who talk about minority protection — that of seizing and retaining control of the legislature regardless of how the people vote. This is not based on fear; it is based on greed, lack of faith in democracy, and the lust for power. It is nothing short of a conspiracy to subvert democracy in Michigan, by persons who love words such as religion and morality but who love power over other people even more.

Those of us who sincerely wish to preserve the rights of minorities — and have a practical record to prove it — seek to do so by fighting for the basic principles of the bill of rights which we inherited from the northwest ordinance. We seek to maintain these rights in inalienable form. Basic to all of these is that the people should have a right to make their own laws by a simple majority vote based on proportionate representation, and that this right and other basic bill of rights provisions shall never be taken from the people by amendment of the constitution or otherwise. On both of these accounts we have been betrayed by the Republican conspiracy in Michigan. They have destroyed the right of the majority to make the laws, and they have impaired the right of the minorities by removing from them the inalienable right of a proportionate representation — and I might add, while I am at it, that when we attempt to explain this to them, they are not here. You can tell them when they come back. (laughter)

Finally, in answer to those who would glorify the minority, let me point out that the entire concept of the minority is very intricate. It cannot be approached in the naive manner in which Republicans generally try to do. If we start out with any individual voter, we know that he is always, as an individual, a minority of one. He can never have his own way in a democracy. It is only by joining hands with other individuals to form groups that he can ever hope to do so. The people of a county, or of a senatorial district, may be regarded, for example, as such groups, but they are always in the minority too.

Who, then, is not in the minority? The answer is this: only a group which together adds up to more than 50 per cent of the voters. But which voters do we add up? Do we add up the negroes? If so, they are the minority. Do we add up the Jews or the catholics? If so, they are the minority. Do we add them up by geographical areas? If so, which areas, and why? I suggest that, in reality, the standard way of adding voters is by their label as Democratic or Republican, since that is the way the votes are cast. Thus, the minority, in a political sense, is the party which gets the smaller popular vote. The way this minority is protected is by rules of law which make it possible for it to become the majority in the next election, and thereby change places with the existing majority party. Unless this can be done, there is no protection for the minority in the political sense. This, however, is precisely what the Republicans insist on — and in the name of protection of the minority. In the last analysis, there never can be real protection of the minority, unless the constitution provides (1) only the majority party shall ever be in office, and it shall have the responsibility of governing for the time being; (2) the minority party shall not be impeded from becoming the majority party in the next election, if it can persuade the voters to vote for it; thus the "in party" which becomes the minority party by popular vote must go; and (3) the rights of those who are not able to muster a majority must be protected by constitutional limitations on the legislature, such as the bill of rights, which cannot be amended by vote of the majority. Finally, there can be no protection of minority rights, unless each individual is regarded as a minority of one, and is guaranteed equal treatment in the making and in the enforcement of the laws. This is the kind of government which we are trying to foster throughout the world, but we are strangely persistent in refusing to operate under it in our own home state. We are glad to preach it, but are horrified at the thought that we ought to practice what we preach.

Another argument which I could not afford to ignore is this: it is often asserted that the people of Wayne county would control the legislature if fair play in representation were allowed, that is, that they in turn would be dominated by Wayne county Democrats, and that they in turn would be dominated by the AFL-CIO union, and that they in turn would be dominated by one man, namely August Scholle. Most of the answers to this have been given previously, with regard to the consensus argument. It may be added that nearly every state has apportionment problems similar to ours, despite the fact that in some states there aren't any voters except Democrats, practically, or in some, practically, Republicans, and that neither August Scholle, nor the AFL-CIO, nor any other individual or group has any power there at all. In other words, this is an excuse for failing to do what is right, and not a reason.

But what about the actual position the minority is urging for the senate? What we are proposing is a plan which guarantees, first, that Wayne county Republican votes will offset half of the Wayne county Democratic votes instead of zero per cent, as now, and second, that outstate Democratic votes will also match Wayne county Democratic votes. Thus, there is no way for Wayne county Democrats to dominate. To repeat, the 2 points that we provide in the minority proposal on this exact argument is, one, Wayne county Republican votes will offset half of the Wayne county Democratic votes, instead of being completely discarded as at present. And, secondly, outstate Democratic votes will also match Wayne county Democratic votes. In other words, on this basis, there isn't any way that Wayne county Democrats could possibly dominate.

Unfortunately, there are more arguments or excuses as to why we should not do what is right than enthusiasm for doing what is right. Another one of these arguments or justifications

might be classed or categorized as "the better class of people" type theory. I have heard this in the halls frequently. I consider this one to be desperation argument number 1. I have observed that when all else fails, those who are opposed to equality of representation let slip the logical remark that they are opposed to it simply because some people really aren't equal. How they reconcile this view with democracy, with religion, with morality, with law, or with ordinary decency, I leave for them to say. I reject as uncivilized the superiority complex of those who agree with the attitude of Stephen Douglas, expressed in the Lincoln-Douglas debates. This is Mr. Douglas in the Lincoln-Douglas debate:

"In his Chicago speech he says in so many words" — meaning Mr. Lincoln —

> that it includes the negroes, that they were endowed by the Almighty with the right of equality with the white man, and therefore that that right is divine — a right under the higher law; that the law of God makes them equal to the white man, and therefore that the law of the white man cannot deprive them of that right. That is Mr. Lincoln's argument. He is conscientious in his belief. I do not question his sincerity, I do not doubt that he, in his conscience, believes that the Almighty made the negro equal to the white man. He thinks the negro is his brother. [laughter] I do not think that the negro is any kin of mine at all. [laughter and cheers] And here is the difference between us. I believe that the declaration of independence, in the words "all men are created equal," was intended to allude only to the people of the United States, to men of European birth or descent, being white men, that they were created equal, and hence that Great Britain had no right to deprive them of their political and religious privileges; but the signers of that paper did not intend to include the indian or the negro in that declaration, for if they had would they not have been bound to abolish slavery in every state and colony from that day? Remember, too, that at the time the declaration was put forth every one of the 13 colonies were slaveholding colonies; every man who signed the declaration represented slaveholding constituents. Did they mean to say that the indian, on this continent, was created equal to the white man, and that he was endowed by the Almighty with inalienable rights — rights so sacred that they could not be taken away by any constitution or law that man could pass? Why, their whole action towards the indian showed that they never dreamed that they were bound to put him on an equality. I am not only opposed to negro equality, but I am opposed to indian equality.

On the other hand, this is Lincoln's view:

> Our republican robe is soiled, and trailed in the dust. Let us repurify it. Let us turn and wash it white, in the spirit, if not the blood, of the revolution. . . . Let us readopt the declaration of independence, and with it, the practices, and policy, which harmonize with it. Let all lovers of liberty join in the great and good work. If we do this, we shall not only have saved the union, but we shall have so saved it as to make and keep it, forever worthy of the saving. We shall have so saved it, that the succeeding millions of free happy people, the world over, shall rise up and call us blessed, to the latest generations.

History has judged between these 2 views and has decided in favor of Lincoln — that all men are equal — just as they did in Jefferson's time, nearly 100 hundred years before. Let us not join in the fight 100 years and 200 years after it is over, and on the wrong side, at that. But suppose you insist on taking the view that some people are superior and some inferior. It still would not follow that you have selected the right ones to be stamped as inferior. Who is the judge of his fellow man who decides who is superior and who is inferior? And how does he do it? If he does it by selecting people on the basis of the geographic lines artificially drawn around them — in a package, instead of individually — he obviously does a gross injustice to some people within the group. In short, he is guilty of the grossest type of group discrimination. Not everyone in Wayne county could be inferior.

If there is any validity to such a point of view, it would require singling out those who are inferior so as to be denied the right of suffrage, rather than allowing inferiors, unequals, and equals all to vote and diluting the vote of all of them. Therefore, if anyone says that some people are inferior, let him prescribe limiting conditions on the right of suffrage, if he can. But everyone who does vote must have an equal vote.

One of the most common arguments that we have heard around the convention is that other people are doing it too. The proponent of this argument is prone to point out all the defects in every state government, as well as in the federal government, thinking that in this way he proves that what he knows is wrong is somewhat right after all. This is the most common plea of every wrongdoer, "I'm not the only one who's doing it." On this basis, these people probably would not oppose totalitarianism, provided a lot of countries could be shown to be doing it too. Can't they decide what's right and wrong by use of their own consciences? Or have they developed a lowest common denominator type group conscience? If we emulate the wrongs committed by others, we shall be no less wrong; we shall know it, and others will know it too. If we emulate the defective systems of other state governments, ours will be just as defective. It will be no comfort to know that the federal government is taking control away from other states too.

We in Michigan have the opportunity to lead other states in erecting a firm foundation for effective state government. We cannot do so by following in their futile, feeble, foolish footsteps. We in this convention have the opportunity to lead the people of this state out of political bankruptcy. We cannot do so by timidly falling in line with the statistics of other states. We must meet the problem with courage and fortitude. We must not be distracted by those persons who are governed by fear or by the desire to discriminate against their neighbors. We must not let the shallow bleating of unthinking interest groups dominate us. It is up to us — to each one of us as individuals — to come to grips with this basic problem once and for all, to refuse to temporize or compromise with what we know is right, to place this problem where our forefathers left it — on the basis of sound principle. Let us heed the advice of Thomas Jefferson, "Only lay down true principles, and adhere to them inflexibly. Do not be frightened into their surrender by the alarms of the timid." This should be our motto, not "let's copy the foibles of others." Let us resolve to adhere firmly to the one principle that makes government by the people possible in perpetuity — equality of representation.

Mr. Chairman and fellow delegates, that concludes the statement as to the reasons why we differ from the majority, the reasons why we support the minority proposal.

What I propose to do next, Mr. Chairman and fellow delegates, is to analyze the specific differences between the majority plan for the house and the senate, and the minority plan. And at this point, Mr. Chairman, I would like to ask whether it is in order to have the committee stand at ease for 15 minutes.

CHAIRMAN HUTCHINSON: It would not be in order, Mr. Nord. You may move that the committee rise, if you desire.

MR. NORD: I do not so desire, unless the chairman does. I will continue then, Mr. Chairman. I refer you, Mr. Chairman and fellow delegates, to table 8.

MR. FARNSWORTH: Mr. Chairman.

CHAIRMAN HUTCHINSON: For what purpose does the gentleman rise?

MR. FARNSWORTH: Would Dr. Nord care to answer 2 or 3 questions while he is resting? (laughter)

CHAIRMAN HUTCHINSON: That would be entirely up to Mr. Nord, if he desires to be interrupted at this point in his presentation.

MR. NORD: Well, if I were resting, I probably would not be answering questions. Mr. Chairman, I believe it is preferable to complete the presentation if possible before we adjourn. I would, however, of course, be willing to answer questions when we do that.

I think that by going through the tables that follow, or at least some of them, we can see the specific differences between the proposals. Now, let us turn, if you will, delegates, to table 8, which is an analysis of the presently existing plan for the house, with moiety. This is compared — the righthand column presents the districts for the presently existing plan — that is, if no change is made — according to the 1960 census if the house were reapportioned according to the present plan with no change. The staff of the legislative organization committee has shown the following figures which I have in the righthand column taken from a map which they have prepared. It shows, for example, Wayne county with 34 seats; Oakland, 9; in a house of this type with 108 seats total. And I have compared that with a straight population house of 100 seats just for comparison. You will see, Mr. Chairman and fellow delegates, that every one of the numbers is identical except the last one, which is a collection of all the other districts. These other districts are the smallest — on the whole, they are the smallest districts. The largest ones have been included in here. If you will compare the 2 columns, then, you will see there is only one difference between the existing moiety type house and the one that would be proposed, let us say, if we had a straight population. The difference is 8 seats. There are 8 more seats in the rural areas on account of moiety. That is what would be anticipated if we were to use the existing plan without any change in the house.

The first conclusion then — and this is mentioned in the summary at the bottom of the table — is this: the presently existing moiety provision provides 8 bonus seats for the rural areas on the basis of the 1960 census; in other words, about 7 per cent based on area. And, 2, by comparison, on the basis of the 1950 census, 10 bonus seats were and are presently provided, which is about 9 per cent based on area. Therefore, Mr. Chairman and fellow delegates, the first thing we know is this: the present house, with the moiety provision, contains roughly 8 to 10 bonus seats, extra seats, in other words, in the rural areas. That is the extent of the deviation. That deviation is about 8 per cent. So that is the effect of moiety.

Now, Mr. Chairman and fellow delegates, I suggest that you refer to table 9. Table 9 presents an analysis of the majority plan, in the righthand column, for a house of 110 seats distributed in the way that is shown among these various counties, the counties at the bottom being basically the rural counties. And that is compared with another column to the left of that which I have prepared, based upon maps prepared by the staff of the legislative organization committee, for 107 seats based on straight population. Comparing the 2, you will find that the first 2 numbers are switched, 37 and 9 against 36 and 10. Aside from that, however, the only difference is in the bottom of the table where the straight population would give 18 seats to these rural districts and the majority plan gives 21. Therefore, the summary which appears at the bottom of this table shows this: that the majority plan provides, according to this estimate, 3 bonus seats for the rural area, or about 3 per cent based on area. There is one other difference which I have already mentioned.

I will present further statistics tomorrow morning, Mr. Chairman, to show some other examples which will show the maximum deviation will be up as high as 14 per cent, whereas the deviation is dissipated —

MR. MARSHALL: May I make a point of order, Mr. Chairman?

CHAIRMAN HUTCHINSON: What is the point, Mr. Marshall?

MR. MARSHALL: I apologize to Dr. Nord for interrupting. I don't know whether it is a point of order or a parliamentary inquiry. On Thursday night of last week a motion was made that the committee stand at ease for 5 or 15 minutes, and this was permitted. We did stand at ease for that long. And here tonight it is not in order now. In consideration of the ruling of the Chair, Senator Hutchinson, I agree possibly with the Chair that under strict parliamentary procedure I question whether it is permissible, and therefore I would not argue too strongly with your ruling. But it has been permitted in the house of representatives — I am aware of that — and it was done here on the floor of this convention last Thursday night in order that the majority party could caucus for a few minutes, and we did stand at ease for 15 minutes. And I wonder if the rule was good last Thursday night, in all fairness why isn't it good tonight? I would ask at this time if we could not stand at ease for 10 or 15 minutes.

CHAIRMAN HUTCHINSON: The Chair will rule that such a motion is out of order; that a committee of the whole can only rise; that it is the function of a committee of the whole to work and not to stand in recess, and there is no such thing in parliamentary law as standing at ease. This Chair will not entertain any motion to stand at ease. This Chair will entertain a motion to rise at any time any member —

MR. MARSHALL: Senator Hutchinson, in order to clear my point with you, I agree with you insofar as your parliamentary ruling, you are absolutely right. And understanding and knowing your feeling toward parliamentary procedure, I am not going to quarrel with the Chair. I only point out it was done last Thursday night.

But I would like to move at this time that the committee rise.

CHAIRMAN HUTCHINSON: Mr. Marshall moves that the committee do now rise. All those in favor will say aye. Opposed will say no.

The motion does not prevail.

DELEGATES: Division.

CHAIRMAN HUTCHINSON: A division is called for. Is the demand seconded? A sufficient number up. All those in favor of the motion that the committee do now rise will vote aye. Those opposed will vote no.

MR. VAN DUSEN: Mr. Chairman.

CHAIRMAN HUTCHINSON: Mr. Van Dusen.

MR. VAN DUSEN: A point of information which I should like to direct to Mr. Marshall, if I might. Is it his intention that the committee rise permanently for the evening or is it his intention that the committee rise for the purpose of a short recess?

MR. MARSHALL: Did you direct the question to me?

MR. VAN DUSEN: I did.

MR. MARSHALL: My intentions were to have the committee rise, and then move that we recess for 15 minutes.

MR. LESINSKI: Mr. Chairman.

CHAIRMAN HUTCHINSON: Mr. Lesinski.

MR. LESINSKI: I suggest to the delegates who will vote against the rising that they remain in their seats, because they were not available here when Mr. Nord was speaking.

CHAIRMAN HUTCHINSON: The motion is not debatable that the committee do now rise. Have you all voted? If so, the secretary will lock the machine and record the totals.

SECRETARY CHASE: On the motion that the committee rise, the yeas are 55; the nays are 50.

CHAIRMAN HUTCHINSON: The motion prevails.

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

PRESIDENT NISBET: The Chair recognizes Mr. Hutchinson.

MR. HUTCHINSON: Mr. President, the committee of the whole has had under consideration a certain proposal of which the secretary will make a report.

SECRETARY CHASE: Mr. President, the committee of the whole has had under consideration **Committee Proposal 80,** and has come to no final resolution thereon. This completes the report of the committee of the whole.

PRESIDENT NISBET: The Chair recognizes Mr. Marshall.

MR. MARSHALL: Mr. President, I move that we stand in recess until 10 minutes to 10:00.

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

We are recessed until 9:50.

[Whereupon, at 9:35 o'clock p.m., the convention recessed; and, at 9:50 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: The Chair recognizes Mr. Hutchinson.

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

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

The motion prevails. Mr. Hutchinson.

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

CHAIRMAN HUTCHINSON: The committee will be in order. The Chair recognizes the delegate from Wayne, Mr. Nord on the minority report amendment to **Committee Proposal 80.**

MR. NORD: Mr. Chairman and fellow delegates, before continuing, I would like to point out where we are now in the presentation and what we plan to do in the time remaining this evening and tomorrow. First of all I would like to point this out: the arguments we are presenting, of course, have been at some length. I believe they have been about 2 hours or thereabouts, or an hour and a half. (laughter) I believe they have been an hour and a quarter, as I said, (laughter) or thereabouts. And the reason for it, I think, is quite clear. We are taking a position that has been described as extreme on a crucial issue, and we simply wanted to set the record absolutely crystal clear that we do take a position that some people call inflexible, and that we take it for a reason. We stated the reasons as well as we could.

What we have in mind, to continue, at this point is to analyze the specific differences between the majority plan and the minority plan and explain why we reject the majority plan and urge you to do the same. The first point that I made in this connection was with respect to tables 8 and 9. Table 8 shows that the moiety provision of the present house, if no change is made, runs about 8 to 10 seats, depending upon the population of the various counties, or about 7 to 9 per cent, so on an average we might say 8 per cent. There are about 8 per cent extra seats in the rural areas at the present time under the moiety provision, and the question that I was addressing myself to a few moments ago with respect to table 9 has to do with what the effect would be under the majority proposal for the house. And table 9 shows an estimate which I have prepared. It may not be identical with what actually would happen, because we have no map that is official; but anyway, these are 2 different sets of figures based upon estimates of what would happen under the majority plan with 110 seats in 1960 population compared to 107 seats by straight population based on a staff map. This showed a difference of 3 seats, and I call to your attention that the moiety provision would be 8 seats at this time. It is 10 seats as of the present. It would become 8 seats as of the 1960 population. It depends on the population distribution. Similarly, if it is 3 per cent according to the majority plan with the 1960 figures, most likely it would be 2 more than that — at least it is possible it would be 2 more than that based on the 1950 figures. If so, that would range 3 to 5, whereas the present moiety ranges 8 to 10 seats. So, on this basis we can make a rough estimate that the majority proposal apparently would cut down the effect of the moiety by a little more than ½. That appears to be about the result. And the effect of the moiety provision is at present to add about 8 to 10 extra seats in the rural areas, strictly bonus seats. The effect of the formula proposed by the majority will provide bonus seats again — not as many; according to predictions, a little less than ½.

Now I would like to call to your attention some additional figures which I asked the pages to distribute to your desks, 2 separate sheets which were prepared today. Both of them have to do with hypothetical illustrations of the way the house formula proposed by the majority works. Unfortunately, one of these, which was typed during the debate, has one word wrong, and that is in the table that is headed, Hypothetical Illustrations of the Majority Formula for the House. In that table the righthand column should say "deviation" rather than "duration." It is a deviation in the 2 illustrations.

What I would like to do at this point is to make this comment about the house as proposed by the majority: there are 2 elements involved in the majority proposal for the house. One of them is the equal proportions provision. The other one is the 0.7 per cent of population. Now, the 0.7 per cent of population tends to cause extra seats, as we have seen, similar to moiety, but not quite as severe, and the reason for that is that 0.7 is the wrong percentage. Seven-tenths is an abitrary percentage. When you say that 0.7 per cent is sufficient to constitute the minimum size of a district, what you are in effect saying is that .91 per cent or thereabouts is the average which ought to be on a population basis prescribed and that 0.7 for the minimum will probably come out fairly close to .91 per cent average. However, the evidence shows that 0.7 is too low to come out with a .91 per cent average, and there has been no evidence presented, as far as I know, to the committee or to any other person which explained why 0.7 per cent, as the minimum size of a district, would be expected to come out right on a population basis. It would be expected to come out .91 per cent average. So the 0.7 per cent is an arbitrary figure and it is evidently lower than it should be, and that means that it tends to create additional districts, more districts than otherwise would be the case in rural areas.

Now, the equal proportions part of the formula tends in the exact reverse direction. There are 2 compensating factors in the majority proposal for the house. The 0.7 per cent figure tends to give extra seats to the rural areas, but the equal proportions formula, which will be explained by the majority proponents later, deviates, so to speak, in the opposite direction. It tends to give, normally, extra seats to the heavily populated area. And the expectation or the hope is that these 2 opposing factors, each of which is wrong in itself to some degree, will cancel each other out. What I wish to show is whether or not we can predict that these things will balance or won't balance, or whether they depend on factors beyond our control.

I have already mentioned the 0.7 per cent. Now one of the charts I have just referred to is headed, Hypothetical Illustrations of the Equal Proportions Method. This one is just a few examples of how the equal proportions method would work with arbitrarily selected populations of the type that would occur in a state having some areas of high population and some medium and some very small. There is nothing specifically magic about these figures. But anyway, with these figures I have tried to find out what you would get by equal proportions, distributing 14 seats, 23 seats, 29 seats as examples, and I have compared the number of seats which would be distributed by equal proportions with the number of seats that would be distributed by a straight population basis, and the third column in each one of these groups represents the deviation. For example, if you were to distribute 14 seats among these various different districts, assuming that that was to be done, the equal proportions method would give 13 to the 1 million population county and 1 to the 100,000 and none to any of the others.

What you would get if you had straight population is in the next column: 10 for the first line, 1 for the next 4 lines and zero for the others. The deviations are shown in the righthand column. The million population county, let us say, would get 3 seats more than it is entitled to by straight population, and the other 3 would be short 1 each. That is not very untypical of the equal proportions method. You might say that it cheats slightly in favor of, let us say, the heavily populated area. It does that particularly when you don't have very many seats involved, such as 14 seats.

Now, if you had 23 seats to distribute with the same population, you see in the next group of columns what would happen. By equal proportions you would have 22 to the first

county and 1 to the second and none to any of the others, whereas by population you should have 17, 2, 1, 1, 1 and 1, and you see the deviations. In this case you could have a deviation of plus 5, for example, and minus 1 for the next 5 counties. Similarly, with 29 seats you might have plus 6.

These are examples, and I believe they are not really outlandish examples, because I recall that when one of the members of the committee and I were going over the equal proportions method prior to the time when we determined what proposals would be submitted, we found that that is the case, that the equal proportions method so to speak cheats slightly — or to some degree anyway — in favor of the highly populated areas. Apparently it always does that to some extent, particularly when there is a big disparity between the highest population and the next to the highest population, and particularly when there are not very many seats involved such as 30 or 40 or 50 or less than that. Apparently, when you have 400 seats to distribute, as in congress, the discrepancy is much smaller. And also when the population doesn't vary as much as this, again it is smaller.

In any event, all I assert from these illustrations is what I believe is recognized, and that is that the equal proportions method cheats, so to speak, in favor of high population areas, and the 0.7 per cent figure in a certain sense cheats in the opposite direction.

Now, the second sheet that I have given you is an attempt to find out whether there are any extreme conditions in which this balance between the two won't really work out or won't even nearly work out. The first illustration, as far as I know, is the biggest deviation that is possible. At least I deduce that by algebra. When I figured out what it was, I cheated the most I could. In other words, as far as I know, I don't believe you can get a bigger discrepancy than I have in illustration 1. But anyway, that is to show you how much unbalance is possible when you add equal proportions to the 0.7 per cent factor and follow the formula of the majority. With this extreme case — and of course it is a hypothetical and extreme case — 1 county with 3 million people, 82 counties each with 50,000 people, you get 1 seat for each of the districts, so you get 1 for the 1 county and 82 for the other counties. Then the equal proportions distributes all the rest of them to the large counties, so you end up with 28 seats in the large county and 82 seats in the 82 smaller counties. The next column shows what you should get by straight population. You should get 42 and 68. So in this case you have a deviation of 14 seats out of 110, whereas we saw that, according to the population as of the 1960 census, we expect it to be about 3 seats off. Here we see that with a very extreme type of population, you might have as much as 14 seats off. And illustration 2, without going into details, shows another group of populations which are not quite as extreme, but anyway they are somewhat extreme, and in this case you will find a deviation of 11 seats.

The 2 results indicate that with some kinds of population distribution you might get as much as 14 extra rural seats; with some other population distribution you might get 11 seats, all extras for the rural areas, whereas with the actual expected 1960 populations, you could expect about 3. The point of this argument is simply this: you have 2 factors, each of which is inaccurate, in the opposite direction. The hope is that they will approximately compensate — at least that they will be off by no more than, say, 3 seats in favor of the rural areas. But you can't guarantee that.

The objections that we have to the house: first of all, it does bias toward the rural areas. We see no reason why it should bias, but it does. Secondly, you can't predict how much it will bias with any degree of certainty, because it depends on the population distribution. We can't predict what that will be forever. It could be something like what we have here — that is, this amount of discrepancy. It certainly would be fallacious, then, to assume that the majority proposal for the house is bound to come close all the time. If it comes close the first time, the reason is because the 0.7 per cent figure which is used in the majority formula was selected in order to have that result; in other words, based on the 1960 population. But if you have different populations in 1970, 1980, 1990 and the year 2000, you have no guarantee that you will still come close to a straight population plan.

What the minority propose is something that isn't just close to population, but is population. It is population as nearly equal as may be, adhering to county lines.

I will skip table 10 because that is merely a summary of the argument I gave as to what various different justifications have sometimes been offered for departing from principle. Table 11 I have also referred to without describing it in detail. What follows in the next few sheets are some examples of senate proposals.

There is one other table, however, which I believe I would rather give before that, and that is table 18. I wish you would turn now to table 18. Table 18 gives an illustration of the way in which the minority plan would work in the house. Under the formula given in the minority plan, we simply say, let the state be apportioned in the house of representatives according to population as nearly equal as may be, and the test of how nearly equal you have gotten, as compared to, let us say, the other team in the apportionment commission, is a statistical test which operates according to the illustration shown here. The object is to minimize the amount of deviation of population from what it should be if you had a perfect scheme. So item 1 in table 18, the 1960 population ratio mean — that is what you should have, the average. What you should have for 115 seats — that is the number which the minority propose — you would get 7,823,194 divided by 115 — the population divided by the number of districts — or about 68,000 people per district. If you had perfect equality of population under the 1960 census, you would have about 68,000 people per district.

Now, to illustrate how this statistical test that we have suggested would work, we have examples here of 3 districts, district 1, 2 and 3, under 2 different plans. In other words, somebody attempts to get at equality of population, and he comes up with districting. Among the districts in plan A, district 1 would have 79,000 people; district 2, 69,000; district 3, 58,000. And he claims that that is a good plan, that that is nearly equal, as nearly equal as he can make it. Plan B, the opponent — let's say the Democrat is one and the Republican is the other — comes up with district 1, 60,000 population; district 2, 71,000; district 3, 75,000. Now, the question is which one of these shall be adjudged to be more nearly equal in population than the other. The test that we propose, a simple statistical test quite commonly used, simply says, find out what the deviation of each of those numbers is from what it ought to be; that is, from the mean. How much discrepancy is there from 68,000? And those numbers are listed in item 3. You will note that district 1 under plan A has a discrepancy or deviation of 11,000, because that is the difference between the actual population of that district, 79,000, and what it ought to be if it was perfect, 68,000. There is a discrepancy or deviation of 11,000. And similarly the numbers are figured for each one without regard to whether it is plus or minus, because it is the amount of the deviation, not which direction it is that matters. Then you add up the total deviation. You add up those 3 columns for plan A and add them up for plan B. Whichever has the smaller total deviation statistically can be said to be the one that is more nearly equal. It has less deviation. That is all there is to the test that we propose.

Therefore, if we had 2 plans submitted to the apportionment commission, and the dispute was all about districts 1, 2 and 3 and everything else was agreed to, then plan B is the winner. Plan B is more nearly equal in population than plan A. I simply give this illustration to show that there is no difficulty in using a formula or, let's say, a proviso in the constitution that the districts shall be as nearly equal as may be, provided you set up some way to determine how you judge what is more nearly equal, and the simplest way to do it is to say that the deviation shall be as small as possible. That is exactly what is stated here. Therefore, the plan suggested by the minority for the house is based exactly on population, with the limitations which we have acceded to which are found in the majority report.

We have made the following concessions in the house: we

have gone along with the majority plan as far as we could. To this extent we have gone along: we have said we would adhere to county lines even though this causes a certain amount of anguish among some of our more purist friends, because if you go by county lines you automatically know that there will be deviations of populations of about 2 to 1, and you will find those on the maps that I have prepared. There is a map somewhere in here of the house that we have suggested, and I believe the deviation is marked on it. It is a little over 2 to 1. You can't avoid that with adhering to county lines. In the committee, at first none of us wished to do that — none of us, as far as I know. But it was agreed to, and therefore in our minority proposal we adhere to that too, even though we realize we cannot get perfection; we can expect 2 to 1 ratios. Incidentally, 2 to 1 ratios are the standard ratios that existed in the past under population plans. When it departed substantially from that, they were held to be unconstitutional, as being unnecessarily large. But 2 to 1 is almost unavoidable if you adhere to county lines. Therefore, we are not being purist with no ifs, ands, or buts on that. The word "population" is in our proposal. No other provisions that approximately may come out that way or may not come out that way are used. No bonus seats are given to anybody. And there you have the difference between the 2 plans for the house.

We suggest to you that if you want a house based on population, you can have it. It isn't difficult. I would also suggest this to you too: in the committee I think we all agreed that we wished to have a house with a definite number. Whatever the number should be, it should not be a variable number, because the more variable the number is — let's say if it is to be a range of 110 to 120 — then there is more discretion left to the apportionment commission. But if you tie down the number, you eliminate most of the discretion in the commission and there are not very many possible answers. Therefore, we selected a certain number, 115. The majority selected a different number, 110. We agreed previously, however, to take any number between 99 and 115, and we are still willing to do so. We selected the number 115 simply because — and absolutely frankly we admit it — this would minimize the amount of reduction of seats in the upper peninsula. The least number of seats you could provide would be 115 to keep the number of seats in the upper peninsula at 5, whereas it is now 7, and our thought was that if we wanted to keep a certain number of seats up there, which is the same number as the majority wishes to keep, we can do that without wrecking the principle at all, simply by increasing the number of seats a few seats. I assume that when we complete our presentation there may be questions about that. But that is what we have to say, basically, about the house.

Now I would like to make a few remarks about the senate, after which we will be in a position, I believe, to adjourn for the evening and come back tomorrow and you can ask me all the questions that you can think of, and we will have a few other speakers to present other factors. But now I would like to make a few remarks about the senate, at least briefly, beginning with table 12. Table 12 is an analysis of the majority proposal for the senate. I believe this lists every senatorial district which would appear on the ultimate proposal of the majority for the senate; that is, after 1970. The actual number of people according to the 1970 estimates is listed in the first column. Now, the next column is what I call the pseudo people, and the pseudo people, of course, are not the real number of people. They are the number of people that the Republicans count, you might say. (laughter) And the way that is calculated, there is nothing guessworky about the pseudo people.

I might ask the Chair to turn off the steam in the back of the room. I heard some steamy sound back there.

Now, the way this pseudo people is calculated is as follows: first we use the number of representation factors which have been calculated by the majority in their maps, which we found at the end of this set. We took the number and we made a proportion with the actual population. In other words, we converted those figures to population on a straight proportional basis so that these numbers should add up to the same population as the actual population. The reason for doing this is that the representation ratios which are found in the majority proposal in each district are used as the numbers for setting up the districts; that is, those numbers are put in the various counties originally, and then the county lines are organized into districts just the same way as I would do if I were doing it on a population basis, only there are different numbers in those counties, numbers other than population. So what I did was to calculate what those numbers would be if they were people, and then distribute them according to a straight pseudo people basis, so the distribution that you have here is the same thing as if you had a population basis with these numbers of people. That is the ultimate conclusion. If this number of pseudo people were the number of people and you distributed on a straight population basis, you would end up with the same districts as the majority ends up with. So that is the reason for calling these pseudo people.

And then the third column explains how many people you have either created or destroyed depending on where you are in this particular group. For example, in Wayne county, I calculate you have destroyed 443,000 people; in Oakland county, 250,000 people, and so on. And you can see that you have created people down at the bottom of the list, 163,000 in Iron district and so on. This is one of those nonbloody type slaughters (laughter) and also is giving birth to a new nation, in a certain sense, or a new state. It is a pseudo state. What you are doing, in effect, when you adopt the majority proposal for the senate — that is, the provision that goes in effect after 1970 — is to destroy about a million Democrats and give birth to a million Republicans. That is about what it amounts to. (laughter) I resent the destruction of the million Democrats, and I think that the million Republicans that are born are not created in the image of the Lord, but in the image of the Republican party, and it seems to me they are monsters on that basis. (laughter)

Well, anyway, this is an analysis of how the majority proposal for the senate works. It changes the number of people to make it come out a senate chock full of Republican pseudo people. (laughter) This is summarized in groups in various different areas in table 13. Rather than taking every district, I have taken them in groups. These groups are basically groups that have been suggested by various delegates to the convention. The first group is the southeast metropolitan area which is arbitrarily defined as Wayne, Oakland, Macomb and Genesee connties, making about 53 per cent, roughly, of the people of the state. The actual population is given, and the pseudo people. The seats that they would get by population and the seats that are proposed are given, and you can see that 4 seats are removed by the majority proposal from the southeast metropolitan area. And in the southeast nonmetropolitan area there is no change substantially from population. Then you can see elsewhere: in the southwest they gain slightly, possibly one seat; the northern part of the lower peninsula gains 1.4, and you can say whether that is 1 or 2; and the same with the U.P. They gain a little bit too. The result then is this: every part of the state gets slightly more, or maybe a little more than slightly more, than they would on a population basis except one part of the state — that is the southeast metropolitan part. And all these extra seats come from the same place, from the southeast metropolitan area.

Now, the reason for pointing this out is simply to point out that you really can't create or destroy anything when you have to do with the shifting of seats. If you add seats to certain parts of the state, they don't come from noplace; they come from someplace. They come from the southeast metropolitan area. They are removed from there in order to put them back in these other places. Then you will notice that, to a large extent, there isn't any big increase in the number of seats throughout the state, but there is a substantial decrease all in one small area, the metropolitan area. Therefore, in effect, while we keep talking about wanting to give greater representation to the sparsely settled areas of the state, in effect we can just as well state it the other way around: we want to deprive the densely populated area of representation. This is the effect of the majority proposal. It is a double barreled effect: more representation in sparsely settled — less rep-

resentation in densely settled. Why one group should get a benefit and the other a demerit is not particularly clear, but no doubt that will be made quite clear when the majority gets up to defend its position.

I am nearing the close of my remarks for the evening, in any event. I say I will not be completely at the end of my presentation, but I will be at the end, anyway, of an analysis of the senate.

In tables 14 and 15, what I have done is dream up a couple of more examples of "population plus area" senates, and the reason I did this is I have heard from many people around the state, such as the league of women voters and so on, that we must have population plus area in one house. It is, of course, my object to show you that those words "population plus area" don't have any distinct meaning unless you have some reserve meaning in your mind. Every population plus area scheme, substantially, that I remember ever seeing always works out similar to the one we just looked at. That is, it takes seats away from the metropolitan areas and it distributes them here, there, with kind regard to other parts of the state. But the point I make is this: you could do practically anything you wish to if you are sneaky enough with the population plus area senate, and I propose to show how sneaky it is possible to be.

In table 14 we have a population plus area senate, and let us see what kind of effects we have here. Number 1. In this one, I used the present senatorial districts with no changes in boundaries. I distributed 21 population seats among these districts using the equal proportions priority list proposed by the majority in connection with the house of representatives. I used their list. And I distributed one area seat to each of the present senatorial districts, or 27 area seats.

Now, you can see what a conservative approach this is; the identical districts that you have now, just changing the number of senators on the basis of equal proportions. And here is a list of the results for Wayne, Oakland, Macomb, Genesee, Kent, and all of the single seat districts added together. The area seats are listed. The population seats, based upon equal proportions, are listed. They are added up, and you get your figures, and you will note there that there is really no departure from a population basis — that is in the righthand column — in Wayne county or in Oakland county, and practically substantially none in Macomb and Genesee. In other words, they just sneak a little bit here, 2/10 of a seat from this place, 3/10 from that, and they add up to 1½ extra seats for the single seat districts.

The moral of this story is that if you wish to, you can have population plus area which does not discriminate against the metropolitan area or the heavily populated area at all. Not only that; you will see at the bottom that this is a senate of 44 per cent population and 56 per cent area, and you will see that it works no substantial prejudice to any region of the state, and it doesn't decrease, really, the representation of any district. You can do that if you want — 44 per cent population, 56 per cent area. I considered at one time that we should put this forth with the motto "44-56 or fight." (laughter) This shows you that when you want population plus area, you don't really want population plus area; you want extra seats for rural Republicans. I don't believe I surprised anyone by saying that, but I think it is interesting to know anyway. You can cheat with these things in either direction. It depends on who has the most votes.

Now, take a look at table 15. Table 15 gives a second example of a population plus area senate. This one provides a bonus for Wayne county. I just want to show you that I can cheat too. This time I distributed 22 population seats among the present senatorial districts by means of the equal proportions priority list. Then I redistributed 16 area seats among all the counties which failed to get any of these seats, any of the population. Using that method, you see the results that have been achieved. Wayne county gets 2 seats more than it is entitled to, and those seats are just sneaked here and there from various different places in an inconspicuous manner. And this is 58 per cent population, 42 per cent area. Now, of course, if I were to put this one in seriously, I would certainly be in plenty of trouble. I don't propose anything like this. I simply show you to illustrate that population plus area is an absolutely meaningless phrase. It reminds me of that book, Animal Farm, in which the people were taught to say, "Four legs good, 2 legs bad, 4 legs good, 2 legs bad." That means that animals are good; people are bad. We could probably change it to, "area is good; people are bad," and we come out the same as we have here. It is not a meaningful expression. I hate to say that leagues of women voters could go around saying meaningless expressions, but there it is. They are saying that. And when you adopt their proposal, you are doing a meaningless thing, but I believe that you have the sense to make it meaningful, and that is to use the population plus area method, the one that works to your benefit.

Now, finally, what does the minority proposal for the senate propose to do? What we propose to do is to get as close to absolute accuracy — equality of representation — as we can, and at the same time to beat you by area by 1 per cent. In your method you have 20 per cent area and 80 per cent population. In ours we want to go a little bit better. We have 21 per cent area and 79 per cent population. I don't believe it is feasible to go into the details at this point, but anyway, with that method, which is a bipartisan method — and which I believe I will have to explain further in detail tomorrow morning — you will get a bipartisan representation in which the number of Democrats and the number of Republicans is exactly equal, but the voting strength is not exactly equal. The voting strength of the 2 parties will be exactly equal to the popular support behind them. And the method of doing that is to provide for 2 senators from each of 19 districts, normally 1 Democrat and 1 Republican. The details I will leave for tomorrow night.

Table 16 merely shows approximately what kind of voting powers each senator can be expected to have in each of the 19 districts that we have used as illustrations. Of course these senators will have unequal voting powers. Otherwise this scheme will not work. This shows you the extent of that voting power discrepancy just so that you will know; that is, I don't want you to be fooled into thinking there is no discrepancy or it is just a few per cent. There is this much: the maximum is about 5 to 1. Most of them are within about 1½ or 2 to 1, but some senators will have less power than that; some senators have more power than that, because they represent more people. This scheme will have a number of advantages, including the fact that there will be bipartisan representation from every part of the state, and that every person's vote for either of the 2 major parties, which at the present time represents 99.9 per cent of the vote, will be exactly equal.

Mr. Chairman, at this point I believe I have reached the time which Dr. Hannah suggested that we should rise, and I would simply like to close with this remark: we are nearly completed with our basic presentation, and I believe we can complete in probably ½ hour tomorrow morning. Then we will have other proponents making some additional remarks. I would now yield to Dr. Hannah if he wishes to make a motion.

CHAIRMAN HUTCHINSON: Dr. Hannah.

MR. J. A. HANNAH: Mr. Chairman, I move that the committee now rise.

CHAIRMAN HUTCHINSON: All those in favor of the motion will say aye. Opposed will say no.

The motion prevails and the committee has risen.

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

PRESIDENT NISBET: The Chair recognizes Mr. Hutchinson.

MR. HUTCHINSON: Mr. President, the committee of the whole has had under consideration a certain proposal. The secretary will make a detailed report.

SECRETARY CHASE: Mr. President, the committee of the whole has had under consideration **Committee Proposal 80,** pertaining to the reapportionment of the legislature; and has

come to no final resolution thereon. This completes the report of the committee of the whole.

PRESIDENT NISBET: Announcements.

SECRETARY CHASE: We have the following announcements of committee meetings for tomorrow:

The committee on judicial branch will meet in room B Tuesday morning, immediately after the morning session. A very short meeting. Robert J. Danhof, chairman.

The committee on emerging problems will meet Tuesday, April 3, in committee room H on the third floor at 11:30 or immediately after the morning session. Frank G. Millard, chairman. Bring your lunch to committee room H.

I have the following announcement: Delegate Joe Snyder won reelection to the St. Clair Shores city council. He had the high vote in the field of 6. He is very elated about it. (applause)

The following requests for leave of absence: Father Dade requests leave from tomorrow morning's session; and Mr. Hubbs requests leave from the early part of tomorrow morning's session.

PRESIDENT NISBET: Without objection, those requests are granted. The Chair recognizes Mr. Thomson.

MR. THOMSON: Mr. President, after listening to this rather lengthy dissertation, I am compelled to believe that there is some foundation for the statement I have heard made on this floor that the speaker was the best educated man who was a delegate. Now, there must be an extreme from that, and I want to claim that privilege of being the most ignorant and, after listening to that talk, the most confused delegate here.

I move we adjourn.

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

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

[Whereupon, at 10:30 o'clock p.m., the convention adjourned until 9:00 o'clock a.m., Tuesday, April 3, 1962.]

ONE HUNDRED THIRTEENTH DAY

Tuesday, April 3, 1962, 9:00 o'clock a.m.

PROCEEDINGS

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

Our **invocation** this morning comes to us through the courtesy of Delegate Walker, the Reverend Lonnie C. Cash of the New Mt. Vernon Baptist Church of Ferndale. Reverend Cash.

REVEREND CASH: Let us pray. Our God and our Father, that mercy that came from Heaven and walked with us in human flesh, we thank Thee for a people who were satisfied to become orphans centuries ago, in order to freely serve Thee as sons and daughters. Too, we thank Thee, our God, for noble and august people who can sit in high places, such as these delegates assembled in Michigan's capital city, and yet realize that they art but dust minus Thee. Therefore, we beseech Thee, our God, to draw nigh unto us, for in Thy presence we discover our dignity and our destiny.

Motivate the minds of the members of this convention in such a fashion, as they come today for the great and gigantic purpose of continuing to form an instrument which has much to do with the molding of the lives of men. May they be ever mindful of the cries of their fellow men back home. Stimulate these assembled minds that they may formulate this twentieth century document in the style of the Holy Writ. Let the words be acceptable in Thy sight, O Lord. Let our prime concern be for people and then property.

Gracious God, we are pleased that Thou hast made us inhabitants of a land which allows us to perform these illuminating functions. Speak daily to our faith that it might assert itself. Make us to remember that Thou art still our refuge and strength, a very present help in the time of trouble.

Grant us the mercy of beholding Thee in the common rounds and ordinary labors of our days in order that these poor lives of ours might know the splendor and strength which Thou, and Thou alone, canst give. Now and again our own resources are spent and exhausted and we are tempted to despair. We ask, for times like these, a sense that we are not alone. Save us from craven cowardice and give us courage to stand fast midst the perils which surround us.

Send forth evidences of Thy care to those who today sit in the shadow of great sorrow or who are bound in the slavery of spiritual or political oppression, that we may serve well our day and generation. Lift us, lead us toward the high places where Thou wouldst have us stand. We pray because Jesus taught men to pray and we accept His teachings. Amen.

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

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

Prior to today's session, the secretary received the following requests for leave: Mr. Hoxie, temporarily; Mr. Habermehl, from today's session; and Mrs. Conklin, indefinitely, due to illness.

PRESIDENT NISBET: Without objection, the requests are granted.

SECRETARY CHASE: Absent with leave: Mrs. Conklin, Messrs. Dade, Habermehl, Hoxie, Hubbs, Mosier and L. W. Richards.

Absent without leave: Messrs. DeVries and Figy.

PRESIDENT NISBET: Without objection, the delegates are excused.

[During the proceedings, the following delegates entered the chamber and took their seats: Messrs. DeVries, Dade, Habermehl, Hubbs, Figy and Hoxie.]

The Chair recognizes Dr. Pollock.

MR. POLLOCK: Mr. President, with your permission I should like to make a few remarks which I think are relevant to the future work of the convention. First of all, I do not want March 31 to pass without appropriate obsequies and appropriate recognition of its deleterious influence on the work of this convention. Also, I think it is necessary now to look forward to the conclusion of our labors in a more orderly fashion and to avoid in our final days the tension and pressure which an arbitrarily set deadline has had upon our work thus far. Mr. President, I see this matter in some perspective as another milestone in the long march toward effective popular government. We are here as direct representatives of the people in the preparation of a document which, subject to their approval, will become the supreme law of this great commonwealth.

Our labors—and I use the word advisedly—should in no way be hampered, restrained, or influenced by any agency, branch, or institution of the people in this state. Our mandate and authority is clear and it is in the spirit of our popular mandate that everything necessary to complete "the business of the

can lose. We can lose again. We can go back and tell the people who did it, and I am hoping and praying that the newspapers will do likewise.

CHAIRMAN HUTCHINSON: Mr. Buback.

MR. BUBACK: Mr. Chairman and ladies and gentlemen, making a last plea here, I have never indicated that this is going to be our plan. This is the plan of the entire city of Detroit and the county of Wayne which is going to be gone over again by the commission. Our congressional district lines now are set up by wards, presently, and I am fearful if we make these square, they are going to overlap into congressional districts and create more ballot forms.

And as I indicated, if they are nothing but divided equally as it is, it is going to give us 92 ballot forms. If it is changed more than that, it will go over 100. This is not what we are going to have; we are not going to recommend it. If the commission is going to come in, it is going to be a bipartisan commission, and we are going to start from scratch. I don't see why there is any argument here at all. All we are asking is so that the commission will not be misled into going into a square formation of these legislative districts. We don't want that frozen in the constitution.

I would certainly appreciate it if you would give us some consideration. This is not gerrymandering; this is strictly: let the commission decide on what it's going to do.

CHAIRMAN HUTCHINSON: The question is upon the amendment offered by Mr. Buback. Does anybody desire to have it read again? No. It's on the board. All those in favor—

MR. MADAR: Mr. Chairman, I had asked for the yeas and nays on that, if you recall.

CHAIRMAN HUTCHINSON: You asked for them on Dr. Pollock's amendment.

MR. MADAR: It was on Mr. Buback's amendment.

CHAIRMAN HUTCHINSON: Well, all right, the Chair will so construe it. The yeas and nays have been ordered. All those in favor will vote aye. Those opposed will vote no. Have you all voted? The secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas—41

Austin	Hart, Miss	Ostrow
Balcer	Hatcher, Mrs.	Perlich
Batchelor	Hodges	Perras
Bonisteel	Hood	Pollock
Buback	Jones	Prettie
Cushman, Mrs.	Krolikowski	Sablich
Douglas	Lesinski	Snyder
Downs	Madar	Stopczynski
Elliott, Mrs. Daisy	Mahinske	Suzore
Farnsworth	Marshall	Thomson
Faxon	McCauley	Wilkowski
Follo	McGowan, Miss	Woolfenden
Garvin	Nord	Young
Greene	Norris	

Nays—76

Allen	Haskill	Pugsley
Andrus, Miss	Hatch	Radka
Beaman	Heideman	Rajkovich
Bentley	Higgs	Richards, J. B.
Blandford	Howes	Romney
Boothby	Hoxie	Rood
Brake	Hubbs	Rush
Brown, G. E.	Iverson	Seyferth
Butler, Mrs.	Judd, Mrs.	Shackleton
Conklin, Mrs.	Karn	Shanahan
Cudlip	Kirk, S.	Sharpe
Danhof	Knirk, B.	Sleder
Dehnke	Koeze, Mrs.	Spitler
Dell	Kuhn	Stafseth
Donnelly, Miss	Lawrence	Stamm
Doty, Dean	Leibrand	Starrett
Doty, Donald	Leppien	Stevens
Erickson	Martin	Turner
Everett	McAllister	Tweedie
Figy	McLogan	Upton
Finch	Millard	Van Dusen
Goebel	Nisbet	Wanger
Gover	Page	White
Habermehl	Plank	Wood
Hanna, W. F.	Powell	Yeager
Hannah, J. A.		

SECRETARY CHASE: On the amendment offered by Mr. Buback, the yeas are 41; the nays are 76.

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

SECRETARY CHASE: There are no further amendments to section b, Mr. Chairman.

CHAIRMAN HUTCHINSON: There are no further amendments to section b. The section will pass.

Section b is passed. The secretary will read.

SECRETARY CHASE: There are no amendments to section c.

CHAIRMAN HUTCHINSON: If not, the section will pass.

Section c is passed. Are there any amendments to the body of the proposal?

SECRETARY CHASE: There are 4 on file.

CHAIRMAN HUTCHINSON: Dr. Hannah.

MR. J. A. HANNAH: Mr. Chairman, I think the secretary informs me that there are 4 or 5 amendments still pending to the body of the proposal, or to the section that was passed over earlier today. Is that correct, Mr. Chase?

SECRETARY CHASE: That is correct.

MR. J. A. HANNAH: What is the total number of amendments left?

SECRETARY CHASE: We have 4.

MR. J. A. HANNAH: Then, sir, since it is now a quarter to 11:00, I move the committee rise.

CHAIRMAN HUTCHINSON: Dr. Hannah moves that the committee do now rise. All those in favor will say aye. Opposed will say no.

The motion prevails. It is so ordered.

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

PRESIDENT NISBET: The Chair recognizes Mr. Hutchinson.

MR. HUTCHINSON: Mr. President, the committee of the whole has had under consideration Committee Proposal 80. The secretary will make a detailed report.

SECRETARY CHASE: Mr. President, the committee of the whole has had under consideration **Committee Proposal 80,** has considered a number of amendments thereto, has come to no final resolution thereon. This completes the report of the committee of the whole.

PRESIDENT NISBET: Any announcements?

SECRETARY CHASE: We have the following requests for leave: Mr. King phoned in and wishes to be excused indefinitely because of illness; Mr. McAllister requests leave from the session of Friday, he is required to be in court on that day; Mrs. Conklin requests to be excused from tomorrow morning's session; Mr. Leslie Richards called in and wishes to be excused from the sessions of Thursday and Friday as he has been detained on business; and Mr. Rood is requesting leave of absence from the sessions of Monday and Tuesday, April 9 and 10. His wife is to undergo major surgery.

PRESIDENT NISBET: Without objection, the requests are granted.

The Chair recognizes Mr. Wanger.

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

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

We are adjourned until 9:00 o'clock.

[Whereupon, at 10:50 o'clock p.m., the convention adjourned until 9:00 o'clock a.m., Thursday, April 5, 1962.]

MR. NORD: Mr. Chairman, I believe that it might be in order for me to say that perhaps Mr. Hoxie will be surprised again when the constitution is submitted to the people.

But as to the merits of the particular proposal before us, it simply invites those who are in disagreement with the committee proposal to strike it, and I believe no comment beyond that is required. Those who are not satisfied with the committee proposal as to section b are urged to vote yes.

CHAIRMAN HUTCHINSON: On the amendment Mr. Nord demands the yeas and nays. Is the demand supported? The demand is supported. The yeas and nays are ordered. The question is upon the amendment. This is a record roll call vote. All those in favor will vote aye. Those opposed will vote no. Mr. Hanna.

MR. W. F. HANNA: Mr. Chairman, I don't think Dr. Nord's statement is exactly correct. A vote no on this proposal at this stage of the proceeding is an expression that you do not want one house of the legislature based on population.

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

The roll was called and the delegates voted as follows:

Yeas — 40

Balcer	Greene	Murphy
Barthwell	Habermehl	Nord
Binkowski	Hart, Miss	Norris
Bledsoe	Hodges	Pellow
Brown, T. S.	Hood	Perlich
Buback	Jones	Sablich
Dade	Kelsey	Snyder
Douglas	Lesinski	Stopczynski
Downs	Madar	Suzore
Elliott, Mrs. Daisy	Mahinske	Walker
Faxon	Marshall	Wilkowski
Follo	McAllister	Young
Ford	McCauley	Youngblood
Garvin		

Nays — 84

Allen	Hannah, J. A.	Prettie
Andrus, Miss	Haskill	Pugsley
Batchelor	Hatch	Radka
Beaman	Heideman	Rajkovich
Bentley	Higgs	Richards, J. B.
Blandford	Howes	Romney
Bonisteel	Hoxie	Rood
Boothby	Hubbs	Rush
Brake	Iverson	Seyferth
Butler, Mrs.	Judd, Mrs.	Shackleton
Conklin, Mrs.	Karn	Shaffer
Cudlip	King	Shanahan
Danhof	Kirk, S.	Sharpe
Dehnke	Knirk, B.	Sleder
Dell	Koeze, Mrs.	Spitler
Donnelly, Miss	Kuhn	Stafseth
Doty, Dean	Lawrence	Staiger
Doty, Donald	Leibrand	Stamm
Elliott, A. G.	Leppien	Stevens
Erickson	Martin	Thomson
Everett	McLogan	Tubbs
Farnsworth	Millard	Turner
Figy	Nisbet	Upton
Finch	Page	Van Dusen
Gadola	Perras	Wanger
Goebel	Plank	White
Gust	Pollock	Wood
Hanna, W. F.	Powell	Yeager

SECRETARY CHASE: On the adoption of the amendment of Dr. Nord to strike out all of section b, the yeas are 40; the nays are 84.

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

SECRETARY CHASE: Mr. Nord offers an amendment, page 4, beginning on line 26, by striking out all of section c.

CHAIRMAN HUTCHINSON: On the amendment the Chair recognizes Mr. Nord.

MR. NORD: Again, Mr. Chairman, I simply repeat: those who are not satisfied with section c should vote yes, meaning they wish to strike it, and I urge those to vote yes.

CHAIRMAN HUTCHINSON: Mr. Nord demands the yeas and nays. Is the demand supported? The demand is supported. The yeas and nays are ordered. The amendment will again be read.

SECRETARY CHASE: Mr. Nord has offered an amendment:

1. Amend page 4, line 26, by striking out all of section c.

CHAIRMAN HUTCHINSON: Mr. Higgs.

MR. HIGGS: Could we have the board cleared?

CHAIRMAN HUTCHINSON: Will the delegates please clear the board? Mr. Finch.

MR. FINCH: Mr. Chairman, I don't believe we ever had section c explained as of yesterday. I was wondering if maybe it should be done for the record?

CHAIRMAN HUTCHINSON: The question is upon the amendment offered by Dr. Nord to strike section c. All those in favor will vote aye. Those opposed will vote no. This is a record roll call vote. Have you all voted? If so, the secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas — 41

Austin	Garvin	Nord
Balcer	Greene	Norris
Barthwell	Hart, Miss	Pellow
Binkowski	Hatcher, Mrs.	Perlich
Bledsoe	Hodges	Sablich
Brown, T. S.	Hood	Snyder
Buback	Jones	Stopczynski
Dade	Kelsey	Suzore
Douglas	Madar	Walker
Downs	Mahinske	Wilkowski
Elliott, Mrs. Daisy	Marshall	Yeager
Faxon	McCauley	Young
Follo	McGowan, Miss	Youngblood
Ford	Murphy	

Nays — 81

Allen	Hanna, W. F.	Prettie
Andrus, Miss	Hannah, J. A.	Pugsley
Batchelor	Haskill	Radka
Beaman	Hatch	Rajkovich
Bentley	Heideman	Richards, J. B.
Blandford	Higgs	Romney
Bonisteel	Howes	Rood
Boothby	Hoxie	Rush
Brake	Hubbs	Shackleton
Butler, Mrs.	Iverson	Shaffer
Cudlip	Judd, Mrs.	Shanahan
Danhof	Karn	Sharpe
Dehnke	King	Sleder
Dell	Kirk, S.	Spitler
Donnelly, Miss	Koeze, Mrs.	Stafseth
Doty, Dean	Kuhn	Staiger
Doty, Donald	Lawrence	Stamm
Elliott, A. G.	Leibrand	Stevens
Erickson	Leppien	Thomson
Everett	Martin	Tubbs
Farnsworth	McLogan	Turner
Figy	Millard	Upton
Finch	Nisbet	Van Dusen
Gadola	Page	Wanger
Goebel	Perras	White
Gust	Pollock	Wood
Habermehl	Powell	Woolfenden

SECRETARY CHASE: On the adoption of the amendment of Dr. Nord to strike out section c, the yeas are 41; the nays are 81.

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

SECRETARY CHASE: None, Mr. Chairman.

CHAIRMAN HUTCHINSON: If not, it will pass.

Committee Proposal 80, as amended, is passed. (applause)

SECRETARY CHASE: Item 3 on the calendar, from the committee on legislative organization, by Mr. John Hannah, chairman, **Exclusion Report 2046,** A report recommending the exclusion of article V, sections 2, 3 and 4.

Following is Exclusion Report 2046 as read by the secretary, and the reasons submitted in support thereof:

The committee on legislative organization recommends that article V, sections 2, 3 and 4 of the present constitution be excluded from the new constitution.

Mr. John Hannah, chairman of the committee on legislative organization, submits the following reason in support of Exclusion Report 2046:

These sections are being eliminated because they are being covered in a new series of sections reported as Committee Proposals 79 and 80.

CHAIRMAN HUTCHINSON: The question is upon the passage of the exclusion report. All those in favor will say aye. Opposed will say no.

Exclusion Report 2046 is passed. Dr. Hannah.

MR. J. A. HANNAH: Mr. Chairman, members of the committee, I should like to express appreciation on behalf of all the members of the committee on legislative organization for your patience and goodwill through the consideration of this very difficult problem and the understanding that you have given us in the consideration of our report. We missed our schedule a little. We hoped we might get through last evening. We actually thought we would get through by noon today. We missed it by a few hours, and for that we beg your indulgence. Thank you very much. (applause) I now move that the committee rise.

CHAIRMAN HUTCHINSON: Dr. Hannah moves that the committee do now rise. All those in favor will say aye. Opposed will say no.

The motion prevails.

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

PRESIDENT NISBET: The Chair recognizes Mr. Hutchinson.

MR. HUTCHINSON: Mr. President, the committee of the whole has had under consideration a committee proposal and an exclusion report on which the secretary will make a detailed report.

SECRETARY CHASE: Mr. President, the committee of the whole has had under consideration **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. The committee of the whole has made several amendments thereto, reports the same back with the recommendation that it do pass.

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

1. Amend page 1, line 10, after "36" by striking out "nor more than 40".

2. Amend page 1, line 11, after "terms" by striking out "concurrent with the term of office of the governor.", and inserting "to be elected at the same time as the governor and serve terms concurrent with the term of office of the governor.".

3. Amend page 1, line 21, after "state's" by inserting "land".

4. Amend page 2, line 6, after "factors" by striking out all of lines 7, 8 and 9 and inserting a period.

5. Amend page 2, line 11, after "shall" by inserting "thereafter".

6. Amend page 2, line 23, after "be" by inserting "as nearly equal as possible but".

7. Amend page 3, line 3, by striking out "rectangular" and inserting "uniform in shape".]

PRESIDENT NISBET: Pursuant to rule 41, **Committee Proposal 80,** as amended by the committee of the whole, is accepted and referred to the committee on style and drafting.

Following is Committee Proposal 80 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 senate shall consist of not less than 36 members, elected from single member districts for 4 year terms to be elected at the same time as the governor and serve terms concurrent with the term of office of the governor.

For the purpose of electing senators after the official publication of the results of the federal decennial census in 1970 and every 10 years thereafter, each county shall be assigned an apportionment factor according to the following formula: the percentage of the state's population as shown by the last regular federal decennial census computed to the nearest 1/100 of 1 per cent shall be multiplied by 4 and there shall be added thereto the percentage of the state's land area computed to the nearest 1/100 of 1 per cent.

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

(1) First: counties with 13 or more apportionment factors shall be entitled to one senatorial district for each 13 apportionment factors.

(2) Second: the remaining counties of the state shall thereafter be arranged into senatorial districts that are compact, contiguous by land and as rectangular in shape as possible, 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 each reapportionment shall not be changed unless there shall be a failure to comply with the above standards.

(3) Third: counties entitled to 2 or more senate districts shall be further subdivided into single member districts so that the population of any district shall be as nearly equal as possible but not less than 75 per cent nor more than 125 per cent of the ratio of representation determined by dividing the population of the county by the number of senators to which it is entitled and each 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.

Until the reapportionment of the senate following the 1970 census, the senatorial districts under the 1908 constitution, as amended, shall remain intact except that each of the counties of Genesee, Macomb and Oakland shall be divided into 2 senatorial districts and Wayne county into 8 senatorial districts. In all counties having more than one senatorial district, the apportioning commission shall redistrict the same.

Sec. b. The house of representatives shall consist of 110 members elected for a 2 year term from single member districts apportioned on a basis of population as hereinafter provided. The districts shall consist of compact and convenient territory contiguous by land.

Each county which has a population of not less than 7/10 of 1 per cent of the population of the state shall be a separate representative area. Each county having less than 7/10 of 1 per cent 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 of 1 per cent of the population of the state. Any county which shall be isolated under the initial allocation as herein provided 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 seat.

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 or more representatives shall be divided into single member representative districts as follows:

(1) The ratio of representation for each representative district shall be determined by dividing the population of the representative area by the number of seats to which it is entitled. Each district within each area shall contain not less than 75 per cent nor more than 125 per cent of that area's ratio of representation.

(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. c. In counties having more than one representative or senatorial district, the territory annexed or merged to a municipality shall become a part of the contiguous representative or senatorial district of the municipality with which it is combined, upon the effective date of the annexation or merger: Provided however, The foregoing shall not apply to any annexation or merger across county lines.

No legislator shall be deemed to have vacated his office by virtue of the above section.

SECRETARY CHASE: Mr. President, the committee of the whole has also had under consideration **Exclusion Report 2046,** A report recommending the exclusion of article V, sections 2, 3 and 4; reports this back to the convention without amendment with a recommendation that it do pass.

PRESIDENT NISBET: The report of the committee of the whole is accepted and **Exclusion Report 2046** is referred to the committee on style and drafting.

For Exclusion Report 2046 as referred to the committee on style and drafting, see above, page 2178.

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

PRESIDENT NISBET: **Unfinished business.**

SECRETARY CHASE: Under the postponement order of April 3, the report of the committee of the whole relative to **Committee Proposal 71,** A proposal to provide for the election, term and duties of state officers, allocation of departments, administrative reorganization, appointment and removal of department heads, supervision of departments, appointments to fill vacancies, provisional appointments, and removal or suspension from office by the governor. The committee proposal was reported from the committee of the whole with several amendments with the recommendation that the amendments be adopted and the proposal, as thus amended, do pass. The report was postponed until the conclusion of the reports on the committee on legislative organization from the committee of the whole.

For last previous action on the report, see above, page 2075.

PRESIDENT NISBET: The question is on concurring in the amendments adopted by the committee of the whole. The secretary will read.

SECRETARY CHASE: Amendment 1.

[The amendment was read by the secretary. For text, see above, page 2009.]

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

The amendment is adopted. The secretary will read.

SECRETARY CHASE: Amendment 2:

[The amendment was read by the secretary. For text, see above, page 2009.]

PRESIDENT NISBET: The question is upon concurring in the amendment. Those in favor will say aye. Opposed, no.

The amendment is adopted.

SECRETARY CHASE: Amendment 3:

[The amendment was read by the secretary. For text, see above, page 2009.]

PRESIDENT NISBET: The question is upon concurring in the amendment. The Chair recognizes Mr. Wanger.

MR. WANGER: Mr. President, I move that the convention do not concur in this amendment.

PRESIDENT NISBET: Mr. Wanger, those who are opposed to the amendment will vote no. Those who are in favor will vote aye.

MR. WANGER: Mr. President, speaking to this amendment — which was adopted, as I recall, by a narrow majority of the committee during a prolonged session — in examining this language, which is on page 844 of your journal, you can see that it is primarily legislative in nature. It was supported by people who, by their own admission, were concerned with one particular profession and I suggest did not make a sufficiently detailed analysis or case even on the basis of that profession alone for including such a restriction in our constitution.

As the business of the people of the state of Michigan becomes more specialized in this modern age and as the number of recognized professions in the state becomes larger, it is going to become increasingly more important to give the legislature complete latitude with regard to the subject of licensing those professions which it is determined by policy of the state should be licensed. I suggest that putting such a provision into the constitution will impede the legislature in effectively or most effectively carrying out that policy, and, therefore, I urge you not to support this particular amendment.

PRESIDENT NISBET: The question is upon concurring in the amendment. Those in favor will vote aye. Opposed will vote no. The Chair is in doubt. Mr. Stevens.

MR. STEVENS: May I have the amendment read again, please?

PRESIDENT NISBET: The convention will be in order. The secretary will read the amendment.

SECRETARY CHASE: This is amendment 3.

[The amendment was again read by the secretary. For text, see above, page 2009.]

PRESIDENT NISBET: Those in favor of the amendment will vote aye. Those opposed will vote no.

MR. KUHN: Mr. President, in order to save time I demand the yeas and nays.

PRESIDENT NISBET: The yeas and nays have been demanded. Is that demand seconded? A sufficient number up. The yeas and nays have been demanded. 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 — 78

Allen	Finch	McAllister
Andrus, Miss	Follo	Murphy
Austin	Ford	Nisbet
Balcer	Goebel	Page
Barthwell	Gover	Perlich
Batchelor	Greene	Powell
Beaman	Hanna, W. F.	Prettie
Bentley	Hannah, J. A.	Pugsley
Blandford	Hart, Miss	Radka

PRESIDENT NISBET: Without objection, the delegates are excused.

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

Reports of standing committees.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

there is disagreement among the members of the apportionment commission. Do I understand then the language here, in view of that contingency, is suggestive of this: that the various members of the apportionment commission then submit their respective plans to the court for appraisal of the plan most nearly in accordance with the constitutional standards and the court then issues an order?

MR. DEHNKE: The court then what?

MR. NORRIS: Issues an order.

MR. DEHNKE: The court determines which of the plans complies most accurately with the requirements of the constitution and returns it to the commission for the order to be made by the commission, according to the language of the proposal.

MR. NORRIS: It comes back then to the commission?

MR. DEHNKE: Yes. The commission is subject to mandamus action by the court if it fails to comply with the order of the court.

MR. NORRIS: My point then is this: is this review by the court not in the nature of an advisory action and not an adversary or justiciable controversy, and do we run into a question as to whether the action contemplated here becomes one that is capable of the proper exercise of the judicial power by the court?

MR. DEHNKE: I don't see any reason to fear any such complications. I've said previously that one of the traits of a good lawyer is a lively imagination, Dr. Norris, and you're a good lawyer. (laughter) That may be the answer to some of these questions. (laughter)

MR. NORRIS: I hope we don't have to resolve that in court, Judge.

VICE PRESIDENT HUTCHINSON: Mr. Hanna of Muskegon.

MR. W. F. HANNA: Mr. President and Dr. Norris, I'd like to further amplify Judge Dehnke's answer to you. We made it in this manner so that deliberately, after the court gave its opinion and directed the commission, the order became appealable back to the court if an elector felt that it was not proper. If we leave it to the court to order, then, in effect, there is no appeal but to the federal courts. We wanted the commission to enter the order so that it did become appealable back to the court by this elector.

MR. NORRIS: Mr. President.

VICE PRESIDENT HUTCHINSON: For what purpose does the gentleman rise? He has spoken once on the question.

MR. NORRIS: A point of observation.

VICE PRESIDENT HUTCHINSON: The question is upon the passage of Committee Proposal 79. Mr. Downs.

MR. DOWNS: Mr. President and fellow delegates, this is one that I believe we should vote against, and not because I'm against the principle of the commission and a review by the court. However, this does have a factor in it that is not based on a one man, one vote concept. I know when we get into the question of legislative organization, we will get into the legal aspects of the matter and I do not want to do that at this point. However, with the United States supreme court reviewing what state bodies do — and I assume that means the convention as well — for that reason alone, I do not want to go on record voting for anything that violates what I consider the equality construction of the fourteenth amendment that the United States supreme court is leaning toward. Therefore, it is with reluctance that I am going to vote against the entire proposal because of that aspect in it.

VICE PRESIDENT HUTCHINSON: The question is upon the passage of Committee Proposal 79. As many as are in favor will vote aye. Those opposed will vote nay. The voting has commenced. Have you all voted? If so, the secretary will lock the machine and record the vote. All right. You may still vote. Please record your votes. Have you all voted? The secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas—95

Allen	Habermehl	Rajkovich
Andrus, Miss	Hanna, W. F.	Richards, J. B.
Anspach	Hannah, J. A.	Richards, L. W.
Batchelor	Haskill	Romney
Beaman	Hatch	Rood
Blandford	Heideman	Rush
Bledsoe	Higgs	Sablich
Bonisteel	Howes	Seyferth
Boothby	Hoxie	Shackleton
Brake	Hubbs	Shaffer
Butler, Mrs.	Hutchinson	Shanahan
Conklin, Mrs.	Iverson	Sharpe
Cudlip	Judd, Mrs.	Sleder
Cushman, Mrs.	Karn	Spitler
Danhof	King	Stafseth
Dehnke	Kirk, S.	Staiger
Dell	Knirk, B.	Stamm
DeVries	Kuhn	Sterrett
Donnelly, Miss	Lawrence	Stevens
Doty, Dean	Leibrand	Thomson
Doty, Donald	Leppien	Tubbs
Durst	Martin	Turner
Elliott, A. G.	McLogan	Tweedie
Erickson	Millard	Upton
Everett	Mosier	Van Dusen
Farnsworth	Page	Wanger
Figy	Perras	White
Finch	Plank	Wood
Gadola	Powell	Woolfenden
Goebel	Prettie	Yeager
Gover	Pugsley	Youngblood
Gust	Radka	

Nays—35

Austin	Ford	McGowan, Miss
Balcer	Hart, Miss	Murphy
Barthwell	Hatcher, Mrs.	Norris
Binkowski	Hodges	Ostrow
Bradley	Hood	Perlich
Brown, T. S.	Jones	Snyder
Buback	Kelsey	Stopczynski
Douglas	Krolikowski	Suzore
Downs	Madar	Walker
Elliott, Mrs. Daisy	Mahinske	Wilkowski
Faxon	Marshall	Young
Follo	McCauley	

SECRETARY CHASE: On the passage of Committee Proposal 79, the yeas are 95; the nays are 35.

VICE PRESIDENT HUTCHINSON: **Committee Proposal 79** passes and is referred to the committee on style and drafting.

For Committee Proposal 79 as rereferred to the committee on style and drafting, see above, page 2799.

The Chair recognizes the delegate from Ingham, Mr. Jones.

MR. JONES: Mr. President and fellow delegates, I rise for the purpose of offering a preferential motion which is on the secretary's desk. I would ask the secretary to please read it.

SECRETARY CHASE: Mr. Jones moves that **Committee Proposal 80,** of legislative organization, be passed over until we reconvene on August 1 in view of the United States supreme court decision on this matter; and further, that the select committee appointed by the president, make every effort to get this matter before the state supreme court for a speedy decision so that when we reconvene on August 1, this matter may be considered by the convention with the full knowledge of our state supreme court action before we make a final decision and adjourn sine die. On this motion, he demands the yeas and nays.

VICE PRESIDENT HUTCHINSON: Mr. Jones demands the yeas and nays. Is the demand supported? The demand is supported. The yeas and nays are ordered. The Chair recognizes Mr. Jones on his motion.

MR. JONES: Mr. President and fellow delegates, I have offered this motion for the following reasons: I feel that we would be doing the people of our state a great disservice to adopt a legislative apportionment plan which could later be declared invalid by court decision. Also, this has been offered because the majority of the people who favored calling this

constitutional convention did so to gain relief from a grossly inequitable system of representation. And, thirdly, the delegates to this convention would be remiss if they did not agree to take into account the further direction on apportionment which will shortly be forthcoming from our own state supreme court. In this last reason I might also refer to some of the pleas of Republican delegates to this convention that urge that if the Democrats, the minority party, were to gain relief on this apportionment matter, this direction would have to come from the courts. Therefore, I think it's time that we did let the courts act in this matter. Thank you.

VICE PRESIDENT HUTCHINSON: On the motion to postpone, the Chair recognizes Judge Dehnke.

MR. DEHNKE: Mr. President and fellow delegates, I do not think anything would be gained by taking the action proposed here. We don't know how soon definitive decisions are coming down. I see no reason why we should not proceed with our deliberations here and then, if any decisions are rendered previous to our final adjournment, we'll still be in a position to reconsider the matter accordingly.

VICE PRESIDENT HUTCHINSON: The question is upon the motion of Mr. Jones to postpone action upon Committee Proposal 80 until August 1. The yeas and nays have been ordered. Mr. Young.

MR. YOUNG: Mr. President and fellow delegates, I believe the supreme court ruling in the Tennessee case, followed closely by the remanding of the case of Scholle vs. Hare to the Michigan supreme court together constitute what might well develop into one of the most historic decisions of our supreme court within the past 100 years. Because of procrastination and outright refusal on the part of the various states, our supreme court has been forced to move into the so called political thicket of apportionment of state legislatures. It is very interesting to note, in passing, that it is the inflexibility of those who cry the loudest about the dangers of federal encroachment that forces this severe action by our supreme court. It might well be said that they got what they asked for.

Now for us in this convention, in the face of this historic court decision, to proceed blithely on our way as if nothing had happened, elevating swamps and tree stumps into a representative equation with people is to play footloose and fancyfree with our constitutional responsibilities to the people of Michigan. For us to ignore the significance of this decision as it relates to our deliberations in regard to apportionment represents a reckless gamble with the $2 million and the 7 months of debate that have been invested in this convention. It would constitute a serious blow to the hopes and aspirations of the voters of this state as expressed in their vote to call this convention. I urge you to give serious consideration to this motion and to vote yes.

VICE PRESIDENT HUTCHINSON: On the motion to postpone, Dr. Hannah.

MR. J. A. HANNAH: Mr. President and members of the convention, I am not an attorney. Judge Dehnke has stated well the attitude of the majority members of your committee on legislative organization. There is nothing that would prevent this convention, when it returns for its final adjournment in August, in the event that there is some decision of the court that would indicate that reconsideration is desirable, to take that action at that time. For us to fail to act now would vitiate months of work on the part of a great many people that have come up with a very good apportionment proposal.

I am not going to answer the arguments made by Mr. Young at this point. I am going to reserve that opportunity until we are talking about Committee Proposal 80, in the event that you turn down this motion, as I hope you will. I am going to say at that time and I want to say it now: that instead of apologizing for the proposal that is before you for approval on second reading this afternoon, every member of this convention can be very proud of what is before you. It is very good indeed. No apologies need to be made for it, and we will go into the details of it in a few minutes. I urge that you vote no on Mr. Jones' motion.

VICE PRESIDENT HUTCHINSON: On the motion to postpone, Mr. Marshall.

MR. MARSHALL: Mr. President and fellow delegates, I rise to urge a yes vote on the Jones motion. I see no reason to rush into this; to take action that might be undone at a later date by court decision. We were told by the majority members of the committee on legislative organization at the time the Tennessee case came down that it was their opinion that the Tennessee case did not have any direct bearing upon the Michigan case and, on the contrary, the federal supreme court has now ruled favorably, or at least remanded the Michigan case back to the state supreme court.

I have all the respect in the world for Judge Dehnke's legal opinion. But I, over a long period of years, have had contact with numerous attorneys in my business life and I have found that you can talk to 6 attorneys on a topic or a subject and get 6 different opinions. Therefore, I would not want to accept just Judge Dehnke's opinion. If I could have the opinion of some attorneys who might be on the opposite side of this question from Judge Dehnke, it would carry more weight with me.

I see no point, as was pointed out by one of the previous speakers, in jeopardizing the $2½ million that has been spent on the constitutional convention. It has been said by some that it is our task, not the task of the court. I don't agree with that. And I would point out that our supreme court interprets the federal constitution. This body does not interpret the constitution. As a matter of fact, we voted contrary to the federal constitution in this convention when we had the search and seizure issue before this constitutional convention. I see no harm in postponing further consideration on this question, pending a decision by the state supreme court; out of this decision might come some guidelines which we could follow in order to have a provision that met the constitutional requirements.

Now, in answer to our distinguished committee chairman — whom I also have the utmost respect for — Dr. Hannah, I cannot agree completely with the statements that he made where he praises this proposal, because any proposal that equates 15 acres to 1 human being does not, in my opinion, meet the test of equality, and any legislative organization scheme that equates the vote of another individual 4, 5, 6 or 10 times, as the case might be, more than mine, again, I do not think meets the test of equality. And I see no reason to hasten into this when it can be postponed and then in the meantime we might have a guideline to go by. I urge a yes vote on the Jones amendment. Thank you.

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen.

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

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

The motion prevails. The Chair recognizes Mr. Boothby.

MR. BOOTHBY: Mr. President, ladies and gentlemen of the convention, as I understand the logic of the Jones amendment on which Mr. Marshall has just spoken, it is indicated that in their opinion the matter of apportionment is in a state of flux as far as the courts are concerned. If this is true, I would have serious doubts as to whether the matter would be resolved by August 1 for the reason that even the Michigan supreme court, on this particular question, has recently been reversed by the United States supreme court. That fact being true, it would appear as though we would not have a final decision until the United States supreme court decided whether the Scholle case, as finally decided by the Michigan supreme court, was in accordance with the federal constitution. I would, therefore, amend the Jones amendment to read that we postpone the final decision on this amendment until after the highest court in the land has decided the question in the Scholle case.

VICE PRESIDENT HUTCHINSON: Mr. Boothby offers an amendment to the motion to postpone to a time after the highest court in the land has decided the question.

MR. GADOLA: If I understand our rules right, we must adjourn to a time certain —

VICE PRESIDENT HUTCHINSON: We're not adjourning —

MR. GADOLA: — or we have to defer to a time certain; isn't that true?

VICE PRESIDENT HUTCHINSON: We are not adjourning.

MR. GADOLA: No, but we are deferring to a time certain under the rules, and his is not a time certain.

VICE PRESIDENT HUTCHINSON: It is a time that can be ascertained, Judge.

MR. GADOLA: It could be ascertained but we'd probably all be dead by that time. (laughter) I also, on the Jones amendment, want to say that there is no absolute proof that we'll be here August 1. We haven't so voted yet. We don't know whether we'll be here August 1 or not.

VICE PRESIDENT HUTCHINSON: The Chair recognizes Mr. Hubbs.

MR. HUBBS: Mr. President, I rise on a matter of accuracy only at this particular point. I understand that the legislature had appropriated precisely $2 million for the work of the convention. Now, this morning I can quote almost verbatim the fact that Mr. Marshall referred to $2½ to $3 million having been spent. A few minutes ago he said $2½ million. Now I'd like to know where Mr. Marshall got this other $½ million to $1 million that he is talking about having been spent. If he is spending money that I don't know about or is getting it from some other place, I'd like to know about that too. (laughter)

VICE PRESIDENT HUTCHINSON: The delegate is not speaking to the question.

MR. MARSHALL: Was a question asked, Mr. President?

VICE PRESIDENT HUTCHINSON: I understood Mr. Hubbs was asking a question but it was not pertinent. It was irrelevant and the Chair does not think that the limited time should be consumed —

MR. MARSHALL: I would just answer: Macy doesn't tell Gimbel.

MR. WALKER: Point of order, Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Walker, what is your point of order?

MR. WALKER: Mr. President, I do not believe that the motion is in order at this time. It is definite that the supreme court has remanded the Scholle vs. Hare case back to the — Mr. Van Dusen was attempting to prompt me here and I appreciate his attempt — supreme court of the state of Michigan. We do not know or have any indication that it will go to the supreme court of the United States, which I imagine is the highest court in the land. Therefore, this thing would be so nebulous that we cannot make any judgment on it at all at this time.

VICE PRESIDENT HUTCHINSON: Mr. Boothby.

MR. BOOTHBY: Mr. President, I can cure that problem. Instead of saying "until decided by the highest court in the land," I would amend that to say when the Scholle case reaches its final determination. The reason I say that is because there is an appeal period in which the Scholle case may be appealed to the United States supreme court. If that goes by before there is an appeal to the United States supreme court, then the highest court decision would be the state supreme court decision.

VICE PRESIDENT HUTCHINSON: The time for debate has expired. The question is upon the amendment offered by Mr. Boothby to the motion. Mr. Boothby's amendment to the motion is to postpone further consideration of Committee Proposal 80 until the Scholle case is finally determined. All those in favor of Mr. Boothby's amendment will say aye. Opposed will say no.

The amendment is not adopted. The question recurs upon the motion made by Mr. Jones to postpone further consideration of Committee Proposal 80 until August 1, upon which the yeas and nays have been ordered. All those in favor of the motion to postpone will vote aye. Those opposed will vote no. The voting has commenced. Have you all voted? If so, the secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas—38

Austin	Ford	Murphy
Balcer	Hart, Miss	Norris
Barthwell	Hatcher, Mrs.	Ostrow
Binkowski	Hodges	Perlich
Bledsoe	Hood	Sablich
Bradley	Jones	Snyder
Brown, T. S.	Kelsey	Stopczynski
Buback	Krolikowski	Suzore
Douglas	Lesinski	Walker
Downs	Madar	Wilkowski
Elliott, Mrs. Daisy	Mahinske	Young
Faxon	Marshall	Youngblood
Follo	McCauley	

Nays—94

Allen	Hanna, W. F.	Pugsley
Andrus, Miss	Hannah, J. A.	Radka
Anspach	Haskill	Rajkovich
Batchelor	Hatch	Richards, J. B.
Beaman	Heideman	Richards, L. W.
Blandford	Higgs	Romney
Bonisteel	Howes	Rood
Boothby	Hoxie	Rush
Brake	Hubbs	Seyferth
Butler, Mrs.	Hutchinson	Shackleton
Conklin, Mrs.	Iverson	Shaffer
Cudlip	Judd, Mrs.	Shanahan
Cushman, Mrs.	Karn	Sharpe
Danhof	King	Sleder
Dehnke	Kirk, S.	Spitler
Dell	Knirk, B.	Stafseth
DeVries	Kuhn	Staiger
Donnelly, Miss	Lawrence	Stamm
Doty, Dean	Leibrand	Sterrett
Doty, Donald	Leppien	Stevens
Durst	Martin	Thomson
Elliott, A. G.	McAllister	Tubbs
Erickson	McLogan	Turner
Everett	Millard	Tweedie
Farnsworth	Mosier	Upton
Figy	Page	Van Dusen
Finch	Perras	Wanger
Gadola	Plank	White
Goebel	Pollock	Wood
Gover	Powell	Woolfenden
Gust	Prettie	Yeager
Habermehl		

SECRETARY CHASE: On the motion of Mr. Jones, the yeas are 38; the nays are 94.

VICE PRESIDENT HUTCHINSON: The motion does not prevail. The secretary will read Committee Proposal 80.

SECRETARY CHASE: **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. Replaces article V, sections 2 and 3.

VICE PRESIDENT HUTCHINSON: The delegate from the fourteenth district, Dr. Hannah.

MR. J. A. HANNAH: Mr. President, because of the length of this proposal, unless there is objection, I would move that it be considered read.

VICE PRESIDENT HUTCHINSON: Is there objection to the consideration of this proposal as read? The Chair hears no objection. It is so ordered.

Following is Committee Proposal 80 as reported by the committee on style and drafting and considered read. (For text as referred to said committee, see above, page 2178.):

Sec. a. The senate shall consist of not less than 36 members, TO BE elected from single member districts AT THE SAME TIME AS THE GOVERNOR for 4 year terms [to be elected at the same time as the governor and serve terms] concurrent with the term of office of the governor.

NOTWITHSTANDING ANY OTHER PROVISION IN THIS CONSTITUTION, THE STATE SENATORS SHALL BE ELECTED AT THE GENERAL ELECTION IN 1964 TO SERVE FOR 2 YEAR TERMS BEGINNING ON THE

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

FIRST DAY OF JANUARY NEXT SUCCEEDING THEIR ELECTION. THE FIRST 4 YEAR ELECTION UNDER THIS CONSTITUTION SHALL BE HELD AT THE GENERAL ELECTION IN 1966.*

IN DISTRICTING THE STATE for the purpose of electing senators after the official publication of the TOTAL POPULATION COUNT [results] of [the] EACH federal decennial census [in 1970 and every 10 years thereafter], each county shall be assigned an apportionment factor [according] EQUAL to [the following formula:] THE SUM OF ITS [the] percentage of the state's population as shown by the last regular federal decennial census computed to the nearest 1/100 of [1] ONE per cent [shall be] multiplied by 4 and [there shall be added thereto the] ITS percentage of the state's land area computed to the nearest 1/100 of [1] ONE per cent.

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

(1) [First:] Counties with 13 or more apportionment factors shall be entitled to one senatorial district for each 13 apportionment factors.

(2) [Second:] The remaining counties of the state shall thereafter be arranged into senatorial districts that are compact, contiguous by land and as rectangular in shape as possible, 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 each reapportionment shall not be changed unless THEY FAIL [there shall be a failure] to comply with the above standards.

(3) [Third:] Counties entitled to 2 or more senate districts shall be further subdivided into single member districts. [so that] The population of [any district] SUCH DISTRICTS shall be as nearly equal as possible but SHALL not BE less than 75 per cent nor more than 125 per cent of [the ratio of representation] A NUMBER determined by dividing the population of the county by the number of senators to which it is entitled. [and] 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.

THE STATE SHALL BE DISTRICTED FOR THE PURPOSE OF ELECTING SENATORS IN ACCORDANCE WITH THE PROVISIONS OF COMMITTEE PROPOSAL 80, SECTION A, AFTER THE OFFICIAL PUBLICATION OF THE TOTAL POPULATION COUNT OF THE 1970 DECENNIAL FEDERAL CENSUS. Until the reapportionment of the senate following the 1970 census, the senatorial districts under the 1908 constitution, as amended, shall remain intact except that each of the counties of Genesee, Macomb and Oakland shall be divided into 2 senatorial districts and Wayne county into 8 senatorial districts. [In all counties having more than one senatorial district,] The [apportioning] APPORTIONMENT commission shall redistrict [the same] ALL COUNTIES HAVING MORE THAN ONE SENATORIAL DISTRICT.*

Sec. b. The house of representatives shall consist of 110 members elected for [a] 2 year [term] TERMS from single member districts apportioned on a basis of population as hereinafter provided. The districts shall consist of compact and convenient territory contiguous by land.

Each county which has a population of not less than 7/10 of [1] ONE per cent of the population of the state shall CONSTITUTE [be] a separate representative area. Each county having less than 7/10 of [1] ONE per cent 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 of [1] ONE per cent of the population of the state. Any county which [shall be] IS isolated under the initial allocation as herein provided 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 [seat] 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 or more representatives shall be divided into single member representative districts as follows:

(1) [The ratio of representation for each representative district shall be] THE POPULATION OF EACH DISTRICT SHALL BE AS NEARLY EQUAL AS POSSIBLE BUT SHALL NOT BE LESS THAN 75 PER CENT NOR MORE THAN 125 PER CENT OF A NUMBER determined by dividing the population of the representative area by the number of [seats] REPRESENTATIVES to which it is entitled. [Each district within each area shall contain not less than 75 per cent nor more than 125 per cent of that area's ratio of representation.]

(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. c. In counties having more than one representative or senatorial district, the territory IN THE SAME COUNTY annexed TO or merged WITH [to] a [municipality] CITY BETWEEN APPORTIONMENTS shall become a part of the contiguous representative or senatorial district [of] IN the [municipality] CITY with which it is combined[,] upon the effective date of the annexation or merger[:]. [Provided however, The foregoing shall not apply to any annexation or merger across county lines.]

No legislator shall be deemed to have vacated his office by virtue of the above section.

*This paragraph proposed to be moved to schedule and temporary provisions.

VICE PRESIDENT HUTCHINSON: On the proposal the Chair recognizes Dr. Hannah.

MR. J. A. HANNAH: Mr. President, if it is agreeable, I should like to make an introductory statement and then submit, on behalf of the committee, a substitute section a, which is in the hands of the secretary. And because of its length he may want to read it, although copies have already been placed on the desks of all the delegates.

VICE PRESIDENT HUTCHINSON: The secretary will read the substitute. Dr. Hannah, do you desire to make a statement ahead of the submission of the substitute?

MR. J. A. HANNAH: Yes. If it is agreeable, I would.

VICE PRESIDENT HUTCHINSON: You may proceed.

MR. J. A. HANNAH: Mr. President and ladies and gentlemen of the convention, when we introduced this subject on first reading, there was a fairly extended presentation of the problem which exists in this state. We have in the back of the chamber certain charts prepared by our committee. You have had many of them placed on your desks earlier. I think it is not important that we explain them at this time. I should like to point out what they are and the fact that they are in the back of the room so that you will know that if you want to turn to them for further information you will have the opportunity to do so. Over at my right are charts that show the representative disticts as they now exist. I wonder if we could ask one on the pages just to hold up the chart on representative districts so that it might be seen. Delegates, perhaps, are cheaper than the pages. (laughter)

These figures are so small that you can't see them, but they're the same figures you've seen before. I shall only point out that if you have an opportunity to study this chart, you'll find, of course, that there are gross inequalities in

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the populations of the representative districts of this state and that these inequities are not confined to inequities between the size of districts in Wayne county or southeastern Michigan and those in outstate areas. I'm not going to bore you with the details where there are districts within Wayne county that are 3 or 4 times as large as other districts within the same county.

If we leave that one and turn to the next one, Mr. Sleder, you'll see the chart that shows the present senatorial districts. You will recall that the senatorial districts were frozen in the present constitution by constitutional amendment in 1952 and if you could see these figures you would notice that the 7 senatorial districts in Wayne county range from 1 district with 647,000 people to 2 districts that have less than 300,000 people in them. Why don't we just drop this one because we're not going to spend much time on these charts.

Then if you'll turn to the charts over in the far corner, we'll look at the representative districts as they exist in Wayne county and the city of Detroit. Reference will be made later this afternoon when we are considering Committee Proposal 80 with reference to the shape of representative districts. You will notice the peculiar shape of some of these districts and you know that in Wayne county the districts run 2 or 3 representatives per district, with the exception of the districts of Hamtramck and Highland Park. Now we may see the other chart beyond. This chart shows the representative districts in Wayne county outside the city of Detroit, and here you have Highland Park and Hamtramck with approximately 40,000 people in those districts and the largest district — and I can't see the figure but, as I recall, it's something like 190,000 or one district with about 5 times the population of others.

Now if we'll leave those and look at the charts beginning at the far side over here, gentlemen, there is a map that shows the population of this state in 1960, by counties. And if you're interested in the population of a specific county, the population is shown on that chart. Mr. Shanahan points out that there is an error in the figure for Charlevoix county, and that is just an error in copying the chart. As I understand it, the figure is either 10,000 too large or to small. Which is it, Mr. Shanahan?

MR. SHANAHAN: The figure on the charts — most of them — is 3,421. Ten thousand people may not mean very much to Wayne county but it means an awful lot to Charlevoix county. It should be 13,000.

MR. J. A. HANNAH: That's a clerical error in making the first chart. The next one shows the 1970 population estimates. These happen to be Consumer Power figures. There are other figures that are somewhat different from these estimates, but in general, the disagreement is not great. Some counties are guessed by certain demographers which grow more rapidly or less rapidly than the Consumers Power company estimates. If you want to study this chart, this will give you the figures on which you can make your guesses as to what the population is going to be in any county of the state in 1970, based on these figures.

Now, the next chart. When we begin to talk about our formula for apportioning the senate, we're going to be talking about apportionment factors. One of the measures is a factor based on the percentage of the land area that each county is of the total land area of the state. That figure does not vary and the chart that is now being held up gives this figure for every county in the state. You can ascertain what the land area of your county is and that factor will stay fixed.

The next chart gives the percentage that the population of each county is of the total state population in 1960, and so you can do your own calculations. I think that one shows that Wayne county in 1960, when the census was taken April 1, had 34.08 percentage of all of the people of Michigan living in that county, and up in Keewenaw county I believe it's 3/100 of one per cent of the people in the state living in that county.

The next chart — we'll have to back up one — is on the 1970 population figures. We don't need to pick it up. Two charts back — we'll just make reference to it — if you're interested in what the percentage of the population of the state, each county's figure, will be in 1970, that's the second figure on that chart. So if you want to do your own guessing, you can take the population figure. You'll notice the population is the larger figure, and then the smaller figure is the percentage of what that population will be of the estimated total population in the state in 1970. All right, now we'll move along rapidly.

Maps are a mistake because, of course, this apportionment commission which you have just authorized, if it is approved by the people, will actually draw the district lines. The question is going to be asked in a few minutes on the basis of estimated population for 1970, what will the senatorial districts look like? I don't know what they'll look like. This is one way that the state might be districted. Our research people drew the districts on the basis of the recommendation that will be before you in a few minutes, and this is one way that the district lines might be drawn.

The next chart shows what the districting is likely to be if the constitution is approved, with the provision in it that we hope you're going to approve this afternoon. The house of representatives could be based on districts looking like this one. This is based on the figure approved by you on first reading, with any county or group of counties with 7/10 of one per cent of the state's population constituting a district, getting one representative, and the difference between that number and 110 divided among the districts on the basis of equal proportions. That's what the districting might be in 1964, after the apportionment commission has acted. Then the question was asked before as to what would happen if the 7/10 factor was omitted and if the apportioning of the house of representatives was based on straight population. If you'll drop that map and pick up the next one, this is what our staff indicates the districting might look like if the 7/10 of one per cent factor wasn't included in the formula. If you will pick up the next chart, the last one, this analyzes the difference between the 2. These are the figures that were presented to you 2 or 3 weeks ago when this matter was up before.

The top corner of the state, above the red line, in 1960 had 3.93 per cent of the state's population, with 110 house seats they are entitled to 4. Under the committee proposal before you again this afternoon, they will get 5. If the 7/10 factor was eliminated, they would get 4. In the northern part of the lower peninsula, north of the Muskegon-Bay line, there resided, in 1960, 6.10 per cent of the state's population. They are entitled to 7. Under the committee proposal they would get 8. Under a straight population basis they would get 6. The 5 most populous counties of the state: Wayne, Oakland, Macomb, Genesee and Kent in 1960 had in them 57.51 per cent of the state's population. They would be entitled to 63 representatives out of 110. The committee proposal gives them 62. If you were to work it out on a straight basis, adhering to county lines, they would get 64. The rest of the lower half of the state, with 32.5 per cent of the state's population, would be entitled to 36. Under the committee proposal they'd get 35. Under the straight population they would get 36. Now, all of these charts and figures will be under discussion a little later, I'm sure, when we come to the proposals.

I should like to review for you what happened when this was before you in committee of the whole. You will recall that the committee recommendations provided that after an apportionment factor was determined for each county — and you will recall again that this factor is the sum of the percentage of the state's land area that a county is, plus 4 times the percentage of the population contained in that county at the last decennial census. You add the figures together and you come up with the apportionment factor. With 38 senators, if you divide 500 apportionment factors by 38 — and there will always be 500, regardless of the population — there will be 400 factors based on population, 100 on area — if you will divide 500 by 38 you will come up with 13.1 plus. The proposal before you provided originally that any county with 13 apportionment factors, of course, obviously would be entitled to at least one. They would certainly be entitled to as many senators as the apportionment factors were multiples of 13. Because of the

problems in districting, the recommendation before you originally was that any county that had as many as 10 factors might qualify for a seat; that the counties that were grouped together so that there were multiple county districts, the average would have to be 13, but the minimum could be 10 and the maximum could be 16.

Then, when we got to the matter of the counties entitled to more than one senator, the committee report recommended that any county with 19.5 apportionment factors should be entitled to the second senator. And that was obviously to take care of Kent county that has had 2 senators for decades. There was a good deal of debate. Professor Pollock proposed an amendment that we substitute words that would have the effect that whenever any county had 6.5 apportionment factors beyond the multiple of 13, they would get an additional senator. That was tentatively approved. This greatly concerned some of our people because they saw in this the possibility that there might be several senators qualify for a second or a third or a ninth or a tenth seat with 6.5 factors and less than 13, because there are only 500 altogether; whatever the deficiency below the multiple of 13 that this multiple county district got in the way of senators, of course, these factors would have to be picked up somewhere else. And some of our people could see that there was the possibility, although it was remote, that there might be 2 or 3 additional senators given to the populous counties that would have the effect of reducing the appropriate senatorial representation for the smaller counties going into the multicounty districts. And so it was stated before this convention that if lines 7, 8 and 9 were taken out—the so called Pollock amendment—that between first and second reading, there would be drafted a provision that would adequately take care of the problem of the counties entitled to several senators. Now we come to the provision before you, which is the committee substitute for section a. But before we have this read and it is before you for debate, I want to now make my statement with reference to area representation.

The committee, after a good deal of thought, came to the conclusion—and I am sure the committee was correct—that the best interests of this state are going to be served if one house of the legislature is apportioned on some basis other than straight population. The committee decided that it would be the senate that would be apportioned on some basis other than straight population. It then gave consideration to what factors should be given consideration: obviously area was one factor. The suggestion was made that it would be appropriate to take into consideration economic interests because of the diversity of interests in some areas. And there were other suggestions. Finally, because of the difficulty of identifying anything but area, the committee concluded that area and population were the only factors that it could recommend to this convention.

Then the question came as to what emphasis would be placed on area. And at this point, after a good deal of thought by all members of the committee, I think we concluded that the fairest proposition would be to come to you recommending that there be a definite number of senators allocated on area; and you will recall that this was a statement I made before. My proposal to our committee was that we be objective and fair and forthright about it; and I proposed that we divide the state into 4 geographic areas approximately equal in population, but vastly different in area: the upper peninsula, the northern half of the lower peninsula, southwest Michigan, southeast Michigan and that we allocate 8 senators on an area basis, 2 to each region. And then we faced the problem of how to allocate the seats within the region. And of course we came to the conclusion that the only way that you could allocate the seats within the region would be on the basis of population. And if we were to follow that proposal, which was a personal proposal, it had the effect, in southeastern Michigan, of putting the area senators into Wayne county because that's where the people are. And that wasn't the reason for the area senators in the first place.

Then Mr. William Hanna devised the formula which we presented to you before and again today, and that was the one that we come up with a factor per county, with 20 per cent of the factor in each county based on area and 80 per cent of the factor in each county based on population. And that's the one before you.

Now we come to the supreme court decision and the contention of many people that there is something basically wrong with the recommendation we have before you. I submit that it's a mistake for anyone in this convention, or out, to pretend that the senate representation is based on population, because it isn't based on population. It's based 80 per cent on population and 20 per cent on area because it is a fact that it is fairer and more nearly in the best interests of the state to make certain that there are a reasonable number of senators representing that vast geographic area in the upper peninsula, a reasonable number representing that vast area in the northern half of the lower peninsula. So I make no apologies. There is nothing I have seen—I am not a lawyer—I have read the complete statement of the justices of the United States supreme court, all 150 pages, I have read the statement issued by the supreme court last Monday, with Mr. Harlan's dissent. I've heard nothing on the floor of this convention about Mr. Harlan's dissent. I've heard all the discussion about the 3 lines which remanded the Scholle case to the state supreme court. But if you'll read Mr. Harlan's longer dissent, he points out that in his view there is no similarity at all between the Tennessee case and the Michigan case. He points out the fact that our senatorial districts, which alone are at issue, were established by a vote of all of the people in 1952. And everything that lawyers that I have confidence in have told me indicates to me that if the state court or the federal court finally bases its decision on equity, it will conclude that the formula before you this afternoon, with 80 per cent emphasis on population and 20 per cent on area, is equitable, is fair, and should stand up in the courts. Whether it will or not, I do not know.

Later on in the discussion Mr. William Hanna will give you some authoritative figures on where Michigan will stand among all the states in the union if all you take into consideration is population, and we'll be very high indeed. Now, Mr. President, I would suggest we ask the secretary to read the substitute Committee Proposal 80 and we place this matter before the convention.

VICE PRESIDENT HUTCHINSON: The secretary will read the committee substitute for section a of Committee Proposal 80.

SECRETARY CHASE: Mr. J. A. Hannah, on behalf of the committee on legislative organization, offers the following substitute for section a of Committee Proposal 80:

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

Notwithstanding any other provision in this constitution, the state senators shall be elected at the general election in 1964 to serve for 2 year terms beginning on the first day of January next succeeding their election. The first 4 year election under this constitution shall be held at the general election in 1966.

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 of one per cent multiplied by 4 and its percentage of the state's land area computed to the nearest 1/100 of one per cent.

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 entitled shall be distributed among

VICE PRESIDENT HUTCHINSON: The substitute for section a is adopted. Mr. Downs.

MR. DOWNS: Mr. President, the question is now upon the substitute; is that correct?

VICE PRESIDENT HUTCHINSON: We have some further amendments to the committee proposal, Mr. Downs.

MR. DOWNS: Is this Committee Proposal 80?

VICE PRESIDENT HUTCHINSON: Yes.

MR. DOWNS: I wish to be in line to speak, but not on the amendments.

SECRETARY CHASE: Mr. John Hannah, on behalf of the committee on legislative organization, offers the following amendment:

1. Amend page 4, line 6, [section c, paragraph 1] after "part of" by striking out "the" and inserting "a"; and on line 8, after "merger" by changing the period to a comma and inserting "as determined by ordinance of the city certified to the secretary of state."; so that the language in section c will read:

> 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, as determined by ordinance of the city certified to the secretary of state.

VICE PRESIDENT HUTCHINSON: On the committee amendment, the Chair recognizes Dr. John Hannah.

MR. J. A. HANNAH: Mr. President and ladies and gentlemen of the convention, this amendment presented to you as recommended by the committee, was instigated originally by the committee on style and drafting. The committee on style and drafting pointed out to our committee that without this language section c did not clarify what it was expected to clarify. The import of section c is to provide that when a city annexes territory adjacent to it the territory annexed is to become a part of the legislative district of the city, the only exception being that if a member of the legislature, representing the district of which the annexed area was formerly a part, lives in the annexed territory he does not lose his seat until the completion of his term.

The committee on style and drafting pointed out that it is possible that a city with more than one senatorial district or more than one representative district might annex territory to it with the annexed territory contiguous to more than one legislative district. That left open, then, which of the districts in the city the new territory was to become a part of. The proposed language is one of the alternatives suggested by Professor Joiner and the effect of it will be that if this unlikely circumstance should arise, then the governing body of the city to which the new territory is annexed would determine the legislative district to which the new territory is to be attached, only with the requirement that after they have taken the required action by appropriate ordinance, they will certify to the secretary of state which of the legislative districts the new area is to be attached. The committee recommends that the convention approve this amendment.

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

The committee amendment is adopted. Are there any further amendments to the body of the proposal? Mr. Hannah.

MR. J. A. HANNAH: The committee on style and drafting made certain changes in sections b and c. They are word changes that are concurred in by the committee on legislative organization and we recommend their approval.

VICE PRESIDENT HUTCHINSON: The Chair recognizes Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, I have spoken to Mr. Hodges, Mr. Downs and Miss Hart, and a debate limit of 30 minutes for the remainder of the proposal is agreeable to them. I hope it will be to the convention, and I would so move.

VICE PRESIDENT HUTCHINSON: The question is on the motion of Mr. Van Dusen. All those in favor will say aye. Opposed will say no.

The motion prevails. The question is upon the passage of the proposal. Mr. Wanger.

MR. WANGER: Mr. President, I desire to ask a question of one of the members of the committee on legislative organization about section c. Would that be in order at this time or would section b be in order?

VICE PRESIDENT HUTCHINSON: The question is upon the whole proposal, Mr. Wanger.

MR. WANGER: I would like to ask, then, why section c should be included in the constitution. I appreciate that annexation across legislative district lines can occasionally require, under our present law, some inconvenience in perhaps redrawing precincts and perhaps making special changes on voting machines and ballot printing. But it also seems to me that this committee proposal means that every time you annex across legislative district lines you're going to have politics enter into the problem of annexation and it will be a type of politics that has not been there before. In those cases where the annexing area is evenly divided politically and the area to be annexed is perhaps heavily weighted in favor of one party or the other, this political problem might be a very weighty factor in the question of annexation. I suggest that this would be an evil and we should not create a situation where this type of a political consideration would be effective in the very serious, legitimate problems of annexations to cities.

VICE PRESIDENT HUTCHINSON: Dr. Hannah.

MR. J. A. HANNAH: Mr. President and members of the convention, this matter was introduced as a result of testimony by election officials, who pointed out that in cities that have had substantial annexations, there are many uncertainties and confusions that develop in connection with elections; and it was particularly pointed out in the little community of East Lansing, which has recently taken in fractions of Lansing township and Meridian township in different legislative districts, with the people in these newly annexed areas staying in the old districts so that it's been very confusing and difficult for them to carry on their elections. This has been true in Grand Rapids and Kalamazoo and elsewhere. I would yield to Mr. Blandford to answer this question more fully.

VICE PRESIDENT HUTCHINSON: Mr. Blandford.

MR. BLANDFORD: Mr. President, I feel that Dr. Hannah has pretty well covered it. As you well know, the present constitution states that territory annexed to an existing city shall remain in its present representative district until the next apportionment. And as he has stated, this clause has resulted in great confusion in cities that have had annexation. Presently, when areas join a city through annexation or merger, the people residing in the annexed area are immediately eligible to vote in the city elections. However, they do not join the senatorial or representative district of a city they have annexed or merged with, but remain in their original legislative districts. The result is a great amount of confusion.

I can speak, of course, from personal experience in the city of Grand Rapids, where we've had some annexations recently. Originally, the second and third wards of Grand Rapids voted in one representative district and one senatorial district. Presently these same people now vote in 3 representative districts and 2 senatorial districts. In other words, neighbors voting for the same commissioners, mayors and so on vote for different state senators and state representatives. Representatives from the municipal clerks association testified before our committee that the present system greatly complicated election procedures. In line with that, I'd like to read a letter that I received from Frank Niederstadt, who is the city clerk of the city of Saginaw. He says — I'll read the middle paragraph:

> It is my belief that this provision would have no effect whatever on annexation, but it would materially help in the election procedures. An example which has occurred here: about 80 acres of land were annexed to the city of Saginaw in 1957. This area had about 10 residents; 7 of them were registered voters and, under present laws, it has been necessary in every election at which representatives to the state legislature are elected to set up separate ballots or a voting machine to take care of these people who retain their status in representative district 2 of Saginaw county until the next apportionment by the board of supervisors which will not occur until 1963.

Of course, he's assuming the present constitution.

> We have never had more than 4 votes cast under this special procedure. The people in the area have complained to me repeatedly about not being able to vote for the city representative to the legislature and particularly on the city representative to con con.

I think, briefly, that pretty well points up the problem. It was the feeling of the clerks that testified before our committee that the annexed area should become a part of the legislative districts of the annexing city immediately upon the effective date of annexation rather than waiting 8 or 10 years until the next reapportionment. Accordingly, the committee wrote this provision into its recommendation with the following 2 restrictions: the first restriction was that the provision does not apply when these annexations cross county lines. This was necessary, of course, to preserve the county line requirement in our representative senatorial districts. The second restriction, which Dr. Hannah mentioned, is that this provision would not unseat a member of the legislature living in the annexed area for the remainder of the term for which he was elected.

The legislative organization committee feels this provision will result in less confusion among city and township voters and will greatly assist in removing some of the complications of holding elections. Accordingly, we recommend its inclusion in Committee Proposal 80 and sincerely recommend the affirmative vote of this convention.

VICE PRESIDENT HUTCHINSON: Mr. Wanger still has the floor.

MR. WANGER: I would direct a further question, if I might, through the Chair, to Delegate Blandford. He has very well pointed out how this section works out some of the mechanical inconveniences and the confusion among those voters in annexed areas who don't take the bother to call up their city clerk and ask where their district line is drawn, or go look at a map. Admittedly, these are arguments of some weight, but you've neglected the argument and the question which I've raised; namely, the serious implications which could arise over issues of annexation when the areas are so politically divided that the political makeup of the legislative district might be switched or affected or reversed under this section. That would clearly make it a very partisan political issue, bring partisan politics into annexation in those cases in which it admittedly could arise. Now, don't you think that that is a serious evil in those cases where it would arise? And don't you think that that evil outweighs the mechanical benefits of this part of the committee proposal?

MR. BLANDFORD: Through the Chair to Mr. Wanger, I can only speak from experience on this, Mr. Wanger. We've had some annexations in the Grand Rapids area — I believe about 11 of them in the last few years — and I cannot recall where politics entered into the situation whatsoever. It's chiefly water services, sewer services, attending our city high schools and things like that that have a bearing upon annexation. The question of the political makeup of the area that was being annexed or the political makeup of party lines of the area that they were annexed to has never entered into any annexations that we've had in our area. This is one of these "if-come" questions. It's possible that sometime it might. You can't say it never will. But all I can say is that the experience that we've had in annexation, it never has entered into the picture.

MR. WANGER: Mr. President, I would briefly conclude by thanking Delegate Blandford and by saying that past experience in this case is obviously no guide because under our law, as it exists now and has been, annexation does not affect the lines of the representative and senatorial districts. Under this plan it would.

[Vice President Romney assumed the Chair.]

VICE PRESIDENT ROMNEY: Delegate Jones.

MR. JONES: Mr. President, fellow delegates, I rise to urge a no vote on Committee Proposal 80, and I do so because I feel that this proposal has a built in guarantee that we will continue to have unequal representation in our respective legislative districts. As I read this proposal, I note that you can have as few as 10 apportionment factors to qualify for a senate seat, or you may have as many as 16 and still reach the requirement of one senate seat. This amounts to a deviation of 60 per cent between the district having the minimum number, 10, and the district having the maximum number, 16.

Secondly, it has also been pointed out by the proponents of this proposal that area amounts to only 20 per cent by the factor computation whereas population amounts to 80 per cent. However, I should like to point out that in some of the senatorial districts in our state under this formula, when you get through computing the apportionment factors, you will find out that some of these districts have from 50 to 60 per cent of the senatorial district being based on land area. Now, this to me does not get to the point of providing as nearly as possible equal representation. Therefore, I urge the delegates to vote against Committee Proposal 80.

VICE PRESIDENT ROMNEY: Delegate Richards, of Marquette.

MR. L. W. RICHARDS: Mr. President, I believe I'd be remiss if I did not rise first to answer some of the statements that have been made by our good friends from the opposing party referring to some of the stumpland and swamps, and I can't help but believe they definitely have reference to our good U.P. That disturbs me considerably. I think that all of the U.P. delegates here are in a very awkward position.

I had voted for the committee proposal on the strength that I do not believe we can come up with anything better at the present time. I think the committee has done a fine job. And yet, I'd like to retain what we have. We would lose 2 representatives by this proposal. It disturbs me to think that some of these delegates once again feel this one man, one vote situation is the only thing that does concern the state of Michigan.

I want you to recognize the fact that the economy of the U.P. is a very rough situation. We need the representation we have. I'd also like to call attention to the fact that the minority group — if this has gone along party lines — that at the present time they have 9 of the 10 representatives of the Democratic party from the U.P. And I'd like to state that I've been proud of all of our legislators that have come down from the U.P. both now and in the past when we did have a lot more Republicans. And I want you to know that they have contributed to this state. I know that they have introduced legislation that's been beneficial to all of the state of Michigan. And when you individuals are only thinking of the one man, one vote situation, not concerned with the economy and the welfare of the U.P. and you sit here and contend that your interest is in the state of Michigan as a whole, I don't think you're fair in your proposition.

We in the U.P. do not ask for much. But please don't take any more than you're taking away from us now. I would not vote for this if I thought we could get any more. But I'm trying to hold the line for it. And, Mr. President, if you could grant me permission, I'd like to be able to put my reason for my voting in writing at the end of this.

VICE PRESIDENT ROMNEY: There is no objection. It is so ordered. Delegate Judd.

MRS. JUDD: Mr. President, I'd like to make a point with respect to section c on the annexations. I'm willing to grant that it causes a great deal of confusion, both on the part of the voter and on election law administration. However, I do believe that there is a great deal to what Delegate Wanger said. We have sufficient ill feeling and conflict generated in the annexation problem as it is without adding the conflict that would come from the question of legislative apportionment.

Secondly, there is no provision in this for the reapportioning of the city and the remaining part of the county as a result of adding the annexed areas to the city. And with some of the sizes of the annexed areas that we have had, this would cause a very real malapportionment which, as Delegate Blandford says, might last 8 to 10 years.

In my opinion, the real remedy for the election administration confusion lies not in this question of legislative apportionment, but in new annexation laws to prevent annexations by bits and pieces and jagged shapes, such as we have to date. If they come in in large regular areas, the problem of election administration can be handled. This is a legislative remedy and it can be handled, can be remedied whenever the legislature makes up its mind to act.

Mr. President, I would like to ask if the question can be divided so that we can vote separately on section c.

VICE PRESIDENT ROMNEY: We cannot, Mrs. Judd. Under a former ruling it cannot be divided. There is an amendment pending to strike out section c. Delegate Knirk.

MR. KNIRK: President Romney and delegates, I'd like to make a few comments here. I notice this afternoon, from many of the comments of some of the delegates, that because of the very outstanding individual in the galleries — and I am sure she was only here for the purpose of passing the time of day and talking about the nice weather outside — many of the people and delegates here get up before the press, before radio commentators, television and so forth and make some wonderful oratory. I think we've had just about all the oratory that's needed. I'm certain that the commentators and writers have had enough information to put forth and I certainly hope that the very distinguished visitor in the gallery this afternoon has discussed the weather with many of the people here.

I would like to bring to your attention that the plan that's been proposed here by the legislative organization committee is absolutely outstanding in America, and as has been indicated by Bill Hanna, our house plan will set this state as a model for the rest of the states. Only one other, as he indicated, the state of Oregon, comes in the same area as far as determining population as a criteria for apportionment. I think that our senate plan is one of the soundest and the most rational apportionment plans that you have in the country, and I, as a layman, do not fear in any way, shape or form a contest before the United States supreme court on this issue. I do feel that there might be some reasons in our own state supreme court — which I will not discuss here, as they're my personal opinions on that, their thinking — but I think that when this is brought before the United States supreme court it will be upheld, if it ever becomes contested. And I think you should note that our senate plan will also place this state among the top 1/3 of the 50 states.

I certainly hope that on this particular historic day, whether you be for or against what has happened in the state of Michigan — and I might say, because it happened at, I think, 10:22 this morning, we had indicated the possibility of an income tax. About 11:00 o'clock, or shortly thereafter, we indicated a real forward step in having the government of Michigan have something to do, or at least more to do with civil service — and I think as the climax of this historic day that we might just as well have 3 strikes, 3 good ones, and the third one being that the delegates here at this convention absolutely support Committee Proposal 80 that's under consideration.

You know, sometimes we get misled by whether or not the people have been offered what is desirous for them. I think that Delegate Norris raised my dander as a farmer when he indicated in his remarks — and I would invite him to come down to the farm sometime where we could spend a day or 2 just to visit on this — but I would like to bring to his attention that a major farm magazine in the past 2 months conducted a poll on what the present administration has offered for farmers; only 4 per cent of the people out of 50,000 responses within a week's time, were in favor of such a program and 54 per cent of the people wanted no part of government in farming. I think, Delegate Norris, that's another issue that doesn't have much to do with apportionment, but I think we get misled often-times with what the people want. I think what has been offered, the people will buy and support, and should support it, and it's for the best interests of this state and will represent all segments, and all segments of our state will have a voice in government, and the senate, particularly, is the only area in which the minority groups in this state can be heard. And I certainly urge and I hope, as I stated earlier, the press, radio and television people have got plenty to write about and I don't know why, gentlemen and ladies, that we pursue this course any longer. And I hope we can get on and vote.

VICE PRESIDENT ROMNEY: Delegate Martin.

MR. WALKER: Point of convention privilege, Mr. President.

VICE PRESIDENT ROMNEY: Delegate Walker, did you say you had a point of convention privilege?

MR. WALKER: I believe it would be, Mr. President, in reference to Mr. Knirk's words there. I think that we all know who Mr. Knirk was referring to and that would be Mary Ellen Reardon who represents the school teachers. Would you stand up, Miss Reardon? (applause)

VICE PRESIDENT ROMNEY: Delegate Marshall.

MR. FORD: Mr. President.

VICE PRESIDENT ROMNEY: Delegate Ford.

MR. FORD: I don't want to be disrespectful to the Chair but I think you're showing Mr. Marshall undue preference here in recognizing him ahead of other people who had the floor.

VICE PRESIDENT ROMNEY: Delegate Marshall had requested the floor some time ago.

MR. FORD: I wouldn't under any circumstances suggest that you were —

VICE PRESIDENT ROMNEY: Delegate Marshall had requested the floor —

MR. MARSHALL: Delegate Ford, with you as the township attorney and the attorney for the Taylor township water and sewer commission and I as one of your employers, I wouldn't interfere too much while I'm on the floor. (laughter)

Mr. President and delegates, I think Mr. Walker disposed of the distinguished guest. I've seen the people in the gallery this afternoon myself and they're all citizens of the state of Michigan and as such, I think they're all distinguished. We're always happy to have distinguished guests in the gallery.

I rise to urge a no vote on this proposal. Delegate Blandford spoke at some length in regard to the annexation problem, in giving it immediate effect, that we shouldn't wait until 1970 to do this. And I would point out that the committee proposal, while it is not equitable, while it does not meet what I believe to be the test of equality, yet, it's extended until the 1970 census, which could mean 1971 before it could be effected. I raise the question that, if we're going to kick the people around for 10 more years, why not kick them around for 25 more years, or 30 years, or 2,000?

In answer to Delegate Richards — I have a lot of respect for Delegate Richards — I would only point out that I, too, recognize and understand the economic problems confronting the U.P. And I also realize the high percentage of unemployment in the U.P. But I would point out to you — and I have to point this out because you raised the question in discussing it as it related to this proposal before this convention — time and time again your representatives from the U.P. have come to the legislature and introduced bills. One in particular, one of your senators on several occasions has introduced the mine safety code bill, and it's been constantly defeated in a malapportioned senate by the conservative representatives from the sparsely settled areas. And I would also like to point out to you, Delegate Richards, one other factor — and then I will relinquish the floor — that would have been very important to a section of this state that has approximately 20 per cent unemployed in many sections, and that was when a malapportioned legislature refused to enact the enabling legislation that would have brought into this state $25 million and would have brought the children of unemployed workers under the ADC program. This is what a malapportioned legislature can do for the economic depressed areas, I think.

VICE PRESIDENT ROMNEY: Delegate Leibrand.

MR. LEIBRAND: Mr. President, fellow delegates, I feel obligated to vote no on Committee Proposal 80 but for reasons far different from those advanced by the minority members of this convention. To conserve time, I ask leave to file in writing with the secretary the reasons for my vote.

VICE PRESIDENT ROMNEY: Granted. The secretary will read.

SECRETARY CHASE: Mr. Wanger has filed the following amendment:

1. Amend page 4, beginning on line 4, by striking out all of section c.

VICE PRESIDENT ROMNEY: Delegate Wanger.

MR. WANGER: Mr. President, members of the convention, this amendment was thought out before the committee amendment to section c, which added the words "determined by ordinance of the city" and since my previous questions on the floor, it has been suggested that this new language leaves this question of changing the legislative district to the discretion

of the city council and does not operate automatically as before. I would like to direct a question to the chairman of the committee, Dr. Hannah, if that is the case and the intent of the committee in this amendment.

VICE PRESIDENT ROMNEY: Dr. Hannah.

MR. J. A. HANNAH: That is correct, Mr. Wanger. I would like to yield to Judge Dehnke as an attorney to comment on this one.

VICE PRESIDENT ROMNEY: Judge Dehnke.

MR. DEHNKE: Mr. President and fellow delegates, Mr. Wanger, there is one sentence in the proposal that I think explains why it's necessary to have this provision in the constitution and in this part of the constitution, and that is the last sentence, "No legislator shall be deemed to have vacated his office by virtue of the above section." That's what led to the inclusion of this in the proposal. We have a situation sometimes—or could have—where a member of the legislature might be a resident of the area annexed to some city and the claim might be raised that inasmuch as he no longer resided in the district in which he was elected, he had vacated his office. This relates to composition, organization of the legislature, and that sentence alone, I think, makes it necessary to keep this section c in. Aside from that, it's a matter of discretion with the city council as to the arrangement that shall be made as to the apportionment. They don't need to act unless they think it's advisable from every standpoint of public policy.

I don't think we can anticipate all the arguments and considerations that might be brought into a question of annexation. This does not deal with the procedure for annexation. It merely takes care of problems that sometimes are raised after annexation in connection with the representation of that area in the legislature.

VICE PRESIDENT ROMNEY: Delegate Wanger.

MR. WANGER: Mr. President, upon the assurance and explanations of Delegate Hannah and the judge, I've discussed with Mrs. Judd, who wished to join me on this amendment, and at this time I withdraw the amendment.

MR. ROMNEY: The amendment is withdrawn. The vote is upon Committee Proposal 80. All those in favor will vote aye. Mr. Downs.

MR. DOWNS: Point of order. When Mr. Hutchinson was in the Chair, I had asked to be put on the list to speak. I said I didn't want to speak on the pending amendment but on the final proposal itself.

VICE PRESIDENT ROMNEY: Very good, Delegate Downs. The Chair didn't have a note to that effect.

MR. DOWNS: If there are speakers ahead of me, I do not want to speak in their place.

VICE PRESIDENT ROMNEY: There are no speakers at this point.

MR. DOWNS: Mr. President, fellow delegates, we have had a long day on this. I again urge a no vote and want to bring out some other factors that I don't think have been touched upon too clearly, and this is the effect of not having equal apportionment of the people of the state of Michigan. I think, first of all, it affects the people directly in trying to solve problems, whether it's mine safety, aid to families of unemployed or others, or industrial problems; that very often bills are defeated by the majority of the legislators who represent a minority of the people, and the majority of the people are represented by a minority who cannot pass a motion. I would just cite, for example, in our own convention, without going into the merits, on many of our close 68 to 64 votes, I would guess that if we broke that down among the number of people represented, we would find that the 64 minority actually represented more people than the 68 majority.

I think a second problem is the built in conflict within the government. There has been much discussion on this floor: why can't the legislature get along with the governor? Or why can't the governor get along with the legislature? The phrasing of the question often depends on the party of the person asking it. But the issue is a deeper one, and those of us who were over at the state senate last night, I think, saw examples. And I am not, again, reflecting on any individual, but say that when we have a governor who is elected on a one man, one vote basis and a legislature elected on another basis, we have a built in conflict between the legislature and the governor that is not healthy or wholesome for the legislature, the governor or, most of all, the people of the state of Michigan. This carries over to tax assessments, tax raising, as well as expenditures of money. And particularly to my friend from the upper peninsula — and I refer to our good friend, Delegate Richards — this aim is in no sense to penalize the people of the upper peninsula. I firmly believe that if voting records are examined, you will find, for example, Delegate Binkowski from Detroit was the first delegate in this convention to carry the ball — and a legislature elected on another basis, we have a built in inac bridge. But I think you will find the delegates from under represented industrial areas have consistantly voted for the needs, economically, industrially and educationally, of that part of the state.

And finally, on the legal questions, Delegate Bill Hanna has raised questions that I am sure at least, I, for one, do not pretend to answer. I do not know if the United States supreme court will declare that every state legislature and every board of supervisors and every city council elected on a system of wards unequal in population is unconstitutional. I do not know that. But what I do know is that there has been this historical legal breakthrough, where the United States supreme court has said that the matter of equality of voting is a justiciable question and the court has jurisdiction over this. The direction is clear and I, for one, hope that this convention will vote with the stream of progress and not to divert that stream. So I plead with the delegates in the hopes of the basic equality we are dedicated to, that we vote no on this and hope by third reading we can come up with a completely equitable basis. Thank you.

VICE PRESIDENT ROMNEY: Time has expired. The vote is on Committee Proposal 80. Those in favor will vote aye and those opposed will vote no. Delegate Richards.

MR. L. W. RICHARDS: Are we voting on the proposal?

VICE PRESIDENT ROMNEY: We are voting on the complete proposal, Committee Proposal 80, as amended. Those who favor it, vote aye; and those opposed, nay. Have you all voted? Has everyone voted? If everyone has voted, the secretary will record the vote.

Mr. Heideman.

MR. HEIDEMAN: I should like permission to make a written statement with my brother delegate, Leslie Richards, in explanation of my vote.

VICE PRESIDENT ROMNEY: Permission granted.

The roll was called and the delegates voted as follows:

Yeas — 81

Allen	Hannah, J. A.	Rajkovich
Andrus, Miss	Haskill	Richards, J. B.
Batchelor	Hatch	Richards, L. W.
Beaman	Heideman	Romney
Bentley	Higgs	Rood
Blandford	Howes	Rush
Brake	Hoxie	Seyferth
Butler, Mrs.	Hubbs	Shackleton
Conklin, Mrs.	Iverson	Shaffer
Cudlip	Judd, Mrs.	Shanahan
Danhof	Karn	Sharpe
Dehnke	King	Sleder
Dell	Knirk, B.	Spitler
DeVries	Kuhn	Stafseth
Doty, Dean	Lawrence	Staiger
Doty, Donald	Leppien	Stamm
Durst	Martin	Sterrett
Elliott, A. G.	McLogan	Stevens
Erickson	Millard	Thomson
Everett	Mosier	Turner
Farnsworth	Page	Tweedie
Figy	Plank	Upton
Gadola	Pollock	Van Dusen
Goebel	Powell	Wanger
Gover	Prettie	White
Habermehl	Pugsley	Wood
Hanna, W. F.	Radka	Yeager

Nays — 45

Austin	Ford	McAllister
Baginski	Hart, Miss	McCauley
Balcer	Hatcher, Mrs.	McGowan, Miss
Barthwell	Hodges	Murphy
Binkowski	Hood	Norris
Boothby	Jones	Ostrow
Bradley	Kelsey	Perlich
Brown, T. S.	Kirk, S.	Perras
Buback	Krolikowski	Sablich
Cushman, Mrs.	Leibrand	Snyder
Douglas	Lesinski	Stopczynski
Downs	Liberato	Suzore
Elliott, Mrs. Daisy	Madar	Walker
Faxon	Mahinske	Wilkowski
Follo	Marshall	Young

SECRETARY CHASE: On the passage of Committee Proposal 80, as amended, the yeas are 81; the nays, 45.

VICE PRESIDENT ROMNEY: **Committee Proposal 80, as** amended, is passed.

Following is explanation of vote submitted by Mr. Boothby:

I voted no on Committee Proposal 80 which is concerned with legislative apportionment for the following reasons:

1. I firmly believe that if one house of a legislative body is apportioned on a population basis the other house should be based on some other factor rather than both being weighed primarily in favor of population.

2. A lawmaking body must never be so constituted as to allow an unchecked majority the power to impose on the individual citizen, hastily drafted, ill considered and tyrannical legislation.

3. Under the present apportionment plan the 5 metropolitan counties of the state will, by 1970, have majority control of the house and neary 50 per cent control of the senate. The other 78 counties would lose any effective voice in state government. This in my opinion violates the concept of a balanced legislature which the people of the state emphatically adopted as recently as 1952.

4. I must keep my promises to the people that intrusted in me the responsibility of representing them.

Following is explanation of vote submitted by Messrs. Heideman and L. W. Richards:

We would like to take this opportunity to express our reason for supporting Committee Proposal 80.

We know that this proposal was the best that could be attained from the majority of delegates to the convention.

Following is explanation of vote submitted by Mr. Leibrand:

On April 25 I voted against committee substitute section a and amended Committee Proposal 80. I did so for several reasons. This proposal created a house of representatives based entirely on population. It created a senate based 80 per cent on population and only 20 per cent on area. In my opinion, much greater emphasis should have been given to area. This opinion is based on the following factors:

1. The Constitution of the United States, which established the basic pattern for all state constitutions, allots 2 senators to each state, irrespective of its population. Proponents of Committee Proposal 80 based their plea for reapportionment on disparities in population between state senatorial districts. As I recall the debate, the greatest disparity in Michigan was about 12 to 1. In the federal system, senatorial population disparities between states such as New York and states such as Nevada and Alaska run as great as 90 to 1. Yet no one has even suggested a change in the federal pattern which has served the nation well for 173 years. I believe this convention would have done better to move towards the federal pattern rather than to move away from it.

2. More than half of the population of Michigan is concentrated in 3 or 4 southeastern Michigan counties. Outstate Michigan has become a population minority. Committee Proposal 80 makes it not only possible but probable that these counties will shortly control both houses of our legislature. This convention has gone a long, long way to provide constitutional protection to minority races and creeds. Committee Proposal 80 takes away most of the constitutional protection that we outstate population minorities have at the present time.

3. As recently as 1952, the people of Michigan, by a majority of half a million votes, adopted the present senatorial apportionment system which Committee Proposal 80 will destroy. I don't believe that there has been enough change in public sentiment in less than 12 years to justify this convention in defying such a recent mandate from the people.

4. The convention seems greatly desirous of creating a legislative branch safe from judicial interference from either the United States supreme court or the Michigan supreme court. No one knows or can even guess at this time whether the 80 per cent population 20 per cent area formula created by Committee Proposal 80 will satisfy the courts.

5. A method of apportionment that has existed since before the American revolution, and has never to my knowledge been upset by the courts, is that of allotting one senator or one representative to each county. On April 5, I joined with 6 other delegates in offering an amendment to Committee Proposal 80 (journal, page 878). The amendment would have allotted one senator to each county. This would have produced a balanced legislature, with the house based entirely on population and the senate based entirely on area. Those delegates who profess to be most concerned about court interference combined with those delegates representing many outstate areas to defeat the amendment by a vote of 107 to 14.

I, personally, could not go back home to my constituents in a multicounty or outstate senatorial district and tell them I had voted against a senator from each county.

Following is explanation of vote submitted by Mr. McAllister:

I voted against Committee Proposal 80 because it gives urban Michigan complete control of the legislature and further it is not constitutional in view of the decision in the Scholle case.

VICE PRESIDENT ROMNEY (continuing): It will be referred to the committee on style and drafting.

Following is Committee Proposal 80 as amended and rereferred to the committee on style and drafting:

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

Notwithstanding any other provision in this constitution, the state senators shall be elected at the general election in 1964 to serve for 2 year terms beginning on the first day of January next succeeding their election. The first 4 year election under this constitution shall be held at the general election in 1966.

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 of one per cent multiplied by 4 and its percentage of the state's land area computed to the nearest 1/100 of one per cent.

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 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 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 a failure to comply with the above standards.

(3) Counties entitled to 2 or more senate districts shall be further subdivided into single member districts. The population of such districts shall be as nearly equal as possible but shall not be less than 75 per cent nor more than 125 per cent 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.

The state shall be districted for the purpose of electing senators in accordance with the provisions of Committee Proposal 80, section a, after the official publication of the total population count of the 1970 decennial federal census. Until the reapportionment 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 senatorial districts and Wayne county into 8 senatorial districts in accordance with this constitution.

Sec. b. The house of representatives shall consist of 110 members elected for 2 year terms from single member districts apportioned on a basis of population as hereinafter provided. The districts shall consist of compact and convenient territory contiguous by land.

Each county which has a population of not less than 7/10 of one per cent of the population of the state shall constitute a separate representative area. Each county having less than 7/10 of one per cent 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 of one per cent of the population of the state. Any county which is isolated under the initial allocation as herein provided 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 or more representatives shall be divided into single member representative districts as follows:

(1) The population of each district shall be as nearly equal as possible but shall not be less than 75 per cent nor more than 125 per cent 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. c. 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, 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.

VICE PRESIDENT ROMNEY (continuing): Delegate Van Dusen.

MR. VAN DUSEN: Mr. President, after our 7 hour session yesterday afternoon it was called to my attention that our staff doesn't have the same freedom that we have. It is my thought that, because we have emerging problems and eminent domain still before us, we probably ought to work, if possible, until 6:00 o'clock. And I would at this time move for a 5 minute recess so that the staff can take a break.

VICE PRESIDENT ROMNEY: Those in favor say aye. Opposed.

The motion prevails and we will have a 5 minute recess.

[Whereupon, at 4:55 o'clock p.m., the convention recessed; and, at 5:00 o'clock p.m., reconvened.]

The convention will please be in order.

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

MR. A. G. ELLIOTT: Mr. President.

VICE PRESIDENT ROMNEY: Delegate Elliott.

MR. A. G. ELLIOTT: Mr. President, I move that the convention resolve itself into committee of the whole for the purpose of taking up matters on the order of general orders.

VICE PRESIDENT ROMNEY: Those in favor of the motion say aye. Opposed?

The motion prevails and Delegate Elliott will preside.

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

CHAIRMAN A. G. ELLIOTT: The committee will come to order. The secretary will read.

SECRETARY CHASE: From the committee on emerging problems, by Mr. Millard, chairman, **Committee Proposal 127,** A proposal for a section on atomic energy.

Following is Committee Proposal 127 as read by the secretary, and the reasons submitted in support thereof:

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

Sec. a. THE LEGISLATURE MAY PROVIDE BY STATUTE AND BY COOPERATION WITH OTHER STATES AND THE UNITED STATES, FOR THE REGULATION, DEVELOPMENT AND UTILIZATION OF ATOMIC ENERGY.

Mr. Millard, chairman of the committee on emerging problems, submits the following reasons in support of Committee Proposal 127:

With the introduction of this suggested section on atomic energy, the committee on emerging problems proposes to the convention that the state of Michigan take cognizance of the vast and growing importance of atomic energy to our state and nation. As yet, no state constitution incorporates any proposition dealing specifically with atomic energy, but it can hardly be doubted that a matter as fundamental as this will, in the future, be made the subject of numerous state constitutional provisions.

As the members of the convention are well aware, general jurisdiction over the subject of atomic energy is at the present time under the primary authority of the government of the United States, under federal statutes

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

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

PREAMBLE

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

ARTICLE I
DECLARATION OF RIGHTS

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3.	Right of Assembly and Petition	15– 2
4.	Freedom of Worship	15– 3
5.	Liberty of Speech and Press	15– 4
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7.	Civil Power Supreme	15– 6
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Article I
Declaration of Rights

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

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

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

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

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

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

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

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

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

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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

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

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

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

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

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

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

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

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

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

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

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

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

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

The legislature shall implement the provisions of this section.

ARTICLE III
GENERAL GOVERNMENT

Sec.		Com. Proposal
1.	Seat	10a
2.	Division of Powers	21a
3.	Great Seal	18a
4.	Militia	19a
5.	Inter-Governmental Agreements	128a
6.	Internal Improvement	101a
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Article III
General Government

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

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

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

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

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

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

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

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

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

ARTICLE IV
LEGISLATIVE BRANCH

Sec.		Com. Proposal
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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
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14.	Senate and House, quorums	34a
15.	Legislative Council	102c
16.	Legislature, powers, rules	102a
17.	Legislature, committees	102b
18.	Legislature, journals, protest	114a

19. Legislature, elections, recorded vote . 117a
20. Legislature, open public meetings ... 103a
21. Legislature, consent to adjourn 103a
22. Bills 35a
23. Style of laws 29a
24. Laws, object and title
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25. Laws, revision 121a
26. Bills, requirements for passage
First sentence 105a
Remainder 104a
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28. Bills, subjects at special session 105a
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30. Appropriations for local purposes ... 41a
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32. Tax laws, title 53a
33. Bills passed, approval and veto by governor 70a
34. Referendum on certain bills 113a
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39. Continuity of government 122a
40. Liquor Control Commission 27a
41. Lotteries 100a
42. Ports and port districts 87a
43. Banking and trust company laws 5a
44. Jury in civil cases 99a
45. Indeterminate sentences 106a
46. Prohibition against death penalty 20a
47. Chaplains 111a
48. Resolution of public disputes 109a
49. Regulation of employment 110a
50. Atomic energy 127a
51. Public Health 126a
52. Natural resources 125a
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 percentage of the state's land area computed to the nearest [1/100] ONE-ONE HUNDREDTH of one percent.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

eral appropriation bills as passed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

sons imprisoned or detained [on] UNDER such sentences.

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE V

EXECUTIVE BRANCH

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Article V
Executive Branch

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

YEARS NEXT PRECEDING HIS ELECTION.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE VI
JUDICIAL BRANCH

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Article VI
Judicial Branch

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE VII
LOCAL GOVERNMENT

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Article VII
Local Government

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 27. Notwithstanding any other provision

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

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

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

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

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

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

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

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

ARTICLE VIII
EDUCATION

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

Article VIII
Education

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

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

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

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

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

have powers and duties provided by law.

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

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

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

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

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

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

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

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

ARTICLE IX
FINANCE & TAXATION

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

Article IX
Finance and Taxation

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The power to tax for the payment of principal

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE X
PROPERTY

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

Article X
Property

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

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

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

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

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

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

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

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

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

ARTICLE XI
PUBLIC OFFICERS AND EMPLOYMENT

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

Article XI
Public Officers and Employment

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

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

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

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

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

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

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

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

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

partisan, racial or religious considerations.

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

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

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

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

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

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

Sec. 13. BY ORDINANCE OR RESOLUTION WHICH SHALL NOT TAKE EFFECT UNTIL APPROVED BY A MAJORITY OF THE ELECTORS VOTING THEREON, each city, village, township, county, school district[,] and other governmental unit[s] or authorit[ies]Y [performing the same or similar functions] may[, by ordinance or resolution of the governing body which ordinance or resolution shall not take effect until approved by a majority of the electors voting thereon,] establish, modify or discontinue a merit system for its employees other than teachers under contract or tenure. The state civil service commission may on request furnish technical services [to them] TO ANY SUCH UNIT on a reimbursable basis.

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

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

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

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

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

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

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

ARTICLE XII
AMENDMENT & REVISION

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

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

Article XII
Amendment & Revision

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

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

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

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

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

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

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

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

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

SCHEDULE AND TEMPORARY PROVISIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 17. Every registered elector may vote

on the adoption of the constitution. The board of election commissioners in each county shall cause to be printed on a ballot separate from the ballot containing the names of the nominees for office, the words: ["] Shall the revised constitution be adopted? ( ) Yes. ( ) No. ["] All votes cast at THE [this] election shall be taken, counted, canvassed and returned as provided by law for the election of state officers. [Should] IF the revised constitution so submitted receiveS more votes in its favor than were cast against it, it shall be the supreme law of the state on and after the first day of January OF THE YEAR FOLLOWING ITS ADOPTION [,1963, except as otherwise provided in this constitution].

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

Butler, Mrs.	Judd, Mrs.	Shaffer
Conklin, Mrs.	Karn	Shanahan
Danhof	King	Sharpe
Dehnke	Kirk, S.	Sleder
Dell	Koeze, Mrs.	Spitler
DeVries	Kuhn	Stafseth
Donnelly, Miss	Lawrence	Staiger
Doty, Dean	Leibrand	Stamm
Doty, Donald	Leppien	Sterrett
Durst	Martin	Stevens
Elliott, A. G.	McAllister	Thomson
Erickson	Millard	Turner
Everett	Mosier	Tweedie
Farnsworth	Page	Upton
Figy	Pellow	Van Dusen
Finch	Perlich	Wanger
Gadola	Perras	White
Goebel	Plank	Wood
Gover	Pollock	Woolfenden
Gust	Powell	Yeager

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Nord and others, the yeas are 36; the nays are 90.

VICE PRESIDENT HUTCHINSON: The amendment is not adopted.

SECRETARY CHASE: Messrs. Wanger, Allen and Mrs. Judd offer the following amendment:

1. Amend article IV, section 4 (column 1, line 38) after "merger" by changing the period to a comma and inserting "if provided by ordinance of the city."; and in line 41, after "by" by inserting "said" and after "ordinance" by striking out "of the city": so the language will then read:

> 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, if provided by ordinance of the city. The districts with which the territory shall be combined shall be determined by said ordinance certified to the secretary of state.

VICE PRESIDENT HUTCHINSON: On the amendment, Mr. Wanger.

MR. WANGER: Mr. President and fellow delegates, you will recall that I had originally introduced an amendment to strike out this entire section on second reading. However, the committee on legislative organization had perfected it just before that amendment was read, and as Dr. Hannah stated very clearly on the floor and as Judge Dehnke stated very clearly on the floor, the committee's purpose was, among other things, to leave the question of consolidation of representative districts to the discretion of the city and, therefore, the language as it was originally sent to style and drafting did not have a period after the word "merger" in line 38 but rather went on to say "as determined by ordinance of the city certified to the secretary of state" which clearly left this matter discretionary with the city so that it would not in every case inevitably mix up partisan politics with annexation, and that the city itself, by ordinance, could decide this question. This would leave the city in a flexible position to forestall the mechanical and precinct line problems where possible, but in any event, would assure that the people would have an opportunity to vote on the question of annexation apart from the question of partisan politics.

Now, the committee on style and drafting, while it improved the language, has also destroyed that discretion on the part of the city council to pass an ordinance because the sentence, when it ends with the word "merger," states that in every case the territory so annexed shall become merged with the representative district. This amendment merely corrects that situation by providing after "merger" a comma and the words "if provided by ordinance of the city" and thereafter by very slightly modifying the second sentence as a matter of form only. I urge this amendment. It is in keeping with the intent of the committee on legislative organization as delivered on the floor of this convention, and it will give the cities more flexibility in their annexation problems without in any way — and I repeat this — without in any way jeopardizing the power of the cities to help solve those problems which caused the committee to put this section into the proposed constitution in the first place.

VICE PRESIDENT HUTCHINSON: Mr. Blandford.

MR. BLANDFORD: Mr. President, there appears to be some confusion on this particular point. The feeling of the committee on legislative organization, as I interpret it, was that upon annexation the annexed area automatically became a part of the legislative district of the annexing city to which it was contiguous. The discretion that Mr. Wanger speaks of on the part of the city ordinance applied only in those rare instances when an area annexed was contiguous to 2 legislative districts of the city. The city could then, by ordinance, determine which of the city's 2 legislative districts the annexed area would become a part of. I feel that the language as written in the present draft is adequate and covers the point completely. I therefore urge a no vote on this amendment.

VICE PRESIDENT HUTCHINSON: Mrs. Judd.

MRS. JUDD: Mr. President, I do recall that this was Mr. Blandford's point of view, but I also recall that in debate on the floor there was some discussion as to whether it was entirely desirable that this annexation of the annexed areas also to the representative district of the city should be compulsory. Such annexations occurring early after a decennial reapportionment and including large numbers of people could create considerable under representation by people in the cities and over representation by people left in the remaining part of the county. This was the reason I had argued for the meaning, as this amendment would again return it to be, according to my understanding.

VICE PRESIDENT HUTCHINSON: Mr. William Hanna.

MR. W. F. HANNA: Mr. President and fellow delegates, in a meeting of the style and drafting committee in the wee hours of the morning, Mr. Blandford and I went around and around on this language, and I think there is a decision to be made by this convention to clarify this matter because at one time in legislative organization we specifically provided that this contiguous territory would become a part of the city representative or senatorial district upon the effective date of the merger.

I would, however, point out one problem that Bob differs with me on, but it's a problem raised by Mr. Allen, and I would like to amplify it just a little more. While it is not without possibility, it may be improbable that this problem would arise, but this is the problem: supposing that a core city would annex or merge with another city and that city, in and of itself, consisted of a legislative district for either electing a representative or a senator. The effect of the language as now before you would have the effect of eliminating one representative or one senator upon such happening because all senators and all representatives must be elected from single member districts and must, of course, under this language, be merged with some contiguous representative or senatorial district. Now, if you merged an entire representative or senatorial district, this would eliminate one under our language as before us.

The Allen-Wanger amendment would allow the cities to accomplish that which they want to do when they make a piecemeal annexation, to adjust the district lines so that in future elections the electoral districts for representative or senator would, of course, correspond with the other electoral precinct districts of a city. I believe that this amendment gives the city power to do this by ordinance. And if the effect of that ordinance would be to eliminate a legislative district, either representative or senatorial, actually they would not adopt such an ordinance. I believe this gives the city the power to clarify its problems and, on sincere and honest reflection, I have to differ with my friend, Mr. Blandford, and urge the adoption of this amendment. I will agree with Bob that, as this originally came out of committee, I think, the language was so written that the annexation or merger would be automatic. Then later, the language, "as determined by ordinance," was added, which I thought cured the problem; but I believe that it leads to some confusion. I believe this will clearly avoid

the problem of eliminating a representative or senatorial district if the annexation or merger would be of such proportion as to create that problem.

VICE PRESIDENT HUTCHINSON: Mr. John Hannah.

MR. J. A. HANNAH: Mr. President, ladies and gentlemen, I don't want to belabor this one. I think both Mr. Blandford and Mr. William Hanna are right. The original recommendation of the committee did not include these words that have to do with the determination to be left to ordinance by the city and certified to the secretary of state. When Committee Proposal 80 was before style and drafting the first time, they raised the question that would come into being if the annexed district might be adjacent to 2 districts of the legislature and, on the floor, we added these words, "as determined by the ordinance of the city certified to the secretary of state." And I recall that I did say — and I think Judge Dehnke said — that it was our understanding that the language we were putting on would leave this to a city ordinance to determine whether or not the new territory was to be annexed to one district or another district or left in the original district. And I support Mr. Wanger and Mrs. Judd's amendment.

VICE PRESIDENT HUTCHINSON: The question is upon the amendment offered by Mr. Wanger. All those in favor of the amendment will say aye. Opposed will say no.

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

SECRETARY CHASE: Messrs. Nord, Hodges, Norris, Austin, Faxon, Sablich, Marshall, T. S. Brown, Greene and Mrs. Daisy Elliott offer the following amendment:

1. Amend article IV, section 6 (second column, line 6) after "party.", by striking out the balance of the paragraph and inserting "Each political party shall be the judge of the qualifications of the members selected by it.".

VICE PRESIDENT HUTCHINSON: The question is upon the amendment. The Chair recognizes Mr. Nord.

MR. NORD: Mr. President, this amendment does 2 things which complement each other: 1, it strikes out the 4 regions from the apportionment commission; and 2, replaces it with a statement which clearly negatives the whole concept of an area factor and states the reverse; namely, that each political party shall be the judge of the qualifications of the members selected by it. That is the reverse of what we have in the provision before us because in this provision before us, the constitution is the judge, partly, in that it sets forth that the 4 members of each party must come from the 4 quarters of the state.

Now, the Democratic members of the apportionment committee who have joined me, and other delegates who have joined me, object to that concept of an area factor in apportionment. That is the one place where you don't want malapportionment; right in the body itself, which is the duly appointed apportionment commission. Therefore, we are urging this amendment which reverses the concept, eliminates any area factor from the apportionment commission, and makes the apportionment commission simply and purely a bipartisan commission. Like any other bipartisan commission, the parties are the judges and the constitution doesn't attempt to influence or affect the judgment of the political parties as to which members of their party should be on the commission.

I would also point out that one of the objections to it — in addition to the one I mentioned to the 4 quarters, or the balkanization, as it has been called, of the state, to use these 4 quarters in an apportionment commission — is this: that the need for it doesn't exist. The need that has been stated for it is that we want to get the opinions of people from each part of the state. Now that, I believe, is quite fallacious. The apportionment commission will get opinions. It will not be opinion formers. They will get opinions from people all over the state. They will be backed up by experts from their own political party and by members of the public that will appear before them. So that the mere fact that they don't come from the 4 quarters of the state would not affect their getting expert advice relating to the 4 quarters. Therefore, Mr. President, for these reasons, I submit this amendment, along with a number of other delegates, and ask the consideration of the convention. I demand the yeas and nays, Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Nord demands the yeas and nays upon the amendment. Is the demand supported? Sufficient number up. The yeas and nays are ordered. The question is upon the amendment. All those in favor of the amendment will vote aye. Those opposed will vote no. Have you all voted? If so, the secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas—34

Austin	Follo	McGowan, Miss
Baginski	Garvin	Murphy
Balcer	Greene	Nord
Barthwell	Hart, Miss	Norris
Binkowski	Hatcher, Mrs.	Ostrow
Brown, T. S.	Hodges	Pellow
Buback	Jones	Perlich
Cushman, Mrs.	Krolikowski	Stopczynski
Douglas	Lesinski	Suzore
Downs	Madar	Wilkowski
Elliott, Mrs. Daisy	Marshall	Young
Faxon		

Nays—85

Allen	Hanna, W. F.	Pugsley
Andrus, Miss	Hannah, J. A.	Radka
Anspach	Haskill	Rajkovich
Batchelor	Hatch	Richards, J. B.
Beaman	Heideman	Richards, L. W.
Bentley	Higgs	Romney
Blandford	Howes	Rush
Boothby	Hoxie	Seyferth
Bradley	Hubbs	Shackleton
Brake	Iverson	Shaffer
Butler, Mrs.	Judd, Mrs.	Shanahan
Conklin, Mrs.	Karn	Sharpe
Cudlip	King	Sleder
Danhof	Kirk, S.	Spitler
Dehnke	Koeze, Mrs.	Stafseth
Dell	Kuhn	Staiger
DeVries	Lawrence	Stamm
Doty, Dean	Leibrand	Stevens
Doty, Donald	Leppien	Thomson
Durst	Martin	Turner
Elliott, A. G.	McAllister	Tweedie
Erickson	McLogan	Upton
Everett	Millard	Van Dusen
Farnsworth	Mosier	Wanger
Figy	Page	White
Finch	Perras	Wood
Gadola	Plank	Woolfenden
Goebel	Prettie	Yeager
Gover		

SECRETARY CHASE: On the amendment offered by Mr. Nord and others to section 6, the yeas are 34; the nays are 85.

VICE PRESIDENT HUTCHINSON: The amendment is not adopted.

SECRETARY CHASE: Mr. Boothby offers the following amendment:

1. Amend article IV, section 6 (column 1, line 24) after "and" by striking out "shall make orders amending such plan" and inserting "may remand such plan to the commission for further action"; so, beginning in line 18, the language will read:

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

VICE PRESIDENT HUTCHINSON: Mr. Boothby.

MR. BOOTHBY: Mr. President, ladies and gentlemen of the convention, I believe this to be what is commonly known around the convention as a perfecting amendment. This particular amendment takes care of a problem which I think is

Figy	Page	Van Dusen
Finch	Perras	Wanger
Gadola	Plank	White
Goebel	Pollock	Wood
Gover	Prettie	Woolfenden
Gust	Pugsley	Yeager
Hanna, W. F.		

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

VICE PRESIDENT HUTCHINSON: The amendment is not adopted. That completes the amendments to this article on the secretary's desk. Mr. Downs.

MR. DOWNS: Mr. President, fellow delegates, there are no more amendments and we're now on the adoption of the entire article; is that correct?

VICE PRESIDENT HUTCHINSON: That is correct, Mr. Downs.

MR. DOWNS: I rise near the hour of midnight in trepidation, fellow delegates, but I shall try to be very brief. I rise, announcing I am going to vote no on the entire article and urging other delegates to do the same. I shall not make a long speech but I want to make one or two points on what we've done, so the delegates will knowingly and very clearly know what has transpired, particularly on the key item of apportionment.

I wish to point out that under this provision neither house is based on population. And I do not say this in a fringe or flaky manner. I have asked the research department of this convention to prepare maps on how the apportionment system would work out. I am told this is a possible apportionment plan and there are other possibilities. However, I asked for one that would be as reasonable construction as possible.

In the senate in 1970, and not before, there would be a reapportionment and the smallest district in population would be 86,000; the largest would be 3 in Oakland county, each averaging 365,000 votes. In other words, it would take 4 voters in Oakland county to equal 1 voter in the 86,000 area. That is the senate. And this ties in with advice and consent. Then in the matter of the house, Monroe county, according to the 1960 figures, would be the largest, with 101,000, and the counties of the presiding delegate, Allegan and Van Buren, have the distinction of having an average of 53,062, in other words, practically a 2 to 1 difference. It would take 2 citizens from Monroe county to equal 1 citizen's vote in Allegan county. I point this out to try to dramatize that neither house is on population, and if anybody came to this convention pledged to have at least 1 house on population, I hope those delegates will join with me in voting no on this section in the hope that we'll have something done by third reading.

I do also wish to point out that by the time we come back on August 1, there may be additional supreme court decisions. I just have the newspaper report and if I keep talking long enough, I'll be able to have a special delivery letter with some of the further details. But I understand that not only Georgia threw out the county unit system, but in Maryland, their frozen senate, somewhat similar to Michigan's, has also been thrown out by the court there on the concept of equal protection of the laws. I will not now move that we postpone consideration until further court action is taken. I remind us again that the Michigan case, Scholle versus Hare, was remanded by the United States supreme court and is back in the hands of the Michigan state supreme court. I feel that our progress here is going to come from the judicial branch, unfortunately, rather than branches like this which, by themselves, are not created on a one man, one vote concept. I do urge the delegates to understand these factors in arriving at the conclusion. There are other points of this article that we have discussed — some facetiously; some seriously. But I wish to emphasize that the main reason that I am urging a no vote on this article IV, section 2, is that I think that it is not only wrong to deny the one man, one vote concept, but I believe it is running contrary to the historical thrust of the court decisions. Thank you.

VICE PRESIDENT HUTCHINSON: Mr. McAllister.

MR. McALLISTER: Mr. President and fellow delegates, the hour is getting late. I cannot vote for this article. The committee that proposed this apportionment setup does not seem to be able to explain just what counties are going to be where. In fact, when the committee can't explain it to my satisfaction, I certainly can't vote for something of that kind.

It appears to me from the Tennessee case, the Scholle case, your Georgia case in the federal court, and your Maryland case, that we are doing something here that is just what Mr. Downs would like to have us do. And I do support his position. But I don't think this article should be passed if there is a possibility that the Michigan supreme court will rule on this case before August 1. It appears to me that what we are really going to have here is a senate and a house, both on a population basis. And at the present time I can't see where rural Michigan has any representation, either in the house or senate, under this plan. And in view of that fact, I cannot vote for it.

VICE PRESIDENT HUTCHINSON: Mr. Pollock.

MR. POLLOCK: Mr. President, I've listened with what, for me, is unusual patience to the repeated dolorous pronouncements of the delegate from Detroit to the effect that he intends to vote no on one article after another. I will not attempt to surmise his real reason for acting in this negative and wholly destructive manner. He can answer to his own conscience and whatever forces in his party or elsewhere to which he so loyally responds.

I can only say that it is, to me, utterly incomprehensible how any delegate — I say any delegate; not merely the leader of the minority party — can sit here for 7½ months in the give and take of debate and decision and then, at the end of our deliberations, recommend a no vote on issues in which he shared responsibility as a delegate and, as often as not, won his own points. By what kind of extraordinary wisdom or insight does he or any other delegate or delegates think that his or their views are so superior to the slowly agreed majority view that they warrant this extraordinary procedure which, to me, is utterly destructive in its result of trying to throw together a shadow constitution or at least shadow articles in place of the carefully mature articles of this proposed constitution? I say, Mr. President, that this tactic — obviously partisan and nonpublic in nature — is unworthy of any delegate and, in my opinion, deserves condemnation on this floor. (applause)

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen.

MR. DOWNS: I rise to a point of personal privilege —

MR. VAN DUSEN: Mr. President.

MR. DOWNS: — Mr. President.

VICE PRESIDENT HUTCHINSON: You may state it, Mr. Downs.

MR. DOWNS: I believe that the former speaker — and I am not going to question his motives — did attack my motives, did attack me personally, and as such, I have the right to respond.

VICE PRESIDENT HUTCHINSON: You may proceed.

MR. DOWNS: All right. I wish to apprise the convention that this is the first time I have, to my memory, risen on a matter of personal privilege on the floor of the convention. To my knowledge, I have never knowingly attacked any individual on the floor of this convention, nor have I questioned any delegate's motives. I may have disagreed with the judgment or conclusion and I have always, I hope, respected the right of other delegates to question my judgment and my conclusion; and I hope have shown no bitterness or malice when any individual delegate, for his reasons, has seen necessary to vote contrary to what I have wished or expressed.

I wish to say that when I campaigned for this office there were several very clear points I went to the constituents in my district on and offered myself as a candidate. One was that I did not want to see any backward steps in this constitution that's being developed. I specifically refer to civil service, and will touch on that when we get into it. On the apportionment matter, I simply say that this does not represent one man, one vote in either house. I campaigned, and I can show clippings and speeches ad nauseam where I campaigned on the concept of one man, one vote. Whether or not that is right or wrong is not the issue before this convention. The issue is that as a delegate, as a candidate I campaigned on that. I said I would fight for that. I have fought for that. And if I am defeated

on this, I feel no moral obligation to support something that is less than that on which I campaigned. If, on the other hand, I were to compromise basic principles — and I'm not talking about modifications of day to day operations — I would feel that that was not justifiable. How other delegates answer to themselves is their prerogative and their business and I do not intend to answer that on this floor. I do hope, as we mature and develop here, we'll have a chance to review this more thoroughly and compare item by item.

I'm a little surprised at all those points that I've won in debate. I enjoyed the conversation and fellowship but I think it would take a rather small adding machine to suggest the number of significant suggestions I've made that the convention has adopted. And I express no resentment or bitterness at the convention for having seen fit to adopt suggestions other than mine. I hope I have shown no rancor; I have felt no rancor. I apologize for taking this time of the convention this late at night. I want the delegates to know that I came here in a spirit of friendship. I feel that has been increased and I hope we do nothing or say things which we individually would later wish had been left unsaid. Thank you for your patience. (applause)

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, we do seem to be straying from the point. I would move that further debate on this article of the constitution terminate at 12:00 midnight.

VICE PRESIDENT HUTCHINSON: It being now 11:58, Mr. Van Dusen moves to terminate debate at 12:00 o'clock midnight. All those in —

MR. MADAR: Mr. President, I'd like to amend that so that they could speak. There have been several delegates that have tried to get recognition.

VICE PRESIDENT HUTCHINSON: There are 4.

MR. MADAR: That's right. Approximately that. And I move that we give them 10 minutes.

VICE PRESIDENT HUTCHINSON: Each one?

MR. MADAR: No, sir, 10 minutes for the 4.

VICE PRESIDENT HUTCHINSON: Mr. Madar moves that debate be terminated in 10 minutes. All those in favor will say aye. Opposed no.

The motion does not prevail.

DELEGATES: Division.

VICE PRESIDENT HUTCHINSON: All right. A division is called for upon that. Is the demand for a division supported?

SECRETARY CHASE: Eleven.

VICE PRESIDENT HUTCHINSON: The demand is supported. All those in favor of limiting debate at 12:10 will vote aye. Those opposed will vote no. Have you all voted? If so, the secretary will lock the machine and record the total.

SECRETARY CHASE: On the motion to limit debate to 10 minutes, the yeas are 63; the nays are 48.

VICE PRESIDENT HUTCHINSON: The motion prevails.

MR. A. G. ELLIOTT: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Elliott.

MR. A. G. ELLIOTT: Is a motion necessary to require that this time be divided equally between those that wish to speak? If so, I move.

VICE PRESIDENT HUTCHINSON: Between those who wish to speak?

MR. A. G. ELLIOTT: Yes.

VICE PRESIDENT HUTCHINSON: There are 4 and the Chair will request the 4 speakers to limit themselves to not more than 2½ minutes each. Mr. Wanger is next recognized.

MR. WANGER: Mr. President, fellow delegates, very briefly I'd like to comment on what Delegate Downs has urged the delegates at this convention to do. He has urged every delegate here to vote no on this article, in other words, to vote for nothing. He has offered no substitute, nothing to present to the people by way of any improvement whatsoever in this area of our constitution. And it seems to me very, very clear that such a vote is the most apparent and the grossest kind of irresponsible action for any delegate to take at this state of a constitutional convention.

I am not going to observe upon the motives of any delegate except to say this: I think that for those few delegates at the convention who have already publicly made expressions that they intend to fight the adoption of any revised constitution which we propose, that no observation on their motives is necessary because their vote on the board speaks for itself.

VICE PRESIDENT HUTCHINSON: Dr. Hannah.

MR. J. A. HANNAH: Mr. President, ladies and gentlemen, Mr. Downs has recommended that you vote no on this article primarily because of the apportionment provisions. I would remind you that you have had 21 able persons on this committee who worked long and diligently. They have come up with recommendations which you have approved on first and second reading which the formula — you know what it is — I am only going to, for the record, make it perfectly clear that the recommendations as they appear here apportion the senate seats 80 per cent on population, 20 per cent on area.

Mr. Downs takes the extreme, the very large district in the upper peninsula that will have small population and the 3 most populous districts in Oakland county for his comparison. In the house of representatives he has taken the extreme because in grouping the counties that are not entitled to a single representative, you are left with Allegan and Van Buren counties that are thrown together and then when we come to apportion the difference in the number of seats between those counties that have one or more, and 110, it happens that they get the second seat. This is the extreme. Actually, the house of representatives, as you well know, is as near as you can come to exact population with the exception of a single representative. You could just change one and it comes as close as you can — it's as close as you can come up with a workable formula.

I should dislike, this late at night when you're all tired, any of you to feel that the statement that Mr. Downs has made, that neither house of the legislature reflects population, is correct. We have done very well indeed. I've said before I am very proud of what our committee has come up with and what you are about to approve. We need no apologies for the apportionment portion of the article before you and I urge you to approve it.

VICE PRESIDENT HUTCHINSON: Mr. Marshall.

MR. MARSHALL: Mr. President and fellow delegates, I was going to answer Delegate Pollock but it seems to me that Delegate Downs took care of that rather well himself. I only wish that Delegate Pollock had been as consistent on this question as Delegate Downs has been. He had some very unkind things to say about the provision himself. He equated it as 19 acres equaling 1 man, among other statements, and I can dig them out. This is not a one man, one vote principle. It does not meet the equality —

I do not think we should question the motives of those delegates. We have our own opinions, our own desires. We try to reflect the viewpoints of the people we represent. I urge a no vote on the article, too.

I've heard Dr. Hannah, on several occasions on the floor of this convention, over and over again, talk about how we do not have to apologize to any one for the provision that has come out of this convention. Let me tell you that if I voted for the provision I would have to apologize to the 680,000 people in my senatorial district that has only one senator. I think that we should understand, as Delegate Downs pointed out, that neither house of the legislature is going to be on a straight population basis. And there were alternatives. I think Dr. Pollock said we were taking a negative approach. We did all of the giving and no taking. And there were offers to accept proposals in the committee. Dr. Pollock himself offered one which we agreed to accept as a compromise proposal. Dr. Pollock himself, for reasons best known to him, a day or two later decided to revise his proposal. Then it was no longer acceptable to the minority on that committee. And we could go on and on and point out the facts here, and I'm willing to let the people of the state of Michigan decide whether or not they've got an equitable apportionment.

VICE PRESIDENT HUTCHINSON: Mr. Nord.

MR. NORD: Mr. President, how much time is left for the debate? Am I the last speaker?

VICE PRESIDENT HUTCHINSON: You are.

MR. NORD: How much time is left, sir?

VICE PRESIDENT HUTCHINSON: It looks like 2 minutes to the Chair.

MR. NORD: That is fine. Thank you. I rose earlier. I asked for recognition because I didn't think that Mr. Downs would have an opportunity to reply to the attack on him. Since that has been covered, I will simply attempt to close the debate.

I would like to point out that as to Dr. Pollock's remarks relating to whether or not this is a satisfactory legislature, that when Dr. Pollock appeared before the committee on legislative organization, he started out by saying — and I applauded him and I told him that I would join with him — he said the legislature is so bad that we must start from scratch; we cannot have a patched job. He appeared later before us with a specific proposal. At that point I was not satisfied with it. I asked him, "Dr. Pollock, is this starting from scratch, or is it a patched job?" He said, "It's a patched job." We didn't approve of it. Nevertheless, we were forced to accept it at the end because, of all of the proposals we would find that were put in by the Republicans, that was the best; even though it was a patched job, we tried to accept it. He has retreated from that position. Then he attacked the proposal that you had before you and broke it down so that was worthless. Now he has rebuilt it so that it looks good.

I intend to vote against this. I think everyone understands I intend to vote against this section. I would vote against the entire constitution on the basis of either this section or the one I spoke on before. Both of these, I believe, are unconstitutional. The one about search and seizure, I believe, is clearly unconstitutional. And this one about the senate apportionment is certainly unconstitutional as to the next 10 years, and beyond that my opinion is that it is unconstitutional as well. But even if it were not unconstitutional, it is unjust. There is no reason for me to support it; there is every reason for me not to support it. And with that view, I can't see how anyone can quarrel with my doing what my conscience dictates. And I explained my conscience for 4 hours on the floor. There is no secret why I will vote against this. And when I vote against these 2 sections that have to do with apportionment, they are the heart of the entire constitution to me.

Either you have an effective democratic legislature or you have nothing. You have no state government. We have virtually no state government now in this state. We wanted to cure it. If you vote no on this, we will come back with other proposals. We've been putting in proposal after proposal; we will not quit. Just try it. If you don't believe us, vote no on this and see whether that means that there is no constitution. Vote no and we will stay here until kingdom come until we get something that is agreeable. You're not left with no alternative. Just because you put something on the ballot doesn't mean that anyone is obligated to vote for it and it doesn't mean that anyone here must support it.

VICE PRESIDENT HUTCHINSON: Time for debate has expired. The question is upon the passage of article IV. All those in favor of article IV will vote aye. Those opposed will vote no. Have you all voted? If so, the secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas — 83

Allen	Gover	Pugsley
Andrus, Miss	Gust	Radka
Anspach	Hanna, W. F.	Rajkovich
Batchelor	Hannah, J. A.	Richards, J. B.
Beaman	Haskill	Richards, L. W.
Bentley	Hatch	Romney
Blandford	Heideman	Rush
Brake	Higgs	Seyferth
Butler, Mrs.	Howes	Shackleton
Conklin, Mrs.	Hoxie	Sharpe
Cudlip	Hutchinson	Sleder
Cushman, Mrs.	Iverson	Spitler
Danhof	Judd, Mrs.	Stafseth
Dehnke	Karn	Staiger
Dell	King	Stamm
DeVries	Kirk, S.	Sterrett
Donnelly, Miss	Kuhn	Stevens
Doty, Dean	Lawrence	Thomson
Doty, Donald	Leppien	Turner
Durst	Martin	Tweedie
Elliott, A. G.	McLogan	Upton
Erickson	Millard	Van Dusen
Everett	Mosier	Wanger
Farnsworth	Page	White
Figy	Plank	Wood
Finch	Pollock	Woolfenden
Gadola	Powell	Yeager
Goebel	Prettie	

Nays — 37

Baginski	Hart, Miss	Murphy
Balcer	Hatcher, Mrs.	Nord
Barthwell	Hodges	Norris
Binkowski	Jones	Ostrow
Boothby	Krolikowski	Pellow
Bradley	Leibrand	Perlich
Brown, T. S.	Lesinski	Perras
Buback	Madar	Sablich
Douglas	Marshall	Stopczynski
Downs	McAllister	Suzore
Elliott, Mrs. Daisy	McCauley	Wilkowski
Faxon	McGowan, Miss	Young
Garvin		

SECRETARY CHASE: On the passage of article IV, as amended, the yeas are 83; the nays are 37.

VICE PRESIDENT HUTCHINSON: A majority of the delegates elect having voted in favor thereof, **article IV, as** amended, is passed.

For sections 1, 2, 3, 5, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, and 19 through 53 of article IV as passed, see above, page 3051.

Following is section 4 of article IV, as amended and passed:

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 if provided by ordinance of the city. The districts with which the territory shall be combined shall be determined by said 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.

Following is section 6 of article IV, as amended and passed:

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

No officers or employees of the federal, state or local governments, excepting notaries public and members of the armed forces reserve, shall be eligible for membership on the commission. Members of the commission shall not

be eligible for election to the legislature until two years after the apportionment in which they participated becomes effective.

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

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

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

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

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

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

Following is section 12 of article IV, as amended and passed:

Sec. 12. The compensation and expenses of the members of the legislature shall be determined by law. Changes in salary or expenses shall become effective only when legislators commence their term of office after a general election.

Following is section 18 of article IV, as amended and passed:

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.

Following is explanation of vote submitted by Messrs. Madar, Nord, Norris, Marshall, Baginski, Buback, Jones, Lesinski, Stopczynski, Suzore, Hodges, Downs, Mrs. Hatcher and Miss Hart:

We object to the adoption of article IV on legislative branch. The basic reason is that this denies equality at the ballot box as is being described by United States and other court decisions. Neither house is based on population, since the smallest house district is 53,062 and the largest is 101,120, and by 1970 when the senate would be reapportioned the smallest would be 86,430 and the largest 365,860.

We regret very much that the convention did not meet the apportionment problem, nor delay action until further court decisions in Michigan have been handed down, which would still give sufficient time for getting the new draft constitution on the ballot.

We are concerned that section 53, providing for a legislative auditor to replace the presently elected voters' auditor, will weaken public control which has been so effective in Michigan's "dollar honest" government. The performance postaudits authorized by the legislative auditor can be used to harass the efficient operation of units of government, rather than be limited to financial auditing which is presently the primary function of the auditor general.

The failure of the convention majority to meet the apportionment problem is perhaps the most serious weakness of the convention to date, because the question of apportionment affects practically every other article of the constitution. The question of the responsibility of the legislature, and its power can only be determined after a truly representative legislature is created. The question of taxation, finances, advice and consent, and all appropriations is dependent upon the type of legislature we have established.

We, therefore, urge a no vote on this article and hope the convention will reconsider its action on this article before adjournment.

VICE PRESIDENT HUTCHINSON (continuing): Announcements by the secretary.

SECRETARY CHASE: The apple juice today was through the courtesy of the Eauclair Canning company, by Mr. J. Burton Richards. (applause) And the oranges are with the compliments of your finance clerk, Mrs. Lois Tomlinson. (applause)

VICE PRESIDENT HUTCHINSON: The Chair has been waiting a long time to do it, but the Chair now recognizes Mr. Dell.

MR. DELL: Mr. President and members of the convention, I tried to get recognition on this last article here because I was like Mr. Downs there — I hope I have the privilege of making this statement — I also campaigned on this reapportionment, not on a population basis but on the effect it would have on outstate, and I felt very much like the farmer who went to town to sell his wheat and when he came back his neighbor said to him, "Well, Tom, how did you make out?" "Well," he said, "I didn't get as much as I expected and I didn't expect I would." And I think that's what's going to happen in this convention. At this time I move that we adjourn.

VICE PRESIDENT HUTCHINSON: Mr. Dell moves that the convention do now adjourn. All those in favor will say aye. Opposed will say no.

The motion prevails, and the convention stands adjourned until 9:00 o'clock a.m. today.

[Whereupon, at 12:15 o'clock a.m., the convention adjourned until 9:00 o'clock a.m., Tuesday, May 8, 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 which involves the increase of any ad valorem tax rate limitation for a period of more than five years, or the issue of bonds, only electors in, and who have property assessed for any ad valorem taxes in, any part of the district or territory to be affected by the result of such election or electors who are the lawful husbands or wives of such persons shall be entitled to vote thereon. All electors in the district or territory affected may vote on all other questions.

Sec. 7. A board of state canvassers of four

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

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

Sec. 9. The people reserve to themselves the power to propose laws and to enact and reject laws, called the initiative, and the power to approve or reject laws enacted by the legislature, called the referendum. The power of initiative extends only to laws which the legislature may enact under this constitution. The power of referendum does not extend to acts making appropriations for state institutions or to meet deficiencies in state funds and must be invoked in the manner prescribed by law within 90 days following the final adjournment of the legislative session at which the law was enacted. To invoke the initiative or referendum, petitions signed by a number of registered electors, not less than eight percent for initiative and five percent for referendum of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected shall be required.

No law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election.

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

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

Any law submitted to the people by either initiative or referendum petition and approved by a majority of the votes cast thereon at any election shall take effect 10 days after the date of the official declaration of the vote. No law initiated or adopted by the people shall be subject to the veto power of the governor, and no law adopted by the people at the polls under the initiative provisions of this section shall be amended or repealed, except by a vote of the electors or three-fourths of the members elected to and serving in each house of the legislature. Laws approved by the people under the referendum provision of this section may be amended by the legislature at any subsequent session thereof. If two or more measures approved by the electors at the same election conflict, that receiving the highest affirmative vote shall prevail.

The legislature shall implement the provisions of this section.

Article III
General Government

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

Sec. 2. The powers of government are divided into three branches: legislative, executive and judicial. No person exercising powers of one branch shall exercise powers properly belonging to another branch except as expressly provided in this constitution.

Sec. 3. There shall be a great seal of the State of Michigan and its use shall be provided by law.

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

Sec. 5. Subject to provisions of general law, this state or any political subdivision, any governmental authority or any combination thereof may enter into agreements for the performance, financing or execution of their respective functions, with any one or more of the other states, the United States, the Dominion of Canada, or any political subdivision thereof unless otherwise provided in this constitution. Any other provision of this constitution notwithstanding, an officer or employee of the state or of any such unit of government or subdivision or agency thereof may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service. The legislature may impose such restrictions, limitations or conditions on such service as it may deem appropriate.

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

Sec. 7. The common law and the statute laws now in force, not repugnant to this consti-

tution, shall remain in force until they expire by their own limitations, or are changed, amended or repealed.

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

Article IV
Legislative Branch

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

Sec. 2. The senate shall consist of 38 members to be elected from single member districts at the same election as the governor for four-year terms concurrent with the term of office of the governor.

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

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

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

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

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

Sec. 3. The house of representatives shall consist of 110 members elected for two-year terms from single member districts apportioned on a basis of population as provided in this article. The districts shall consist of compact and convenient territory contiguous by land.

Each county which has a population of not less than seven-tenths of one percent of the population of the state shall constitute a separate representative area. Each county having less than seven-tenths of one percent of the population of the state shall be combined with another county or counties to form a representative area of not less than seven-tenths of one percent of the population of the state. Any county which is isolated under the initial allocation as provided in this section shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.

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

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

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

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

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

Sec. 4. In counties having more than one representative or senatorial district, the territory in the same county annexed to or merged with a city between apportionments shall become a part of a contiguous representative or senatorial dis-

trict in the city with which it is combined, if provided by ordinance of the city. The district or districts with which the territory shall be combined shall be determined by such ordinance certified to the secretary of state. No such change in the boundaries of a representative or senatorial district shall have the effect of removing a legislator from office during his term.

Sec. 5. Island areas are considered to be contiguous by land to the county of which they are a part.

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

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

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

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

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

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

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

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

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

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

Sec. 9. No person elected to the legislature shall receive any civil appointment within this

state from the governor, except notaries public, from the legislature, or from any other state authority, during the term for which he is elected.

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

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

Sec. 12. The compensation and expense allowances of the members of the legislature shall be determined by law. Changes in compensation or expense allowances shall become effective only when legislators commence their terms of office after a general election.

Sec. 13. The legislature shall meet at the seat of government on the second Wednesday in January of each year at twelve o'clock noon. Each regular session shall adjourn without day, on a day determined by concurrent resolution, at twelve o'clock noon. Any business, bill or joint resolution pending at the final adjournment of a regular session held in an odd numbered year shall carry over with the same status to the next regular session.

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

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

Sec. 16. Each house, except as otherwise provided in this constitution, shall choose its own officers and determine the rules of its proceedings, but shall not adopt any rule that will prevent a majority of the members elected thereto and serving therein from discharging a committee from the further consideration of any measure. Each house shall be the sole judge of the qualifications, elections and returns of its members, and may, with the concurrence of two-thirds of all the members elected thereto and serving therein, expel a member. The reasons for such expulsion shall be entered in the journal, with the votes and names of the members voting upon the question. No member shall be expelled a second time for the same cause.

Sec. 17. Each house of the legislature may establish the committees necessary for the efficient conduct of its business and the legislature may create joint committees. Each committee shall by roll call vote record the vote and name of all action on bills and resolutions taken in the committee. Such vote shall be available for public inspection. Notice of all committee hearings and a clear statement of all subjects to be considered at each hearing shall be published in the journal in advance of the hearing.

Sec. 18. Each house shall keep a journal of its proceedings, and publish the same unless the public security otherwise requires. The record of the vote and name of the members of either house voting on any question shall be entered in the journal at the request of one-fifth of the members present. Any member of either house may dissent from and protest against any act, proceeding or resolution which he deems injurious to any person or the public, and have the reason for his dissent entered in the journal.

Sec. 19. All elections in either house or in joint convention and all votes on appointments submitted to the senate for advice and consent shall be published by vote and name in the journal.

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

Sec. 21. Neither house shall, without the consent of the other, adjourn for more than two intervening calendar days, nor to any place other than where the legislature may then be in session.

Sec. 22. All legislation shall be by bill and may originate in either house.

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

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

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

Sec. 26. No bill shall be passed or become a law at any regular session of the legislature until it has been printed or reproduced and in the possession of each house for at least five days. Every bill shall be read three times in each house before the final passage thereof. No bill shall become a law without the concurrence of a majority of the members elected to and serving in each

house. On the final passage of bills, the votes and names of the members voting thereon shall be entered in the journal.

Sec. 27. No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.

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

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

Sec. 30. The assent of two-thirds of the members elected to and serving in each house of the legislature shall be required for the appropriation of public money or property for local or private purposes.

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

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

Sec. 33. Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law. If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he does not approve, and the legislature continues the session at which the bill was passed, he shall return it within such 14-day period with his objections, to the house in which it originated. That house shall enter such objections in full in its journal and reconsider the bill. If two-thirds of the members elected to and serving in that house pass the bill notwithstanding the objections of the governor, it shall be sent with the objections to the other house for reconsideration. The bill shall become law if passed by two-thirds of the members elected to and serving in that house. The vote of each house shall be entered in the journal with the votes and names of the members voting thereon. If any bill is not returned by the governor within such 14-day period, the legislature continuing in session, it shall become law as if he had signed it.

Sec. 34. Any bill passed by the legislature and approved by the governor, except a bill appropriating money, may provide that it will not become law unless approved by a majority of the electors voting thereon.

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

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

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

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

Sec. 39. In order to insure continuity of state and local governmental operations in periods of emergency only, resulting from disasters occurring in this state caused by enemy attack on the United States, the legislature may provide by law for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices; and enact other laws necessary and proper for insuring the continuity of governmental operations. Notwithstanding the power conferred by this section, elections shall always

be called as soon as possible to fill any vacancies in elective offices temporarily occupied by operation of any legislation enacted pursuant to the provisions of this section.

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

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

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

Sec. 43. No general law providing for the incorporation of trust companies or corporations for banking purposes, or regulating the business thereof, shall be enacted, amended or repealed except by a vote of two-thirds of the members elected to and serving in each house.

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

Sec. 45. The legislature may provide for indeterminate sentences as punishment for crime and for the detention and release of persons imprisoned or detained under such sentences.

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

Sec. 47. The legislature may authorize the employment of chaplains in state institutions of detention or confinement.

Sec. 48. The legislature may enact laws providing for the resolution of disputes concerning public employees, except those in the state classified civil service.

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

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

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

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

Sec. 53. The legislature by a majority vote of the members elected to and serving in each house, shall appoint an auditor general, who shall be a certified public accountant licensed to practice in this state, to serve for a term of eight years. He shall be ineligible for appointment or election to any other public office in this state from which compensation is derived while serving as auditor general and for two years following the termination of his service. He may be removed for cause at any time by a two-thirds vote of the members elected to and serving in each house. The auditor general shall conduct post audits of financial transactions and accounts of the state and of all branches, departments, offices, boards, commissions, agencies, authorities and institutions of the state established by this constitution or by law, and performance post audits thereof.

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

Nothing in this section shall be construed in any way to infringe the responsibility and constitutional authority of the governing boards of the institutions of higher education to be solely responsible for the control and direction of all expenditures from the institutions' funds.

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

Article V
Executive Branch

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

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

Subsequent to the initial allocation, the governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these

changes require the force of law, they shall be set forth in executive orders and submitted to the legislature. Thereafter the legislature shall have 60 calendar days of a regular session, or a full session if of shorter duration, to disapprove each executive order. Unless disapproved in both houses by a resolution concurred in by a majority of the members elected to and serving in each house, each order shall become effective at a date thereafter to be designated by the governor.

Sec. 3. The head of each principal department shall be a single executive unless otherwise provided in this constitution or by law. The single executives heading principal departments shall include a secretary of state, a state treasurer and an attorney general. When a single executive is the head of a principal department, unless elected or appointed as otherwise provided in this constitution, he shall be appointed by the governor by and with the advice and consent of the senate and he shall serve at the pleasure of the governor.

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

Terms of office of any board or commission created or enlarged after the effective date of this constitution shall not exceed four years except as otherwise authorized in this constitution. The terms of office of existing boards and commissions which are longer than four years shall not be further extended except as provided in this constitution.

Sec. 4. Temporary commissions or agencies for special purposes with a life of no more than two years may be established by law and need not be allocated within a principal department.

Sec. 5. At no time shall an examining or licensing board of a profession include less than a majority of members of that profession.

Sec. 6. Appointment by and with the advice and consent of the senate when used in this constitution or laws in effect or hereafter enacted means appointment subject to disapproval by a majority vote of the members elected to and serving in the senate if such action is taken within 60 session days after the date of such appointment. Any appointment not disapproved within such period shall stand confirmed.

Sec. 7. Vacancies in any office, appointment to which requires advice and consent of the senate, shall be filled by the governor by and with the advice and consent of the senate. A person whose appointment has been disapproved by the senate shall not be eligible for an interim appointment to the same office.

Sec. 8. Each principal department shall be under the supervision of the governor unless otherwise provided by this constitution. The governor shall take care that the laws be faithfully executed. He shall transact all necessary business with the officers of government and may require information in writing from all executive and administrative state officers, elective and appointive, upon any subject relating to the duties of their respective offices.

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

Sec. 9. Single executives heading principal departments and the chief executive officers of principal departments headed by boards or commissions shall keep their offices at the seat of government except as otherwise provided by law, superintend them in person and perform duties prescribed by law.

Sec. 10. The governor shall have power and it shall be his duty to inquire into the condition and administration of any public office and the acts of any public officer, elective or appointive. He may remove or suspend from office for gross neglect of duty or for corrupt conduct in office, or for any other misfeasance or malfeasance therein, any elective or appointive state officer, except legislative or judicial, and shall report the reasons for such removal or suspension to the legislature.

Sec. 11. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an appointed or elected officer, other than a legislative or judicial officer, until he is reinstated or until the vacancy is filled in the manner prescribed by law or this constitution.

Sec. 12. The governor shall be commander-in-chief of the armed forces and may call them out to execute the laws, suppress insurrection and repel invasion.

Sec. 13. The governor shall issue writs of election to fill vacancies in the senate or house of representatives. Any such election shall be held in a manner prescribed by law.

Sec. 14. The governor shall have power to grant reprieves, commutations and pardons after convictions for all offenses, except cases of impeachment, upon such conditions and limitations as he may direct, subject to procedures and regulations prescribed by law. He shall inform the legislature annually of each reprieve, commutation and pardon granted, stating reasons

therefor.

Sec. 15. The governor may convene the legislature on extraordinary occasions.

Sec. 16. The governor may convene the legislature at some other place when the seat of government becomes dangerous from any cause.

Sec. 17. The governor shall communicate by message to the legislature at the beginning of each session and may at other times present to the legislature information as to the affairs of the state and recommend measures he considers necessary or desirable.

Sec. 18. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state. Proposed expenditures from any fund shall not exceed the estimated revenue thereof. On the same date, the governor shall submit to the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills to provide new or additional revenues to meet proposed expenditures. The amount of any surplus created or deficit incurred in any fund during the last preceding fiscal period shall be entered as an item in the budget and in one of the appropriation bills. The governor may submit amendments to appropriation bills to be offered in either house during consideration of the bill by that house, and shall submit any bills to meet deficiencies in current appropriations.

Sec. 19. The governor may disapprove any distinct item or items appropriating moneys in any appropriation bill. The part or parts approved shall become law, and the item or items disapproved shall be void unless re-passed according to the method prescribed for the passage of other bills over the executive veto.

Sec. 20. No appropriation shall be a mandate to spend. The governor, with the approval of the appropriating committees of the house and senate, shall reduce expenditures authorized by appropriations whenever it appears that actual revenues for a fiscal period will fall below the revenue estimates on which appropriations for that period were based. Reductions in expenditures shall be made in accordance with procedures prescribed by law. The governor may not reduce expenditures of the legislative and judicial branches or from funds constitutionally dedicated for specific purposes.

Sec. 21. The governor, lieutenant governor, secretary of state and attorney general shall be elected for four-year terms at the general election in each alternate even-numbered year.

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

Vacancies in the office of the secretary of state and attorney general shall be filled by appointment by the governor.

Sec. 22. To be eligible for the office of governor or lieutenant governor a person must have attained the age of 30 years, and have been a registered elector in this state for four years next preceding his election.

Sec. 23. The governor, lieutenant governor, secretary of state and attorney general shall each receive the compensation provided by law in full payment for all services performed and expenses incurred during his term of office. Such compensation shall not be changed during the term of office except as otherwise provided in this constitution.

Sec. 24. An executive residence suitably furnished shall be provided at the seat of government for the use of the governor. He shall receive an allowance for its maintenance as provided by law.

Sec. 25. The lieutenant governor shall be president of the senate, but shall have no vote except in case of equal division. He may perform duties requested of him by the governor, but no power vested in the governor shall be delegated.

Sec. 26. In case of the conviction of the governor on impeachment, his removal from office, his resignation or his death, the lieutenant governor, the elected secretary of state, the elected attorney general and such other persons designated by law shall in that order be governor for the remainder of the governor's term.

In case of the death of the governor-elect, the lieutenant governor-elect, the secretary of state-elect, the attorney general-elect and such other persons designated by law shall become governor in that order at the commencement of the governor-elect's term.

If the governor or the person in line of succession to serve as governor is absent from the state, or suffering under an inability, the powers and duties of the office of governor shall devolve in order of precedence until the absence or inability giving rise to the devolution of powers ceases.

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

Sec. 27. The legislature shall provide that the salary of any state officer while acting as governor shall be equal to that of the governor.

Sec. 28. There is hereby established a state highway commission, which shall administer the state highway department and have jurisdiction

and control over all state trunkline highways and appurtenant facilities, and such other public works of the state, as provided by law.

The state highway commission shall consist of four members, not more than two of whom shall be members of the same political party. They shall be appointed by the governor by and with the advice and consent of the senate for four-year terms, no two of which shall expire in the same year as provided by law.

The state highway commission shall appoint and may remove a state highway director, who shall be a competent highway engineer and administrator. He shall be the principal executive officer of the state highway department and shall be responsible for executing the policy of the state highway commission.

Sec. 29. There is hereby established a civil rights commission which shall consist of eight persons, not more than four of whom shall be members of the same political party, who shall be appointed by the governor, by and with the advice and consent of the senate, for four-year terms not more than two of which shall expire in the same year. It shall be the duty of the commission in a manner which may be prescribed by law to investigate alleged discrimination against any person because of religion, race, color or national origin in the enjoyment of the civil rights guaranteed by law and by this constitution, and to secure the equal protection of such civil rights without such discrimination. The legislature shall provide an annual appropriation for the effective operation of the commission.

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

Appeals from final orders of the commission, including cease and desist orders and refusals to issue complaints, shall be tried de novo before the circuit court having jurisdiction provided by law.

Article VI
Judicial Branch

Sec. 1. The judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court, one probate court, and other courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.

Sec. 2. The supreme court shall consist of seven justices elected at non-partisan elections as provided by law. The term of office shall be eight years and not more than two terms of office shall expire at the same time. Nominations for justices of the supreme court shall be in the manner prescribed by law. Any incumbent justice whose term is to expire may become a candidate for re-election by filing an affidavit of candidacy, in the form and manner prescribed by law, not less than 180 days prior to the expiration of his term.

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

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

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

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

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

Sec. 8. The court of appeals shall consist initially of nine judges who shall be nominated and elected at non-partisan elections from districts drawn on county lines and as nearly as possible of equal population, as provided by law. The

supreme court may prescribe by rule that the court of appeals may sit in divisions and for the terms of court and the times and places thereof. Each such division shall consist of not fewer than three judges. The number of judges comprising the court of appeals may be increased, and the districts from which they are elected may be changed by law.

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

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

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

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

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

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

Sec. 15. In each county organized for judicial purposes there shall be a probate court. The legislature may create or alter probate court districts of more than one county if approved in each affected county by a majority of the electors voting on the question. The legislature may provide for the combination of the office of probate judge with any judicial office of limited jurisdiction within a county with supplemental salary as provided by law. The jurisdiction, powers and duties of the probate court and of the judges thereof shall be provided by law. They shall have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

Sec. 16. One or more judges of probate as provided by law shall be nominated and elected at non-partisan elections in the counties or the probate districts in which they reside and shall hold office for terms of six years and until their successors are elected and qualified. In counties or districts with more than one judge the terms of office shall be arranged by law to provide that not all terms will expire at the same time.

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

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

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

Sec. 19. The supreme court, the court of appeals, the circuit court, the probate court and other courts designated as such by the legislature shall be courts of record and each shall have a common seal. Justices and judges of courts of record must be persons who are licensed to practice law in this state. No person shall be elected or appointed to a judicial office after reaching the age of 70 years.

Sec. 20. Whenever a justice or judge removes his domicile beyond the limits of the territory from which he was elected, he shall have vacated his office.

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

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

Sec. 23. A vacancy in the elective office of a judge of any court of record shall be filled at a general or special election as provided by law. The supreme court may authorize persons who have served as judges and who have retired, to perform judicial duties for the limited period of time from the occurrence of the vacancy until the successor is elected and qualified. Such persons shall be ineligible for election to fill the vacancy.

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

Sec. 25. For reasonable cause, which is not sufficient ground for impeachment, the governor shall remove any judge on a concurrent resolution of two-thirds of the members elected to and serving in each house of the legislature. The cause for removal shall be stated at length in the resolution.

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

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

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

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

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

Article VII
Local Government

Sec. 1. Each organized county shall be a body corporate with powers and immunities provided by law.

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

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

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

Sec. 3. No organized county shall be reduced by the organization of new counties to less than 16 townships as surveyed by the United States, unless approved in the manner prescribed by law by a majority of electors voting thereon in each county to be affected.

Sec. 4. There shall be elected for four-year terms in each organized county a sheriff, a county

clerk, a county treasurer, a register of deeds and a prosecuting attorney, whose duties and powers shall be provided by law. The board of supervisors in any county may combine the offices of county clerk and register of deeds in one office or separate the same at pleasure.

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

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

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

Sec. 8. Boards of supervisors shall have legislative, administrative and such other powers and duties as provided by law.

Sec. 9. Boards of supervisors shall have exclusive power to fix the compensation of county officers not otherwise provided by law.

Sec. 10. A county seat once established shall not be removed until the place to which it is proposed to be moved shall be designated by two-thirds of the members of the board of supervisors and a majority of the electors voting thereon shall have approved the proposed location in the manner prescribed by law.

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

Sec. 12. A navigable stream shall not be bridged or dammed without permission granted by the board of supervisors of the county as provided by law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and political subdivisions therein.

Sec. 13. Two or more contiguous counties may combine into a single county if approved in each affected county by a majority of the electors voting on the question.

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

Sec. 15. Any county, when authorized by its board of supervisors shall have the authority to enter or to intervene in any action or certificate proceeding involving the services, charges or rates of any privately owned public utility furnishing services or commodities to rate payers within the county.

Sec. 16. The legislature may provide for the laying out, construction, improvement and maintenance of highways, bridges, culverts and airports by the state and by the counties and townships thereof; and may authorize counties to take charge and control of any highway within their limits for such purposes. The legislature may provide the powers and duties of counties in relation to highways, bridges, culverts and airports; may provide for county road commissioners to be appointed or elected, with powers and duties provided by law. The ad valorem property tax imposed for road purposes by any county shall not exceed in any year one-half of one percent of the assessed valuation for the preceding year.

Sec. 17. Each organized township shall be a body corporate with powers and immunities provided by law.

Sec. 18. In each organized township there shall be elected for terms of not less than two nor more than four years as prescribed by law a supervisor, a clerk, a treasurer, and not to exceed four trustees, whose legislative and administrative powers and duties shall be provided by law.

Sec. 19. No organized township shall grant any public utility franchise which is not subject to revocation at the will of the township, unless the proposition shall first have been approved by a majority of the electors of such township voting thereon at a regular or special election.

Sec. 20. The legislature shall provide by law for the dissolution of township government whenever all the territory of an organized township is included within the boundaries of a village or villages notwithstanding that a village may include territory within another organized township and provide by law for the classification of such village or villages as cities.

Sec. 21. The legislature shall provide by general laws for the incorporation of cities and villages. Such laws shall limit their rate of ad valorem property taxation for municipal purposes, and restrict the powers of cities and villages to borrow money and contract debts. Each city and village is granted power to levy other taxes for public purposes, subject to limitations and prohibitions provided by this constitution or by law.

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

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

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

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

Sec. 25. No city or village shall acquire any public utility furnishing light, heat or power, or grant any public utility franchise which is not subject to revocation at the will of the city or village, unless the proposition shall first have been approved by three-fifths of the electors voting thereon. No city or village may sell any public utility unless the proposition shall first have been approved by a majority of the electors voting thereon, or a greater number if the charter shall so provide.

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

Sec. 27. Notwithstanding any other provision of this constitution the legislature may establish in metropolitan areas additional forms of government or authorities with powers, duties and jurisdictions as the legislature shall provide. Wherever possible, such additional forms of government or authorities shall be designed to perform multi-purpose functions rather than a single function.

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

Any other provision of this constitution notwithstanding, an officer or employee of the state or any such unit of government or subdivision or agency thereof, except members of the legislature, may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service.

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

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

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

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

Sec. 33. Any elected officer of a political subdivision may be removed from office in the manner and for the causes provided by law.

Sec. 34. The provisions of this constitution and law concerning counties, townships, cities and villages shall be liberally construed in their favor. Powers granted to counties and townships by this constitution and by law shall include those fairly implied and not prohibited by this constitution.

Article VIII
Education

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

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

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

The state board of education shall appoint a superintendent of public instruction whose term of office shall be determined by the board. He shall be the chairman of the board without the right to vote, and shall be responsible for the execution of its policies. He shall be the principal executive officer of a state department of education which shall have powers and duties provided by law.

The state board of education shall consist of eight members who shall be nominated by party conventions and elected at large for terms of eight years as prescribed by law. The governor shall fill any vacancy by appointment for the unexpired term. The governor shall be ex-officio a member of the state board of education without the right to vote.

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

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

Sec. 5. The regents of the University of Michigan and their successors in office shall constitute a body corporate known as the Regents of the University of Michigan; the trustees of Michigan State University and their successors in office shall constitute a body corporate known as the Board of Trustees of Michigan State University; the governors of Wayne State University and their successors in office shall constitute a body corporate known as the Board of Governors of Wayne State University. Each board shall have general supervision of its institution and the control and direction of all expenditures from the institution's funds. Each board shall, as often as necessary, elect a president of the institution under its supervision. He shall be the principal executive officer of the institution, be ex-officio a member of the board without the right to vote and preside at meetings of the board. The board of each institution shall consist of eight members who shall hold office for terms of eight years and who shall be elected as provided by law. The governor shall fill board vacancies by appointment. Each appointee shall hold office until a successor has been nominated and elected as provided by law.

Sec. 6. Other institutions of higher education established by law having authority to grant baccalaureate degrees shall each be governed by a board of control which shall be a body corporate. The board shall have general supervision of the institution and the control and direction of all expenditures from the institution's funds. It shall, as often as necessary, elect a president of the institution under its supervision. He shall be the principal executive officer of the institution and be ex-officio a member of the board without the right to vote. The board may elect one of its members or may designate the president, to preside at board meetings. Each board of control shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the governor by and with the advice and consent of the senate. Vacancies shall be filled in like manner.

Sec. 7. The legislature shall provide by law for the establishment and financial support of public community and junior colleges which shall be supervised and controlled by locally elected boards. The legislature shall provide by law for a state board for public community and junior colleges which shall advise the state board of education concerning general supervision and planning for such colleges and requests for annual appropriations for their support. The board shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the state board of education. Vacancies shall be filled in like manner. The superintendent of public instruction shall be ex-officio a member of this board without the right to vote.

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

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

Article IX
Finance and Taxation

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

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

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

Sec. 4. Property owned and occupied by nonprofit religious or educational organizations and used exclusively for religious or educational purposes, as defined by law, shall be exempt from real and personal property taxes.

Sec. 5. The legislature shall provide for the assessment by the state of the property of those public service businesses assessed by the state at the date this constitution becomes effective, and of other property as designated by the legislature, and for the imposition and collection of taxes thereon. Property assessed by the state shall be assessed at the same proportion of its true cash value as the legislature shall specify for property subject to general ad valorem taxation. The rate of taxation on such property shall be the average rate levied upon other property in this state under the general ad valorem tax law, or, if the legislature provides, the rate of tax applicable to the property of each business enterprise assessed by the state shall be the average rate of ad valorem taxation levied upon other property in all counties in which any of such property is situated.

Sec. 6. Except as otherwise provided in this constitution, the total amount of general ad valorem taxes imposed upon real and tangible personal property for all purposes in any one year shall not exceed 15 mills on each dollar of the assessed valuation of property as finally equalized. Under procedures provided by law, which shall guarantee the right of initiative, separate tax limitations for any county and for the townships and for school districts therein, the aggregate of which shall not exceed 18 mills on each dollar of such valuation, may be adopted and thereafter altered by the vote of a majority of the qualified electors of such county voting thereon, in lieu of the limitation hereinbefore established. These limitations may be increased to an aggregate of not to exceed 50 mills on each dollar of valuation, for a period of not to exceed 20 years at any one time, if approved by a majority of the electors, qualified under Section 6 of Article II of this constitution, voting on the question.

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

In any school district which extends into two or more counties, property taxes at the highest rate available in the county which contains the greatest part of the area of the district may be imposed and collected for school purposes throughout the district.

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

Sec. 8. The legislature shall not impose a sales tax on retailers at a rate of more than four percent of their gross taxable sales of tangible personal property.

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

Sec. 10. One-eighth of all taxes imposed on retailers on taxable sales at retail of tangible personal property shall be used exclusively for assistance to townships, cities and villages, on a population basis as provided by law. In determining population the legislature may exclude any portion of the total number of persons who are wards, patients or convicts in any tax supported institution.

Sec. 11. There shall be established a state school aid fund which shall be used exclusively for the support of public education and school

employees' retirement systems, as provided by law. One-half of all taxes imposed on retailers on taxable sales at retail of tangible personal property, and other tax revenues provided by law, shall be dedicated to this fund. Payments from this fund shall be made in full on a scheduled basis, as provided by law.

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

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

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

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

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

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

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

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

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

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

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

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

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

This section shall not be construed to prohibit the investment of public funds until needed for current requirements or the investment of funds accumulated to provide retirement or pension benefits for public officials and employees, as provided by law.

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

Sec. 20. No state money shall be deposited in banks other than those organized under the national or state banking laws. No state money

shall be deposited in any bank in excess of 50 percent of the capital and surplus of such bank. Any bank receiving deposits of state money shall show the amount of state money so deposited as a separate item in all published statements.

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

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

Sec. 22. Procedures for the examination and adjustment of claims against the state shall be prescribed by law.

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

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

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

Article X
Property

Sec. 1. The disabilities of coverture as to property are abolished. The real and personal estate of every woman acquired before marriage and all real and personal property to which she may afterwards become entitled shall be and remain the estate and property of such woman, and shall not be liable for the debts, obligations or engagements of her husband, and may be dealt with and disposed of by her as if she were unmarried. Dower may be relinquished or conveyed as provided by law.

Sec. 2. Private property shall not be taken for public use without just compensation therefor being first made or secured in a manner prescribed by law. The amount of compensation shall be determined in proceedings in a court of record.

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

Sec. 4. Procedures relating to escheats and to the custody and disposition of escheated property shall be prescribed by law.

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

The legislature by an act adopted by two-thirds of the members elected to and serving in each house may designate any part of such lands as a state land reserve. No lands in the state land reserve may be removed from the reserve, sold, leased or otherwise disposed of except by an act of the legislature.

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

Article XI
Public Officers and Employment

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

Sec. 2. The terms of office of elective state officers, members of the legislature and justices and judges of courts of record shall begin at twelve o'clock noon on the first day of January next succeeding their election, except as otherwise provided in this constitution. The terms of office of county officers shall begin on the first day of January next succeeding their election, except as otherwise provided by law.

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

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

Sec. 5. The classified state civil service shall consist of all positions in the state service except those filled by popular election, heads of principal departments, members of boards and commissions, the principal executive officer of boards and commissions heading principal departments, employees of courts of record, employees of the legis-

lature, employees of the state institutions of higher education, all persons in the armed forces of the state, eight exempt positions in the office of the governor, and within each principal department, when requested by the department head, two other exempt positions, one of which shall be policy-making. The civil service commission may exempt three additional positions of a policy-making nature within each principal department.

The civil service commission shall be non-salaried and shall consist of four persons, not more than two of whom shall be members of the same political party, appointed by the governor for terms of eight years, no two of which shall expire in the same year.

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

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

No person shall be appointed to or promoted in the classified service who has not been certified by the commission as qualified for such appointment or promotion. No appointments, promotions, demotions or removals in the classified service shall be made for religious, racial or partisan considerations.

Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year. Within 60 calendar days following such transmission, the legislature may, by a two-thirds vote of the members elected to and serving in each house, reject or reduce increases in rates of compensation authorized by the commission. Any reduction ordered by the legislature shall apply uniformly to all classes of employees affected by the increases and shall not adjust pay differentials already established by the civil service commission. The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases authorized by the commission.

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

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

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

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

No payment for personal services shall be made or authorized until the provisions of this constitution pertaining to civil service have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

Sec. 6. By ordinance or resolution of its governing body which shall not take effect until approved by a majority of the electors voting thereon, unless otherwise provided by charter, each county, township, city, village, school district and other governmental unit or authority may establish, modify or discontinue a merit system for its employees other than teachers under contract or tenure. The state civil service commission may on request furnish technical services to any such unit on a reimbursable basis.

Sec. 7. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office or for crimes or misdemeanors, but a majority of the members elected and serving shall be necessary to direct an impeachment.

When an impeachment is directed, the house of representatives shall elect three of its members to prosecute the impeachment.

Every impeachment shall be tried by the senate immediately after the final adjournment of the legislature. The senators shall take an oath or affirmation truly and impartially to try and determine the impeachment according to the evi-

dence. When the governor or lieutenant governor is tried, the chief justice of the supreme court shall preside.

No person shall be convicted without the concurrence of two-thirds of the senators elected and serving. Judgment in case of conviction shall not extend further than removal from office, but the person convicted shall be liable to punishment according to law.

No judicial officer shall exercise any of the functions of his office after an impeachment is directed until he is acquitted.

Article XII
Amendment & Revision

Sec. 1. Amendments to this constitution may be proposed in the senate or house of representatives. Proposed amendments agreed to by two-thirds of the members elected to and serving in each house on a vote with the names and vote of those voting entered in the respective journals shall be submitted, not less than 60 days thereafter, to the electors at the next general election or special election as the legislature shall direct. If a majority of electors voting on a proposed amendment approve the same, it shall become part of the constitution and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved.

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

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

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

If the proposed amendment is approved by a majority of the electors voting on the question, it shall become part of the constitution, and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved. If two or more amendments approved by the electors at the same election conflict, that amendment receiving the highest affirmative vote shall prevail.

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

The convention shall choose its own officers, determine the rules of its proceedings and judge the qualifications, elections and returns of its members. The governor shall appoint a qualified resident of the same district to fill a vacancy in the office of any delegate who shall be a member of the same party as the delegate vacating the office. The convention shall have power to appoint such officers, employees and assistants as it deems necessary and to fix their compensation; to provide for the printing and distribution of its documents, journals and proceedings; to explain and disseminate information about the proposed constitution and to complete the business of the convention in an orderly manner. Each delegate shall receive for his services compensation provided by law.

No proposed constitution or amendment adopted by such convention shall be submitted to the electors for approval as hereinafter provided unless by the assent of a majority of all the delegates elected to and serving in the convention, with the names and vote of those voting entered in the

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

Schedule and Temporary Provisions

To insure the orderly transition from the constitution of 1908 to this constitution the following schedule and temporary provisions are set forth to be effective for such period as are thereby required.

Sec. 1. The attorney general shall recommend to the legislature as soon as practicable such changes as may be necessary to adapt existing laws to this constitution.

Sec. 2. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights existing on the effective date of this constitution shall continue unaffected except as modified in accordance with the provisions of this constitution.

Sec. 3. Except as otherwise provided in this constitution, all officers filling any office by election or appointment shall continue to exercise their powers and duties until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

No provision of this constitution, or of law or of executive order authorized by this constitution shall shorten the term of any person elected to state office at a statewide election on or prior to the date on which this constitution is submitted to a vote. In the event the duties of any such officers shall not have been abolished or incorporated into one or more of the principal departments at the expiration of his term, such officer shall continue to serve until his duties are so incorporated or abolished.

Sec. 4. All officers elected at the same election that this constitution is submitted to the people for adoption shall take office and complete the term to which they were elected under the 1908 constitution and existing laws and continue to serve until their successors are elected and qualified pursuant to this constitution or law.

Sec. 5. Notwithstanding any other provision in this constitution, the governor, the lieutenant governor, the secretary of state, the attorney general, and state senators shall be elected at the general election in 1964 to serve for two year terms beginning on the first day of January next succeeding their election. The first election of such officers for four-year terms under this constitution shall be held at the general election in 1966.

Sec. 6. The state shall be districted for the purpose of electing senators in accordance with the provisions of Section 2 of Article IV of this constitution, after the official publication of the total population count of the 1970 decennial federal census. Until the apportionment of the senate following the 1970 census, the senatorial districts under the 1908 constitution shall remain intact except that upon the adoption of this constitution each of the counties of Kent, Genesee, Macomb and Oakland shall be divide by the apportionment commission into two senatorial districts and Wayne county into eight senatorial districts in accordance with this constitution. The legislature may give prior effect to Section 2 of Article IV of this constitution, which action shall not be subject to veto by the governor.

Sec. 7. Notwithstanding the provisions of this constitution that the supreme court shall consist of seven justices it shall consist of eight justices until the time that a vacancy occurs as a result of death, retirement or resignation of a justice. The first such vacancy shall not be filled.

Sec. 8. Any judge of probate serving on the effective date of this constitution may serve the remainder of the term and be eligible to succeed himself for election regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

Sec. 9. The provisions of Article VI providing that terms of judicial offices shall not all expire at the same time, shall be implemented by law providing that at the next election for such offices judges shall be elected for terms of varying length, none of which shall be shorter than the regular term provided for the office.

Sec. 10. The members of the state board of education provided for in Section 3 of Article VIII of this constitution shall first be elected at the first general election after the effective date of this constitution for the following terms: two shall be elected for two years, two for four years, two for six years, and two for eight years as prescribed by law.

The State Board of Education provided for in the constitution of 1908 is abolished at twelve o'clock noon January 1 of the year following the first general election under this constitution and the terms of members thereof shall then expire.

Sec. 11. The provisions of this constitution providing for members of boards of control of institutions of higher education and the State Board of Public Community and Junior Colleges shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be

extended, and may further provide that the initial terms of office of members may be less than eight years.

Sec. 12. The provisions of this constitution increasing the number of members of the Board of Trustees of Michigan State University and of the Board of Governors of Wayne State University to eight, and of their term of office to eight years, shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended one year, and may further provide that the initial terms of office of the additional members may be less than eight years.

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

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

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

Sec. 15. The legislature by a vote of two-thirds of the members elected to and serving in each house may provide that the state may borrow money and may pledge its full faith and credit for refunding any bonds issued by the Mackinac Bridge Authority and at the time of refunding the Mackinac Bridge Authority shall be abolished and the operation of the bridge shall be assumed by the state highway department. The legislature may implement this section by law.

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

Sec. 17. Every registered elector may vote on the adoption of the constitution. The board of election commissioners in each county shall cause to be printed on a ballot separate from the ballot containing the names of the nominees for office, the words: Shall the revised constitution be adopted? ( ) Yes. ( ) No. All votes cast at the election shall be taken, counted, canvassed and returned as provided by law for the election of state officers. If the revised constitution so submitted receives more votes in its favor than were cast against it, it shall be the supreme law of the state on and after the first day of January of the year following its adoption.

Following is statement of the style and form changes made by the committee on style and drafting from the document as referred to said committee (see above, page 3210) to the document as reported by said committee (see above, page 3214):

article	section	changes
I	2	After "because of" strike out "race, color, religion, or national origin" and insert "religion, race, color or national origin".
II	6	After "such election or" insert "electors who are".
III	5	Combine both paragraphs into one.
IV	4	First paragraph, first sentence, after "which it is combined" insert a comma and strike out "upon the effective date of the annexation or merger,"; and in the second sentence, after the first "the" insert "district or"; and after "determined by" strike out "said" and insert "such".
	6	Last paragraph, after "by the commission, and" strike out "may" (in the amendment) and insert "shall".
	12	(In the amendment) after "compensation and" strike out "expenses" and insert "expense allowances"; and after "changes in" strike out "salary or expenses" and insert "compensation or expense allowances"; and after "commence their" strike out "term" and insert "terms".
V	4	Section has been split into 2 sections and reversed in order. The balance of the article has been renumbered.
	25	Renumbered to Sec. 26. First paragraph, after "resignation" strike out the comma; and after "THE ELECTED attorney general" strike out the comma; and in the second paragraph, after "IN" strike out "THE".
	28	Renumbered to Sec. 29. Last paragraph, (in the amendment), after "court" strike out "of the state".
VI	8	After "lines and as" (in the amendment) strike out "near" and insert "nearly"; and after "equal population, as" (in the amendment) strike out "prescribed" and insert "provided".
	26	First paragraph, after "justice of the peace" strike out "shall be" and insert "are".
VII	24	First paragraph, after "own" strike out "and" and insert "or".
	25	Last sentence, after "sell any" strike out "such".
	28	First paragraph, after "two or more counties,", strike out "cities, villages, townships or districts,", and insert "townships, cities, villages or districts,".
	29	First sentence, after "places of any county,", strike out "city, village or township" and insert "township, city or village"; and after "authority of the county,", strike out "city, village or township" and insert "township, city or village"; and after "franchise from the" strike out "city, village or township" and insert "township, city or village". Second sentence, after "right of all counties,", strike out "cities, villages and townships" and insert "townships, cities and villages".
	30	After "granted by any" strike out "city, village or township" and insert "township, city or village".
	33	Renumbered to Sec. 34. After "concerning" strike out "cities, villages, counties and townships" and insert "counties, townships, cities and villages". (This section had previously been section 15 of article XI.)
VIII	2	After "discrimination as to" strike out "race, creed, religion, color or national origin" and insert "religion, creed, race, color or national origin".
IX	4	(In the amendment) after "occupied by" strike out "a"; and after "educational" strike out "organization" and insert "organizations".
	6	First paragraph, at the beginning of the third sentence strike out "The" and insert "These"; and after "limitations" strike out "established by this constitution or by county vote"; and after "constitution" insert a comma. Second paragraph, after "charter township" strike out "or" and insert a comma; and after "charter" strike out "or other" (in the amendment); and after "authority" insert "or other authority,".
	10	After "assistance to" strike out "cities, villages and townships" and insert "townships, cities and villages".
	11	Section 11 has been rewritten to conform to other language in finance article. Meaning has not been changed.
	16	Third paragraph, after "28" strike out the comma and insert "of" and after "X" strike out the comma. Seventh paragraph, after "28" strike out the comma and insert "of".
X	1	Second sentence (in the amendment) after "every woman" strike out the comma; and after "marriage" strike out the comma; and after "may be dealt with" insert "and disposed of".
	2	The sentence, "Compensation shall be determined in proceedings in a court of record.", has been added in lieu of the floor amendment.
XI	6-14	Section numbers 6, 7, 8, 9, 10, 11 and 12 stricken and Sec. 13 renumbered to Sec. 6, Sec. 14 renumbered to Sec. 7.
	7	Old Sec. 7 (paragraph 5 of new section 5), strike out "partisan, racial or religious" and insert "religious, racial or partisan".
	8	Last sentence of old section 8 (paragraph 6 of new section 5), has been moved to second sentence; after "serving in each house, reject" strike out the comma; and in the next sentence, after "CLASSES OF EMPLOYEES" (in the amendment) insert "affected by the increases".
	13	First sentence of old section 13 (new section 6, in the amendment), after "otherwise provided by charter" insert a comma.
	15	Old section 15 transferred to local government article. (section 33 of article VII.)
XII	2	Paragraph 4, first sentence, after "question,", strike out "the proposed amendment" and insert "it".
	3	Second paragraph, second sentence, after "vacating the office" insert a period and strike out "if the legislature provides for partisan election of delegates.".
Schedule		After "FOLLOWING SCHEDULE" strike out "IS" and insert "and temporary provisions are"; and after "PERIOD AS" strike out "ITS PROVISIONS REQUIRE" and insert "are thereby required".
	6	Section 6 has been changed somewhat but meaning unchanged; a sentence (not a paragraph) has been added at end of section, incorporating the floor amendment, which sentence reads as follows: "The legislature

against the secretary of state, by Mr. Van Dusen, chairman, submits the following report:

In accordance with Resolution 96, the committee on action against secretary of state on May 14, 1962, filed with the circuit court for the county of Ingham, a petition for declaration of rights in an action entitled, Stephen S. Nisbet, President of the Michigan Constitutional Convention of 1961-1962 v. James M. Hare, Secretary of State. The relief sought was a declaration that the convention has the right to provide for submission of the proposed new constitution to the electors at the general election to be held November 6, 1962. The summons and petition were served on the secretary of state on the same day.

On May 22, having had no response from the attorney general, petitioner filed a motion for the entry of a decree. On May 25, the secretary of state appeared specially by the attorney general and moved to dismiss the petition on the ground that the case did not present an actual controversy. The trial court heard argument on the attorney general's motion on June 1 and on June 6 rendered an opinion denying the motion to dismiss. An order to that effect was entered on June 11.

Instead of proceeding to file an answer, the attorney general then filed an application to the supreme court for leave to appeal. This application was granted by the supreme court and the attorney general, on July 2, filed a claim of appeal.

The attorney general has not yet filed a brief and he states that he does not intend to do so until after August 7.

It is obvious that no judicial determination of the right of the constitutional convention to require submission of the proposed constitution to the electors on November 6 will be made in time to be useful to the convention. Accordingly, the committee recommends:

1) That section 15 [formerly section 16] of the schedule and temporary provisions of the proposed constitution be amended by striking from the first sentence the words "Tuesday after the first Monday of November, 1962" and inserting "first Monday in April, 1963."

2) That the committee be authorized to discontinue the action entitled, Nisbet v. Hare.

Richard C. Van Dusen, chairman.

MR. VAN DUSEN: Mr. President, I move the adoption of the report.

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

The report is adopted. Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, in compliance with our rules, I think it would now be necessary to take a roll call vote on the amendment to the constitution changing the date.

PRESIDENT NISBET: Mr. Chase will read the amendment.

SECRETARY CHASE: The amendment recommended in the report is as follows:

1. Amend the schedule, section 15 [formerly section 16] (column 2) line 11, after "held on the" by striking out "Tuesday after the first Monday of November, 1962.", and inserting "first Monday in April, 1963.".

PRESIDENT NISBET: The secretary will call the roll. Those in favor of the amendment will vote aye as your name is called. Those opposed will vote no.

The roll was called and the delegates voted as follows:

Yeas—141

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

Nays—0

SECRETARY CHASE: On the adoption of the amendment, the yeas are 141; the nays are none.

PRESIDENT NISBET: The amendment is adopted. The question now is on the **final passage of the constitution as amended** this morning. Those who are in favor will answer aye as your names are called. Those opposed will answer nay. The secretary will call the roll.

The roll was called and the delegates voted as follows:

Yeas—98

Allen	Gover	Powell
Andrus, Miss	Gust	Prettie
Anspach	Habermehl	Pugsley
Balcer	Hanna, W. F.	Radka
Batchelor	Hannah, J. A.	Rajkovich
Beaman	Haskill	Richards, J. B.
Bentley	Hatch	Richards, L. W
Blandford	Heideman	Romney
Bonisteel	Higgs	Rood
Boothby	Howes	Rush
Brake	Hoxie	Seyferth
Brown, G. E.	Hubbs	Shackleton
Butler, Mrs.	Hutchinson	Shaffer
Conklin, Mrs.	Iverson	Sharpe
Cudlip	Judd, Mrs.	Sleder
Cushman, Mrs.	Karn	Spitler
Danhof	Kirk, S.	Stafseth
Dehnke	Knirk, B.	Staiger
Dell	Koeze, Mrs.	Stamm
DeVries	Kuhn	Sterrett
Donnelly, Miss	Lawrence	Stevens
Doty, Dean	Leppien	Thomson
Doty, Donald	Martin	Tubbs
Durst	McCauley	Turner
Elliott, A. G.	McGowan, Miss	Tweedie
Erickson	McLogan	Upton
Everett	Millard	Van Dusen
Farnsworth	Mosier	Wanger
Figy	Nisbet	White
Finch	Page	Wood

Follo	Perras	Woolfenden
Gadola	Plank	Yeager
Goebel	Pollock	

Nays—43

Austin	Greene	Nord
Baginski	Hart, Miss	Norris
Barthwell	Hatcher, Mrs.	Ostrow
Binkowski	Hood	Pellow
Bledsoe	Jones	Perlich
Bowens	Kelsey	Sablich
Bradley	Krolikowski	Shanahan
Brown, T. S.	Leibrand	Snyder
Buback	Lesinski	Stopczynski
Douglas	Liberato	Suzore
Downs	Madar	Walker
Elliott, Mrs. Daisy	Mahinske	Wilkowski
Faxon	McAllister	Young
Ford	Murphy	Youngblood
Garvin		

SECRETARY CHASE: On the adoption of the constitution as amended, the yeas are 98; the nays are 43. (applause)

PRESIDENT NISBET: The **constitution** is adopted.

For the constitution as adopted, see below, page 3317.

Because of the hour, it being almost noon, the Chair recognizes Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, I move that the convention now stand in recess until 2:00 p.m.

PRESIDENT NISBET: The question is on the motion of Mr. Van Dusen that we recess until 2:00 p.m. Those in favor will say aye. Opposed, no.

The motion prevails. We are recessed until 2:00 o'clock.

[Whereupon, at 11:50 o'clock a.m., the convention recessed; and, at 2:00 o'clock p.m., reconvened.]

Will the delegates please take their seats. The convention will please come to order.

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

PRESIDENT NISBET: I think we should recognize the fact that many of our employees are voluntarily back with us today, meeting with the delegates. I'm sure all of us are very happy to have them here. It brings about a happy result to see them and I think we ought to give them a good hand. (applause) Mr. Chase has an announcement.

SECRETARY CHASE: There are 3 announcements that possibly should have been made before we recessed for lunch.

First, there is mail for all of the delegates in the mail room downstairs.

Just prior to the May 11 adjournment, several of the delegates took out, on loan, sets of convention slides which have not been returned. Missing from our files are 12 complete sets of slides. Since we frequently have call from other delegates for the use of these slides, we would appreciate their return as soon as possible. Ink White, chairman of the committee on public information.

I am sure the delegates recall the lady on the civic center staff who took such good care of keeping the windows clean and the place well slicked up, who had to go to the hospital for a very critical operation. A number of the delegates contributed to a fund to help her over her financial difficulties. I have the following card:

> It is very difficult to express my appreciation to all the wonderful people of con con. Let me say, with my heart, your kindness and generosity will always be remembered.
>
> Sincerely,
> Freda Adams.

PRESIDENT NISBET: Since the adjournment on May 11, we have added 2 new associate members to the delegation: Mrs. Charles Follo and Mrs. Gil Wanger.

I asked Charlie if Mrs. Follo was present so that he might present her, but he said she isn't. We are sorry, Charlie, she couldn't be with us.

Mr. Wanger, is your associate delegate present? Would you present her?

[Whereupon, the delegates accorded Mrs. Wanger a standing ovation.]

At the final session before the long recess the president was authorized to name a reunion committee for the constitutional convention. Accordingly, the **president appoints,** as members of the reunion committee: Mr. Erickson, Mrs. Koeze, Messrs. Jones, Bowens, Brake, Mrs. Conklin, Mr. Dean Doty, Mrs. Daisy Elliott, Messrs. Faxon, Kelsey, Kuhn, Powell, Sharpe, Wanger, White and Norris.

Without objection, the appointments are approved. You will notice that most of these delegates are within the area of Lansing, Detroit or Grand Rapids for their ease in getting together when they have to meet. Mr. Claud Erickson is chairman of the committee.

Returning to the order of business, **approval of address to people.** We will take up the **report of the committee on public information.** Mr. White, chairman.

MR. WHITE: Mr. President, under date of June 26, 1962, each delegate was mailed proof copies of the proposed address to the people. Since that time our committee has received numerous suggestions for corrections, additions, deletions and so on. Our committee has met and gone over these suggestions and they have been, for the most part, agreed to. I might say, parenthetically, the address in its present corrected form represents the writing and editing of upwards of 50 of our delegates.

Under date of July 27, 1962, each of you was mailed a 16 page multilith report which outlined in detail some 108 corrections. This communication also carried the recommendation that we be authorized to correct the text of the constitution as it appears in the address to conform with the style and drafting changes adopted at today's session, and to offer comments accordingly, if necessary. All of this material has been delivered again to each delegate's desk today. Additionally, you have a single white multilith sheet from our committee containing brief addenda to this 16 page report.

It seems to me, Mr. President, the delegates have had ample time to consider these matters, and to expedite our final deliberations, I move that the report of the public information committee, with the recommended addenda, be considered read.

PRESIDENT NISBET: Without objection, it is so ordered.

Following is the report as submitted and considered read:

After careful consideration of suggestions from delegates, your committee on public information recommends the adoption of the following changes in the proof copy of the address to the people:

For document incorporating following changes, see below, page 3355. Page numbers in report refer to document pages.

1. Amend page 2, second full paragraph, line 3, after "that one" by striking out "must" and inserting "should"; to improve phraseology.

2. Amend page 2, third full paragraph, line 1, by striking out "Ordered by popular vote, its delegates selected by the people on the basis of one from each senatorial and representative district, the Constitutional Convention of 1961-62 met in Lansing on October 3, 1961.", and inserting "The convention was ordered by popular vote in April of 1961. There were 144 delegates, representing Michigan's 34 State Senatorial districts and 110 State Representative seats. They were elected in statewide voting on September 12, 1961, and convened at Lansing on October 3, 1961."; to improve awkward sentence construction and correct error by indicating "seats" rather than representative "districts."

3. Amend page 2, fifth full paragraph, line 2, after "overlapped" by striking out "each other"; to improve phraseology.

4. Amend page 2, fifth full paragraph, line 6, after

CONSTITUTION
OF THE
STATE OF MICHIGAN

as finally adopted
by the Convention
August 1, 1962

PREAMBLE

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

ARTICLE I

Declaration of Rights

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

Sec. 2. No person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color or national origin. The legislature shall implement this section by appropriate legislation.

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

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

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

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

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

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

Sec. 9. Neither slavery, nor involuntary servitude unless for the punishment of crime, shall ever be tolerated in this state.

Sec. 10. No bill of attainder, ex post facto law or law impairing the obligation of contract shall be enacted.

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

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

Sec. 13. A suitor in any court of this state has the right to prosecute or defend his suit, either in his own proper person or by an attorney.

Sec. 14. The right of trial by jury shall remain, but shall be waived in all civil cases unless demanded by one of the parties in the manner prescribed by law. In all civil cases tried by 12 jurors a verdict shall be received when 10 jurors agree.

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

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

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

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

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

Sec. 20. In every criminal prosecution, the accused shall have the right to a speedy and public trial by an impartial jury, which may consist of less than 12 jurors in all courts not of record; to be informed of the nature of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to have the assistance of counsel for his defense; to have an appeal as a matter of right; and in courts of record, when the trial court so orders, to have such reasonable assistance as may be necessary to perfect and prosecute an appeal.

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

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

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

ARTICLE II

Elections

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

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

Sec. 3. For purposes of voting in the election for president and vice-president of the United States only, the legislature may by law establish lesser residence requirements for citizens who have resided in this state for less than six months and may waive residence requirements for former citizens of this state who have removed herefrom. The legislature shall not permit voting by any person who meets the voting residence requirements of the state to which he has removed.

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

Sec. 5. Except for special elections to fill vacancies, or as otherwise provided in this constitution, all elections for national, state, county and township offices shall be held on the first Tuesday after the first Monday in November in each even-numbered year or on such other date as members of the congress of the United States are regularly elected.

Sec. 6. Whenever any question is required to be submitted by a political subdivision to the electors for the increase of the ad valorem tax rate limitation imposed by Section 6 of Article IX for a period of more than five years, or for the issue of bonds, only electors in, and who have property assessed for any ad valorem taxes in, any part of the district or territory to be affected by the result of such election or electors who are the lawful husbands or wives of such persons shall be entitled to vote thereon. All electors in the district or territory affected may vote on all other questions.

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

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

Sec. 9. The people reserve to themselves the power to propose laws and to enact and reject laws, called the initiative, and the power to approve or reject laws enacted by the legislature, called the referendum. The power of initiative extends only to laws which the legislature may enact under this constitution. The power of referendum does not extend to acts making appropriations for state institutions or to meet deficiencies in state funds and must be invoked in the manner prescribed by law within 90 days following the final adjournment of the legislative session at which the law was enacted. To invoke the initiative or referendum, petitions signed by a number of registered electors, not less than eight percent for initiative and five percent for referendum of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected shall be required.

No law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election.

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

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

Any law submitted to the people by either initiative or referendum petition and approved by a majority of the votes cast thereon at any election shall take effect 10 days after the date of the official declaration of the vote. No law initiated or adopted by the people shall be subject to the veto power of the governor, and no law adopted by the people at the polls under the initiative provisions of this section shall be amended or repealed, except by a vote of the electors unless otherwise provided in the initiative measure or by three-fourths of the members elected to and serving in each house of the legislature. Laws approved by the people under the referendum provision of this section may be amended by the legislature at any subsequent session thereof. If two or more measures approved by the electors at the same election conflict, that receiving the highest affirmative vote shall prevail.

The legislature shall implement the provisions of this section.

ARTICLE III

General Government

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

Sec. 2. The powers of government are divided into three branches: legislative, executive and judicial. No person exercising powers of one branch shall exercise powers properly belonging to another branch except as expressly provided in this constitution.

Sec. 3. There shall be a great seal of the State of Michigan and its use shall be provided by law.

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

Sec. 5. Subject to provisions of general law, this state or any political subdivision thereof, any governmental authority or any combination thereof may enter into agreements for the performance, financing or execution of their respective functions, with any one or more of the other states, the United States, the Dominion of Canada, or any political subdivision thereof unless otherwise provided in this constitution. Any other provision of this constitution notwithstanding, an officer or employee of the state or of any such unit of government or subdivision or agency thereof may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service. The legislature may impose such restrictions, limitations or conditions on such service as it may deem appropriate.

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

Sec. 7. The common law and the statute laws now in force, not repugnant to this constitution, shall remain in force until they expire by their own limitations, or are changed, amended or repealed.

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

ARTICLE IV

Legislative Branch

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

Sec. 2. The senate shall consist of 38 members to be elected from single member districts at the same election as the governor for four-year terms concurrent with the term of office of the governor.

In districting the state for the purpose of electing senators after the official publication of the total population count of each federal decennial census, each county shall be assigned apportionment factors equal to the sum of its percentage of the state's population as shown by the last regular federal decennial census computed to the nearest one-one hundredth of one percent multiplied by four and its percentage of the state's land area computed to the nearest one-one hundredth of one percent.

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

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

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

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

Sec. 3. The house of representatives shall consist of 110 members elected for two-year terms from single member districts apportioned on a basis of population as provided in this article. The districts shall consist of compact and convenient territory contiguous by land.

Each county which has a population of not less than seven-tenths of one percent of the population of the state shall constitute a separate representative area. Each county having less than seven-tenths of one percent of the population of the state shall be combined with another county or counties to form a representative area of not less than seven-tenths of one percent of the population of the state. Any county which is isolated under the initial allocation as provided in this section shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.

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

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

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

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

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

Sec. 4. In counties having more than one representative or senatorial district, the territory in the same county annexed to or merged with a city between apportionments shall become a part of a contiguous representative or senatorial district in the city with which it is combined, if provided by ordinance of the city. The district or districts with which the territory shall be combined shall be determined by such ordinance certified to the secretary of state. No such change in the boundaries of a representative or senatorial district shall have the effect of removing a legislator from office during his term.

Sec. 5. Island areas are considered to be contiguous by land to the county of which they are a part.

Sec. 6. A commission on legislative apportionment is hereby established consisting of eight electors, four of whom shall be selected by the state organizations of each of the two political parties whose candidates for governor received the highest vote at the last general election at which a governor was elected preceding each apportionment. If a candidate for governor of a third political party has received at such election more than 25 percent of such gubernatorial vote, the commission shall consist of 12 members, four of whom shall be selected by the state organization of the third political party. One resident of each of the following four regions shall be selected by each political party organization: (1) the upper peninsula; (2) the northern part of the lower peninsula, north of a line drawn along the northern boundaries of the counties of Bay, Midland, Isabella, Mecosta, Newaygo and Oceana; (3) southwestern Michigan, those counties south of region (2) and west of a line drawn along the western boundaries of the counties of Bay, Saginaw, Shiawassee, Ingham, Jackson and Hillsdale; (4) southeastern Michigan, the remaining counties of the state.

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

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

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

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

Each final apportionment and districting plan shall be published as provided by law within 30 days from the date of its adoption and shall become law 60 days after

publication. The secretary of state shall keep a public record of all the proceedings of the commission and shall be responsible for the publication and distribution of each plan.

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

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

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

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

Sec. 9. No person elected to the legislature shall receive any civil appointment within this state from the governor, except notaries public, from the legislature, or from any other state authority, during the term for which he is elected.

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

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

Sec. 12. The compensation and expense allowances of the members of the legislature shall be determined by law. Changes in compensation or expense allowances shall become effective only when legislators commence their terms of office after a general election.

Sec. 13. The legislature shall meet at the seat of government on the second Wednesday in January of each year at twelve o'clock noon. Each regular session shall adjourn without day, on a day determined by concurrent resolution, at twelve o'clock noon. Any business, bill or joint resolution pending at the final adjournment of a regular session held in an odd numbered year shall carry over with the same status to the next regular session.

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

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

Sec. 16. Each house, except as otherwise provided in this constitution, shall choose its own officers and determine the rules of its proceedings, but shall not adopt any rule that will prevent a majority of the members elected thereto and serving therein from discharging a committee from the further consideration of any measure. Each house shall be the sole judge of the qualifications, elections and returns of its members, and may, with the concurrence of two-thirds of all the members elected thereto and serving therein, expel a member. The reasons for such expulsion shall be entered in the journal, with the votes and names of the members voting upon the question. No member shall be expelled a second time for the same cause.

Sec. 17. Each house of the legislature may establish the committees necessary for the efficient conduct of its business and the legislature may create joint committees. On all actions on bills and resolutions in each committee, names and votes of members shall be recorded. Such vote shall be available for public inspection. Notice of all committee hearings and a clear statement of all subjects to be considered at each hearing shall be published in the journal in advance of the hearing.

Sec. 18. Each house shall keep a journal of its proceedings, and publish the same unless the public security otherwise requires. The record of the vote and name of the members of either house voting on any question shall be entered in the journal at the request of one-fifth of the members present. Any member of either house may dissent from and protest against any act, proceeding or resolution which he deems injurious to any person or the public, and have the reason for his dissent entered in the journal.

Sec. 19. All elections in either house or in joint convention and all votes on appointments submitted to the senate for advice and consent shall be published by vote and name in the journal.

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

Sec. 21. Neither house shall, without the consent of the other, adjourn for more than two intervening calendar days, nor to any place other than where the legislature may then be in session.

Sec. 22. All legislation shall be by bill and may originate in either house.

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

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

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

Sec. 26. No bill shall be passed or become a law at any regular session of the legislature until it has been printed or reproduced and in the possession of each house for

at least five days. Every bill shall be read three times in each house before the final passage thereof. No bill shall become a law without the concurrence of a majority of the members elected to and serving in each house. On the final passage of bills, the votes and names of the members voting thereon shall be entered in the journal.

Sec. 27. No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.

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

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

Sec. 30. The assent of two-thirds of the members elected to and serving in each house of the legislature shall be required for the appropriation of public money or property for local or private purposes.

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

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

Sec. 33. Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law. If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves, and the legislature continues the session at which the bill was passed, he shall return it within such 14-day period with his objections, to the house in which it originated. That house shall enter such objections in full in its journal and reconsider the bill. If two-thirds of the members elected to and serving in that house pass the bill notwithstanding the objections of the governor, it shall be sent with the objections to the other house for reconsideration. The bill shall become law if passed by two-thirds of the members elected to and serving in that house. The vote of each house shall be entered in the journal with the votes and names of the members voting thereon. If any bill is not returned by the governor within such 14-day period, the legislature continuing in session, it shall become law as if he had signed it.

Sec. 34. Any bill passed by the legislature and approved by the governor, except a bill appropriating money, may provide that it will not become law unless approved by a majority of the electors voting thereon.

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

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

Sec. 37. The legislature may by concurrent resolution empower a joint committee of the legislature, acting between sessions, to suspend any rule or regulation promulgated by an administrative agency subsequent to the adjournment of the last preceding regular legislative session. Such suspension shall continue no longer than the end of the next regular legislative session.

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

Sec. 39. In order to insure continuity of state and local governmental operations in periods of emergency only, resulting from disasters occurring in this state caused by enemy attack on the United States, the legislature may provide by law for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices; and enact other laws necessary and proper for insuring the continuity of governmental operations. Notwithstanding the power conferred by this section, elections shall always be called as soon as possible to fill any vacancies in elective offices temporarily occupied by operation of any legislation enacted pursuant to the provisions of this section.

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

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

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

Sec. 43. No general law providing for the incorporation of trust companies or corporations for banking purposes, or regulating the business thereof, shall be enacted, amended or repealed except by a vote of two-thirds of the members elected to and serving in each house.

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

Sec. 45. The legislature may provide for indeterminate sentences as punishment for crime and for the detention and release of persons imprisoned or detained under such sentences.

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

Sec. 47. The legislature may authorize the employment of chaplains in state institutions of detention or confinement.

Sec. 48. The legislature may enact laws providing for the resolution of disputes concerning public employees, except those in the state classified civil service.

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

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

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

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

Sec. 53. The legislature by a majority vote of the members elected to and serving in each house, shall appoint an auditor general, who shall be a certified public accountant licensed to practice in this state, to serve for a term of eight years. He shall be ineligible for appointment or election to any other public office in this state from which compensation is derived while serving as auditor general and for two years following the termination of his service. He may be removed for cause at any time by a two-thirds vote of the members elected to and serving in each house. The auditor general shall conduct post audits of financial transactions and accounts of the state and of all branches, departments, offices, boards, commissions, agencies, authorities and institutions of the state established by this constitution or by law, and performance post audits thereof.

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

Nothing in this section shall be construed in any way to infringe the responsibility and constitutional authority of the governing boards of the institutions of higher education to be solely responsible for the control and direction of all expenditures from the institutions' funds.

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

ARTICLE V
Executive Branch

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

Sec. 2. All executive and administrative offices, agencies and instrumentalities of the executive branch of state government and their respective functions, powers and

duties, except for the office of governor and lieutenant governor and the governing bodies of institutions of higher education provided for in this constitution, shall be allocated by law among and within not more than 20 principal departments. They shall be grouped as far as practicable according to major purposes.

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

Sec. 3. The head of each principal department shall be a single executive unless otherwise provided in this constitution or by law. The single executives heading principal departments shall include a secretary of state, a state treasurer and an attorney general. When a single executive is the head of a principal department, unless elected or appointed as otherwise provided in this constitution, he shall be appointed by the governor by and with the advice and consent of the senate and he shall serve at the pleasure of the governor.

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

Terms of office of any board or commission created or enlarged after the effective date of this constitution shall not exceed four years except as otherwise authorized in this constitution. The terms of office of existing boards and commissions which are longer than four years shall not be further extended except as provided in this constitution.

Sec. 4. Temporary commissions or agencies for special purposes with a life of no more than two years may be established by law and need not be allocated within a principal department.

Sec. 5. A majority of the members of an appointed examining or licensing board of a profession shall be members of that profession.

Sec. 6. Appointment by and with the advice and consent of the senate when used in this constitution or laws in effect or hereafter enacted means appointment subject to disapproval by a majority vote of the members elected to and serving in the senate if such action is taken within 60 session days after the date of such appointment. Any appointment not disapproved within such period shall stand confirmed.

Sec. 7. Vacancies in any office, appointment to which requires advice and consent of the senate, shall be filled by the governor by and with the advice and consent of the senate. A person whose appointment has been disapproved by the senate shall not be eligible for an interim appointment to the same office.

Sec. 8. Each principal department shall be under the supervision of the governor unless otherwise provided by this constitution. The governor shall take care that the laws be faithfully executed. He shall transact all necessary business with the officers of

government and may require information in writing from all executive and administrative state officers, elective and appointive, upon any subject relating to the duties of their respective offices.

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

Sec. 9. Single executives heading principal departments and the chief executive officers of principal departments headed by boards or commissions shall keep their offices at the seat of government except as otherwise provided by law, superintend them in person and perform duties prescribed by law.

Sec. 10. The governor shall have power and it shall be his duty to inquire into the condition and administration of any public office and the acts of any public officer, elective or appointive. He may remove or suspend from office for gross neglect of duty or for corrupt conduct in office, or for any other misfeasance or malfeasance therein, any elective or appointive state officer, except legislative or judicial, and shall report the reasons for such removal or suspension to the legislature.

Sec. 11. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an appointed or elected officer, other than a legislative or judicial officer, until he is reinstated or until the vacancy is filled in the manner prescribed by law or this constitution.

Sec. 12. The governor shall be commander-in-chief of the armed forces and may call them out to execute the laws, suppress insurrection and repel invasion.

Sec. 13. The governor shall issue writs of election to fill vacancies in the senate or house of representatives. Any such election shall be held in a manner prescribed by law.

Sec. 14. The governor shall have power to grant reprieves, commutations and pardons after convictions for all offenses, except cases of impeachment, upon such conditions and limitations as he may direct, subject to procedures and regulations prescribed by law. He shall inform the legislature annually of each reprieve, commutation and pardon granted, stating reasons therefor.

Sec. 15. The governor may convene the legislature on extraordinary occasions.

Sec. 16. The governor may convene the legislature at some other place when the seat of government becomes dangerous from any cause.

Sec. 17. The governor shall communicate by message to the legislature at the beginning of each session and may at other times present to the legislature information as to the affairs of the state and recommend measures he considers necessary or desirable.

Sec. 18. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state. Proposed expenditures from any fund shall not exceed the estimated revenue thereof. On the same date, the governor shall submit to the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills to provide new or additional revenues to meet proposed expenditures. The amount of any surplus created or deficit incurred in any fund during the last preceding fiscal period shall be entered as an item in the budget and in one of the appropriation bills. The governor may submit amendments to appropriation bills to be offered in either house during consideration of the bill by that house, and shall submit bills to meet deficiencies in current appropriations.

Sec. 19. The governor may disapprove any distinct item or items appropriating moneys in any appropriation bill. The part or parts approved shall become law, and the item or items disapproved shall be void unless re-passed according to the method prescribed for the passage of other bills over the executive veto.

Sec. 20. No appropriation shall be a mandate to spend. The governor, with the approval of the appropriating committees of the house and senate, shall reduce expenditures authorized by appropriations whenever it appears that actual revenues for a fiscal period will fall below the revenue estimates on which appropriations for that period were based. Reductions in expenditures shall be made in accordance with procedures prescribed by law. The governor may not reduce expenditures of the legislative and judicial branches or from funds constitutionally dedicated for specific purposes.

Sec. 21. The governor, lieutenant governor, secretary of state and attorney general shall be elected for four-year terms at the general election in each alternate even-numbered year.

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

Vacancies in the office of the secretary of state and attorney general shall be filled by appointment by the governor.

Sec. 22. To be eligible for the office of governor or lieutenant governor a person must have attained the age of 30 years, and have been a registered elector in this state for four years next preceding his election.

Sec. 23. The governor, lieutenant governor, secretary of state and attorney general shall each receive the compensation provided by law in full payment for all services performed and expenses incurred during his term of office. Such compensation shall not be changed during the term of office except as otherwise provided in this constitution.

Sec. 24. An executive residence suitably furnished shall be provided at the seat of government for the use of the governor. He shall receive an allowance for its maintenance as provided by law.

Sec. 25. The lieutenant governor shall be president of the senate, but shall have no vote, unless they be equally divided. He may perform duties requested of him by the governor, but no power vested in the governor shall be delegated.

Sec. 26. In case of the conviction of the governor on impeachment, his removal from office, his resignation or his death, the lieutenant governor, the elected secretary of state, the elected attorney general and such other persons designated by law shall in that order be governor for the remainder of the governor's term.

In case of the death of the governor-elect, the lieutenant governor-elect, the secretary of state-elect, the attorney general-elect and such other persons designated by law shall become governor in that order at the commencement of the governor-elect's term.

If the governor or the person in line of succession to serve as governor is absent from the state, or suffering under an inability, the powers and duties of the office of governor shall devolve in order of precedence until the absence or inability giving rise to the devolution of powers ceases.

The inability of the governor or person acting as governor shall be determined by a majority of the supreme court on joint request of the president pro tempore of the senate and the speaker of the house of representatives. Such determination shall be final

and conclusive. The supreme court shall upon its own initiative determine if and when the inability ceases.

Sec. 27. The legislature shall provide that the salary of any state officer while acting as governor shall be equal to that of the governor.

Sec. 28. There is hereby established a state highway commission, which shall administer the state highway department and have jurisdiction and control over all state trunkline highways and appurtenant facilities, and such other public works of the state, as provided by law.

The state highway commission shall consist of four members, not more than two of whom shall be members of the same political party. They shall be appointed by the governor by and with the advice and consent of the senate for four-year terms, no two of which shall expire in the same year, as provided by law.

The state highway commission shall appoint and may remove a state highway director, who shall be a competent highway engineer and administrator. He shall be the principal executive officer of the state highway department and shall be responsible for executing the policy of the state highway commission.

Sec. 29. There is hereby established a civil rights commission which shall consist of eight persons, not more than four of whom shall be members of the same political party, who shall be appointed by the governor, by and with the advice and consent of the senate, for four-year terms not more than two of which shall expire in the same year. It shall be the duty of the commission in a manner which may be prescribed by law to investigate alleged discrimination against any person because of religion, race, color or national origin in the enjoyment of the civil rights guaranteed by law and by this constitution, and to secure the equal protection of such civil rights without such discrimination. The legislature shall provide an annual appropriation for the effective operation of the commission.

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

Appeals from final orders of the commission, including cease and desist orders and refusals to issue complaints, shall be tried de novo before the circuit court having jurisdiction provided by law.

ARTICLE VI

Judicial Branch

Sec. 1. The judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court, one probate court, and courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.

Sec. 2. The supreme court shall consist of seven justices elected at non-partisan elections as provided by law. The term of office shall be eight years and not more than

two terms of office shall expire at the same time. Nominations for justices of the supreme court shall be in the manner prescribed by law. Any incumbent justice whose term is to expire may become a candidate for re-election by filing an affidavit of candidacy, in the form and manner prescribed by law, not less than 180 days prior to the expiration of his term.

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

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

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

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

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

Sec. 8. The court of appeals shall consist initially of nine judges who shall be nominated and elected at non-partisan elections from districts drawn on county lines and as nearly as possible of equal population, as provided by law. The supreme court may prescribe by rule that the court of appeals sit in divisions and for the terms of court and the times and places thereof. Each such division shall consist of not fewer than three judges. The number of judges comprising the court of appeals may be increased, and the districts from which they are elected may be changed by law.

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

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

Sec. 11. The state shall be divided into judicial circuits along county lines in each of which there shall be elected one or more circuit judges as provided by law. Sessions of the circuit court shall be held at least four times in each year in every county organized for judicial purposes. Each circuit judge shall hold court in the county or

counties within the circuit in which he is elected, and in other circuits as may be provided by rules of the supreme court. The number of judges may be changed and circuits may be created, altered and discontinued by law and the number of judges shall be changed and circuits shall be created, altered and discontinued on recommendation of the supreme court to reflect changes in judicial activity. No change in the number of judges or alteration or discontinuance of a circuit shall have the effect of removing a judge from office during his term.

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

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

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

Sec. 15. In each county organized for judicial purposes there shall be a probate court. The legislature may create or alter probate court districts of more than one county if approved in each affected county by a majority of the electors voting on the question. The legislature may provide for the combination of the office of probate judge with any judicial office of limited jurisdiction within a county with supplemental salary as provided by law. The jurisdiction, powers and duties of the probate court and of the judges thereof shall be provided by law. They shall have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

Sec. 16. One or more judges of probate as provided by law shall be nominated and elected at non-partisan elections in the counties or the probate districts in which they reside and shall hold office for terms of six years and until their successors are elected and qualified. In counties or districts with more than one judge the terms of office shall be arranged by law to provide that not all terms will expire at the same time.

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

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

Each of the judges of the circuit court shall receive an annual salary as provided by law. In addition to the salary received from the state, each circuit judge may receive from any county in which he regularly holds court an additional salary as determined

from time to time by the board of supervisors of the county. In any county where an additional salary is granted, it shall be paid at the same rate to all circuit judges regularly holding court therein.

Sec. 19. The supreme court, the court of appeals, the circuit court, the probate court and other courts designated as such by the legislature shall be courts of record and each shall have a common seal. Justices and judges of courts of record must be persons who are licensed to practice law in this state. No person shall be elected or appointed to a judicial office after reaching the age of 70 years.

Sec. 20. Whenever a justice or judge removes his domicile beyond the limits of the territory from which he was elected, he shall have vacated his office.

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

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

Sec. 23. A vacancy in the elective office of a judge of any court of record shall be filled at a general or special election as provided by law. The supreme court may authorize persons who have served as judges and who have retired, to perform judicial duties for the limited period of time from the occurrence of the vacancy until the successor is elected and qualified. Such persons shall be ineligible for election to fill the vacancy.

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

Sec. 25. For reasonable cause, which is not sufficient ground for impeachment, the governor shall remove any judge on a concurrent resolution of two-thirds of the members elected to and serving in each house of the legislature. The cause for removal shall be stated at length in the resolution.

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

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

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

Sec. 28. All final decisions, findings, rulings and orders of any administrative officer or agency existing under the constitution or by law, which are judicial or quasi-judicial and affect private rights or licenses, shall be subject to direct review by the courts as

provided by law. This review shall include, as a minimum, the determination whether such final decisions, findings, rulings and orders are authorized by law; and, in cases in which a hearing is required, whether the same are supported by competent, material and substantial evidence on the whole record. Findings of fact in workmen's compensation proceedings shall be conclusive in the absence of fraud unless otherwise provided by law.

In the absence of fraud, error of law or the adoption of wrong principles, no appeal may be taken to any court from any final agency provided for the administration of property tax laws from any decision relating to valuation or allocation.

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

ARTICLE VII

Local Government

Sec. 1. Each organized county shall be a body corporate with powers and immunities provided by law.

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

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

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

Sec. 3. No organized county shall be reduced by the organization of new counties to less than 16 townships as surveyed by the United States, unless approved in the manner prescribed by law by a majority of electors voting thereon in each county to be affected.

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

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

Sec. 6. The sheriff may be required by law to renew his security periodically and in default of giving such security, his office shall be vacant. The county shall never be responsible for his acts, except that the board of supervisors may protect him against

claims by prisoners for unintentional injuries received while in his custody. He shall not hold any other office except in civil defense.

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

Sec. 8. Boards of supervisors shall have legislative, administrative and such other powers and duties as provided by law.

Sec. 9. Boards of supervisors shall have exclusive power to fix the compensation of county officers not otherwise provided by law.

Sec. 10. A county seat once established shall not be removed until the place to which it is proposed to be moved shall be designated by two-thirds of the members of the board of supervisors and a majority of the electors voting thereon shall have approved the proposed location in the manner prescribed by law.

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

Sec. 12. A navigable stream shall not be bridged or dammed without permission granted by the board of supervisors of the county as provided by law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and political subdivisions therein.

Sec. 13. Two or more contiguous counties may combine into a single county if approved in each affected county by a majority of the electors voting on the question.

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

Sec. 15. Any county, when authorized by its board of supervisors shall have the authority to enter or to intervene in any action or certificate proceeding involving the services, charges or rates of any privately owned public utility furnishing services or commodities to rate payers within the county.

Sec. 16. The legislature may provide for the laying out, construction, improvement and maintenance of highways, bridges, culverts and airports by the state and by the counties and townships thereof; and may authorize counties to take charge and control of any highway within their limits for such purposes. The legislature may provide the powers and duties of counties in relation to highways, bridges, culverts and airports; may provide for county road commissioners to be appointed or elected, with powers and duties provided by law. The ad valorem property tax imposed for road purposes by any county shall not exceed in any year one-half of one percent of the assessed valuation for the preceding year.

Sec. 17. Each organized township shall be a body corporate with powers and immunities provided by law.

Sec. 18. In each organized township there shall be elected for terms of not less than two nor more than four years as prescribed by law a supervisor, a clerk, a treasurer, and not to exceed four trustees, whose legislative and administrative powers and duties shall be provided by law.

Sec. 19. No organized township shall grant any public utility franchise which is not subject to revocation at the will of the township, unless the proposition shall first have been approved by a majority of the electors of such township voting thereon at a regular or special election.

Sec. 20. The legislature shall provide by law for the dissolution of township government whenever all the territory of an organized township is included within the boundaries of a village or villages notwithstanding that a village may include territory within another organized township and provide by law for the classification of such village or villages as cities.

Sec. 21. The legislature shall provide by general laws for the incorporation of cities and villages. Such laws shall limit their rate of ad valorem property taxation for municipal purposes, and restrict the powers of cities and villages to borrow money and contract debts. Each city and village is granted power to levy other taxes for public purposes, subject to limitations and prohibitions provided by this constitution or by law.

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

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

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

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

Sec. 25. No city or village shall acquire any public utility furnishing light, heat or power, or grant any public utility franchise which is not subject to revocation at the will of the city or village, unless the proposition shall first have been approved by three-fifths of the electors voting thereon. No city or village may sell any public utility unless the proposition shall first have been approved by a majority of the electors voting thereon, or a greater number if the charter shall so provide.

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

Sec. 27. Notwithstanding any other provision of this constitution the legislature may establish in metropolitan areas additional forms of government or authorities with powers, duties and jurisdictions as the legislature shall provide. Wherever possible, such additional forms of government or authorities shall be designed to perform multi-purpose functions rather than a single function.

Sec. 28. The legislature by general law shall authorize two or more counties, townships, cities, villages or districts, or any combination thereof among other things to:

enter into contractual undertakings or agreements with one another or with the state or with any combination thereof for the joint administration of any of the functions or powers which each would have the power to perform separately; share the costs and responsibilities of functions and services with one another or with the state or with any combination thereof which each would have the power to perform separately; transfer functions or responsibilities to one another or any combination thereof upon the consent of each unit involved; cooperate with one another and with state government; lend their credit to one another or any combination thereof as provided by law in connection with any authorized publicly owned undertaking.

Any other provision of this constitution notwithstanding, an officer or employee of the state or any such unit of government or subdivision or agency thereof, except members of the legislature, may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service.

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

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

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

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

Sec. 33. Any elected officer of a political subdivision may be removed from office in the manner and for the causes provided by law.

Sec. 34. The provisions of this constitution and law concerning counties, townships, cities and villages shall be liberally construed in their favor. Powers granted to counties and townships by this constitution and by law shall include those fairly implied and not prohibited by this constitution.

ARTICLE VIII

Education

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

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

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

The state board of education shall appoint a superintendent of public instruction whose term of office shall be determined by the board. He shall be the chairman of the board without the right to vote, and shall be responsible for the execution of its policies. He shall be the principal executive officer of a state department of education which shall have powers and duties provided by law.

The state board of education shall consist of eight members who shall be nominated by party conventions and elected at large for terms of eight years as prescribed by law. The governor shall fill any vacancy by appointment for the unexpired term. The governor shall be ex-officio a member of the state board of education without the right to vote.

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

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

Sec. 5. The regents of the University of Michigan and their successors in office shall constitute a body corporate known as the Regents of the University of Michigan; the trustees of Michigan State University and their successors in office shall constitute a body corporate known as the Board of Trustees of Michigan State University; the governors of Wayne State University and their successors in office shall constitute a body corporate known as the Board of Governors of Wayne State University. Each board shall have general supervision of its institution and the control and direction of all expenditures from the institution's funds. Each board shall, as often as necessary, elect a president of the institution under its supervision. He shall be the principal executive officer of the institution, be ex-officio a member of the board without the right to vote and preside at meetings of the board. The board of each institution shall consist of eight members who shall hold office for terms of eight years and who shall be elected as provided by law. The governor shall fill board vacancies by appointment. Each appointee shall hold office until a successor has been nominated and elected as provided by law.

Sec. 6. Other institutions of higher education established by law having authority to grant baccalaureate degrees shall each be governed by a board of control which shall be a body corporate. The board shall have general supervision of the institution and the control and direction of all expenditures from the institution's funds. It shall, as often as necessary, elect a president of the institution under its supervision.

He shall be the principal executive officer of the institution and be ex-officio a member of the board without the right to vote. The board may elect one of its members or may designate the president, to preside at board meetings. Each board of control shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the governor by and with the advice and consent of the senate. Vacancies shall be filled in like manner.

Sec. 7. The legislature shall provide by law for the establishment and financial support of public community and junior colleges which shall be supervised and controlled by locally elected boards. The legislature shall provide by law for a state board for public community and junior colleges which shall advise the state board of education concerning general supervision and planning for such colleges and requests for annual appropriations for their support. The board shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the state board of education. Vacancies shall be filled in like manner. The superintendent of public instruction shall be ex-officio a member of this board without the right to vote.

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

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

ARTICLE IX

Finance and Taxation

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

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

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

Sec. 4. Property owned and occupied by non-profit religious or educational organizations and used exclusively for religious or educational purposes, as defined by law, shall be exempt from real and personal property taxes.

Sec. 5. The legislature shall provide for the assessment by the state of the property of those public service businesses assessed by the state at the date this constitution becomes effective, and of other property as designated by the legislature,

and for the imposition and collection of taxes thereon. Property assessed by the state shall be assessed at the same proportion of its true cash value as the legislature shall specify for property subject to general ad valorem taxation. The rate of taxation on such property shall be the average rate levied upon other property in this state under the general ad valorem tax law, or, if the legislature provides, the rate of tax applicable to the property of each business enterprise assessed by the state shall be the average rate of ad valorem taxation levied upon other property in all counties in which any of such property is situated.

Sec. 6. Except as otherwise provided in this constitution, the total amount of general ad valorem taxes imposed upon real and tangible personal property for all purposes in any one year shall not exceed 15 mills on each dollar of the assessed valuation of property as finally equalized. Under procedures provided by law, which shall guarantee the right of initiative, separate tax limitations for any county and for the townships and for school districts therein, the aggregate of which shall not exceed 18 mills on each dollar of such valuation, may be adopted and thereafter altered by the vote of a majority of the qualified electors of such county voting thereon, in lieu of the limitation hereinbefore established. These limitations may be increased to an aggregate of not to exceed 50 mills on each dollar of valuation, for a period of not to exceed 20 years at any one time, if approved by a majority of the electors, qualified under Section 6 of Article II of this constitution, voting on the question.

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

In any school district which extends into two or more counties, property taxes at the highest rate available in the county which contains the greatest part of the area of the district may be imposed and collected for school purposes throughout the district.

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

Sec. 8. The legislature shall not impose a sales tax on retailers at a rate of more than four percent of their gross taxable sales of tangible personal property.

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

Sec. 10. One-eighth of all taxes imposed on retailers on taxable sales at retail of tangible personal property shall be used exclusively for assistance to townships, cities and villages, on a population basis as provided by law. In determining population the legislature may exclude any portion of the total number of persons who are wards, patients or convicts in any tax supported institution.

Sec. 11. There shall be established a state school aid fund which shall be used exclusively for aid to school districts, higher education and school employees' retirement systems, as provided by law. One-half of all taxes imposed on retailers on taxable sales at retail of tangible personal property, and other tax revenues provided by law, shall

be dedicated to this fund. Payments from this fund shall be made in full on a scheduled basis, as provided by law.

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

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

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

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

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

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

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

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

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

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

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

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

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

This section shall not be construed to prohibit the investment of public funds until needed for current requirements or the investment of funds accumulated to provide retirement or pension benefits for public officials and employees, as provided by law.

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

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

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

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

Sec. 22. Procedures for the examination and adjustment of claims against the state shall be prescribed by law.

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

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

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

ARTICLE X
Property

Sec. 1. The disabilities of coverture as to property are abolished. The real and personal estate of every woman acquired before marriage and all real and personal

property to which she may afterwards become entitled shall be and remain the estate and property of such woman, and shall not be liable for the debts, obligations or engagements of her husband, and may be dealt with and disposed of by her as if she were unmarried. Dower may be relinquished or conveyed as provided by law.

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

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

Sec. 4. Procedures relating to escheats and to the custody and disposition of escheated property shall be prescribed by law.

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

The legislature by an act adopted by two-thirds of the members elected to and serving in each house may designate any part of such lands as a state land reserve. No lands in the state land reserve may be removed from the reserve, sold, leased or otherwise disposed of except by an act of the legislature.

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

ARTICLE XI

Public Officers and Employment

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

Sec. 2. The terms of office of elective state officers, members of the legislature and justices and judges of courts of record shall begin at twelve o'clock noon on the first day of January next succeeding their election, except as otherwise provided in this constitution. The terms of office of county officers shall begin on the first day of January next succeeding their election, except as otherwise provided by law.

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

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

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

The civil service commission shall be non-salaried and shall consist of four persons, not more than two of whom shall be members of the same political party, appointed by the governor for terms of eight years, no two of which shall expire in the same year.

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

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

No person shall be appointed to or promoted in the classified service who has not been certified by the commission as qualified for such appointment or promotion. No appointments, promotions, demotions or removals in the classified service shall be made for religious, racial or partisan considerations.

Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year. Within 60 calendar days following such transmission, the legislature may, by a two-thirds vote of the members elected to and serving in each house, reject or reduce increases in rates of compensation authorized by the commission. Any reduction ordered by the legislature shall apply uniformly to all classes of employees affected by the increases and shall not adjust pay differentials already established by the civil service commission. The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases authorized by the commission.

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

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

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

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

No payment for personal services shall be made or authorized until the provisions of this constitution pertaining to civil service have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

Sec. 6. By ordinance or resolution of its governing body which shall not take effect until approved by a majority of the electors voting thereon, unless otherwise provided by charter, each county, township, city, village, school district and other governmental unit or authority may establish, modify or discontinue a merit system for its employees other than teachers under contract or tenure. The state civil service commission may on request furnish technical services to any such unit on a reimbursable basis.

Sec. 7. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office or for crimes or misdemeanors, but a majority of the members elected thereto and serving therein shall be necessary to direct an impeachment.

When an impeachment is directed, the house of representatives shall elect three of its members to prosecute the impeachment.

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

No person shall be convicted without the concurrence of two-thirds of the senators elected and serving. Judgment in case of conviction shall not extend further than removal from office, but the person convicted shall be liable to punishment according to law.

No judicial officer shall exercise any of the functions of his office after an impeachment is directed until he is acquitted.

ARTICLE XII

Amendment and Revision

Sec. 1. Amendments to this constitution may be proposed in the senate or house of representatives. Proposed amendments agreed to by two-thirds of the members elected to and serving in each house on a vote with the names and vote of those voting entered in the respective journals shall be submitted, not less than 60 days thereafter, to the electors at the next general election or special election as the legislature shall direct. If a majority of electors voting on a proposed amendment approve the same, it shall become part of the constitution and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved.

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

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

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

If the proposed amendment is approved by a majority of the electors voting on the question, it shall become part of the constitution, and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved. If two or more amendments approved by the electors at the same election conflict, that amendment receiving the highest affirmative vote shall prevail.

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

The convention shall choose its own officers, determine the rules of its proceedings and judge the qualifications, elections and returns of its members. To fill a vacancy in the office of any delegate, the governor shall appoint a qualified resident of the same district who shall be a member of the same party as the delegate vacating the office. The convention shall have power to appoint such officers, employees and assistants as it deems necessary and to fix their compensation; to provide for the printing and distribution of its documents, journals and proceedings; to explain and disseminate information about the proposed constitution and to complete the business of

the convention in an orderly manner. Each delegate shall receive for his services compensation provided by law.

No proposed constitution or amendment adopted by such convention shall be submitted to the electors for approval as hereinafter provided unless by the assent of a majority of all the delegates elected to and serving in the convention, with the names and vote of those voting entered in the journal. Any proposed constitution or amendments adopted by such convention shall be submitted to the qualified electors in the manner and at the time provided by such convention not less than 90 days after final adjournment of the convention. Upon the approval of such constitution or amendments by a majority of the qualified electors voting thereon the constitution or amendments shall take effect as provided by the convention.

Schedule and Temporary Provisions

To insure the orderly transition from the constitution of 1908 to this constitution the following schedule and temporary provisions are set forth to be effective for such period as are thereby required.

Sec. 1. The attorney general shall recommend to the legislature as soon as practicable such changes as may be necessary to adapt existing laws to this constitution.

Sec. 2. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights existing on the effective date of this constitution shall continue unaffected except as modified in accordance with the provisions of this constitution.

Sec. 3. Except as otherwise provided in this constitution, all officers filling any office by election or appointment shall continue to exercise their powers and duties until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

No provision of this constitution, or of law or of executive order authorized by this constitution shall shorten the term of any person elected to state office at a statewide election on or prior to the date on which this constitution is submitted to a vote. In the event the duties of any such officers shall not have been abolished or incorporated into one or more of the principal departments at the expiration of his term, such officer shall continue to serve until his duties are so incorporated or abolished.

Sec. 4. All officers elected at the same election that this constitution is submitted to the people for adoption shall take office and complete the term to which they were elected under the 1908 constitution and existing laws and continue to serve until their successors are elected and qualified pursuant to this constitution or law.

Sec. 5. Notwithstanding any other provision in this constitution, the governor, the lieutenant governor, the secretary of state, the attorney general and state senators shall be elected at the general election in 1964 to serve for two-year terms beginning on the first day of January next succeeding their election. The first election of such officers for four-year terms under this constitution shall be held at the general election in 1966.

Sec. 6. Notwithstanding the provisions of this constitution that the supreme court shall consist of seven justices it shall consist of eight justices until the time that a vacancy occurs as a result of death, retirement or resignation of a justice. The first such vacancy shall not be filled.

Sec. 7. Any judge of probate serving on the effective date of this constitution may serve the remainder of the term and be eligible to succeed himself for election

regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

Sec. 8. The provisions of Article VI providing that terms of judicial offices shall not all expire at the same time, shall be implemented by law providing that at the next election for such offices judges shall be elected for terms of varying length, none of which shall be shorter than the regular term provided for the office.

Sec. 9. The members of the state board of education provided for in Section 3 of Article VIII of this constitution shall first be elected at the first general election after the effective date of this constitution for the following terms: two shall be elected for two years, two for four years, two for six years, and two for eight years as prescribed by law.

The state board of education provided for in the constitution of 1908 is abolished at twelve o'clock noon January 1 of the year following the first general election under this constitution and the terms of members thereof shall then expire.

Sec. 10. The provisions of this constitution providing for members of boards of control of institutions of higher education and the state board of public community and junior colleges shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended, and may further provide that the initial terms of office of members may be less than eight years.

Sec. 11. The provisions of this constitution increasing the number of members of the Board of Trustees of Michigan State University and of the Board of Governors of Wayne State University to eight, and of their term of office to eight years, shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended one year, and may further provide that the initial terms of office of the additional members may be less than eight years.

Sec. 12. The initial allocation of departments by law pursuant to Section 2 of Article V of this constitution, shall be completed within two years after the effective date of this constitution. If such allocation shall not have been completed within such period, the governor, within one year thereafter, by executive order, shall make the initial allocation.

Sec. 13. Contractual obligations of the state incurred pursuant to the constitution of 1908 shall continue to be obligations of the state.

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

Sec. 14. The legislature by a vote of two-thirds of the members elected to and serving in each house may provide that the state may borrow money and may pledge its full faith and credit for refunding any bonds issued by the Mackinac Bridge Authority and at the time of refunding the Mackinac Bridge Authority shall be abolished and the operation of the bridge shall be assumed by the state highway department. The legislature may implement this section by law.

Sec. 15. This constitution shall be submitted to the people for their adoption or rejection at the general election to be held on the first Monday in April, 1963. It shall be the duty of the secretary of state forthwith to give notice of such submission to all

other officers required to give or publish any notice in regard to a general election. He shall give notice that this constitution will be duly submitted to the electors at such election. The notice shall be given in the manner required for the election of governor.

Sec. 16. Every registered elector may vote on the adoption of the constitution. The board of election commissioners in each county shall cause to be printed on a ballot separate from the ballot containing the names of the nominees for office, the words: Shall the revised constitution be adopted? ( ) Yes. ( ) No. All votes cast at the election shall be taken, counted, canvassed and returned as provided by law for the election of state officers. If the revised constitution so submitted receives more votes in its favor than were cast against it, it shall be the supreme law of the state on and after the first day of January of the year following its adoption.

Adopted by the Constitutional Convention of nineteen hundred sixty-one at Constitution Hall in Lansing on the first day of August, nineteen hundred sixty-two.

Stephen S. Nisbet

Stephen S. Nisbet, *President*

Fred I. Chase

Fred I. Chase, *Secretary*

[ADDRESS TO THE PEOPLE]

What the Proposed New State Constitution Means to You

- **A report to the people of Michigan by their elected delegates to the Constitutional Convention of 1961-62.**

Lansing, Michigan

August 1, 1962

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.

This is a revision of Sec. 3, Article V, of the present constitution providing for a house of representatives of 110 members elected for a two-year term from single-member districts consisting of compact and convenient territory contiguous by land.

The members are to be apportioned among the counties on the basis of population with any county or group of counties having .7 of one per cent of the state population constituting a representative area and entitled to one member (the present ratio of .5 of one per cent is increased to .7 of one per cent).

After the state has been apportioned into representative areas, each of which receives one representative, the remaining seats are to be apportioned among these areas on the basis of population by the method of equal proportions.

Equal proportions is the method used in allocating seats in the U. S. House of Representatives among the various states. The method of equal proportions will achieve the most equitable distribution of the *additional* seats among the previously established areas as measured by the relative differences in the average population per representative district. This is done by the application of a mathematical formula to the population of each of the previously established representative areas to determine which is most entitled to each additional seat.

An illustrative apportionment of the 110 members on the basis of the 1960 census would establish 40 legislative areas each of which would have at least .7 of one per cent of the state population and receive one member. The remaining 70 members (total house of 110 members) would be apportioned among the areas on the basis of population with the method of equal proportions used to determine which of the 40 areas is most entitled to each of the 70 additional seats. Twenty-four of these legislative areas would receive only the one member to which they are automatically qualified. The other 16 areas would receive an additional seat or seats through the application of the method of equal proportions.

Any county comprising a representative area entitled to two or more representatives is to be divided by the apportioning agent into single-member districts each of which shall contain not less than 75 per cent nor more than 125 per cent of a ratio of representation determined by dividing the population of the county by the number of seats to which it is entitled. These districts are to follow city and township boundaries when possible and are to be as nearly square in shape as possible.

A representative area consisting of more than one county which is entitled to two or more representatives shall be divided into single-member districts as equal as possible in population, adhering to county boundary lines.

Legislative districts; merger.

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 a representative or senatorial district shall have the effect of removing a legislator from office during his term.

This is a new section designed to eliminate complications in election procedures which may result from annexations from townships or the merger of two cities between apportionments. Where these combinations of territory do not cross county lines, it is provided that the annexed territory becomes a part of such legislative districts as determined by city ordinance.

Such change will not, however, unseat a member of the legislature living in the annexed area for the remainder of the term to which he was elected.