

Michigan Constitutional Convention of 1961

Committee Proposal 100

Const 1963, Art 4, § 41

Relevant Material From the Constitutional Convention Record

Cross-Reference and Indices	pp. 3436, 3453, 3462
First Reading	pp. 757, 2290-2309, 2318-2319, 2333, 2670
Second Reading	pp. 2931-2939
Draft Constitution (Art 4, § 41)	pp. 3047-3075 (p. 3055)
Third Reading, Article-by-Article	pp. 3110-3115
Draft Constitution (Art 4, § 41)	pp. 3215-3237 (p. 3222)
Third Reading, Full Constitution	pp. 3300-3301
Adopted Constitution (Art 4, § 41)	pp. 3319-3353 (p. 3329)
Address to the People	p. 3376

Overview of the Constitutional Convention Process

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

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

State of Michigan
CONSTITUTIONAL CONVENTION
1961 - 1962
OFFICIAL RECORD



FRED I. CHASE
Secretary of the Convention

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

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

* Created by the committee on style and drafting.

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

Committee Proposal No.	Page	Committee Proposal No.	Page
100. A proposal to provide that the legislature shall not authorize lotteries or the sale of lottery tickets. Retains article V, section 33.		103: Cont'd.	
For text as offered and reasons	2290	Apr. 30, read second time; passed; rereferred to style and drafting	2953
For minority report and reasons	2290		
As referred to style and drafting	2318	104. A proposal to provide for 3 readings of a bill before passage and for passage of bills by a majority of the members elected. Retains article V, section 23.	
As reported by style and drafting	2931	For text as offered and reasons	2334
As rereferred to style and drafting	2939	As referred to style and drafting	2351
Feb. 2, reported by legislative powers; referred to committee of the whole	757	As reported by style and drafting	2958
Apr. 11, read first time; considered, amended, passed by committee of the whole	2290-2309	As rereferred to style and drafting	2958
Apr. 11, reported by committee of the whole with 1 amendment; referred, as amended, to style and drafting	2318	Feb. 2, reported by legislative powers; referred to committee of the whole	757
Apr. 11, motion to reconsider action on report of committee of the whole defeated	2333	Apr. 11, read first time; considered, amended, passed by committee of the whole	2334
Apr. 23, reported by style and drafting (Report 85); placed on order of second reading	2670	Apr. 11, reported by committee of the whole with 1 amendment; referred, as amended, to style and drafting	2351
Apr. 27, read second time; amended, passed; rereferred to style and drafting	2931-2939	Apr. 23, reported by style and drafting (Report 89); placed on order of second reading	2670
		Apr. 30, read second time; passed; rereferred to style and drafting	2958
101. A proposal to provide that the state shall not engage in internal improvements except in certain specified areas and except that the legislature may empower local subdivisions to act in the area of internal improvements. Amends article X, section 14.		105. A proposal to provide that bills must be printed 5 days prior to passage and for limitation of extraordinary sessions. Amends article V, section 22.	
For text as offered and reasons	2309	For text as offered and reasons	2334
For minority report and reasons	2310	As referred to style and drafting	2334
As referred to style and drafting	2332	As reported by style and drafting	2957
As reported by style and drafting	2972	As rereferred to style and drafting	2957
As rereferred to style and drafting	2972	Feb. 2, reported by legislative powers; referred to committee of the whole	757
Feb. 2, reported by legislative powers; referred to committee of the whole	757	Apr. 11, read first time; considered, passed by committee of the whole	2334-2335
Apr. 11, read first time; considered, amended, passed by committee of the whole	2309-2318, 2319-2332	Apr. 11, reported by committee of the whole without amendment; referred to style and drafting	2351
Apr. 11, reported by committee of the whole with 1 amendment; referred, as amended, to style and drafting	2332	Apr. 23, reported by style and drafting (Report 90); placed on order of second reading	2670
Apr. 23, reported by style and drafting (Report 86); placed on order of second reading	2670	Apr. 30, read second time; passed; rereferred to style and drafting	2957-2958
Apr. 30, read second time; passed; rereferred to style and drafting	2972-2973		
102. A proposal to provide that each house of the legislature may choose its officers, determine its rules, judge qualifications of its members and other matters. Amends article V, section 15.		106. A proposal to allow the legislature to pass laws regarding indeterminate sentences. Retains article V, section 28.	
For text as offered and reasons	2378	For text as offered and reasons	2335
For minority report and reasons	2378	As referred to style and drafting	2335
As referred to style and drafting	2404	As reported by style and drafting	2961
As reported by style and drafting	2951	As rereferred to style and drafting	2961
As rereferred to style and drafting	2951	Feb. 2, reported by legislative powers; referred to committee of the whole	758
Feb. 2, reported by legislative powers; referred to committee of the whole	757	Apr. 11, read first time; considered, passed by committee of the whole	2335
Apr. 11, consideration postponed	2332	Apr. 11, reported by committee of the whole without amendment; referred to style and drafting	2351
Apr. 12, read first time; considered, amended, passed by committee of the whole	2378-2390	Apr. 23, reported by style and drafting (Report 91); placed on order of second reading	2670
Apr. 12, reported by committee of the whole with 1 amendment; referred, as amended, to style and drafting	2404	Apr. 30, read second time; passed; rereferred to style and drafting	2961-2962
Apr. 23, reported by style and drafting (Report 87); placed on order of second reading	2670		
Apr. 30, read second time; passed; rereferred to style and drafting	2951	107. A proposal to provide that legislators shall be elected on the first Tuesday after the first Monday in November. Amends article V, section 12.	
		For text as offered and reasons	2335
103. A proposal to provide that sessions of the legislature be open and that a concurrent resolution is necessary for adjournment for more than 3 days. Amends article V, section 18.		As referred to style and drafting	2351
For text as offered and reasons	2333	Feb. 2, reported by legislative powers; referred to committee of the whole	758
As referred to style and drafting	2333	Apr. 11, read first time; considered, amended, passed by committee of the whole	2335-2336
As reported by style and drafting	2953	Apr. 11, reported by committee of the whole with 1 amendment; referred, as amended, to style and drafting	2351
As rereferred to style and drafting	2953	(Note: The entire content stricken.)	
Feb. 2, reported by legislative powers; referred to committee of the whole	757	108. A proposal to provide a limitation against general revision of the laws and a method of compilation. Amends article V, section 40.	
Apr. 11, read first time; considered, passed by committee of the whole	2333-2334	For text as offered and reasons	2336
Apr. 11, reported by committee of the whole without amendment; referred to style and drafting	2351	As referred to style and drafting	2336
Apr. 23, reported by style and drafting (Report 88); placed on order of second reading	2670	As reported by style and drafting	2965
		As rereferred to style and drafting	2965
		Feb. 2, reported by legislative powers; referred to committee of the whole	758
		Apr. 11, read first time; considered, passed by committee of the whole	2336-2337

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Article IV: Cont'd.	
Section 28. Bills, subjects at special session. (Committee Proposal 105)	
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	3328
For text, and comments in address to the people	3374
Section 29. Local or special acts. (Committee Proposal 119)	
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	3328
For text, and comments in address to the people	3374
Section 30. Appropriations; local or private purposes. (Committee Proposal 41)	
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	3328
For text, and comments in address to the people	3374
Section 31. General appropriation bills; priority, statement of estimated revenue. (Committee Proposal 46b)	
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	3328
For text, and comments in address to the people	3375
Section 32. Laws imposing taxes. (Committee Proposal 53)	
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	3328
For text, and comments in address to the people	3375
Section 33. Bills passed; approval by governor or veto, reconsideration by legislature. (Committee Proposal 70)	
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	3328
For text, and comments in address to the people	3375
Section 34. Bills, referendum. (Committee Proposal 113)	
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	3329
For text, and comments in address to the people	3375
Section 35. Publication and distribution of laws and judicial decisions. (Committee Proposal 24)	
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

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Article IV, Section 12: Cont'd.	
Aug. 1, considered; adopted	3291-3301
For text as adopted	3329
For text, and comments in address to the people	3375
Section 36. General revision of laws; compilation of laws. (Committee Proposal 108)	
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	3329
For text, and comments in address to the people	3376
Section 37. Administrative rules, suspension by legislative committee. (Committee Proposal 123)	
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	3329
For text, and comments in address to the people	3376
Section 38. Vacancies in office. (Committee Proposal 122)	
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	3329
For text, and comments in address to the people	3376
Section 39. Continuity of government in emergencies. (Committee Proposal 122)	
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	3329
For text, and comments in address to the people	3376
Section 40. Liquor control commission; liquor tax; local option. (Committee Proposal 27)	
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	3329
For text, and comments in address to the people	3376
Section 41. Lotteries. (Committee Proposal 100)	
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	3329
For text, and comments in address to the people	3376
Section 42. Ports and port districts; incorporation, internal. (Committee Proposal 87)	
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	3329
For text, and comments in address to the people	3376
Section 43. Bank and trust company laws. (Committee Proposal 5)	
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

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

Robert J. Danhof, chairman.

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

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

Robert J. Danhof, chairman.

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

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

Robert J. Danhof, chairman.

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

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

Robert J. Danhof, chairman.

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

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

Robert J. Danhof, chairman.

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

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

Robert J. Danhof, chairman.

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

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

Robert J. Danhof, chairman.

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

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

Alvin M. Bentley, chairman.

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

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

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

Alvin M. Bentley, chairman.

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

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

T. Jefferson Hoxie, chairman.

For Committee Proposal 99 and the reasons submitted in support thereof, see below under date of April 11.

Mr. Hoxie, for the committee on legislative powers, introduced **Committee Proposal 100**, A proposal to provide that the legislature shall not authorize lotteries or the sale of lottery tickets. Retains article V, section 33; with the recommendation that it pass.

T. Jefferson Hoxie, chairman.

For Committee Proposal 100 and the reasons submitted in support thereof, see below under date of April 11.

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

T. Jefferson Hoxie, chairman.

For Committee Proposal 101 and the reasons submitted in support thereof, see below under date of April 11.

Mr. Hoxie, for the committee on legislative powers, introduced **Committee Proposal 102**, A proposal to provide that each house of the legislature may choose its officers, determine its rules, judge qualifications of its members and other matters. Amends article V, section 15; with the recommendation that it pass.

T. Jefferson Hoxie, chairman.

For Committee Proposal 102 and the reasons submitted in support thereof, see below under date of April 12.

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

T. Jefferson Hoxie, chairman.

For Committee Proposal 103 and the reasons submitted in support thereof, see below under date of April 11.

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

T. Jefferson Hoxie, chairman.

For Committee Proposal 104 and the reasons submitted in support thereof, see below under date of April 11.

Mr. Hoxie, for the committee on legislative powers, introduced **Committee Proposal 105**, A proposal to provide that bills must

MR. TUBBS: Mr. Chairman, I would like to raise the same question that Delegate Everett raised. I don't want to disagree with eminent counsel for the committee, but there are police courts in some of the municipalities of the state where criminal cases are tried by juries of 6 people, and this is limited to civil cases. It is an extension, perhaps, of the powers of the legislature or you can say it is a limitation. I don't care which it is. The traditional jury under the common law is 12, and I am afraid that the criminal cases could not be tried by 6 people in these lower courts in the municipalities of the state.

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

MR. HUTCHINSON: Mr. Chairman, I make the same point as Mr. Tubbs. I don't know that it is necessary to elaborate upon it very much, except that I hope the subcommittee will see the effect of the proposal as it now stands, whereas in the past the legislature has been given the power to authorize a jury of less than 12 jurors and that has been judicially interpreted as being applicable to courts not of record. Therefore, in the past the legislature has had power to provide for a jury of less than 12 in these municipal courts where they are trying misdemeanors. By this language starting out and saying that this power in the legislature shall vest only in civil cases, the result of this inevitably will be that whenever you try anybody for a misdemeanor and he demands a jury in a municipal court, there will have to be 12 jurors.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Flint, Mr. Millard.

MR. MILLARD: Mr. Chairman, when this matter came before the legislative powers committee, we had 2 other sections with which to reconcile, and I refer both Mr. Tubbs and Mr. Hutchinson to the 2 sections in article II, jury trial, section 13:

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 such manner as shall be prescribed by law.

Then in section 19:

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 men in all courts not of record; to be informed of the nature of the accusation;

and so forth. Now, the problem that came before the legislative powers committee was to reconcile these 2 sections with this section. We found—and research so advised us—that there had been no provision made for civil cases for trial with less than 12 men, so we inserted the words "civil cases." Criminal cases were taken care of under the other section that I read, so that this matter applies only to civil cases, and all we changed was to put "civil cases" in there where it had not been mentioned before and to add "jurors" instead of "men." It is just a clarification that with the other 2 sections should satisfy everybody.

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

MR. STEVENS: Mr. Chairman, I pass. Delegate Millard made the statement I wanted to make relative to the declaration of rights. I would only suggest that the delegates turn to article II and read that again.

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

MR. DEHNKE: Mr. Chairman and members of the committee, part of my question has been answered, but it seems to me that if this provision is limited to courts of record, wouldn't it follow that by inference the point might be raised that the legislature did not have the power to authorize trial by less than 12 in courts not of record? I suggest that to members of the subcommittee.

CHAIRMAN BENTLEY: Are there amendments to Committee Proposal 99?

SECRETARY CHASE: None.

CHAIRMAN BENTLEY: If not, it will pass.

Committee Proposal 99 is passed. The secretary will read.

SECRETARY CHASE: Item 2 on the calendar, from the committee on legislative powers, by Mr. Hoxie, chairman,

Committee Proposal 100, A proposal to provide the legislature shall not authorize lotteries or the sale of lottery tickets. Retains article V, section 33.

Following is Committee Proposal 100 as read by the secretary, and the reasons submitted in support thereof:

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

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

Mr. Hoxie, chairman of the committee on legislative powers, submits the following reasons in support of Committee Proposal 100:

The committee is of the opinion that this section should be retained. Much testimony was heard upon this subject. The committee reached its decision after long deliberation.

The prohibition against the authorization of lotteries or the sale of lottery tickets has been in the Michigan constitution since 1835. As late as 1954, a proposed amendment to this section, which would have modified its prohibition for nonprofit, charitable organizations, was defeated at the polls.

The committee does not feel there is any reason to remove or change prohibition of this section. Any relaxing of the prohibition against lotteries would open up the state to the evils of organized gambling which would work to the detriment of the people.

Following is the minority report to Committee Proposal 100 as offered and the reasons submitted in support thereof:

Messrs. Baginski, Lesinski, Murphy and Youngblood, a minority of the committee on legislative powers, submit the following minority report to Committee Proposal 100:

Add a new sentence after the language included in Committee Proposal 100 to be included as a part of Committee Proposal 100, but to be offered to the people as a separate proposition on the ballot distinct from the document as a whole when the constitution is submitted to the vote of the people.

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

HOWEVER, THE OPERATION OF BINGO SHALL BE ALLOWED IF CONDUCTED BY CHARITABLE OR FRATERNAL ORGANIZATIONS AS DEFINED BY LAW: PROVIDED, THAT A MAJORITY OF THE ELECTORATE IN ANY COUNTY AGREES TO SAME.

Messrs. Baginski, Lesinski, Murphy and Youngblood, a minority of the committee on legislative powers, submit the following reasons in support of the foregoing minority report, which accompanied Committee Proposal 100:

The minority wishes to stress that the report is one of "preference" rather than "opposition" to the report by the committee on legislative powers.

It is constrained to agree that article V, section 33, as it is in the present constitution should be retained.

However, there can be no dispute that the hearings conducted by the committee on legislative powers indicated widespread interest for and against bingo and/or lotteries.

It is our conjecture that the delegates to this constitutional convention have received more mail, pro and con, on the question of bingo/lotteries than any other issue before this convention.

It is noted that the various veterans' organizations all over the state favored lotteries and the prosecuting attorneys association went on record favoring the regulation of lotteries.

As the majority report indicated, the vote in 1954 was very close. In fact, we want to emphasize that 944,388 disapproved that 1954 amendment and 903,303 favored it so that there was a difference of 41,085 in a 1,847,691 vote cast.

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

As the Detroit Free Press editorial of December 21, 1961, indicated, this is a tough decision. For your consideration, the following is the Free Press editorial:

As We See It

How Much Gambling Is the Right Amount?

The mere fact that a constitutional convention subcommittee is holding hearings on whether to legalize lotteries and such related forms of gambling as bingo indicates that this issue cannot be lightly dismissed.

Should a lottery clause be written into the constitution, it would most likely be a very general provision, only authorizing the legislature to make the ground rules, and to decide whether Michigan would have a state lottery, or whether bingo or similar games for charitable purposes should be allowed on a local option basis, with the state taking its share through a tax or license fee.

As a matter of fact, state lotteries and legalized bingo are 2 separate questions which should be studied separately.

The pressures for legalized bingo come largely from church and fraternal groups seeking to raise funds for commendable purposes. The dangers are that such activities often are taken over by private promoters who, in the name of sweet charity, are likely to come out better than the causes they are supposed to be helping.

The problem of control and policing would be a difficult one under the best of conditions.

There is a great deal of emotionalism involved in the bingo question, and it appears in such claims as were heard by the con con committee in Detroit Tuesday. The committee was told that bingo provides a form of recreation for elderly people, and that it gives people with the urge to gamble a legal outlet for the impulse.

If bingo is to be determined wholly on a moral basis, neither of those 2 arguments is very impressive.

A state operated lottery could be something entirely different, although here again the moral issue always pops up.

The difficulty is that the public concept of what is and is not moral has a tendency to change with the years. Thus, if public sanctioned gambling is wrong, Michigan has no right to permit it at race tracks.

On the plus side, a state lottery, if it could be properly controlled and administered, would undoubtedly bring large revenues into the state treasury.

It has been suggested that such money be dedicated to educational purposes exclusively. And while the moralists will throw up their hands at that suggestion, they could be reminded that the University of Michigan was given its original start in 1817 by the proceeds of 2 public lotteries. That, of course, was before Michigan's first constitution was adopted.

Still another argument advanced in favor of a state lottery is that it would reduce racketeering by letting the state instead of the underworld syphon off the hundreds of millions of numbers racket dollars which now go into private pockets. Other states have put the stamp of official approval on bingo or other forms of lottery. That the sentiment is strong for this kind of liberalization in Michigan is evident in the fact that in 1954, in a statewide election, a proposal to legalize bingo was beaten by only 40,000 votes out of a total of nearly 2 million votes cast.

We doubt if that desire is going to die out overnight if the convention decides against legalizing lotteries.

That is one of the hard facts of life which the con con delegates have to face, and which makes their decision, whatever it is, a tough one to arrive at.

Moreover, the minority is disturbed about the inconsistencies in our existing legislature in Michigan as reflected by the following editorial which originally appeared

in the Lapeer County Press but which was taken from the Michigan Tradesman, December 1961, at page 42:

If bingo is illegal, why shouldn't there be a law against betting the horses, too? Instead of con con delegates trying to legalize bingo, why aren't they trying to get the state out of the horse book business?

Could it be because of all the important money invested in those fancy Detroit racetracks? Could it be because the horses have more influence than little old ladies in Lansing? Or could it simply be because the state gets a cut of the horse betting money but hasn't yet figured out how to drag the bingo pot?

Such trivia as bingo has no place in a basic charter of government. We didn't elect con con delegates to sit in Lansing and talk about games. But if there must be such talk, we'd be inclined to listen a lot harder to a delegate with guts enough to ask for answers to the questions we've asked.

Because of the widespread interest in bingo, it is felt it would be more economical and it would represent a savings to the people by presenting this proposition, as a separate proposition, to determine this controversial issue at the next election instead of allowing another initiatory petition drive.

In conclusion, without going into the merits of the advisability of allowing bingo or not allowing bingo, we would like to say that we agree with Mr. Romney who quoted Thomas Jefferson, the author of the Declaration of Independence, as follows:

I know of no safe depository of the ultimate powers of society but the people themselves; and if we think them not enlightened enough to exercise their control with wholesome discretion, the remedy is not to take it from them, but to inform their discretion by education.

Therefore, we recommend that the amendment be placed on the ballot as a separate proposition as a proposed amendment to article V, section 33.

CHAIRMAN BENTLEY: The Chair appreciates the enthusiasm with which some gentlemen have greeted this proposal, but would request order. (laughter) The Chair recognizes the gentleman from St. Louis, the chairman of the committee, Mr. Hoxie.

MR. HOXIE: Mr. Chairman, fellow delegates, I want to be perfectly honest with all the members. This, perhaps, was one of the most highly controversial sections of article V. Correspondence was heavy. In addition to what I received and the members of our committee received, we know that many of you also received numerous letters, because many of them were referred to me. The question is one which is highly controversial. It is a matter of the individual position or belief of each member of this delegation. I received many communications from individuals who recommended the amendment to this section allowing charitable bingo. I received communications from those that wanted it deleted. I received many communications from church groups and other groups that felt it should be retained. For a full and complete discussion of this proposal, I yield to Mr. Powell.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Ionia, Mr. Powell.

MR. POWELL: Mr. Chairman and ladies and gentlemen of the committee, in the division of work in our committee, our subcommittee 2 was assigned sections 24 through 40, inclusive, which of course included this section 33 which is the existing prohibition against lotteries.

Early in the session 4 different delegate proposals dealing with this general subject were introduced. There was 1520, which was the one on which we finally worked, which would retain the present language in the new constitution; there was 1211, which would delete this section from the constitution leaving the entire field to legislative discretion; 1064, which would amend the present language by providing an exception for lotteries conducted by charitable or fraternal organizations, subject to county referendum; and 1294, which would amend the section by adding an exemption for controlled, legalized

bingo for charitable purposes after an approving vote in any city, village or township.

We discussed the matter from time to time in our subcommittee and the full committee and decided to hold hearings on the subject. We did have 2 very well attended hearings prior to the holiday recess, the first in Grand Rapids and the second in Detroit. As we had expected, the testimony in Grand Rapids was preponderantly in favor of retaining the status quo of the prohibition against all types of lotteries. In Detroit the testimony was more evenly divided, I think with the preponderance in favor of some change, that point of view being expressed by veteran and fraternal groups. We also had testimony delivered before the committee by the representative of the state association of prosecuting attorneys.

The final action in the committee was taken the last evening that we were permitted to report out committee proposals, January 31, and after a whole series of amendments and proposals to change or modify or do something about it, all of which were rather decisively defeated, the proposal that has been read to you to retain the current language was adopted by a vote of 14 to 1. Our comments as recorded on page 477 of Journal 71, are very brief, just 3 paragraphs:

[The supporting reasons were read by Mr. Powell. For text, see above, page 2290.]

As Chairman Hoxie has said, I think this has been a source of very heavy correspondence. I have heard several delegates who were not even on this committee comment that they personally had received more correspondence on this subject than on any other. Now, as chairman of the subcommittee which had this particular section, maybe I got more than my share. Here in my hand is the correspondence that I have had currently (laughter) on this particular subject. And the suggestion has been made that it might be well if I read them—I mean read them to you. (laughter) That I have no purpose in doing.

On the other hand, I did pick up rather at random out of this bunch just a few samples here, and without taking very much time—I will look over there at the clock—I will comment on a few of them. And I could give the names and addresses. I don't know as that would be necessary. They are all here. I will be glad to have any of you go through the file and sort them out and see how they go.

It has come to my attention that efforts are being made to secure legal charity bingo in Michigan. Not only do we know that such activity encourages various forms of racketeering, but the activity itself encourages the philosophy of getting something for nothing. In an age in which we have so many "free loaders" making use of public funds, it hardly seems wise to encourage the "something for nothing" philosophy in any way. Therefore, I urge the rejection of this proposal and of every form of legalized gambling.

This little note says:

I wish to express my wishes to you and your committee, opposing all lotteries and gambling in our state. It is always accompanied with a bad element and we cannot be proud of revenue from this source. Let us try to keep Michigan clean.

Another says:

I would appreciate everything you can do to prevent lottery in Michigan. It is true that in states where lottery is legalized, organized criminals move in and reap rewards.

Charities should be able to collect funds on the merit of their services. The torch fund and church world service both prove this point.

It is a step backward for Michigan to legalize gambling at a time when we need to move forward. Our state needs to lead our people in the best and highest moral climate possible.

This man says:

I'm enclosing a copy exactly as Roman Catholic archbishop Paul Emile Leger of Montreal gave his answer to, What's Wrong with Bingo? put out by Knights of Columbus.

The church is not a financial organization, much less a school of games. Our churches are the visible expression of Christ's sanctity and it is in these "vestibules to heaven" that the Christian must learn to practice virtues, particularly charity. People who assemble in basements, very often at the time that the evening prayer should be recited, do not go there to praise God. On the other hand, these games of chance destroy the real spirit of charity because the money is given in hope of being able to gain more, not for a supernatural reason and to help the poor and needy.

This says:

Please do everything in your power to uphold legislation against legalized gambling in the state of Michigan. I refer primarily to bingo games used at fundraising meetings of lodges and churches. This must never be allowed in the interest of building good character of our citizens. Here is another, from a man and his wife:

May we urge you to use your influence to prevent the legalizing of charity bingo or any other form of lottery.

To do so would be to exploit human weakness, in many cases resulting in loss of money which the participants cannot afford. It would strengthen the hope in individuals of getting something for nothing, thus weakening their determination to pay their own way in life.

If a man wins it is because many others have lost. It is immoral for a man to seek gain at the expense of others. The charitable ends do not justify the means. For these and other reasons we feel that gambling in any form should not be legalized.

Another person writes:

Am writing in regard to legalizing lotteries. We surely are not in favor of this clause in our new constitution that would legalize lotteries. Please use your power to put it down. The children of many homes would be robbed of food and clothing if any such steps are taken.

A minister writes:

I have been informed you are interested in this con con bill to make lotteries legal in Michigan. I hope you are not in favor of this bill. We must try and vote such a bill out. Lotteries are such a waste of good money needed for milk and groceries, to keep families intact and homes safe.

This particular letter, which I think is the last one I am going to read to you, I thought was especially interesting. It is written on the letterhead of the First Wesleyan Methodist Church here in Lansing and is signed by R. Stephen Nicholson, Jr., who seems to have some information I thought would be of interest to you. I will read just part of it, just a little section of the first page:

I am primarily interested in the new constitution's relation to gambling. For the past years, about 10, I have lived in Japan where, at the close of the war, lotteries, racing, and various forms of gambling were legalized as a source of revenue. Both municipal and national governments were the sponsors of these events.

It is now a clear matter of record that Japanese cities enjoying a substantial portion of their income from local race tracks are now voting to abolish legal gambling. These Japanese authorities, aside from any sort of Christian teaching, have come to a purely pragmatic conclusion that gambling does not pay, even though their sources of revenue from it are substantial.

Kyoto, one of the largest cities in Japan, recently voted to abolish its race tracks as of this coming year. The social disorder, family confusion, and overall misuse of family funds which these open tracks encouraged resulted in a demand from the rank and file of the population that these centers be closed.

The only substantial number of communications which I received favoring any change from the present provision were a number of identical letters, all worded exactly the same, which were sent to me by various locals of the eagles lodge.

After the hearings to which I have referred, the committee on legislative powers considered the various delegate proposals which have been referred to us and which I have already men-

tioned. And, as I have said, a motion was made that we report favorably the retention of the present language. After all sorts of substitutes and alternative proposals were presented and after full debate, they were all decisively defeated, and by a vote of 14 to 1, as I have told you, the proposal which is now before us was reported from committee.

In view of the sentiment which, I think, is widespread throughout this state on this whole subject, I feel that for us now to make any change in these provisions would subject our new document to unnecessary adverse pressure. I would suggest that if any group seeks to attempt an amendment, let it be done later and stand on its own merits and not jeopardize the precious and constructive end product of our convention. I now yield the floor to another member of our subcommittee, a man who has had extensive experience with this problem as a prosecuting attorney and who understands the legal implications, Delegate Don Habermehl.

CHAIRMAN BENTLEY: The gentleman from Ionia yields to the gentleman from Alpena, Mr. Habermehl.

MR. HABERMEHL: Mr. Chairman. Thank you, Mr. Powell. This, as Mr. Powell has indicated, has been one issue that has generated a lot of heat. I think I received about the same number of letters as Mr. Powell did, and I think most members of our committee did. The question always seemed to revolve around the use of gambling for charitable purposes. That seemed to be the desire of those people that wrote in and those people that submitted proposals to this section. Usually, I have felt at least, they did not realize at the time they submitted these proposals the sort of difficulties that they could get into. As Mr. Powell has stated, I had a little experience with this myself. Back about 10 years ago it was necessary in my county to ban all forms of gambling since it had become so widespread that the law enforcement officers no longer could ignore the matter.

The first problem that we always run into is the fact that under our corporation act, there is not any good way to determine the purpose for which a nonprofit corporation is formed. Any one of us can form or set up a nonprofit corporation. If, then, a nonprofit corporation were to be established for the purpose of running organized gambling, certainly some sort of provision must be put in, some sort of policing power must be given to the corporation and securities commission to set up rules under which such corporations might be formed. The legal problems here would be pretty tremendous.

The next problem from a law enforcement angle would involve the policing of the operations of such a corporation or such a group. If an organization is going to run gambling games—bingo, lotteries, raffles—for charitable purposes, of course, there must be some way set up whereby the state could insure that the proceeds from this gambling went for those purposes, and if you will stop and think for a moment, you will realize the problems involved there. Every organization in the state that would run charitable gambling from these games would be subject to some sort of audit to make sure that the proceeds from the games did not go or accrue to the benefit of any one individual, but went for the purposes for which they were run. This of course anticipates a very large investigatory staff. In fact, in those states that have tried it, it has been necessary to set up a gambling commission, staffed actually by far more people than now staff our liquor control commission. Practically every game that was operated would have to be checked by state investigators. The size of that bureaucracy would certainly astound you.

The next problem that we would face—and this is borne out by experience, as the next delegate that speaks on the subject will tell you—is the possibility and in fact the inevitability that organized gambling will in some way infiltrate this field. It has happened in Michigan. It has happened in other states. In the states, for example, that allow legal gambling, wide open gambling, the political influence of the gambling fraternity would surprise and amaze most of you. There are a number of places in this country where the influence of gambling people, people that are connected with the organization, over the election of public officials has become widespread.

The infiltration comes about generally in 2 ways. The first of them, a charitable front is set up, an organization that purportedly is set up for some charitable purpose. Perhaps a small part of the proceeds of this gambling would go to charity, but the major part accrues to the benefit of the individuals setting up the charity. I don't think that we have to go very far to remember a case of that here in Michigan where one organization was set up to run bingo games and after some 83 days of trial in the city of Detroit, the operator of the game was finally sent to prison. The other method is a more subtle one. The organizations that run these games of course designate some of their members to conduct the games, and inevitably the same people find themselves time after time running the games, and it becomes quite a chore. Then they are approached by an organization that says, "We will operate and run the games for you and we will take a percentage of the proceeds." When this is done, surprisingly enough, the administrative costs of running those games mount up very high and the proceeds to charity become very small indeed. There have been instances on record where after a game was finished there were no proceeds for charity whatsoever.

This is not, as many people think, a matter of very small moment. A bingo game is one of the most profitable types of gambling that anyone could imagine. The odds can be strictly controlled. You sell so many cards. You pay off so much in the way of prize money. The gain then is assured. There is no gamble whatsoever, and the figures do run into very sizable figures, especially in a large metropolitan area where a game is conducted over a long period of time. And when this much money is involved, of course, there are always people around that are attempting to get their share. We in the committee felt that the law enforcement problems alone posed by trying to permit any such charitable gambling would be fantastic and would simply result in an entirely new state commission staffed by a very large number of people in order to be policed properly. Most of us on the committee could not face the prospect of that happening.

CHAIRMAN BENTLEY: Does the gentleman from Ionia desire to make further presentation?

MR. POWELL: My only comment at this time is to suggest that we proceed now to the minority report, if that might be in order, and I know there are certain other amendments that will follow that.

CHAIRMAN BENTLEY: The Chair wishes to ask the gentleman from Detroit, Mr. Madar, if he desires to ask a question or to speak on the minority report amendment when it is proposed?

MR. MADAR: It doesn't make too much difference to me, Mr. Chairman, because all I wanted to do is to talk to the point, and frankly I was going to talk almost entirely on hypocrisy.

CHAIRMAN BENTLEY: The Chair will recognize the gentleman from Detroit after the minority report amendment has been presented. The secretary will read.

SECRETARY CHASE: Pursuant to the minority report of Messrs. Baginski, Lesinski, Murphy and Youngblood,

Mr. Lesinski offers the following amendment:

1. Amend page 1, line 6, after "tickets," by inserting "However, the operation of bingo shall be allowed if conducted by charitable or fraternal organizations as defined by law: Provided, That a majority of the electorate in any county agrees to same."

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

MR. LESINSKI: Mr. Chairman, fellow delegates, speaking for the minority, I wish to state that we have come to a very minor section that has generated a lot of interest throughout our state. I will not take the time of this committee to go into detail on this section, but I wish to state that it is an archaic section and its origin has been lost in antiquity.

The section is neither fish nor fowl as it does not restrain gambling in our state, as in the case of parimutuel betting, which is a true lottery. And I wish to state at this time for myself that I agree in part with Mr. Powell, because I put in an amendment to strengthen the section by prohibiting all

gambling, and it was soundly defeated by our committee. For further details of the minority's views on these subjects, you may turn to page 566 of Journal 75.

At this time I wish to yield to Mr. Binkowski for further comment.

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

MR. BINKOWSKI: Mr. Chairman, ladies and gentlemen of the committee, I think that at the outset we should make our point very clear. This is not being proposed as an amendment to section 33. Our approach in this case is a novel one, because this is the first time this question has been presented to the convention. What we would like to do is to present this proposition, which you see, on the ballot separately from the document itself so that the people themselves could decide whether they wanted to make an exception to the prohibition as to lotteries.

Again, I want to reiterate this because it is very important: this is not being offered, at this time in any event, as an amendment to section 33. Section 33 I presume will be intact and will be an integral part of the document itself. However, as Mr. Powell and Mr. Habermehl and so many of you here know, this is probably the most popular issue at the convention if, of course, you use the criteria of expression from people themselves. I mean I don't think there was any question that we have received more mail, all of us, on the pros and cons of lotteries andingos, parimutuel betting, gambling, etc. Therefore, since it is such a popular issue, and since there are so many pros and cons and so many differences of opinion, and particularly since there is such a widespread interest to legalize bingo, particularly down in Detroit, we have offered this amendment in the form that we think would avoid getting into the merits of gambling—avoid getting into the merits of bingo, whether you like to play bingo or not play bingo. All we are asking this committee to do is to let the people decide.

Now, I don't know if it was brought out, but there was a constitutional amendment proposed in 1954. There were over 1,800,000 votes cast, and that proposal lost by 41,000 votes. It is my understanding that at that time that proposal did not provide for local option, and this is what we have done. And again this is not opening the door to all lotteries; this is just one form of lottery, and that is bingo. We think there is such widespread interest in this game that charitable organizations or any kind of organizations which would be defined by law would be able to play if the people in any particular locality decided that they felt they wanted to play this particular game.

I think that Mr. Powell has indicated to you that the prosecuting attorneys association has gone on record favoring the regulation of lotteries, and although Mr. Habermehl has spoken after the difficulties of it, I think that we have difficulties in parimutuel betting, in gambling, and so forth; so I don't think that this is such an insurmountable problem that we could not solve it. So again, the question before you is whether you want to put this on the ballot as a separate proposition.

There have been various communications from the American legion, the veterans of foreign wars, the AMVETS. Of course, I had a whole slew of letters from the order of eagles which Mr. Downs received, and of course Mr. Powell commented upon the great number that he has received.

I at this point do not want to get into the merits of gambling or whether you consider bingo gambling, because I know a great number of our senior citizens do not regard this as gambling, but more of a form of recreation. So it is with this idea in mind that we have proposed this proposition.

Now, there was a very interesting article in the Lapeer County Press, and excerpts of it will be found on page 567. But I would just like to take a few minutes of your time to read this to you, and I quote:

If bingo is illegal, why shouldn't there be a law against betting the horses, too? Instead of con con delegates trying to legalize bingo, why aren't they trying to get the state out of the horse book business?

Could it be because of all the important money invested in those fancy Detroit racetracks? Could it be because the

horses have more influence than little old ladies in Lansing? Or could it simply be because the state gets a cut of the horse betting money but hasn't yet figured out how to drag the bingo pot?

Such trivia as bingo has no place in a basic charter of government. We didn't elect con con delegates to sit in Lansing and talk about games. But if there must be such talk, we'd be inclined to listen a lot harder to a delegate with guts enough to ask for answers to the questions we've asked.

Well, we could talk about this at great length. I don't want to spend too much time on this amendment, but I think again we are writing a document for the people. The people have indicated, beyond any question, an interest in this, so I think that if we want to get people out to vote on the document itself, and since we know that this is such a controversial issue, I think, borrowing a little trick from you people who are active in township politics, by putting a controversial question on the ballot, you certainly will get the people to turn out. So if you want to get the people to turn out to vote on the basic document itself, let's put this proposition on as a separate proposition and let them vote on it.

CHAIRMAN BENTLEY: Does the gentleman from Detroit, Mr. Lesinski, desire to yield further? The Chair recognizes the gentleman from Detroit, Mr. Madar, to speak on the minority amendment.

MR. POWELL: Mr. Chairman.

CHAIRMAN BENTLEY: The gentleman from Ionia.

MR. POWELL: Mr. Chairman, I would like to raise a parliamentary inquiry or—

CHAIRMAN BENTLEY: The gentleman will state it.

MR. POWELL: Is this proposition properly before us at this time? We are in an unprecedented situation here where something is offered as a part of a proposal and yet is to be separate from the proposal, to be separately submitted. It is not made clear either in the remarks of Delegate "Bingokowski" (laughter) or in the—

MR. BINKOWSKI: Thank you, Mr. Powell. That is better than Delegate "Baginski." (laughter)

CHAIRMAN BENTLEY: The committee will be in order.

MR. POWELL: —whether this is to be a substitute or somehow impede the inclusion of the language of the committee proposal. May I just clarify my confusion by reading here, from page 566, the beginning of their submission of the minority report. They say:

Add a new sentence after the language included in Committee Proposal 100 to be included as a part of Committee Proposal 100, but to be offered to the people as a separate proposition on the ballot distinct from the document as a whole when the constitution is submitted to the vote of the people.

And then at the end of their report, they summarize by saying:

Therefore, we recommend that the amendment be placed on the ballot as a separate proposition as a proposed amendment to article V, section 33.

But it is not clear to me whether that would be just this new language or the whole thing, or whether in our complete document there would be any reference to the material now found in article V, section 33. Now, if this is something totally separate and distinct and apart, I would think that it might better be separately debated and that it not come into the consideration of what is currently before us here in committee of the whole.

I maybe haven't made a very clear parliamentary question, but this is so new and so revolutionary and so unprecedented that I hardly know how it is expected that we are to proceed, and I suggest that a little time be spent by our chairman and parliamentarian and, to use that word that we hear quite a little about, define the posture of the situation right now.

CHAIRMAN BENTLEY: In response to the parliamentary inquiry propounded by the gentleman from Ionia, the Chair will state the following: the committee of the whole is obviously unable to decide the manner in which the proposed new document or any portion thereof will be presented to the voters. That is a question for the convention itself to decide.

With reference to the amendment offered by Messrs. Baginski, et al, the Chair will rule that this amendment is being offered in accordance with a minority report properly prepared and submitted. It is being offered as an amendment to Committee Proposal 100 to add additional language in line 6 and thereafter, and therefore the amendment is germane at this particular time.

The Chair will recognize the gentleman from Detroit, Mr. Madar, to speak on the minority amendment.

MR. MADAR: Mr. Chairman, I believe at this time that I would like to pass until we get to the main motion here, and I would like to speak on that. I believe that that is where this will do much more good than it would on this particular amendment.

CHAIRMAN BENTLEY: The Chair will advise the gentleman from Detroit that at the time this amendment and other amendments thereto which are pending are disposed of, if there are no further amendments, the proposal will pass whether it is amended or not. The Chair will be liberal with the gentleman if he desires to speak on the minority amendment even though a portion of his remarks may be directed to the committee proposal, and would suggest that he take advantage of this present opportunity. (laughter)

MR. MADAR: Frankly, Mr. Chairman, I wouldn't try to take advantage of you at any time. (laughter) First I would like to read a definition of hypocrisy: "an act or practice of feigning to be what one is not, or to feel what one does not feel; especially the false assumption of virtue or religion; ranting simulation of goodness."

I had quite a bit of conversation on gambling, and we have here the definitions of gambling and lotteries—I am glad it was put on my desk—but what I was discussing was gambling, playing poker, such things as that—running lotteries. We thought that—or rather others, not I, because I am not opposed to gambling. If one wishes to do so, that is his business, just the same as it is a person's business if he wants to take a drink or if he wishes to smoke.

In this great state of ours we had prohibition, and I never saw so much hypocrisy in all my life, because the very people who were against it did as much drinking if not more than I or anyone whom I knew. In fact, we used to have a little place over here close to the Olds hotel. It was around the corner, in fact. The legislators used to go over there and drink like hell—excuse me (laughter)—and then go over and vote for prohibition. (laughter) These people that I am speaking of thought that it was awful if we would put on a lottery to try to raise money for a good purpose just the same as the Irish are today putting on such a wonderful sweepstakes to help their hospitals. I wouldn't put my name on a sweepstakes ticket for love nor money. Frankly I don't go for it. I don't like it. However, that is their business, and it is a good cause. And I hate to see all those millions of dollars go to Ireland. They are a wonderful people, but I think we ought to support our own, not someone else's. As I said, I was talking to these people about lotteries, and "Oh, we can't hold a lottery. Why, that's awful. It's sinful. It would be teaching our children to gamble." Oh, yes; righteous, virtuous people.

We went to the convention at Grand Rapids, and I had to look for some of my good friends—and this, incidentally, wasn't in the last 5 years, I'll tell you that—and you know how long I have been a Democrat. (laughter) I started to look for these virtuous, wonderful friends of mine. And where do you suppose I found them? In a private room playing—no, no, not poker. Poker is sinful. It is one of the devil's methods of getting us to do wrong. They weren't playing poker, uh uh. They were playing bridge, a nickel a point. (laughter) That isn't gambling. I can't afford it. (laughter) There are a few around here that I believe could afford it, but not too many.

Frankly, I think it is sinful to even include the word "lotteries" in this constitution. It doesn't belong here. It belongs over there in that domed building just beyond us here a little ways where those legislators sit. Let them continue to be hypocrites; let's not us do it. We are writing a constitution. Let's be honest with ourselves. Don't you children do any applauding (laughter) because I want you to learn what

is right. Don't do any gambling—but don't do any, none at all.

MR. WANGER: Mr. Chairman.

MR. MADAR: You know, when you play a penny a point poker—

MR. WANGER: Mr. Chairman, a point of order.

CHAIRMAN BENTLEY: The gentleman will suspend a moment. What does the gentleman desire?

MR. MADAR: Let him speak.

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

CHAIRMAN BENTLEY: The gentleman will state it.

MR. WANGER: I know that Mr. Madar can express himself very interestingly, particularly with regard to his personal problems with the devil. However—(laughter)

CHAIRMAN BENTLEY: The gentleman will state the point of order.

MR. WANGER: However, I really don't think that this is at all germane to the constitutional issue which is before the body, and since we are operating under a very difficult time problem, I would make the point of order that the gentleman's remarks are not really germane to the issue which is before us.

CHAIRMAN BENTLEY: In response to the gentleman's point of order, the Chair will state that he had already promised the gentleman from Detroit a certain amount of latitude to proceed with his remarks, which the Chair is inclined to regard as inevitable; they might as well be made now as any other time. (laughter) The gentleman will proceed.

MR. MADAR: Thank you very much, Mr. Chairman. You may rest assured that when this convention is over, I will not have 1/3 of the number of words on these reports or records as Mr. Wanger has. He has 10 times as many as I have already—even to tell us we should work for nothing when he has clients up here and can live at home. (laughter)

CHAIRMAN BENTLEY: The gentleman will proceed.

MR. WANGER: Point of order, Mr. Chairman. (laughter)

CHAIRMAN BENTLEY: In this case the Chair sustains the point of order, and the gentleman will confine his remarks to the subject at hand and avoid personalities.

MR. WANGER: Mr. Chairman, I believe under our rules of procedure when a point of order is sustained against the speaker, he loses the floor.

CHAIRMAN BENTLEY: The Chair believes that the gentleman will proceed in order.

MR. MADAR: He will, Your Honor. (laughter) Now, Mr. Chairman, fellow delegates, lottery isn't a bit worse than horse racing, not a bit worse. In fact, horse racing is, I would say, 1,000 per cent worse than lotteries or bingo, and if you don't think so, you just don't know anything about it. You haven't watched the suffering in homes where the husband is foolish enough to keep putting the bets on those horses. And to make sure that this isn't put into the constitution, I am going to address my remarks to those people who love horses, who raise horses, who train them. That is not done in the city of Detroit. Most of that is done outstate. You love your horses. You love to see them race with the little sulky behind them. You bet on them. You bet on your horses. You bet on the horses of your friends.

Let's be honest. Let's vote against that too just as well as we vote against lotteries. Let's do things just as we should do them. Let's not one minute say one thing and the next minute say something else which is just the contrary to what we have said. This should not be in the constitution.

You have faith in your legislature even though a lot of you say you haven't. One minute you have and the next minute you don't. Let's search our own souls and see whether it should be in here. Let's kick it all out, every bit of it, because you are not just hurting yourself. Remember that these are lotteries here in the state of Michigan when you permit soap manufacturers, when you permit automobile manufacturers to give out tickets. They are just stimulating business. They are trying to make more money. You don't make any. They have put the cost of that prize that they are going to give you into the price of the soap, into the price of coffee, into the price of the automobile. So, as I said before, let's stop being hypocrites. Let's write a good constitution.

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

MR. FARNSWORTH: Mr. Chairman, members of the committee, I will be very brief. I was intrigued by the book that Chairman Bentley gave to us, Finance and Taxation in Michigan. And so much has been said about horses that I thought the convention should know that on page 49 of this manual in 1951 the state did collect, on an item entitled, Horse Race Wagering Tax, \$3,652,051. In 3 short years, in 1954, that had built up to \$7,681,218. We have not done so well since. We are back down to \$7,564,330.

I quite agree with Mr. Madar that we are being a little bit hypocritical. However, I am against further extending gambling in Michigan, and I shall vote against the minority report amendment.

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

MR. HOXIE: Mr. Chairman, fellow delegates, to clarify any misunderstanding relative to this subject of horse racing, I don't think that the mere fact that the state does receive revenue is the important issue. I think the important issue is that the Supreme Court of the state of Michigan declared that parimutuel betting was not in violation of this particular section. Whether we individually can agree with that decision is not important. They did say in their opinion in substance that horse racing was a game of skill (laughter) and to me the supreme court is still the chief determining body of interpretation of the constitution and the laws of the state of Michigan. So let's not be critical, brother Madar, my kind Christian gentleman, in saying that the supreme court doesn't know what they are talking about.

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

MR. WANGER: In light of Mr. Madar's statement, Mr. Chairman, members of the committee, with regard to myself which was out of order, I regret the necessity to state as a personal matter upon the floor of the convention—but I nevertheless find it a necessity, since this is to be part of the convention record—that during the course of the constitutional convention, I have devoted full time to the—

CHAIRMAN BENTLEY: The gentleman will suspend a moment. Does the gentleman desire to raise a point of personal privilege, in which case he must await our return to plenary session?

MR. WANGER: Well, I had assumed, Mr. Chairman, that sufficient latitude would be granted to me inasmuch as such great latitude had admittedly been granted by the Chair to Mr. Madar.

CHAIRMAN BENTLEY: The Chair will point out to the gentleman from Lansing that the gentleman from Detroit was called to order when he indulged in personalities. If the gentleman from Lansing desires to speak on the minority amendment, he is recognized for that purpose. If he desires to speak on a point of personal privilege, he will have to await the return to the plenary session.

MR. WANGER: Well, I merely wish to answer Mr. Madar's vicious and irregular statement.

CHAIRMAN BENTLEY: The Chair is certain that the gentleman will be recognized for that purpose when the committee has risen if he so desires to do so.

The Chair will recognize the gentleman from Flint, Mr. Millard.

MR. MILLARD: Mr. Chairman, members of the committee, there has been a lot said here about horse racing and bingo and gambling and lotteries. I would just like to point out that I am quite familiar with all of those things, because in my capacity as one of the law enforcement agents of the state of Michigan some of those things came to my attention, and particularly bingo and horse racing. Wherever I went when I was attorney general, I was asked, "Why can't we play bingo if we can go down and bet on the horses?" So I would just like to go a little further than the chairman of the committee did. I want to point out the reason—and I had to do this time and time again—why parimutuel horse

betting—not horse betting in its generality—is legal in the state of Michigan.

I am now reading from the Michigan Reports the case of Rohan vs. Detroit Racing Association in 314 Michigan. Judge Starr wrote the opinion which was concurred in by Judges Carr, Sharpe and Reid; Bushnell concurred; Boyles concurred; and Butzel and North concurred with Boyles; so that the supreme court in its entirety upheld this opinion, and they based their reasoning upon the case of the People vs. Monroe, of Illinois, in which

... the court determined that a state statute referred to as the horse racing act, which provided for parimutuel betting on the result of horse races, did not violate a provision of the state constitution prohibiting lotteries.

And

In the case of Commonwealth v. Kentucky Jockey Club, 238 Kentucky 739, a statute permitting parimutuel betting on horse races was held to be constitutional and not in violation of a provision of the state constitution prohibiting lotteries.

Those states had the same provision that our state did, and so our supreme court used that as a basis for their opinion. And this is what they said, "Under the above authorities it is clear that parimutuel betting on a horse race is not a lottery."

Mr. Lesinski made this flat statement: parimutuel betting is a pure lottery. And I want to correct him by stating that the supreme court has said that it is not a lottery. Now, they went on and gave their reasons, and some of them brought the laugh when Mr. Hoxie mentioned that it was a game of skill, but they do go on and state their reasons:

In a horse race the winner is not determined by chance alone, as the condition, speed, and endurance of the horse and the skill and management of the rider are factors affecting the result of the race. The bettor has the opportunity to exercise his judgment and discretion in determining the horse on which to bet. . . . Horse racing, like foot racing, boat racing, football, and baseball, is a game of skill and judgment and not a game of chance.

I think that that settles once and for all—and should settle as far as this convention is concerned—the fact that parimutuel horse betting is not a lottery. That does not mean that the bookie down here on the corner is not engaged in gambling, for he is, under our supreme court decision. You have to be on the track. You have to be there to see the rider and see the horse and see the track, and then it becomes a game of skill, as our court has said.

Now, what about bingo? Well, our court has many times stated that bingo is gambling. Even before the parimutuel betting case came down, our court decided in the case of The People vs. Welch, in 269 Michigan on page 449—this came up from Grand Rapids—reading from the syllabus:

Scheme of club, in selling to its members "beano" cards giving holders a chance to draw prizes of sugar and other food stuffs, is clearly a lottery within the meaning of act 328.

They point out here that beano is another name for lotto and keno. This was decided in 1934.

Now, after the horse racing decision, our courts have spoken twice. One of them was pointed out by one of the members here, and that is the case of Society of Good Neighbors vs. Mayor of Detroit in 324 Michigan on page 22:

It is the claim of plaintiff that for some years it has been operating a charitable organization which renders assistance in emergency cases to all persons regardless of race, color or religion. It has financed itself by voluntary contributions and operated with the aid of volunteer workers, in addition to about 30 individuals on its payroll.

... It is stated that several years later an instance arose which brought about a prejudiced attitude on the part of the police department toward plaintiff's operations, which developed into an animus on the part of defendants, resulting in "a campaign of inquisition. . . ."

In other words, they claimed they were being discriminated against because some others were allowed to run bingo games. And the court said, "Bingo is essentially the same as 'beano',

'keno', and 'lotto', described in the Welch case." And they held that this man was conducting a gambling game and he had to pay the penalty.

Again in the case of Eastwood Park Amusement Company vs. Mayor of East Detroit, in 325 Michigan on page 60, in this case an amusement park in Detroit was running a bingo game, and his claim was:

Plaintiff claimed that charitable and other nonprofit organizations were permitted to conduct bingo games with impunity. Even if this be true it does not in any way legalize bingo forbidden by law.

So we come to this conclusion, legally, that horse race betting is legal and bingo is not legal. Thank you.

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

MR. MARTIN: Mr. Chairman, I only have one brief remark. I agree with Mr. Habermehl that the principal problem here is not incidental gambling at all but the problem of organized gambling and how to keep it at a minimum in the state of Michigan, and I can only add one thing to the devices that he has referred to which influence this picture, and that is that where organized gambling gets into a community or into a state, the problem is further that the organized gamblers, who have large amounts of funds coming in, begin to contribute not only to political campaigns but to churches and charitable organizations and various worthy causes to make sure that gambling is protected and that the good citizens of the community, if any question is raised about its operations, don't protest. And sooner or later—and this has been the experience in many of the communities in many other states—the entire community becomes corrupted. So it is quite clear we can't prevent all gambling in the state of Michigan of an incidental nature, but certainly we want to give no encouragement—I am sure all of us feel that way regardless of how we might feel even about this particular amendment—to organized gambling, and this proviso on the wall is a wedge which would allow organized gamblers to put their foot in the door, and we certainly don't want that in the state of Michigan, so I am opposed to the amendment and very much in favor of the committee report.

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

MR. BLANDFORD: Mr. Chairman and fellow delegates, my good seatmate, Mr. Binkowski, and myself have disagreed on many items before this convention in the past and I guess we will probably continue our disagreement upon this particular issue, because I hold an opinion on this, I think, that is probably 100 per cent in the opposite direction from his.

He mentioned about the little old ladies that like to play bingo. I served on a city commission in Grand Rapids for 6 years when these little old ladies used to appear with their little old husbands (laughter) before our various commission meetings and before our city tax assessor, wanting reductions in their taxes and they showed us, illustrated to us very forcibly, that they were on fixed incomes and that some kind of relief should be given to them in their tax payments. These were the same little old ladies with their little old husbands that used to go over and spend their little old money playing little old bingo (laughter) 4 or 5 times a week, and some of the little old husbands didn't like that too well either, because when they got around to looking in the cookie jar, the money wasn't there; it had been spent in the bingo game. Some of them testified before us on occasion that the wives were spending as much money playing bingo in one month as they would need to pay their taxes for the next 5 years.

I think there are plenty of activities for the oldsters in the community to take part in without having to take part in bingo. There is plenty of volunteer work, plenty of hospital guilds, plenty of church groups—some of them can run for con con; (laughter) there is a lot of party political work they can do.

In Grand Rapids we lived with bingo for a few years, and then we elected a man called "Noble Paul Goebel" (laughter) mayor. He swept in there with a big broom and a few of us

came along with him, and the net result was that we don't play bingo in Grand Rapids any more, and we are quite proud of that. We found that bingo is nothing that the community looked upon with great pride. When you brought visitors to your city, you never rode down the street and pointed out the bingo establishments to them. You might show them the churches and the parks, but you never showed them the bingo establishments. So we finally got rid of it, and we are happy to be rid of it. We found it required a lot of additional police surveillance. But the thing that bothered us the most in Grand Rapids was the fellow travelers that came along with bingo. We had reasons to believe that some of the people that may have been connected with bingo also were the same people that on occasion were preying upon the youth with dope and other such items that none of us want to see our children subjected to. So when we pointed this out to little old ladies and got them finally to realize that their desire for bingo might bring an element into the community that would not be of the best nature for their own children and grandchildren, they pretty well went along with us and sacrificed their bingo.

I have always maintained, of course—and this has gotten me in hot water on a couple of occasions with some charitable groups—and have often said directly to them that any group that has to depend upon bingo for its revenue must have a very weak message. That doesn't go over very good in some circles. (laughter)

In conclusion I would like to just read a little poem that my good friend Judge Dehnke has given me permission to read to you. I think it ties in. It goes something like this:

Vice is a monster of such frightful mien

As to be hated, needs but to be seen;

But seen too oft, familiar with her face,

We first endure, then tolerate, then embrace.

Thank you.

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

MR. HOXIE: Mr. Chairman, by request, it is now 10:30. I move that the committee rise for 10 minutes.

CHAIRMAN BENTLEY: For the purpose of taking a recess, all those in favor of the motion will say aye. Those opposed will say no.

The motion prevails. The committee will rise.

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

PRESIDENT NISBET: The Chair recognizes Mr. Bentley.

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

SECRETARY CHASE: Mr. President, the committee of the whole has had under consideration **Committee Proposal 99**, A proposal to provide that the legislature may provide for a jury of less than 12 in civil cases; reports this back to the convention without amendment, with the recommendation it do pass.

PRESIDENT NISBET: **Committee Proposal 99** is referred to the committee on style and drafting.

For Committee Proposal 99 as referred to the committee on style and drafting, see above, page 2288.

SECRETARY CHASE: The committee of the whole has also had under consideration **Committee Proposal 100**, A proposal to provide the legislature shall not authorize lotteries or the sale of lottery tickets; has come to no final resolution thereon. This completes the report of the committee of the whole.

We have the following announcement: when we recess this morning, will the members of the committee on executive branch go to committee room C immediately for the taking of a committee picture. Thank you. John Martin, chairman.

PRESIDENT NISBET: Mr. Wanger.

MR. WANGER: Mr. President, a brief statement of personal privilege regarding the disorderly words of Delegate Madar in committee of the whole. In his statements, which were made under the considerable latitude granted in the com-

mittee of the whole, referring particularly to the general subject of hypocrisy, he personally attacked me by pointing out I had previously suggested this convention should finish the job regardless of the continuation of our salaries after the deadline when, according to his statement, which was in fact false, I was engaged in the practice of law here in the city of Lansing.

Since he made this statement, I want to set the record straight in this regard: during the course of this convention I have not been actively engaged in the practice of law, and I have been devoting my full time to the work of the constitutional convention.

PRESIDENT NISBET: Mr. Snyder.

MR. SNYDER: Mr. President, I would also like to rise on a point of personal privilege in view of some of the remarks made by Mr. Blandford. He has from time to time risen on the floor and used his authority as a commissioner in Grand Rapids as sort of a general knowledgeable background for all commissioners. And I wish to state at this particular point that when Mr. Blandford speaks as a commissioner, he speaks as a commissioner for the city of Grand Rapids alone.

We have a procedure in our town that the very fine senior citizens, when they appear for tax reduction, do not have to be forced to the indignity of appearing publicly before the city council. We have an equitable board of review. We have all these propositions before us. And I would say that in deference to the very fine senior citizens of our state who have to, from time to time, seek help and guidance from the city fathers, we have a means in our community that permits them to do so.

There have been other occasions in which the city commission of Grand Rapids has been used as a criterion. We have our own rules and regulations.

PRESIDENT NISBET: The Chair recognizes Mr. Hoxie.

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

PRESIDENT NISBET: Those in favor will say aye. Opposed, no.

We will recess until 10:45, and please be back promptly.

[Whereupon, at 10:35 o'clock a.m., the convention recessed; and, at 10:45 o'clock a.m., reconvened.]

The convention will come to order.

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

PRESIDENT NISBET: The Chair recognizes Mr. Bentley.

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

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

The motion prevails. Mr. Bentley.

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

CHAIRMAN BENTLEY: The committee will be in order. The pending business before the committee is **Committee Proposal 100**, to which Messrs. Baginski, Lesinski, Murphy and Youngblood have offered a minority amendment. The Chair will recognize the gentleman from Gladwin, Mr. Hubbs.

MR. HUBBS: Mr. Chairman, members of the committee, I would like to speak briefly on the subject of hypocrisy. (laughter) I am concerned because Mr. Madar pointed out that he felt that a lot of people would, when they vote on this thing, be hypocrites, and I don't feel that this is so. I plan to vote against this, and I am going to vote against any form of legalized gambling, but it is a known fact that I am the kind of a guy that would hold 2 diamonds and draw 3 and hope for a flush and end up with a straight. (laughter)

As far as hypocrisy is concerned, I have a clergyman friend who has told me a number of times that the most serious state that an individual can be in is what he calls separation — that is separation from God. The second thing that he says

that I find most interesting is that sin isn't exactly what you do; it is how much of it you do. (laughter) So if you really think about it, every time you buy some stock in the stock market, you are gambling because you are taking a risk. Practically everything you do amounts to a gamble. And I don't consider gambling sinful, nor do I consider a mild amount of poker playing sinful, and because I do it, I'd hate to be called a hypocrite when I vote against legalized gambling, and I would rationalize it in this way: I believe that people should have a choice in what they do and would tend to make it possible for them to do what they want, but here is the situation with regard to legalized gambling. It is fortunate, from my point of view, that gambling does not involve the production of real wealth and because of its evil aspects is therefore rejected by a large segment of the public. I will be able to vote against legalized gambling without any feeling of hypocrisy whatever.

The fact is that gambling would be a new competitor for a share of the consumer's expendable dollar, and as a man involved in the retail business I am much concerned with getting some of those dollars into my till and I don't want to be competing with gambling. Gambling produces no real wealth. It is a waste of time. It is unlikely that gambling profit will produce any new jobs by extending our industrial plan. Industry will produce, in the long run, more tax revenue for the state than gambling could possibly produce. Aside from any moral considerations whatsoever, a vote against legalized gambling can be justified on the basis of sound economic philosophy: it is just too much competition and it isn't productive and it isn't good for society on the basis of the fact that the more real property and real wealth we produce by our economic activity, the better off our state and individuals will be, and I therefore suggest that we vote against this and forget all this talk about hypocrisy.

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

MR. NORD: Mr. Chairman, I regret I cannot agree with Mr. Hubbs, especially in his remarks about hypocrisy, since I have some notes written down and that is one of the words in them.

I would like to start out, Mr. Chairman, however, by commenting on the remarks of Mr. Millard which relate to this point. Mr. Millard says that gambling in connection with horse racing is legal and that bingo is illegal and that has been held by the courts, and I believe there is no question about it that it has been held by the courts. Horse race gambling is legal under the language of the present constitution. Bingo is illegal under the language of the present constitution. But the point I make is this: the question before us is not what is legal under the present constitution. The question before us is what ought to be legal under the new constitution, and that has not been settled by the supreme court or by anybody else, and nobody else will settle it unless it is us or unless we leave it to the legislature. Therefore, it seems to me that all of the comments of Mr. Millard directed toward that particular point would not be of any value whatever to us. We have to face up to the issue: do we want to prohibit gambling or do we want to prohibit certain kinds of gambling or don't we want to prohibit any kind, or do we want to leave the whole thing to the legislature? We should not be bound nor feel bound by what has been the holding in the previous cases, because all we need to do to change those holdings is to change the language of the section immediately before us.

A number of delegates have raised the question of the validity of drawing any constitutional distinction between one kind of organized gambling and another, and I am in accord with those people. In my mind if the language of the present constitution is, as has been held, limited to one form of organized gambling, that ought certainly to be corrected. It should either not prohibit organized gambling at all or it should prohibit all organized gambling. As several delegates have stated, I do feel that there is hypocrisy in this area and for this reason: not because some people may gamble and yet vote against gambling, but because we allow certain kinds of gambling and do not allow others. We allow gambling for the benefit of the

state, and I think that has become fairly easy for us to justify because it is for the benefit of the state in parimutuel betting. On the other hand, many of us in the past have opposed gambling for the benefit of charitable institutions, and yet it seems to me that those 2 are extremely parallel to each other, and if we are really sincere in opposing organized gambling because of the moral issue behind it, then I think we ought to go all the way. We should prohibit all organized gambling. Either we should do that in the constitution or else we should urge the legislature to do that.

I do think that we are subject to attack as being hypocritical if we—in the knowledge, in the face of the holding of the supreme court—were to continue the same language that is now before us in the committee proposal. We would be subject to criticism because we would be saying that it is immoral for churches and charitable institutions to permit gambling for their benefit, but it is moral for the state to do the same thing for its benefit. I can't follow that particular argument and I think that we ought to rectify the difference. I would not want anyone to misconstrue my remarks to think that I favor the amendment that is on the wall. I believe like many of the delegates here; I am very strongly opposed to all types of organized gambling with no exceptions whatsoever, and I mean parimutuel betting; and it doesn't make any difference whom it benefits. I think it is a vicious thing. I think it is a way of obtaining money from the very people who can least afford it, and I think it brings forth in people the worst possible motives. I don't see anything in favor of organized gambling of any sort, and I certainly could not support an amendment such as the one that is on the wall which says that bingo is to be elevated to a constitutional principle. It seems to me that if you bring bingo up to the level of the constitution, you don't increase the stature of bingo, but you do degrade the constitution. Those 2 things just don't belong in the same place.

I think that we should make every effort to prevent this amendment that is on the wall from being adopted. I don't think it is right to put in the constitution that some kind of gambling is bad and to put another provision in that another kind of gambling is good. I think that we should be consistent. And it seems to me that our proper course of conduct would be either one of 2 things, both of which would require voting down the present amendment: one of them would be to strengthen the language of the section to preclude all organized gambling; and the other, which I think is the best, would be to strike the whole section, because it seems to me that it is a legislative matter.

However, those remarks, I realize, are not directly to the point. Nevertheless, it seems to me that we are in a bad position to start with when we prohibit only lottery. We make the situation worse if we adopt this amendment, because then we will have just one more inconsistency in the constitution. I therefore urge that the amendment be defeated.

CHAIRMAN BENTLEY: The Chair will advise the members of the committee that there are, in addition to the pending amendment, 3 other amendments presently at the desk, one to delete the entire committee proposal; one to specifically legalize parimutuel betting; and one to specify the word "gambling" in line 5 after "any" with the deletion of the balance of the section. The Chair thinks that some of the remaining speakers might wish to wait until these other amendments have been offered and speak more specifically on them. The Chair recognizes the lady from Grand Rapids, Mrs. Koeze.

MRS. KOEZE: Mr. Chairman and fellow delegates, as a member of the legislative powers committee, I had prepared quite a lengthy statement to give to this committee, but I realize that the time is long past when I can do any converting, so don't get excited about all these papers up here. I had hoped that I might read into the record the testimony of Mr. James W. Bristah of Detroit, Michigan, who gave a very interesting paper to the legislative powers committee, but I understand all of you have a copy of that. It is well worth reading. I will not repeat it at this time.

Mr. Madar, I feel like a real hypocrite. I must add these remarks, as my husband and I raise thoroughbred American

saddlebred horses. These are not racers; they are show horses. For your information, occasionally entrants into a show will put ginger under a horse's tail, burrs under their saddle and needles into their legs to win. Mr. Koeze and I, however, do not use these instruments to win. But I might suggest that we might put some burrs under the saddles of our delegates here in this committee and get to the vote. I am sure all of you know how I am going to vote and how I stand. I am for retaining the present language in the constitution.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Detroit, Reverend Dade.

MR. DADE: Mr. Chairman, I really wanted to rise to a question of personal privilege and to remind the delegate, Mr. Hubbs, that I do not know what authority he is quoting, but I understand the best authorities say that sin is indivisible. (laughter)

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Alpena, Mr. Habermehl.

MR. HABERMEHL: Mr. Chairman, fellow delegates, some of the remarks in support of this amendment I believe do require some denial. The impression has been given that the prosecuting attorneys association in some way approved this pending amendment. Yet, if we refer to the statement that they gave the committee, we find this language:

Manifest throughout all our deliberation, however, is the overwhelming belief that the most difficult part of permitting the operating of such enterprises would be the policing aspect, the control by the state and the prevention of infiltration of immoral and illegal elements into our state. The degenerative effect of such a climate is obvious when one visits those areas where widespread gambling operates with full approbation of the law.

I would like to say too that I don't believe that there is very much way that this convention can do anything about horse racing. The supreme court, it has been stated, has held that that is a game of skill, and of course we are not in any position here to try to outlaw games of skill. Every football match, every baseball game, every golf tournament, all those would be classified as games of skill and would, according to the supreme court, be on a par with the matter of horse racing.

I believe that the committee here has attempted by its language to use the broadest possible terms. They have —

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

CHAIRMAN BENTLEY: The gentleman will state it.

MR. WALKER: I don't believe that the references to horse racing are at all germane to the amendment before us at this time, and I think that if we all confined our remarks to the subject at hand, we would get through a little bit faster.

CHAIRMAN BENTLEY: The Chair, without ruling on the point of order, would state that the gentleman is basically correct. The Chair has permitted references to parimutuel betting and horse racing before, and would ask the gentleman from Alpena if he can defer those remarks until the amendment is presented on that subject.

MR. HABERMEHL: Yes. I simply was leading up, Mr. Chairman, to this: that the committee attempted here to use language that would be as broad as possible in order to prohibit actually legalized or state sponsored gambling. They used the word "lottery." And "lottery" is a broad word. It was defined, again, by our courts as being a scheme by which a result is reached by some action or means taken, and in which result man's choice or will has no part, nor can human reason, foresight, sagacity, or design enable him to know or determine such result until the same has been accomplished." That citation, for the lawyers here, is from *People vs. Elliott*, 74 Michigan 264.

It, then, was the intent of the committee to bar any type of gambling, any type of state sponsorship of gambling. I think that point is important. We are not here as moralists. We are not here to prevent other people from sinning. Certainly no delegate here, with the exception perhaps of Pastor Dade, need worry about anyone's sins but his own. We are here as a constitutional convention and a lawmaking body; so our concern is the state's participation in this type of enterprise.

I, of course, on behalf of the committee, would oppose the pending amendment and support the majority report.

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

MR. BINKOWSKI: Mr. Chairman, ladies and gentlemen of the committee, I just want to come back to my original comments that I did not anticipate getting nor did I expect us to get into the merits of this question, because I thought that the people themselves should decide this issue for themselves, and that is the reason why we put this proposition before you. And, Mr. Chairman, if it has not been requested, I would like to request the yeas and nays on this.

CHAIRMAN BENTLEY: The yeas and nays have been requested. Is the demand supported? A sufficient number. The yeas and nays will be ordered. The Chair now recognizes the gentleman from Bay City, Mr. Higgs.

MR. HIGGS: Mr. Chairman, fellow delegates, I anticipate voting in favor of this amendment with the understanding and belief that it is the intention that the words "as defined by law" are intended to qualify "bingo" and "charitable or fraternal organizations" and the words "if conducted by." It is my understanding that the legislature would have the power to determine what bingo is, how it should be conducted and what charitable and fraternal organizations are qualified under this section. If that is not the understanding and intention, I would appreciate it if the sponsors of the amendment or anyone else would so indicate.

CHAIRMAN BENTLEY: Does the gentleman desire to yield for an answer to his question?

MR. HIGGS: Yes.

CHAIRMAN BENTLEY: The gentleman from Bay City yields to the gentleman from Detroit, Mr. Binkowski, to reply to the question.

MR. BINKOWSKI: Mr. Higgs and members of the committee, this is exactly our intention, that we want the whole problem of bingo to be in the hands of the legislature. The legislature then would have the full authority to define bingo, to define fraternal or charitable organizations, to specify in great detail the regulations if they wanted to license them. If they wanted to go ahead and charge for the licenses this would be completely in the hands of the legislature. Bingo could only be played under those circumstances where the organization qualified, by the legislature's definition, as being a charitable or a fraternal organization.

MR. HIGGS: Thank you.

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

MR. LESINSKI: Mr. Chairman, fellow delegates, the subject under discussion is lotteries, bingo and gambling. And in answer to Mr. Millard's statements, we are not concerned with what is legal or illegal, but what is gambling. You have a sheet of paper on your desk and it states:

Bet: that which is laid, staked, or pledged, to wager; also, the act of giving such a pledge.

Betting: to stake upon the event of a contingent issue; to wager.

Gamble: to play or game for money or other stake; to hazard; wager.

Parimutuel: mutual stake or wager.

Now, the letters that Mr. Powell referred to referred to gambling.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Gladwin, Mr. Hubbs.

MR. HUBBS: Mr. Chairman, members of the committee, I would simply like to apologize to Father Dade if I offended any of his sensibilities when I mentioned the subject of sin. Of course, I didn't mean to make such a broad statement. I presume that there is a lot about sin that I don't know (laughter) and I only wanted to point out to him that I might, however, be acquainted with some varieties of sin that were divisible.

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

MR. MAHINSKE: I rise in opposition to this amendment here. I don't think that the term "bingo" or "beano" or any

other type of gambling phrase is good constitutional verbiage. Although I would agree with the intent here, I just can't bring myself to voting for this kind of language in the constitution.

I wonder if any of the proponents of the amendment would respond to a question. It seems to me that, as mentioned by Delegate Nord, when you mention bingo or any other type of game of chance, you are, by mentioning this, excluding all the others. Would you remark on this? Have you taken into consideration a different type of language here that would include the operation of any type of game of chance by a charitable or fraternal organization as defined by law?

CHAIRMAN BENTLEY: The gentleman yields to the gentleman from Detroit, Mr. Binkowski, to reply to the question.

MR. BINKOWSKI: Mr. Mahinske and members of the committee, I think that the sponsors would be amenable to any type of expansion of the term from "bingo" to "lotteries" if the committee so desired. However, it was our feeling that the sentiment in this convention was so strong to retain section 33 as it is presently in the constitution, and because from our area in any event the interest was mainly for playing bingo, that we limited the language to just "bingo" and not "lotteries." So, if the committee would like to expand the concept or, of course, if they would like to delete section 33 entirely so everything would then be in the hands of the legislature, I think that the sponsors would go along with anything of that sort.

MR. MAHINSKE: Although I won't win any popularity contests in my own area, I feel I would vote against this amendment with the idea that when the amendment comes up to strike the entire section 33, I would vote for that, because I don't think this is good language and I don't think that even the lottery language should be in the constitution itself.

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

MR. STOPCZYNSKI: I demand a yea and nay vote.

CHAIRMAN BENTLEY: They have been ordered, Mr. Stopczynski. The Chair recognizes the gentleman from Taylor, Mr. Marshall.

MR. MARSHALL: Are we still on bingo? (laughter)

CHAIRMAN BENTLEY: That is right.

MR. MARSHALL: I didn't know. I knew we were on it at 9:00 o'clock this morning, and I don't think that I will infringe on the time and patience of the delegates any further. It seems to me that we have had all the discussion that is necessary on this subject, and I am quite sure that all of the delegates know now and knew this morning how they are going to vote on this issue; so I hope that the rest of the delegates will take a lead from me and not talk on the subject any further. (applause)

CHAIRMAN BENTLEY: The question occurs on the pending minority amendment offered by Messrs. Baginski, et al. The yeas and nays have been ordered. The secretary will ring the bell. Those in favor of the amendment will vote aye. Those opposed will vote no.

MR. HOXIE: Mr. Chairman, may I make one observation which I believe hasn't been brought out on this proposed amendment? This, by the use of the word "shall" is mandatory upon the legislature that they shall authorize, by law, bingo for charitable purposes. So just bear in mind this is a mandate to the legislature in your vote.

CHAIRMAN BENTLEY: For what purpose does the gentleman rise, Mr. Barthwell?

MR. BARTHWELL: Mr. Chairman, I just wanted to ask a question. This would only be a mandate if the majority of the voters vote for it. Am I right?

CHAIRMAN BENTLEY: Does the gentleman desire to yield to the chairman for a reply?

MR. BARTHWELL: Yes, I do.

MR. HOXIE: In my interpretation, it would be mandatory on the legislature to establish by law. Then it would be on a vote by the people in the district, but it would be mandatory upon the legislature by the use of the word "shall" to provide by law for charitable or fraternal orders.

MR. BARTHWELL: Thank you.

CHAIRMAN BENTLEY: The secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas—25

Balcer	Higgs	Murphy
Barthwell	Hodges	Pellow
Binkowski	Kelsey	Perlich
Bledsoe	Krolikowski	Sablich
Buback	Leibrand	Stopczynski
Ford	Lesinski	Suzore
Greene	Liberato	Wilkowski
Hatch	Madar	Youngblood
Hatcher, Mrs.		

Nays—91

Allen	Gover	Powell
Andrus, Miss	Gust	Prettie
Batchelor	Habermehl	Pugsley
Beaman	Hannah, J. A.	Radka
Blandford	Haskill	Rajkovich
Bonisteel	Heideman	Richards, J. B.
Boothby	Hoxie	Richards, L. W.
Brake	Hubbs	Romney
Brown, G. E.	Hutchinson	Rush
Brown, T. S.	Iverson	Seyferth
Conklin, Mrs.	Jones	Shaffer
Cudlip	Judd, Mrs.	Shanahan
Cushman, Mrs.	Karn	Sharpe
Danhof	Knirk, B.	Sleder
Dehnke	Koeze, Mrs.	Spitler
Dell	Kuhn	Stafseth
Donnelly, Miss	Lawrence	Staiger
Doty, Dean	Leppien	Stamm
Doty, Donald	Mahinske	Sterrett
Douglas	Martin	Stevens
Durst	McCauley	Thomson
Elliott, A. G.	McLogan	Tubbs
Erickson	Millard	Turner
Everett	Mosier	Tweedie
Farnsworth	Nisbet	Upton
Faxon	Nord	Walker
Figy	Ostrow	Wanger
Finch	Page	White
Follo	Perras	Wood
Gadola	Plank	Yeager
Goebel		

SECRETARY CHASE: On the amendment offered by the minority, the yeas are 25; the nays are 91.

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

MR. MADAR: Mr. Chairman.

CHAIRMAN BENTLEY: Mr. Madar.

MR. MADAR: Before we go to the next section, may I ask that in the future, because of the fact that we did ask to have all the lights out until we were ready to disclose the vote, that from here on in we keep those lights off until everybody has voted when they come in. This idea of them coming in later to see how they were supposed to vote isn't any good.

CHAIRMAN BENTLEY: The secretary will read the next pending amendment.

SECRETARY CHASE: Messrs. Faxon, Everett and Binkowski offer the following amendment:

1. Amend page 1, line 5, by striking out all of the proposal.

CHAIRMAN BENTLEY: On this the Chair will recognize the gentleman from Detroit, Mr. Faxon, in support of his amendment.

MR. FAXON: Mr. Chairman, fellow delegates, I do not intend to give any long diatribe with regard to this section. (applause) Your approval is most noteworthy. (laughter) I do feel, however, we have spent practically an entire morning dealing with the subject of lotteries, and more specifically bingo, and as a matter of form I just can't see that this is a necessary section in the constitution. I have listened to the lengthy explanations made by these distinguished delegates and members of the committee as to its historical implications, and I also realize that in many other instances we do not prescribe in the legislative powers that the legislature may not, for instance, make robbery legal or something of this sort, and I

fail to see the need for dealing with this in the constitution at all. I think this gives dignity to lotteries that it doesn't need to have, as far as I am concerned. I think the legislature has legislation already on the books which deals with the whole subject and which can adequately handle this. We are trying to modernize the constitution and take out unnecessary language.

I would suggest that this doesn't mean that I am for gambling. I am certainly not for it, and I don't intend to participate in it, but at the same time I don't think it is necessary for the constitution to have to spell out the fact that the legislature can't do something. I think we can trust the legislature enough to take care that this is adequately handled without putting in the constitution this kind of language. For this reason, I would ask you to go modern for a change—and certainly it is a departure for me—and ask for the deletion of this particular section.

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

MR. MAHINSKE: At this point I would like to yield to any of the other sponsors and hear their remarks first before saying anything.

CHAIRMAN BENTLEY: The gentleman from Detroit yields to the gentleman from Battle Creek, Mr. Everett.

MR. EVERETT: Mr. Chairman and fellow delegates, my sentiments are those of Mr. Faxon. I don't believe this belongs in the constitution, and I think this can be documented. I have taken a quick glimpse at the criminal code of this state, and there are 16 sections in which the legislature has prohibited gambling—not simply lotteries and bingo but all forms of gambling, the only exception being parimutuel betting. They not only have prohibited gambling; they have provided penalties for it including the right of the prosecutor to seize personal property and even real property where it is used in violation of the law.

Now, it is true we have deviated from the theoretical proposition that legislative matters ought to be left out of the constitution, but when we have done so, we have done so on the urging of delegates that we had to act either because the legislature would not or could not act. Here the legislature has clearly acted. By removing this matter, we are not legalizing gambling. We are not opening the door to organized gambling, because the door has been shut and very firmly shut by the legislature. I think that is the proper body to do it.

Incidentally, for any of you who may play poker like Mr. Hubbs does, one of those 16 sections is rather interesting. It says that if you lose, gambling, you must sue to get your money back or you are subject to criminal penalty. I know Mr. Hubbs has many good legal counsel over in that corner who will be glad to take care of it.

I think it is unfortunate that the suggestion has been raised that there is hypocrisy in this matter. I know there are many, many sincere people who oppose gambling and therefore think this ought to be in. I think the letters Mr. Powell read clearly show this. But I think what we should realize is that by eliminating this language, we are simply taking something out of the constitution which doesn't belong there. We are not legalizing gambling. We are not even suggesting that it be legalized. But rather we are suggesting that the constitution is not the place to set forth trivia of this kind and detailed elaborations of what is or is not moral conduct, and therefore I was happy to join in the sponsorship of this amendment, and will support it.

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

MR. FAXON: Just to call for the yeas and nays, Mr. Chairman.

CHAIRMAN BENTLEY: Is the demand supported? A sufficient number up. The yeas and nays will be ordered. The question occurs on the Faxon amendment. The yeas and nays have been ordered. The secretary will ring the bell. Does the chairman of the committee desire recognition?

MR. HOXIE: Yes.

CHAIRMAN BENTLEY: The gentleman is recognized.

MR. HOXIE: Mr. Chairman and fellow delegates, I think there is one fundamental principle that we should recognize in this proposed amendment. It is true that its removal would then place within the hands of the legislature complete discretion as to whether or not they would authorize gambling of any nature in the state of Michigan. To me it is a fundamental principle that the people of the state of Michigan through the 2 last constitutions felt this was such a major and important issue that it should be a part of our constitution.

We have written into this constitution many places where there are restrictions on the legislature where it was felt in the public interest that those restrictions should be placed in the constitution, and for the reason that I think the vast majority of the people of Michigan approved the present provision of the constitution, I urge you to vote no.

CHAIRMAN BENTLEY: The question occurs on the Faxon amendment. The gentleman from Detroit, Mr. Mahinske.

MR. MAHINSKE: In response to the remarks just made by Mr. Hoxie, I would point out that this would not be left within the complete discretion of the legislature if we abolish section 33 of article V. The legislature would have to take action that I am afraid they would be very reluctant to take. They would have to repeal the existing enabling statutes that we have on the books making various types of lotteries and gambling devices illegal. Frankly, I don't think that we would see the day in the very near future that they would do this, because they are just as responsive to their electorate as we are responsive to the people who have been writing to us telling us that they want to gamble or that they don't want to gamble. Frankly, I don't conceive of the legislature going any further than possibly the bingo amendment that we had here, if they would go that far, in view of the last vote that was taken on this.

Now, to repeat, actually what we are doing here is, we are singling out one particular act that we consider criminal and we are putting it in the constitution. I submit that there are other acts that are slightly more heinous than this such as murder and adultery and so forth that don't find themselves in the constitution at all. It is not unconstitutional to commit murder, but it is a crime, whereas it would be unconstitutional for the legislature or anyone else to enter into lottery operations. As I see this, whether you want to admit it or not, by prohibiting the legislature from passing any type of law or act—or allowing anyone else to do the same—to permit a legal lottery, what we are doing here, in effect, is, we are protecting the gamblers or the illegal operations from any type of competition that may come out of the state on a legal level. If this is what you want to do, this is your right. It is actually what you are doing. Frankly, I can't see protecting anybody that is doing anything illegal by making it impossible for them to ever have any type of competition at all.

Now, I am not advocating that we start competing with the numbers game or anything else here, but what we are doing is just exactly that. We are protecting these people from any type of a legal competition by writing this into the constitution. We are freezing it in. And who knows but that some time or another the legislature or the state itself may view a lottery as a source of revenue in one form or another, and of course at that time they would have to put this on as an initiative referendum for the people to ratify. I would be in favor of deleting section 33 from the constitution.

CHAIRMAN BENTLEY: The question occurs on the Faxon amendment. The yeas and nays have been ordered. The secretary will ring the bell. All those in favor of the Faxon amendment will vote aye. Those opposed will vote no. The secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas—53

Austin	Ford	Ostrow
Balcer	Hatch	Pellow
Barthwell	Hatcher, Mrs.	Perlich
Binkowski	Hodges	Perras
Bledsoe	Jones	Rajkovich
Brown, T. S.	Kelsey	Sablich

Buback	Krolikowski	Shaffer
Conklin, Mrs.	Leibbrand	Sledner
Dade	Lesinski	Snyder
Doty, Dean	Liberato	Sterrett
Douglas	Madar	Stopczynski
Durst	Mahinske	Suzore
Elliott, A. G.	Marshall	Thomson
Elliott, Mrs. Daisy	McCauley	Tubbs
Erickson	McGowan, Miss	Walker
Everett	McLogan	Wilkowski
Faxon	Murphy	Youngblood
Follo	Nord	

Nays—71

Allen	Habermehl	Prettie
Andrus, Miss	Hanna, W. F.	Pugsley
Batchelor	Hannah, J. A.	Radka
Beaman	Haskill	Richards, J. B.
Blandford	Heideman	Richards, L. W.
Bonisteel	Higgs	Romney
Boothby	Hoxie	Rush
Brake	Hubbs	Seyferth
Brown, G. E.	Hutchinson	Shanahan
Cudlip	Iverson	Sharpe
Cushman, Mrs.	Judd, Mrs.	Spitler
Danhof	Karn	Stafseth
Dehnke	Knirk, B.	Staiger
Dell	Koeze, Mrs.	Stamm
Donnelly, Miss	Kuhn	Stevens
Doty, Donald	Lawrence	Turner
Farnsworth	Leppien	Tweedie
Figy	Martin	Upton
Finch	Millard	Van Dusen
Gadola	Mosier	Wanger
Goebel	Nisbet	White
Gover	Page	Wood
Greene	Plank	Yeager
Gust	Powell	

SECRETARY CHASE: On the amendment to strike out all of the proposal, the yeas are 53; the nays are 71.

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

SECRETARY CHASE: Mr. Walker offers the following amendment:

1. Amend page 1, line 5, after "lottery" by inserting "or parimutuel betting,"; so the language will read, "The legislature shall not authorize any lottery or parimutuel betting, nor permit the sale of lottery tickets."

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Madison Heights in support of his amendment, Mr. Walker.

MR. WALKER: Mr. Chairman, ladies and gentlemen of the committee, as far as bingo is concerned I do not have any strong feelings either way, but I do recognize that gambling is gambling no matter what form it takes. The purpose of my amendment, then, is to allow all of the delegates an opportunity to clearly go on record as either being for or against gambling in any or all of its forms, and I would like to ask the yeas and nays.

CHAIRMAN BENTLEY: The yeas and nays have been requested. Is the request supported? A sufficient number up, and the yeas and nays will be ordered. The Chair recognizes the gentleman from Detroit, Mr. Binkowski.

MR. BINKOWSKI: Mr. Chairman and ladies and gentlemen of the committee, the only thing that I can say about this amendment is that this is the moment of truth (laughter) and let's see how things come out. (laughter)

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

MR. MADAR: This sort of gives me a chance to answer Delegate Koeze. Though I have only made one bet in my entire life on a horse—no, I didn't—in fact, I always said that if anyone was absolutely certain that a horse was going to win, even if they had the race fixed, all I would have to do is put \$2 on its nose and it would run the other way. I want to say this, though, to Mrs. Koeze: I have done a lot of reading, and I have heard it said quite often that they use burrs, they use needles and they do other things. I, of course, wouldn't

know. I have never raised any horses, nor have I ever tried to race any. But I certainly think that parimutuel betting is just as bad as any lottery. It is just the same as when you go ahead and play canasta for a cent, or if you play 5 or a cent a chip poker, or if you play a twentieth of a cent gin rummy or bridge. It is all gambling.

Now, I do go along with the theory, though, that it is not sinful to gamble if you don't hurt anyone else by doing it. However, that isn't the way it is in parimutuel betting. Parimutuel betting is one of the worst evils that there is in this country today. More women and children starve, go without the things that they ought to have from this than from any other form of gambling. And I hope that now Mrs. Koeze and any of her other friends who don't believe in raising horses for racing, that you will get up here and stand and be counted by voting yes for this amendment.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Hillsdale, Mr. Prettie.

MR. PRETTIE: I think the committee, Mr. Chairman, should be advised in the present financial circumstances of this state what the implications of this proposed amendment might be to the fiscal situation of the state. The harness horse tracks in Michigan have yielded a revenue to this state of something over \$2 million in each of the last 3 fiscal years. A portion of this, aggregating for those 3 years, \$1,370,000, has been returned to help maintain the fairs of all kinds throughout the state.

The thoroughbred horse or running tracks of the state, I am informed by the secretary-treasurer of the Michigan association of fairs and exhibitions, has yielded a revenue to the state of \$5,473,000 in the fiscal year 1959-60, and a revenue of just under \$6 million in the fiscal year of 1960 and '61. A small portion of this, aggregating from \$54,000 to \$59,000 in these respective years, was returned as breeders' awards and supplemental purses for Michigan bred colts.

Now, matters of morality should probably not be intermingled with something so mundane as the income derived from parimutuel betting in Michigan, but I think this committee should be advised of the fiscal implications that might result from the adoption of this amendment.

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

MR. HOXIE: Mr. Chairman.

CHAIRMAN BENTLEY: The Chair recognizes the chairman of the committee.

MR. HOXIE: Do we have several other speakers?

CHAIRMAN BENTLEY: The Chair will advise that there are 4 speakers after Mr. Mahinske.

MR. HOXIE: Mr. Chairman, I have a request that the committee rise. I wonder if that would be agreeable to the committee. There are several meetings that are scheduled immediately following. I wonder if Mr. Mahinske would withhold his remarks until we convene at 1:30?

MR. MAHINSKE: Yes.

MR. HOXIE: I therefore move that the committee now rise.

CHAIRMAN BENTLEY: The question is on the motion that the committee do now rise. Those in favor will say aye. Those opposed, no.

The committee will rise.

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

PRESIDENT NISBET: The Chair recognizes Mr. Bentley.

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

SECRETARY CHASE: Mr. President, the committee of the whole has had under consideration **Committee Proposal 100**; has considered several amendments thereto; has come to no final resolution thereon. This completes the report of the committee of the whole.

PRESIDENT NISBET: Are there any announcements?

SECRETARY CHASE: We have the following announcements —

PRESIDENT NISBET: Mrs. Koeze.

MRS. KOEZE: I would like to rise to a point of personal privilege. As a member of the legislative powers committee, I have taken some time to make my presentation as to the wording of the section that was reported out by our legislative powers committee. We got a little bit fouled up on this this morning, and I want to set the record straight. Mr. Hoxie got up to yield to Delegate Powell, the chairman of this subcommittee, and then he asked Mr. Habermehl to give the legal connotation of this particular proposal. Then I had prepared something of the history, but in the meantime Delegate Lesinski got up and was going to raise a point of order on account of the minority report having to come up first, and then of course this happened. I wasn't recognized by Delegate Powell, and so Mr. Lesinski got up and offered his minority report amendment, and by that time I was lost in the fog.

Then slightly after that there were a great many people ready to be recognized on debate, and we had gone on and on, and in the interest of time I was asked if I could perhaps reduce mine, and I felt it necessary to do that, but in the meantime I got a little bit angry because of the fact that I had spent some time on that. And here I am. I got up and made a silly little report to you which didn't amount to a hill of beans. But now at this point I am going to ask you, the delegates to this convention, to do something for me, because I was literally worked out of my talk. If you will let me make a motion to the extent that I would like Mr. Bristah's letter or hearing or testimony to our committee to be printed in the journal, I will be satisfied. Thank you.

MR. BENTLEY: Mr. President, I move that the remarks of the lady from Grand Rapids be included in the verbatim transcript of the proceedings of the committee of the whole, whatever she cares to submit.

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

The motion prevails.

Following is the material submitted by Mrs. Koeze:

Article V, section 33 of the 1908 constitution reads, "The legislature shall not authorize any lottery nor permit the sale of lottery tickets." The constitutions of 1835 and 1850 had similar provisions. **The wording of the 1908 constitution was carried over from the Constitution of 1850.** A proposal of amendment by an initiative petition intended to permit the legislature to modify the prohibition for "non-profit, charitable organizations" was defeated by some 41,000 votes in November of 1954. There are some 35 states containing some provision of this type or similar ones in their constitutions.

The subject of section 33, article V, is 14 words long. It is a highly controversial subject. A great deal of mail both pro and con has come from all parts of Michigan to the members of the legislative powers committee. The committee held public hearings in Grand Rapids and Detroit. It was generally agreed that the majority of people testifying in Grand Rapids were against legalizing any form of gambling and lotteries, just as the majority of the people in Detroit were for legalizing them. However, testimony both pro and con on this issue was given in both Grand Rapids and Detroit.

An outstanding brief was presented by Mr. James W. Bristah in Detroit, Michigan. Because I feel this worthy of the record of this convention I have asked the approval of Mr. Bristah to let me read his testimony into the record. This is his testimony:

Mr. Chairman, may I thank you for this opportunity to testify at this hearing on behalf of the present constitutional provision of article V, section 33, which reads, "The legislature shall not authorize any lottery nor permit the sale of lottery tickets." My name is James W. Bristah, and I have been asked to appear here on behalf of the Michigan council of churches. Also, since I work for the methodist church as director of the board of Christian social concerns, I am here in this capacity as well.

The various protestant Christian churches of the state are concerned about the issue of legalized lotteries for many reasons: the catering to the "something for nothing" philosophy, the effect on persons and families involved, the strengthening of racketeering and the criminal world, and other aspects of its immorality. In addition, the churches are concerned, as is the constitutional convention, as to whether or not it is sound community policy for this to be included in the constitution and whether or not it is sound community policy to permit legalized lotteries in any form.

History of this provision.

It is important for the delegates to the constitutional convention, as well as the public, to understand the background as to why this provision is found in many state constitutions. The experiences that led to this provision too easily can be forgotten or remain unknown. This history is of added importance because many persons erroneously think such provisions were a part of the period of "puritan" influence in our society and that now we have moved beyond this "narrow" approach.

Actually, the background history of such provisions — the story is found in Virgil Peterson's *Gambling, Should It Be Legalized?*, pages 48-92, and David Allen's *The Nature of Gambling*, pages 68-82 — shows that lotteries were legalized in the United States at the time when supposedly the puritan influence was the greatest. The opposition to lotteries developed from other sources. The United States had nearly 2 centuries of practical experience with legalized lotteries. Both in the colonies and in the states of the new born country, lotteries were turned to as a source of money for every conceivable worthwhile cause, both public and private. Bridges were built, colleges and schools were established. When Faneuil Hall burned in 1741 it was rebuilt by money raised from a lottery; streets were paved, public buildings were enlarged. Through the continuing experience over many years, certain results consistently were obtained. Abuses of these lotteries were commonplace. Counterfeit lottery tickets were printed, unscrupulous promoters took over, "fraud reached scandalous proportion," legislatures were bribed. The society for the prevention of pauperism in New York City declared in 1817, "the lottery business was one of the principal causes of poverty." A special investigating committee reported in 1817 to the New York general assembly:

The foundation of the lottery system is so radically vicious that your committee feels convinced that under no system of regulation that can be devised, will it be possible for this legislature to adopt it as an efficacious source of revenue, and at the same time divest it of all the evils of which it has hitherto proved too baneful a cause. The only recommendation of the system of raising money by lottery, is the cheerfulness with which it is paid. (Peterson)

The experience in Pennsylvania and other states was similar. In Pennsylvania "the intended beneficiaries of the lottery schemes received but a relatively small amount of the millions of dollars donated largely by laborers and clerks in the false hope of winning a prize." Peterson goes on to say:

The economy of the entire nation was being disrupted by the dubious lottery business which was flourishing with the sanction of the various state governments. Frauds committed by the operators of legalized lotteries assumed monstrous proportions. Corruption was commonplace. Elaborate advertisements urged the poor and the ignorant to buy lottery tickets to help them obtain "easy money" during "these hard times." The response was enormous. The public was virtually being bled to death financially and the needy and ignorant

suffered to the greatest extent. "The lotteries," said Philip Hone, a prominent New York businessman of the time, "constituted the most ruinous and disgraceful system of gambling to which our citizens have been exposed."

The evils became intolerable. The people, out of deep concern, abolished lotteries. This came after a century of experimentation, after deliberate consideration and after repeated attempts to curb the abuses to no avail. The people not only made lotteries illegal; with the evils fresh in their minds, they inserted provisions in the constitutions of the various states to take this out of the hands of the legislators who were vulnerable to the graft of the unscrupulous promoters so that future legislatures would never be tempted to the folly of raising revenue through legalized lotteries. It was at this level of the evil effects on community life that these provisions were written into state constitutions. Leadership for this came not from the "puritans" but from business and community leaders. As William Christie MacLeod points out:

The great mass of worthy citizens of New York and Massachusetts and Pennsylvania a century ago was opposed to public lotteries, not on abstract ethical grounds, but on the ground that they had become a serious social evil. The campaigners against lotteries were primarily businessmen and professional men who saw around them everywhere the growing menace of the public lottery of the day. (Peterson)

Recent historical experience.

Has more recent experience by the states which have legalized lotteries been of the same nature? The answer is yes. Montana in 1947 permitted some forms of gambling in "private clubs." Conditions soon were out of hand. The number of "private clubs" jumped from 179 in 1947 to 600 in 1949, many of which were "fronts" for gambling interests. The governor of that state referred to the legislation he signed to permit this as the "outstanding mistake" of his administration.

Massachusetts in 1934 permitted cities to allow charitable organizations to operate beano games. In one city in one year the charities received \$700 out of a total take of \$32,000. In Worcester a church sponsored a beano drive that raised \$550,000, but the promoters failed to turn in a single cent to the church.

More recently, 1958, New York state permitted, through local option, charitable, religious and veterans' organizations to conduct bingo. This year, spring 1961, Governor Rockefeller appointed a state investigation committee. An associated press release of April 25, 1961, stated:

The state investigation commission charged today that professional gamblers have seized control of legal bingo games. The commission declared corruption and widespread illegality have attended the playing of legal bingo. Commission Chairman Jacob Grumet said evidence shows "many serious abuses, acts of corruption and widespread violation of the law have occurred.

Dummy charities were created; public officials were bribed, including the chief investigator of the commission to control bingo; known racketeers moved in; and charities were milked by the promoters.

These recent state experiences illustrate the maxim that crime experts categorically and repeatedly claim, "Whenever any form of gambling is legalized the illegitimate offspring of legalized gambling increases by leaps and bounds."

Knowing this continuing experience Governor Thomas E. Dewey said 11 years ago in his message to the New York legislature:

The entire history of legalized gambling in this country and abroad shows that it has brought nothing but poverty, crime and corruption, de-

moralization of moral and ethical standards, and ultimately a lower living standard and misery for all people.

Position regarding constitutional proposals.

1. With this historical—both contemporary and otherwise—background, the Michigan council of churches urges the constitutional convention to retain the present wording of article V, section 33 as found in Delegate Proposal 1520 before your committee.

2. Delegate Proposal 1211, which would delete this section and leave it up to the legislature, opens the Pandora's box of political corruption. Lotteries as a form of gambling is too lucrative an enterprise to expect that the underworld and racketeers will not move in. Allen, in *The Nature of Gambling*, points out this as the "American variable," that the criminal class is not only in the gambling business, it is the economic base for the underworld, as the Kefauver investigations showed. It always moves in. And from it the underworld has gained its money to purchase murders, gain political control, corrupt some labor leaders, et cetera. This is a type of enterprise not comparable to other forms over which the legislature could rightfully be given control. The experience is too overwhelming to leave this important social issue exposed to the temptation of the bribe and fraud that has always crept into the legislature and control commissions. The people of Michigan have a right and the need to place this issue beyond such temptation.

3. Delegate Proposals 1064 and 1294, which would permit local option for so called charitable organizations to use lotteries or bingo for fund raising, also open up communities and organizations to the kind of political corruption, dummy charities and invasion by racketeers that has happened in other states. Through direct giving and united fund appeals, the people of Michigan have demonstrated they know the true meaning of charity. When they give in this way they know their dollars really go to the cause that needs it and is not siphoned off in "overhead expenses," promoters' profits, et cetera. Those who support "charity" gambling unthinkingly give moral support to all forms of gambling. "If gambling is right for some, why not for others?" is the opening wedge used by the professional gambling interests. Charity gambling gives either direct or indirect support to the gambling syndicates and thus to the entire criminal underworld of this country since this is its economic base.

Other considerations.

1. Can lotteries be controlled? This is raised as a reason for permitting the legalization of lotteries for charitable purposes. We believe every legitimate charity and fraternal group, when it knows the full story of legalized lotteries, would turn to sounder ways of raising money that wouldn't open up opportunities for graft and corruption. Further, the history of this shows that illegalization of lotteries can be enforced. (see Allen, op. cit., pages 83-128) The 3 ingredients needed are sound law, which we are urging in Delegate Proposal 1520, sound enforcement and sound public opinion. We are not so cynical that we believe the people and political leaders of Michigan would not add these last 2 ingredients. Further, it is questionable to reason that if we cannot control the present constitutional provision that then our enforcement agencies will be better equipped to enforce a weakening of the law which would open up the control problem to many, many more difficulties: screening those who wish to use lotteries, policing their use of them, checking and double checking against the many unscrupulous opportunists who will move in. As pointed out earlier, the crime experts say that experience shows legal gambling leads to greater illegal gambling and makes the problem of enforcement more difficult.

2. There is a legitimate suggestion that the state constitution should be made briefer. However, article V, section 33 is exactly 14 words long. Few sections are as brief. In view of the social evil which this section 33 controls, it would be disastrous to our community life if these few words were deleted, allegedly for purposes of brevity.

3. There has been some public and newspaper coverage regarding permitting the state to conduct lotteries for purposes of relieving our tax problems. We have already considered the history of states doing just this. Peterson, page 146, says, "A scheme of this kind would fail," and he agrees with Mayor Fiorello LaGuardia who said in 1946 that "It would require a miracle to find the men and the system which could make it workable," to prevent graft, corruption and fraud from entering. Further, using lotteries for tax revenue amounts to a tax on those least able to pay it: the gullible, the uneducated, the poor, the low income wage earners tempted to get rich quick, the poor housewife stimulated by the ads to get all the comforts and conveniences through some shortcut. It is tragic enough that some low income persons don't spend their money wisely, but it ill behooves a great state to tempt and stimulate them to spend their money on lotteries and to exploit human weakness. It would be the poorest type of political leadership. Michigan has serious tax problems. However, to think lotteries can offer us a solution shows an unfamiliarity with the experience of lotteries in this country. In addition, the problem of overall and major tax reform, which responsible people now recognize as needed in Michigan, is a far larger issue and won't be resolved by the stop-gap and inadequate solution of legalizing lotteries.

Voters recently considered
this constitutional issue.

Among the many constitutional issues the convention has to consider, it is important to realize that this is one issue about which the citizens of the state have voted in recent years. In 1954 there was a constitutional amendment on the ballot which would have permitted lotteries conducted by charitable organizations. After widespread voter interest and discussion of the issues involved, this amendment was defeated by the voters. Certainly any evidence which has come to light since that vote would not weaken these decisions, and in fact would only give added strength to the desire on the part of Michigan citizens to keep this provision in the constitution without any deletion. If a majority of the voters felt so strongly against even permitting so called charities to use lotteries, how much stronger might be the opposition to a more serious surgery or elimination of this provision. If any such changes were introduced it could well become an issue that might jeopardize the passing of a new constitution regardless of other merits it might possess.

For these many reasons the Michigan council of churches supports the retention of article V, section 33 in any proposed constitution.

James W. Bristah
1500 Kales Building
Detroit 26, Michigan

December 19, 1961

As a citizen of Michigan, I have watched with interest the workings of organizations to raise money by the playing of bingo, lotto and keeno. There must be some other way of raising money for charitable purposes without resorting to gambling.

I am unalterably against any form of gambling. It is against the law. I do not believe that by legalizing gambling we will cure the social problem involved. There is no such thing as a little gambling. The minute we open the doors to legalize lotteries, we open the doors to those characters who are unscrupulous. It is an invitation to

those racketeers and henchmen to move in, to gain control, to further their own interests. With the legalizing of lotteries come more opportunities for graft and corruption. Then it becomes a matter of police control, which in most instances means additional police force.

In New York state where we have legalized bingo, it is stated some 13 million people play the game. This is a take of about \$47 million. The thing has become so out of hand of the state officials and the law that Governor Nelson Rockefeller had to appoint a special investigating committee with subpoena powers to look into the matter. Along with the gambling getting completely out of control in New York state, the matter has strong political overtones. Mayor Wagner, a Democrat, is making his off track gambling bill a major part of his effort to obtain some \$261 million additional state aid. I don't believe the people of Michigan want this sort of thing.

I might add as a note to this report that I wrote to Governor Nelson Rockefeller January 25, 1962, asking for a report of the state investigation commission. On February 16, 1962, I had a letter from Howard A. Jones, assistant counsel for Governor Rockefeller, stating that the work of Commissioner Thomas B. Gilchrist, Jr., was completed and the final report of the commission would be made public soon and that they would send me whatever materials were available. However, to date I haven't received this material.

I have raised 5 children, 4 sons and 1 daughter. I have had to teach these children the way to a good life, and a clean one. I have always tried to teach them right from wrong. I wanted them to grow up to be good citizens, to be proud of their country, their political party, their church, and to realize that they had responsibilities in life. In teaching them right from wrong, I had to teach that gambling in all forms was wrong. There are no 2 ways about this. It is right or it is wrong. It is as simple as that.

This has been considerably long testimony, but one that I hope the delegates to this convention will give serious consideration to. The testimony of Mr. Bristah reflects in much better language and thought exactly how I feel personally about gambling and lotteries and about the social problem involved.

SECRETARY CHASE: The committee on education will meet next Tuesday, April 17, immediately after the session in room d.

Delegates are asked to please check their mail boxes this noon.

The secretary has this request: several delegates have indicated their desire from time to time to have the action journal show that they have been excused from parts of the daily sessions. To be sure that the time of your actual departure and return are correctly shown in the action journal, please notify the journal clerk or the assistant when you leave and when you return. Your careful observance of this little ritual will assure a complete and accurate record of your attendance appearing in the action journal. Thank you.

PRESIDENT NISBET: Mr. Hoxie, do you wish the floor? Do you want recognition, Mr. Hoxie?

MR. HOXIE: Are you ready to recess or do you have some more reports?

PRESIDENT NISBET: No.

MR. HOXIE: Mr. President, I would personally like to apologize to Mrs. Koeze. She was scheduled to present her views on this matter and I thought it would be to the interests of this convention to know the position of a wife and mother on the subject of gambling.

At this time I move that we recess until 1:30.

PRESIDENT NISBET: The question is on the motion to recess until 1:30. Those in favor will say aye. Opposed, no.

We are recessed until 1:30.

[Whereupon, at 11:40 o'clock a.m., the convention recessed; and, at 1:30 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. Bentley.

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

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

The motion prevails.

[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, the item under consideration was the amendment offered by the gentleman from Madison Heights, Mr. Walker, to **Committee Proposal 100**. The secretary will read the pending amendment.

SECRETARY CHASE: Mr. Walker has offered the following amendment:

[The amendment was again read by the secretary. For text, see above, page 2302.]

CHAIRMAN BENTLEY: Is the gentleman from Taylor, Mr. Marshall, who was seeking recognition, in the chamber? If not, the Chair will recognize the gentleman from Warren, Mr. Kelsey. Is Mr. Kelsey in the chamber? If not, the Chair will recognize the gentleman from Detroit — Mr. Kelsey.

MR. KELSEY: Mr. Chairman, I am in a hurry too. (laughter) Mr. Chairman and delegates, let me register my complete and wholehearted contempt for those who have chosen to use the senior citizens as a whipping boy in this question of lottery. May I suggest that a more handy and factual word for the plight of the senior citizen is "inflation" and not because they might have spent a dollar or two on bingo. I further suggest that in the earlier part of this convention we had a communication addressed to each delegate outlining 6 points as to a solution of the state's fiscal problems by giving constitutional status to language that would allow the state to put \$100 million of full faith and credit behind research and development, scientific research, business development, and so on and so forth.

Let me suggest to Delegate Blandford, who said that those groups that need to play bingo or do something else to obtain money have a weak message, that I feel, in supporting the proposed amendment, that if the state has need for this revenue — which it apparently has, based on all the logic and all the facts in this debate — that its message is weak. I support the amendment.

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

MR. MADAR: Fellow delegates, if you will recall, this morning I started my words by saying that I was opposed very much to hypocrisy. Now I am going to speak strictly to the point of parimutuel betting.

I have here 2 votes taken this morning, one against bingo on the bingo amendment, and then the other on the amendment which would strike out the words about lotteries from our constitution, and I notice some names here that opposed both amendments; in other words, as much as saying that it was a sin, that it was the wrong thing to do to legalize bingo or to permit lotteries even though it might be approved by the state legislature. I have seen some acts of hypocrisy, but I think this one takes the cake. But maybe I am wrong. Here I have a copy of Compiled Laws of Michigan, 1948, the first volume, chapters 1 to 211. Now, the idea that they are the laws or that they are for 1948 or that it is chapters 1 to 211 doesn't mean a thing, except that they are laws, and so we will go from that to the supreme court. Everybody here — not everybody, excuse me; excepting those of you who aren't going to be hypocritical and are going to vote for this particular amendment — the supreme court ruled that this was a skill game, a skill game, and they permit parimutuel betting.

Well, you know, we are getting mighty, mighty bad and we are getting far afield when we start putting attorneys, judges,

laws ahead of the Holy Bible and God. Yes, you stop and consider it. Do you think that because the judge said that it is right, that that made it all right and made it all holy? I don't think so. I don't think anything is right unless it is right in the eyes of God—and I don't care what law you pass, you can't legalize it. Now, you can't have good here and call that good/bad over there. It's got to be good on both sides, and bad is going to be bad on both sides. You can't change it just by going to the courts and having some judge or group of judges saying it is so. There was never, in the history of this state, a more political decision than that one was.

Why do some people speak well for parimutuel betting? Is it because they have stock in the race tracks? Is it because it makes those fairs better in their particular areas? Is it because it takes care of something in the state that they are in favor of? I believe this is what is happening here today. We are not thinking about what is right in the eyes of God and whether we are being hypocritical or not; it is, what's good for me, my pocket; and if not my pocket, for what I like personally.

And I am going to tell you something: just because I may like something personally doesn't make it all right for everybody else. I have to think that maybe even though I may like it, there are a lot of other people who don't, so I have to go the way the majority of the people feel. And I say this to you: if you turn down bingo and you turn down lotteries, then—I would make my life a forfeit—if you put it to a vote of the people, they would vote down parimutuel betting, since you voted down the other 2.

I know there are a lot of you who are going to say, "Oh, to heck with him. He makes me angry. Who does he think he is?" Well, I am not too good, believe me. I have made a lot of mistakes in my life, and maybe I will continue to make them, but at least I am going to be honest with them and they are going to be honest mistakes and they are not going to be made in favor of me—I'll bet dollars to doughnuts on that. And I am going to ask you to do the same thing on this particular amendment. I am not going to give the Algiers—and I can't think of the names of some of the other owners of race tracks around this state—we talk about how much money it brings into the pockets or into the coffers of the state. Has anybody told you how much is going into the pockets of those who own the stocks from those race tracks? Oh no, that hasn't been mentioned.

I heard Mr. Habermehl say this morning that it is going to give too many people profits. What does parimutuel betting in this state do? What do these race tracks do? You talk about gangsters, racketeers and everything else. Is it because you call it parimutuel betting that makes it better? Does that make it honest? Oh no.

I'll tell you what you're doing: you are saying that the elderly people of this state—and believe me it is usually the elderly people; it is those who are retired, and 10 chances to 1 it may even be your wives who love to play bingo. That's no good. You are going to regulate and say they can't do that. But the man with an awful lot of dough in his pocket can build a race track and get himself a lot of money from that parimutuel betting. Oh, wonderful. Well, there is no use me berating you. You know deep down in your heart that what I have said is true. Let's let it come out. Vote yes on this amendment.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Flint, Mr. Millard.

MR. MILLARD: Mr. Chairman, members of the committee, all I want to say is that this morning I pointed out where this is legal and not gambling. I have heard this parimutuel betting bandied around here by some of the speakers as being a lottery or being gambling, and I just want to say that my position is still with the court. I am a lawyer and I believe the courts, and the courts have said that parimutuel betting is legal. Therefore, as far as I am concerned, it is legal, and if you vote against this, if you vote to pull out parimutuel, you are voting to put out a legal business.

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

MR. WANGER: Mr. Chairman, there has been so much talk about the subject of sin and hypocrisy on the floor of the convention that I would like to point out a consideration which came before the committee which has not yet been brought to the attention of the committee of the whole, and that is this: this problem for some people seems to be only a moral problem; that is to say, a problem of right and wrong, a problem of good or evil. But I think the committee in general realized that it is also—and from a purely social standpoint for many more people—the problem of social control, and that viewed in this light it was quite easy to see that anything in the nature of horse racing, trotting, which involved a race track was something which was large and obvious and could be easily subjected to rigid state controls, whereas other forms of wagering—or in the broad sense and not the legal sense, gambling—are easily concealed, can be operated on a fly by night basis, and even with the most strict statute would be a very, very difficult enforcement problem. And I call this to the attention of the members of the committee because I think that the discussion so far has been so overlaid with the moral side of the question that the social control side of the question should be emphasized.

Now, as to the matter of whether horse racing involves skill, I think many members of the committee were willing to leave this question up to those who raise or race or seriously follow horses, and to the courts, who obviously had these matters under serious consideration.

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

MR. STEVENS: Mr. Chairman, members of the committee, may I make this suggestion: that you stop worrying about us hypocrites and you stop talking about us senior citizens and get to the point of the question. (applause)

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

MR. WALKER: Thank you, Mr. Chairman. In more or less summary of the arguments that I have heard here today, about the only argument that I have heard that has any real bearing on the issue at hand is the fact that parimutuel betting brings into the state coffers some \$7 million a year. I submit that the \$7 million a year brought in by the tax on parimutuel betting doesn't begin to pay the down payment on the welfare and the ADC that is caused by broken homes that are directly attributable to people losing their entire pay and the like on parimutuel betting and other forms of gambling. As another delegate said here today, this is the moment of truth. This is the time to put yourself squarely on the line as being for gambling or against gambling in any or all of its forms. I would appreciate your yes vote.

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

MR. MAHINSKE: Well, from the outset, I would like to say that I am really not too concerned about these people that go out and gamble, because I don't see any state agents or other agents dragging them out to the track. I intend to vote no on this proposition, signifying that I am for racing and gambling and other forms of vice. (laughter) But the proposition is that my basic argument stands, that I object to this type of language in the constitution. I don't think that these are constitutional phrases to start mentioning in your master legal document of the state, items like lotteries, parimutuels, bingo, beano, lotto and so forth.

Frankly, I have never been to a race track. I don't trust horses. You just can't talk to them like they do in the movies and on TV, (laughter) you have no idea what they are going to do. If some people want to go out and bet money on these things, win, place or show, that is their business. The thing that I mainly object to, I think, is the intent of this amendment. This is basically a "put your money where your mouth is" amendment, and I don't think that many of the people here who were willing to include the language prohibiting lotteries in the constitution are willing to go so far as to put all the race tracks out of business in the state here. Whether or not they bring \$7 million or \$7,000 into the state treasury each year is beside the point. If we are going to measure this in

terms of money, then I think that we should go back and strike the whole provision, because then we could bring more money in. This is not the basis of the whole thing here.

We have an existing condition. I have heard no big outcry about these people. I have never seen the tracks being picketed by the league of women voters or anyone else. (laughter) In fact, there are probably more on the inside than the outside. (laughter) But, frankly, this is a voluntary proposition. The kids are not over there spending their lunch money. They don't let them in, from what I hear. And like I say, the basis of the amendment here, I think, is just a "put your money where your mouth is" proposition, and I would be opposed to this because of that and because of the fact that I think it would do much more damage than it is intended to do good.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Ann Arbor, Mr. Bonisteel.

MR. BONISTEEL: Mr. Chairman and members of the committee, I have just had placed on my desk, as all of you had placed on your respective desks, a proposed schedule for completing the work of this convention. It seems to me, Mr. Chairman, that if we are going to abide by any plan to get through with the work of the convention, we must move forward. I think we have heard all the debate that we should hear, and I think all the speeches have been made and all the points have been raised, and I wish we could get on, take a vote on this matter and dispose of the question before us. (applause)

CHAIRMAN BENTLEY: The question occurs on the amendment offered by the gentleman from Madison Heights, Mr. Walker. The yeas and nays have been ordered. The secretary will ring the bell. Those in favor of the Walker amendment will vote aye. Those opposed will vote no. The secretary will lock the machine and record the vote. Mr. Walker.

MR. WALKER: Mr. Chairman, it is indeed gratifying to find that my esteemed senatorial delegate and I are finally on the same side of a question. Thank you.

CHAIRMAN BENTLEY: The secretary will announce the results.

The roll was called and the delegates voted as follows:

Yeas — 80

Andrus, Miss	Goebel	Perlich
Anspach	Gover	Perras
Balcer	Hanna, W. F.	Plank
Barthwell	Hart, Miss	Powell
Binkowski	Hatcher, Mrs.	Radka
Bonisteel	Heideman	Rajkovich
Boothby	Higgs	Richards, J. B.
Brown, T. S.	Hubbs	Richards, L. W.
Buback	Hutchinson	Romney
Conklin, Mrs.	Jones	Rood
Cushman, Mrs.	Judd, Mrs.	Rush
Danhof	Karn	Sablich
Dehnke	Kelsey	Seyferth
Dell	King	Shanahan
DeVries	Knirk, B.	Sharpe
Donnelly, Miss	Koeze, Mrs.	Sleder
Doty, Donald	Krollikowski	Snyder
Douglas	Kuhn	Stafseth
Downs	Lesinski	Stopczynski
Durst	Liberato	Suzore
Elliott, A. G.	Madar	Thomson
Elliott, Mrs. Daisy	Marshall	Tubbs
Farnsworth	Martin	Turner
Faxon	Murphy	Walker
Finch	Nord	Yeager
Ford	Ostrow	Youngblood
Gadola	Pellow	

Nays — 42

Allen	Habermehl	Page
Austin	Haskill	Pollock
Batchelor	Hatch	Prettle
Beaman	Hoxie	Pugsley
Blandford	Iverson	Spitler
Bledsoe	Lawrence	Staiger
Brown, G. E.	Leibrand	Stevens
Butler, Mrs.	Leppien	Tweedie
Cudlip	Mahinske	Upton
Erickson	McCauley	Van Dusen

Everett	McGowan, Miss	Wanger
Figy	McLogan	White
Follo	Millard	Wilkowski
Greene	Mosier	Wood

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Walker, the yeas are 80; the nays are 42. (applause)

CHAIRMAN BENTLEY: And the amendment is adopted.

Following is explanation of vote submitted by Mr. Binkowski:

According to rule 65, I submit the following statement as my reason for voting yes on the Walker amendment to Committee Proposal 100:

Since the committee of the whole decided to continue the prohibition against lotteries so that "little old ladies" could not enjoy a form of recreation known as bingo, it seemed highly inconsistent to allow others to "play the ponies," known as parimutuel betting. Both can either be gambling or recreation depending upon the intent of the player. The decision is a moral one which is personal and individual. Prohibition proved that we cannot legislate morals.

Who ever heard of a bank employee embezzling money to play bingo? However, we have heard of such employees embezzling money to play the horses.

It would appear that the real solution is to strike section 33 from the constitution.

The secretary will report the next amendment.

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

1. Amend page 1, line 5, after "any" by striking out the balance of the section and inserting "gambling."; so the language will read, "The legislature shall not authorize any gambling."

MR. G. E. BROWN: Point of information, Mr. Chairman.

CHAIRMAN BENTLEY: The gentleman will state it.

MR. G. E. BROWN: Would this be an appropriate place to put in an amendment relative to prohibition? (laughter)

CHAIRMAN BENTLEY: The Chair will not rule on amendments which have not yet been offered. The Chair will recognize the gentleman from Bessemer, Mr. Pellow.

MR. PELLOW: Mr. Chairman, in view of the previous vote, I have consulted with Delegate Perras, and we will withdraw this amendment.

CHAIRMAN BENTLEY: Mr. Perras and Mr. Pellow withdraw their amendment. The secretary will report the next amendment.

SECRETARY CHASE: Mr. Tubbs offers the following amendment:

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

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

MR. TUBBS: I suppose if I were completely free, I would, in line with what has just been done, withdraw this amendment, but I think it had better stay in and we will abide by the vote. And if you thought the other one was the moment of truth, here is where we segregate the people into 2 groups. (laughter)

CHAIRMAN BENTLEY: The question occurs on the amendment offered by the gentleman from Grand Rapids. Those in favor will say aye. Those opposed? The Chair rules the amendment is adopted.

MR. GOVER: Division.

CHAIRMAN BENTLEY: The gentleman from Sheridan, Mr. Gover, requests a division.

MR. DEHNKE: Mr. Chairman.

CHAIRMAN BENTLEY: The gentleman from Harrisville.

MR. DEHNKE: I want to call attention to the fact that if this amendment is adopted, it vitiates and reverses what we have just done about parimutuel betting, because the

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

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

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

CHAIRMAN BENTLEY: Mr. Tubbs.

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

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

SECRETARY CHASE: Mr. Tubbs' amendment now reads:

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

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

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

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

MR. HUTCHINSON: Mr. Chairman.

CHAIRMAN BENTLEY: For what purpose does the gentleman rise?

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

CHAIRMAN BENTLEY: The gentleman will state it.

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

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

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

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

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

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

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

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

MR. MARSHALL: This is the point —

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

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

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

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

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

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

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

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

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

Following is Committee Proposal 101 as read by the secretary, and the reasons submitted in support thereof:

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

Sec. a. The state shall not be a party to, nor be interested in, any work of internal improvement, nor engage in carrying on any such work, except:

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

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

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

Mr. Chairman, I would like to yield to any of the cosponsors of the amendment that would like to speak.

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

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

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

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

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

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

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

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

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

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

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

SECRETARY CHASE: The amendments are:

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

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

MR. KING: Mr. Chairman.

CHAIRMAN BENTLEY: Mr. King.

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

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

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

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

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

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

The Chair will recognize the gentleman from St. Louis.

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

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

The committee will rise.

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

PRESIDENT NISBET: The Chair recognizes Mr. Bentley.

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

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

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

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

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

Following is Committee Proposal 100 as amended and referred to the committee on style and drafting:

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

Sec. a. The legislature shall not authorize any lottery or parimutuel betting, nor permit the sale of lottery tickets.

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

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

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

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

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

The convention will please come to order.

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

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

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

Lansing
March 30, 1962

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

Dear Mr. Nisbet:

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

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

Sincerely yours,
John B. Swainson,
Governor.

The following message from the governor:

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

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

Dear Mr. Nisbet:

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

With best wishes,

Sincerely yours,
John B. Swainson,
Governor.

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

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

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

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

MR. BRADLEY: I do.

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

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

PRESIDENT NISBET: The convention will please be in order.

MR. DADE: Mr. President.

PRESIDENT NISBET: Mr. Dade.

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

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

The Chair recognizes Mr. Bentley.

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

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

The motion prevails. Mr. Bentley.

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

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

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

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

CHAIRMAN BENTLEY: Mr. Perras.

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

CHAIRMAN BENTLEY: The gentleman has the floor.

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

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

due to a meeting of the federal commission on civil rights in Washington. He expects to return by midafternoon tomorrow; Mr. Durst requests to be excused from the first part of the morning session tomorrow; Mr. Garry Brown asks to be excused from the evening session today as he has a speaking engagement in Kalamazoo; Mrs. Koeze asks to be excused from tomorrow's session; and Mr. Hodges asks to be excused from Thursday's session, April 12, to speak before the national conference of the American society for public administration concerning the constitutional convention.

PRESIDENT NISBET: Without objection, the requests are granted.

SECRETARY CHASE: We have the following announcement: there will be a special important meeting of the committee on local government Friday morning at 8:00 a.m. in room A. All delegates who wish to discuss the local government article as returned to the convention by style and drafting should appear at this time. Arthur Elliott, chairman.

PRESIDENT NISBET: The Chair recognizes at this time Mr. Elliott.

MR. A. G. ELLIOTT: Mr. President, ladies and gentlemen of the convention, in accordance with the request of the president and of the officers of this convention, we are holding this meeting on Friday morning. It was originally scheduled for tomorrow after the session, but because many of our members had made previous commitments, we have postponed this. If any of you here have any suggestions or comments to make on the work of style and drafting, we would like to hear it Friday morning at 8:00 o'clock, room A. Thank you.

PRESIDENT NISBET: Mr. Chase.

SECRETARY CHASE: The committee on emerging problems will meet Thursday, tomorrow, committee room H, on the third floor at 11:30 in the morning or immediately after the morning session. Frank Millard, chairman.

PRESIDENT NISBET: Mr. Dade.

MR. DADE: Mr. President, without comment, I would like to move that the action taken on **Committee Proposal 100** from legislative powers be reconsidered.

For last previous action on Committee Proposal 100, see above, page 2318.

PRESIDENT NISBET: The question is on the motion of Mr. Dade that the action on Committee Proposal 100 be reconsidered. Those in favor will say aye. Those opposed, no.

The motion does not prevail. The Chair recognizes Mr. Youngblood.

MR. YOUNGBLOOD: Mr. President and fellow delegates, I move that we recess until 8:00 o'clock tonight.

PRESIDENT NISBET: The question is on the motion to recess. Those in favor will say aye. Those opposed, no.

We are recessed until 8:00 o'clock.

[Whereupon, at 6:05 o'clock p.m., the convention recessed; and, at 8:00 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. Bentley.

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

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

The motion prevails.

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

CHAIRMAN BENTLEY: The committee will be in order. The convention is in committee of the whole for the consideration of items on the general orders calendar. The secretary will read.

MR. POLLOCK: Mr. Chairman.

CHAIRMAN BENTLEY: The gentleman from Ann Arbor.

MR. POLLOCK: Considering the motion made by the chairman of the committee, Mr. Hoxie, about postponing the next item on the scheduled calendar, also considering the fact that I have to be necessarily absent the next 2 days to perform a professional engagement of many months standing, I think I should just take a moment to explain the little package of material which has been distributed to each of the delegates.

CHAIRMAN BENTLEY: Without objection, the gentleman from Ann Arbor, Dr. Pollock, may proceed.

MR. POLLOCK: Thank you, Mr. Chairman. Only one of these proposals is, of course, 102. There is a package of materials dealing with the whole process of the legislature and its organization. Some of us were concerned because although we had 2 committees, one called legislative organization and the other called legislative powers, neither one of these committees had really come forth with proposals which were pointed toward the improvement of the legislative structure and procedure and organization. Consequently, over the weeks, as time has permitted, a number of us have been trying to fill these gaps as best we could within the proposals offered by the committee on legislative powers, and for your convenience we merely pulled these together. They have to be introduced in connection with the existing proposals, but together they form a package which in our opinion is sincerely intended to rehabilitate the legislature in the public confidence.

As we have now developed a strong governor, we feel that we should also have a strong legislature. And these amendments are all pointed in the direction of making a more efficient as well as a more representative and responsible legislature; one with the necessary powers to perform legislative functions which are certainly going to be necessary in the 50 years ahead of us. Without introducing any of these, I merely wanted to explain why we had pulled these together in this package so that you can understand they are not isolated amendments. They have been brought together as a package and they are presented to you for your thoughtful consideration. Thank you.

CHAIRMAN BENTLEY: The secretary will read the next item on the general orders calendar.

SECRETARY CHASE: Item 5, from the committee on legislative powers, by Mr. Hoxie, chairman, **Committee Proposal 103**, A proposal to provide that sessions of the legislature be open and that a concurrent resolution is necessary for adjournment for more than 3 days. Amends article V, section 18.

Following is Committee Proposal 103 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 doors of each house shall be open unless the public [welfare] SECURITY requires [secrecy] OTHERWISE. Neither house shall, without the consent of the other, adjourn for more than 3 days, nor to any [other] place OTHER THAN where the legislature may then be in session.

Mr. Hoxie, chairman of the committee on legislative powers, submits the following reasons in support of Committee Proposal 103:

Two changes are suggested in the existing language. The secrecy provision has never been used and for the most part in a democratic society, it should not be. However, if there is a serious threat to the public security, the legislature might be better able to perform in secret. The committee feels that the words "public security" are more descriptive of a possible situation requiring secrecy than "public welfare."

The transposing of words in the second sentence clarifies its meaning. Neither house may adjourn and then recon-

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

PRESIDENT NISBET: Without objection, the delegates are excused.

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

Reports of standing committees.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

some sort of mischief with one of the legislators and he could possibly be locked up. This does not give him any immunity from being punished for any crime he might commit. This only gives him a period of grace, 5 days before the session and 5 days afterward, and I think that this amendment should be adopted.

VICE PRESIDENT HUTCHINSON: Mr. Stevens.

MR. STEVENS: Mr. President and delegates, I oppose this amendment. It is absolutely contrary to the decisions of the United States supreme court made years ago in connection with the federal constitution and practice and decisions of courts of Michigan. Nobody in any legislative body in Michigan or the United States government has ever been immune from arrest for criminal actions. This has applied only to civil actions. This is clearly pointed out by many decisions of the court.

VICE PRESIDENT HUTCHINSON: Mr. Everett.

MR. EVERETT: Mr. President, I concur with Mr. Stevens in opposition to this amendment. While the term "misdemeanor" usually applies, of course, to smaller offences, it also incorporates such things as negligent homicide, for example, and other fairly serious offences, and it doesn't seem to me that a man should be immune from arrest for this type of thing simply because he is a legislator. While it is possible that harassments could arise, we simply don't have any evidence that the absence of this provision has caused harassments, and it seems to me they ought to have to live within the law the same as the rest of us do.

VICE PRESIDENT HUTCHINSON: Mr. Brake.

MR. BRAKE: Mr. President and ladies and gentlemen, we have had several instances in recent years of legislators arrested here in Lansing. The latest one that occurs to me was a legislator driving the wrong way on a one way street while intoxicated. Now, is it the intent of the committee that that kind of thing should be unnoticed?

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

The amendment is not adopted. The question is upon the passage of the proposal, Committee Proposal 33. All those in favor will vote aye. Those opposed will vote no. Mr. Baginski.

MR. BAGINSKI: Mr. President, as the proposal is at this moment, I ask that it be concurred in and adopted.

VICE PRESIDENT HUTCHINSON: Mr. Hoxie.

MR. HOXIE: Mr. President, no.

VICE PRESIDENT HUTCHINSON: All those in favor will vote aye. Those opposed will vote no. The voting has commenced. Have you all voted? If so, the secretary will lock the voting machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas—111

Allen	Gadola	Murphy
Andrus, Miss	Gover	Perlich
Austin	Greene	Perras
Baginski	Gust	Powell
Balcer	Habermehl	Prettie
Barthwell	Hart, Miss	Pugsley
Batchelor	Haskill	Richards, L. W.
Beaman	Hatch	Rood
Bentley	Hatcher, Mrs.	Rush
Blandford	Heideman	Sablich
Bonisteel	Higgs	Seyferth
Boothby	Hodges	Shaffer
Bradley	Hood	Shanahan
Brake	Hoxie	Sharpe
Brown, G. E.	Hutchinson	Sleder
Buback	Iverson	Snyder
Butler, Mrs.	Jones	Spitler
Conklin, Mrs.	Judd, Mrs.	Stafseth
Cudlip	Karn	Staiger
Cushman, Mrs.	Kelsey	Stamm
Danhof	King	Sterrett
Dehnke	Kirk, S.	Stevens
Dell	Krolkowski	Stopczynski
DeVries	Kuhn	Suzore
Doty, Donald	Lawrence	Thomson
Douglas	Leibrand	Turner
Downs	Leppien	Tweedle

Durst
Elliott, A. G.
Elliott, Mrs. Daisy
Erickson
Everett
Farnsworth
Faxon
Finch
Follo
Ford

Lesinski
Liberato
Madar
Mahinske
Martin
McCauley
McGowan, Miss
McLogan
Millard
Mosier

Upton
Van Dusen
Walker
Wanger
White
Wood
Woelfenden
Yeager
Young
Youngblood

Nays—3

Knirk, B.

Koeze, Mrs.

Plank

SECRETARY CHASE: On the passage of Committee Proposal 33, the yeas are 111; the nays, 3.

VICE PRESIDENT HUTCHINSON: A majority of the delegates elect having voted in favor thereof, **Committee Proposal 33** is passed and referred to the committee on style and drafting.

For Committee Proposal 33 as rereferred to the committee on style and drafting, see above, page 2930.

SECRETARY CHASE: Item 25 on the calendar, which has been advanced to follow Committee Proposal 33, **Committee Proposal 100**, A proposal to provide the legislature shall not authorize lotteries or the sale of lottery tickets. Retains article V, section 33.

Following is Committee Proposal 100 as reported by the committee on style and drafting and read by the secretary. (For text as referred to said committee, see above, page 2318.):

Sec. a. The legislature shall not authorize any lottery or parimutuel betting, nor permit the sale of lottery tickets.

VICE PRESIDENT HUTCHINSON: Mr. Hoxie.

MR. HOXIE: Mr. President, fellow delegates, you will undoubtedly recall this short proposed section of our constitution. As reported from the committee on legislative powers, the proposal read, "The legislature shall not authorize any lottery nor permit the sale of lottery tickets." As amended on the floor of the convention, 4 words were added, "or parimutuel betting." We will not quarrel with the style and drafting committee as they reported it back in the identical form in which it left the floor. I think I have said enough.

VICE PRESIDENT HUTCHINSON: The secretary has several amendments, of which he will read the first one.

SECRETARY CHASE: Messrs. Millard, Habermehl, Powell, Wanger and Youngblood offer the following amendment:

1. Amend page 1, line 1, after "Sec. a.", by striking out the remainder of said section and inserting "The legislature shall not authorize any lottery nor permit the sale of lottery tickets."

VICE PRESIDENT HUTCHINSON: Mr. Millard.

MR. MILLARD: Mr. President and members of the convention, I was a member of the legislative powers committee and we had this section, which was formerly section 33 of our old constitution, as one of our duties to investigate. We did a lot of investigating; we heard a lot of witnesses. The committee held meetings in Grand Rapids and Detroit, and after due consideration in the committee the language, as I have submitted here as an amendment, was approved by the members of the legislative powers committee by a vote of 14 to 1. I want to say that this provision has been the same since 1850 in our constitution. It was carried over from the 1850 constitution to the 1908 constitution, and has been in our constitution since that time, and has not been amended. There are, of course, constitutions of approximately 35 states that contain the same provisions.

This proposal was amended on the floor, as has been stated, and as you will read; and I, as one of some members of the legislative powers committee, feel that the action, as taken, was hasty. We would like to give this convention an opportunity to rectify what we consider its mistake and adopt the language which the committee proposed in the committee proposal and which was referred to the convention and argued in committee of the whole. I therefore would urge you to vote for this

amendment to Committee Proposal 100. I now would like to yield to another sponsor of this amendment, Delegate Habermehl.

VICE PRESIDENT HUTCHINSON: The Chair recognizes Mr. Habermehl.

MR. HABERMEHL: Mr. President, fellow delegates, we do have a problem here. I suppose we all recognize it. A problem, I think, brought on by rather hasty and precipitous action on the part of some of the delegates. I would suggest that the problem, as we have known from the beginning in the committee on legislative powers, is one that will have some effect upon the adoption of the constitution if we are not careful in what we do. I would also suggest that if we put back the exact language that is in the present constitution, no one can find any excuse to argue with it. No matter which constitution they were under, the exact same language would apply.

Now, the previous statement that I made in regard to charitable gambling, I think, applies here. The question is primarily one of law and law enforcement. I don't think any one of us here wish to dictate to the consciences of anyone else nor to try to legislate their morals. We are concerned with laws, not with people's sins or morals. Here the question of law enforcement is an extremely simple one. There are 4 locations in the state of Michigan, there are 4 machines to check. The racing commission can keep a very close eye on who is authorized to conduct parimutuel betting or racing at these various locations in the state. The law enforcement problem, therefore, does not pose any great problem.

I would urge, too, that we reconsider the action that we took, that we vote as a matter of common sense, rather than attempting to appear in favor of sin or vice or morals; that we vote as a matter of common sense here and take into consideration the approximately \$13½ million investment in what is now a legal business, and the approximately 8,000 employees of that legal business, and that we not attempt to put a legal business out of business without compensation to them.

VICE PRESIDENT HUTCHINSON: Mr. Powell.

MR. POWELL: Mr. President and fellow delegates, as you have all come to realize, there are times when we cannot vote on an amendment as though it were completely separated from all other considerations. I was one of the 80 delegates who voted in committee of the whole for the insertion of the words prohibiting parimutuel betting on races in Committee Proposal 100.

While I have no means of determining the precise motives of each delegate to cast a vote on that issue, I am distressed to learn that a number of delegates are hoping to take advantage of the inclusion of this highly controversial provision to seek to bring about eliminating this entire proposal, thereby leaving our state with no constitutional prohibition or restriction against any form of commercialized lottery or gambling. Obviously, this would not be in harmony with the attitude of this delegate body, as shown by 2 votes which we took when this proposal was before us in committee of the whole 2 weeks ago yesterday. At that time an amendment to legalize charitable bingo on a county referendum basis received only 25 votes. There were 91 against it. Later an amendment to strike out the entire proposal was defeated by a vote of 53 yeas to 71 nays.

I suggest that if individuals or groups desire to change present constitutional provisions relative to lotteries or parimutuel wagering on races, this should be done by a separate amendment to be submitted at a later date, and not be a part of the new document recommended by this delegate body. This is obviously very controversial. As Delegate Habermehl has indicated, any change would cost the new constitution a very substantial number of votes. I believe that it was Delegate Harold Norris who stated in a speech on the floor of this convention recently that in his judgment we are making too many changes from the status quo in our efforts here. As a result of careful study of this situation, I would strongly recommend adoption of the pending amendment, which would restore the proposal to the form in which it was originally recommended to you by our committee on legislative powers by a vote of 14 to 1, and which is the same provision as has been in our previous

constitutions, beginning even with 1835 and continuing through 1850 and 1908.

VICE PRESIDENT HUTCHINSON: Mr. Wanger.

MR. WANGER: Mr. President and fellow delegates, I am going to abandon the arguments which I had prepared to give at this time because I frankly believe that all of the arguments on this have been said on the floor and read by the delegates to this convention. And, therefore, because we are so terribly behind in our schedule and because the legislative powers committee has 37 proposals, more than any other single committee of this convention, to go through I at this time move the previous question on this proposal, all amendments, all amendments to amendments, and any substitutes.

VICE PRESIDENT HUTCHINSON: Mr. Wanger moves the previous question on this amendment, on all amendments to the amendments, and on the proposal.

MR. MADAR: Mr. President, I rise to a point of personal privilege.

VICE PRESIDENT HUTCHINSON: Well, the personal privilege is not in order at the time, since there is a motion on the floor.

MR. MADAR: My motives have been impugned here, and I certainly have a right to defend myself.

VICE PRESIDENT HUTCHINSON: You may do that, Mr. Madar, at the proper time, but you have to wait until there is no motion on the floor. Mr. Faxon.

MR. FAXON: Mr. President, I should think that we learned today what happens when we cut off debate too quickly.

MR. WANGER: Point of order, Mr. President. This motion is not debatable.

MR. FAXON: I wish to make a preferential motion. Five minutes, Mr. President, for each amendment.

VICE PRESIDENT HUTCHINSON: Mr. Faxon moves that debate on each amendment as offered be limited to 5 minutes. All those in favor will say aye. Opposed no.

The motion does not prevail.

DELEGATES: Division.

VICE PRESIDENT HUTCHINSON: A division is called for. Is the demand for division supported? It is supported. The question is upon the motion of Mr. Faxon. Will you please clear the board? The question is upon the motion of Mr. Faxon that 5 minutes be allotted to the debate of each amendment. All those in favor will vote aye. Those opposed will vote no. This is a division vote. Have you all voted? If so, the secretary will lock the machine and tally the vote.

SECRETARY CHASE: On the motion to limit debate on any amendments to this proposal, the yeas are 72; the nays are 43.

VICE PRESIDENT HUTCHINSON: The motion prevails. Debate is limited to 5 minutes on each amendment. The secretary has received an amendment to the amendment, which the secretary will now read.

SECRETARY CHASE: Messrs: Binkowski, Madar and Perras offer an amendment to the amendment:

1. Amend the amendment, after "tickets" by changing the period to a comma and inserting "except as otherwise provided by law."; so that the language to be inserted will read, "The legislature shall not authorize any lottery nor permit the sale of lottery tickets, except as otherwise provided by law."

VICE PRESIDENT HUTCHINSON: The question is upon the amendment to the amendment.

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

VICE PRESIDENT HUTCHINSON: State your point.

MR. WANGER: Well, as the secretary read this amendment, this would make the section say the legislature may not do it unless the legislature does it. This is absurd and ridiculous, and I therefore make the point of order, that, being absurd and ridiculous, it is out of order under Mason's Manual, section 401, at pages 273 and 274.

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

VICE PRESIDENT HUTCHINSON: We will receive these points one at a time. Will you give us the citation again, Mr. Wanger? We have found it. We believe we have it.

The Chair will rule, on the point of order made by Mr. Wanger, that in the opinion of reasonable men, perhaps some reasonable men might construe this amendment one way and other reason-

able men would construe it another way. It might appear frivolous and absurd to some and not in that category at all to others, and both of them would be reasonable. So the Chair is going to rule the amendment in order, thereby leaving it to the convention itself to decide, by voting upon this amendment, at least, whether it is frivolous or absurd. If you think it is frivolous or absurd you will vote it down.

MR. HODGES: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Hodges.

MR. HODGES: I would just point out that this has a different significance. This means that gambling would be unconstitutional unless the legislature provided otherwise. If the entire thing were stricken, then you would have to have legislation to make it —

VICE PRESIDENT HUTCHINSON: Are you arguing on the point of order? The point has already been made.

MR. HODGES: I am sorry. Am I on the list for the —

MR. MARSHALL: I think Delegate Hodges is out of order, Mr. President.

VICE PRESIDENT HUTCHINSON: The Chair will put you on the list, Mr. Hodges.

MR. HOXIE: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Hoxie.

MR. HOXIE: I move that we have a division vote on the question as to whether this proposed amendment is frivolous and absurd.

VICE PRESIDENT HUTCHINSON: The same thing may be accomplished by voting directly on the amendment itself.

MR. MADAR: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Madar.

MR. MADAR: May I just point out something here? Now, Mr. Hoxie says that this is frivolous. I wonder why he didn't comment on 101 when he put it through?

VICE PRESIDENT HUTCHINSON: The Chair has ruled that in the Chair's opinion the amendment will stand and there isn't any use debating this matter further unless somebody is appealing the decision of the Chair.

MR. HABERMEHL: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Habermehl.

MR. HABERMEHL: I appeal the ruling of the Chair on the point of order and ask for a division.

VICE PRESIDENT HUTCHINSON: The question is: shall the decision of the Chair stand as the decision of the convention? The Chair has ruled that it is in order. This ruling has been appealed from.

MR. MARSHALL: Point of information.

VICE PRESIDENT HUTCHINSON: Mr. Marshall.

MR. MARSHALL: Is this debatable? Can you make a statement on it?

VICE PRESIDENT HUTCHINSON: It is debatable. An appeal is debatable.

MR. MARSHALL: Mr. President, I am opposed to even taking the vote. I think we have acted childish all day long; we have been all over the field here. The Chair has had a very frustrating day. I certainly would not have wanted to have been in the Chair. I certainly sometimes wonder if some of the Pears' forces had not snuck into the convention to frustrate the chairman, and I am opposed to even voting on it. I think the opinion of the Chair is correct and I think it should stand.

MR. HABERMEHL: Mr. President, the eloquent arguments of Mr. Marshall have convinced me. I withdraw the appeal.

VICE PRESIDENT HUTCHINSON: Mr. Habermehl withdraws the appeal. The question is upon the amendment to the amendment, upon which there is a limitation to 5 minutes for debate. Mr. Binkowski.

MR. BINKOWSKI: Mr. President, ladies and gentlemen of the convention, I think Mr. Wanger has made a point. I think this entire section is frivolous; but again, this is my personal opinion, and, of course, as the Chair has indicated, reasonable men differ on this point.

I think we have to be aware of the fact that in practically every constitutional convention we have had, there have always been these questions of morality and whether to prohibit certain acts or not. Whether or not Mr. Habermehl intends to impose

a standard of morality upon the 8 million people of the state of Michigan is something that he, himself, has to answer. This may not be his intention; this is not the point. The fact is that it does impose a standard of morality upon all of the people in the state of Michigan. I do not think it should be in here at all. I don't think it is good constitutional language, but if the people want it, fine. However, I don't think that we should be tying the hands of the next generations for the next 50 or 75 years. We have the prohibition in here. At the same time, you are giving the legislature the opportunity to change it in some way if they desire to do so.

Now, the point Mr. Powell has made, you have existing legislation, and the existing legislation will stand unless, of course, the legislature does something about it. I hardly think that the legislature is going to do anything with respect to this. I submit to you that it is not incumbent upon the majority of the people here to impose a standard or their standard of morality upon generations to come without giving them some opportunity to change it.

The point was made: we didn't think the people of the state of Michigan would accept this document if we didn't have this prohibition in here. I question this on 2 grounds: 1, I wonder how many people really know about it; and 2, this argument has been used continually in one of the committees that I was on, with respect to the primary school interest fund and earmarking for schools, and yet this convention has gone ahead and eliminated both of these. So, I submit to you that this is a reasonable change. I think it should, in my mind, anyway, be a compromise.

VICE PRESIDENT HUTCHINSON: On the amendment to the amendment, Mr. Millard.

MR. MILLARD: Mr. President and members of the convention, I just want to call your attention to the fact that our constitution has had this direct prohibition in its language since 1835 in one form or another, but it has been in this exact form since 1850. These words would take it out of the constitution and throw it into the legislature. I do not believe that this convention wants to throw it into the legislature, back into the legislature where it would be subject to, maybe, a lot of abuses or there might be pressures brought to bear which should not be brought to bear in a matter like this. I think it belongs in the constitution, it has been in there so long, and I urge you to vote down this amendment.

VICE PRESIDENT HUTCHINSON: Mrs. Cushman.

MRS. CUSHMAN: Mr. President and fellow delegates, I, too, would like to urge you to vote down this amendment. This is the coward's way out. If we are afraid to handle it, we don't belong here in the constitutional convention, and I am asking for the yeas and nays.

VICE PRESIDENT HUTCHINSON: On the amendment to the amendment, Mrs. Cushman demands the yeas and nays. Is the demand supported?

SECRETARY CHASE: Fourteen.

VICE PRESIDENT HUTCHINSON: Not a sufficient number up. The yeas and nays are not ordered. The question is upon the amendment to the amendment. All those in favor will say aye. Opposed will say no.

The amendment to the amendment is not adopted. The question is upon the amendment.

DELEGATES: Division.

VICE PRESIDENT HUTCHINSON: A division is called for. Is the demand for a division supported?

SECRETARY CHASE: Eight.

VICE PRESIDENT HUTCHINSON: Not a sufficient number up. The question is upon the amendment offered by Mr. Millard and others, upon which debate has been limited to 5 minutes. The Chair next recognizes Mr. Turner.

MR. TURNER: Mr. President, ladies and gentlemen, I rise to speak on this subject because of my conscience. We speak about bingo and how we are against it and I agree that it is gambling and a very poor way to support our churches. It is a foot in the door opening the way to far greater methods of gambling, controlled by professionals. This I am not in favor of in any sense. But to do away with bingo and still allow

parimutuel betting is like punishing the small school children and letting the big bullies go free.

Yes, the state gets almost \$8 million from racing. Well, it takes about 1 billion 200 million to run this state a year, so 8 million lasts about 2 days. They say that 10,000 people work at this business, but it is just part time for most of them. Yes, horse racing gives money to fairs throughout the state, also to 4-H clubs. This, my friends, is payola, in my book. When the tracks opened up, the fairs couldn't get enough horses and tried to close the tracks during fair season, but instead, the fairs were subsidized with money from the racetracks. I was a 4-H member before there was any parimutuel betting in this state, and we carried on, and 4-H can carry on again. Something for nothing numbs initiative and destroys progressive thinking. If a fair cannot stand on its own, then it should fall.

Yes, the area that contains a track pays taxes to that area. But is it any more than would be derived from the same area filled with homes? Some say that if we destroy parimutuels in this state we will drive them to other states or Canada. That's fine with me, because where the races go, so go the racketeers and hoodlums.

Some say that betting would then head for our poolrooms, cigar stores and beer bars. I have talked with the police headquarters of Lansing, the police chief of Saginaw and the head of the state police of this state, and not one of them expressed any fear of gambling running away with them in these areas.

Gambling is a disease and the gambler is sick. I will not vote for gambling in this state and I warn you that if you turn parimutuels over to the legislature, parimutuels will be with us.

Some say that no parimutuels means no constitution. This I cannot buy, because there are a good many wives that would rather have that money for a new dress or a new car or a new home. And then, sometimes it is the wife who spends the money that daddy sweats for. Besides, there are thousands of churches in this state who will campaign for this constitution if we prohibit gambling and betting. I cannot vote to allow gambling or betting in this state because I've got to live with myself and my conscience. I urge you to keep the language as it now reads in Committee Proposal 100.

VICE PRESIDENT HUTCHINSON: Mr. Baginski.

MR. BAGINSKI: Mr. President, fellow delegates, first, as the minority vice chairman, I want to correct some statements that were made relative to the number of votes taken to report the proposal out of committee. It was stated here it was 14 to 1. I know I, as one, made a reservation that I would report it out with reservation and that I would also submit a minority report. I am not saying this in condemnation of the committee, but I just want to get the facts straight. This minority report was acted on on general orders last week. I wasn't here and it was made part of the record.

Speaking now, not as a member of the committee but knowing that there is another amendment to strike out all of this language—it appearing that we will not get bingo as I wanted to get it—it seems to me then that I would probably go along, I do go along to concur in this amendment.

VICE PRESIDENT HUTCHINSON: Mr. Madar.

MR. MADAR: Mr. President, it seems to me that a lot of people are worrying about what is going to happen. In fact, because I happen to have a lottery ticket in my hands, I was told it would be a felony. It is a felony to carry it. Well, I hope and I dare any law official at the present time to arrest me for carrying it. I would love that. (laughter)

It seems to me, Mr. President, there are an awful lot of people today who are afraid of yeas and nays. I am wondering what is going on in this state at the present time. Have the gamblers got control already? That is all I want to say in regard to this particular amendment.

VICE PRESIDENT HUTCHINSON: The time for debate has expired. Mr. Marshall.

MR. MARSHALL: Mr. President, point of information: can you tell me how many more speakers you had on the list?

VICE PRESIDENT HUTCHINSON: Yes, there are 6.

MR. MARSHALL: I wonder if I could move—

VICE PRESIDENT HUTCHINSON: The time has expired.

MR. MARSHALL: No, I wanted to make a preferential motion, to move to extend the debate 6 minutes and limit each speaker to 1 minute.

VICE PRESIDENT HUTCHINSON: The question is upon the motion of Mr. Marshall to extend debate on this amendment for 6 minutes, and limit each of the 6 speakers on this amendment to 1 minute each. Those in favor will say aye. Opposed? The motion prevails.

MR. KELSEY: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Kelsey.

MR. KELSEY: I move to extend debate for 6 minutes per speaker.

VICE PRESIDENT HUTCHINSON: The convention has fixed the time limit by the previous motion. The Chair next recognizes Mr. Knirk for 1 minute.

MR. KNIRK: Mr. President, ladies and gentlemen, I have been told that there were certain commitments made, but I still have to live with myself. I feel a lot like Mr. Turner. I feel that this is important enough that we folks should be willing to accept that responsibility and vote as we feel. I certainly expect to do that and I would like to request that, on these votes we express ourselves by yeas and nays. I ask for that, Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Knirk, are you demanding the yeas and nays?

MR. KNIRK: Yes.

VICE PRESIDENT HUTCHINSON: On what?

MR. KNIRK: On the pending amendment.

VICE PRESIDENT HUTCHINSON: Mr. Knirk demands the yeas and nays on the pending amendment. Is the demand supported? A sufficient number up, 23. The yeas and nays are ordered.

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

VICE PRESIDENT HUTCHINSON: What is the point?

MR. WANGER: You said 23 are up.

VICE PRESIDENT HUTCHINSON: Twenty-three are up, 1/5 of the members present.

MR. WANGER: I fear it is not, under our rules.

VICE PRESIDENT HUTCHINSON: What is that?

MR. WANGER: Under our rules, Mr. President, first of all, we determine those people who are present, I believe, under rule 3, and in computing that, we find, from the total of 144 delegates, we subtract 13, which leaves a total of 131, 1/5 of which is 26.2 or a requirement of 27, and therefore the motion for yeas and nays does not prevail.

VICE PRESIDENT HUTCHINSON: The Chair would advise the delegate that upon the last roll call there were 114 delegates present. That is the last information of the Chair as to the number of delegates present.

MR. WANGER: Mr. President, that might be the case, except that we do not determine who is present by the last roll call. It is the roll call at the opening of any session, under rule 3; that is what it says, under rule 3.

MR. JONES: Mr. President, I move we suspend the rules to allow the delegates to cast a secret ballot on this proposition.

VICE PRESIDENT HUTCHINSON: The Chair is persuaded by the weight of rule 3 as it is written. The Chair agrees that Mr. Wanger is right and sustains the point of order. There were 124 delegates present this morning on roll call and so 1/5 of them is 25, and there weren't 25, so the yeas and nays are not ordered.

MR. BINKOWSKI: Mr. President, preferential motion. It seems we have a lot of gutless wonders around here. Can we have a call of the house or a call of the convention here on the grounds and get everyone in here then?

VICE PRESIDENT HUTCHINSON: Are you moving a call of the convention?

MR. BINKOWSKI: If that is necessary, I will do that. I so move.

VICE PRESIDENT HUTCHINSON: Mr. Binkowski moves a call of the convention. Mrs. Cushman.

MRS. CUSHMAN: Mr. President, point of information. Would you have the secretary explain exactly what this means?

VICE PRESIDENT HUTCHINSON: Yes. The Chair will invite the attention of the delegates to rule 54.

MR. MARSHALL: Point of order, Mr. President, could you rap for order? I can't even hear.

VICE PRESIDENT HUTCHINSON: The convention will please be in order. The secretary will read the rule pertaining to calls of the convention.

SECRETARY CHASE: Rule 54:

Calls of the convention may be ordered upon motion by a majority of the delegates present, but the total vote in favor of such call shall not be less than 15 in number.

VICE PRESIDENT HUTCHINSON: Mr. Binkowski moves a call of the convention. The question is upon the motion of Mr. Binkowski.

MR. KUHN: Mr. President, parliamentary inquiry.

VICE PRESIDENT HUTCHINSON: State it.

MR. KUHN: Has anybody that was here this morning been excused from this afternoon's session?

VICE PRESIDENT HUTCHINSON: They have not. Mr. Martin.

MR. MARTIN: Mr. President, a point of order. Rule 54 says, "A motion for a call of the convention shall not be entertained after the previous question is ordered." I realize that the previous question has not been ordered, but a motion which takes precedence over the previous question has been voted, and that is a motion to limit debate, so my point is that this is a motion even more drastic or stringent than the previous question and, therefore, the call of the house is not in order.

MR. BINKOWSKI: I will withdraw the motion.

VICE PRESIDENT HUTCHINSON: The Chair would rule that he does not agree with Mr. Martin and that the motion for a call of the convention is in order but Mr. Binkowski withdraws his motion.

MR. HIGGS: Mr. President, I would like to make an inquiry.

VICE PRESIDENT HUTCHINSON: Mr. Higgs.

MR. HIGGS: At this stage in our proceeding, it is my understanding that we have rejected the yeas and nays, is that correct?

VICE PRESIDENT HUTCHINSON: That is correct.

MR. HIGGS: In view of the fact that this is a very difficult vote for me to make, and in view of the remarks with regard to delegates wanting to vote secretly, I think it is a serious matter that we should give consideration of going on record. I am in favor of going on record as to how I vote, openly and publicly, and I would like to ask for the yeas and nays if that is in order.

VICE PRESIDENT HUTCHINSON: Mr. Higgs renews the demand for the yeas and nays. Is the demand supported?

SECRETARY CHASE: Twenty-nine.

VICE PRESIDENT HUTCHINSON: Sufficient number up. The yeas and nays are ordered upon the amendment. Mr. Wanger.

MR. WANGER: Parliamentary inquiry. Under sentence 2 of section 308, paragraph 2 of Mason's Manual, which section is entitled, Motions Relating To Voting, it says, "Decisions on these questions are not subject to reconsideration," and it seems to me that having once decided the question, we cannot now bring it up again.

VICE PRESIDENT HUTCHINSON: This wasn't reconsidered. This was renewed. (applause) The question is upon the adoption of Mr. Millard's amendment. The yeas and nays have been ordered. All those in favor will vote aye. Those opposed will vote no. The voting has commenced.

MR. STEVENS: Mr. President, is this on the amendment or on the motion?

VICE PRESIDENT HUTCHINSON: The secretary will read the amendment once more.

SECRETARY CHASE: The amendment is:

[The amendment was again read by the secretary. For text, see above, page 2931.]

VICE PRESIDENT HUTCHINSON: The Chair will announce that the Chair got ahead of itself. The convention had previously ordered 1 minute debate to each of 6 speakers. The first speaker moved the yeas and nays, out of which all of this

started, and the Chair understands that there are 5 other speakers, each of whom have been recognized for 1 minute. The Chair next recognizes Mr. Stevens.

MR. STEVENS: Mr. President and delegates, I identify myself as one of the hypocrites. I don't mind that name because I have been called worse names by more important people. (applause) Please don't waste time. I strongly endorse the Millard amendment. I feel it is much better to keep that in than to fool around and maybe get it all out.

VICE PRESIDENT HUTCHINSON: Mr. Lawrence.

MR. LAWRENCE: Mr. President and members of the convention, I have been impressed by the claim that we were being hypocritical if we allowed parimutuel betting and did not allow bingo. I believe that that remark was right. I believe people who made it were sincere. I looked over the vote previously. I find that it was truly a bipartisan vote. What was hypocritical last week or the week before is not hypocritical now. I urge you to vote against this amendment and I wish to say that my remark the other day about the sun spots still applies.

VICE PRESIDENT HUTCHINSON: Mr. Sterrett.

MR. STERRETT: Mr. President and delegates, I heard the debate on the original committee proposal in committee of the whole. At the time I was for that proposal regardless of the debate that was carried on in the morning session. Unfortunately, I could not be at the afternoon session. However, I would have voted against the amended proposal. At this time, I support the amendment of Mr. Millard's and hope that the delegation will support this fully.

VICE PRESIDENT HUTCHINSON: Mr. Hodges. Mr. Hodges passes. Mr. Marshall.

MR. MARSHALL: Mr. President and delegates, I urge a yes vote on the Millard amendment. I hope that we can dispose of it rather rapidly. I do not hesitate to say that when this was passed on first reading, I know, and many delegates have told me that they felt—and I don't say that the delegate that offered it offered it in jest, but I know certain delegates who did vote yes on general orders who were not serious. I think we should have been—but we were not—considering it as seriously as we should, and I urge a yes vote at this time. Thank you.

VICE PRESIDENT HUTCHINSON: That completes the list of speakers, and the question now occurs upon the Millard amendment upon which the yeas and nays have been ordered.

MRS. BUTLER: Question, Mr. President.

VICE PRESIDENT HUTCHINSON: What is the question, Mrs. Butler?

MRS. BUTLER: With all of this talk that is going on, I still don't know what I am voting on.

VICE PRESIDENT HUTCHINSON: You are voting on the Millard amendment.

MRS. BUTLER: I would like to know if I vote for it, am I voting for parimutuel betting? If I vote against it, am I voting against it?

VICE PRESIDENT HUTCHINSON: The secretary will read the amendment.

SECRETARY CHASE: The pending amendment reads as follows:

[The amendment was again read by the secretary. For text, see above, page 2931.]

VICE PRESIDENT HUTCHINSON: The question is upon the amendment. All those in favor will vote aye. Those opposed will vote no. The voting has commenced.

MRS. BUTLER: Mr. President, I wish to refrain from voting and explain my reasons.

VICE PRESIDENT HUTCHINSON: Mrs. Butler abstains. 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—80

Allen
Andrus, Miss
Austin
Baginski

Higgs
Howes
Hoxie
Hubbs

Rush
Sablich
Seyferth
Shaffer

Batchelor	Iverson	Sharpe
Beaman	Jones	Sleder
Blandford	Kirk, S.	Snyder
Bonisteel	Leibrand	Spitler
Brake	Lesinski	Staiger
Brown, G. E.	Mahinske	Stamm
Buback	Marshall	Sterrett
Conklin, Mrs.	Martin	Stevens
Cudlip	McCauley	Stopezynski
Danhof	McGowan, Miss	Suzore
Donnelly, Miss	McLogan	Thomson
Doty, Dean	Millard	Tweedie
Douglas	Mosier	Upton
Downs	Murphy	Van Dusen
Elliott, A.G.	Ostrow	Wanger
Elliott, Mrs. Daisy	Perlich	White
Figy	Plank	Wilkowski
Greene	Pollock	Wood
Gust	Powell	Woolfenden
Habermehl	Prettie	Yeager
Hannah, J. A.	Pugsley	Young
Hatch	Rajkovich	Youngblood
Hatcher, Mrs.	Rood	

Nays—48

Balcer	Finch	Knirk, B.
Barthwell	Follo	Koeze, Mrs.
Bentley	Ford	Krolkowski
Binkowski	Gadola	Kuhn
Boothby	Goebel	Lawrence
Bradley	Gover	Leppien
Cushman, Mrs.	Hart, Miss	Liberato
Dehnke	Haskill	Madar
Dell	Heideman	Norris
DeVries	Hodges	Perras
Doty, Donald	Hood	Radka
Durst	Hutchinson	Richards, J. B.
Erickson	Judd, Mrs.	Richards, L. W.
Everett	Karn	Shanahan
Farnsworth	Kelsey	Stafseth
Faxon	King	Walker

SECRETARY CHASE: May the secretary take the liberty of pointing out that the amendment as it appeared on the wall did not contain all the names of the sponsors. The names of the sponsors were Messrs. Millard, Habermehl, Powell, Wanger and Youngblood. On the adoption of the amendment offered by Messrs. Millard, Habermehl, Powell, Wanger and Youngblood, the yeas are 80; the nays are 48.

VICE PRESIDENT HUTCHINSON: The amendment is adopted.

Following is statement explaining abstention from voting submitted by Mrs. Butler:

I refrained from voting on the amendment to Committee Proposal 100 concerning lotteries and parimutuel betting. I could not vote to legalize gambling in Michigan nor could I vote to detrimentally affect the employment of so many people in Michigan.

I regret the fact that the 4-H clubs are subsidized by betting.

Following is explanation of vote submitted by Mr. Danhof:

Committee Proposal 100 — Millard, et al, amendment.

In order that a proper perspective may be given on my vote on the Millard, et al, amendment, leading to the adoption of the 1908 language against lotteries, I should like to make the following explanation:

1. After voting in favor of banning parimutuel betting, it became evident that we would be indirectly appropriating over \$13 million of investment which had been made in what has been determined to be a legal business. We have no power to appropriate money for the payment thereof and, therefore, I believed it to be a better course to return to the original language. If, in the wisdom of the legislature or if the people so demand, parimutuel betting may be outlawed by simple vote of the legislature. At the same time, the legislature could make appropriation to compensate those individuals who had been damaged.

2. In analyzing the vote by which the original amendment to ban parimutuel was adopted, it became evident to me that, if only 8 delegates abstained from voting on the final passage of the proposal, as written, the entire proposal would fail and we would have no constitutional prohibition against gambling in this state. Because I was convinced that this was not only possible but probable, I felt that it was the best course for this state to return to the language of the 1908 constitution.

SECRETARY CHASE: Messrs. Madar, Perras, Mrs. Daisy Elliott, Mrs. Hatcher and Mr. Murphy offer the following amendment:

1. Amend page 1, line 1, by striking out the entire proposal.

VICE PRESIDENT HUTCHINSON: On the amendment to strike, the Chair recognizes Mr. Madar.

MR. MADAR: First I would just like to say that I have never seen such a rash of lobbyists for gambling in all my life as we have seen in the last few days. In fact, I heard so much "neighing" I thought we would never pass anything.

I have a letter here from the 4-H club foundation of Michigan, incorporated. I was rather surprised to find out that the people of the state of Michigan couldn't take care of their own organizations without gambling money. We find out, too, that even the fairs can't operate in the state of Michigan without parimutuel betting. What a sad commentary that is.

So far as I am concerned, the other day when I got up, when Mr. Walker offered his now famous amendment, when he offered it, I said then and I said earlier that day that I was not opposed to gambling, and I am not. I think I do as much gambling as the next man does, and I am now talking about the average individual. I don't overdo it because I can't afford to spend too much. I have my wife to support.

I don't know what this means, but I have been handed — quite often over the past few weeks and especially the past week — a lot of notes that weren't too good and weren't too nice. Most of them were unsigned. No, none of them were threats against my life. This happens to be the case against gambling.

They tell us that they take in \$8 million; that is, the state of Michigan. When I showed you this parimutuel ticket a few short minutes ago, I showed you a ticket for which I paid \$3. Ireland takes in approximately \$50 million from the state of Michigan, and this is what we saw in the Reader's Digest, for purposes of operating their hospitals. Now, I wonder why we couldn't do that here in Michigan if we wanted to? I am not proposing that we authorize lotteries, I am just proposing that it is hypocritical, whether Mr. Stevens likes it or not, and I think that I will be as great as any man that might say it to him, and maybe greater, because at least I will tell the truth, and I will not be a hypocrite, no matter what any large group of people say to me, nor will I ever worry about losing a political office because of what I do — and there are an awful lot of people who are mighty afraid of how they vote.

Apparently the gamblers are out in the hall watching or listening. See, I am not even worried about the letter I got from a minister in my district who says that I ought to vote against parimutuel betting. Frankly, if I vote, if we vote to take out all of this amendment, this would permit parimutuel betting just the same, but it wouldn't permit lotteries or bingo unless the legislature did something about it, and this, I believe, is right. I think if you will recall that I did say that this did not belong in the constitution; it belongs in the legislature.

Now, I wonder why the betting fraternity is so worried. They are convincing you, apparently, so why can't they convince the legislature? I don't think I have to say much more so far as my case is concerned. I just want you to search your souls —

VICE PRESIDENT HUTCHINSON: The 5 minutes are up.

MR. MADAR: —and I want you to be sure when you go home to tell them how you voted.

VICE PRESIDENT HUTCHINSON: The time has expired, Mr. Madar.

MR. MADAR: I am stopping right now, Mr. President.

VICE PRESIDENT HUTCHINSON: The question is upon the amendment offered by Mr. Madar and others.

MR. MADAR: I am asking for the yeas and nays.

VICE PRESIDENT HUTCHINSON: Upon which Mr. Madar demands the yeas and nays. Is the demand supported?

MR. MARSHALL: Mr. President preferential motion.

VICE PRESIDENT HUTCHINSON: What is the preferential motion?

MR. MARSHALL: May I ask a point of information, first? How many speakers do you have on the list for this one?

VICE PRESIDENT HUTCHINSON: I have 3, counting yourself.

MR. MARSHALL: Well, I think in all fairness — and if you allow the other 2, I can relinquish my time — but inasmuch as Delegate Madar took all the time, I would move that we extend the debate for 2 minutes and allow each speaker on the list to have 1 minute.

VICE PRESIDENT HUTCHINSON: First, the question is upon the demand of Mr. Madar for the yeas and nays upon his amendment. Is the demand supported? A sufficient number up. The yeas and nays are ordered upon Mr. Madar's amendment. Mr. Marshall now moves that debate upon this amendment be extended by 3 minutes. All those in favor will say aye. Opposed, no.

The motion prevails. The Chair next recognizes Mr. Blandford for 1 minute.

MR. BLANDFORD: Mr. President, mine will take about 10 seconds. I would just like to make one observation, and that is that a delegate to this convention held a lottery ticket today in the same hand as he held the Bible last week, and has the nerve to call us hypocritical. (laughter)

VICE PRESIDENT HUTCHINSON: Mr. Gover, 1 minute.

MR. GOVER: Mr. President and fellow delegates, I would be remiss if I didn't call your attention to some facts that I have here. Last year there were over 2 million people went to the races, and wagered \$120 million. That is \$55 for every person that went to the races every day they were there. Some of the families need that money at home. They talk about the 4-H, the 4-H got \$175,000 from the state of Michigan out of that \$120 million. Why does it have to have such a sordid business that the children have to get their money out of gambling?

VICE PRESIDENT HUTCHINSON: Mr. Marshall, do you desire to be recognized? You are on the list.

MR. MARSHALL: I will be very brief, Mr. President. I rise to support the Madar-Perras amendment. I don't believe that we — and I know there might be people that want to take exception to this — but we are not here to write the Ten Commandments, and I don't think we could if we wanted to. Whether we have the Ten Commandments, and whether they are adhered to, is left up to each individual and his own religious belief and faith.

I don't think that we should deal with gambling in any form in the constitution, and I think the representatives of the people who are elected by the people and sent to Lansing to enact the legislation that we live under should handle the problem. Therefore, I support the amendment to strike the entire proposal.

VICE PRESIDENT HUTCHINSON: The question is upon the amendment offered by Mr. Madar to strike the entire proposal upon which the yeas and nays have been ordered. As many as are in favor of the amendment 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—41

Austin	Ford	Marshall
Baginski	Hart, Miss	Murphy
Balcer	Haskill	Norris
Barthwell	Hatch	Perlich
Beaman	Hatcher, Mrs.	Perras
Bentley	Hodges	Sablich
Binkowski	Hood	Snyder
Bradley	Jones	Stopczynski
Buback	Kelsey	Suzore
Douglas	Krolikowski	Walker
Downs	Lesinski	Wilkowski
Elliott, Mrs. Daisy	Liberato	Young

Everett
Faxon

Madar
Mahinske

Youngblood

Nays—87

Allen
Andrus, Miss
Batchelor
Blandford
Bonisteel
Boothby
Brake
Brown, G. E.
Conklin, Mrs.
Cushman, Mrs.
Danhof
Dehnke
Dell
DeVries
Donnelly, Miss
Doty, Dean
Doty, Donald
Durst
Elliott, A. G.
Erickson
Farnsworth
Figy
Finch
Follo
Gadola
Goebel
Gover
Greene
Gust

Habermehl
Hannah, J. A.
Heideman
Higgs
Howes
Hoxie
Hubbs
Hutchinson
Iverson
Judd, Mrs.
Karn
King
Kirk, S.
Knirk, B.
Koeze, Mrs.
Kuhn
Lawrence
Leibrand
Leppien
Martin
McCauley
McGowan, Miss
McLogan
Millard
Mosier
Ostrow
Plank
Pollock
Powell

Prettie
Pugsley
Radka
Rajkovich
Richards, J. B.
Richards, L. W.
Rood
Rush
Seyferth
Shaffer
Shanahan
Sharpe
Slader
Spitler
Stafseth
Staiger
Stamm
Sterrett
Stevens
Thomson
Turner
Tweedie
Upton
Van Dusen
Wanger
White
Wood
Woolfenden
Yeager

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Madar and others to strike out all of the section, the yeas are 41; the nays are 87.

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

MR. BRADLEY: I wish to inquire whether I have the right at this time to explain my vote to the convention.

VICE PRESIDENT HUTCHINSON: Under the rules the explanation may be made, but must be made in writing and filed with the secretary and not on the convention floor. You may file your explanation with the secretary and it will be printed in the journal.

Following is explanation of vote submitted by Messrs. Norris and Bradley:

Committee Proposal 100 reads as follows, "The legislature shall not authorize any lottery or parimutuel betting, nor permit the sale of lottery tickets."

We opposed Committee Proposal 100, because we did not regard such subjects of lotteries, parimutuel betting, etc., as constitutional matters. These are matters to be left to the legislature, so that they may reflect the public will with flexibility and precision.

It may be that we ought to prohibit all or some forms of gambling. Committee Proposal 100, however, prohibits only 2 forms of gambling — lotteries and parimutuel betting. Roulette, slot machines, book betting, cards, crap games are not prohibited. Constitutional prohibition will create many difficulties that can be foreseen.

We submit that effective control, prohibition, or permission of any or all forms of gambling ought to be left to the legislature.

SECRETARY CHASE: Messrs. Binkowski and Madar offer the following amendment:

1. Amend page 1, line 1, after "Sec. a.", by striking out the balance of the section and inserting "Gambling and wagering of any form is hereby prohibited."

VICE PRESIDENT HUTCHINSON: On the amendment the Chair recognizes Mr. Binkowski.

MR. BINKOWSKI: Mr. President and ladies and gentlemen of the convention, as I indicated before, I don't think that a standard of morality should be imposed. I just don't have the heart for this one, so I am going to withdraw my name. I don't know how Mr. Madar feels.

VICE PRESIDENT HUTCHINSON: The amendment will

now be as offered by Mr. Madar. Mr. Madar.

MR. MADAR: Mr. President, inasmuch as I see the tenor of the group, I am not going to oppose them any further.

VICE PRESIDENT HUTCHINSON: Mr. Madar and Mr. Binkowski withdraw their amendment. Are there any further amendments to the body of Committee Proposal 100?

SECRETARY CHASE: None, Mr. President.

VICE PRESIDENT HUTCHINSON: The question is upon the adoption of Committee Proposal 100, as amended. The board will please be cleared. Do you want it read? All right. Read the proposal once more.

SECRETARY CHASE: The proposal as it now stands reads as follows, "Sec. a. The legislature shall not authorize any lottery nor permit the sale of lottery tickets."

VICE PRESIDENT HUTCHINSON: Clear the board, please. All those in favor will vote aye. Those opposed will vote no. This is on the passage of the proposal, as amended.

MR. FORD: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Ford, for what purpose do you rise?

MR. FORD: I wish to abstain from voting for the reason that I don't understand, after the evolution of this thing, how anybody knows how to vote on it.

VICE PRESIDENT HUTCHINSON: Mr. Ford abstains. Mr. Richards of Marquette.

MR. L. W. RICHARDS: I would like to abstain from voting due to the fact of how this has been presented, and will present my reasons in writing.

VICE PRESIDENT HUTCHINSON: Mr. Richards abstains.

MR. AUSTIN: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Austin.

MR. AUSTIN: Abstain.

VICE PRESIDENT HUTCHINSON: Mr. Austin abstains.

MR. BRADLEY: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Bradley.

MR. BRADLEY: Is debate still permitted on this proposal?

VICE PRESIDENT HUTCHINSON: Debate is no longer permitted on this proposal. Mr. King abstains; Mr. Karn abstains; Mr. Shanahan abstains; Mr. Leppien abstains. Have you all voted? Mr. Walker abstains; Mr. Gadola abstains; Mr. Plank abstains; Mr. Bradley abstains.

MR. FARNSWORTH: Mr. President, point of information.

VICE PRESIDENT HUTCHINSON: What is the point, Mr. Farnsworth?

MR. FARNSWORTH: My point is this: is it necessary to abstain from voting in order to explain your reasons for a vote? Is it not possible to vote yes or no and still state your reasons therefor?

VICE PRESIDENT HUTCHINSON: That is the only way you can do it. Mr. Follo.

MR. FOLLO: Mr. President, abstain.

VICE PRESIDENT HUTCHINSON: Mr. Follo abstains.

MR. TURNER: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Turner.

MR. TURNER: I am confused on this thing. I don't know which way to vote. I don't want any gambling of any type, and this doesn't cover all gambling. Now, which way do I go?

VICE PRESIDENT HUTCHINSON: That is your decision, Mr. Turner, not the Chair's. Mr. Perras.

MR. PERRAS: Point of information, Mr. President. Now, when the delegates vote on this issue, if it fails to get the necessary 73 votes to pass, then it is not in the constitution, is that correct?

VICE PRESIDENT HUTCHINSON: That is correct.

MR. KARN: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Karn.

MR. KARN: Mr. President, I want to withdraw my abstention.

VICE PRESIDENT HUTCHINSON: Mr. Karn withdraws his abstention. Mr. Marshall.

MR. MARSHALL: Mr. President, very briefly, as stupid as I am, I, for once, can say I am not confused. What we have here exactly verbatim, word for word, is the 1908 language with no change, and it has worked well for generations, and there

has been no real hue and cry for change. I can't understand the confusion.

VICE PRESIDENT HUTCHINSON: Have you all voted? Mr. Richards.

MR. L. W. RICHARDS: Mr. President, I wish to withdraw my abstention, and I will explain my vote.

VICE PRESIDENT HUTCHINSON: Mr. Richards of Marquette withdraws his abstention. Mr. Leppien withdraws his abstention. Mr. Plank withdraws his abstention. Have you all voted? If so, the secretary will lock the machine and record the vote.

MRS. DAISY ELLIOTT: Mr. President, parliamentary inquiry. On the vote that was just taken —

VICE PRESIDENT HUTCHINSON: It hasn't been announced yet.

MRS. DAISY ELLIOTT: I want to know, before I change my vote; if I vote no, does that mean that I want gambling in the state of Michigan?

VICE PRESIDENT HUTCHINSON: You will have to make up your mind on what your vote means, Mrs. Elliott. The Chair cannot advise you.

MR. SNYDER: Mr. President, a point of order.

VICE PRESIDENT HUTCHINSON: What is your point, Mr. Snyder?

MR. SNYDER: I think that we have a very crucial vote here. We are putting our secretary at a disadvantage by changing votes so much. I think it is incumbent upon the delegates to make a vote, to make one vote and to stick to it. I know that many of them are going to seek refuge in the fact that they voted right but our secretary did not record their vote correctly, in the future. I would suggest that we have one vote and let it go at that.

VICE PRESIDENT HUTCHINSON: Are you moving that this vote be vacated?

MR. SNYDER: Mr. President, I am suggesting that, for the purpose of having an accurate roll call, we take a proper vote and have the delegates vote and stick to their vote.

VICE PRESIDENT HUTCHINSON: Well, the Chair is satisfied that the secretary has an accurate count here.

The roll was called and the delegates voted as follows:

Yeas—94

Allen	Haskill	Radka
Andrus, Miss	Hatch	Rajkovich
Baginski	Heideman	Richards, J. B.
Batchelor	Higgs	Richards, L. W.
Beaman	Howes	Rood
Blandford	Hoxie	Rush
Bonisteel	Hubbs	Seyferth
Boothby	Hutchinson	Shaffer
Brake	Iverson	Sharpe
Brown, G. E.	Judd, Mrs.	Sleder
Buback	Karn	Snyder
Conklin, Mrs.	Kirk, S.	Spitler
Cudlip	Knirk, B.	Stafseth
Cushman, Mrs.	Koeze, Mrs.	Staiger
Danhof	Kuhn	Stamm
Dehnke	Lawrence	Sterrett
DeVries	Leibbrand	Stevens
Donnelly, Miss	Leppien	Stopczynski
Doty, Dean	Marshall	Suzore
Doty, Donald	Martin	Thomson
Durst	McCauley	Turner
Elliott, A. G.	McGowan, Miss	Tweedie
Erickson	McLogan	Upton
Farnsworth	Millard	Van Dusen
Flgy	Mosier	Wanger
Finch	Ostrow	White
Goebel	Plank	Wilkowski
Gover	Pollock	Wood
Greene	Powell	Woelfenden
Gust	Prettie	Yeager
Habermehl	Pugsley	Youngblood
Hannah, J. A.		

Nays—27

Balcer	Faxon	Liberato
Barthwell	Hart, Miss	Madar
Bentley	Hatcher, Mrs.	Mahinske
Binkowski	Hodges	Murphy

Dell	Hood	Norris
Douglas	Jones	Perlich
Downs	Kelsey	Perras
Elliott, Mrs. Daisy	Krolikowski	Sablich
Everett	Lesinski	Young

SECRETARY CHASE: As the matter now stands, on the passage of Committee Proposal 100, as amended, the yeas are 94; the nays are 27.

VICE PRESIDENT HUTCHINSON: A majority of the delegates elect having voted in favor thereof, **Committee Proposal 100**, as amended, is passed.

Following is explanation of vote submitted by Messrs. Kelsey, Liberato and Binkowski:

We wish to explain our nay vote on Committee Proposal 100 for the following reasons:

Lotteries and parimutuel betting are individual matters. For some people, they are a question of morals. For others, they are not. As we have learned from our bitter experiences with prohibition, we cannot legislate morals. Therefore, we do not feel that any such language is necessary in a constitution.

However, when the convention decided on April 11 to be consistent and to prohibit the most common forms of gambling, we went along because we felt, "what is good for the goose is good for the gander." Now for some unknown reasons, a majority reversed themselves.

To prohibit lotteries but to permit other forms of betting and gambling is highly inconsistent.

A good constitutional form would dictate that the entire section should be deleted and the matter left entirely in the hands of the legislature. The existing legislation which prohibits lotteries would remain in full force and effect so that we would not be legalizing gambling.

It is wrong for a majority of the people in this convention to impose their standard of morality upon the people of Michigan for generations to come.

Following is explanation of vote submitted by Mr. Faxon:

I voted against Committee Proposal 100 dealing with lotteries as a result of the hypocritical position assumed by the convention in prohibiting one form of gambling and in allowing another. If we are to legislate in the constitution and prohibit gambling then we should do the job completely. I cannot in any way justify the position of allowing betting in horse racing and prohibiting lotteries and bingo. I am unalterably opposed to gambling and could not in all good conscience vote for a proposal that purported to do something which it, in fact, did not do.

Following is explanation of vote submitted by Mr. Leppien:

My reason for voting for the amended Committee Proposal 100 is as follows:

Should Committee Proposal 100 not have received the necessary minimum of 73 votes our new constitution would have had no prohibition against gambling.

Following is explanation of vote submitted by Mr. Wanger:

Because of the controversial and widely misunderstood nature of the question of parimutuel betting, that is, of state regulated betting at established and policed racetracks located within the state on the outcome of horse racing contests held there, I desire to explain my support and vote to keep the language, "The legislature shall not authorize any lottery nor permit the sale of lottery tickets," in our constitution without adding a constitutional prohibition against parimutuel betting.

This language, which has been in our state constitution for over 100 years, outlaws lotteries but under the decision of Michigan's supreme court leaves the matter of parimutuel betting entirely in the hands of the legislature because horse racing was said by the court to involve an element of skill lacking in common gambling. Thus, the legislature has complete power to regulate, continue or abolish parimutuel bet-

ting, which is at present a legal business in which well over \$10 million are invested, which directly employs many thousands of persons and which annually supplies millions of dollars in state and local tax revenue.

I respect those who hold a strong conviction that parimutuel betting is, per se, morally wrong and that no one should be allowed to engage in it, although I have not become personally convinced of that myself. However, it is by its nature highly susceptible to the strictest and most rigorous policing, regulation and control by the state; and to take action as a constitutional convention delegate which would summarily, immediately, irrevocably and without compensation destroy this enterprise would in my opinion be an irresponsible act. I neither approve nor disapprove of parimutuel betting when regulated and policed by the state, but I firmly believe for the reasons stated above that that question must be left for the legislature to decide.

Following is explanation of vote submitted by Mr. Dehnke:

I voted for final passage of Committee Proposal 100 because it goes as far in prohibiting lotteries as the majority of the convention would agree to. If the proposal had failed of adoption, the new constitution would have contained no prohibition of any kind of gambling. Committee Proposal 100 as adopted now contains the same prohibitions as our present constitution.

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

Following is Committee Proposal 100 as amended and rereferred to the committee on style and drafting:

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

The secretary will read the next proposal.

SECRETARY CHASE: Item 6 on the calendar, **Committee Proposal 28**, A proposal to provide for compensation of the legislature. Amends article V, section 9.

Following is Committee Proposal 28 as reported by the committee on style and drafting and read by the secretary. (For full text as referred to said committee, see above, page 760.):

Sec. a. The compensation and expenses of the members of the legislature shall be determined by law [:]. [Provided, That] No change in compensation or expenses shall be effective during the term of office for which the legislature making the change was elected.

VICE PRESIDENT HUTCHINSON: Mr. Hoxie.

MR. HOXIE: Mr. President, this proposal was returned from style and drafting without any substantive change and the committee wishes to recommend its adoption.

I would also like to say, Mr. President, that there have been some requests for a 5 minute break, if it is within the desire of the convention.

VICE PRESIDENT HUTCHINSON: Are you making a motion for recess?

MR. HOXIE: In deference to our staff, I so move.

VICE PRESIDENT HUTCHINSON: Mr. Hoxie moves that the convention stand in recess until 4:00 o'clock. All those in favor will say aye. Opposed will say no.

The motion prevails and we are recessed until 4:00 p.m.

[Whereupon, the convention recessed; and, at 4:00 o'clock p.m., reconvened.]

The convention will be in order.

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

VICE PRESIDENT HUTCHINSON: We will return to the order of second reading of proposals, and the question im-

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

PREAMBLE

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

PREAMBLE

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

**ARTICLE I
DECLARATION OF RIGHTS**

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

Article I**Declaration of Rights**

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

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

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

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

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

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

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

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

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

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

ever be tolerated in this state.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE II ELECTIONS

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

Article II Elections

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The legislature shall implement the provisions of this section.

ARTICLE III GENERAL GOVERNMENT

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

Article III General Government

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

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

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

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

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

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

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

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

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

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

ARTICLE IV LEGISLATIVE BRANCH

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

Legislative Branch

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

house.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

eral appropriation bills as passed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

sons imprisoned or detained [on] UNDER such sentences.

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

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

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

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

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

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

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

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

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

specified IN THIS SECTION.

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

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

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

ARTICLE V

EXECUTIVE BRANCH

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Article V Executive Branch

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

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

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

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

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

Terms of office of any board or commission

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 17. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state. Proposed expenditures from any fund shall not exceed the estimated revenue thereof. On the same date, the

governor shall submit to the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills to provide new or additional revenues to meet proposed expenditures. The amount of any surplus created or deficit incurred in any fund during the last preceding fiscal period shall be entered as an item in the budget and in one of the appropriation bills. The governor may submit amendments to appropriation bills to be offered in either house during consideration of the bill by that house, and shall submit any bills to meet deficiencies in current appropriations.

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

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

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

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

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

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

YEARS NEXT PRECEDING HIS ELECTION.

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

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

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

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

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

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

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

Sec. 26. The legislature shall provide that the

salary of any state officer WHILE ACTING AS [performing the duties of] governor [is] SHALL BE equal to that of the governor.

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

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

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

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

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

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

ARTICLE VI JUDICIAL BRANCH

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Article VI Judicial Branch

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

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

days prior to the expiration of his term.

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 15. In each county organized for judicial purposes[,] there shall be a probate court. The legislature may [combine one or more counties into] CREATE OR ALTER probate COURT districts OF MORE THAN ONE COUNTY [upon the approval by a majority of the voters of each county voting separately on the question,] IF AP-PROVED IN EACH AFFECTED COUNTY BY A MAJORITY OF THE ELECTORS VOTING ON THE QUESTION. [or combine] THE LEGISLA-

TURE MAY PROVIDE FOR THE COMBINATION OF the office of probate judge with any judicial office of limited jurisdiction [in any] WITHIN A county with supplemental salary as provided by law. The jurisdiction, powers and duties of the probate court[s] and of the judges thereof shall be [prescribed] PROVIDED by law. They shall [also] have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 28. All final decisions, findings, rulings

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

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

ARTICLE VII LOCAL GOVERNMENT

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Article VII

Local Government

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

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

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

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

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

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

at pleasure.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 21. The legislature shall provide by general laws for the incorporation of cities and villages[;]. [such general laws] SUCH LAWS shall limit their rate of [general] AD VALOREM property taxation for municipal purposes, and

restrict [their] THE powers of CITIES AND VILLAGES TO borrow[ing] money and contract[ing] debts. Each city and village is granted power to levy other taxes for public purposes, subject to limitations and prohibitions provided by this constitution or by law.

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

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

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

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

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

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

Sec. 27. Notwithstanding any other provision

of this constitution the legislature may establish in metropolitan areas additional forms of government or authorities with powers, duties and jurisdictions as the legislature shall provide. 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 institutions shall be open to the public.

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

vacancies by appointment. Each appointee shall hold office until a successor has been nominated and elected as [prescribed] PROVIDED by law.

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

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

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

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

ARTICLE IX FINANCE & TAXATION

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

Article IX

Finance and Taxation

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

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

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

Sec. 4. Property held by a non-profit corporation, association, or legal entity and used and occupied exclusively for religious, educational, charitable or burial grounds purposes, as defined by law, shall be exempt from real and personal property taxes.

Sec. 5. The legislature shall provide for the assessment by the state of the property of those PUBLIC SERVICE businesses [whose property is now] assessed by the state AT THE DATE THIS CONSTITUTION BECOMES EFFECTIVE, and of other property as designated by the legislature, and for the [levy] IMPOSITION and collection of taxes thereon. Property assessed by the state shall be assessed at the same proportion of its true cash value as the legislature shall specify for property subject to general ad valorem taxation. The rate of taxation on such property shall be the average rate levied upon other property in this state under the general ad valorem tax law, or, if the legislature provides, the rate of tax applicable to the property of each business enterprise assessed by the state shall be the average rate of ad valorem taxation levied upon other property in all counties in which any of such property is situated.

Sec. 6. Except as otherwise provided in this constitution, the total amount of general ad valorem taxes [levied against] IMPOSED UPON REAL AND TANGIBLE PERSONAL property for all purposes in any one year shall not exceed 15 mills on each dollar of the assessed valuation of [said] property as finally equalized. Under procedures provided by law, which shall guarantee the right of initiative, separate tax limitations for any county and FOR the townships and FOR school districts therein, the aggregate of which shall not exceed 18 mills on each dollar of such valuation, may be adopted and thereafter altered by the vote of a majority of the qualified electors of such county voting thereon, in lieu of the limitation hereinbefore established. The limitations established [herein] BY THIS CONSTITUTION or by county vote may be increased to an aggregate of not to exceed 50 mills, OR MORE IF PROVIDED BY LAW, on each dollar of [such] valuation, [except as otherwise provided by law,] for a period of not to exceed 20 years at any one time, [by the vote of] IF APPROVED BY a majority of the [qualified] electors, QUALIFIED UNDER [as defined in] Article II, [hereof] SECTION 6 OF THIS CONSTITUTION[,] VOTING ON THE QUESTION [of any such taxing authority voting thereon].

The foregoing limitations shall not apply to [(a)] taxes [levied] IMPOSED for the payment of principal and interest on bonds or other evidences of indebtedness[,] or for the payment of assessments or contract obligations in anticipation of which bonds are issued, which taxes may be [levied] IMPOSED without limitation as to rate or amount[,] or [(b)] TO taxes [levied] IMPOSED for any other purpose by any city, village, charter county, charter township or other charter authority the tax limitations of which are provided by charter or by general law.

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

In any school district which extends into [2] TWO or more counties, [there may be levied and collected for school purposes throughout the district] property taxes at the highest rate available in the county which contains the greatest part of the area of the district MAY BE IMPOSED AND COLLECTED FOR SCHOOL PURPOSES THROUGHOUT THE DISTRICT.

Sec. 7. No income tax graduated as to rate or base shall be imposed by the state or any of its subdivisions.

Sec. 8. [At no time shall] The legislature SHALL NOT [levy] IMPOSE a sales tax on retailers at a rate of more than [4] FOUR percent of their gross taxable sales of tangible personal property.

Sec. 9. All specific taxes, except general sales and use taxes and regulatory fees, imposed DIRECTLY OR INDIRECTLY on fuels sold or used to propel motor vehicles upon highways and on registered motor vehicles shall, after the payment of [the] necessary collection expenses, be used exclusively for highway purposes as defined by law.

Sec. 10. One-eighth of all taxes [upon the privilege of selling] IMPOSED ON RETAILERS ON TAXABLE SALES AT RETAIL OF tangible personal property [at retail] shall be used exclusively for assistance to cities, villages and townships, on a population basis as provided by law. IN DETERMINING POPULATION the legislature may exclude [from population] any portion of the total number of persons who are wards, patients or convicts [of] IN any tax supported institution.

Sec. 11. There shall be established a state school aid fund. The legislature may [from time to time] dedicate [certain] tax revenues to this fund which shall be used exclusively for the support of public education and [for] school employees' retirement systems, [in a manner] AS provided by law.

Sec. 12. No evidence of state indebtedness shall be issued except for debts authorized pursuant to this constitution.

Sec. 13. Public bodies corporate shall have power to borrow money and to issue their securities evidencing debt, subject to this constitution and law.

Sec. 14. To meet obligations incurred pursuant to appropriations for any fiscal year, the legislature may by law authorize the state to issue its full faith and credit notes in which case it shall pledge undedicated revenues to be received within the same fiscal year for the repayment thereof. Such indebtedness in any fiscal year shall not exceed 15 percent of undedicated revenues received by the state during the preceding fiscal year and such debts shall be repaid at the time the revenues so pledged are received, but not later than the end of the same fiscal year.

Sec. 15. The state may borrow money for specific purposes in amounts as may be provided by acts of the legislature adopted by a vote of [2/3] TWO-THIRDS of the members elected to and serving in each house, and approved by a majority of the electors voting thereon at any general election. The question submitted to the electors shall state the amount to be borrowed, the specific purpose to which the funds shall be devoted, and the method of repayment.

Sec. 16. The state, in addition to any other borrowing power, may borrow from time to time such amounts as shall be required, pledge its faith and credit and issue its notes or bonds therefor, for the purpose of making loans to school districts as provided in this section.

If the minimum amount which [it] would otherwise be necessary for a school district to levy in any year to pay principal and interest on its qualified bonds, including any necessary allowances for estimated tax delinquencies, exceeds 13 mills on each dollar of its assessed valuation as [last] FINALLY equalized [by the state], or such lower millage as the legislature may prescribe, then the school district may elect to borrow all or any part of the excess from the state. In that event the state shall LEND [loan] the excess amount to the school district for the payment of principal and interest. If for any reason any school district will be or is unable to pay the principal and interest on its qualified bonds when due, then the school district shall borrow and the state shall LEND [loan] to it an amount sufficient to enable the school district to make the payment.

The term "qualified bonds" means general obligation bonds of school districts issued for capital expenditures, including refunding bonds, issued prior to May 4, 1955, or issued thereafter and qualified as provided by law pursuant to Section 27 or Section 28, Article X, of the Constitution of 1908 or pursuant to this section.

After a school district has received loans from the state, each year thereafter it shall levy for debt service, exclusive of levies for nonqualified bonds, not less than 13 mills or such lower millage as the legislature may prescribe, until the amount loaned has been repaid, and any tax collections therefrom in any year over and above the minimum requirements for principal and interest on qualified bonds shall be used toward the repayment of state loans. In any year when such [a] levy would produce an amount in excess of the requirements and the amount due to the state, the levy may be reduced by the amount of the excess.

Subject to the foregoing provisions, the legislature shall have the power to prescribe and to limit the procedure, terms and conditions for the qualification of bonds, for obtaining and making state loans, and for the repayment of loans.

The power to tax for the payment of principal

and interest on bonds hereafter issued which are the general obligations of any school district, including refunding bonds, and for repayment of any state loans made to school districts, shall be without limitation as to rate or amount.

All rights acquired under Sections 27 and 28, Article X of the Constitution of 1908, by holders of bonds heretofore issued, and all obligations assumed by the state or any school district under these sections, shall remain unimpaired.

Sec. 17. No money shall be paid out of the state treasury except in pursuance of appropriations made by law.

Sec. 18. The credit of the state shall not be granted to, nor in aid of any person, association or corporation, public or private, except as authorized in this constitution.

This section shall not be construed to prohibit the investment of public funds until needed for current requirements [or the investment of public employee retirement system funds], as [may be] provided by law.

Sec. 19. The state shall not subscribe to, nor be interested in the stock of any company, association or corporation[,] . [except that] Funds accumulated to provide retirement or pension benefits for public officials and employees may be invested as provided by law[;] . [and except that] Endowment funds created for charitable or educational purposes may be invested as provided by law governing the investment of funds held in trust by trustees.

Sec. 20. No state money shall be deposited in banks other than those organized under the national or state banking laws. No state money shall be deposited in any bank in excess of 50 percent of the capital and surplus of such bank. Any bank receiving deposits of state money shall show the amount of state money so deposited as a separate item in all published statements.

Sec. 21. The legislature shall provide by law for the annual accounting for all public moneys, state and local, and may [also] provide by law for interim accounting.

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

Sec. 22. PROCEDURES FOR THE EXAMINATION AND ADJUSTMENT OF CLAIMS AGAINST THE STATE SHALL BE PRESCRIBED BY LAW.

Sec. 23. All financial records, accountings, audit reports and other reports of public moneys shall be public records and open to inspection. A statement of all revenues and expenditures of public moneys shall be published and distributed annually, as [prescribed] PROVIDED by law.

Sec. 24. The accrued financial benefits of each pension plan and retirement system of the state and its political subdivisions shall be a contractual obligation thereof which shall not be diminished or impaired thereby.

Financial benefits arising on account of service rendered in each fiscal year shall be funded during that year and such funding shall not be [usable] USED for financing unfunded accrued liabilities.

ARTICLE X PROPERTY

Sec.	Com. Proposal
1. Married Women	63a
2. Eminent Domain	67a
3. Homestead Exemption	12a
4. Escheats	74a
5. State Lands	129a
6. Alien Rights	43a

Article X Property

Sec. 1. The real and personal estate of every woman, acquired before marriage, and all property to which she may afterwards become entitled by gift, grant, inheritance or devise, shall be and remain the estate and property of such woman, and shall not be liable for the debts, obligations or engagements of her husband, and may be devised or bequeathed by her as if she were unmarried.

Sec. 2. Private property shall not be taken for public use without just compensation therefor being first made or secured in a manner prescribed by law.

Sec. 3. A homestead in the amount of not less than \$3,500[.00] and personal property of every resident of this state in the amount of not less than \$750[.00], as defined by law, shall be exempt from forced sale on execution or other process of any court. Such exemptions shall not extend to any lien thereon excluded FROM EXEMPTION by law.

Sec. 4. Procedures [for the examination and adjustment of claims against the state and procedures] relating to escheats and to the custody and disposition of escheated property shall be prescribed by law.

Sec. 5. The legislature shall have general supervisory jurisdiction over all state owned lands useful for forest preserves, game areas and recreational purposes; shall require annual reports as to such lands from all departments having supervision or control thereof; and shall by general law provide for the sale, lease[,] or other disposition of such lands.

The legislature BY AN ACT ADOPTED [by a resolution concurred in] by TWO-THIRDS [2/3]

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

of the members elected to and serving in each house may [from time to time declare] DESIGNATE any part of such lands AS [to be] a state land reserve. [and may remove lands from such classification.] No lands in the state land reserve may be REMOVED FROM THE RESERVE, sold, leased or otherwise disposed of except by an act of the legislature.

Sec. 6. Aliens who are residents of this state shall enjoy the same rights and privileges in property as citizens of this state.

ARTICLE XI PUBLIC OFFICERS AND EMPLOYMENT

Sec.	Com. Proposal
1. Oath of Office	25a
2. Terms of Office	61a
3. Extra Compensation	62a
4. Custodian of Funds, Accounting	55a
5. Classified Civil Service, creation	22a
6. Civil Service Commission	22a
7. Commission to make rules and fix compensation	22a
8. Increases in Compensation	22a
9. May abolish positions	22a
10. Commission to recommend increases to governor and legislature	22a
11. Commission to receive appropriations	22a
12. Violations of Civil Service Article ..	22a
13. Civil Service, Local Government, county	76a, 81m
14. Impeachment	42a, 42b, 42c, 42d
15. Removal of Elected Officers	42e

Article XI

Public Officers and Employment

Sec. 1. [Members of the legislature and] All officers, LEGISLATIVE, executive and judicial, [shall,] before [they enter] ENTERING upon the duties of their respective offices, SHALL take and subscribe the following oath or affirmation: ["I do solemnly swear (or affirm) that I will support the Constitution of the United States and the constitution of this state, and that I will faithfully discharge the duties of the office of according to the best of my ability."] No other oath, affirmation, or any religious test shall be required as a qualification for any office or public trust.

Sec. 2. The terms of office of elective state officers, members of the legislature[,] and JUSTICES AND judges of courts of record shall begin at [12:00] TWELVE o'clock noon on the first day of January next succeeding their election, except as otherwise provided in this constitution. The terms of office of county officers shall begin on the first day of January next succeeding their election, except as otherwise provided

by law.

Sec. 3. Neither the legislature nor any political subdivision of this state shall grant or authorize extra compensation to any public officer, agent or contractor after the service has been rendered or the contract entered into.

Sec. 4. No person having custody or control of public moneys shall [have a seat in] BE A MEMBER OF the legislature, [n]or be eligible to any office of trust or profit under this state, until he shall have made an accounting, as provided by law, of all sums for which he may be liable.

Sec. 5. The classified state civil service shall consist of all positions in the state service except those filled by popular election, heads of principal departments, members of boards and commissions, the [chief] PRINCIPAL executive officer of boards and commissions heading principal departments, employees of courts of record, employees of the legislature, employees of the state institutions of higher education, all persons in the armed forces of the state, [8] EIGHT exempt positions in the office of the governor, and within each principal department, when requested by the department head, [2] TWO other exempt positions, one of which shall be policy-making. The civil service commission may exempt [3] THREE additional positions of a policy-making nature within each principal department.

Sec. 6. The civil service commission shall be non-salaried and shall consist of [4] FOUR persons, not more than [2] TWO of whom shall be members of the same political party, appointed by the governor for TERMS OF [8] EIGHT yearS, [overlapping terms.] NO TWO OF WHICH SHALL EXPIRE IN THE SAME YEAR.

The administration of the commission's powers shall be vested in a state personnel director who shall be a member of the classified service and who shall be responsible to and selected by the commission after open competitive examination.

Sec. 7. The commission shall classify all positions in the classified service according to their respective duties and responsibilities, fix rates of compensation for all classes of positions, approve or disapprove disbursements for all personal services, determine by competitive examination and performance exclusively on the basis of merit, efficiency and fitness the qualifications of all candidates for positions in the classified service, make rules and regulations covering all personnel transactions, and regulate all conditions of employment in the classified service.

No person shall be appointed to or promoted in the classified service who has not been certified BY THE COMMISSION as qualified for such appointment or promotion [by the commission]. No appointments, promotions, demotions or removals in the classified service shall be made for

partisan, racial or religious considerations.

Sec. 8. Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. Within 60 calendar days following such transmission, the legislature may, by a [2/3] TWO-THIRDS vote of the members elected to and serving in each house, reject, reduce, or modify increases in rates of compensation authorized by the commission[:]. [Provided however,] The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases authorized by the commission. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year.

Sec. 9. The appointing authorities may create or abolish positions for reasons of administrative efficiency without the approval of the commission. Positions shall not be created nor abolished except for reasons of administrative efficiency. Any employee considering himself aggrieved by the abolition of a position shall have a right of appeal to the commission through established grievance procedures.

Sec. 10. The civil service commission shall recommend to the governor and to the legislature rates of compensation for all appointed positions within the executive department not a part of the classified service.

Sec. 11. To enable the commission to exercise its powers, the legislature shall appropriate to the commission for the ensuing fiscal year a sum not less than one percent of the aggregate payroll of the classified service for the preceding fiscal year, as certified by the commission. Within [6] SIX months after the conclusion of each fiscal year the commission shall return to the state treasury all [funds] MONEYS unexpended for that fiscal year.

The commission shall furnish reports of expenditures, at least annually, to the governor and the legislature and shall be subject to annual audit as provided by law.

Sec. 12. No payment for personal services shall be made or authorized until the provisions of this [article] CONSTITUTION PERTAINING TO CIVIL SERVICE have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

Sec. 13. BY ORDINANCE OR RESOLUTION WHICH SHALL NOT TAKE EFFECT UNTIL APPROVED BY A MAJORITY OF THE ELECTORS VOTING THEREON, each city, village,

township, county, school district[,] and other governmental unit[s] or authorit[ies]Y [performing the same or similar functions] may[, by ordinance or resolution of the governing body which ordinance or resolution shall not take effect until approved by a majority of the electors voting thereon,] establish, modify or discontinue a merit system for its employees other than teachers under contract or tenure. The state civil service commission may on request furnish technical services [to them] TO ANY SUCH UNIT on a reimbursable basis.

[The board of supervisors of any county with a population of 1,000,000 or more shall have the power by ordinance to establish a merit system for county employment. The ordinance or any amendments thereto shall not take effect until approved by a majority of the electors voting thereon.]

Sec. 14. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office or for crimes or misdemeanors, but a majority of the members elected and serving shall be necessary to direct an impeachment.

When an impeachment is directed, the house of representatives shall elect [3] THREE of its members to prosecute the impeachment.

Every impeachment shall be tried by the senate immediately after the final adjournment of the legislature. The senators shall take an oath or affirmation truly and impartially to try and determine the impeachment according to the evidence. When the governor or lieutenant governor is tried, the chief justice of the supreme court shall preside.

No person shall be convicted without the concurrence of [2/3] TWO-THIRDS of the senators elected and serving. Judgment in case of conviction shall not extend further than removal from office, but the person convicted shall be liable to punishment according to law.

No judicial officer shall exercise ANY OF THE FUNCTIONS OF his office after an impeachment is directed until he is acquitted.

Sec. 15. Any elected officer of a political subdivision may be removed from office in the manner and for the causes [prescribed] PROVIDED by law.

ARTICLE XII AMENDMENT & REVISION

Sec.	Com. Proposal
1. By Legislature	64a
2. By Petition of Electors	65a
3. Constitutional Convention	66a

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

Article XII

Amendment & Revision

Sec. 1. Amendments to this constitution may be proposed in the senate or house of representatives. Proposed amendments agreed to by [2/3] TWO-THIRDS of the members elected to and serving in each house on a [yea and nay] vote WITH THE NAMES AND VOTE OF THOSE VOTING entered in the respective journals shall be submitted, not less than 60 days thereafter, to the electors at the next general election or special election as the legislature shall direct. If a majority of electors voting on [such] a proposed amendment approve [such amendment,] THE SAME, it shall become part of the constitution and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved.

Sec. 2. Amendments may be proposed to this constitution by petition of the registered electors of this state. Every petition shall include the full text of the proposed amendment, and be signed by registered electors of the state equal in number to at least 10 percent of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected, or 300,000 registered electors, whichever is less. Such petitions shall be filed with the person authorized by law to receive the same at least 120 days before the election at which the proposed amendment is to be voted upon. Any such petition shall be in the form, and shall be signed and circulated in such manner, as prescribed by law. The person authorized by law to receive such petition[,] shall[,] upon its receipt[,] determine, as provided by law, the validity and sufficiency of the signatures on the petition, and make an official announcement thereof at least 60 days prior to the election at which the proposed amendment is to be voted upon.

Any amendment proposed by such petition shall be submitted, not less than 120 days after it was filed, to the electors at the next GENERAL election. [at which any state officer is to be elected.] Such proposed amendment, existing provisions of the constitution which would be altered or abrogated thereby, and the question as it shall appear on the ballot [used in such election] shall be published in full as provided by law. Copies of such publication shall be posted in each polling place and furnished to news media as provided by law.

The ballot to be used in such election shall contain a statement of the purpose of the proposed amendment, expressed in not more than 100 words, exclusive of caption. Such statement of purpose and caption shall be prepared by the person authorized by law, and shall consist of a true and impartial statement of the purpose of the amendment in such language as shall create no prejudice

for or against the proposed amendment.

If the proposed amendment is approved by a majority of the electors voting on the question, the proposed amendment shall become part of the constitution, and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved. IF TWO OR MORE AMENDMENTS APPROVED BY THE ELECTORS AT THE SAME ELECTION CONFLICT, THAT AMENDMENT RECEIVING THE HIGHEST AFFIRMATIVE VOTE SHALL PREVAIL.

Sec. 3. At the general election to be held in the year 1978, and in each 16th year thereafter and at such times as may be provided by law, the question of a general revision of the constitution shall be submitted to the electors of the state. If a majority of the electors voting on the question decide in favor of a convention for such purpose, at an election to be held not later than [4] FOUR months after the proposal was certified as approved, the electors of each [house of] representative[s] district as then organized shall elect one delegate and the electors of each senatorial district as then organized shall elect one delegate. The delegates so elected shall convene at the SEAT OF GOVERNMENT [capital city] on the first Tuesday in October next succeeding such election or at an earlier date if provided by law.

The convention shall choose its own officers, determine the rules of its proceedings and judge the qualifications, elections and returns of its members. The governor shall appoint a qualified resident of the same district to fill a vacancy in the office of any delegate. [If the legislature shall determine that delegates shall be elected on a partisan basis, the governor shall appoint a qualified resident of the same district and of the same party.] WHO SHALL BE A MEMBER OF THE SAME PARTY AS THE DELEGATE VACATING THE OFFICE IF THE LEGISLATURE PROVIDES FOR PARTISAN ELECTION OF DELEGATES. The convention shall have power to appoint such officers, employees and assistants as it deems necessary and to fix their compensation; to provide for the printing and distribution of its documents, journals and proceedings; to explain and disseminate information about the proposed constitution and to complete the business of the convention in an orderly manner. Each delegate shall receive for his services compensation provided by law.

No proposed constitution or amendment adopted by such convention shall be submitted to the electors for approval as hereinafter provided unless by the assent of a majority of all the delegates elected to and serving in the convention, WITH THE NAMES AND VOTE OF THOSE VOTING [the yeas and nays being] entered in the journal. Any proposed constitution or amendments adopted

by such convention shall be submitted to the qualified electors in the manner and at the time provided by such convention not less than 90 days after final adjournment of the convention. Upon the approval of such constitution or amendments by a majority of the qualified electors voting thereon the constitution or amendments shall take effect as provided by the convention.

SCHEDULE AND TEMPORARY PROVISIONS

Sec.	Com. Proposal
1. Attorney general to recommend necessary laws	44d
2. Writs, actions, claims, etc. remain effective	44b
3. Officers continue their duties	44c and 71g
4. Terms of officers elected November, 1962	68b
5. Terms of governor, etc. elected 1964. When 4 year terms begin	80 and 71a
6. Senate Apportionment	80
7. Supreme Court, reduction to seven justices	91a
8. Judges of Probate, eligible for re-election	96f
9. Overlapping terms for judiciary	96j
10. State Board of Education	47a
11. Boards of Control	98c
12. Educational Boards	
13. Initial allocation	71b
14. Contractual obligations remain in force	6a
15. Mackinac Bridge refunding	23b
16. Constitution submitted to people, when	68a
17. Constitution submitted to people, manner	68c

TO INSURE THE ORDERLY TRANSITION FROM THE CONSTITUTION OF 1908 TO THIS CONSTITUTION THE FOLLOWING SCHEDULE IS SET FORTH TO BE EFFECTIVE FOR SUCH PERIOD AS ITS PROVISIONS REQUIRE.

Sec. 1. The attorney general [of the state] shall recommend to the legislature AS SOON AS PRACTICABLE [at the commencement of the next session] such changes AS MAY BE NECESSARY [in existing laws as may be deemed necessary] to adapt EXISTING LAWS [the same] to this constitution.

Sec. 2. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights [of individuals, partnerships, bodies corporate, and of this state or any subdivision or agency thereof] existing on the effective date [hereof] OF THIS CONSTITUTION shall continue unaffected except as modified in accordance with the provisions of this constitution.

Sec. 3. Except as otherwise provided in this constitution, all officers filling any office by election or appointment shall continue to exercise THEIR POWERS AND [the] duties [thereof, according to their respective commissions or appointments,] until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

No provision of this constitution, or of law or of executive order authorized by this constitution shall shorten the term of any person elected to state office at a statewide election ON [in] or prior to THE DATE ON WHICH THIS CONSTITUTION IS SUBMITTED TO A VOTE. [November, 1962.] In the event the duties of any [of] such officers shall not have been ABOLISHED OR incorporated into one or more of the principal departments at the expiration of his term, such officer shall continue to serve until his duties are so incorporated OR ABOLISHED.

Sec. 4. All officers elected [on the Tuesday after the first Monday of November, 1962] AT THE SAME ELECTION THAT THIS CONSTITUTION IS SUBMITTED TO THE PEOPLE FOR ADOPTION [under the 1908 Constitution as amended and existing laws] shall take office [on and after the first day of January, 1963,] and complete the term to which they were elected UNDER THE 1908 CONSTITUTION AND EXISTING LAWS AND CONTINUE TO SERVE UNTIL THEIR SUCCESSORS ARE ELECTED AND QUALIFIED PURSUANT TO THIS CONSTITUTION OR LAW.

Sec. 5. Notwithstanding any other provision in this constitution, the governor, THE lieutenant governor, THE secretary of state [and], THE attorney general, AND state senators shall be elected at the general election in 1964 to serve for [2] TWO year terms beginning on the first day of January next succeeding their election. The first [4 year] election OF SUCH OFFICERS FOR FOUR-YEAR TERMS under this constitution shall be held at the general election in 1966.

Sec. 6. The state shall be districted for the purpose of electing senators in accordance with the provisions of [Committee Proposal 80, section a,] ARTICLE IV, SECTION 2 after the official publication of the total population count of the 1970 decennial federal census. Until the [re]apportionment of the senate following the 1970 census, the senatorial districts under the 1908 constitution[, as amended,] shall remain intact except that upon the adoption of this constitution each of the counties of Kent, Genesee, Macomb and Oakland shall be divided by the apportionment commission into [2] TWO senatorial districts and Wayne county into [8] EIGHT senatorial districts in accordance with this constitution.

Sec. 7. [A vacancy hereafter created as the result of the death, retirement or resignation of one incumbent justice shall not be filled.]

NOTWITHSTANDING THE PROVISIONS OF THIS CONSTITUTION THAT THE SUPREME COURT SHALL CONSIST OF SEVEN JUSTICES IT SHALL CONSIST OF EIGHT JUSTICES UNTIL THE TIME THAT A VACANCY OCCURS AS A RESULT OF DEATH, RETIREMENT OR RESIGNATION OF A JUSTICE. THE FIRST SUCH VACANCY SHALL NOT BE FILLED.

Sec. 8. Any [supreme court justice, circuit judge,] judge of probate serving [at] ON the [time this constitution becomes] effective DATE OF THIS CONSTITUTION may serve the remainder of the term and be eligible TO SUCCEED HIMSELF for election [to his present office] regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

Sec. 9. The provisions of [this] Article VI providing that terms of JUDICIAL offices shall not all expire at the same time, shall be implemented BY LAW PROVIDING THAT at the next election for such offices [by legislation providing for elections] JUDGES SHALL BE ELECTED for terms of varying length, none of which shall be shorter than the [basic] REGULAR term provided for the office.

Sec. 10. THE MEMBERS OF THE STATE BOARD OF EDUCATION PROVIDED FOR IN ARTICLE VIII SECTION 3 SHALL FIRST BE ELECTED AT THE FIRST GENERAL ELECTION AFTER THE EFFECTIVE DATE OF THIS CONSTITUTION FOR THE FOLLOWING TERMS: TWO SHALL BE ELECTED FOR TWO YEARS, TWO FOR FOUR YEARS, TWO FOR SIX YEARS, AND TWO FOR EIGHT YEARS AS PRESCRIBED BY LAW.

THE STATE BOARD OF EDUCATION PROVIDED FOR IN THE CONSTITUTION OF 1908 IS ABOLISHED AT TWELVE O'CLOCK NOON JANUARY 1 OF THE YEAR FOLLOWING THE FIRST GENERAL ELECTION UNDER THIS CONSTITUTION AND THE TERMS OF MEMBERS THEREOF SHALL THEN EXPIRE.

Sec. 11. THE PROVISIONS OF THIS CONSTITUTION PROVIDING FOR MEMBERS OF BOARDS OF CONTROL OF INSTITUTIONS OF HIGHER EDUCATION AND THE STATE BOARD OF PUBLIC COMMUNITY AND JUNIOR COLLEGES SHALL BE IMPLEMENTED BY LAW. THE LAW MAY PROVIDE THAT THE TERM OF EACH MEMBER IN OFFICE ON THE DATE OF THE VOTE ON THIS CONSTITUTION MAY BE EXTENDED, AND MAY FURTHER PROVIDE THAT THE INITIAL TERMS OF OFFICE OF MEMBERS MAY BE LESS THAN EIGHT YEARS.

Sec. 12. THE PROVISIONS OF THIS CONSTITUTION INCREASING THE NUMBER OF MEMBERS OF THE BOARD OF TRUSTEES OF MICHIGAN STATE UNIVERSITY AND OF THE BOARD OF GOVERNORS OF WAYNE STATE UNIVERSITY TO EIGHT, AND OF THEIR TERMS OF OFFICE TO EIGHT YEARS, SHALL BE IMPLEMENTED BY LAW. THE LAW MAY PROVIDE THAT THE TERM OF EACH MEMBER IN OFFICE ON THE DATE OF THE VOTE ON THIS CONSTITUTION MAY BE EXTENDED ONE YEAR, AND MAY FURTHER PROVIDE THAT THE INITIAL TERMS OF OFFICE OF THE ADDITIONAL MEMBERS MAY BE LESS THAN EIGHT YEARS.

Sec. 13. The initial allocation of departments by law pursuant to Article V, Section 2 shall be completed within two years after the effective date of this constitution. If such allocation shall not have been completed within such period, the governor, within one year thereafter, by executive order, shall make the initial allocation.

Sec. 14. Contractual obligations of the state incurred pursuant to the constitution of 1908 [as amended] shall continue to be obligations of the state.

For the retirement of [such] notes and bonds [as may have been] issued under Section 26 of Article X of the 1908 constitution, there is hereby appropriated from the general fund each year during their life a sum equal to the amount of principal and interest payments due and payable in each [such] year.

Sec. 15. [Provided however, That] The legislature [is authorized to provide by general law adopted] by a vote of [2/3] TWO-THIRDS of the members elected to and serving in each house MAY PROVIDE THAT THE STATE MAY [for the] borrow[ing of] money AND MAY PLEDGE ITS FULL FAITH AND CREDIT for [the] refunding [of] any bonds issued by the Mackinac Bridge Authority[,] AND at [which] THE time OF REFUNDING the Mackinac Bridge Authority [Act] shall be [repealed] ABOLISHED and the operation of the bridge SHALL be assumed by the state highway department. THE LEGISLATURE MAY IMPLEMENT THIS SECTION BY LAW.

Sec. 16. This constitution shall be submitted to the people for their adoption or rejection at the general election to be held on the Tuesday after the first Monday of November, 1962. It shall be the duty of the secretary of state forthwith to give notice of such submission to all other officers required to give or publish any notice in regard to A GENERAL [such] election. He shall give notice that this constitution will be duly submitted to the electors at such election. The notice shall be given in the manner required for the election of governor.

Sec. 17. Every registered elector may vote

1 on the adoption of the constitution. The board
 2 of election commissioners in each county shall
 3 cause to be printed on a ballot separate from
 4 the ballot containing the names of the nominees
 5 for office, the words: ["] Shall the revised con-
 6 stitution be adopted? () Yes. () No. ["] All
 7 votes cast at THE [this] election shall be taken,
 8 counted, canvassed and returned as provided by

law for the election of state officers. [Should]
 IF the revised constitution so submitted receiveS
 more votes in its favor than were cast against
 it, it shall be the supreme law of the state on
 and after the first day of January OF THE YEAR
 FOLLOWING ITS ADOPTION [,1963, except as
 otherwise provided in this constitution].

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

of our long history of this matter, that both of these houses should be keeping Friday sessions, as well as keeping Monday sessions. And I say that because, after so many years over there, I know that the tendency is to whittle it down to 3 days, and when they whittle it down to 3 days, then they tend to get to the point where they meet on Tuesday night, Wednesday afternoon and Thursday morning. They can't do anything that way. Since that seems to be the way the human mind works, I think that we'd do better in this state to maintain this 5 session day schedule and, if the 2 houses can agree that they want to not meet on a particular Friday or a particular Monday, that's all right; but simply to have the thing set up so they won't have to meet on Friday—well, they'll be meeting on Thursday morning then, and going home Thursday afternoon. Because of our history, it isn't a good thing. I would sincerely hope that the amendment now before you will be defeated.

ACTING PRESIDENT BENTLEY: The Chair recognizes the gentleman from Birmingham for a preferential motion.

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

ACTING PRESIDENT BENTLEY: The question is on the motion of the gentleman from Birmingham, Mr. Van Dusen, that debate on the amendment be limited to 5 minutes. Those in favor will say aye. Those opposed?

The motion prevails. It is so ordered. The Chair recognizes the gentleman from Grosse Pointe, Mr. Cudlip.

MR. CUDLIP: Mr. President, members, I agree with Mr. Hutchinson, but I wanted to point out to Mr. Kuhn that we did not change any substance. Here was a case where your committee considered the words, "3 days" and in this parliamentary procedure you don't know whether they're talking about calendar days, legislative days, attorney general's opinion days or lieutenant governor days. (laughter) So we put in a rule that we thought was good for the people of Michigan. We divined your intent. The soundness has been indicated by the gentleman from Fennville. Thank you.

ACTING PRESIDENT BENTLEY: The Chair inquires: is the gentleman from Harrisville seeking recognition? The question is on the amendment of the gentleman from Pontiac, Mr. Kuhn. The gentleman is recognized for the second time, being the mover of the amendment.

MR. KUHN: Thank you. Mr. President, I would like to read from the federal constitution. It says, "Neither house, during the session of the congress, shall, without the consent of the other, adjourn for more than 3 days. . . ." Now, that is exactly the language which the committee on legislative powers came out with. That's the language that was in the 1908 constitution. I agree that this change will make it crystal clear what they mean, but I submit to you that it seems to me that this 3 day rule has been a rule that we've had since 1789; it's been a rule that's well understood. And I don't think, because you have a rule, they have to go home. After all, even under this rule they could come in Monday and recess until Wednesday, recess till Friday and recess till Monday. These are responsible individuals. We're trying to do away with a lot of paper work and inefficiency and a lot of red tape. I just thought it would clear the matter a little more if we're consistent. And I have no great thoughts one way or the other.

ACTING PRESIDENT BENTLEY: The Chair recognizes the gentleman from Port Huron, Mr. Staiger.

MR. STAIGER: I'd just like to point out that the language Mr. Kuhn read from the federal constitution is not the language as he would amend it here. We said, "2 intervening calendar days" which would be the same as saying 3 days normally, in the normal way you would count. Now we are going to 3 intervening days which, in effect, would be 4 days. I oppose this amendment. I think by saying "2 intervening calendar days" we make it very clear what we mean. They can adjourn on Friday and they will have to be back on Monday.

ACTING PRESIDENT BENTLEY: The Chair recognizes the gentleman from Harrisville, Mr. Dehnke.

MR. DEHNKE: Mr. President and fellow delegates, I wonder if we're catching the point. This is a question that involves

the right of either house to adjourn for more than a specified length of time without the consent of the other. It is true enough that this is the same language that we've had in our constitution, but in this state we've had 2 conflicting interpretations of that. One house goes by one rule and the other by the other, and this language the committee on style and drafting has put in clarifies this so there won't be any room for argument in the future.

ACTING PRESIDENT BENTLEY: The Chair recognizes the gentleman from Ionia, Mr. Powell.

MR. POWELL: Mr. President and fellow delegates, as a member of the committee on legislative powers, I did support the original language because at that time I supposed I knew what it meant; it had always been interpreted the same way to my memory. Since then, however, I understand our lieutenant governor has counted the days differently and so, as a member of the committee on style and drafting, I stood for this new language, which is crystal clear, as they say, and makes it very definite just how you count the days and does what we supposed the original language did. So I am speaking in opposition to the pending amendment and in favor of the language as it comes to us from the committee on style and drafting.

ACTING PRESIDENT BENTLEY: The question is on the amendment offered by the gentleman from Pontiac, Mr. Kuhn. As many as are in favor will respond by saying aye. Those opposed.

The amendment is not adopted.

[Vice President Hutchinson resumed the Chair.]

SECRETARY CHASE: Mr. Madar offers the following amendment:

1. Amend article IV, section 41 (column 2, line 41) after "Sec. 41.", by striking out the balance of the section and inserting "The legislature shall provide for four lotteries to be held in each of the seasons. Moneys derived therefrom shall be placed in the general fund."

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, following Mr. Madar's suggestion, I at this time move that debate on this amendment be limited to 5 minutes.

VICE PRESIDENT HUTCHINSON: The question is on the motion of Mr. Van Dusen to limit debate to 5 minutes on this amendment. All those in favor will say aye. Opposed, no.

The motion prevails. It is so ordered. Mr. Madar is recognized.

MR. MADAR: Mr. Van Dusen, you're being very, very unfair to your fellow members because when I get away from here, the 5 minutes are going to be up.

You may not vote for this particular amendment but I'm going to tell you right now that if you don't you're not going to go home an honest man when you leave this convention. All right, you say "ho," "ha," and you do anything else you want. (laughter) And whenever you keep still—and incidentally, Mr. Secretary, I don't believe you ought to count the time that's used for laughter by some of the delegates.

I would like to get some order here, Mr. President, so they can hear what I am saying.

VICE PRESIDENT HUTCHINSON: The convention will please be in order.

MR. MADAR: I didn't submit this amendment in jest. I was serious about it. And I'm serious about it because the other day you decided, after a lot of lobbyists were in the hall, to go back to parimutuel betting. I'm not opposed to parimutuel betting nor am I opposed to lotteries or bingo or playing cards. I am opposed to dishonesty. I am certainly opposed to hypocrisy. I know that saying it today isn't going to get you to change your mind. Those lobbyists spoke well and the pressure was immense. In fact, it was terrific. I heard on the air yesterday about a certain gentleman who is going around the state, accusing the Democratic legislators of listening to the lobbyists over in the house and the senate. I wonder how many of you people changed your minds between the 2 votes we took, listening to lobbyists out there in the hall. And how many of you received letters from your home town from your ministers and others when they asked you not to vote for parimutuel betting.

You spoke here, certain of you, about how much money was taken in—I believe it was 7,800,000—

MR. GOVER: Point of order.

MR. MADAR: —now, let's go where we should—

VICE PRESIDENT HUTCHINSON: What's the point, Mr. Gover?

MR. GOVER: Is this on the amendment?

VICE PRESIDENT HUTCHINSON: Oh, the Chair thinks he's talking on his amendment primarily. (laughter) Proceed, Mr. Madar.

MR. MADAR: That's all right. Mr. Gover is just campaigning for senator, Mr. President. (laughter) I don't mind him using it. It's all right. He still isn't senator, though. There's another man running against him. (laughter)

If we put these lotteries into effect, then you're not going to be nickel nursers or penny pinchers because you will get the \$35 to \$50 million that Ireland is getting for their hospitals. You will get it, so that Mrs. Butler won't have to worry about paying that \$3 or \$4 to go across "Big Mac" because we'll be able to pay it off. You won't have to worry about earmarking funds for the townships so that the townships can buy more fire wagons, because you're going to have enough money so that you'll be able to cut the taxes and still be able to give the townships money.

No, this isn't so funny. This is serious. Only I'm going to tell you right now, you haven't got the guts to do what you ought to do: to vote for something that is going to do you and yours a lot of good. There are other states that are doing this. There are foreign countries that are doing it. Yes, plenty of them. Maybe we could take a lesson from them. Let's start cutting down our taxes. And, for heaven's sake, those of you outcounty—or out of the county of Wayne—start thinking about the county of Wayne because, you see, all that money that you get, that 7,800,000, the majority of it comes from those people down around Wayne county. I suppose that's all right. Well, why not go ahead and get these 4 lotteries, raise this money for your own treasury? It says it will go into the general fund—

VICE PRESIDENT HUTCHINSON: Five minutes are up, Mr. Madar.

MR. MADAR: Thank you.

VICE PRESIDENT HUTCHINSON: The question is upon the amendment offered by Mr. Madar. All those in favor will say aye.

MR. MADAR: I'm asking for the yeas and nays, Mr. President, if they have the guts.

VICE PRESIDENT HUTCHINSON: Mr. Madar demands the yeas and nays. Is the demand supported? Sufficient number up. The yeas and nays are ordered. All those in favor of Mr. Madar's amendment will vote aye. Those opposed will vote no.

MR. DOWNS: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Downs.

MR. DOWNS: I announce my intent to abstain.

VICE PRESIDENT HUTCHINSON: Mr. Downs abstains.

MR. MADAR: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Madar.

MR. MADAR: I would just make a point of information. It means 4 a year, 1 in each season; not 4 in each season.

VICE PRESIDENT HUTCHINSON: Have you all voted? You may still vote if you get over there, Mr. Goebel. (laughter) The machine has not yet been locked. 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—11

Baginski	Krolkowski	Stopezynski
Binkowski	Lesinski	Wilkowski
Buback	Madar	Young
Hodges	Sablich	

Nays—100

Allen	Gover	Perras
Andrus, Miss	Gust	Plank
Anspach	Hanna, W. F.	Powell
Balcer	Hannah, J. A.	Prettie
Batchelor	Hart, Miss	Pugsley

Beaman	Haskill	Radka
Bentley	Hatch	Rajkovich
Blandford	Hatcher, Mrs.	Richards, J. B.
Boothby	Howes	Richards, L. W.
Bradley	Hoxie	Romney
Brake	Iverson	Rush
Brown, T. S.	Jones	Seyferth
Butler, Mrs.	Judd, Mrs.	Shackleton
Conklin, Mrs.	Karn	Shanahan
Cudlip	Kirk, S.	Sharpe
Cushman, Mrs.	Kuhn	Sleder
Danhof	Lawrence	Spitler
Dehnke	Leibbrand	Staefsch
Dell	Leppien	Staiger
Donnelly, Miss	Marshall	Stamm
Doty, Dean	Martin	Sterrett
Doty, Donald	McAllister	Stevens
Douglas	McCauley	Suzore
Durst	McGowan, Miss	Thomson
Elliott, A. G.	McLogan	Turner
Elliott, Mrs. Daisy	Millard	Tweedie
Erickson	Mosier	Upton
Everett	Nord	Van Dusen
Farnsworth	Norris	Wanger
Figy	Ostrow	White
Finch	Page	Wood
Follo	Pellow	Woolfenden
Gadola	Perlich	Yeager
Goebel		

SECRETARY CHASE: On the amendment offered by Mr. Madar, the yeas are 11; the nays are 100.

VICE PRESIDENT HUTCHINSON: The amendment is not adopted. Mr. Van Dusen.

MR. VAN DUSEN: I'm simply waiting until the secretary reads the next amendment, Mr. President.

SECRETARY CHASE: Mr. Madar offers the following amendment:

1. Amend article IV, at the end of section 41 (column 2, following line 42) by inserting a new section to read as follows: "Sec. 41a. Bingo shall be permitted; the legislature shall establish rules and regulations. However, 50 percent of all proceeds shall go to 4-H clubs." (laughter)

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, I move that debate on this amendment be limited to 2 minutes. (laughter)

VICE PRESIDENT HUTCHINSON: The question is upon the motion of Mr. Van Dusen to limit debate to 2 minutes. All those in favor will say aye. Opposed will say no.

The motion prevails. The Chair recognizes Mr. Madar for 2 minutes.

MR. MADAR: Mr. President, I'm very happy with the 2 minutes, because I'm only too glad to see that Mr. Van Dusen continues right in style and form.

I see that we had 11 people anyway who had the nerve to do as their conscience dictated.

MR. L. W. RICHARDS: Point of order, Mr. President.

VICE PRESIDENT HUTCHINSON: What is your point?

MR. L. W. RICHARDS: I'd like to know how Mr. Madar can determine the conscience of the other people.

VICE PRESIDENT HUTCHINSON: Mr. Madar may continue.

MR. MADAR: I might answer Mr. Richards. I've talked to some of the people, including him.

MR. L. W. RICHARDS: Would you say I didn't vote according to my conscience after our talk?

MR. MADAR: Mr. President, fellow delegates, I just decided that seeing as how we were all so worried about 4-H clubs and that we ought to get them that \$175,000, I didn't think that we ought to be so cheap. Frankly, if that's the way you people outstate, you people on the farms want to raise your children, let's get them enough money. Vote for this amendment.

VICE PRESIDENT HUTCHINSON: All those in favor of Mr. Madar's amendment will say aye.

MR. MADAR: The yeas and nays.

VICE PRESIDENT HUTCHINSON: Is the demand for

the yeas and nays supported on this amendment? Not a sufficient number up. Mrs. Butler.

MRS. BUTLER: I just want to abstain, just as I did on that parimutuel betting.

VICE PRESIDENT HUTCHINSON: Mrs. Butler abstains. Mr. Doty.

MR. DEAN DOTY: I just want the yeas and nays. (laughter)

VICE PRESIDENT HUTCHINSON: Not a sufficient number up. The yeas and nays are not ordered. (laughter) All those in favor of Mr. Madar's amendment will say aye. Opposed will say no.

The amendment is not adopted.

SECRETARY CHASE: Mr. Binkowski—

VICE PRESIDENT HUTCHINSON: Mr. Barthwell.

MR. BARTHWELL: Mr. President, I want to make a preferential motion. The hours in this convention are getting worse than drugstore hours. Therefore I move we adjourn. (laughter and applause)

MR. VANDUSEN: Mr. President, a point of information. Am I correct in assuming that there is only one more amendment?

VICE PRESIDENT HUTCHINSON: Two more. All those in favor of the motion to adjourn will say aye. Opposed will say no.

The motion does not prevail.

DELEGATES: Division.

VICE PRESIDENT HUTCHINSON: Is the demand for a division supported? Sufficient number up. All those in favor of adjourning 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 adjourn, the yeas are 35; the nays are 77.

VICE PRESIDENT HUTCHINSON: The motion does not prevail.

SECRETARY CHASE: Mr. Binkowski offers the following amendment:

1. Amend article IV, following section 43 (column 2, following line 54) by inserting a new section to read as follows:

"Sec. 43a. Stockholders of a corporation or joint stock association shall be liable for that portion of all labor performed for the corporation or association, and for all other contractual and legal obligations that arise out of the course of employment for such corporation or association, that the number of shares held bears to the total number of shares outstanding."

MR. VANDUSEN: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen.

MR. VANDUSEN: I have spoken to Mr. Binkowski and he indicated that he thought 5 minutes would suffice. I would therefore move to limit debate on this amendment to 5 minutes.

VICE PRESIDENT HUTCHINSON: On the motion to limit debate to 5 minutes, all those in favor will say aye. Opposed.

The motion prevails. It is so ordered. Mr. Binkowski.

MR. BINKOWSKI: Mr. President, ladies and gentlemen of the convention, as you know, the hour is late. I know that we are all anxious to leave. However, I think that this is a sufficiently important amendment for your consideration. I offer this as a compromise. I believe it's a compromise in 2 respects: 1, it protects the laborer by making the stockholder liable. However, the stockholder is also protected by this amendment in that his liability is limited to the percentage of shares that he holds in the corporation. I think this should eliminate the argument that has been advanced in the past that a stockholder who held 1 per cent of the stock of a corporation would be 100 per cent liable for all labor. However, in exchange for that, the stockholder's liability is expanded beyond just labor, but for other contractual and legal obligations that are assumed with respect to the laborer.

I think that since we in this convention have decided to protect the banking interests, to make sure that the existing banking laws will not be changed unless 2/3 of the legislature so decides, that we would be very remiss if we forgot about the laboring people here in Michigan. So I offer this to you

for your consideration and at this time, without any further ado, I ask for the yeas and nays.

VICE PRESIDENT HUTCHINSON: Mr. Binkowski demands the yeas and nays on the amendment. Is the demand supported? The demand is supported. The yeas and nays are ordered. Mr. Lawrence.

MR. LAWRENCE: I merely wish to point out 2 or 3 things: first, no other state has such a provision in its constitution. In fact, such provisions have been deleted from constitutions of other states; second, there is nothing, if you take the provision as it now is on third reading, that prevents the legislature from providing adequate protection; and third, it wasn't brought out before, but while this purports to limit the liability, nothing limits the costs, attorney fees and expenses that a party would have in getting his rates determined as a stockholder. I urge you to vote no on this amendment.

VICE PRESIDENT HUTCHINSON: Mr. Karn.

MR. KARN: Mr. President, Mr. Lawrence covered the principal points that I intended to cover. I would like to suggest a nay vote on this amendment.

VICE PRESIDENT HUTCHINSON: The question is upon the amendment offered by Mr. Binkowski, upon which the yeas and nays have been ordered. Does Mr. Hodges wish to be recognized on this?

MR. HODGES: Mr. President, I would just point out that I've checked with several attorneys in Detroit who are in this field and they tell me that they have used it a considerable amount, never to go to court, but as a theory to go on and it is usually settled out of court. What is usually involved is small family or closely held corporations which would incorporate in Michigan traditionally anyway, and not the type of large enterprise which is usually incorporated out of state for other purposes, in Delaware, for other reasons. I think it's been a great deal of protection in small corporations, where funds have been handled indiscreetly, and I think this does offer a great deal of protection for working men and it has, in practice, been used over the years.

VICE PRESIDENT HUTCHINSON: All those in favor of the amendment will vote aye. Those opposed will vote no. Have you all voted? The secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas—34

Baginski	Faxon	Murphy
Balcer	Follo	Nord
Binkowski	Garvin	Norris
Bradley	Hart, Miss	Ostrow
Brown, T. S.	Hatcher, Mrs.	Pellow
Buback	Hodges	Perlich
Cushman, Mrs.	Jones	Powell
Douglas	Krollkowski	Stopczynski
Downs	Lesinski	Suzore
Elliott, A. G.	Madar	Wilkowski
Elliott, Mrs. Daisy	Marshall	Young
Everett		

Nays—82

Allen	Hannah, J. A.	Radka
Andrus, Miss	Haskill	Rajkovich
Anspach	Hatch	Richards, J. B.
Batchelor	Howes	Richards, L. W.
Beaman	Hoxie	Romney
Bentley	Hubbs	Rush
Blandford	Iverson	Seyferth
Brake	Judd, Mrs.	Shackleton
Butler, Mrs.	Karn	Shanahan
Conklin, Mrs.	King	Sharpe
Cudlip	Kirk, S.	Sleder
Danhof	Kuhn	Spitler
Dehnke	Lawrence	Stafseth
Dell	Leibrand	Staiger
DeVries	Leppien	Stamm
Donnelly, Miss	Martin	Sterrett
Doty, Dean	McAllister	Stevens
Doty, Donald	McCauley	Thomson
Durst	McLogan	Turner
Erickson	Millard	Tweedie
Farnsworth	Mosier	Upton

Figy	Page	Van Dusen
Finch	Perras	Wanger
Gadola	Plank	White
Goebel	Pollock	Wood
Gover	Prettie	Woollenden
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 com-

mittee 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	Krolkowski	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

PREAMBLE

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

Article I

Declaration of Rights

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

Sec. 2. No person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color or national origin. The legislature shall implement this section by appropriate legislation.

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

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

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

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

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

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

Sec. 9. Neither slavery, nor involuntary servitude unless for the punishment of crime, shall ever be tolerated in this state.

Sec. 10. No bill of attainder, ex post facto law or law impairing the obligation of contract shall be enacted.

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

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

Sec. 13. A suitor in any court of this state has the right to prosecute or defend his suit,

either in his own proper person or by an attorney.

Sec. 14. The right of trial by jury shall remain, but shall be waived in all civil cases unless demanded by one of the parties in the manner prescribed by law. In all civil cases tried by 12 jurors a verdict shall be received when 10 jurors agree.

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

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

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

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

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

Sec. 20. In every criminal prosecution, the accused shall have the right to a speedy and public trial by an impartial jury, which may consist of less than 12 jurors in all courts not of record; to be informed of the nature of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to have the assistance of counsel for his defense; to have an appeal as a matter of right; and in courts of record, when the trial court so orders, to have such reasonable assistance as may be necessary to perfect and prosecute an appeal.

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

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

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

Article II Elections

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

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

Sec. 3. For purposes of voting in the election for president and vice-president of the United States only, the legislature may by law establish lesser residence requirements for citizens who have resided in this state for less than six months and may waive residence requirements for former citizens of this state who have removed herefrom. The legislature shall not permit voting by any person who meets the voting residence requirements of the state to which he has removed.

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

Sec. 5. Except for special elections to fill vacancies, or as otherwise provided in this constitution, all elections for national, state, county and township offices shall be held on the first Tuesday after the first Monday in November in each even-numbered year or on such other date as members of the congress of the United States are regularly elected.

Sec. 6. Whenever any question is required to be submitted by a political subdivision to the electors which involves the increase of any ad valorem tax rate limitation for a period of more than five years, or the issue of bonds, only electors in, and who have property assessed for any ad valorem taxes in, any part of the district or territory to be affected by the result of such election or electors who are the lawful husbands or wives of such persons shall be entitled to vote thereon. All electors in the district or territory affected may vote on all other questions.

Sec. 7. A board of state canvassers of four

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

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

Sec. 9. The people reserve to themselves the power to propose laws and to enact and reject laws, called the initiative, and the power to approve or reject laws enacted by the legislature, called the referendum. The power of initiative extends only to laws which the legislature may enact under this constitution. The power of referendum does not extend to acts making appropriations for state institutions or to meet deficiencies in state funds and must be invoked in the manner prescribed by law within 90 days following the final adjournment of the legislative session at which the law was enacted. To invoke the initiative or referendum, petitions signed by a number of registered electors, not less than eight percent for initiative and five percent for referendum of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected shall be required.

No law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election.

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

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

Any law submitted to the people by either initiative or referendum petition and approved by

a majority of the votes cast thereon at any election shall take effect 10 days after the date of the official declaration of the vote. No law initiated or adopted by the people shall be subject to the veto power of the governor, and no law adopted by the people at the polls under the initiative provisions of this section shall be amended or repealed, except by a vote of the electors or three-fourths of the members elected to and serving in each house of the legislature. Laws approved by the people under the referendum provision of this section may be amended by the legislature at any subsequent session thereof. If two or more measures approved by the electors at the same election conflict, that receiving the highest affirmative vote shall prevail.

The legislature shall implement the provisions of this section.

Article III

General Government

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

Sec. 2. The powers of government are divided into three branches: legislative, executive and judicial. No person exercising powers of one branch shall exercise powers properly belonging to another branch except as expressly provided in this constitution.

Sec. 3. There shall be a great seal of the State of Michigan and its use shall be provided by law.

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

Sec. 5. Subject to provisions of general law, this state or any political subdivision, any governmental authority or any combination thereof may enter into agreements for the performance, financing or execution of their respective functions, with any one or more of the other states, the United States, the Dominion of Canada, or any political subdivision thereof unless otherwise provided in this constitution. Any other provision of this constitution notwithstanding, an officer or employee of the state or of any such unit of government or subdivision or agency thereof may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service. The legislature may impose such restrictions, limitations or conditions on such service as it may deem appropriate.

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

Sec. 7. The common law and the statute laws now in force, not repugnant to this consti-

tution, shall remain in force until they expire by their own limitations, or are changed, amended or repealed.

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

Article IV Legislative Branch

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

Sec. 2. The senate shall consist of 38 members to be elected from single member districts at the same election as the governor for four-year terms concurrent with the term of office of the governor.

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

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

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

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

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

Sec. 3. The house of representatives shall consist of 110 members elected for two-year terms from single member districts apportioned on a basis of population as provided in this article. The districts shall consist of compact and convenient territory contiguous by land.

Each county which has a population of not less than seven-tenths of one percent of the population of the state shall constitute a separate representative area. Each county having less than seven-tenths of one percent of the population of the state shall be combined with another county or counties to form a representative area of not less than seven-tenths of one percent of the population of the state. Any county which is isolated under the initial allocation as provided in this section shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.

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

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

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

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

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

Sec. 4. In counties having more than one representative or senatorial district, the territory in the same county annexed to or merged with a city between apportionments shall become a part of a contiguous representative or senatorial dis-

1 | trict in the city with which it is combined, if
2 | provided by ordinance of the city. The district
3 | or districts with which the territory shall be
4 | combined shall be determined by such ordinance
5 | certified to the secretary of state. No such change
6 | in the boundaries of a representative or senatorial
7 | district shall have the effect of removing a legis-
8 | lator from office during his term.

9 | Sec. 5. Island areas are considered to be con-
10 | tiguous by land to the county of which they are
11 | a part.

12 | Sec. 6. A commission on legislative apportion-
13 | ment is hereby established consisting of eight
14 | persons, four of whom shall be selected by the
15 | state organizations of each of the two political
16 | parties whose candidates for governor received
17 | the highest vote at the last general election at
18 | which a governor was elected preceding each ap-
19 | portionment. If a candidate for governor of a third
20 | political party has received at such election more
21 | than 25 percent of such gubernatorial vote, the
22 | commission shall consist of 12 members, four of
23 | whom shall be selected by the state organization of
24 | the third political party. One member of the com-
25 | mission shall be selected by each political party or-
26 | ganization from each of the following four regions:
27 | (1) The upper peninsula; (2) The northern part of
28 | the lower peninsula, north of a line drawn along
29 | the northern boundaries of the counties of Bay,
30 | Midland, Isabella, Mecosta, Newaygo and Oceana;
31 | (3) Southwestern Michigan, those counties south
32 | of region (2) and west of a line drawn along
33 | the western boundaries of the counties of Bay,
34 | Saginaw, Shiawassee, Ingham, Jackson and Hills-
35 | dale; (4) Southeastern Michigan, the remaining
36 | counties of the state.

37 | No officers or employees of the federal, state
38 | or local governments, excepting notaries public
39 | and members of the armed forces reserve, shall
40 | be eligible for membership on the commission.
41 | Members of the commission shall not be eligible
42 | for election to the legislature until two years after
43 | the apportionment in which they participated
44 | becomes effective.

45 | The commission shall be appointed immediately
46 | after the adoption of this constitution and when-
47 | ever apportionment or districting of the legislature
48 | is required by the provisions of this constitution.
49 | Members of the commission shall hold office until
50 | each apportionment or districting plan becomes
51 | effective. Vacancies shall be filled in the same
52 | manner as for original appointment.

53 | The secretary of state shall be secretary of
54 | the commission without vote, and in that capacity
55 | shall furnish, under the direction of the commis-
56 | sion, all necessary technical services. The com-
57 | mission shall elect its own chairman, shall make
58 | its own rules of procedure, and shall receive com-
59 | pensation provided by law. The legislature shall
60 | appropriate funds to enable the commission to

carry out its activities.

1 | Within 30 days after the adoption of this con-
2 | stitution, and after the official total population
3 | count of each federal decennial census of the state
4 | and its political subdivisions is available, the se-
5 | cretary of state shall issue a call convening the
6 | commission not less than 30 nor more than 45
7 | days thereafter. The commission shall complete
8 | its work within 180 days after all necessary census
9 | information is available. The commission shall
10 | proceed to district and apportion the senate and
11 | house of representatives according to the provi-
12 | sions of this constitution. All final decisions shall
13 | require the concurrence of a majority of the mem-
14 | bers of the commission. The commission shall hold
15 | public hearings as may be provided by law.

16 | Each final apportionment and districting plan
17 | shall be published as provided by law within 30
18 | days from the date of its adoption and shall be-
19 | come law 60 days after publication. The secre-
20 | tary of state shall keep a public record of all the
21 | proceedings of the commission and shall be re-
22 | sponsible for the publication and distribution of
23 | each plan.

24 | If a majority of the commission cannot agree
25 | on a plan, each member of the commission, indi-
26 | vidualy or jointly with other members, may sub-
27 | mit a proposed plan to the supreme court. The
28 | supreme court shall determine which plan com-
29 | plies most accurately with the constitutional re-
30 | quirements and shall direct that it be adopted
31 | by the commission and published as provided
32 | in this section.

33 | Upon the application of any elector filed not
34 | later than 60 days after final publication of the
35 | plan, the supreme court, in the exercise of origi-
36 | nal jurisdiction, shall direct the secretary of
37 | state or the apportionment commission to per-
38 | form their duties, may review any final plan
39 | adopted by the commission, and shall remand
40 | such plan to the commission for further action
41 | if it fails to comply with the requirements of
42 | this constitution.

43 | Sec. 7. Each senator and representative
44 | must be a citizen of the United States, at least
45 | 21 years of age, and an elector of the district
46 | he represents. The removal of his domicile from
47 | the district shall be deemed a vacation of the
48 | office. No person who has been convicted of sub-
49 | version or who has within the preceding 20 years
50 | been convicted of a felony involving a breach
51 | of public trust shall be eligible for either house
52 | of the legislature.

53 | Sec. 8. No person holding any office under the
54 | United States or this state or a political subdi-
55 | vision thereof, except notaries public and officers
56 | of the armed forces reserve, may be a member of
57 | either house of the legislature.

58 | Sec. 9. No person elected to the legislature
59 | shall receive any civil appointment within this
60 |

1 state from the governor, except notaries public,
2 from the legislature, or from any other state
3 authority, during the term for which he is elected.

4 Sec. 10. No member of the legislature nor any
5 state officer shall be interested directly or in-
6 directly in any contract with the state or any
7 political subdivision thereof which shall cause a
8 substantial conflict of interest. The legislature
9 shall further implement this provision by appro-
10 priate legislation.

11 Sec. 11. Senators and representatives shall be
12 privileged from civil arrest and civil process dur-
13 ing sessions of the legislature and for five days
14 next before the commencement and after the
15 termination thereof. They shall not be ques-
16 tioned in any other place for any speech in either
17 house.

18 Sec. 12. The compensation and expense al-
19 lowances of the members of the legislature shall
20 be determined by law. Changes in compensation
21 or expense allowances shall become effective only
22 when legislators commence their terms of office
23 after a general election.

24 Sec. 13. The legislature shall meet at the seat
25 of government on the second Wednesday in Janu-
26 ary of each year at twelve o'clock noon. Each
27 regular session shall adjourn without day, on a
28 day determined by concurrent resolution, at
29 twelve o'clock noon. Any business, bill or joint
30 resolution pending at the final adjournment of
31 a regular session held in an odd numbered year
32 shall carry over with the same status to the
33 next regular session.

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

41 Sec. 15. There shall be a bi-partisan legisla-
42 tive council consisting of legislators appointed in
43 the manner prescribed by law. The legislature
44 shall appropriate funds for the council's opera-
45 tions and provide for its staff which shall main-
46 tain bill drafting, research and other services
47 for the members of the legislature. The council
48 shall periodically examine and recommend to the
49 legislature revision of the various laws of the
50 state.

51 Sec. 16. Each house, except as otherwise pro-
52 vided in this constitution, shall choose its own
53 officers and determine the rules of its proceedings,
54 but shall not adopt any rule that will prevent a
55 majority of the members elected thereto and
56 serving therein from discharging a committee
57 from the further consideration of any measure.
58 Each house shall be the sole judge of the quali-
59 fications, elections and returns of its members,
60 and may, with the concurrence of two-thirds of

1 all the members elected thereto and serving
2 therein, expel a member. The reasons for such
3 expulsion shall be entered in the journal, with
4 the votes and names of the members voting upon
5 the question. No member shall be expelled a
6 second time for the same cause.

7 Sec. 17. Each house of the legislature may
8 establish the committees necessary for the effi-
9 cient conduct of its business and the legislature
10 may create joint committees. Each committee
11 shall by roll call vote record the vote and name
12 of all action on bills and resolutions taken in
13 the committee. Such vote shall be available for
14 public inspection. Notice of all committee hear-
15 ings and a clear statement of all subjects to be
16 considered at each hearing shall be published in
17 the journal in advance of the hearing.

18 Sec. 18. Each house shall keep a journal of
19 its proceedings, and publish the same unless the
20 public security otherwise requires. The record
21 of the vote and name of the members of either
22 house voting on any question shall be entered
23 in the journal at the request of one-fifth of the
24 members present. Any member of either house
25 may dissent from and protest against any act,
26 proceeding or resolution which he deems injuri-
27 ous to any person or the public, and have the
28 reason for his dissent entered in the journal.

29 Sec. 19. All elections in either house or in
30 joint convention and all votes on appointments
31 submitted to the senate for advice and consent
32 shall be published by vote and name in the journal.

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

35 Sec. 21. Neither house shall, without the con-
36 sent of the other, adjourn for more than two
37 intervening calendar days, nor to any place other
38 than where the legislature may then be in session.

39 Sec. 22. All legislation shall be by bill and
40 may originate in either house.

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

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

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

53 Sec. 26. No bill shall be passed or become a
54 law at any regular session of the legislature until
55 it has been printed or reproduced and in the pos-
56 session of each house for at least five days. Every
57 bill shall be read three times in each house be-
58 fore the final passage thereof. No bill shall be-
59 come a law without the concurrence of a majority
60 of the members elected to and serving in each

house. On the final passage of bills, the votes and names of the members voting thereon shall be entered in the journal.

Sec. 27. No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.

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

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

Sec. 30. The assent of two-thirds of the members elected to and serving in each house of the legislature shall be required for the appropriation of public money or property for local or private purposes.

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

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

Sec. 33. Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law. If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not be-

come law. If he does not approve, and the legislature continues the session at which the bill was passed, he shall return it within such 14-day period with his objections, to the house in which it originated. That house shall enter such objections in full in its journal and reconsider the bill. If two-thirds of the members elected to and serving in that house pass the bill notwithstanding the objections of the governor, it shall be sent with the objections to the other house for reconsideration. The bill shall become law if passed by two-thirds of the members elected to and serving in that house. The vote of each house shall be entered in the journal with the votes and names of the members voting thereon. If any bill is not returned by the governor within such 14-day period, the legislature continuing in session, it shall become law as if he had signed it.

Sec. 34. Any bill passed by the legislature and approved by the governor, except a bill appropriating money, may provide that it will not become law unless approved by a majority of the electors voting thereon.

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

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

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

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

Sec. 39. In order to insure continuity of state and local governmental operations in periods of emergency only, resulting from disasters occurring in this state caused by enemy attack on the United States, the legislature may provide by law for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices; and enact other laws necessary and proper for insuring the continuity of governmental operations. Notwithstanding the power conferred by this section, elections shall always

be called as soon as possible to fill any vacancies in elective offices temporarily occupied by operation of any legislation enacted pursuant to the provisions of this section.

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

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

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

Sec. 43. No general law providing for the incorporation of trust companies or corporations for banking purposes, or regulating the business thereof, shall be enacted, amended or repealed except by a vote of two-thirds of the members elected to and serving in each house.

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

Sec. 45. The legislature may provide for indeterminate sentences as punishment for crime and for the detention and release of persons imprisoned or detained under such sentences.

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

Sec. 47. The legislature may authorize the employment of chaplains in state institutions of detention or confinement.

Sec. 48. The legislature may enact laws providing for the resolution of disputes concerning public employees, except those in the state classified civil service.

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

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

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

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

natural resources of the state from pollution, impairment and destruction.

Sec. 53. The legislature by a majority vote of the members elected to and serving in each house, shall appoint an auditor general, who shall be a certified public accountant licensed to practice in this state, to serve for a term of eight years. He shall be ineligible for appointment or election to any other public office in this state from which compensation is derived while serving as auditor general and for two years following the termination of his service. He may be removed for cause at any time by a two-thirds vote of the members elected to and serving in each house. The auditor general shall conduct post audits of financial transactions and accounts of the state and of all branches, departments, offices, boards, commissions, agencies, authorities and institutions of the state established by this constitution or by law, and performance post audits thereof.

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

Nothing in this section shall be construed in any way to infringe the responsibility and constitutional authority of the governing boards of the institutions of higher education to be solely responsible for the control and direction of all expenditures from the institutions' funds.

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

Article V

Executive Branch

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

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

Subsequent to the initial allocation, the governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these

changes require the force of law, they shall be set forth in executive orders and submitted to the legislature. Thereafter the legislature shall have 60 calendar days of a regular session, or a full session if of shorter duration, to disapprove each executive order. Unless disapproved in both houses by a resolution concurred in by a majority of the members elected to and serving in each house, each order shall become effective at a date thereafter to be designated by the governor.

Sec. 3. The head of each principal department shall be a single executive unless otherwise provided in this constitution or by law. The single executives heading principal departments shall include a secretary of state, a state treasurer and an attorney general. When a single executive is the head of a principal department, unless elected or appointed as otherwise provided in this constitution, he shall be appointed by the governor by and with the advice and consent of the senate and he shall serve at the pleasure of the governor.

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

Terms of office of any board or commission created or enlarged after the effective date of this constitution shall not exceed four years except as otherwise authorized in this constitution. The terms of office of existing boards and commissions which are longer than four years shall not be further extended except as provided in this constitution.

Sec. 4. Temporary commissions or agencies for special purposes with a life of no more than two years may be established by law and need not be allocated within a principal department.

Sec. 5. At no time shall an examining or licensing board of a profession include less than a majority of members of that profession.

Sec. 6. Appointment by and with the advice and consent of the senate when used in this constitution or laws in effect or hereafter enacted means appointment subject to disapproval by a majority vote of the members elected to and serving in the senate if such action is taken within 60 session days after the date of such appointment. Any appointment not disapproved within such period shall stand confirmed.

Sec. 7. Vacancies in any office, appointment to which requires advice and consent of the senate, shall be filled by the governor by and with the advice and consent of the senate. A person whose appointment has been disapproved by the senate shall not be eligible for an interim appointment

to the same office.

Sec. 8. Each principal department shall be under the supervision of the governor unless otherwise provided by this constitution. The governor shall take care that the laws be faithfully executed. He shall transact all necessary business with the officers of government and may require information in writing from all executive and administrative state officers, elective and appointive, upon any subject relating to the duties of their respective offices.

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

Sec. 9. Single executives heading principal departments and the chief executive officers of principal departments headed by boards or commissions shall keep their offices at the seat of government except as otherwise provided by law, superintend them in person and perform duties prescribed by law.

Sec. 10. The governor shall have power and it shall be his duty to inquire into the condition and administration of any public office and the acts of any public officer, elective or appointive. He may remove or suspend from office for gross neglect of duty or for corrupt conduct in office, or for any other misfeasance or malfeasance therein, any elective or appointive state officer, except legislative or judicial, and shall report the reasons for such removal or suspension to the legislature.

Sec. 11. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an appointed or elected officer, other than a legislative or judicial officer, until he is reinstated or until the vacancy is filled in the manner prescribed by law or this constitution.

Sec. 12. The governor shall be commander-in-chief of the armed forces and may call them out to execute the laws, suppress insurrection and repel invasion.

Sec. 13. The governor shall issue writs of election to fill vacancies in the senate or house of representatives. Any such election shall be held in a manner prescribed by law.

Sec. 14. The governor shall have power to grant reprieves, commutations and pardons after convictions for all offenses, except cases of impeachment, upon such conditions and limitations as he may direct, subject to procedures and regulations prescribed by law. He shall inform the legislature annually of each reprieve, commutation and pardon granted, stating reasons

therefor.

Sec. 15. The governor may convene the legislature on extraordinary occasions.

Sec. 16. The governor may convene the legislature at some other place when the seat of government becomes dangerous from any cause.

Sec. 17. The governor shall communicate by message to the legislature at the beginning of each session and may at other times present to the legislature information as to the affairs of the state and recommend measures he considers necessary or desirable.

Sec. 18. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state. Proposed expenditures from any fund shall not exceed the estimated revenue thereof. On the same date, the governor shall submit to the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills to provide new or additional revenues to meet proposed expenditures. The amount of any surplus created or deficit incurred in any fund during the last preceding fiscal period shall be entered as an item in the budget and in one of the appropriation bills. The governor may submit amendments to appropriation bills to be offered in either house during consideration of the bill by that house, and shall submit any bills to meet deficiencies in current appropriations.

Sec. 19. The governor may disapprove any distinct item or items appropriating moneys in any appropriation bill. The part or parts approved shall become law, and the item or items disapproved shall be void unless re-passed according to the method prescribed for the passage of other bills over the executive veto.

Sec. 20. No appropriation shall be a mandate to spend. The governor, with the approval of the appropriating committees of the house and senate, shall reduce expenditures authorized by appropriations whenever it appears that actual revenues for a fiscal period will fall below the revenue estimates on which appropriations for that period were based. Reductions in expenditures shall be made in accordance with procedures prescribed by law. The governor may not reduce expenditures of the legislative and judicial branches or from funds constitutionally dedicated for specific purposes.

Sec. 21. The governor, lieutenant governor, secretary of state and attorney general shall be elected for four-year terms at the general election in each alternate even-numbered year.

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

for the candidates for governor and lieutenant governor nominated by the same party.

Vacancies in the office of the secretary of state and attorney general shall be filled by appointment by the governor.

Sec. 22. To be eligible for the office of governor or lieutenant governor a person must have attained the age of 30 years, and have been a registered elector in this state for four years next preceding his election.

Sec. 23. The governor, lieutenant governor, secretary of state and attorney general shall each receive the compensation provided by law in full payment for all services performed and expenses incurred during his term of office. Such compensation shall not be changed during the term of office except as otherwise provided in this constitution.

Sec. 24. An executive residence suitably furnished shall be provided at the seat of government for the use of the governor. He shall receive an allowance for its maintenance as provided by law.

Sec. 25. The lieutenant governor shall be president of the senate, but shall have no vote except in case of equal division. He may perform duties requested of him by the governor, but no power vested in the governor shall be delegated.

Sec. 26. In case of the conviction of the governor on impeachment, his removal from office, his resignation or his death, the lieutenant governor, the elected secretary of state, the elected attorney general and such other persons designated by law shall in that order be governor for the remainder of the governor's term.

In case of the death of the governor-elect, the lieutenant governor-elect, the secretary of state-elect, the attorney general-elect and such other persons designated by law shall become governor in that order at the commencement of the governor-elect's term.

If the governor or the person in line of succession to serve as governor is absent from the state, or suffering under an inability, the powers and duties of the office of governor shall devolve in order of precedence until the absence or inability giving rise to the devolution of powers ceases.

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

Sec. 27. The legislature shall provide that the salary of any state officer while acting as governor shall be equal to that of the governor.

Sec. 28. There is hereby established a state highway commission, which shall administer the state highway department and have jurisdiction

and control over all state trunkline highways and appurtenant facilities, and such other public works of the state, as provided by law.

The state highway commission shall consist of four members, not more than two of whom shall be members of the same political party. They shall be appointed by the governor by and with the advice and consent of the senate for four-year terms, no two of which shall expire in the same year as provided by law.

The state highway commission shall appoint and may remove a state highway director, who shall be a competent highway engineer and administrator. He shall be the principal executive officer of the state highway department and shall be responsible for executing the policy of the state highway commission.

Sec. 29. There is hereby established a civil rights commission which shall consist of eight persons, not more than four of whom shall be members of the same political party, who shall be appointed by the governor, by and with the advice and consent of the senate, for four-year terms not more than two of which shall expire in the same year. It shall be the duty of the commission in a manner which may be prescribed by law to investigate alleged discrimination against any person because of religion, race, color or national origin in the enjoyment of the civil rights guaranteed by law and by this constitution, and to secure the equal protection of such civil rights without such discrimination. The legislature shall provide an annual appropriation for the effective operation of the commission.

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

Appeals from final orders of the commission, including cease and desist orders and refusals to issue complaints, shall be tried de novo before the circuit court having jurisdiction provided by law.

Article VI Judicial Branch

Sec. 1. The judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction

known as the circuit court, one probate court, and other courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.

Sec. 2. The supreme court shall consist of seven justices elected at non-partisan elections as provided by law. The term of office shall be eight years and not more than two terms of office shall expire at the same time. Nominations for justices of the supreme court shall be in the manner prescribed by law. Any incumbent justice whose term is to expire may become a candidate for re-election by filing an affidavit of candidacy, in the form and manner prescribed by law, not less than 180 days prior to the expiration of his term.

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

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

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

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

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

Sec. 8. The court of appeals shall consist initially of nine judges who shall be nominated and elected at non-partisan elections from districts drawn on county lines and as nearly as possible of equal population, as provided by law. The

supreme court may prescribe by rule that the court of appeals may sit in divisions and for the terms of court and the times and places thereof. Each such division shall consist of not fewer than three judges. The number of judges comprising the court of appeals may be increased, and the districts from which they are elected may be changed by law.

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

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

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

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

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

Sec. 14. The clerk of each county organized for judicial purposes or other officer performing the duties of such office as provided in a county charter shall be clerk of the circuit court for such

county. The judges of the circuit court may fill a vacancy in an elective office of county clerk or prosecuting attorney within their respective jurisdictions.

Sec. 15. In each county organized for judicial purposes there shall be a probate court. The legislature may create or alter probate court districts of more than one county if approved in each affected county by a majority of the electors voting on the question. The legislature may provide for the combination of the office of probate judge with any judicial office of limited jurisdiction within a county with supplemental salary as provided by law. The jurisdiction, powers and duties of the probate court and of the judges thereof shall be provided by law. They shall have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

Sec. 16. One or more judges of probate as provided by law shall be nominated and elected at non-partisan elections in the counties or the probate districts in which they reside and shall hold office for terms of six years and until their successors are elected and qualified. In counties or districts with more than one judge the terms of office shall be arranged by law to provide that not all terms will expire at the same time.

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

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

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

Sec. 19. The supreme court, the court of appeals, the circuit court, the probate court and other courts designated as such by the legislature shall be courts of record and each shall have a common seal. Justices and judges of courts of record must be persons who are licensed to practice law in this state. No person shall be elected or appointed to a judicial office after reaching the age of 70 years.

1 Sec. 20. Whenever a justice or judge removes
2 his domicile beyond the limits of the territory
3 from which he was elected, he shall have vacated
4 his office.

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

10 Sec. 22. Any elected judge of the court of
11 appeals, circuit court or probate court may be-
12 come a candidate in the primary election for the
13 office of which he is the incumbent by filing an
14 affidavit of candidacy in the form and manner
15 prescribed by law.

16 Sec. 23. A vacancy in the elective office of a
17 judge of any court of record shall be filled at a
18 general or special election as provided by law.
19 The supreme court may authorize persons who
20 have served as judges and who have retired, to
21 perform judicial duties for the limited period of
22 time from the occurrence of the vacancy until
23 the successor is elected and qualified. Such per-
24 sons shall be ineligible for election to fill the
25 vacancy.

26 Sec. 24. There shall be printed upon the ballot
27 under the name of each elected incumbent justice
28 or judge who is a candidate for nomination or
29 election to the same office the designation of
30 that office.

31 Sec. 25. For reasonable cause, which is not
32 sufficient ground for impeachment, the governor
33 shall remove any judge on a concurrent resolution
34 of two-thirds of the members elected to and serv-
35 ing in each house of the legislature. The cause
36 for removal shall be stated at length in the
37 resolution.

38 Sec. 26. The offices of circuit court commis-
39 sioner and justice of the peace are abolished at
40 the expiration of five years from the date this
41 constitution becomes effective or may within this
42 period be abolished by law. Their jurisdiction,
43 compensation and powers within this period shall
44 be as provided by law. Within this five-year period,
45 the legislature shall establish a court or courts
46 of limited jurisdiction with powers and jurisdic-
47 tion defined by law. The location of such court
48 or courts, and the qualifications, tenure, method
49 of election and salary of the judges of such court
50 or courts, and by what governmental units the
51 judges shall be paid, shall be provided by law,
52 subject to the limitations contained in this Article.

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

57 Sec. 27. The supreme court, the court of ap-
58 peals, the circuit court, or any justices or judges
59 thereof, shall not exercise any power of appoint-
60 ment to public office except as provided in this

constitution.

1 Sec. 28. All final decisions, findings, rulings
2 and orders of any administrative officer or agency
3 existing under the constitution or by law, which
4 are judicial or quasi-judicial and affect private
5 rights or licenses, shall be subject to direct re-
6 view by the courts as provided by law. This re-
7 view shall include, as a minimum, the determina-
8 tion whether such final decisions, findings, rulings
9 and orders are authorized by law; and, in cases in
10 which a hearing is required, whether the same
11 are supported by competent, material and sub-
12 stantial evidence on the whole record. Findings
13 of fact in workmen's compensation proceedings
14 shall be conclusive in the absence of fraud un-
15 less otherwise provided by law.

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

Article VII

Local Government

1 Sec. 1. Each organized county shall be a body
2 corporate with powers and immunities provided
3 by law.

4 Sec. 2. Any county may frame, adopt, amend
5 or repeal a county charter in a manner and with
6 powers and limitations to be provided by general
7 law, which shall among other things provide for
8 the election of a charter commission. The law
9 may permit the organization of county govern-
10 ment in form different from that set forth in this
11 constitution and shall limit the rate of ad valorem
12 property taxation for county purposes, and re-
13 strict the powers of charter counties to borrow
14 money and contract debts. Each charter county
15 is hereby granted power to levy other taxes for
16 county purposes subject to limitations and pro-
17 hibitions set forth in this constitution or law.
18 Subject to law, a county charter may authorize
19 the county through its regularly constituted
20 authority to adopt resolutions and ordinances re-
21 lating to its concerns.

22 The board of supervisors by a majority vote
23 of its members may, and upon petition of five
24 percent of the electors shall, place upon the ballot
25 the question of electing a commission to frame a
26 charter.

27 No county charter shall be adopted, amended
28 or repealed until approved by a majority of elec-
29 tors voting on the question.

30 Sec. 3. No organized county shall be reduced
31 by the organization of new counties to less than
32 16 townships as surveyed by the United States,
33 unless approved in the manner prescribed by law
34 by a majority of electors voting thereon in each
35 county to be affected.

36 Sec. 4. There shall be elected for four-year
37 terms in each organized county a sheriff, a county

clerk, a county treasurer, a register of deeds and a prosecuting attorney, whose duties and powers shall be provided by law. The board of supervisors in any county may combine the offices of county clerk and register of deeds in one office or separate the same at pleasure.

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

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

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

Sec. 8. Boards of supervisors shall have legislative, administrative and such other powers and duties as provided by law.

Sec. 9. Boards of supervisors shall have exclusive power to fix the compensation of county officers not otherwise provided by law.

Sec. 10. A county seat once established shall not be removed until the place to which it is proposed to be moved shall be designated by two-thirds of the members of the board of supervisors and a majority of the electors voting thereon shall have approved the proposed location in the manner prescribed by law.

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

Sec. 12. A navigable stream shall not be bridged or dammed without permission granted by the board of supervisors of the county as provided by law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and political subdivisions therein.

Sec. 13. Two or more contiguous counties may combine into a single county if approved in each affected county by a majority of the electors voting on the question.

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

Sec. 15. Any county, when authorized by its board of supervisors shall have the authority to enter or to intervene in any action or certificate proceeding involving the services, charges or rates of any privately owned public utility furnishing services or commodities to rate payers within the county.

Sec. 16. The legislature may provide for the laying out, construction, improvement and maintenance of highways, bridges, culverts and airports by the state and by the counties and townships thereof; and may authorize counties to take charge and control of any highway within their limits for such purposes. The legislature may provide the powers and duties of counties in relation to highways, bridges, culverts and airports; may provide for county road commissioners to be appointed or elected, with powers and duties provided by law. The ad valorem property tax imposed for road purposes by any county shall not exceed in any year one-half of one percent of the assessed valuation for the preceding year.

Sec. 17. Each organized township shall be a body corporate with powers and immunities provided by law.

Sec. 18. In each organized township there shall be elected for terms of not less than two nor more than four years as prescribed by law a supervisor, a clerk, a treasurer, and not to exceed four trustees, whose legislative and administrative powers and duties shall be provided by law.

Sec. 19. No organized township shall grant any public utility franchise which is not subject to revocation at the will of the township, unless the proposition shall first have been approved by a majority of the electors of such township voting thereon at a regular or special election.

Sec. 20. The legislature shall provide by law for the dissolution of township government whenever all the territory of an organized township is included within the boundaries of a village or villages notwithstanding that a village may include territory within another organized township and provide by law for the classification of such village or villages as cities.

Sec. 21. The legislature shall provide by general laws for the incorporation of cities and villages. Such laws shall limit their rate of ad valorem property taxation for municipal purposes, and restrict the powers of cities and villages to borrow money and contract debts. Each city and village is granted power to levy other taxes for public purposes, subject to limitations and prohibitions provided by this constitution or by law.

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

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

6 Sec. 24. Subject to this constitution, any city
7 or village may acquire, own or operate, within
8 or without its corporate limits, public service
9 facilities for supplying water, light, heat, power,
10 sewage disposal and transportation to the municipi-
11 lity and the inhabitants thereof.

12 Any city or village may sell and deliver heat,
13 power or light without its corporate limits in an
14 amount not exceeding 25 percent of that furnished
15 by it within the corporate limits, except as greater
16 amounts may be permitted by law; may sell and
17 deliver water and provide sewage disposal services
18 outside of its corporate limits in such amount as
19 may be determined by the legislative body of the
20 city or village; and may operate transportation
21 lines outside the municipality within such limits
22 as may be prescribed by law.

23 Sec. 25. No city or village shall acquire any
24 public utility furnishing light, heat or power, or
25 grant any public utility franchise which is not
26 subject to revocation at the will of the city or
27 village, unless the proposition shall first have been
28 approved by three-fifths of the electors voting
29 thereon. No city or village may sell any public
30 utility unless the proposition shall first have been
31 approved by a majority of the electors voting
32 thereon, or a greater number if the charter shall
33 so provide.

34 Sec. 26. Except as otherwise provided in this
35 constitution, no city or village shall have the
36 power to loan its credit for any private purpose
37 or, except as provided by law, for any public pur-
38 pose.

39 Sec. 27. Notwithstanding any other provision
40 of this constitution the legislature may establish
41 in metropolitan areas additional forms of govern-
42 ment or authorities with powers, duties and juris-
43 dictions as the legislature shall provide. Where-
44 ever possible, such additional forms of govern-
45 ment or authorities shall be designed to perform
46 multi-purpose functions rather than a single
47 function.

48 Sec. 28. The legislature by general law shall
49 authorize two or more counties, townships, cities,
50 villages or districts, or any combination thereof
51 among other things to: enter into contractual
52 undertakings or agreements with one another or
53 with the state or with any combination thereof
54 for the joint administration of any of the functions
55 or powers which each would have the power to
56 perform separately; share the costs and responsi-
57 bilities of functions and services with one another
58 or with the state or with any combination thereof
59 which each would have the power to perform
60 separately; transfer functions or responsibilities

1 to one another or any combination thereof upon
2 the consent of each unit involved; cooperate with
3 one another and with state government; lend their
4 credit to one another or any combination thereof
5 as provided by law in connection with any au-
6 thorized publicly owned undertaking.

7 Any other provision of this constitution not-
8 withstanding, an officer or employee of the state
9 or any such unit of government or subdivision
10 or agency thereof, except members of the legis-
11 lature, may serve on or with any governmental
12 body established for the purposes set forth in
13 this section and shall not be required to relin-
14 quish his office or employment by reason of such
15 service.

16 Sec. 29. No person, partnership, association or
17 corporation, public or private, operating a public
18 utility shall have the right to the use of the high-
19 ways, streets, alleys or other public places of
20 any county, township, city or village for wires,
21 poles, pipes, tracks, conduits or other utility
22 facilities, without the consent of the duly con-
23 stituted authority of the county, township, city
24 or village; or to transact local business therein
25 without first obtaining a franchise from the town-
26 ship, city or village. Except as otherwise provided
27 in this constitution the right of all counties, town-
28 ships, cities and villages to the reasonable control
29 of their highways, streets, alleys and public
30 places is hereby reserved to such local units of
31 government.

32 Sec. 30. No franchise or license shall be
33 granted by any township, city or village for a
34 period longer than 30 years.

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

39 Sec. 32. Any county, township, city, village,
40 authority or school district empowered by the
41 legislature or by this constitution to prepare bud-
42 gets of estimated expenditures and revenues shall
43 adopt such budgets only after a public hearing
44 in a manner prescribed by law.

45 Sec. 33. Any elected officer of a political sub-
46 division may be removed from office in the manner
47 and for the causes provided by law.

48 Sec. 34. The provisions of this constitution and
49 law concerning counties, townships, cities and vil-
50 lages shall be liberally construed in their favor.
51 Powers granted to counties and townships by this
52 constitution and by law shall include those fairly
53 implied and not prohibited by this constitution.

Article VIII Education

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

1 Sec. 2. The legislature shall maintain and sup-
 2 port a system of free public elementary and sec-
 3 ondary schools as defined by law. Every school
 4 district shall provide for the education of its
 5 pupils without discrimination as to religion, creed,
 6 race, color or national origin.

7 Sec. 3. Leadership and general supervision over
 8 all public education, including adult education and
 9 instructional programs in state institutions, except
 10 as to institutions of higher education granting
 11 baccalaureate degrees, is vested in a state board
 12 of education. It shall serve as the general plan-
 13 ning and coordinating body for all public educa-
 14 tion, including higher education, and shall advise
 15 the legislature as to the financial requirements
 16 in connection therewith.

17 The state board of education shall appoint a
 18 superintendent of public instruction whose term
 19 of office shall be determined by the board. He
 20 shall be the chairman of the board without the
 21 right to vote, and shall be responsible for the
 22 execution of its policies. He shall be the principal
 23 executive officer of a state department of educa-
 24 tion which shall have powers and duties provided
 25 by law.

26 The state board of education shall consist of
 27 eight members who shall be nominated by party
 28 conventions and elected at large for terms of
 29 eight years as prescribed by law. The governor
 30 shall fill any vacancy by appointment for the
 31 unexpired term. The governor shall be ex-officio
 32 a member of the state board of education with-
 33 out the right to vote.

34 The power of the boards of institutions of higher
 35 education provided in this constitution to super-
 36 vise their respective institutions and control and
 37 direct the expenditure of the institutions' funds
 38 shall not be limited by this section.

39 Sec. 4. The legislature shall appropriate
 40 moneys to maintain the university of Michigan,
 41 Michigan State University, Wayne State Univer-
 42 sity, Eastern Michigan University, Michigan Col-
 43 lege of Science and Technology, Central Michi-
 44 gan University, Northern Michigan University,
 45 Western Michigan University, Ferris Institute,
 46 Grand Valley State College, by whatever names
 47 such institutions may hereafter be known, and
 48 other institutions of higher education established
 49 by law. The legislature shall be given an annual
 50 accounting of all income and expenditures by each
 51 of these educational institutions. Formal sessions
 52 of governing boards of such institutions shall be
 53 open to the public.

54 Sec. 5. The regents of the University of Michi-
 55 gan and their successors in office shall constitute
 56 a body corporate known as the Regents of the
 57 University of Michigan; the trustees of Michigan
 58 State University and their successors in office shall
 59 constitute a body corporate known as the Board
 60 of Trustees of Michigan State University; the

governors of Wayne State University and their
 successors in office shall constitute a body corpor-
 ate known as the Board of Governors of Wayne
 State University. Each board shall have general
 supervision of its institution and the control and
 direction of all expenditures from the institution's
 funds. Each board shall, as often as necessary,
 elect a president of the institution under its su-
 pervision. He shall be the principal executive of-
 ficer of the institution, be ex-officio a member of
 the board without the right to vote and preside
 at meetings of the board. The board of each in-
 stitution shall consist of eight members who shall
 hold office for terms of eight years and who shall
 be elected as provided by law. The governor shall
 fill board vacancies by appointment. Each ap-
 pointee shall hold office until a successor has been
 nominated and elected as provided by law.

Sec. 6. Other institutions of higher education
 established by law having authority to grant
 baccalaureate degrees shall each be governed by
 a board of control which shall be a body corporate.
 The board shall have general supervision of the
 institution and the control and direction of all
 expenditures from the institution's funds. It shall,
 as often as necessary, elect a president of the in-
 stitution under its supervision. He shall be the
 principal executive officer of the institution and
 be ex-officio a member of the board without the
 right to vote. The board may elect one of its mem-
 bers or may designate the president, to preside at
 board meetings. Each board of control shall con-
 sist of eight members who shall hold office for
 terms of eight years, not more than two of which
 shall expire in the same year, and who shall be
 appointed by the governor by and with the ad-
 vice and consent of the senate. Vacancies shall
 be filled in like manner.

Sec. 7. The legislature shall provide by law
 for the establishment and financial support of
 public community and junior colleges which shall
 be supervised and controlled by locally elected
 boards. The legislature shall provide by law for
 a state board for public community and junior
 colleges which shall advise the state board of
 education concerning general supervision and plan-
 ning for such colleges and requests for annual
 appropriations for their support. The board shall
 consist of eight members who shall hold office
 for terms of eight years, not more than two of
 which shall expire in the same year, and who shall
 be appointed by the state board of education. Va-
 cancies shall be filled in like manner. The super-
 intendent of public instruction shall be ex-officio
 a member of this board without the right to vote.

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

1 Sec. 9. The legislature shall provide by law for
2 the establishment and support of public libraries
3 which shall be available to all residents of the state
4 under regulations adopted by the governing bodies
5 thereof. All fines assessed and collected in the
6 several counties, cities and townships for any
7 breach of the penal laws shall be exclusively ap-
8 plied to the support of such public libraries, and
9 county law libraries as provided by law.

Article IX

Finance and Taxation

13 Sec. 1. The legislature shall impose taxes suf-
14 ficient with other resources to pay the expenses of
15 state government.

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

18 Sec. 3. The legislature shall provide for the
19 uniform general ad valorem taxation of real and
20 tangible personal property not exempt by law. The
21 legislature shall provide for the determination of
22 true cash value of such property; the proportion
23 of true cash value at which such property shall
24 be uniformly assessed, which shall not, after
25 January 1, 1966, exceed 50 percent; and for a sys-
26 tem of equalization of assessments. The legislature
27 may provide for alternative means of taxation of
28 designated real and tangible personal property in
29 lieu of general ad valorem taxation. Every tax
30 other than the general ad valorem property tax
31 shall be uniform upon the class or classes on
32 which it operates.

33 Sec. 4. Property owned and occupied by non-
34 profit religious or educational organizations and
35 used exclusively for religious or educational pur-
36 poses, as defined by law, shall be exempt from
37 real and personal property taxes.

38 Sec. 5. The legislature shall provide for the
39 assessment by the state of the property of those
40 public service businesses assessed by the state
41 at the date this constitution becomes effective, and
42 of other property as designated by the legislature,
43 and for the imposition and collection of taxes
44 thereon. Property assessed by the state shall be
45 assessed at the same proportion of its true
46 cash value as the legislature shall specify for
47 property subject to general ad valorem taxation.
48 The rate of taxation on such property shall be
49 the average rate levied upon other property in this
50 state under the general ad valorem tax law, or,
51 if the legislature provides, the rate of tax applicable
52 to the property of each business enterprise assessed
53 by the state shall be the average rate of ad valorem
54 taxation levied upon other property in all counties
55 in which any of such property is situated.

56 Sec. 6. Except as otherwise provided in this
57 constitution, the total amount of general ad valo-
58 rem taxes imposed upon real and tangible per-
59 sonal property for all purposes in any one year
60 shall not exceed 15 mills on each dollar of the

1 assessed valuation of property as finally equalized.
2 Under procedures provided by law, which shall
3 guarantee the right of initiative, separate tax
4 limitations for any county and for the townships
5 and for school districts therein, the aggregate of
6 which shall not exceed 18 mills on each dollar of
7 such valuation, may be adopted and thereafter
8 altered by the vote of a majority of the qualified
9 electors of such county voting thereon, in lieu
10 of the limitation hereinbefore established. These
11 limitations may be increased to an aggregate of
12 not to exceed 50 mills on each dollar of valuation,
13 for a period of not to exceed 20 years at any one
14 time, if approved by a majority of the electors,
15 qualified under Section 6 of Article II of this
16 constitution, voting on the question.

17 The foregoing limitations shall not apply to
18 taxes imposed for the payment of principal and
19 interest on bonds or other evidences of indebted-
20 ness or for the payment of assessments or con-
21 tract obligations in anticipation of which bonds
22 are issued, which taxes may be imposed without
23 limitation as to rate or amount; or to taxes im-
24 posed for any other purpose by any city, vil-
25 lage, charter county, charter township, charter
26 authority or other authority, the tax limitations
27 of which are provided by charter or by general
28 law.

29 In any school district which extends into two
30 or more counties, property taxes at the highest
31 rate available in the county which contains the
32 greatest part of the area of the district may be
33 imposed and collected for school purposes through-
34 out the district.

35 Sec. 7. No income tax graduated as to rate
36 or base shall be imposed by the state or any of
37 its subdivisions.

38 Sec. 8. The legislature shall not impose a
39 sales tax on retailers at a rate of more than
40 four percent of their gross taxable sales of
41 tangible personal property.

42 Sec. 9. All specific taxes, except general sales
43 and use taxes and regulatory fees, imposed di-
44 rectly or indirectly on fuels sold or used
45 to propel motor vehicles upon highways and on
46 registered motor vehicles shall, after the payment
47 of necessary collection expenses, be used exclusi-
48 vely for highway purposes as defined by law.

49 Sec. 10. One-eighth of all taxes imposed on
50 retailers on taxable sales at retail of tangible
51 personal property shall be used exclusively for
52 assistance to townships, cities and villages, on
53 a population basis as provided by law. In de-
54 termining population the legislature may exclude
55 any portion of the total number of persons who
56 are wards, patients or convicts in any tax sup-
57 ported institution.

58 Sec. 11. There shall be established a state
59 school aid fund which shall be used exclusively
60 for the support of public education and school

employees' retirement systems, as provided by law. One-half of all taxes imposed on retailers on taxable sales at retail of tangible personal property, and other tax revenues provided by law, shall be dedicated to this fund. Payments from this fund shall be made in full on a scheduled basis, as provided by law.

Sec. 12. No evidence of state indebtedness shall be issued except for debts authorized pursuant to this constitution.

Sec. 13. Public bodies corporate shall have power to borrow money and to issue their securities evidencing debt, subject to this constitution and law.

Sec. 14. To meet obligations incurred pursuant to appropriations for any fiscal year, the legislature may by law authorize the state to issue its full faith and credit notes in which case it shall pledge undedicated revenues to be received within the same fiscal year for the repayment thereof. Such indebtedness in any fiscal year shall not exceed 15 percent of undedicated revenues received by the state during the preceding fiscal year and such debts shall be repaid at the time the revenues so pledged are received, but not later than the end of the same fiscal year.

Sec. 15. The state may borrow money for specific purposes in amounts as may be provided by acts of the legislature adopted by a vote of two-thirds of the members elected to and serving in each house, and approved by a majority of the electors voting thereon at any general election. The question submitted to the electors shall state the amount to be borrowed, the specific purpose to which the funds shall be devoted, and the method of repayment.

Sec. 16. The state, in addition to any other borrowing power, may borrow from time to time such amounts as shall be required, pledge its faith and credit and issue its notes or bonds therefor, for the purpose of making loans to school districts as provided in this section.

If the minimum amount which would otherwise be necessary for a school district to levy in any year to pay principal and interest on its qualified bonds, including any necessary allowances for estimated tax delinquencies, exceeds 13 mills on each dollar of its assessed valuation as finally equalized, or such lower millage as the legislature may prescribe, then the school district may elect to borrow all or any part of the excess from the state. In that event the state shall lend the excess amount to the school district for the payment of principal and interest. If for any reason any school district will be or is unable to pay the principal and interest on its qualified bonds when due, then the school district shall borrow and the state shall lend to it an amount sufficient to enable the school district to make the payment.

The term "qualified bonds" means general obli-

gation bonds of school districts issued for capital expenditures, including refunding bonds, issued prior to May 4, 1955, or issued thereafter and qualified as provided by law pursuant to Section 27 or Section 28 of Article X of the Constitution of 1908 or pursuant to this section.

After a school district has received loans from the state, each year thereafter it shall levy for debt service, exclusive of levies for nonqualified bonds, not less than 13 mills or such lower millage as the legislature may prescribe, until the amount loaned has been repaid, and any tax collections therefrom in any year over and above the minimum requirements for principal and interest on qualified bonds shall be used toward the repayment of state loans. In any year when such levy would produce an amount in excess of the requirements and the amount due to the state, the levy may be reduced by the amount of the excess.

Subject to the foregoing provisions, the legislature shall have the power to prescribe and to limit the procedure, terms and conditions for the qualification of bonds, for obtaining and making state loans, and for the repayment of loans.

The power to tax for the payment of principal and interest on bonds hereafter issued which are the general obligations of any school district, including refunding bonds, and for repayment of any state loans made to school districts, shall be without limitation as to rate or amount.

All rights acquired under Sections 27 and 28 of Article X of the Constitution of 1908, by holders of bonds heretofore issued, and all obligations assumed by the state or any school district under these sections, shall remain unimpaired.

Sec. 17. No money shall be paid out of the state treasury except in pursuance of appropriations made by law.

Sec. 18. The credit of the state shall not be granted to, nor in aid of any person, association or corporation, public or private, except as authorized in this constitution.

This section shall not be construed to prohibit the investment of public funds until needed for current requirements or the investment of funds accumulated to provide retirement or pension benefits for public officials and employees, as provided by law.

Sec. 19. The state shall not subscribe to, nor be interested in the stock of any company, association or corporation, except that funds accumulated to provide retirement or pension benefits for public officials and employees may be invested as provided by law; and endowment funds created for charitable or educational purposes may be invested as provided by law governing the investment of funds held in trust by trustees.

Sec. 20. No state money shall be deposited in banks other than those organized under the national or state banking laws. No state money

1 shall be deposited in any bank in excess of 50
2 percent of the capital and surplus of such bank.
3 Any bank receiving deposits of state money shall
4 show the amount of state money so deposited as
5 a separate item in all published statements.

6 Sec. 21. The legislature shall provide by law
7 for the annual accounting for all public moneys,
8 state and local, and may provide by law for interim
9 accounting.

10 The legislature shall provide by law for the
11 maintenance of uniform accounting systems by
12 units of local government and the auditing of
13 county accounts by competent state authority
14 and other units of government as provided by law.

15 Sec. 22. Procedures for the examination and
16 adjustment of claims against the state shall be
17 prescribed by law.

18 Sec. 23. All financial records, accountings,
19 audit reports and other reports of public moneys
20 shall be public records and open to inspection. A
21 statement of all revenues and expenditures of pub-
22 lic moneys shall be published and distributed
23 annually, as provided by law.

24 Sec. 24. The accrued financial benefits of each
25 pension plan and retirement system of the state
26 and its political subdivisions shall be a contractual
27 obligation thereof which shall not be diminished
28 or impaired thereby.

29 Financial benefits arising on account of service
30 rendered in each fiscal year shall be funded during
31 that year and such funding shall not be used for
32 financing unfunded accrued liabilities.

Article X Property

33 Sec. 1. The disabilities of coverture as to prop-
34 erty are abolished. The real and personal estate of
35 every woman acquired before marriage and all
36 real and personal property to which she may after-
37 wards become entitled shall be and remain the
38 estate and property of such woman, and shall not
39 be liable for the debts, obligations or engagements
40 of her husband, and may be dealt with and dis-
41 posed of by her as if she were unmarried. Dower
42 may be relinquished or conveyed as provided by
43 law.

44 Sec. 2. Private property shall not be taken for
45 public use without just compensation therefor
46 being first made or secured in a manner prescribed
47 by law. The amount of compensation shall be
48 determined in proceedings in a court of record.

49 Sec. 3. A homestead in the amount of not less
50 than \$3,500 and personal property of every resi-
51 dent of this state in the amount of not less than
52 \$750, as defined by law, shall be exempt from
53 forced sale on execution or other process of any
54 court. Such exemptions shall not extend to any
55 lien thereon excluded from exemption by law.

56 Sec. 4. Procedures relating to escheats and to
57 the custody and disposition of escheated property

shall be prescribed by law.

58 Sec. 5. The legislature shall have general su-
59 pervisory jurisdiction over all state owned lands
60 useful for forest preserves, game areas and recrea-
61 tional purposes; shall require annual reports as
62 to such lands from all departments having super-
63 vision or control thereof; and shall by general law
64 provide for the sale, lease or other disposition of
65 such lands.

66 The legislature by an act adopted by two-thirds
67 of the members elected to and serving in each
68 house may designate any part of such lands as
69 a state land reserve. No lands in the state land
70 reserve may be removed from the reserve, sold,
71 leased or otherwise disposed of except by an act
72 of the legislature.

73 Sec. 6. Aliens who are residents of this state
74 shall enjoy the same rights and privileges in
75 property as citizens of this state.

Article XI

Public Officers and Employment

76 Sec. 1. All officers, legislative, executive and
77 judicial, before entering upon the duties of their
78 respective offices, shall take and subscribe the
79 following oath or affirmation: I do solemnly swear
80 (or affirm) that I will support the Constitution
81 of the United States and the constitution of this
82 state, and that I will faithfully discharge the duties
83 of the office of according to the best of
84 my ability. No other oath, affirmation, or any
85 religious test shall be required as a qualification
86 for any office or public trust.

87 Sec. 2. The terms of office of elective state
88 officers, members of the legislature and justices
89 and judges of courts of record shall begin at twelve
90 o'clock noon on the first day of January next suc-
91 ceeding their election, except as otherwise provided
92 in this constitution. The terms of office of county
93 officers shall begin on the first day of January
94 next succeeding their election, except as otherwise
95 provided by law.

96 Sec. 3. Neither the legislature nor any poli-
97 tical subdivision of this state shall grant or author-
98 ize extra compensation to any public officer, agent
99 or contractor after the service has been rendered
100 or the contract entered into.

101 Sec. 4. No person having custody or control of
102 public moneys shall be a member of the legislature,
103 or be eligible to any office of trust or profit under
104 this state, until he shall have made an accounting,
105 as provided by law, of all sums for which he may
106 be liable.

107 Sec. 5. The classified state civil service shall
108 consist of all positions in the state service except
109 those filled by popular election, heads of principal
110 departments, members of boards and commis-
111 sions, the principal executive officer of boards and
112 commissions heading principal departments, em-
113 ployees of courts of record, employees of the legis-

lature, employees of the state institutions of higher education, all persons in the armed forces of the state, eight exempt positions in the office of the governor, and within each principal department, when requested by the department head, two other exempt positions, one of which shall be policy-making. The civil service commission may exempt three additional positions of a policy-making nature within each principal department.

The civil service commission shall be non-salaried and shall consist of four persons, not more than two of whom shall be members of the same political party, appointed by the governor for terms of eight years, no two of which shall expire in the same year.

The administration of the commission's powers shall be vested in a state personnel director who shall be a member of the classified service and who shall be responsible to and selected by the commission after open competitive examination.

The commission shall classify all positions in the classified service according to their respective duties and responsibilities, fix rates of compensation for all classes of positions, approve or disapprove disbursements for all personal services, determine by competitive examination and performance exclusively on the basis of merit, efficiency and fitness the qualifications of all candidates for positions in the classified service, make rules and regulations covering all personnel transactions, and regulate all conditions of employment in the classified service.

No person shall be appointed to or promoted in the classified service who has not been certified by the commission as qualified for such appointment or promotion. No appointments, promotions, demotions or removals in the classified service shall be made for religious, racial or partisan considerations.

Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year. Within 60 calendar days following such transmission, the legislature may, by a two-thirds vote of the members elected to and serving in each house, reject or reduce increases in rates of compensation authorized by the commission. Any reduction ordered by the legislature shall apply uniformly to all classes of employees affected by the increases and shall not adjust pay differentials already established by the civil service commission. The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases author-

ized by the commission.

The appointing authorities may create or abolish positions for reasons of administrative efficiency without the approval of the commission. Positions shall not be created nor abolished except for reasons of administrative efficiency. Any employee considering himself aggrieved by the abolition of a position shall have a right of appeal to the commission through established grievance procedures.

The civil service commission shall recommend to the governor and to the legislature rates of compensation for all appointed positions within the executive department not a part of the classified service.

To enable the commission to exercise its powers, the legislature shall appropriate to the commission for the ensuing fiscal year a sum not less than one percent of the aggregate payroll of the classified service for the preceding fiscal year, as certified by the commission. Within six months after the conclusion of each fiscal year the commission shall return to the state treasury all moneys unexpended for that fiscal year.

The commission shall furnish reports of expenditures, at least annually, to the governor and the legislature and shall be subject to annual audit as provided by law.

No payment for personal services shall be made or authorized until the provisions of this constitution pertaining to civil service have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

Sec. 6. By ordinance or resolution of its governing body which shall not take effect until approved by a majority of the electors voting thereon, unless otherwise provided by charter, each county, township, city, village, school district and other governmental unit or authority may establish, modify or discontinue a merit system for its employees other than teachers under contract or tenure. The state civil service commission may on request furnish technical services to any such unit on a reimbursable basis.

Sec. 7. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office or for crimes or misdemeanors, but a majority of the members elected and serving shall be necessary to direct an impeachment.

When an impeachment is directed, the house of representatives shall elect three of its members to prosecute the impeachment.

Every impeachment shall be tried by the senate immediately after the final adjournment of the legislature. The senators shall take an oath or affirmation truly and impartially to try and determine the impeachment according to the evi-

1 dence. When the governor or lieutenant governor
2 is tried, the chief justice of the supreme court
3 shall preside.

4 No person shall be convicted without the con-
5 currence of two-thirds of the senators elected and
6 serving. Judgment in case of conviction shall not
7 extend further than removal from office, but the
8 person convicted shall be liable to punishment
9 according to law.

10 No judicial officer shall exercise any of the
11 functions of his office after an impeachment is
12 directed until he is acquitted.

Article XII

Amendment & Revision

14 Sec. 1. Amendments to this constitution may
15 be proposed in the senate or house of representa-
16 tives. Proposed amendments agreed to by two-
17 thirds of the members elected to and serving in
18 each house on a vote with the names and vote of
19 those voting entered in the respective journals
20 shall be submitted, not less than 60 days there-
21 after, to the electors at the next general election
22 or special election as the legislature shall direct.
23 If a majority of electors voting on a proposed
24 amendment approve the same, it shall become
25 part of the constitution and shall abrogate or
26 amend existing provisions of the constitution at
27 the end of 45 days after the date of the election
28 at which it was approved.

29 Sec. 2. Amendments may be proposed to this
30 constitution by petition of the registered electors
31 of this state. Every petition shall include the full
32 text of the proposed amendment, and be signed by
33 registered electors of the state equal in number to
34 at least 10 percent of the total vote cast for
35 all candidates for governor at the last preceding
36 general election at which a governor was elected.
37 Such petitions shall be filed with the person au-
38 thorized by law to receive the same at least 120
39 days before the election at which the proposed
40 amendment is to be voted upon. Any such petition
41 shall be in the form, and shall be signed and
42 circulated in such manner, as prescribed by law.
43 The person authorized by law to receive such peti-
44 tion shall upon its receipt determine, as provided
45 by law, the validity and sufficiency of the signa-
46 tures on the petition, and make an official an-
47 nouncement thereof at least 60 days prior to the
48 election at which the proposed amendment is to be
49 voted upon.

50 Any amendment proposed by such petition shall
51 be submitted, not less than 120 days after it was
52 filed, to the electors at the next general election.
53 Such proposed amendment, existing provisions of
54 the constitution which would be altered or abro-
55 gated thereby, and the question as it shall appear
56 on the ballot shall be published in full as provided
57 by law. Copies of such publication shall be posted
58 in each polling place and furnished to news media

as provided by law.

1 The ballot to be used in such election shall con-
2 tain a statement of the purpose of the proposed
3 amendment, expressed in not more than 100 words,
4 exclusive of caption. Such statement of purpose
5 and caption shall be prepared by the person au-
6 thorized by law, and shall consist of a true and
7 impartial statement of the purpose of the amend-
8 ment in such language as shall create no prejudice
9 for or against the proposed amendment.

10 If the proposed amendment is approved by a
11 majority of the electors voting on the question,
12 it shall become part of the constitution, and
13 shall abrogate or amend existing provisions of
14 the constitution at the end of 45 days after
15 the date of the election at which it was ap-
16 proved. If two or more amendments approved by
17 the electors at the same election conflict, that
18 amendment receiving the highest affirmative vote
19 shall prevail.

20 Sec. 3. At the general election to be held in
21 the year 1978, and in each 16th year thereafter
22 and at such times as may be provided by law, the
23 question of a general revision of the constitution
24 shall be submitted to the electors of the state. If
25 a majority of the electors voting on the question
26 decide in favor of a convention for such purpose,
27 at an election to be held not later than six months
28 after the proposal was certified as approved, the
29 electors of each representative district as then
30 organized shall elect one delegate and the elec-
31 tors of each senatorial district as then organized
32 shall elect one delegate at a partisan election.
33 The delegates so elected shall convene at the seat
34 of government on the first Tuesday in October
35 next succeeding such election or at an earlier date
36 if provided by law.

37 The convention shall choose its own officers,
38 determine the rules of its proceedings and judge
39 the qualifications, elections and returns of its mem-
40 bers. The governor shall appoint a qualified
41 resident of the same district to fill a vacancy
42 in the office of any delegate who shall be a mem-
43 ber of the same party as the delegate vacating
44 the office. The convention shall have power to ap-
45 point such officers, employees and assistants as
46 it deems necessary and to fix their compensation;
47 to provide for the printing and distribution of its
48 documents, journals and proceedings; to explain
49 and disseminate information about the proposed
50 constitution and to complete the business of the
51 convention in an orderly manner. Each delegate
52 shall receive for his services compensation pro-
53 vided by law.

54 No proposed constitution or amendment adopted
55 by such convention shall be submitted to the
56 electors for approval as hereinafter provided un-
57 less by the assent of a majority of all the delegates
58 elected to and serving in the convention, with the
59 names and vote of those voting entered in the

journal. Any proposed constitution or amendments adopted by such convention shall be submitted to the qualified electors in the manner and at the time provided by such convention not less than 90 days after final adjournment of the convention. Upon the approval of such constitution or amendments by a majority of the qualified electors voting thereon the constitution or amendments shall take effect as provided by the convention.

Schedule and Temporary Provisions

To insure the orderly transition from the constitution of 1908 to this constitution the following schedule and temporary provisions are set forth to be effective for such period as are thereby required.

Sec. 1. The attorney general shall recommend to the legislature as soon as practicable such changes as may be necessary to adapt existing laws to this constitution.

Sec. 2. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights existing on the effective date of this constitution shall continue unaffected except as modified in accordance with the provisions of this constitution.

Sec. 3. Except as otherwise provided in this constitution, all officers filling any office by election or appointment shall continue to exercise their powers and duties until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

No provision of this constitution, or of law or of executive order authorized by this constitution shall shorten the term of any person elected to state office at a statewide election on or prior to the date on which this constitution is submitted to a vote. In the event the duties of any such officers shall not have been abolished or incorporated into one or more of the principal departments at the expiration of his term, such officer shall continue to serve until his duties are so incorporated or abolished.

Sec. 4. All officers elected at the same election that this constitution is submitted to the people for adoption shall take office and complete the term to which they were elected under the 1908 constitution and existing laws and continue to serve until their successors are elected and qualified pursuant to this constitution or law.

Sec. 5. Notwithstanding any other provision in this constitution, the governor, the lieutenant governor, the secretary of state, the attorney general, and state senators shall be elected at the general election in 1964 to serve for two year terms beginning on the first day of January next

succeeding their election. The first election of such officers for four-year terms under this constitution shall be held at the general election in 1966.

Sec. 6. The state shall be districted for the purpose of electing senators in accordance with the provisions of Section 2 of Article IV of this constitution, after the official publication of the total population count of the 1970 decennial federal census. Until the apportionment of the senate following the 1970 census, the senatorial districts under the 1908 constitution shall remain intact except that upon the adoption of this constitution each of the counties of Kent, Genesee, Macomb and Oakland shall be divide by the apportionment commission into two senatorial districts and Wayne county into eight senatorial districts in accordance with this constitution. The legislature may give prior effect to Section 2 of Article IV of this constitution, which action shall not be subject to veto by the governor.

Sec. 7. Notwithstanding the provisions of this constitution that the supreme court shall consist of seven justices it shall consist of eight justices until the time that a vacancy occurs as a result of death, retirement or resignation of a justice. The first such vacancy shall not be filled.

Sec. 8. Any judge of probate serving on the effective date of this constitution may serve the remainder of the term and be eligible to succeed himself for election regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

Sec. 9. The provisions of Article VI providing that terms of judicial offices shall not all expire at the same time, shall be implemented by law providing that at the next election for such offices judges shall be elected for terms of varying length, none of which shall be shorter than the regular term provided for the office.

Sec. 10. The members of the state board of education provided for in Section 3 of Article VIII of this constitution shall first be elected at the first general election after the effective date of this constitution for the following terms: two shall be elected for two years, two for four years, two for six years, and two for eight years as prescribed by law.

The State Board of Education provided for in the constitution of 1908 is abolished at twelve o'clock noon January 1 of the year following the first general election under this constitution and the terms of members thereof shall then expire.

Sec. 11. The provisions of this constitution providing for members of boards of control of institutions of higher education and the State Board of Public Community and Junior Colleges shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be

extended, and may further provide that the initial terms of office of members may be less than eight years.

Sec. 12. The provisions of this constitution increasing the number of members of the Board of Trustees of Michigan State University and of the Board of Governors of Wayne State University to eight, and of their term of office to eight years, shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended one year, and may further provide that the initial terms of office of the additional members may be less than eight years.

Sec. 13. The initial allocation of departments by law pursuant to Section 2 of Article V of this constitution, shall be completed within two years after the effective date of this constitution. If such allocation shall not have been completed within such period, the governor, within one year thereafter, by executive order, shall make the initial allocation.

Sec. 14. Contractual obligations of the state incurred pursuant to the constitution of 1908 shall continue to be obligations of the state.

For the retirement of notes and bonds issued under Section 26 of Article X of the 1908 constitution, there is hereby appropriated from the general fund each year during their life a sum equal to the amount of principal and interest payments due and payable in each year.

Sec. 15. The legislature by a vote of two-thirds of the members elected to and serving in each house may provide that the state may bor-

row money and may pledge its full faith and credit for refunding any bonds issued by the Mackinac Bridge Authority and at the time of refunding the Mackinac Bridge Authority shall be abolished and the operation of the bridge shall be assumed by the state highway department. The legislature may implement this section by law.

Sec. 16. This constitution shall be submitted to the people for their adoption or rejection at the general election to be held on the Tuesday after the first Monday of November, 1962. It shall be the duty of the secretary of state forthwith to give notice of such submission to all other officers required to give or publish any notice in regard to a general election. He shall give notice that this constitution will be duly submitted to the electors at such election. The notice shall be given in the manner required for the election of governor.

Sec. 17. Every registered elector may vote on the adoption of the constitution. The board of election commissioners in each county shall cause to be printed on a ballot separate from the ballot containing the names of the nominees for office, the words: Shall the revised constitution be adopted? () Yes. () No. All votes cast at the election shall be taken, counted, canvassed and returned as provided by law for the election of state officers. If the revised constitution so submitted receives more votes in its favor than were cast against it, it shall be the supreme law of the state on and after the first day of January of the year following its adoption.

against the secretary of state, by Mr. Van Dusen, chairman, submits the following report:

In accordance with Resolution 96, the committee on action against secretary of state on May 14, 1962, filed with the circuit court for the county of Ingham, a petition for declaration of rights in an action entitled, Stephen S. Nisbet, President of the Michigan Constitutional Convention of 1961-1962 v. James M. Hare, Secretary of State. The relief sought was a declaration that the convention has the right to provide for submission of the proposed new constitution to the electors at the general election to be held November 6, 1962. The summons and petition were served on the secretary of state on the same day.

On May 22, having had no response from the attorney general, petitioner filed a motion for the entry of a decree. On May 25, the secretary of state appeared specially by the attorney general and moved to dismiss the petition on the ground that the case did not present an actual controversy. The trial court heard argument on the attorney general's motion on June 1 and on June 6 rendered an opinion denying the motion to dismiss. An order to that effect was entered on June 11.

Instead of proceeding to file an answer, the attorney general then filed an application to the supreme court for leave to appeal. This application was granted by the supreme court and the attorney general, on July 2, filed a claim of appeal.

The attorney general has not yet filed a brief and he states that he does not intend to do so until after August 7.

It is obvious that no judicial determination of the right of the constitutional convention to require submission of the proposed constitution to the electors on November 6 will be made in time to be useful to the convention. Accordingly, the committee recommends:

1) That section 15 [formerly section 16] of the schedule and temporary provisions of the proposed constitution be amended by striking from the first sentence the words "Tuesday after the first Monday of November, 1962" and inserting "first Monday in April, 1963."

2) That the committee be authorized to discontinue the action entitled, Nisbet v. Hare.

Richard C. Van Dusen, chairman.

MR. VAN DUSEN: Mr. President, I move the adoption of the report.

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

The report is adopted. Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, in compliance with our rules, I think it would now be necessary to take a roll call vote on the amendment to the constitution changing the date.

PRESIDENT NISBET: Mr. Chase will read the amendment.

SECRETARY CHASE: The amendment recommended in the report is as follows:

1. Amend the schedule, section 15 [formerly section 16] (column 2) line 11, after "held on the" by striking out "Tuesday after the first Monday of November, 1962.", and inserting "first Monday in April, 1963."

PRESIDENT NISBET: The secretary will call the roll. Those in favor of the amendment will vote aye as your name is called. Those opposed will vote no.

The roll was called and the delegates voted as follows:

Yeas—141

Allen	Goebel	Page
Andrus, Miss	Gover	Pellow
Anspach	Greene	Perlich
Austin	Gust	Perras
Baginski	Habermehl	Plank
Balcer	Hanna, W. F.	Pollock
Barthwell	Hannah, J. A.	Powell
Batchelor	Hart, Miss	Prettie
Beaman	Haskill	Pugsley
Bentley	Hatch	Radka

Binkowski	Hatcher, Mrs.
Blandford	Heideman
Bledsoe	Higgs
Bonisteel	Hood
Boothby	Howes
Bowens	Hoxie
Bradley	Hubbs
Brake	Hutchinson
Brown, G. E.	Iverson
Brown, T. S.	Jones
Buback	Judd, Mrs.
Butler, Mrs.	Karn
Conklin, Mrs.	Kelsey
Cudlip	Kirk, S.
Cushman, Mrs.	Knirk, B.
Danhof	Koeze, Mrs.
Dehnke	Krolikowski
Dell	Kuhn
DeVries	Lawrence
Donnelly, Miss	Lebrand
Doty, Dean	Leppien
Doty, Donald	Lesinski
Douglas	Liberato
Downs	Madar
Durst	Mahinske
Elliott, A. G.	Martin
Elliott, Mrs. Daisy	McAllister
Erickson	McCauley
Everett	McGowan, Miss
Farnsworth	McLogan
Faxon	Millard
Figy	Mosier
Finch	Murphy
Follo	Nisbet
Ford	Nord
Gadola	Norris
Garvin	Ostrow

Nays—0

SECRETARY CHASE: On the adoption of the amendment, the yeas are 141; the nays are none.

PRESIDENT NISBET: The amendment is adopted. The question now is on the final passage of the constitution as amended this morning. Those who are in favor will answer aye as your names are called. Those opposed will answer nay. The secretary will call the roll.

The roll was called and the delegates voted as follows:

Yeas—98

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

Follo
Gadola
Goebel

Perras
Plank
Pollock

Woolfenden
Yeager

Nays—43

Austin
Baginski
Barthwell
Binkowski
Bledsoe
Bowens
Bradley
Brown, T. S.
Buback
Douglas
Downs
Elliott, Mrs. Daisy
Faxon
Ford
Garvin

Greene
Hart, Miss
Hatcher, Mrs.
Hood
Jones
Kelsey
Krolikowski
Leibrand
Lesinski
Liberato
Madar
Mahinske
McAllister
Murphy

Nord
Norris
Ostrow
Pellow
Perlich
Sablich
Shanahan
Snyder
Stopczynski
Suzore
Walker
Wilkowski
Young
Youngblood

SECRETARY CHASE: On the adoption of the constitution as amended, the yeas are 98; the nays are 43. (applause)
PRESIDENT NISBET: The **constitution** is adopted.

For the constitution as adopted, see below, page 3317.

Because of the hour, it being almost noon, the Chair recognizes Mr. Van Dusen.

MR. VANDUSEN: Mr. President, I move that the convention now stand in recess until 2:00 p.m.

PRESIDENT NISBET: The question is on the motion of Mr. Van Dusen that we recess until 2:00 p.m. Those in favor will say aye. Opposed, no.

The motion prevails. We are recessed until 2:00 o'clock.

[Whereupon, at 11:50 o'clock a.m., the convention recessed; and, at 2:00 o'clock p.m., reconvened.]

Will the delegates please take their seats. The convention will please come to order.

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

PRESIDENT NISBET: I think we should recognize the fact that many of our employees are voluntarily back with us today, meeting with the delegates. I'm sure all of us are very happy to have them here. It brings about a happy result to see them and I think we ought to give them a good hand. (applause) Mr. Chase has an announcement.

SECRETARY CHASE: There are 3 announcements that possibly should have been made before we recessed for lunch.

First, there is mail for all of the delegates in the mail room downstairs.

Just prior to the May 11 adjournment, several of the delegates took out, on loan, sets of convention slides which have not been returned. Missing from our files are 12 complete sets of slides. Since we frequently have call from other delegates for the use of these slides, we would appreciate their return as soon as possible. Ink White, chairman of the committee on public information.

I am sure the delegates recall the lady on the civic center staff who took such good care of keeping the windows clean and the place well slicked up, who had to go to the hospital for a very critical operation. A number of the delegates contributed to a fund to help her over her financial difficulties. I have the following card:

It is very difficult to express my appreciation to all the wonderful people of con con. Let me say, with my heart, your kindness and generosity will always be remembered.

Sincerely,
Freda Adams.

PRESIDENT NISBET: Since the adjournment on May 11, we have added 2 new associate members to the delegation: Mrs. Charles Follo and Mrs. Gil Wanger.

I asked Charlie if Mrs. Follo was present so that he might present her, but he said she isn't. We are sorry, Charlie, she couldn't be with us.

Mr. Wanger, is your associate delegate present? Would you present her?

[Whereupon, the delegates accorded Mrs. Wanger a standing ovation.]

At the final session before the long recess the president was authorized to name a reunion committee for the constitutional convention. Accordingly, the **president appoints**, as members of the reunion committee: Mr. Erickson, Mrs. Koeze, Messrs. Jones, Bowens, Brake, Mrs. Conklin, Mr. Dean Doty, Mrs. Daisy Elliott, Messrs. Faxon, Kelsey, Kuhn, Powell, Sharpe, Wanger, White and Norris.

Without objection, the appointments are approved. You will notice that most of these delegates are within the area of Lansing, Detroit or Grand Rapids for their ease in getting together when they have to meet. Mr. Claud Erickson is chairman of the committee.

Returning to the order of business, **approval of address to people**. We will take up the **report of the committee on public information**. Mr. White, chairman.

MR. WHITE: Mr. President, under date of June 26, 1962, each delegate was mailed proof copies of the proposed address to the people. Since that time our committee has received numerous suggestions for corrections, additions, deletions and so on. Our committee has met and gone over these suggestions and they have been, for the most part, agreed to. I might say, parenthetically, the address in its present corrected form represents the writing and editing of upwards of 50 of our delegates.

Under date of July 27, 1962, each of you was mailed a 16 page multilith report which outlined in detail some 108 corrections. This communication also carried the recommendation that we be authorized to correct the text of the constitution as it appears in the address to conform with the style and drafting changes adopted at today's session, and to offer comments accordingly, if necessary. All of this material has been delivered again to each delegate's desk today. Additionally, you have a single white multilith sheet from our committee containing brief addenda to this 16 page report.

It seems to me, Mr. President, the delegates have had ample time to consider these matters, and to expedite our final deliberations, I move that the report of the public information committee, with the recommended addenda, be considered read.

PRESIDENT NISBET: Without objection, it is so ordered.

Following is the report as submitted and considered read:

After careful consideration of suggestions from delegates, your committee on public information recommends the adoption of the following changes in the proof copy of the address to the people:

For document incorporating following changes, see below, page 3355. Page numbers in report refer to document pages.

1. Amend page 2, second full paragraph, line 3, after "that one" by striking out "must" and inserting "should"; to improve phraseology.

2. Amend page 2, third full paragraph, line 1, by striking out "Ordered by popular vote, its delegates selected by the people on the basis of one from each senatorial and representative district, the Constitutional Convention of 1961-62 met in Lansing on October 3, 1961.", and inserting "The convention was ordered by popular vote in April of 1961. There were 144 delegates, representing Michigan's 34 State Senatorial districts and 110 State Representative seats. They were elected in statewide voting on September 12, 1961, and convened at Lansing on October 3, 1961."; to improve awkward sentence construction and correct error by indicating "seats" rather than representative "districts."

3. Amend page 2, fifth full paragraph, line 2, after "overlapped" by striking out "each other"; to improve phraseology.

4. Amend page 2, fifth full paragraph, line 6, after

**CONSTITUTION
OF THE
STATE OF MICHIGAN**

**as finally adopted
by the Convention
August 1, 1962**

PREAMBLE

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

ARTICLE I

Declaration of Rights

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

Sec. 2. No person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color or national origin. The legislature shall implement this section by appropriate legislation.

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

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

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

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

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

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

Sec. 9. Neither slavery, nor involuntary servitude unless for the punishment of crime, shall ever be tolerated in this state.

Sec. 10. No bill of attainder, ex post facto law or law impairing the obligation of contract shall be enacted.

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

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

Sec. 13. A suitor in any court of this state has the right to prosecute or defend his suit, either in his own proper person or by an attorney.

Sec. 14. The right of trial by jury shall remain, but shall be waived in all civil cases unless demanded by one of the parties in the manner prescribed by law. In all civil cases tried by 12 jurors a verdict shall be received when 10 jurors agree.

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

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

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

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

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

Sec. 20. In every criminal prosecution, the accused shall have the right to a speedy and public trial by an impartial jury, which may consist of less than 12 jurors in all courts not of record; to be informed of the nature of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to have the assistance of counsel for his defense; to have an appeal as a matter of right; and in courts of record, when the trial court so orders, to have such reasonable assistance as may be necessary to perfect and prosecute an appeal.

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

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

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

ARTICLE II

Elections

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

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

Sec. 3. For purposes of voting in the election for president and vice-president of the United States only, the legislature may by law establish lesser residence requirements for citizens who have resided in this state for less than six months and may waive residence requirements for former citizens of this state who have removed herefrom. The legislature shall not permit voting by any person who meets the voting residence requirements of the state to which he has removed.

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

Sec. 5. Except for special elections to fill vacancies, or as otherwise provided in this constitution, all elections for national, state, county and township offices shall be held on the first Tuesday after the first Monday in November in each even-numbered year or on such other date as members of the congress of the United States are regularly elected.

Sec. 6. Whenever any question is required to be submitted by a political subdivision to the electors for the increase of the ad valorem tax rate limitation imposed by Section 6 of Article IX for a period of more than five years, or for the issue of bonds, only electors in, and who have property assessed for any ad valorem taxes in, any part of the district or territory to be affected by the result of such election or electors who are the lawful husbands or wives of such persons shall be entitled to vote thereon. All electors in the district or territory affected may vote on all other questions.

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

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

Sec. 9. The people reserve to themselves the power to propose laws and to enact and reject laws, called the initiative, and the power to approve or reject laws enacted by the legislature, called the referendum. The power of initiative extends only to laws which the legislature may enact under this constitution. The power of referendum does not extend to acts making appropriations for state institutions or to meet deficiencies in state funds and must be invoked in the manner prescribed by law within 90 days following the final adjournment of the legislative session at which the law was enacted. To invoke the initiative or referendum, petitions signed by a number of registered electors, not less than eight percent for initiative and five percent for referendum of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected shall be required.

No law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election.

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

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

Any law submitted to the people by either initiative or referendum petition and approved by a majority of the votes cast thereon at any election shall take effect 10 days after the date of the official declaration of the vote. No law initiated or adopted by the people shall be subject to the veto power of the governor, and no law adopted by the people at the polls under the initiative provisions of this section shall be amended or repealed, except by a vote of the electors unless otherwise provided in the initiative measure or by three-fourths of the members elected to and serving in each house of the legislature. Laws approved by the people under the referendum provision of this section may be amended by the legislature at any subsequent session thereof. If two or more measures approved by the electors at the same election conflict, that receiving the highest affirmative vote shall prevail.

The legislature shall implement the provisions of this section.

ARTICLE III

General Government

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

Sec. 2. The powers of government are divided into three branches: legislative, executive and judicial. No person exercising powers of one branch shall exercise powers properly belonging to another branch except as expressly provided in this constitution.

Sec. 3. There shall be a great seal of the State of Michigan and its use shall be provided by law.

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

Sec. 5. Subject to provisions of general law, this state or any political subdivision thereof, any governmental authority or any combination thereof may enter into agreements for the performance, financing or execution of their respective functions, with any one or more of the other states, the United States, the Dominion of Canada, or any political subdivision thereof unless otherwise provided in this constitution. Any other provision of this constitution notwithstanding, an officer or employee of the state or of any such unit of government or subdivision or agency thereof may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service. The legislature may impose such restrictions, limitations or conditions on such service as it may deem appropriate.

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

Sec. 7. The common law and the statute laws now in force, not repugnant to this constitution, shall remain in force until they expire by their own limitations, or are changed, amended or repealed.

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

ARTICLE IV

Legislative Branch

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

Sec. 2. The senate shall consist of 38 members to be elected from single member districts at the same election as the governor for four-year terms concurrent with the term of office of the governor.

In districting the state for the purpose of electing senators after the official publication of the total population count of each federal decennial census, each county shall be assigned apportionment factors equal to the sum of its percentage of the state's population as shown by the last regular federal decennial census computed to the nearest one-one hundredth of one percent multiplied by four and its percentage of the state's land area computed to the nearest one-one hundredth of one percent.

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

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

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

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

Sec. 3. The house of representatives shall consist of 110 members elected for two-year terms from single member districts apportioned on a basis of population as provided in this article. The districts shall consist of compact and convenient territory contiguous by land.

Each county which has a population of not less than seven-tenths of one percent of the population of the state shall constitute a separate representative area. Each county having less than seven-tenths of one percent of the population of the state shall be combined with another county or counties to form a representative area of not less than seven-tenths of one percent of the population of the state. Any county which is isolated under the initial allocation as provided in this section shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.

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

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

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

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

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

Sec. 4. In counties having more than one representative or senatorial district, the territory in the same county annexed to or merged with a city between apportionments shall become a part of a contiguous representative or senatorial district in the city with which it is combined, if provided by ordinance of the city. The district or districts with which the territory shall be combined shall be determined by such ordinance certified to the secretary of state. No such change in the boundaries of a representative or senatorial district shall have the effect of removing a legislator from office during his term.

Sec. 5. Island areas are considered to be contiguous by land to the county of which they are a part.

Sec. 6. A commission on legislative apportionment is hereby established consisting of eight electors, four of whom shall be selected by the state organizations of each of the two political parties whose candidates for governor received the highest vote at the last general election at which a governor was elected preceding each apportionment. If a candidate for governor of a third political party has received at such election more than 25 percent of such gubernatorial vote, the commission shall consist of 12 members, four of whom shall be selected by the state organization of the third political party. One resident of each of the following four regions shall be selected by each political party organization: (1) the upper peninsula; (2) the northern part of the lower peninsula, north of a line drawn along the northern boundaries of the counties of Bay, Midland, Isabella, Mecosta, Newaygo and Oceana; (3) southwestern Michigan, those counties south of region (2) and west of a line drawn along the western boundaries of the counties of Bay, Saginaw, Shiawassee, Ingham, Jackson and Hillsdale; (4) southeastern Michigan, the remaining counties of the state.

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

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

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

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

Each final apportionment and districting plan shall be published as provided by law within 30 days from the date of its adoption and shall become law 60 days after

publication. The secretary of state shall keep a public record of all the proceedings of the commission and shall be responsible for the publication and distribution of each plan.

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

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

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

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

Sec. 9. No person elected to the legislature shall receive any civil appointment within this state from the governor, except notaries public, from the legislature, or from any other state authority, during the term for which he is elected.

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

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

Sec. 12. The compensation and expense allowances of the members of the legislature shall be determined by law. Changes in compensation or expense allowances shall become effective only when legislators commence their terms of office after a general election.

Sec. 13. The legislature shall meet at the seat of government on the second Wednesday in January of each year at twelve o'clock noon. Each regular session shall adjourn without day, on a day determined by concurrent resolution, at twelve o'clock noon. Any business, bill or joint resolution pending at the final adjournment of a regular session held in an odd numbered year shall carry over with the same status to the next regular session.

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

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

Sec. 16. Each house, except as otherwise provided in this constitution, shall choose its own officers and determine the rules of its proceedings, but shall not adopt any rule that will prevent a majority of the members elected thereto and serving therein from discharging a committee from the further consideration of any measure. Each house shall be the sole judge of the qualifications, elections and returns of its members, and may, with the concurrence of two-thirds of all the members elected thereto and serving therein, expel a member. The reasons for such expulsion shall be entered in the journal, with the votes and names of the members voting upon the question. No member shall be expelled a second time for the same cause.

Sec. 17. Each house of the legislature may establish the committees necessary for the efficient conduct of its business and the legislature may create joint committees. On all actions on bills and resolutions in each committee, names and votes of members shall be recorded. Such vote shall be available for public inspection. Notice of all committee hearings and a clear statement of all subjects to be considered at each hearing shall be published in the journal in advance of the hearing.

Sec. 18. Each house shall keep a journal of its proceedings, and publish the same unless the public security otherwise requires. The record of the vote and name of the members of either house voting on any question shall be entered in the journal at the request of one-fifth of the members present. Any member of either house may dissent from and protest against any act, proceeding or resolution which he deems injurious to any person or the public, and have the reason for his dissent entered in the journal.

Sec. 19. All elections in either house or in joint convention and all votes on appointments submitted to the senate for advice and consent shall be published by vote and name in the journal.

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

Sec. 21. Neither house shall, without the consent of the other, adjourn for more than two intervening calendar days, nor to any place other than where the legislature may then be in session.

Sec. 22. All legislation shall be by bill and may originate in either house.

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

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

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

Sec. 26. No bill shall be passed or become a law at any regular session of the legislature until it has been printed or reproduced and in the possession of each house for

at least five days. Every bill shall be read three times in each house before the final passage thereof. No bill shall become a law without the concurrence of a majority of the members elected to and serving in each house. On the final passage of bills, the votes and names of the members voting thereon shall be entered in the journal.

Sec. 27. No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.

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

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

Sec. 30. The assent of two-thirds of the members elected to and serving in each house of the legislature shall be required for the appropriation of public money or property for local or private purposes.

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

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

Sec. 33. Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law. If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves, and the legislature continues the session at which the bill was passed, he shall return it within such 14-day period with his objections, to the house in which it originated. That house shall enter such objections in full in its journal and reconsider the bill. If two-thirds of the members elected to and serving in that house pass the bill notwithstanding the objections of the governor, it shall be sent with the objections to the other house for reconsideration. The bill shall become law if passed by two-thirds of the members elected to and serving in that house. The vote of each house shall be entered in the journal with the votes and names of the members voting thereon. If any bill is not returned by the governor within such 14-day period, the legislature continuing in session, it shall become law as if he had signed it.

Sec. 34. Any bill passed by the legislature and approved by the governor, except a bill appropriating money, may provide that it will not become law unless approved by a majority of the electors voting thereon.

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

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

Sec. 37. The legislature may by concurrent resolution empower a joint committee of the legislature, acting between sessions, to suspend any rule or regulation promulgated by an administrative agency subsequent to the adjournment of the last preceding regular legislative session. Such suspension shall continue no longer than the end of the next regular legislative session.

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

Sec. 39. In order to insure continuity of state and local governmental operations in periods of emergency only, resulting from disasters occurring in this state caused by enemy attack on the United States, the legislature may provide by law for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices; and enact other laws necessary and proper for insuring the continuity of governmental operations. Notwithstanding the power conferred by this section, elections shall always be called as soon as possible to fill any vacancies in elective offices temporarily occupied by operation of any legislation enacted pursuant to the provisions of this section.

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

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

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

Sec. 43. No general law providing for the incorporation of trust companies or corporations for banking purposes, or regulating the business thereof, shall be enacted, amended or repealed except by a vote of two-thirds of the members elected to and serving in each house.

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

Sec. 45. The legislature may provide for indeterminate sentences as punishment for crime and for the detention and release of persons imprisoned or detained under such sentences.

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

Sec. 47. The legislature may authorize the employment of chaplains in state institutions of detention or confinement.

Sec. 48. The legislature may enact laws providing for the resolution of disputes concerning public employees, except those in the state classified civil service.

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

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

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

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

Sec. 53. The legislature by a majority vote of the members elected to and serving in each house, shall appoint an auditor general, who shall be a certified public accountant licensed to practice in this state, to serve for a term of eight years. He shall be ineligible for appointment or election to any other public office in this state from which compensation is derived while serving as auditor general and for two years following the termination of his service. He may be removed for cause at any time by a two-thirds vote of the members elected to and serving in each house. The auditor general shall conduct post audits of financial transactions and accounts of the state and of all branches, departments, offices, boards, commissions, agencies, authorities and institutions of the state established by this constitution or by law, and performance post audits thereof.

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

Nothing in this section shall be construed in any way to infringe the responsibility and constitutional authority of the governing boards of the institutions of higher education to be solely responsible for the control and direction of all expenditures from the institutions' funds.

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

ARTICLE V

Executive Branch

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

Sec. 2. All executive and administrative offices, agencies and instrumentalities of the executive branch of state government and their respective functions, powers and

duties, except for the office of governor and lieutenant governor and the governing bodies of institutions of higher education provided for in this constitution, shall be allocated by law among and within not more than 20 principal departments. They shall be grouped as far as practicable according to major purposes.

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

Sec. 3. The head of each principal department shall be a single executive unless otherwise provided in this constitution or by law. The single executives heading principal departments shall include a secretary of state, a state treasurer and an attorney general. When a single executive is the head of a principal department, unless elected or appointed as otherwise provided in this constitution, he shall be appointed by the governor by and with the advice and consent of the senate and he shall serve at the pleasure of the governor.

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

Terms of office of any board or commission created or enlarged after the effective date of this constitution shall not exceed four years except as otherwise authorized in this constitution. The terms of office of existing boards and commissions which are longer than four years shall not be further extended except as provided in this constitution.

Sec. 4. Temporary commissions or agencies for special purposes with a life of no more than two years may be established by law and need not be allocated within a principal department.

Sec. 5. A majority of the members of an appointed examining or licensing board of a profession shall be members of that profession.

Sec. 6. Appointment by and with the advice and consent of the senate when used in this constitution or laws in effect or hereafter enacted means appointment subject to disapproval by a majority vote of the members elected to and serving in the senate if such action is taken within 60 session days after the date of such appointment. Any appointment not disapproved within such period shall stand confirmed.

Sec. 7. Vacancies in any office, appointment to which requires advice and consent of the senate, shall be filled by the governor by and with the advice and consent of the senate. A person whose appointment has been disapproved by the senate shall not be eligible for an interim appointment to the same office.

Sec. 8. Each principal department shall be under the supervision of the governor unless otherwise provided by this constitution. The governor shall take care that the laws be faithfully executed. He shall transact all necessary business with the officers of

government and may require information in writing from all executive and administrative state officers, elective and appointive, upon any subject relating to the duties of their respective offices.

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

Sec. 9. Single executives heading principal departments and the chief executive officers of principal departments headed by boards or commissions shall keep their offices at the seat of government except as otherwise provided by law, superintend them in person and perform duties prescribed by law.

Sec. 10. The governor shall have power and it shall be his duty to inquire into the condition and administration of any public office and the acts of any public officer, elective or appointive. He may remove or suspend from office for gross neglect of duty or for corrupt conduct in office, or for any other misfeasance or malfeasance therein, any elective or appointive state officer, except legislative or judicial, and shall report the reasons for such removal or suspension to the legislature.

Sec. 11. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an appointed or elected officer, other than a legislative or judicial officer, until he is reinstated or until the vacancy is filled in the manner prescribed by law or this constitution.

Sec. 12. The governor shall be commander-in-chief of the armed forces and may call them out to execute the laws, suppress insurrection and repel invasion.

Sec. 13. The governor shall issue writs of election to fill vacancies in the senate or house of representatives. Any such election shall be held in a manner prescribed by law.

Sec. 14. The governor shall have power to grant reprieves, commutations and pardons after convictions for all offenses, except cases of impeachment, upon such conditions and limitations as he may direct, subject to procedures and regulations prescribed by law. He shall inform the legislature annually of each reprieve, commutation and pardon granted, stating reasons therefor.

Sec. 15. The governor may convene the legislature on extraordinary occasions.

Sec. 16. The governor may convene the legislature at some other place when the seat of government becomes dangerous from any cause.

Sec. 17. The governor shall communicate by message to the legislature at the beginning of each session and may at other times present to the legislature information as to the affairs of the state and recommend measures he considers necessary or desirable.

Sec. 18. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state. Proposed expenditures from any fund shall not exceed the estimated revenue thereof. On the same date, the governor shall submit to the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills to provide new or additional revenues to meet proposed expenditures. The amount of any surplus created or deficit incurred in any fund during the last preceding fiscal period shall be entered as an item in the budget and in one of the appropriation bills. The governor may submit amendments to appropriation bills to be offered in either house during consideration of the bill by that house, and shall submit bills to meet deficiencies in current appropriations.

Sec. 19. The governor may disapprove any distinct item or items appropriating moneys in any appropriation bill. The part or parts approved shall become law, and the item or items disapproved shall be void unless re-passed according to the method prescribed for the passage of other bills over the executive veto.

Sec. 20. No appropriation shall be a mandate to spend. The governor, with the approval of the appropriating committees of the house and senate, shall reduce expenditures authorized by appropriations whenever it appears that actual revenues for a fiscal period will fall below the revenue estimates on which appropriations for that period were based. Reductions in expenditures shall be made in accordance with procedures prescribed by law. The governor may not reduce expenditures of the legislative and judicial branches or from funds constitutionally dedicated for specific purposes.

Sec. 21. The governor, lieutenant governor, secretary of state and attorney general shall be elected for four-year terms at the general election in each alternate even-numbered year.

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

Vacancies in the office of the secretary of state and attorney general shall be filled by appointment by the governor.

Sec. 22. To be eligible for the office of governor or lieutenant governor a person must have attained the age of 30 years, and have been a registered elector in this state for four years next preceding his election.

Sec. 23. The governor, lieutenant governor, secretary of state and attorney general shall each receive the compensation provided by law in full payment for all services performed and expenses incurred during his term of office. Such compensation shall not be changed during the term of office except as otherwise provided in this constitution.

Sec. 24. An executive residence suitably furnished shall be provided at the seat of government for the use of the governor. He shall receive an allowance for its maintenance as provided by law.

Sec. 25. The lieutenant governor shall be president of the senate, but shall have no vote, unless they be equally divided. He may perform duties requested of him by the governor, but no power vested in the governor shall be delegated.

Sec. 26. In case of the conviction of the governor on impeachment, his removal from office, his resignation or his death, the lieutenant governor, the elected secretary of state, the elected attorney general and such other persons designated by law shall in that order be governor for the remainder of the governor's term.

In case of the death of the governor-elect, the lieutenant governor-elect, the secretary of state-elect, the attorney general-elect and such other persons designated by law shall become governor in that order at the commencement of the governor-elect's term.

If the governor or the person in line of succession to serve as governor is absent from the state, or suffering under an inability, the powers and duties of the office of governor shall devolve in order of precedence until the absence or inability giving rise to the devolution of powers ceases.

The inability of the governor or person acting as governor shall be determined by a majority of the supreme court on joint request of the president pro tempore of the senate and the speaker of the house of representatives. Such determination shall be final

and conclusive. The supreme court shall upon its own initiative determine if and when the inability ceases.

Sec. 27. The legislature shall provide that the salary of any state officer while acting as governor shall be equal to that of the governor.

Sec. 28. There is hereby established a state highway commission, which shall administer the state highway department and have jurisdiction and control over all state trunkline highways and appurtenant facilities, and such other public works of the state, as provided by law.

The state highway commission shall consist of four members, not more than two of whom shall be members of the same political party. They shall be appointed by the governor by and with the advice and consent of the senate for four-year terms, no two of which shall expire in the same year, as provided by law.

The state highway commission shall appoint and may remove a state highway director, who shall be a competent highway engineer and administrator. He shall be the principal executive officer of the state highway department and shall be responsible for executing the policy of the state highway commission.

Sec. 29. There is hereby established a civil rights commission which shall consist of eight persons, not more than four of whom shall be members of the same political party, who shall be appointed by the governor, by and with the advice and consent of the senate, for four-year terms not more than two of which shall expire in the same year. It shall be the duty of the commission in a manner which may be prescribed by law to investigate alleged discrimination against any person because of religion, race, color or national origin in the enjoyment of the civil rights guaranteed by law and by this constitution, and to secure the equal protection of such civil rights without such discrimination. The legislature shall provide an annual appropriation for the effective operation of the commission.

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

Appeals from final orders of the commission, including cease and desist orders and refusals to issue complaints, shall be tried de novo before the circuit court having jurisdiction provided by law.

ARTICLE VI

Judicial Branch

Sec. 1. The judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court, one probate court, and courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.

Sec. 2. The supreme court shall consist of seven justices elected at non-partisan elections as provided by law. The term of office shall be eight years and not more than

two terms of office shall expire at the same time. Nominations for justices of the supreme court shall be in the manner prescribed by law. Any incumbent justice whose term is to expire may become a candidate for re-election by filing an affidavit of candidacy, in the form and manner prescribed by law, not less than 180 days prior to the expiration of his term.

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

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

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

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

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

Sec. 8. The court of appeals shall consist initially of nine judges who shall be nominated and elected at non-partisan elections from districts drawn on county lines and as nearly as possible of equal population, as provided by law. The supreme court may prescribe by rule that the court of appeals sit in divisions and for the terms of court and the times and places thereof. Each such division shall consist of not fewer than three judges. The number of judges comprising the court of appeals may be increased, and the districts from which they are elected may be changed by law.

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

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

Sec. 11. The state shall be divided into judicial circuits along county lines in each of which there shall be elected one or more circuit judges as provided by law. Sessions of the circuit court shall be held at least four times in each year in every county organized for judicial purposes. Each circuit judge shall hold court in the county or

counties within the circuit in which he is elected, and in other circuits as may be provided by rules of the supreme court. The number of judges may be changed and circuits may be created, altered and discontinued by law and the number of judges shall be changed and circuits shall be created, altered and discontinued on recommendation of the supreme court to reflect changes in judicial activity. No change in the number of judges or alteration or discontinuance of a circuit shall have the effect of removing a judge from office during his term.

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

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

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

Sec. 15. In each county organized for judicial purposes there shall be a probate court. The legislature may create or alter probate court districts of more than one county if approved in each affected county by a majority of the electors voting on the question. The legislature may provide for the combination of the office of probate judge with any judicial office of limited jurisdiction within a county with supplemental salary as provided by law. The jurisdiction, powers and duties of the probate court and of the judges thereof shall be provided by law. They shall have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

Sec. 16. One or more judges of probate as provided by law shall be nominated and elected at non-partisan elections in the counties or the probate districts in which they reside and shall hold office for terms of six years and until their successors are elected and qualified. In counties or districts with more than one judge the terms of office shall be arranged by law to provide that not all terms will expire at the same time.

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

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

Each of the judges of the circuit court shall receive an annual salary as provided by law. In addition to the salary received from the state, each circuit judge may receive from any county in which he regularly holds court an additional salary as determined

from time to time by the board of supervisors of the county. In any county where an additional salary is granted, it shall be paid at the same rate to all circuit judges regularly holding court therein.

Sec. 19. The supreme court, the court of appeals, the circuit court, the probate court and other courts designated as such by the legislature shall be courts of record and each shall have a common seal. Justices and judges of courts of record must be persons who are licensed to practice law in this state. No person shall be elected or appointed to a judicial office after reaching the age of 70 years.

Sec. 20. Whenever a justice or judge removes his domicile beyond the limits of the territory from which he was elected, he shall have vacated his office.

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

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

Sec. 23. A vacancy in the elective office of a judge of any court of record shall be filled at a general or special election as provided by law. The supreme court may authorize persons who have served as judges and who have retired, to perform judicial duties for the limited period of time from the occurrence of the vacancy until the successor is elected and qualified. Such persons shall be ineligible for election to fill the vacancy.

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

Sec. 25. For reasonable cause, which is not sufficient ground for impeachment, the governor shall remove any judge on a concurrent resolution of two-thirds of the members elected to and serving in each house of the legislature. The cause for removal shall be stated at length in the resolution.

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

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

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

Sec. 28. All final decisions, findings, rulings and orders of any administrative officer or agency existing under the constitution or by law, which are judicial or quasi-judicial and affect private rights or licenses, shall be subject to direct review by the courts as

provided by law. This review shall include, as a minimum, the determination whether such final decisions, findings, rulings and orders are authorized by law; and, in cases in which a hearing is required, whether the same are supported by competent, material and substantial evidence on the whole record. Findings of fact in workmen's compensation proceedings shall be conclusive in the absence of fraud unless otherwise provided by law.

In the absence of fraud, error of law or the adoption of wrong principles, no appeal may be taken to any court from any final agency provided for the administration of property tax laws from any decision relating to valuation or allocation.

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

ARTICLE VII

Local Government

Sec. 1. Each organized county shall be a body corporate with powers and immunities provided by law.

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

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

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

Sec. 3. No organized county shall be reduced by the organization of new counties to less than 16 townships as surveyed by the United States, unless approved in the manner prescribed by law by a majority of electors voting thereon in each county to be affected.

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

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

Sec. 6. The sheriff may be required by law to renew his security periodically and in default of giving such security, his office shall be vacant. The county shall never be responsible for his acts, except that the board of supervisors may protect him against

claims by prisoners for unintentional injuries received while in his custody. He shall not hold any other office except in civil defense.

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

Sec. 8. Boards of supervisors shall have legislative, administrative and such other powers and duties as provided by law.

Sec. 9. Boards of supervisors shall have exclusive power to fix the compensation of county officers not otherwise provided by law.

Sec. 10. A county seat once established shall not be removed until the place to which it is proposed to be moved shall be designated by two-thirds of the members of the board of supervisors and a majority of the electors voting thereon shall have approved the proposed location in the manner prescribed by law.

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

Sec. 12. A navigable stream shall not be bridged or dammed without permission granted by the board of supervisors of the county as provided by law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and political subdivisions therein.

Sec. 13. Two or more contiguous counties may combine into a single county if approved in each affected county by a majority of the electors voting on the question.

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

Sec. 15. Any county, when authorized by its board of supervisors shall have the authority to enter or to intervene in any action or certificate proceeding involving the services, charges or rates of any privately owned public utility furnishing services or commodities to rate payers within the county.

Sec. 16. The legislature may provide for the laying out, construction, improvement and maintenance of highways, bridges, culverts and airports by the state and by the counties and townships thereof; and may authorize counties to take charge and control of any highway within their limits for such purposes. The legislature may provide the powers and duties of counties in relation to highways, bridges, culverts and airports; may provide for county road commissioners to be appointed or elected, with powers and duties provided by law. The ad valorem property tax imposed for road purposes by any county shall not exceed in any year one-half of one percent of the assessed valuation for the preceding year.

Sec. 17. Each organized township shall be a body corporate with powers and immunities provided by law.

Sec. 18. In each organized township there shall be elected for terms of not less than two nor more than four years as prescribed by law a supervisor, a clerk, a treasurer, and not to exceed four trustees, whose legislative and administrative powers and duties shall be provided by law.

Sec. 19. No organized township shall grant any public utility franchise which is not subject to revocation at the will of the township, unless the proposition shall first have been approved by a majority of the electors of such township voting thereon at a regular or special election.

Sec. 20. The legislature shall provide by law for the dissolution of township government whenever all the territory of an organized township is included within the boundaries of a village or villages notwithstanding that a village may include territory within another organized township and provide by law for the classification of such village or villages as cities.

Sec. 21. The legislature shall provide by general laws for the incorporation of cities and villages. Such laws shall limit their rate of ad valorem property taxation for municipal purposes, and restrict the powers of cities and villages to borrow money and contract debts. Each city and village is granted power to levy other taxes for public purposes, subject to limitations and prohibitions provided by this constitution or by law.

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

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

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

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

Sec. 25. No city or village shall acquire any public utility furnishing light, heat or power, or grant any public utility franchise which is not subject to revocation at the will of the city or village, unless the proposition shall first have been approved by three-fifths of the electors voting thereon. No city or village may sell any public utility unless the proposition shall first have been approved by a majority of the electors voting thereon, or a greater number if the charter shall so provide.

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

Sec. 27. Notwithstanding any other provision of this constitution the legislature may establish in metropolitan areas additional forms of government or authorities with powers, duties and jurisdictions as the legislature shall provide. Wherever possible, such additional forms of government or authorities shall be designed to perform multi-purpose functions rather than a single function.

Sec. 28. The legislature by general law shall authorize two or more counties, townships, cities, villages or districts, or any combination thereof among other things to:

enter into contractual undertakings or agreements with one another or with the state or with any combination thereof for the joint administration of any of the functions or powers which each would have the power to perform separately; share the costs and responsibilities of functions and services with one another or with the state or with any combination thereof which each would have the power to perform separately; transfer functions or responsibilities to one another or any combination thereof upon the consent of each unit involved; cooperate with one another and with state government; lend their credit to one another or any combination thereof as provided by law in connection with any authorized publicly owned undertaking.

Any other provision of this constitution notwithstanding, an officer or employee of the state or any such unit of government or subdivision or agency thereof, except members of the legislature, may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service.

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

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

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

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

Sec. 33. Any elected officer of a political subdivision may be removed from office in the manner and for the causes provided by law.

Sec. 34. The provisions of this constitution and law concerning counties, townships, cities and villages shall be liberally construed in their favor. Powers granted to counties and townships by this constitution and by law shall include those fairly implied and not prohibited by this constitution.

ARTICLE VIII

Education

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

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

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

The state board of education shall appoint a superintendent of public instruction whose term of office shall be determined by the board. He shall be the chairman of the board without the right to vote, and shall be responsible for the execution of its policies. He shall be the principal executive officer of a state department of education which shall have powers and duties provided by law.

The state board of education shall consist of eight members who shall be nominated by party conventions and elected at large for terms of eight years as prescribed by law. The governor shall fill any vacancy by appointment for the unexpired term. The governor shall be ex-officio a member of the state board of education without the right to vote.

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

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

Sec. 5. The regents of the University of Michigan and their successors in office shall constitute a body corporate known as the Regents of the University of Michigan; the trustees of Michigan State University and their successors in office shall constitute a body corporate known as the Board of Trustees of Michigan State University; the governors of Wayne State University and their successors in office shall constitute a body corporate known as the Board of Governors of Wayne State University. Each board shall have general supervision of its institution and the control and direction of all expenditures from the institution's funds. Each board shall, as often as necessary, elect a president of the institution under its supervision. He shall be the principal executive officer of the institution, be ex-officio a member of the board without the right to vote and preside at meetings of the board. The board of each institution shall consist of eight members who shall hold office for terms of eight years and who shall be elected as provided by law. The governor shall fill board vacancies by appointment. Each appointee shall hold office until a successor has been nominated and elected as provided by law.

Sec. 6. Other institutions of higher education established by law having authority to grant baccalaureate degrees shall each be governed by a board of control which shall be a body corporate. The board shall have general supervision of the institution and the control and direction of all expenditures from the institution's funds. It shall, as often as necessary, elect a president of the institution under its supervision.

He shall be the principal executive officer of the institution and be ex-officio a member of the board without the right to vote. The board may elect one of its members or may designate the president, to preside at board meetings. Each board of control shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the governor by and with the advice and consent of the senate. Vacancies shall be filled in like manner.

Sec. 7. The legislature shall provide by law for the establishment and financial support of public community and junior colleges which shall be supervised and controlled by locally elected boards. The legislature shall provide by law for a state board for public community and junior colleges which shall advise the state board of education concerning general supervision and planning for such colleges and requests for annual appropriations for their support. The board shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the state board of education. Vacancies shall be filled in like manner. The superintendent of public instruction shall be ex-officio a member of this board without the right to vote.

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

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

ARTICLE IX

Finance and Taxation

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

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

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

Sec. 4. Property owned and occupied by non-profit religious or educational organizations and used exclusively for religious or educational purposes, as defined by law, shall be exempt from real and personal property taxes.

Sec. 5. The legislature shall provide for the assessment by the state of the property of those public service businesses assessed by the state at the date this constitution becomes effective, and of other property as designated by the legislature,

and for the imposition and collection of taxes thereon. Property assessed by the state shall be assessed at the same proportion of its true cash value as the legislature shall specify for property subject to general ad valorem taxation. The rate of taxation on such property shall be the average rate levied upon other property in this state under the general ad valorem tax law, or, if the legislature provides, the rate of tax applicable to the property of each business enterprise assessed by the state shall be the average rate of ad valorem taxation levied upon other property in all counties in which any of such property is situated.

Sec. 6. Except as otherwise provided in this constitution, the total amount of general ad valorem taxes imposed upon real and tangible personal property for all purposes in any one year shall not exceed 15 mills on each dollar of the assessed valuation of property as finally equalized. Under procedures provided by law, which shall guarantee the right of initiative, separate tax limitations for any county and for the townships and for school districts therein, the aggregate of which shall not exceed 18 mills on each dollar of such valuation, may be adopted and thereafter altered by the vote of a majority of the qualified electors of such county voting thereon, in lieu of the limitation hereinbefore established. These limitations may be increased to an aggregate of not to exceed 50 mills on each dollar of valuation, for a period of not to exceed 20 years at any one time, if approved by a majority of the electors, qualified under Section 6 of Article II of this constitution, voting on the question.

The foregoing limitations shall not apply to taxes imposed for the payment of principal and interest on bonds or other evidences of indebtedness or for the payment of assessments or contract obligations in anticipation of which bonds are issued, which taxes may be imposed without limitation as to rate or amount; or to taxes imposed for any other purpose by any city, village, charter county, charter township, charter authority or other authority, the tax limitations of which are provided by charter or by general law.

In any school district which extends into two or more counties, property taxes at the highest rate available in the county which contains the greatest part of the area of the district may be imposed and collected for school purposes throughout the district.

Sec. 7. No income tax graduated as to rate or base shall be imposed by the state or any of its subdivisions.

Sec. 8. The legislature shall not impose a sales tax on retailers at a rate of more than four percent of their gross taxable sales of tangible personal property.

Sec. 9. All specific taxes, except general sales and use taxes and regulatory fees, imposed directly or indirectly on fuels sold or used to propel motor vehicles upon highways and on registered motor vehicles shall, after the payment of necessary collection expenses, be used exclusively for highway purposes as defined by law.

Sec. 10. One-eighth of all taxes imposed on retailers on taxable sales at retail of tangible personal property shall be used exclusively for assistance to townships, cities and villages, on a population basis as provided by law. In determining population the legislature may exclude any portion of the total number of persons who are wards, patients or convicts in any tax supported institution.

Sec. 11. There shall be established a state school aid fund which shall be used exclusively for aid to school districts, higher education and school employees' retirement systems, as provided by law. One-half of all taxes imposed on retailers on taxable sales at retail of tangible personal property, and other tax revenues provided by law, shall

be dedicated to this fund. Payments from this fund shall be made in full on a scheduled basis, as provided by law.

Sec. 12. No evidence of state indebtedness shall be issued except for debts authorized pursuant to this constitution.

Sec. 13. Public bodies corporate shall have power to borrow money and to issue their securities evidencing debt, subject to this constitution and law.

Sec. 14. To meet obligations incurred pursuant to appropriations for any fiscal year, the legislature may by law authorize the state to issue its full faith and credit notes in which case it shall pledge undedicated revenues to be received within the same fiscal year for the repayment thereof. Such indebtedness in any fiscal year shall not exceed 15 percent of undedicated revenues received by the state during the preceding fiscal year and such debts shall be repaid at the time the revenues so pledged are received, but not later than the end of the same fiscal year.

Sec. 15. The state may borrow money for specific purposes in amounts as may be provided by acts of the legislature adopted by a vote of two-thirds of the members elected to and serving in each house, and approved by a majority of the electors voting thereon at any general election. The question submitted to the electors shall state the amount to be borrowed, the specific purpose to which the funds shall be devoted, and the method of repayment.

Sec. 16. The state, in addition to any other borrowing power, may borrow from time to time such amounts as shall be required, pledge its faith and credit and issue its notes or bonds therefor, for the purpose of making loans to school districts as provided in this section.

If the minimum amount which would otherwise be necessary for a school district to levy in any year to pay principal and interest on its qualified bonds, including any necessary allowances for estimated tax delinquencies, exceeds 13 mills on each dollar of its assessed valuation as finally equalized, or such lower millage as the legislature may prescribe, then the school district may elect to borrow all or any part of the excess from the state. In that event the state shall lend the excess amount to the school district for the payment of principal and interest. If for any reason any school district will be or is unable to pay the principal and interest on its qualified bonds when due, then the school district shall borrow and the state shall lend to it an amount sufficient to enable the school district to make the payment.

The term "qualified bonds" means general obligation bonds of school districts issued for capital expenditures, including refunding bonds, issued prior to May 4, 1955, or issued thereafter and qualified as provided by law pursuant to Section 27 or Section 28 of Article X of the Constitution of 1908 or pursuant to this section.

After a school district has received loans from the state, each year thereafter it shall levy for debt service, exclusive of levies for nonqualified bonds, not less than 13 mills or such lower millage as the legislature may prescribe, until the amount loaned has been repaid, and any tax collections therefrom in any year over and above the minimum requirements for principal and interest on qualified bonds shall be used toward the repayment of state loans. In any year when such levy would produce an amount in excess of the requirements and the amount due to the state, the levy may be reduced by the amount of the excess.

Subject to the foregoing provisions, the legislature shall have the power to prescribe and to limit the procedure, terms and conditions for the qualification of bonds, for obtaining and making state loans, and for the repayment of loans.

The power to tax for the payment of principal and interest on bonds hereafter issued which are the general obligations of any school district, including refunding bonds, and for repayment of any state loans made to school districts, shall be without limitation as to rate or amount.

All rights acquired under Sections 27 and 28 of Article X of the Constitution of 1908, by holders of bonds heretofore issued, and all obligations assumed by the state or any school district under these sections, shall remain unimpaired.

Sec. 17. No money shall be paid out of the state treasury except in pursuance of appropriations made by law.

Sec. 18. The credit of the state shall not be granted to, nor in aid of any person, association or corporation, public or private, except as authorized in this constitution.

This section shall not be construed to prohibit the investment of public funds until needed for current requirements or the investment of funds accumulated to provide retirement or pension benefits for public officials and employees, as provided by law.

Sec. 19. The state shall not subscribe to, nor be interested in the stock of any company, association or corporation, except that funds accumulated to provide retirement or pension benefits for public officials and employees may be invested as provided by law; and endowment funds created for charitable or educational purposes may be invested as provided by law governing the investment of funds held in trust by trustees.

Sec. 20. No state money shall be deposited in banks other than those organized under the national or state banking laws. No state money shall be deposited in any bank in excess of 50 percent of the capital and surplus of such bank. Any bank receiving deposits of state money shall show the amount of state money so deposited as a separate item in all published statements.

Sec. 21. The legislature shall provide by law for the annual accounting for all public moneys, state and local, and may provide by law for interim accounting.

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

Sec. 22. Procedures for the examination and adjustment of claims against the state shall be prescribed by law.

Sec. 23. All financial records, accountings, audit reports and other reports of public moneys shall be public records and open to inspection. A statement of all revenues and expenditures of public moneys shall be published and distributed annually, as provided by law.

Sec. 24. The accrued financial benefits of each pension plan and retirement system of the state and its political subdivisions shall be a contractual obligation thereof which shall not be diminished or impaired thereby.

Financial benefits arising on account of service rendered in each fiscal year shall be funded during that year and such funding shall not be used for financing unfunded accrued liabilities.

ARTICLE X

Property

Sec. 1. The disabilities of coverture as to property are abolished. The real and personal estate of every woman acquired before marriage and all real and personal

property to which she may afterwards become entitled shall be and remain the estate and property of such woman, and shall not be liable for the debts, obligations or engagements of her husband, and may be dealt with and disposed of by her as if she were unmarried. Dower may be relinquished or conveyed as provided by law.

Sec. 2. Private property shall not be taken for public use without just compensation therefor being first made or secured in a manner prescribed by law. Compensation shall be determined in proceedings in a court of record.

Sec. 3. A homestead in the amount of not less than \$3,500 and personal property of every resident of this state in the amount of not less than \$750, as defined by law, shall be exempt from forced sale on execution or other process of any court. Such exemptions shall not extend to any lien thereon excluded from exemption by law.

Sec. 4. Procedures relating to escheats and to the custody and disposition of escheated property shall be prescribed by law.

Sec. 5. The legislature shall have general supervisory jurisdiction over all state owned lands useful for forest preserves, game areas and recreational purposes; shall require annual reports as to such lands from all departments having supervision or control thereof; and shall by general law provide for the sale, lease or other disposition of such lands.

The legislature by an act adopted by two-thirds of the members elected to and serving in each house may designate any part of such lands as a state land reserve. No lands in the state land reserve may be removed from the reserve, sold, leased or otherwise disposed of except by an act of the legislature.

Sec. 6. Aliens who are residents of this state shall enjoy the same rights and privileges in property as citizens of this state.

ARTICLE XI

Public Officers and Employment

Sec. 1. All officers, legislative, executive and judicial, before entering upon the duties of their respective offices, shall take and subscribe the following oath or affirmation: I do solemnly swear (or affirm) that I will support the Constitution of the United States and the constitution of this state, and that I will faithfully discharge the duties of the office of according to the best of my ability. No other oath, affirmation, or any religious test shall be required as a qualification for any office or public trust.

Sec. 2. The terms of office of elective state officers, members of the legislature and justices and judges of courts of record shall begin at twelve o'clock noon on the first day of January next succeeding their election, except as otherwise provided in this constitution. The terms of office of county officers shall begin on the first day of January next succeeding their election, except as otherwise provided by law.

Sec. 3. Neither the legislature nor any political subdivision of this state shall grant or authorize extra compensation to any public officer, agent or contractor after the service has been rendered or the contract entered into.

Sec. 4. No person having custody or control of public moneys shall be a member of the legislature, or be eligible to any office of trust or profit under this state, until he shall have made an accounting, as provided by law, of all sums for which he may be liable.

Sec. 5. The classified state civil service shall consist of all positions in the state service except those filled by popular election, heads of principal departments, members of boards and commissions, the principal executive officer of boards and commissions heading principal departments, employees of courts of record, employees of the legislature, employees of the state institutions of higher education, all persons in the armed forces of the state, eight exempt positions in the office of the governor, and within each principal department, when requested by the department head, two other exempt positions, one of which shall be policy-making. The civil service commission may exempt three additional positions of a policy-making nature within each principal department.

The civil service commission shall be non-salaried and shall consist of four persons, not more than two of whom shall be members of the same political party, appointed by the governor for terms of eight years, no two of which shall expire in the same year.

The administration of the commission's powers shall be vested in a state personnel director who shall be a member of the classified service and who shall be responsible to and selected by the commission after open competitive examination.

The commission shall classify all positions in the classified service according to their respective duties and responsibilities, fix rates of compensation for all classes of positions, approve or disapprove disbursements for all personal services, determine by competitive examination and performance exclusively on the basis of merit, efficiency and fitness the qualifications of all candidates for positions in the classified service, make rules and regulations covering all personnel transactions, and regulate all conditions of employment in the classified service.

No person shall be appointed to or promoted in the classified service who has not been certified by the commission as qualified for such appointment or promotion. No appointments, promotions, demotions or removals in the classified service shall be made for religious, racial or partisan considerations.

Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year. Within 60 calendar days following such transmission, the legislature may, by a two-thirds vote of the members elected to and serving in each house, reject or reduce increases in rates of compensation authorized by the commission. Any reduction ordered by the legislature shall apply uniformly to all classes of employees affected by the increases and shall not adjust pay differentials already established by the civil service commission. The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases authorized by the commission.

The appointing authorities may create or abolish positions for reasons of administrative efficiency without the approval of the commission. Positions shall not be created nor abolished except for reasons of administrative efficiency. Any employee considering himself aggrieved by the abolition or creation of a position shall have a right of appeal to the commission through established grievance procedures.

The civil service commission shall recommend to the governor and to the legislature rates of compensation for all appointed positions within the executive department not a part of the classified service.

To enable the commission to exercise its powers, the legislature shall appropriate to the commission for the ensuing fiscal year a sum not less than one percent of the aggregate payroll of the classified service for the preceding fiscal year, as certified by the commission. Within six months after the conclusion of each fiscal year the commission shall return to the state treasury all moneys unexpended for that fiscal year.

The commission shall furnish reports of expenditures, at least annually, to the governor and the legislature and shall be subject to annual audit as provided by law.

No payment for personal services shall be made or authorized until the provisions of this constitution pertaining to civil service have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

Sec. 6. By ordinance or resolution of its governing body which shall not take effect until approved by a majority of the electors voting thereon, unless otherwise provided by charter, each county, township, city, village, school district and other governmental unit or authority may establish, modify or discontinue a merit system for its employees other than teachers under contract or tenure. The state civil service commission may on request furnish technical services to any such unit on a reimbursable basis.

Sec. 7. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office or for crimes or misdemeanors, but a majority of the members elected thereto and serving therein shall be necessary to direct an impeachment.

When an impeachment is directed, the house of representatives shall elect three of its members to prosecute the impeachment.

Every impeachment shall be tried by the senate immediately after the final adjournment of the legislature. The senators shall take an oath or affirmation truly and impartially to try and determine the impeachment according to the evidence. When the governor or lieutenant governor is tried, the chief justice of the supreme court shall preside.

No person shall be convicted without the concurrence of two-thirds of the senators elected and serving. Judgment in case of conviction shall not extend further than removal from office, but the person convicted shall be liable to punishment according to law.

No judicial officer shall exercise any of the functions of his office after an impeachment is directed until he is acquitted.

ARTICLE XII

Amendment and Revision

Sec. 1. Amendments to this constitution may be proposed in the senate or house of representatives. Proposed amendments agreed to by two-thirds of the members elected to and serving in each house on a vote with the names and vote of those voting entered in the respective journals shall be submitted, not less than 60 days thereafter, to the electors at the next general election or special election as the legislature shall direct. If a majority of electors voting on a proposed amendment approve the same, it shall become part of the constitution and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved.

Sec. 2. Amendments may be proposed to this constitution by petition of the registered electors of this state. Every petition shall include the full text of the proposed amendment, and be signed by registered electors of the state equal in number to at least 10 percent of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected. Such petitions shall be filed with the person authorized by law to receive the same at least 120 days before the election at which the proposed amendment is to be voted upon. Any such petition shall be in the form, and shall be signed and circulated in such manner, as prescribed by law. The person authorized by law to receive such petition shall upon its receipt determine, as provided by law, the validity and sufficiency of the signatures on the petition, and make an official announcement thereof at least 60 days prior to the election at which the proposed amendment is to be voted upon.

Any amendment proposed by such petition shall be submitted, not less than 120 days after it was filed, to the electors at the next general election. Such proposed amendment, existing provisions of the constitution which would be altered or abrogated thereby, and the question as it shall appear on the ballot shall be published in full as provided by law. Copies of such publication shall be posted in each polling place and furnished to news media as provided by law.

The ballot to be used in such election shall contain a statement of the purpose of the proposed amendment, expressed in not more than 100 words, exclusive of caption. Such statement of purpose and caption shall be prepared by the person authorized by law, and shall consist of a true and impartial statement of the purpose of the amendment in such language as shall create no prejudice for or against the proposed amendment.

If the proposed amendment is approved by a majority of the electors voting on the question, it shall become part of the constitution, and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved. If two or more amendments approved by the electors at the same election conflict, that amendment receiving the highest affirmative vote shall prevail.

Sec. 3. At the general election to be held in the year 1978, and in each 16th year thereafter and at such times as may be provided by law, the question of a general revision of the constitution shall be submitted to the electors of the state. If a majority of the electors voting on the question decide in favor of a convention for such purpose, at an election to be held not later than six months after the proposal was certified as approved, the electors of each representative district as then organized shall elect one delegate and the electors of each senatorial district as then organized shall elect one delegate at a partisan election. The delegates so elected shall convene at the seat of government on the first Tuesday in October next succeeding such election or at an earlier date if provided by law.

The convention shall choose its own officers, determine the rules of its proceedings and judge the qualifications, elections and returns of its members. To fill a vacancy in the office of any delegate, the governor shall appoint a qualified resident of the same district who shall be a member of the same party as the delegate vacating the office. The convention shall have power to appoint such officers, employees and assistants as it deems necessary and to fix their compensation; to provide for the printing and distribution of its documents, journals and proceedings; to explain and disseminate information about the proposed constitution and to complete the business of

the convention in an orderly manner. Each delegate shall receive for his services compensation provided by law.

No proposed constitution or amendment adopted by such convention shall be submitted to the electors for approval as hereinafter provided unless by the assent of a majority of all the delegates elected to and serving in the convention, with the names and vote of those voting entered in the journal. Any proposed constitution or amendments adopted by such convention shall be submitted to the qualified electors in the manner and at the time provided by such convention not less than 90 days after final adjournment of the convention. Upon the approval of such constitution or amendments by a majority of the qualified electors voting thereon the constitution or amendments shall take effect as provided by the convention.

Schedule and Temporary Provisions

To insure the orderly transition from the constitution of 1908 to this constitution the following schedule and temporary provisions are set forth to be effective for such period as are thereby required.

Sec. 1. The attorney general shall recommend to the legislature as soon as practicable such changes as may be necessary to adapt existing laws to this constitution.

Sec. 2. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights existing on the effective date of this constitution shall continue unaffected except as modified in accordance with the provisions of this constitution.

Sec. 3. Except as otherwise provided in this constitution, all officers filling any office by election or appointment shall continue to exercise their powers and duties until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

No provision of this constitution, or of law or of executive order authorized by this constitution shall shorten the term of any person elected to state office at a statewide election on or prior to the date on which this constitution is submitted to a vote. In the event the duties of any such officers shall not have been abolished or incorporated into one or more of the principal departments at the expiration of his term, such officer shall continue to serve until his duties are so incorporated or abolished.

Sec. 4. All officers elected at the same election that this constitution is submitted to the people for adoption shall take office and complete the term to which they were elected under the 1908 constitution and existing laws and continue to serve until their successors are elected and qualified pursuant to this constitution or law.

Sec. 5. Notwithstanding any other provision in this constitution, the governor, the lieutenant governor, the secretary of state, the attorney general and state senators shall be elected at the general election in 1964 to serve for two-year terms beginning on the first day of January next succeeding their election. The first election of such officers for four-year terms under this constitution shall be held at the general election in 1966.

Sec. 6. Notwithstanding the provisions of this constitution that the supreme court shall consist of seven justices it shall consist of eight justices until the time that a vacancy occurs as a result of death, retirement or resignation of a justice. The first such vacancy shall not be filled.

Sec. 7. Any judge of probate serving on the effective date of this constitution may serve the remainder of the term and be eligible to succeed himself for election

regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

Sec. 8. The provisions of Article VI providing that terms of judicial offices shall not all expire at the same time, shall be implemented by law providing that at the next election for such offices judges shall be elected for terms of varying length, none of which shall be shorter than the regular term provided for the office.

Sec. 9. The members of the state board of education provided for in Section 3 of Article VIII of this constitution shall first be elected at the first general election after the effective date of this constitution for the following terms: two shall be elected for two years, two for four years, two for six years, and two for eight years as prescribed by law.

The state board of education provided for in the constitution of 1908 is abolished at twelve o'clock noon January 1 of the year following the first general election under this constitution and the terms of members thereof shall then expire.

Sec. 10. The provisions of this constitution providing for members of boards of control of institutions of higher education and the state board of public community and junior colleges shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended, and may further provide that the initial terms of office of members may be less than eight years.

Sec. 11. The provisions of this constitution increasing the number of members of the Board of Trustees of Michigan State University and of the Board of Governors of Wayne State University to eight, and of their term of office to eight years, shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended one year, and may further provide that the initial terms of office of the additional members may be less than eight years.

Sec. 12. The initial allocation of departments by law pursuant to Section 2 of Article V of this constitution, shall be completed within two years after the effective date of this constitution. If such allocation shall not have been completed within such period, the governor, within one year thereafter, by executive order, shall make the initial allocation.

Sec. 13. Contractual obligations of the state incurred pursuant to the constitution of 1908 shall continue to be obligations of the state.

For the retirement of notes and bonds issued under Section 26 of Article X of the 1908 constitution, there is hereby appropriated from the general fund each year during their life a sum equal to the amount of principal and interest payments due and payable in each year.

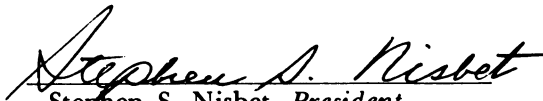
Sec. 14. The legislature by a vote of two-thirds of the members elected to and serving in each house may provide that the state may borrow money and may pledge its full faith and credit for refunding any bonds issued by the Mackinac Bridge Authority and at the time of refunding the Mackinac Bridge Authority shall be abolished and the operation of the bridge shall be assumed by the state highway department. The legislature may implement this section by law.

Sec. 15. This constitution shall be submitted to the people for their adoption or rejection at the general election to be held on the first Monday in April, 1963. It shall be the duty of the secretary of state forthwith to give notice of such submission to all

other officers required to give or publish any notice in regard to a general election. He shall give notice that this constitution will be duly submitted to the electors at such election. The notice shall be given in the manner required for the election of governor.

Sec. 16. Every registered elector may vote on the adoption of the constitution. The board of election commissioners in each county shall cause to be printed on a ballot separate from the ballot containing the names of the nominees for office, the words: Shall the revised constitution be adopted? () Yes. () No. All votes cast at the election shall be taken, counted, canvassed and returned as provided by law for the election of state officers. If the revised constitution so submitted receives more votes in its favor than were cast against it, it shall be the supreme law of the state on and after the first day of January of the year following its adoption.

Adopted by the Constitutional Convention of nineteen hundred sixty-one at Constitution Hall in Lansing on the first day of August, nineteen hundred sixty-two.


Stephen S. Nisbet, *President*


Fred I. Chase, *Secretary*

[ADDRESS TO THE PEOPLE]

***What the Proposed
New State Constitution
Means to You***

- A report to the people of Michigan
by their elected delegates to the
Constitutional Convention of 1961-62.

Lansing, Michigan

August 1, 1962

No change from Sec. 39, Article V, of the present constitution except for improvement in phraseology.

Revision of laws; compilation.

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. ****

This is a revision of Sec. 40, Article V, of the present constitution to improve phraseology and delete two concluding sentences thereby removing unnecessary detail relative to the compilation of laws. The existing section provides for compilation by commissioners named by the governor who submit their recommendations to the legislature. This revision places the entire matter of a compilation in the hands of the legislature for determination.

Administrative rules; suspension.

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.*

This is a new section permitting the legislature to set up a joint committee to act between sessions and 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.

It provides a legislative check on the rule-making authority of administrative agencies when the legislature is not in regular session.

Filling vacancies.

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.

No change from the first paragraph of Sec. 5, Article XVI, of the present constitution except for improvement in phraseology.

Continuity of government.

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.

No change from the second paragraph of Sec. 5, Article XVI, of the present constitution except for improvement in phraseology.

Liquor control commission.

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.

No change from Sec. 11, Article XVI, of the present constitution except for improvement in phraseology.

Lotteries.

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

No change from Sec. 33, Article V, of the present constitution.

Ports and port districts.

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.

No change from Sec. 30, Article VIII, of the present constitution.

Banking and trust company laws.

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. ****

No change from Sec. 9, Article XII, of the present constitution except for the elimination of the concluding sentence: "Such laws shall not authorize the issue of bank notes or paper credit to circulate as money." This restriction is no longer necessary.

The words "and serving" are inserted to comply with the method of computing a majority provided in Sec. 14 of this Article.

Trial by jury.

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

This is a revision of Sec. 27, Article V, adding the words "in civil cases" to make it clear that the traditional jury of 12 is maintained in criminal cases. The word "jurors" is substituted for "men" to conform with changes in Article I of this document.

Indeterminate sentences.

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*.