Michigan Constitutional Convention of 1961
Committee Proposal 78
Const 1963, Art 4, § 53

Relevant Material From the Constitutional Convention Record

Cross-Reference and Indices . . . . . pp. 3436, 3449, 3463

First Reading . . . . . pp. 738, 1672-1676, 1680-1696, 1705-1716, 2620

Second Reading . . . . . pp. 2770-2778

Draft Constitution (Art 4, § 53) . . . . . pp. 3047-3075 (p. 3056)

Third Reading, Article-by-Article . . . . . pp. 3113-3115

Draft Constitution (Art 4, § 53) . . . . . pp. 3215-3237 (p. 3222)

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

Adopted Constitution (Art 4, § 53) . . . . . pp. 3319-3353 (p. 3330)

Address to the People . . . . . pp. 3377-3378

Overview of the Constitutional Convention Process

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

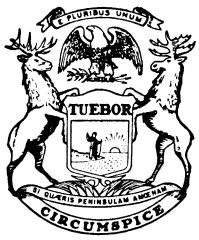
The convention used ALL CAPS to denote added material and [brackets] to denote removed material.

State of Michigan

CONSTITUTIONAL CONVENTION

1961

OFFICIAL RECORD



FRED I. CHASE
Secretary of the Convention

AUSTIN C. KNAPP
Editor

LYNN M. NETHAWAY
Associate Editor

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

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

* Created by the committee on style and drafting.

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

Committee Proposal No. — Page

71A. A proposal to provide for a civil rights commission. [For creation of Committee Proposal 71A, see page 2746.]
- For text as offered (as section i of Committee Proposal 71) ... 1921
- As referred to style and drafting (as section i of Committee Proposal 71) ... 2212
- As reported by style and drafting (as section i of Committee Proposal 71) ... 2744
- As rereferred to style and drafting (as Committee Proposal 71A) ... 2755

Mar. 28, offered by executive branch (as section i of Committee Proposal 71), amended by committee of the whole ... 1921-1951
Mar. 29, consideration postponed by committee of the whole ... 1954
Mar. 29, considered, amended, adopted, amended, passed; committee proposal as amended considered by committee of the whole ... 1976-1986, 1988-2006
Mar. 30, committee proposal as amended considered, passed by committee of the whole ... 2008
Mar. 30, reported by committee of the whole as an amendment; consideration postponed to Apr. 3 2009-2013
Apr. 3, report of committee of the whole postponed ... 2075-2076
Apr. 5, considered (as amendment 11 of report of committee of the whole) ... 2182-2190
Apr. 6, considered (as amendment 11 of report of committee of the whole); substituted; amended; referred to style and drafting ... 2192-2212
Apr. 19, reported by style and drafting (Report 72); placed on order of second reading ... 2620
Apr. 24, consideration postponed ... 2737
Apr. 24, read second time; passed; rereferred to style and drafting ... 2755-2764

72. A proposal to provide for compensation of acting governor. Retains section 18 of article VI.
- For text as offered and reasons ... 1721
- As referred to style and drafting ... 1987
- As reported by style and drafting ... 2766
- As rereferred to style and drafting ... 2766

Feb. 1, reported by executive branch; referred to committee of the whole ... 738
Mar. 19, read first time; considered, postponed by committee of the whole ... 1721-1724
Mar. 29, considered, amended, passed by committee of the whole ... 1969-1973
Mar. 29, reported by committee of the whole with 1 amendment; amendment concurred in; referred to style and drafting ... 1987
Apr. 19, reported by style and drafting (Report 75); placed on order of second reading ... 2620
Apr. 24, read second time; passed; rereferred to style and drafting ... 2766

73. Lieutenant governor as president of the senate. Article VI, section 19.
Feb. 2, reported and withdrawn by executive branch ... 756

74. A proposal to provide by law for the administration of claims against the state, escheats and escheated property, and the investment of state funds. Revises article VI, section 20.
- For text as offered and reasons ... 1731
- As referred to style and drafting ... 1747
- As reported by style and drafting ... 2770
- As rereferred to style and drafting ... 2770

Feb. 1, reported by executive branch; referred to committee of the whole ... 738
Mar. 19, read first time; considered, amended, passed by committee of the whole ... 1731-1738
Mar. 19, reported by committee of the whole with 3 amendments; amendments concurred in; referred to style and drafting ... 1747
Apr. 19, reported by style and drafting (Report 76); placed on order of second reading ... 2620
Apr. 24, read second time; passed; rereferred to style and drafting ... 2770

Committee Proposal No. — Page

75. A proposal to provide for compensation of state officers. Amends article VI, section 21.
- For text as offered and reasons ... 1720
- As referred to style and drafting ... 1720
- As reported by style and drafting ... 2766
- As rereferred to style and drafting ... 2766

Feb. 1, reported by executive branch; referred to committee of the whole ... 738
Mar. 19, read first time; considered, passed by committee of the whole ... 1720-1721
Mar. 19, reported by committee of the whole without amendment; referred to style and drafting 1730
Apr. 19, reported by style and drafting (Report 77); placed on order of second reading ... 2620
Apr. 24, read second time; passed; rereferred to style and drafting ... 2766-2767

76. A proposal pertaining to the passage of permissive legislation to allow civil divisions of the state to establish local civil service systems and to receive assistance from the state civil service system. Amends article VI.
- For text as offered and reasons ... 1743
- As referred to style and drafting ... 1784
- As reported by style and drafting ... 2796
- As rereferred to style and drafting ... 2798

Feb. 1, reported by executive branch; referred to committee of the whole ... 738
Mar. 19, read first time; considered by committee of the whole ... 1743-1747
Mar. 20, considered, amended, passed by committee of the whole ... 1749-1760, 1762-1766
Mar. 20, reported by committee of the whole with 1 amendment; amendment concurred in; referred to style and drafting ... 1784
Apr. 19, reported by style and drafting (Report 78); placed on order of second reading ... 2620
Apr. 25, read second time; amended, passed; rereferred to style and drafting ... 2796-2798

77. A proposal to provide a suitable residence for the governor and to authorize an allowance for maintenance. Amends article VI.
- For text as offered and reasons ... 1738
- As referred to style and drafting ... 1747
- As reported by style and drafting ... 2778
- As rereferred to style and drafting ... 2778

Feb. 2, reported by executive branch; referred to committee of the whole ... 756
Mar. 19, read first time; considered, amended, passed by committee of the whole ... 1738-1743
Mar. 19, reported by committee of the whole with 2 amendments; amendments concurred in; referred to style and drafting ... 1747
Apr. 19, reported by style and drafting (Report 79); placed on order of second reading ... 2620
Apr. 24, read second time; passed; rereferred to style and drafting ... 2778

78. A proposal to provide for the office of legislative auditor general. Adds a new section to article V.
- For text as offered and reasons ... 1672
- For minority reports and reasons ... 1673
- As referred to style and drafting ... 1715
- As reported by style and drafting ... 2770
- As rereferred to style and drafting ... 2778

Feb. 1, reported by legislative powers and executive branch; referred to committee of the whole 738
Mar. 15, read first time; substitute offered, adopted, amended by committee of the whole ... 1672-1676, 1680-1696
Mar. 16, substitute considered, amended, passed by committee of the whole ... 1705-1715
Mar. 16, reported by committee of the whole with a substitute; substitute concurred in; referred to style and drafting ... 1715
Apr. 19, reported by style and drafting (Report 80); placed on order of second reading ... 2620
Apr. 24, read second time; amended, passed; rereferred to style and drafting ... 2770-2778

Page

Article IV, Section 43: Cont'd.
May 11, reported; placed on order of third reading; considered read third time; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3329
For text, and comments in address to the people .. 3376

Section 44. Trial by jury in civil cases. (Committee Proposal 99)
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 45. Indeterminate sentences. (Committee Proposal 106)
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 46. Death penalty. (Committee Proposal 20)
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 3330
For text, and comments in address to the people.... 3377

Section 47. Chaplains in state institutions. (Committee Proposal 111)
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 3330
For text, and comments in address to the people .. 3377

Section 48. Disputes concerning public employees. (Committee Proposal 109)
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 3330
For text, and comments in address to the people .. 3377

Section 49. Hours and conditions of employment. (Committee Proposal 110)
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 3330
For text, and comments in address to the people ... 3377

Section 50. Atomic and new forms of energy. (Committee Proposal 127)
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 3330
For text, and comments in address to the people.. 3377

Section 51. Public health and general welfare. (Committee Proposal 126)
May 7, reported; placed on order of third reading .. 3045
May 7, read third time; passed 3099-3116

Page

Article IV, Section 51: Cont'd.
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 3330
For text, and comments in address to the people .. 3377

Section 52. Natural resources; conservation, pollution, impairment, destruction. (Committee Proposal 125)
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 3330
For text, and comments in address to the people.... 3377

Section 53. Auditor general; appointment, qualifications, term, removal, post audits. Independent investigations; reports. Governing boards of institutions of higher education. Staff members, civil service. (Committee Proposal 78)
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 3330
For text, and comments in address to the people 3377

ARTICLE V. Executive Branch. (Committee Proposals 2, 3, 4, 7, 8, 9, 16, 17, 46a, c, d, 59, 60, 71a, b, c, d, e, f, g, h, i-71A, 72, 75, 77)
May 7, reported; placed on order of third reading 3045
May 8, read third time; sections 10 (originally section 9) and 29 (originally section 28) amended; passed 3117-3125
May 9, motion to reconsider vote on passage postponed until May 11 3206-3208
May 9, referred to committee on style and drafting 3210
May 11, reported; placed on order of third reading 3213
May 11, motion to reconsider vote on passage defeated 3214
May 11, considered read third time; passed 3214-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3330-3334
For text, and comments in address to the people.3378-3384

Section 1. Executive power. (Committee Proposal 2)
May 7, reported; placed on order of third reading 3045
May 8, read third time; passed 3117-3125
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 3330
For text, and comments in address to the people 3378

Section 2. Principal departments. Organization of executive branch; assignment of functions; submission to legislature. (Committee Proposal 71b)
May 7, reported; placed on order of third reading 3045
May 8, read third time; passed 3117-3125
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 3330
For text, and comments in address to the people 3378

Section 3. Single heads of departments; appointment, term. Boards heading departments; appointment, term, removal. Boards and commissions, maximum term. (Committee Proposal 71b)
May 7, reported; placed on order of third reading 3045
May 8, read third time; passed 3117-3125
May 9, referred to committee on style and drafting 3210

Committee Proposal 65, A proposal to amend article XVII, sections 2 and 3, pertaining to amendment and revision of the constitution;
with the recommendation that it pass.

Claud R. Erickson, chairman.

For Committee Proposal 65 and the reasons submitted in support thereof, see below under date of April 16.

Mr. Erickson, for the committee on miscellaneous provisions and schedule, introduced
Committee Proposal 66, A proposal relative to amendment and revision. Amends section 4 of article XVII;
with the recommendation that it pass.

Claud R. Erickson, chairman.

For Committee Proposal 66 and the reasons submitted in support thereof, see below under date of April 16.

Mr. Erickson, for the committee on miscellaneous provisions and schedule, introduced
Committee Proposal 68, A proposal pertaining to the schedule. Amends sections 10, 6 and 11 of the schedule;
with the recommendation that it pass.

Claud R. Erickson, chairman.

For Committee Proposal 68 and the reasons submitted in support thereof, see below under date of April 16.

Mr. Erickson, for the committee on miscellaneous provisions and schedule, introduced
Committee Proposal 69, A proposal pertaining to the boundaries of the state of Michigan. Substitute for article I, section 1;
with the recommendation that it pass.

Claud R. Erickson, chairman.

For Committee Proposal 69 and the reasons submitted in support thereof, see below under date of April 13.

Messrs. Hoxie and Martin, for the committees on legislative powers and executive branch, introduced
Committee Proposal 70, A proposal to revise provisions of section 36 of article V regarding the veto power of the governor;
with the recommendation that it pass.

T. Jefferson Hoxie, chairman, committee on legislative powers.
John B. Martin, chairman, committee on executive branch.

For Committee Proposal 70 and the reasons submitted in support thereof, see below under date of March 19.

Mr. Martin, for the committee on executive branch, introduced
Committee Proposal 72, A proposal to provide for compensation of acting governor. Retains section 18 of article VI;
with the recommendation that it pass.

John B. Martin, chairman.

For Committee Proposal 72 and the reasons submitted in support thereof, see below under date of March 29.

Mr. Martin, for the committee on executive branch, introduced
Committee Proposal 74, A proposal to provide by law for the administration of claims against the state, escheats and escheated property, and the investment of state funds. Revises article VI, section 20;
with the recommendation that it pass.

John B. Martin, chairman.

For Committee Proposal 74 and the reasons submitted in support thereof, see below under date of March 19.

Mr. Martin, for the committee on executive branch, introduced
Committee Proposal 75, A proposal to provide for compensation of state officers. Amends article VI, section 21;
with the recommendation that it pass.

John B. Martin, chairman.

For Committee Proposal 75 and the reasons submitted in support thereof, see below under date of March 19.

Mr. Martin, for the committee on executive branch, introduced
Committee Proposal 76, A proposal pertaining to the passage of permissive legislation to allow civil divisions of the state to establish local civil service systems and to receive assistance from the state civil service system. Amends article VI;
with the recommendation that it pass.

John B. Martin, chairman.

For Committee Proposal 76 and the reasons submitted in support thereof, see below under date of March 20.

Messrs. Hoxie and Martin, for the committees on legislative powers and executive branch, introduced
Committee Proposal 78, A proposal to provide for the office of legislative auditor general. Adds a new section to article V;
with the recommendation that it pass.

T. Jefferson Hoxie, chairman, committee on legislative powers.
John B. Martin, chairman, committee on executive branch.

For Committee Proposal 78 and the reasons submitted in support thereof, see below under date of March 15.

Mr. A. G. Elliott, for the committee on local government, introduced
Committee Proposal 81, A proposal pertaining to county government. Amends article VIII, sections 1, 2, 3, 4, 5, 7, 8, 9, 12, 13, 14 and 15;
with the recommendation that it pass.

Arthur G. Elliott, chairman.

For Committee Proposal 81 and the reasons submitted in support thereof, see below under date of February 9.

Mr. A. G. Elliott, for the committee on local government, introduced
Committee Proposal 82, A proposal pertaining to townships. Amends article VIII, sections 16, 17, 18 and 19;
with the recommendation that it pass.

Arthur G. Elliott, chairman.

For Committee Proposal 82 and the reasons submitted in support thereof, see below under date of February 12.

Mr. A. G. Elliott, for the committee on local government, introduced
Committee Proposal 83, A proposal pertaining to cities and villages. Amends article VIII, sections 20, 21, 22, 23 and 25;
with the recommendation that it pass.

Arthur G. Elliott, chairman.

For Committee Proposal 83 and the reasons submitted in support thereof, see below under date of February 13.

Mr. A. G. Elliott, for the committee on local government, introduced
Committee Proposal 84, A proposal to provide for liberal construction of provisions concerning municipal corporations. Amends article VIII;
with the recommendation that it pass.

Arthur G. Elliott, chairman.

For Committee Proposal 84 and the reasons submitted in support thereof, see below under date of February 14.

Mr. A. G. Elliott, for the committee on local government, introduced

Mr. Chairman, may I only add this — I just want to refer back to Dr. Hannah's position that he did not want to see educational institutions put in some different class than any other department of government in this respect.

With respect to Mr. Hoxie's comments, he brought out exactly the areas where delay in expenditure could occur and that would be, perhaps, on the expenditures for capital outlay and so on. And that is the purpose of adding the appropriating bodies to this picture; so that they can give reason and justice and care to any changes that might be made. I hope that Mr. Cudlip's amendment will be approved and then the matter can go to style and drafting. If there is any further improvement in the wording that can be made there, of course we would be glad to see that done.

CHAIRMAN MILLARD: The Chair will recognize Delegate Karn.

MR. KARN: Members of the committee, it seems to me that if we would go back to the original thinking of the subcommittee in the preparation of this statement, it might put some verbiage in here that would clear up the situation. Yesterday I made the statement to the committee that the original thinking of the subcommittee on section d was that this section would be effective in emergency conditions or when there seemed to be an impending imbalance in the fiscal policy in the state. This was not originally designed to be a day in and day out affair at all.

Now, various individuals will have their individual agencies that they are worried about. I think if we look at this as an emergency, when the state is in trouble, it is an entirely different situation, and perhaps a couple of words of that sort in here would clear up the matter and would ease the tension of those who are sponsoring some individual agencies and institutions.

CHAIRMAN MILLARD: The question is on the Cudlip amendment as revised. All in favor will say aye. Opposed, no.

The ayes have it. The amendment is adopted. Are there any further amendments on your desk, Mr. Secretary?

SECRETARY CHASE: That was the last amendment on file, Mr. Chairman.

CHAIRMAN MILLARD: If not, it will pass.

Section d, as amended, is passed. Are there any amendments to the body of Committee Proposal 46? If not, it will pass.

Committee Proposal 46, as amended, is passed. The secretary will read.

SECRETARY CHASE: Item 2 on the calendar, from the committees on legislative powers and executive branch, by Messrs. Hoxie and Martin, chairmen, **Committee Proposal 78,** A proposal to provide for the office of legislative auditor general. Adds a new section to article V.

Following is Committee Proposal 78 as read by the secretary, and the reasons submitted in support thereof:

The committees recommend that the following be included in the constitution:

Sec. a. THE LEGISLATURE, BY A MAJORITY VOTE OF THE MEMBERS ELECT OF EACH HOUSE, SHALL APPOINT A LEGISLATIVE AUDITOR GENERAL TO SERVE FOR A TERM OF 8 YEARS, WHO MAY BE REAPPOINTED FOR ONE ADDITIONAL TERM ONLY. HE SHALL BE REMOVABLE FOR CAUSE AT ANY TIME BY A 2/3 VOTE OF THE MEMBERS ELECT OF EACH HOUSE OF THE LEGISLATURE. THE LEGISLATIVE AUDITOR GENERAL SHALL CONDUCT COMPREHENSIVE FISCAL POSTAUDITS OF ALL TRANSACTIONS AND ACCOUNTS KEPT BY OR FOR ALL DEPARTMENTS, OFFICES AND AGENCIES OF THE STATE GOVERNMENT AND PERFORMANCE POSTAUDITS. HE MAY MAKE INVESTIGATIONS PERTINENT TO THE CONDUCT OF SUCH AUDITS. HE SHALL BE ASSIGNED NO DUTIES OTHER THAN THOSE HEREIN SPECIFIED. HE SHALL REPORT ANNUALLY AND AT SUCH OTHER TIMES AS HE DEEMS NECESSARY OR AS REQUIRED BY THE LEGISLATURE TO THE LEGISLATURE AND THE GOVERNOR.

Messrs. Hoxie and Martin, chairmen of the committees on legislative powers and executive branch, submit the following reasons in support of Committee Proposal 78:

There has been in the last quarter century a marked increase in the cost and complexity of services of state government. State operating expenditures have increased from less than $13 million in 1910 to nearly $1,200,000,000 in 1961, and the last 25 years have seen the creation of at least 30 executive agencies.

There has been no parallel emphasis on the improvement or creation of legislative tools to balance the trend in the executive area. If any semblance of balance between the legislature and the executive-administrative area is to be retained, the Michigan legislature must be greatly strengthened in its power to oversee the conduct of executive operations. Giving the legislature the oversight of the audit function both as it respects dollars and cents and as it respects the performance and efficiency of the conduct of services, would be one large step in this direction. The legislature, in effect, now lacks any effective means of its own for determining whether or not the intent of the policy decisions it makes is being honestly and effectively translated into action.

The present independent elected office of auditor general does not, and probably cannot, provide the legislature with the adequate and timely tools it needs, certainly not those tools which are subject to its own oversight and control. A legislative auditor general offers an effective solution to a serious problem of maintaining a desirable, if not actually necessary, balance of power between these 2 major coordinate branches of government.

The first sentence of the proposal calls for the appointment of a legislative auditor general by a majority vote of the members elect of each house of the legislature for a term of 8 years, and provides that the legislative auditor general may be reappointed for one additional term only, or a maximum consecutive service of 16 years. It was felt that a specified term of something more than ordinary length was essential for 3 basic reasons: 1) to attract high caliber persons; 2) to provide for a substantial degree of freedom from extraneous influences in the performance of his duties; and 3) to provide for a reasonable degree of job security. Precedent for a limitation on length of term is provided in the case of the U.S. comptroller general (15 years) and the Detroit auditor general (10 years).

If appointed as an officer of the legislature, there is little room for argument that this officer should be removable by that body. However, removal would be for cause, by which is meant misfeasance, malfeasance, or nonfeasance in office rather than for political or personal reasons, and it would require a 2/3 vote. This extraordinary vote on removal again stresses that such an action, while by no means to be prevented, should not be undertaken lightly or without concurrence of more than a simple majority vote, which might easily represent mere partisan bias.

The duties of the legislative auditor general are to conduct comprehensive fiscal postaudits and performance postaudits and to make investigations pertinent to the conduct of such audits. A performance postaudit is an examination of the effectiveness of administration, its efficiency and its adequacy in terms of the program of the departments or agencies as previously approved by the legislature. The prohibition against assigning other substantive duties to the officer focuses attention on the primary duties and prevents his being placed in the anomalous position of having to audit his own administrative activities. Nonauditing duties of the present office (such as county auditing, examination and approval of plats, and duties relative to the sale of lands delinquent for taxes) should be assigned by law to other existing executive agencies.

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

While the investigatory powers of the legislative auditor general are necessarily broad, they are strictly limited and confined to the postaudit area. All preaudit functions remain exclusively in the executive branch where they properly belong. Thus the legislative auditor general has absolutely no power to intervene in or in any way interfere with the exercise by the executive branch of its judgment in carrying out approved programs or its day to day function and discretion in the execution of appropriations.

Reports from the legislative auditor general would be required annually and as he deems necessary to the efficient performance of his duties or as otherwise required by the legislature.

Following is minority report A as offered and the reasons submitted in support thereof:

Messrs. Wanger, Wood, Perras, Hubbs, Powell and Mrs. Koeze, a minority of the committee on legislative powers, submit the following minority report to Committee Proposal 78:

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

Insert the following just before the last sentence of the committee proposal:

HE MAY CONTRACT FOR LEGAL COUNSEL OF HIS CHOICE AND MAY AFTER PUBLIC HEARING ESTABLISH MINIMUM STANDARDS FOR ANNUAL REPORTS TO BE ISSUED BY ANY AND ALL DEPARTMENTS, OFFICES AND AGENCIES OF THE STATE GOVERNMENT.

Messrs. Wanger, Wood, Perras, Hubbs, Powell and Mrs. Koeze, a minority of the committee on legislative powers, submit the following reasons in support of the foregoing minority report, which accompanied Committee Proposal 78:

While the minority agrees with the committee proposal, it firmly believes that its purpose can be best attained only if the above language is added. This language in no way weakens the office, but rather strengthens it in 2 important and necessary ways.

First, the power to CONTRACT FOR LEGAL COUNSEL OF HIS CHOICE is essential to the legislative auditor general's independence of the executive branch. Otherwise the attorney general could directly impose a restrictive interpretation upon the office's all important powers of postaudit and investigation. The whole purpose of placing this officer under the legislative branch requires that it not be subject to the influence or control of the executive.

Second, the power to AFTER PUBLIC HEARING ESTABLISH MINIMUM STANDARDS FOR ANNUAL REPORTS TO BE ISSUED BY ANY AND ALL DEPARTMENTS, OFFICES AND AGENCIES OF THE STATE GOVERNMENT, is most desirable (1) as an economical means of obtaining facts which would not otherwise be reasonably available, and (2) in promoting proper uniformity and detail in reports which would otherwise be lacking. Since such standards could only be minimums, no department, office or agency would in any way be prevented or discouraged from including additional information or analysis. The requirement of a public hearing guarantees that any department, office or agency affected will have the fullest opportunity to be heard before its minimum standards are established.

Following is minority report B as offered and the reasons submitted in support thereof:

Messrs. Downs, Lesinski and Murphy, a minority of the committee on legislative powers, submit the following minority report to Committee Proposal 78:

A minority of the committee recommends that Committee Proposal 78 be not adopted.

Messrs. Downs, Lesinski and Murphy, a minority of the committee on legislative powers, submit the following reasons in support of the foregoing minority report which accompanied Committee Proposal 78:

We object to the inclusion of this new section for the following reasons:

1. It would limit the right of the people to elect their own auditor by indirectly providing for a legislative auditor in place of an auditor elected by and responsible to the people of Michigan. Michigan has been uniquely fortunate in dollar honesty in state government under all administrations and part of this is because of an auditor elected by the people and responsible to the people.

2. The legislature can now provide for legislative review and audit and study by appropriation committees and investigation by special committees. This provision would, in reality, limit the legislature's present rights by specifying the details of establishing a legislative auditor. The fact that the legislature should or should not do more in this field should be decided by the legislature itself.

3. An over zealous auditor might assert that his constitutional status gave him the right to investigate all operations and details of agencies at any and all times. This could result in the "tail wagging the dog" and violate the concept of separation of powers. This language is so broad that it might permit such an auditor to interfere with the academic operations of constitutionally established universities beyond mere dollar auditing. A performance audit could include a review of the entire academic operation of what, to date, has been Michigan's constitutionally independent system of higher education.

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

CHAIRMAN MILLARD: The Chair will recognize the chairman — there are 2 chairmen of the committees. Which chairman desires to be recognized first? The chairman of the executive branch committee, Mr. Martin.

MR. MARTIN: Well, Mr. Chairman, I would like to make a brief statement on this proposal and then yield the floor to Mr. Hoxie whose committee was also responsible for this proposal since it is a joint committee proposal.

Very briefly, the committees propose that we transfer the function of the auditor general from the executive branch to the legislative branch. We feel that in so doing the auditor general should have a reasonably long term of years comparable to that of the head of the general accounting office in Washington and other auditors of similar character. The proposal comprehends that the auditor general would not — and I want to emphasize this — would not get into the business of preauditing. Preauditing is the kind of thing which the department of administration through its accounting division does now. It is the kind of work which the internal accounting department and the controller in a business does during the year. They check the payments that are going out to make sure that they are proper and that they are not being used for improper purposes or purposes which the legislature has not provided. Now when you finish the year, then the postaudit process occurs, and this is the function of the auditor general — and it is the function of the auditor general at the present time — to then review the operations to determine whether they have in fact been conducted according to law and in the manner in which the legislature directed. The business analogy is similar. You have your internal accounting and afterward you have a complete audit by an independent auditing firm.

In the present situation in state government, you have the preaudit being conducted by the executive branch and then you have the executive branch again doing a postaudit. Now this change puts the thing in a much more logical frame. It permits internal accounting controls to operate through the controller of the department of administration and his accounting division. Then it permits a postaudit by an independent body, namely, the legislative auditor.

The proposal also comprehends that these postaudits will be fiscal in nature. It also provides that there may be performance postaudits. The meaning of "performance postaudit" is a look to see whether the agency has performed in the manner in which it presented its proposals to the legislature. It is not designed to direct the body or the agency to do any particular thing; it is simply to see and to report to the legislature whether the agency has performed as it stated to the legislature it would perform. The proposal also permits the employment by the legislative auditor, if authorized by the legislature, of independent accounting firms or of legal counsel for special work. This is common now, so far as independent accounting firms are concerned, in the auditor general's office. He does use them for certain special types of audit and that practice should continue to be possible. Where reference to legislative counsel is put in, since it transfers it from one branch to another, it no longer being in the executive branch, there might be a question as to whether the legislature could authorize legal counsel to assist if that were necessary.

The proposal further limits the duties to the work of state auditing so that the legislative auditor will not be assigned numerous unrelated duties and provides for his annual report and other reports from time to time as may be necessary both to the legislature and the governor. It gives the legislature the power to prescribe uniform accounting systems and for the auditing of units or agencies of local government. At the present time the auditor general audits counties and occasionally townships, not usually school districts unless there is some very serious problem. But he has provided uniform accounting systems and uniform accounting requirements with respect to these local units. This, of course, should not be interfered with.

Finally, after the committee considered the question of whether the staff of the auditor general should have civil service status as they now do, it felt that some independence by virtue of tenure should exist in the staff as is now the case, because they have the difficult job of making reports on agencies of government and we want them to make honest reports based upon their best judgment as to what the facts and figures show. And so the committee has recommended in its proposal that the members of the staff — aside from the legislative auditor general, his deputy, and one other member of his staff — shall be exempt from civil service; that those 3 shall be exempt, and that other members of his staff shall have civil service status.

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

CHAIRMAN MILLARD: Will you state it, Mr. Bentley.

MR. BENTLEY: I understand that the chairman of the committee, Mr. Chairman, has been discussing the substitute proposal and I do not believe that has yet been offered. Am I correct?

CHAIRMAN MILLARD: That is correct, Mr. Bentley. The chairman of the executive branch committee has been discussing a substitute proposal and he should offer it if he is going to want to discuss it.

MR. MARTIN: I apologize, Mr. Chairman —

MR. DOWNS: I have a point of order, Mr. Chairman.

CHAIRMAN MILLARD: Mr. Downs, state your point.

MR. DOWNS: I want to say that I have a minority report joined in by 2 other Democrats. Now we don't mind too much the majority report being presented, discussed and debated on one side, then we get around to the minority report, but I get a little tired of the rules being changed in the middle of the game. Now to bring in a "ringer" substitute — I just wonder when we get to present our minority report?

MR. MARTIN: Mr. Chairman, as a matter of procedure, I should have permitted the reading, the presentation, of the substitute on which I have been talking and then, after simply a statement of what it contains, we expect to have the minority present its minority report and carry on the argument from there on the basis of the ruling of the Chair yesterday. If it is possible, I would request that the substitute be offered at this time.

CHAIRMAN MILLARD: That is in order. The secretary will read the substitute proposal.

SECRETARY CHASE: Messrs. Martin and Hoxie, on behalf of the committees on executive branch and legislative powers, offer the following substitute for Committee Proposal 78:

A proposal to provide for the office of legislative auditor general. Adds a new section to article V.

The committees recommend that the following be included in the constitution:

Sec. a. The legislature by a majority vote of the members elect of each house, shall appoint a legislative auditor general to serve for a term of 8 years, who may be reappointed for one additional term only. He shall be removable for cause at any time by a 2/3 vote of the members elect of each house of the legislature. The legislative auditor general shall conduct comprehensive fiscal postaudits of all transactions and accounts kept by or for all branches, departments, offices, boards, commissions, agencies, authorities and institutions of the state, whether established by this constitution or by law, and performance postaudits thereof. For these purposes, in addition to his staff, he may employ such independent accounting firms or legal counsel, as the legislature by resolution may direct and may make investigations pertinent to the conduct of such audits. The legislative auditor general shall be assigned no duties other than those herein specified and shall report annually and at such other times as he deems necessary or as required by the legislature to the legislature and the governor.

The legislature shall provide by law with respect to the maintenance of uniform accounting systems and the auditing of units or agencies of local government.

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

CHAIRMAN MILLARD: The Chair will recognize Mr. Martin.

MR. MARTIN: Mr. Chairman, I would like to yield to Mr. Hoxie.

MR. LESINSKI: Mr. Chairman.

CHAIRMAN MILLARD: Mr. Lesinski, for what purpose does the gentleman rise?

MR. LESINSKI: Perhaps the secretary can ring the bell so the delegates can be present and take the benefit of this debate. At times here there wasn't even a quorum.

CHAIRMAN MILLARD: The secretary will ring the bell. The Chair will recognize the chairman of the legislative powers committee, Delegate Hoxie.

MR. HOXIE: Mr. Chairman, I am not sure whether the substitute proposal is now before the committee or whether it is necessary to make a motion on this matter. Is the substitute officially before the committee now or is it necessary to make a motion?

CHAIRMAN MILLARD: The committees have offered a substitute proposal which is now before the committee of the whole.

MR. HOXIE: Under the former ruling of the Chair, it is my understanding that after the initial explanation of the proposal — it being all in one section — that it is in order for a minority report to be discussed at this time. I yield to Mr. Downs.

CHAIRMAN MILLARD: Mr. Hoxie, is this on the majority report? Is this on the original report of the committee or on the substitute?

MR. HOXIE: The minority report, I assume, would apply the same to the substitute as it did to the original, which was striking the entire proposal.

CHAIRMAN MILLARD: The procedure, Mr. Hoxie, is that we will hear the proponents of the committee proposal first. If this is on the minority report, the Chair will declare you out of order.

Mr. Martin.

MR. MARTIN: If I might speak — I yielded to Mr. Hoxie because I thought perhaps he wished to have one of the members of his committee amplify the statement with respect to the substitute proposal after which we would yield the floor to Mr. Downs or anyone else to discuss his minority report. If he would be willing to proceed in that order, I would appreciate it.

MR. HOXIE: Mr. Chairman, apparently I was in error. It was my understanding that after the initial explanation, we then considered the minority report.

CHAIRMAN MILLARD: Well, Mr. Hoxie —

MR. HOXIE: If I am in error, then at this time I would like to yield to Delegate Kuhn, who was the subcommittee chairman of the legislative powers committee that worked with the subcommittee of the executive branch. I yield to Mr. Kuhn.

CHAIRMAN MILLARD: The Chair will recognize Delegate Kuhn.

MR. KUHN: Mr. Chairman and members of the committee, for those who might be interested in reading the committee report, you can find it in journal 70 on page 433.

Mr. Chairman, the traditional American concept of separation of powers among the executive, legislative and judicial branches with appropriate checks and balances would seem to suggest that the postaudit function be vested in the legislative branch. The postaudit function is an after the fact check on the expenditure of public funds. As such, responsibility for the postaudit function should be separate and distinct from the responsibility for the actual spending of public funds which is vested in the executive branch. The legislative postaudit is the job of the legislature, the branch of government responsible for appropriating funds, an independent check on the executive branch in its expenditure of the funds that are appropriated.

Mr. Chairman, some 15 states have a legislative auditor. Eleven of these states have it according to statute; 4 states have it by constitutional status. The last 3 states which revised their constitutions and adopted constitutions — those being New Jersey, Hawaii, Alaska — have put it in their constitutions. Also, the state of Virginia has it in their constitution.

I think it is important for us to remember that we had several plans introduced in this convention on a legislative auditor. Some suggested that we appoint a legislative auditor at the pleasure of the legislature. I would like to state to you at this time that 3 of the last 4 states which have adopted a legislative auditor have given him a definite term. The little Hoover commission of the state of Michigan in 1951 recommended that we have a legislative auditor, and I believe they recommended a term of 10 years — that is correct, 10 years. Our committee thought 8 years would be adequate and we thought we would be able to get a higher caliber person to take this job. I think this is a significant step forward. It will give the legislature a chance to see whether or not its intentions are being carried out when they appropriate money. I would now like to turn the floor back to Chairman Hoxie.

CHAIRMAN MILLARD: Mr. Hoxie.

MR. HOXIE: Mr. Chairman and fellow delegates, another member of the legislative powers committee that worked hard and long on this proposal is Delegate Wanger. At this time I would like to yield the floor to Delegate Wanger.

CHAIRMAN MILLARD: The Chair will recognize the delegate from Lansing, Mr. Wanger.

MR. WANGER: Mr. Chairman, Mr. Hoxie and fellow delegates, it seems to me that this is one area of our constitution where we can make another significant advance in the field of promoting and continuing sound financial administration of our state government, and I respectfully urge your favorable consideration and action upon substitute Committee Proposal 78, which would establish an auditor general appointed by the legislature and who, though completely responsible to that body, would be reasonably insulated from the political and extraneous pressures which such an office would otherwise be bound to attract.

The immense cost of modern state government demands the very best means of financial management and accounting which can be devised. As you will note from the majority report in the convention journal:

> There has been in the last quarter century a marked increase in the cost and complexity of services of state government. State operating expenditures have increased from less than $13 million in 1910 to nearly $1,200,000,000 in 1961, and the last 25 years have seen the creation of at least 30 executive agencies.

The goal of accurate, efficient and honest government operation can be most completely achieved only when the responsibilities for that management and accounting are firmly and clearly fixed in state officers whose position in our government structure will realistically enable them to do the best possible job.

The financial management and accounting I just spoke of are more exactly described as the preaudit and the postaudit functions. The former includes direct internal supervision of expenditures, budget control and the preparation of an executive budget. This, obviously, is a function of the executive branch and should reside there. The latter or postaudit function is that of determining that all expenditures have been made accurately, efficiently, honestly and in accordance with established statutory policy. This "watchdog" function appropriately resides and can best be performed in the legislative branch for the following 3 reasons: first, because the legislature bears the burden of raising and appropriating the public revenues and is thus most directly concerned in seeing that they are properly spent; second, because those performing this "watchdog" function should not be responsible to the executive branch whose activities they must continually investigate and check; and third, because the legislative branch must be strengthened within its proper constitutional limits as a check and balance to an executive branch whose power and complexity have greatly increased in recent decades. Under Committee Proposal 78 it is this postaudit function which an auditor general appointed by the legislature would perform.

Now, as the committees who dealt with this problem are well aware and as many delegates are aware, there has been a great deal of support voiced in this state favoring the appointment of the auditor general by the legislature. Its proponents include the present governor, 4 former governors and a former auditor general of our state. They also include such public spirited citizens groups as the league of women voters of Michigan and the Michigan municipal league. They also include the little Hoover commission, the so called Michigan little Hoover commission in 1951, and the more recent governor's citizens' advisory committee which met prior to the constitutional convention. And, as Delegate Kuhn has pointed out, 15 other states have adopted the idea of the legislative auditor; and New Jersey, Alaska and Hawaii, with other recent constitutional revisions, have done so as well, the other state being Virginia. It has been pointed out that the legislative auditor is confined by the committee substitute to the postaudit area. He has the power to make fiscal postaudits and performance postaudits. However, as pointed out in the committee report, all of the preaudit functions are left with the executive branch, as provided by law, where they certainly belong. And thus decisions made by executive officers in the exercise of their discretion pursuant to value judgments which they alone by application of expertise are capable of making are not proper objects of the legislative auditor general's scrutiny, and he may not conduct investigations the purpose of which is to criticize such decisions. The wisdom of such a discretionary policy decision may — if at all — be called into question by the legislature alone.

As you will note in reading the substitute with which we have all been supplied, the most important aspect of the legislative auditor general's function is his power and his duty. This coupled with the power to investigate pertinent to the conduct of such postaudits is the backbone of the office itself. It is set out with some detail and necessarily so, because unless this power is spelled out in the constitution, it will undoubtedly

be legally challenged in many areas as a violation of the doctrine of separation of powers. This has been a serious problem with the United States controller general and, therefore, it is something which we in Michigan should avoid and forestall.

You will note that the legislative auditor general is to be chosen by a joint vote of the legislature — that is to say, a majority of the members elected to each house. Hawaii's constitution and New Jersey's constitution have the same majority requirements. A vote in each house is desirable in Michigan, first, because either house may initiate tax legislation and, second, to best assure that a nonpartisan choice will be made.

You will also note that the legislative auditor is given a definite term of office rather than being merely at the pleasure of the legislature. It is deemed desirable to give him a fixed term to insulate the position from the pressures, sometimes venal pressures, which such an office held at the pleasure of the legislature might otherwise attract or invite and, second, to attract the most highly qualified candidates for the office. The Michigan municipal league in its last convention has recommended that he have a definite term. The Hawaiian constitution provides for an 8 year term and the comptroller general of the United States has a 15 year term and the auditor general of Detroit has a 10 year term. It is thought that by giving him an 8 year term this will make it possible to get qualified people into the job and, at the same time, face up to the fact that first of all it will take considerable time for an officeholder to become thoroughly acquainted with the position, and also because the administrative direction of the position should not be frequently interrupted and, finally, because the incumbent may only be subject to reappointment once. I therefore respectfully urge your support for this proposal as the means of making Michigan's financial organization thoroughly sound and of promoting future soundness and continued progress on the basis of sound accounting, sound performance and efficiency in the state government. Thank you.

CHAIRMAN MILLARD: Chairman Hoxie.

MR. HOXIE: Mr. Chairman, at this time I would like to yield the floor back to Mr. Martin, chairman of the executive branch committee.

CHAIRMAN MILLARD: Mr. Martin.

MR. MARTIN: Mr. Chairman, I would like to call on Mr. Karn, if he desires to make a statement on this at this time.

CHAIRMAN MILLARD: The Chair will recognize Delegate Karn.

MR. KARN: I will pass at this time.

MR. MARTIN: Then, Mr. Chairman, unless the minority wishes to commence the presentation of their report, I will move that the committee do now rise.

CHAIRMAN MILLARD: Chairman Martin has made a motion that the committee of the whole do now rise. All in favor will say aye. Opposed, no.

The motion prevails.

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

PRESIDENT NISBET: The Chair recognizes Mr. Millard.

MR. MILLARD: Mr. President, the committee of the whole has been in session and has taken under consideration several — 2 — committee proposals of which the secretary will give a detailed report.

SECRETARY CHASE: Mr. President, the committee of the whole has had under consideration **Committee Proposal 46,** A proposal pertaining to the executive budget and item veto. It reports this proposal back to the convention with 2 amendments, recommending the amendments be agreed to and the committee proposal as thus amended do pass.

Following are the amendments:

1. Amend page 2, line 14, after "governor" by inserting a comma and "with the approval of the appropriating committees of the house and senate,".

2. Amend page 2, line 14, after "expenditures of" by striking out "executive agencies" and inserting "any bodies receiving appropriations".

PRESIDENT NISBET: The question is on concurring in the first amendment. Mr. Snyder.

MR. SNYDER: Mr. President, may I ask who submitted the proposal?

PRESIDENT NISBET: Mr. Snyder, I don't think that — I was working; I didn't hear your question.

MR. SNYDER: Is this an amendment, you say, or the committee proposal?

PRESIDENT NISBET: This is an amendment to the committee proposal. It was acted on in the committee of the whole.

The question is on concurring with the amendment. Those in favor will say aye. Opposed, no.

The amendment is adopted.

SECRETARY CHASE: Amendment 2 recommended by the committee of the whole:

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

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

The amendment is adopted.

SECRETARY CHASE: Now there are filed with the secretary the following amendments —

MR. MARTIN: Mr. President, preferential motion. I move that the convention do now recess until 2:00 o'clock.

PRESIDENT NISBET: The question is on the motion of Mr. Martin that we recess until 2:00 o'clock. Those in favor will say aye. Opposed, no.

We are recessed until 2:00 o'clock.

[Whereupon, at 11:30 o'clock a.m., the convention recessed; and, at 2:00 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. Pugsley.

MR. PUGSLEY: Mr. President and fellow delegates, during the noon recess I talked over long distance telephone with Delegate Carl Mosier. He is confined in the Dowagiac Memorial hospital. He suffered an injury to his vertebrae in the accident which he had last weekend. He reported to me that he had been in considerable pain but was feeling better today. He told me that a cast was being arranged for and I hold in my hand a telegram which was received, a part of which I read, as follows:

> The fracture was confirmed by x-ray examination. Judge Mosier is a Republican constitutional convention delegate from the Cass-St. Joseph county district. He suffered the injury last Friday in a car truck accident on the Ford expressway. Spokesman reported him in good condition but in considerable pain when he walked under his own power into the hospital after a drive with his son from Detroit.

Carl wished me to express his regards to all of the delegates. He is optimistic as usual and hopes soon to be back again. May I suggest that I think it would be a fine thing for us to send cards to him addressed at the Dowagiac Memorial hospital. Thank you.

PRESIDENT NISBET: Thank you, Judge Pugsley. I might say we had one other message during the noon hour. You might have noticed that Martin Tweedie is absent. He called to announce the arrival, after a family of 2 girls, of an 8 pound, 15 ounce baby boy. (applause) Incidentally, I might say this is getting to be a little bit serious for me because early in the convention I had talked to one of the fathers of a new baby and said that any father that had a baby during the convention I would see that he got some baby food. This is going a

SECRETARY CHASE: On Mr. Faxon's amendment, the yeas are 41; the nays are 84.

PRESIDENT NISBET: The amendment is not adopted. Are there further amendments to the body of the proposal?

SECRETARY CHASE: No further amendments, Mr. President.

PRESIDENT NISBET: If not, **Committee Proposal 46,** as amended is referred to the committee on style and drafting.

Following is Committee Proposal 46 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 governor shall submit to the legislature, not later than 21 calendar days after the convening of each regular session, or at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail all proposed expenditures and estimated revenue of the state. Proposed expenditures shall not exceed estimated revenue. On the same date, the governor shall cause to be submitted to each house of the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills for new or additional revenues to meet proposed expenditures. The amount of any general fund surplus created or deficit incurred during the last preceding fiscal period shall be appropriately entered as an item in the budget and in the appropriation bills. The governor, prior to final action of the legislation thereon, may cause to be submitted to the legislature any amendments to the general appropriation bills, and shall cause to be submitted any bills to meet deficiencies in current appropriations.

Sec. b. General appropriation bills for the succeeding fiscal period shall be acted upon before either house of the legislature shall pass any other appropriation bill, except bills supplementing appropriations for the current year's operation. Any bill which will require an appropriation to carry out its purpose shall be considered an appropriation bill. One of the general appropriation bills as enacted by the legislature shall contain an itemized statement of estimated revenue by major source, the total of which shall not be less than the total of all appropriations proposed in the general appropriation bills.

Sec. c. The governor shall have power to disapprove of any item or items of any bill making appropriations of money embracing distinct items; and the part or parts approved shall be the law; and the item or items disapproved shall be void, unless repassed according to the rules and limitations prescribed for the passage of other bills over the executive veto.

Sec. d. 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 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, such reductions in expenditures to be made in accordance with procedures established by law. The governor's power to reduce expenditures shall not apply to the legislative and judicial branches or to those services for which funds are mandated by this constitution.

SECRETARY CHASE: Mr. President, the committee of the whole has also had under consideration **Committee Proposal 78,** has considered several amendments thereto, and has come to no final resolution thereon. This completes the report of the committee of the whole.

PRESIDENT NISBET: The Chair will recognize Mr. Millard.

MR. MILLARD: Mr. President, I move that the convention resolve itself into committee of the whole for the purpose of taking up matters on the general orders calendar.

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

The motion prevails. Mr. Millard.

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

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

SECRETARY CHASE: Under consideration is **Committee Proposal 78,** A proposal to provide for the office of legislative auditor general; to which the committees on executive branch and legislative powers have offered a substitute, which substitute is as follows:

[The substitute was again read by the secretary. For text, see above, page 1674.]

CHAIRMAN MILLARD: The proponents of this substitute proposal were heard this morning. The question is on the adoption of the substitute for the proposal. All in favor will say aye. Opposed, no.

The substitute is adopted. The Chair will now recognize the delegate from Detroit, Mr. Downs, who will speak on the minority report amendment which reads as follows:

1. Amend page 1, line 6, by striking out all of the committee proposal.

MR. DOWNS: Mr. Chairman and fellow delegates, rather than read the minority report which has been included in our journal of official proceedings, I think we could progress faster if I were allowed to ask the chairman of the executive branch committee a few questions and then I intend to yield to 2 other delegates to speak on this.

CHAIRMAN MILLARD: If Mr. Martin desires to answer.

MR. MARTIN: Yes.

MR. DOWNS: All right; thank you, sir. Through the Chair I would like to ask the chairman of the committee first of all, can the legislature now establish a legislative auditor or comptroller without any additional constitutional action?

MR. MARTIN: Well, Mr. Downs, the legislature can establish someone whom it calls a legislative auditor. There is, however, very grave doubt as to whether that legislative auditor would have the authority to operate within the executive branch and to do what an auditor general or a legislative auditor established by the constitution can do. This, of course, is the reason for placing the provision in the constitution, because there would certainly be doubts about the powers of a statutory legislative auditor.

MR. DOWNS: Could I ask, through the Chair, has the legislature currently established a comptroller or a legislative auditor?

MR. MARTIN: My understanding, Mr. Downs, is that the legislature has someone whom it hopes to use to make some studies of what is going on in some of the agencies. What his authority will be in dealing with those agencies is another matter, and I think if it were to set up an auditor to go in and audit those agencies in detail, there would be considerable question about the violation of the separation of powers doctrine unless the legislative auditor had the constitutional authority which we propose to give him in this proposal.

MR. DOWNS: Has, to your knowledge, the present legislative auditor or comptroller ever been refused any information from any agency he has requested information from?

MR. MARTIN: Well, until most recently the extent of auditing was nil. The legislature has requested certain information from the agencies in connection with budget preparation and so on, and the agencies have furnished it. This, of course, is a very different thing from going into the agency and making an audit of its books and records, as the auditor general now has the authority to do. And for that reason it is not possible to go into past history with the question as to whether he has ever been refused or not. The general requests for information, so far as I know, have not been refused; but,

as far as conducting audits are concerned, the answer is, it has not been done.

MR. DOWNS: Would the proposed 8 year term for the legislative auditor be a limitation on the legislature in the sense that that could be rescinded only by a 2/3 vote?

MR. MARTIN: Yes, I think the answer to that is, it would be a limitation on the legislature. It would give the legislative auditor a term that would give him job security for 8 years unless he were removed under the provision which we have contained in the present proposal for removal.

MR. DOWNS: Could I ask then through the Chair, on lines 16 and 17, what does the term "institutions of the state, whether established by this constitution or by law" include?

MR. MARTIN: This means everything, Mr. Downs. When we first drafted the proposal, it was obviously defective because it did not include the right to audit all of the various parts of state government. Among other things the word "branches" was added so that it was clear that the legislative auditor could audit the 2 other branches. The word "authorities" was added to make clear that he could audit such things as the mackinac bridge authority. The word "institutions" was added to make sure that this covered all kinds of institutions. And the phrase "whether established by this constitution or by law" was added to make sure that constitutionally established bodies were not excluded.

MR. DOWNS: Thank you. And Mr. Chairman, may I ask: what does the term "performance postaudits" in lines 17 and 18 mean?

MR. MARTIN: If you will refer to our statement of supporting reasons, Mr. Downs, the term "performance postaudit" is defined there as "an examination of the effectiveness of administration, its efficiency and its adequacy in terms of the program of the departments or agencies as previously approved by the legislature." In other words, the department or agency goes before the legislature and presents its program and says, "This is what we are proposing to do." The auditor may make a fiscal audit, as is provided, which is to determine whether the money which is expended by the agency — appropriated to and then expended by the agency — is spent properly and for proper subjects within the scope of the bill. And, secondly, he may take a look to determine whether the agency has carried out its commitments to the legislature which were made when the agency appeared before the legislature to ask for its budget or its appropriation in the last preceding year.

MR. DOWNS: Would this language permit the legislative auditor on his own initiative to review course materials of university professors and of local school boards?

MR. MARTIN: Absolutely not, Mr. Downs. There is no such intention. And the committee was perfectly clear on this that it did not include any authority to the legislative auditor to dictate or determine in any way, shape or manner, the curriculum — what is taught or how it is taught or anything of that kind.

MR. DOWNS: Well, Mr. Chairman, I get a little confused. I understand that on the definition of institutions of the state that everything was included, which I would assume means universities. "Performance postaudit" means a review of how the moneys were spent and if those answers — as I believe I understood correctly — are so, why does it not logically follow that this auditor could review in detail the academic activities not only universities but of local school boards receiving state money?

MR. MARTIN: Well, Mr. Downs, the question has been raised by some of the people connected with the universities. I believe Mr. Bonisteel has an amendment which he has submitted — I do not know whether it is on the secretary's desk yet or not — which I think will deal with this particular problem.

MR. DOWNS: The next question is: has Michigan government been dollar honest?

MR. MARTIN: Has it been dollar honest?

MR. DOWNS: Yes.

MR. MARTIN: If you are asking me whether it has been as honest as one might expect, I think the answer is yes. I have often said when I was auditor general that there is no more dishonesty in government than there is in private business or in any other sector of the economy. There are occasions when there is dishonesty and this, of course, is the purpose of an audit. And we found a number of cases of that kind. The difference, of course, is that when you find something of that kind in a public body, you are acting in the public eye and it tends to seem as though perhaps there is more in government than there is in private industry, because it is sometimes hushed up or brushed under the table or dealt with in some other way if it simply involves a private company. But the direct answer to your question is: there is about the same amount of honesty and there is about the same amount of dishonesty as you might expect in any other situation outside of government.

MR. DOWNS: To your knowledge has any other state had more dollar honest government than has Michigan?

MR. MARTIN: Mr. Chairman, Mr. Downs, I cannot answer that because we never attempted to compare Michigan with other states on this score. I think that you can say that we have had very good auditor generals, of course, (laughter) and they have been very careful to see to it that nobody got away with anything they should not. However, I cannot make any comparison with other states. I think we are as good — I think perhaps we are a little better than most other states.

MR. DOWNS: All right. Well, thank you. I have 2 other questions. Is the intent of this committee proposal to eliminate the present constitutional auditor elected by the people?

MR. MARTIN: I am sorry, I didn't quite get that question.

MR. DOWNS: Is the intent of this committee proposal for a legislative auditor to include the elimination of the present constitutional auditor?

MR. MARTIN: Yes. Yes, of course. We don't want to create a duplicating function here. We don't want a legislative auditor general and an executive auditor general both doing the same job.

MR. DOWNS: And I have a final question, which may be subjective and if you would care not to answer it, of course, I would not press it. This is: when you were Auditor General of the state of Michigan, did you feel that your primary loyalty was to the governor, the convention that nominated you, or the people that elected you?

MR. MARTIN: Well, that is sort of a 4 pronged question, and I won't try to answer all its prongs. I will only say that I felt that I ought to do the best kind of a job for the state of Michigan that was possible without regard to whether I was elected or appointed or without regard to whether I was in the executive branch or might have been in the legislative branch.

I think if you have the right person on this job and he has some reasonable tenure and his staff has some reasonable tenure, you can expect to have a competent, thorough and honest job done.

MR. DOWNS: Thank you very much. I would like to yield, Mr. Chairman, to Mr. Austin for a question.

CHAIRMAN MILLARD: The Chair will recognize Mr. Austin.

MR. AUSTIN: Mr. Chairman — thank you, Mr. Downs — I would like to ask one question of Mr. Martin, too, in regard to the elimination of the auditor general, whom, I presume, will be replaced by the legislative auditor. We have indicated on page 1, line 12, of the substitute proposal that

> The legislative auditor general shall conduct comprehensive fiscal postaudits of all transactions and accounts kept by or for all branches, departments, offices, boards, commissions, agencies, authorities and institutions of the state . . . .

Now am I to assume this would exclude local units of government, Mr. Martin?

MR. MARTIN: Yes, Mr. Austin, that is correct. It is not intended that the legislative auditor general should do anything more than handle state agencies, departments and institutions. These other units would, of course, continue to be subject to such audit as the legislature required. At the present time

the counties are audited. The townships are not audited, generally, unless there are special problems. The school districts are not audited except that the legislature requires that they themselves have an independent audit made. So there are different provisions and it is to be presumed that the legislature would make such provision for them. They would not be audited by the legislative auditor general.

MR. AUSTIN: Mr. Chairman, Mr. Martin, on line 8 of page 2, you have provided that

> The legislature shall provide by law with respect to the maintenance of uniform accounting systems and the auditing of units or agencies of local government.

MR. MARTIN: That is correct.

MR. AUSTIN: Now, if you are eliminating the present auditor general and if the legislative auditor general is to have no other duties than those specifically assigned to him in this proposal — which would, of course, exclude local units of government — what do you envision will be the auditing agency for these local units of government?

MR. MARTIN: Well, we would leave that entirely to the legislature, Mr. Austin, to place that where it appeared to be most desirable. As you know, we do propose that there be some reconsolidation of some of the departments. If that is approved it would be placed by the legislature in one of those departments, presumably —

MR. AUSTIN: Mr. Chairman —

MR. MARTIN: — or might be made a separate department, depending upon what the legislature saw fit to do.

MR. AUSTIN: Mr. Chairman, Mr. Martin, then what you do envision is another auditing agency in addition to the legislative auditor within the structure of the state government somewhere?

MR. MARTIN: We envision another auditing agency, Mr. Austin, but we don't envision another auditing agency for state government and for state institutions. At the present time the work is completely divided and completely divisible in the office of the auditor general. He has 2 staffs which do not cross over. One of them works on state audits and the other works on county audits.

MR. AUSTIN: Thank you, Mr. Chairman. I will yield the floor back to Mr. Downs.

CHAIRMAN MILLARD: Mr. Downs.

MR. DOWNS: Mr. Chairman, I would like to yield to Mr. Brown.

CHAIRMAN MILLARD: The Chair recognizes Mr. Brown.

MR. T. S. BROWN: Mr. Chairman, I apologize for standing up here at this juncture and standing facing the delegates, but for what I am about to say, at least for the next few moments, I think it is essential that you see what I am doing. I am not going to get into histrionics at this juncture, but I do have some general remarks about the topic that we are involved in right now.

Of course, the legislative auditor general problem is only part and parcel of a much larger problem, the problem of whether or not we are going to have appointive or elective state officials. Now it is argued generally and also specifically in regard to the legislative auditor general that the reason we must have appointive state officials is so that you can more easily pinpoint responsibility. In this particular case you would pinpoint responsibility, I assume, either to the legislature or to the governor because in most cases the governor and the legislature, were they of the same party, in regard to the legislative auditor general would have the same man in mind. I think this point of responsibility can be best illustrated by a little skit that I happened to see a year or so ago which was done by a group of strolling players that you will see sometimes in New York city and Chicago in the improvisation field. These players do bits in pantomime, generally at the suggestion of anyone in the audience, and they are usually quite effective in illustrating certain social points. This particular illustration — and I warn you in advance it is not humorous; as a matter of fact, it is tragic — concerns a rising young corporation executive. And you see the first gentleman in pantomime come out on the stage, and the announcer offstage begins to talk about the corporation executive and how he is doing all the right things and how he is trying to get ahead and trying to get into a position of power within the corporation. And he soon naturally gathers about him a staff. Enter the second player on the stage, who is obviously acting in the capacity of an administrative assistant. So that the rising young corporation executive — as the moderator goes on — is issuing orders and making decisions, and the executive assistant is carrying them out. He is scurrying about and so on implementing the orders. The executive is conducting press conferences and otherwise acting in a grand public relations capacity while the administrative assistant constantly is doing his bidding. Eventually the corporation executive rises — according to the moderator — to the position of president of the corporation. And here he is in a very grand posture doing things on the very grandest scale. Again the administrative assistant is scurrying about shining the shoes, brushing the clothes, issuing the orders, hiring and firing. Finally the corporation gets into trouble and there is an antitrust suit involved with the government. And they lose this antitrust suit after several lawyers go on stage and argue grandly, et cetera. Ultimately, the responsible party is taken off to jail. And enter the policeman in the uniform who grabs the struggling and kicking administrative assistant and hauls him off to jail while the executive keeps on with his press conference.

I think this is an illustration of something that we are all aware of. And that is that when you have an executive who has, either in government or in business, an ultimate responsibility that in most cases in a practical way he does not have that ultimate responsibility. Now I don't think that the 5-percenters in the Truman administration, for instance, reflected adversely on the president himself, and I don't think that Sherman Adams in the Eisenhower administration reflected adversely upon the president himself. And I don't think either that the president of General Electric in the price fixing cases was adversely reflected upon, although the vice presidents went to jail. Now I do think that this idea of responsibility is therefore fatuous and that your appointive, relatively minor, state officials are not really reflective upon the integrity and efficiency of the chief executive of the state.

And I want to say something else, also, because this comes part and parcel with the responsibility argument when we are considering elective or appointive state officials. That is the concept of efficiency. Now we have heard a lot in this constitutional convention about efficient government and effective government, but those people, generally speaking, who talk about efficient government and effective government do not at the same time talk about the philosophical bases and philosophical consequences of their efficiency and their effectiveness. Those people who adhere to the normal conservative philosophy, I think, have quite amply demonstrated the philosophical orientation that they have and I think that the liberal end of this convention has also done likewise. Now the real nub, I think, of the central problem concerning elective or appointive state officials is again — and I have alluded to this many times on the floor previously — is whether or not there is a reasonable philosophical basis for this idea of efficiency in government. I think it is a relatively novel idea. It arose in this country at the turn of the century. It is being fostered and developed by, generally speaking, the political scientists and the so called nonpartisan groups. But I think this is erroneous because, in a larger sense and in an ultimate sense, in this country we are in grave danger of being inundated by the efficiency experts. Now, in that regard, I think it behooves us to elect as many people as we can as long as we can and spread the base of governmental participation as far as we can down into the ranks of the people in order to protect our ultimate best interests.

Now, specifically, in regard to the auditor general — as Tom Downs has indicated already in his questions and as the following speakers will no doubt indicate — our principal reason for wanting to maintain the elective and independent status of the Auditor General of the state of Michigan is really quite

simple. We feel that the auditor general is responsible for fiscal integrity of the state and he should therefore be elected by the people. Now the classic mechanism is that the governor proposes; the legislature disposes; and then an independent outside authority beholden to neither the governor nor the legislature makes sure that this position is at least financially carried out with integrity. Now, we would violate — as has been already indicated — the normal separation of powers doctrine if we were to have a legislative auditor general in the state of Michigan. We would in effect and in practice end up with the auditor general having 144 bosses, each of whom would have some particular say in indicating what phase of government he wanted to have investigated and possibly even harassed.

It has been mentioned before that under the present statutes — and I don't think this can be denied — the present elected auditor general has all the power that all of the advocates of the legislative auditor general would want him to have. And the only reason our present auditor general has at times not been able to perform his functions is, of course, that he has not been granted the funds. I do not think there has been an illustration in Michigan history of an auditor general refusing to do something that the legislature asked him to do. They have simply not granted him the funds in the past and I do not see why they would change their stripes and begin to grant him funds in the future. In general, again, we are talking about — in our constitution, hopefully — strengthening the position of the executive branch of government. In that regard the legislative auditor general would be a regressive measure rather than a strengthening measure for the executive, because it would involve a harassment of the executive branch.

Now, specifically, I am going to read from a book I have before me, which does not quite read like a novel. It happens to be the Senate Journal of 1953 of the state of Michigan, on page 406. What happened historically was that the legislature set up a joint committee to study the proposition — this is back in 1952 — of whether or not we should have a legislative auditor general in the state of Michigan, and I want to read to you verbatim the report of that committee.

Senate Journal '53, page 406 of this journal, reports of select committees. Mr. Porter submitted the following report:

State senate concurrent resolution 19 of the 1952 regular session created a select committee to study and report on the values to be realized by realigning the present functions of the auditor general including the creation of a division of state government concerned with all relationships of local governments, the proper role and concern of the legislature in the postaudit of governmental activities, and the need of the legislature in having its own sources of information so it could fulfill its responsibilities more effectively, and the need for appraising the conduct of state programs as well as auditing the accuracies of their financial transactions. The committee has completed its work and recommends:

1. That the auditor general remain an elective state official independent of the legislature and of the executive;

2. That the proper function of the auditor general should be that of postaudit for the purpose of ferreting out violations of the law including failures of compliance with the accounting and appropriation laws of the state. The committee is of the opinion that the auditor general should also point out those cases where appropriated funds are used in a manner contrary to clear legislative intent and that such cases should be reported to the legislature.

3. That the legislature should strengthen the office of the legislative comptroller, that the office of legislative comptroller should be established by statute, that the staff of the office should be increased so far as necessary to properly provide the legislature with technical services in the field of governmental costs and appropriations and to assist the legislature in appraising the value of special governmental services.

Respectfully submitted, Elmer R. Porter, chairman; Frank D. Beadle, Edward Hutchinson, Arnell Engstrom, Richard L. Thomson, Carl G. Lindquist.

At the conclusion of my remarks, I should very much appreciate it, if he cares to answer, an explanation from Vice President Hutchinson as to why he has changed his position relative to the legislative auditor general.

Now, I have one more item which is a communication from the Alaska legislative council, which is a joint group in the Alaska legislature, submitted to the then Auditor General of the state of Michigan, Mr. Otis M. Smith, in a letter of December 22, 1961, and which reads as follows:

Dear Mr. Smith:

At the request of the legislative audit committee, the Alaska council is making inquiry about auditing practices and problems in the several states.

In Alaska postauditing of all agencies is a legislative function.

As indicated previously, I believe by Mr. Kuhn, they have the legislative auditor general setup there.

The audit committee is composed of the finance chairmen of both houses and the presiding officers of both houses and one additional member appointed by them. The 6 member committee nominates a CPA who, when approved by the legislature, serves as legislative auditor at its pleasure.

The legislative auditor directs the activities of the staff agency, the division of legislative audit. Its goal is an annual postaudit of each state agency, a goal which it has found impossible to attain even with an expanded staff.

While the executive branch provides a preaudit, there is no arrangement for internal audits by the agencies themselves and it is felt that the absence of internal audits makes effective annual postaudit of every agency impossible.

I am enclosing a questionnaire covering types of audits, interaudit agency relationships and audit procedures. We would very much appreciate your assisting us by completing the questionnaire and adding any comments or suggestions you think would be helpful in eliminating our auditing bottleneck.

Sincerely, John C. Doyle, executive director.

Now I think this illustrates that in a new state whose problems, I think, are relatively uncomplicated as compared with ours and who has the system of the legislative auditor general, that they are already at this early date running into problems and they find they are unable to accomplish their program.

I think this is illustrative of the fact that we in Michigan in our system have been doing quite well, even though in a recent conversation I understand from our present auditor general, Mr. Farnum, that when his staff gets into the area of county audits that it requires, when they do Wayne county, the bulk of their staff approximately 14 months to do a year's audit in Wayne county alone, and that when they get into the other counties of the state it requires approximately 11 months to handle them on a lump sum basis. So that in effect we are not able to have an annual audit in every county.

I should like at this time — and I have the greatest respect for Vice President Hutchinson — I should like, if he cares to answer, an explanation for his change of heart, if any, concerning the legislative auditor general principles.

CHAIRMAN MILLARD: The gentleman does not care to answer. The Chair will recognize Mr. Downs.

MR. DOWNS: I would like to yield to Delegate Perlich.

CHAIRMAN MILLARD: Mr. Perlich.

MR. PERLICH: Mr. Chairman and fellow delegates, the office of the auditor general has about 100 men and women and it is the watchdog of state and county money. They do one thing — this is important — they make sure that none of this money is stolen, wasted or spent without proper authorization. For as long as there has been such an office, the job of auditor general has been without the direct control of any branch of government. This is because he is elected directly by the people. The present auditor general, Billie S. Farnum, says, "I have always felt that is is essential that the man responsible for integrity in government should be directly responsible to and elected by the people."

All constitutions including those of states and federal governments separate the powers of government into 3 arms; executive, legislative and judicial. If Michigan's new constitution puts the auditor general under the legislature, it will be breaking down this separation. The auditor general's job is part of the executive department. It is not a part of the legislative work. The auditor general does administrative work and not legislative. He has many important chores. He sets up plans for uniform accounting in all counties, and he improves the efficiency and economy of spending in state government and in schools and townships and units that get state money. In some of these, the audits are performed at state or taxpayers' request.

An auditor general who has to work for the legislature is going to have 144 bosses. This is a prospect to curl your hair and break your back all in one; with 144 bosses the auditor general would have at least 144 pet projects or fishing expeditions to worry about. Many of the legislators would have 2, 3, or 10 projects mostly aimed at embarrassing the executive office. The result would be a real malfunction in accounting of money at all levels of government. When the state does audits because of political grudges or whims of individual legislators it is asking for trouble, not improving or increasing confidence in the state or its government. The most important point — and nobody seems to be saying it in this fuss about putting the auditor general under the legislature — is that the legislature does not need any new authority to get whatever fiscal or money information it needs for its work. If the people themselves keep the right to elect the auditor general, they can be sure he will be responsible only to them, and their rights and needs and interests will be protected. Thank you. (applause)

CHAIRMAN MILLARD: Mr. Downs.

MR. DOWNS: Mr. Chairman, I want to say that this was Delegate Perlich's first speech, and I am sure we are all appreciative of the applause. We assume, of course, that the votes go with the applause. (laughter)

I want to say that this does complete the presentation. We appreciate the time the delegates gave to consider this. I would just like to add a very brief summary. I feel that, first of all, our historical elective system of auditor general has in Michigan, in one simple word, "worked." Nobody has shown that it has not worked satisfactorily, particularly when it is demonstrated that the legislature has to our knowledge never been denied information it has requested. Now I feel, as so often happens, that in this case the proposal does not provide too little or too much; it provides both too little and too much. Delegate Austin brought out very well the vacuum that will be created when some of the present auditing functions would be eliminated and simply would be supplanted by the one sentence saying, "The legislature shall provide by law . . . uniform accounting," et cetera. I think that much of the present auditing system that has worked would be discontinued; so in that sense this proposal does too little. Now where it does too much is twofold. First of all, and the answers from the distinguished chairman of the committee to the contrary notwithstanding, I for one feel that this broad definition of performance audit or postaudit would permit a legislative auditor, if he were so inclined, to interfere with academic freedom. I feel this is particularly a danger because the auditor is elected for 8 years, and if I were flip I would say: who will audit the auditor? I do feel, though, there is a danger of the "tail wagging the dog."

At the present time the auditor of the state must return to the people for election and represent them. I think this should be expanded to a 4-year term and the legislature have its opportunity to audit and the governor have his executive power to require reports of any and all agencies of the executive branch that he so desires. So, in summary, I will simply say that our present system has proved satisfactory. We have had checks financially, by the governor and by the legislature and by the people, to an auditor general elected by and directly responsible to the people. I therefore urge support of the minority report amendment and the deletion of this section. Thank you.

CHAIRMAN MILLARD: Then you are yielding the floor, Mr. Downs?

MR. DOWNS: Yes.

CHAIRMAN MILLARD: The Chair will recognize Delegate Wood.

MR. WOOD: Mr. Chairman, I would like to ask Mr. Martin a question through the Chair. Mr. Martin, do you consider the county treasurer a state office?

MR. MARTIN: The county treasurer is a state office, yes, Mr. Wood.

MR. WOOD: And the county road commissioner is a state office? They get their funds from the state?

MR. MARTIN: Yes, that's right.

MR. WOOD: Have you ever thought of the possibility — and I think I know of a case or two where it happens — that we have 144 men in the legislature and they are in various businesses and at various times they do business with these state agencies, and that puts them in the position of hiring an auditor under your proposal? — and that these same legislators could fire him if they did not like his report when he audits their transactions?

MR. MARTIN: That is why we expand his term and why we give him a reasonable length of term and why we give his staff civil service status, Mr. Wood. That is important and it was important when he was an auditor serving as part of the administrative branch.

MR. WOOD: Well, supposing something was found in the account of one of these legislators who was doing business with the state; do you think it probable that that auditor would make a report derogatory to the man that hired him?

MR. MARTIN: I certainly do if the legislature had done a decent job in picking the man. I cannot imagine—you have this same situation with the general accounting office. The comptroller general of the United States is in exactly the same position with respect to the congress as the legislative auditor would be with respect to the legislature, and nobody has cast any reflections on the comptroller general of the United States. He hands out even justice and his reports are accepted as being absolutely correct and honest.

MR. WOOD: It doesn't seem to me that this auditor should be placed in the position of auditing accounts of the men who hired him. Thank you.

CHAIRMAN MILLARD: The Chair will recognize Delegate DeVries.

MR. DeVRIES: Mr. Chairman and members of the committee, I was one of the original sponsors of this delegate proposal along with Delegate Wanger. I would like to make some observations based on my 5 years on the legislature staff. The observation is basically this: that we desperately need this auditor general because the present system is inadequate. At present we have a legislative controller who is the head of the legislative service bureau. He does all the postaudit plus the operation of the budget under the direction of the ways and means, and appropriations committees. His department is grossly understaffed and he lacks the independence necessary to do an effective job in checking the various state agencies to see if they have spent moneys and followed the legislative intent correctly. The present system can be compared, I think, to trying to run a billion dollar corporation out of a cigar box. The net result of this is that the legislature must for all practical purposes rely on the executive branch to prepare the budget, to preaudit the budget, and then report to the legislature whether it — the executive branch — has carried out the legislative intent in the appropriation act. There is no way for the legislature to conduct its own postaudit, practically speaking. Now the legislature has partially recognized this problem by hiring an additional person this year.

Another evidence of the need for a legislative auditor is the fact that the legislature shifts periodically from line item to lump sum budgets. When appropriating lump sums, the legislature feels insecure, because they do not have the information as to whether the agencies are spending the money in accordance with legislative policy. When they shift to line item budgets, which they are doing this year in some

areas, they become burdened with administrative detail and in effect become administrators and not policymakers. The legislative auditor general could ease the minds of the legislators in this respect.

The cost of a legislative auditor is definitely not a factor in this situation, for a good, competent legislative auditor and a competent staff would save more than the cost of the salaries involved in the first year of operation. For these and many other reasons already stated, I think it is imperative that the legislature have an independent, qualified auditor and an adequate, competent staff. I urge you to defeat the minority report amendment and support the committee proposal.

CHAIRMAN MILLARD: The Chair will recognize the gentleman from Lansing, Mr. Wanger.

MR. WANGER: Mr. Chairman and members of the committee, in urging you to vote no on this minority report amendment, I would like to call your attention to the fact that the following are among the people who testified before the committee of the convention to have the auditor general appointed by the legislature: Governor Swainson, former Governors Brucker, Kelly, Williams and Van Wagoner. They were all in agreement on the desirability of this point. I would also like to call your attention to a report rendered by the citizens' advisory committee, which was appointed by the governor to study constitutional issues. You all have a copy of this report. Page 7 of the report, the top half of that page, double spaced, reads as follows:

> As for the auditor general, the committee recommends that he be selected by the legislature. The joint committee staff also recommended legislative selection of the auditor general.

In its final report the staff commented:

> The legislature now lacks any effective means of its own for determining whether or not the intent of the policy decisions it makes is being honestly and efficiently translated into action. A legislative auditor general would give the legislature, as the policy determining body, the means for checking on the executive administration of its policy.

And then the citizens' advisory committee continues:

> We would add that the auditor general performs a rather technical function. The electorate is unqualified to pass judgment upon a candidate's capabilities for the job.

I note that in the chairman's letter on this report on, I believe, the third leaf of the report from the chairman of this committee, it says:

> We have achieved considerable consensus. In the sole case where committee members have expressed substantial disagreement with the recommendation in the report, their dissent is noted.

I note there is no dissent noted at all regarding the auditor general, and I further note that the members of the committee which made this report include the Honorable Murray D. Van Wagoner; Mrs. Irwin Whitaker; Mr. Ferrell Heady, chairman; Joseph Woodka; Honorable Clark J. Adams; William J. Brake and William Marshall. (laughter) If Mr. Marshall would care to express his opinion upon the subject briefly, I would not be averse to yielding to him for a brief comment at this time.

CHAIRMAN MILLARD: Mr. Marshall.

MR. MARSHALL: I don't believe I understood the question. I was carrying on a conversation. Would you repeat it?

MR. WANGER: No, I asked you no question. I said if you cared to make any comment regarding the legislative auditor, briefly, that I would not be averse to yielding to you for that purpose. I did not request that you answer a question.

CHAIRMAN MILLARD: Mr. Wanger, there are several on the list here and if you have a question to ask Mr. Marshall, that is all right, but the Chair will not open the floor to him to make a speech at this time because there are several ahead of him.

MR. MARSHALL: If you have a question, Delegate Wanger, shoot.

MR. WANGER: Are you in favor of having the auditor general appointed by the legislature?

MR. MARSHALL: I am not. I am in favor of having him appointed by the people.

MR. WANGER: Thank you.

MR. MARSHALL: Well, now, were you referring to the — someone mentions the report here. Did you mention something about a report of the citizens' committee?

MR. WANGER: Yes.

MR. MARSHALL: I would advise you, and Dr. Heady who headed that committee can also advise you, that I did not sign the report. I was not present at its final adoption, and at the meetings that I was present I talked in terms of elective officials. So I want to set the record straight. There has been discussion heretofore in our committee on this question. I did not sign the report; I want to make that clear. And I am in favor of continuing to have the state officials elected with the consent and advice of the people by casting their ballots.

MR. WANGER: Mr. Chairman, to continue, the points which have been raised in opposition to the legislative auditor general are, of course, obviously contrary to the testimony which we have had presented that was made before the committee of the convention dealing with this subject. But a question has been raised regarding 3 items, the first of which deals with the subject of performance postaudits, and I would quote to describe to the convention this well accepted term from the little Hoover commission staff report 11, page 5, which, as you know, was drafted in 1951. I quote:

> Because the appropriations process involves the determination of policy, it is necessary that the legislature hold the executive responsible not only for the honest expenditure of all funds but also for the efficient use of public money in accordance with policies prescribed by law. This is known as an operational audit or a performance audit, and it too should be undertaken by a staff responsible to the legislature.

So we see that not only is the term reasonably accepted but it deals not only with the subject of dollar honesty, as Mr. Downs pointed out, it also deals with the subject of efficiency, which is always a problem in any big organization — business or governmental — and also deals with the problem of whether or not expenditures have been made in accordance with lawful statutory policy which has been established.

I suggest that the third question which has been raised is a question without any substantial merit in it. That is the question of academic freedom. There is clearly no power here where the legislative auditor could interfere with academic freedom. Remember, his powers, as put out in the committee substitute before us, are only of a fact finding nature. He can only do the postaudits, not preaudits; only postaudits, and postaudit investigations only with respect to matters which the legislature itself has the power to control. This gives the legislature no power whatsoever. It has been legally long accepted in this state that the universities have the control of academic freedom and so there is no danger whatsoever, as has been pointed out by several previous speakers, that this matter would in any way threaten the principle of academic freedom known to our state.

One final point has been raised by Mr. Wood, who suggested that there might be an occasion where one of the members of the legislature or a number of them would be embarrassed or at least would be angered by some action which this legislative auditor might take. I would suggest, first of all — as has been previously pointed out — that the position of the office and its staff insulates him from that type of pressure. I would, secondly, suggest that if a legislator was interested in dealings with the state to that extent he would clearly have a conflict of interest which would disqualify him from serving in the legislature of the state of Michigan. I believe one of the proposals which will subsequently be presented by the committee on legislative powers will provide that any person in the legislature shall not enter into such dealings in his own business which would create a substantial conflict of interest.

CHAIRMAN MILLARD: The Chair will recognize the gentleman from Marshall, Mr. Hatch.

MR. HATCH: Mr. Chairman, after sitting here patiently and listening to Delegate Brown's story about the corporation executive — I am sorry to see that he is not in the chamber right now — I fail to see the relevance of the particular story to the matter that we have under discussion, but I think if we add a few facts to that story we might see that it is most relevant.

Let us assume that that corporation executive also was a member of the board of directors of that corporation and that not only was he a member of the board of directors but he also conducted the audit of that corporation. Now I don't think that if Mr. Brown were a stockholder in that corporation he would want a member of the board of directors to be conducting the audits of the corporation's activities. And I think this is analogous to the situation we have today in state government where the auditor general is a member of the executive team and sits on the administrative board. I therefore oppose the amendment and support the committee report.

CHAIRMAN MILLARD: The Chair will recognize the delegate from Detroit, Dr. Norris.

MR. NORRIS: Mr. Chairman, I understand that what we have before us is under the aegis of the committee on the executive branch and the minority report thereto. I understood, too, that what we were discussing was the question of the ways and means of strengthening the executive power and strengthening the power of the governor and the executive branch of government in order that we might give proper sway to leadership and responsibility.

I am somewhat disturbed by the tenor of the proposals, including the proposal to which we have a minority report amendment in front of us, because they seem to have in their combined impact not so much a strengthening of the powers of the governor and the executive branch but a diminution of it and a weakening of it both by direct means and indirect means. Thus far in this convention we have taken one step in my judgment which weakens the executive authority by depriving the governor of the right to select members of the judiciary, a very important power in my judgment. When the record of Mr. Williams' administration will go down, one of the major accomplishments of it was the caliber and quality of the people he selected there, and we have removed that. And I think that is an oblique if not a direct attack upon the power of the governor.

Second, we have before us a proposal which talks in terms of the legislature selecting a person to exercise the auditing function under the committee on the executive branch, and I submit that what we are having before us is also a weakening of the executive branch of government. It does not strengthen the power of the governor. He does not have by this proposal an auditor general elected by the people — and who is a member of the state administrative board — as part of his team to exercise a certain amount of independent judgment as an elected separate official, but is still part of the team and part of the executive branch giving the governor the kind of cabinet, organization and orientation that he needs. Here we have a proposal which, if you will, undermines the executive branch by saying and making a judgment constitutionally that we may not trust what is happening and we want to exercise a "watchdog" function — not merely a watchdog function; you almost have here someone who acts in the capacity of the Inspector General of the United States Army, who is responsible to no one but the commanding general and for none of the line functions. And it seems to me this also is a diminution of the executive power and authority.

I understand, too, contemplated in the series of proposals that we are going to have before us from the executive branch is appointment of state officials perhaps with advice and consent and that also means that we transfer powers from the executive branch — the governor having a team, an administrative board, that he has some selection over at party conventions — to a selection which will be influenced by the legislature, and, if as indicated, an unrepresentative legislature.

I think in these 3 very important areas — the question of the selection of the judges, this auditor general selected by the legislature, the advice and consent over power of appointment — we are not strengthening the power of the executive; we are not enhancing the power of the executive to exercise leadership in the community and state. I think we are qualifying it and distracting it and decimating it, and I am quite apprehensive, Mr. Chairman, that one of the things that was advertised as a reason for calling this convention — to give the governor the power to exercise leadership, to do the things that are necessary in the next 50 years — is not actually taking place. We are obliquely and indirectly hammering away at the executive power and giving more and more power to certain segments of the legislature, the legislature which is thus far, in my humble judgment, unrepresentative, and I am quite disturbed — I wish sometimes that on our lever we had an amber button as well as a red and green one, because I am not so sure which way to move on some of these — but I have a disposition because of the general trend thus far in this report to vote for the minority amendment and I urge others to do so.

CHAIRMAN MILLARD: Dr. Norris, the Chair wishes to inform you that this proposal was offered by both the executive branch and the legislative powers committee together. The Chair will recognize the delegate from Detroit, Dr. Nord.

MR. NORD: Mr. Chairman, first of all I would like to make it clear that unlike the remarks of another delegate, this is not my first speech. It is also not my last speech.

With regard to the question of the auditor general, I believe that the evidence we have before us makes one thing crystal clear, and that is that reasonable men may differ on this subject. It appears as though reasonable men have differed even with themselves on this subject from time to time or, at least, they certainly have wavered in their minds. As a reasonable man myself, I certainly would like to confess the same thing: I have wavered in my mind. In fact I do not know that my mind has 100 per cent finished reasoning on this subject, and I would like to take the opportunity with you to reason. Reasonable men may differ, so let us reason. Everything else has been tried and has not succeeded, so let us reason.

The first point I noticed in reading the proposal — I have not had available the substitute — but in reading the proposal I noticed it begins: "The legislature . . . shall appoint a legislative auditor general." Now this is not the first time we have had the words "The legislature shall" before us. Every time that we have those words before us, so far as I can recall, someone has taken the floor and objected to those words and this time it is my turn to do it. When it says "The legislature shall" we always get the question in the back of our minds: what happens if they don't? What happens if it says, "The legislature shall select an auditor general" and they just don't manage to get around to it? The time for adjournment comes and they have not agreed on which one of those candidates shall be the man and there isn't any auditor general.

Now, it may seem that this is far fetched. Judge Dehnke is always saying that we have a lively imagination and these things never happen. It is true that some of us do have lively imaginations; all lawyers do, no doubt. But it has been known that the legislature has failed to do something that it ought to do. I believe I could present a list of at least 2 or 3 things like that where they have failed — like balancing the budget, for example; they have not done that. And reapportionment. When they had a duty to do that, for 20 or 30 years they didn't do that. And there are probably 1 or 2 other things they may not have done, as well.

Now if the constitution says there shall be an auditor general, period; says how he shall be elected or appointed, whichever it may be, especially elected, then we know there will be one. But if the proposal says the legislature of 144 people shall get together and agree on a certain man — this reminds me of the situation in which some of my clients have put me in the past. They say, let us make up an agreement that, while we do not know what the terms of it are now, let us write down that we will agree to agree in the future. And I always tell them that that makes no sense as well as having no legal significance. You cannot agree to agree. And here you are expecting,

you are requiring, the legislature to agree and when the legislature is required to agree on a certain, single individual, both houses must agree. It is not even enough if a majority of all the legislators should agree.

So, point one on my doubts — and I hope that everyone else will take this into account as one of the factors to be considered in reasoning — is this: you do not have a self executing auditor general provision if you adopt this provision. You only have a hope that there will be an auditor general, and it seems to me that that is not quite good enough. When it comes to tracing the people's money, I would like to have something a little bit better than a hope that somebody will be selected to do it. I would like to be certain.

Now I am sympathetic with the source from whence this sprung, this idea of the model constitution of the national municipal league. I have noted it there myself and that is one of the reasons I am wavering about this, because I have a great respect for that constitution and I notice that many of the states which have recently had constitutional conventions also have had respect for it and have done the same thing with the legislative auditor. But I would like to point out the difference between that constitution and the one that we are proposing. That constitution is radically different on crucial points, namely, what the legislature shall be. We are talking about "The legislature shall" do something or other, shall keep tab of the money of the people. Well, who is the legislature under the national municipal league's constitution and who is the legislature under our constitution? Under theirs it is a unicameral legislature based strictly on population not even adhering to county lines. In other words, it is a standard political scientist's dream of a perfect legislature. Now with a perfect legislature certainly a much stronger argument no doubt can be made in favor of a legislative auditor, in fact a very strong one. The main one against it, then, is you don't know whether they will act, whether the 144 will agree; but we do not have that kind of a proposal before us, which we will be reaching in probably a week or so, as to what the legislature shall be like. Ours, according to the majority proposal — and there is a possibility that it might pass; you never can tell — suppose that did happen, the worst should happen, that the majority proposal for the legislature should pass, should be adopted. Then we would have a malapportioned legislature instead of a "Mel" apportioned legislature. We would have a legislature which is not responsive to the people.

Another one of the factors that causes me difficulty with this particular problem has to do with the argument that we want to have a strong governor. And there is a great deal of movement afoot — and I am basically in sympathy with the idea — that we should have a strong governor. I don't like to have a weak government of any sort and I don't see why we should have a weak governor. We should have a strong governor. Now if we are to have a strong governor, he is spending a great deal of money. It would be a nice thing for him to be sure that he knows where that money is going. More than a nice thing. You would think that would be his duty. And if you think it would be his duty, you would think he would have some means to make sure that he can do that. He has the duty to know where all the money is going, but under the proposal before us he has no power to find out. The only one that would have the power to find out is the legislature, provided they do manage to appoint an auditor general. If no auditor general is appointed, nobody will find out. And if an auditor general is appointed who is responsible to — that is, appointed by — the legislature, while it is true he has the duty to report to the governor, he is still responsible to the legislature and not to the governor. A strong governor should have the tools. This makes the governor a weak governor.

Let us state this in a different way. Looking at this from the political scientific type of approach, the spending of the money is an executive function and to find out whether the money has been spent where it should be, and so forth, is part of the executive responsibility. It belongs to the executive branch of the government. Some place in the executive branch of the government there must be an absolute power to find out where the money goes and I would like to make this point in this connection. Suppose you do have a legislative auditor. I have no objection to it. I think it is a great idea in and of itself. Why not? If they want to find out where the money is going, they should be able to get the facts, but what in the world has that got to do with whether or not there is an auditor general of the state, for all of the state, and not just for the information of the legislature? There is no inconsistency between the 2 of them.

The main argument I have heard in favor of the legislative auditor is that there should be a check and a balance, that the legislature appropriates this money and the governor spends it and the legislature should find out where it went. Again, nobody could say that that is a bad argument, but if it is a good argument — and I think it is a good argument — what is wrong with the reverse of that argument, or the converse of that argument? If it is a good idea for the legislature to find out how the executive branch is working out, is it a bad idea to do the opposite and have the executive branch have a way to find out how the legislature is working out? Is it a bad idea, for example, for the attorney general of the state to have subpoena power to get information just like the auditor general has, subpoena power to get information about the legislative branch of government? It has been pointed out that it is against morals and ethics and it may become against the constitution pretty soon for a legislator to have a conflict of interest — Mr. Chairman, I believe I may have walked into the wrong room; it sounds like Grand Central terminal, and I had an idea that it was a different place. May we have order?

CHAIRMAN MILLARD: All right, we will give attention to the delegate.

MR. NORD: I regret to say that my train of thought has been interrupted. Probably the best way to get back to where I started from is to start over again; then I am sure I will be back on the right track. (laughter) But I will take the next to the best course and continue.

If it is correct that the legislature should have some overseeing power over the executive — and I believe it is — it is just as true that the reverse should be so. The executive branch should be able to check on the legislature. I put in such a proposal too, as a delegate proposal. It was one of those 20,000 or 30,000 delegate proposals. However, it has not as yet seen the light of day. But I would say this: if we are insistent upon the legislature having this supervisory check and balance over the executive, let us be consistent; let us do it the other way, too.

I hope that the Chair will not be upset when I point out that all the attorney generals in, I believe, the last 20 years favored that, including Mr. Millard. It is something that is generally thought of — at least by attorney generals — as being a nifty idea; that they should have subpoena power over the people of the state so that they can see that provisions such as the one Mr. Wanger mentioned — that there shall be no conflict of interest of legislators — that something can be done about it. For example, Mr. Wanger points out that it will say right in the constitution there shall be no conflict of interest of legislators. That is what it will say. The only thing that worries me is how will we know whether there is any? We know what it says, but will we know whether there is any conflict? How are we going to find out? We are not going to find out — as pointed out by Mr. Wood — we cannot find out whether there is any conflict of interest by having somebody hire a man and say; now find out whether I have a conflict of interest. He might not find out. So, therefore, if there is validity, as I say, to one branch of government checking the other, let us go both ways.

It has also been pointed out that the idea of a legislative auditor is not something which is inconsistent with an auditor general of the entire state. The legislative auditor if he is to find out information for the legislature can do so. He can have a rather narrow function. An auditor general has a bigger function. There is no need, as I understand it, for any

provision in the constitution which says that there shall be a legislative auditor. It can be done by statute, but if we desired to have it in there, I don't see any objection to it, provided it does not take away the power of the executive branch to do what it must do.

When we get down to the final analysis of what we are dealing with, the question really is this: who should the auditor — if there is to be only one — who should the auditor of the state be responsible to? Ultimately, who should he be responsible to? One theory is the one that we had before us in the majority report. He should be responsible to the legislature. Another theory is that the best way to find out who he should be responsible to is to find out whose money it is that he is spending or, rather, whose money it is that he is checking, that he is tracing. Whose money is it? If it is the legislature's money, they should have the power to find out where it went, and only they. And if it is the people's money, they should have the power to find out where the money went. Now without a great deal of analysis, I think it could be demonstrated that the money that is involved does not belong to the legislature; it is the people's money. The people have a right to know. The people have a right to demand that somebody keep track. Now, under the present system, they have a man on whom they can place the responsibility. He is called the auditor general. They elect him. If he does not do what he is supposed to do, they can boot him out. It is the people's money. They should be the ones who have the right to keep tabs on it. I think that the deduction that you draw from that, if you follow me that it is the people's money, is, therefore, that they should have somebody who at least has the power to find out where it goes, is this: It would not be good enough, really; actually, it would not be good enough for him to be appointed by anybody, because he will be responsible basically to them. He really should be elected, because the people are the ones whose money is involved.

There are 3 different possibilities, as I see it, if you insist upon having only one auditor. One of them is to have a man responsible to the legislature, to be appointed by the legislature, another to be appointed by the governor, another one to be elected by the people. And of the 3, it seems to me perfectly clear that if we have the auditor appointed by the legislature — and the legislature is less responsive to the people than the governor is; under almost any apportionment scheme, that is so — then you have the least responsive person in the auditor. The most responsive person will be the one who is elected by the people. He will respond directly to the people whose money is involved. The next to the most responsive situation would be if he is appointed by the governor. In that case, at least, the governor is elected by all the people. But if he is appointed by the legislature, you have the question of apportionment brought right back in again. The legislature never really can be absolutely responsive to the people and under the apportionment scheme proposed by the majority would be quite unresponsive. So of the 3 methods, either of the 2 that have been considered likely in the past are better. Elected by the people is the most responsive; appointed by the governor is the next to the most responsive; and appointed by the legislature is the least.

Mr. Chairman, for the foregoing reasons I state and I conclude that the case has not been made out to substitute the present auditor general for a legislative auditor. The most that can be said, in my opinion, is this: that there might be a good reason for having a legislative auditor. If so, let us have him, but let us not take him away from the executive branch. We must have one in the executive branch. For this reason I cannot go along with the committee proposal, and I will follow the minority report amendment.

CHAIRMAN MILLARD: The Chair will recognize the gentleman from Muskegon, Mr. Hanna.

MR. FAXON: Parliamentary inquiry.

CHAIRMAN MILLARD: All right, Mr. Faxon; state your question.

MR. FAXON: Mr. Chairman, is it your intention that we will continue to go on without having any afternoon break at all? Is this going to mean 4:30 or 5:00? Then we rise about 4:30? Is that the idea, that we will continue on this way? I think we would have better attention if the people knew we would have a break.

CHAIRMAN MILLARD: Mr. Faxon, the Chair thinks that is up to the chairman of the committee. Mr. Martin is in control of the machinery for recess or adjournment.

MR. FAXON: I thought it was up to you.

CHAIRMAN MILLARD: That has been taken out of the Chair's hands since I was up here before.

CHAIRMAN MILLARD: Mr. Hanna.

MR. W. F. HANNA: Mr. Chairman and fellow delegates, I was going to ask Mr. Downs a question as one of the proponents of the minority report amendment, but I would like to point out 2 things in his absence. One, in the past we have elected an auditor general, and the legislature over the many years has given him many functions not auditing in nature. But it has always perturbed me, as we have developed the science of auditing, that we at least have not required that the auditor general be a certified public accountant with experience in municipal accounting. My question to the minority is whether or not, if we were to elect the auditor general, would they provide that he and his staff insofar as necessary be required to be certified public accountants with experience in public accounting? Two, would they — in order to give him independence which they are perturbed about — provide for his nonpartisan election as we do the courts so that he would be truly responsible to the people? Three, — and I did not intend to make this comment until I listened to Dr. Nord. I am amazed at Dr. Nord's statement — the functions of the auditor general are statutory, and within the executive department there is the department of budget, the department of administration; there is the office of the treasurer; there are a number of financial management departments or functions within the executive department which give to the executive all the financial information and management that he needs. The weakness in our government in the past has been need of a competent postaudit by a competent person, and certainly this necessity must be answered. The balance of the executive branch article allows the creation of a financial department — call it what you want — and in the finance and taxation they said that audits would be made by competent state authority. Thus this audit function would be assigned to the auditor general insofar as postaudit. If there is a necessity for preaudits, the department of administration or the department of finance can perform the necessary audits. Dr. Nord is assuming that by electing the auditor general you are freezing for all time his functions. He raised the point that the people should discover through their elected auditor whether there is a conflict of interest. I take it from Dr. Nord's statement that he is of the opinion that the auditor general himself makes all these audits and that he runs up to Muskegon county and audits the treasurer's books or the clerk's books or the probate court books, and at the same time he runs down to Wayne county and while he is in Wayne county he goes up to Keweenaw. Actually, it is all handled by his staff.

Now then, to say that if the auditor general is not doing his job the people can change it is to ignore our extensive civil service procedure in Michigan. When we change the auditor general, we can change the auditor and 1 or 2 positions at the top, but his entire staff is kept on by civil service so that you cannot say that by changing the auditor general you will immediately give pep pills to the staff or discharge the staff or hire a new staff. It may be desirable to remove the auditor general's staff from civil service if we elect him, but the fallacy in Dr. Nord's statement is the assumption that the auditor general does all of the auditing himself.

It seems that our problem is this: it is true he made a correct statement that there are 3 ways to select an auditor general. One is to provide that the people elect him but then to provide for a measure of his competence so that the

auditor general is a C.P.A., has experience in municipal accounting and is qualified. Two, is to take it out of the realm of popular election and allow the governor to appoint him and write the same standard for him. But the problem is that the governor already has his financial staff through a department of finance and a department of budget. What is needed is an independent auditor — independent of the executive branch — to make sure that once the legislature appropriates the public's money that it is spent according to the directions of the public representatives. And the solution that has been adopted in the federal government and has been recommended by students of this and adopted by most of the recent state constitutions is the legislative auditor. This may not necessarily be the most perfect but it is certainly the least evil of all 3 plans. I request the rejection of the minority amendment.

MR. DOWNS: I wonder if Mr. Hanna wanted to yield for answers to his questions.

CHAIRMAN MILLARD: Mr. Hanna, did you want —

MR. W. F. HANNA: I asked him a question.

CHAIRMAN MILLARD: All right, will you repeat it so we will all know what the question is?

MR. DOWNS: I believe the first question was whether I would favor having an elected auditor be a C.P.A. I would hesitate to put this in the constitution. I think that the conventions in nominating people will aspire to get qualified people. Certainly everything else being equal, a C.P.A. would have an advantage and I assume the electorate would show that. I think, though, that the auditor general is more than a technician. I think that our Michigan history has shown that perhaps an attorney with a Rhodes scholar background was as well qualified if not better than a C.P.A. I think the electorate can handle that very adequately.

Now on the second question — and I want to see if I can get it right about a nonpartisan election — I am inclined to think that nonpartisanship for state officers does not necessarily get the most responsible operation of government. My own feeling is — and I know that this is another place where there is honest disagreement not only among delegates but the citizenry in general — is that our present system of party nomination with the voter making the decision does strengthen our 2 party system, and it puts a responsibility on both the party and the individual to see that the right person is selected for the job and the voters make the final decision. If the individual turns sour — I am certainly not suggesting that has happened — it is not only the individual that suffers but to an extent the party that nominated him. And I think that our system of party nomination in Michigan has brought about responsible candidates from both political parties.

Now the third question — and this was a little bit longer, but I got the feeling that there was kind of an either-or attitude on auditing. I certainly yield to no delegate in wanting efficiency in government. I do feel that auditing is not an either-or but a both-and, and our present system provides that the legislature can do the auditing. I think that Delegate DeVries and I agree completely when he said that there should be a more adequate staff. I am not quite as critical, perhaps, as he is but I think that this is the decision: that the legislature, if it desires, can have additional auditing staff, and I think they should have that freedom too, and that staff should be responsible to the legislature to remove if it so wants. That is a check through the legislative branch regardless of the apportionment. I think a second check is the governor who, as chief executive, has the right to know from agencies what happens and can require written information from them. And the third check — and I think the most vital — is through the people in an auditor general, and if in this area of auditing it ends up that we have the legislative and the executive auditing with the power of the judicial to get in the act if there is found illegal activity, and then the people auditing, I think it strengthens our government rather than weakens it.

This morning we were talking about the differences between private business and government, and I think here too is one: that to a large extent a profit and loss sheet does measure the ultimate success of a business from a business viewpoint but, again, government by its nature, being a monopoly, cannot be measured in a profit and loss statement as to how well it does perform it. For that reason I think — if anything — there should be more systems of independent auditing within governmental agencies than within private businesses, and I think our present system so provides. Thank you, Delegate Hanna, and I hope I have answered those questions satisfactorily.

CHAIRMAN MILLARD: The Chair will recognize the gentleman form Traverse City, Mr. Rajkovich.

MR. RAJKOVICH: Mr. Chairman and fellow delegates, for the last 2 hours or longer we have been debating: where does the postaudit belong? This has been quite a question. We do have separation of powers. We do have checks and balances. Yesterday we did adopt the executive budget idea and, from what we have learned of that, the executive budget is divided between the executive and the legislative branches of government. We have decided pretty well that the budget is to be prepared by the executive. The legislature may review this and modify it through its appropriation power, and then in a third step we have decided that the governor or the executive shall be assigned the job of administration and control.

Now the question that we are debating is: who should appraise the results of this budget? Who shall determine whether the program and financing were carried out by the executive as directed by the legislature? Whose job is it? This is the issue. Now who should do this? Looking back at our constitution again, we can look at the executive, we can look at the legislative or we can look at the judicial or we may look at some outside agency to do this.

Now if the executive branch does the auditing — and, by the way, this is done in some states — we have a rather illogical situation. It is contrary to good fiscal principles to have an agency auditing its own books and records. If we give it to the courts to do it, then this is again against the traditional role. This leaves only one agency to do it, and this is the legislative branch as the proper branch to do the auditing. Now the postaudit, certainly, has been outside of any one of the 3 branches of government. However, good government demands and requires that all of these things be placed in one of the 3 branches and, if any branch should have it, it certainly belongs in the legislative branch. We have to have a balance between the 3 branches of government; there is no doubt about that, and we have to prevent concentration of power in any one branch. By placing the auditor in the legislature, you are going to get this balance.

Furthermore, the postaudit itself is not usually confined to the financial transactions but it should cover performance both in quantity and quality. And here is where we need some performance auditing. Further, the auditor himself must see to it that the will of the legislature is complied with, and if performance financing or rulemaking are deviating from the legislative intent. This is the procedure as followed in sound business practice and we can follow a similar procedure in our government. I urge you to defeat the minority report amendment and support the committee. Thank you.

CHAIRMAN MILLARD: The Chair will recognize the vice president, Mr. Hutchinson.

MR. HUTCHINSON: Mr. Chairman, first I would like to make an observation in response to something that Mr. Nord was arguing about. He ran up an alarm that perhaps the legislature would be unable to appoint an auditor general by a majority vote of each house of the legislature and then what would happen. Well, for many, many, many years, for almost — well, for the first 75 years, I guess, of the state's history, it was the responsibility of the legislature to elect United States senators. They elected United States senators. They didn't fail in that responsibility. And certainly an official who is going to perform an auditing function, a function that the legislature is very keenly interested in and concerned about — I do not think that there is any reason

to be alarmed about the theoretical possibility that they couldn't even get a majority of the legislature to do something. I might say from observation that it is apparently much easier to get a majority of either house of the legislature to act than it is sometimes to get a majority of this constitutional convention together.

I would also like to say that my attention has been called to the remarks of the delegate from Wayne, Mr. T. S. Brown, in which he dug out of the legislative journals of 1953, the report of a select committee which I signed in which the committee said that in its opinion the auditor general should remain an elective state official independent of the legislature and of the executive. Now I would also like to call attention simply to the fact that the present constitution says that with regard to the privileges of members of the legislature that they shall not be questioned in any other place for any speech in either house, but I waive that immunity (laughter).

I would like to say that as the years have gone by I have from time to time changed my position upon things. I would invite your attention to the fact that this report which I signed — and which has been thrown in my face here today — emphasized that it was my position in that report that the auditor general should be independent of the executive as well as independent of the legislature, and I will say that either in 1953 or '54 or '55, one of those years — '53 or '54 probably — there was a proposed constitutional amendment before the senate which would provide for the removal of the auditor general, that is, the abolishment of him as a popularly elected official and the creation of an auditor general to be appointed by the legislature — much as this proposal here now would entail. As my recollection goes, if I had voted for that, why, the matter would have gone on the ballot. In other words, the matter fell short by one vote in the senate and I did not vote for it. And I did not vote for it because in those days I honestly believed, and maybe naively so, that the auditor general should be independent of the executive and he should be independent of the legislature, or, to put it the other way, that I did not think he should be answerable to the legislature but neither did I think he should be answerable to the executive. I conceived of him as an official apart from all of these influences and a man who without fear or favor in his official capacity would do the job of really ferreting out waste and incompetence and malperformance.

Well, as time has gone by, the ideal is still there but the practicality of reaching it is impossible for the reason that every auditor general in the past, at the present, and I suppose in the future, even though he is popularly elected — if he is popularly elected as part of the state ticket and he sits as part of an executive team, that is, a team of officers in the executive branch of the government — why, he is going to be loyal to that team. So you get down to the point of trying to assess which is better: to have a man loyal to the executive team or to have him loyal to the legislature in connection with this matter of postaudit and, certainly, in state government as I view it now — and I would say that this change in my position is nothing that has been brought about in recent days or in even recent months — in my later years in the legislature, I would have supported a constitutional amendment which, although, as I say, I voted against it in 1954 or '53, I presume along about 1958 or '59, I would have been found on the other side of the question, because as I get older and as I view things differently, why, my positions change. And that is one thing about politicians, you know: consistency is not a virtue.

Now I honestly think that under the circumstances, as we find state government today and as we have found it in the last number of years, as the size of the government increases in dollars, as the tax burdens become so unbearable, as the responsibility of the legislature for the wise appropriation of public money and the responsibility of raising it increases, that the legislature must have available, and I think responsible to it, the postaudit function.

Now, in this earlier report, the position stated was that the legislature should create a legislative auditor by statute, that we should enlarge his staff, that he should perform this service of informing the legislature. I am happy to point with some pride to the fact that I think the legislature has made some considerable strides in that area. But as has been pointed out here earlier today, a legislative auditor or legislative comptroller or whatever you want to call him is simply — in this context here, with another auditor general in the government — this comptroller is largely a staff assistant.

I am of the opinion now and have been for the last several years that we would have a better governmental system so far as the postaudit function is concerned, so far as the performance of the government is concerned, so far as informing the legislature is concerned, if this activity were in the legislative branch of government.

So if this amounts to an admission by me that I have changed my position, I have changed it; and I know an awful lot of people in public life who have changed their positions from time to time. I do not think that we have to go back very far. It seems to me as though perhaps my good friend, the governor, changed his position on a matter even during the course of this convention, maybe even during the weekend. So I say that consistency is not a virtue, and if by changing our position we can improve and see the light, why, so much the better. (applause)

CHAIRMAN MILLARD: The Chair will recognize the gentleman from Taylor, Delegate Marshall.

MR. MARSHALL: Mr. Chairman, it was about 2 hours ago when I asked for the floor and I don't even know where I am now. I am quite sure that anything that I could say has been said. Thank you.

CHAIRMAN MILLARD: The Chair will recognize Delegate King.

MR. KING: Mr. Chairman, I, too, asked for the floor some time ago and I find that everything that I wanted to say has been said except one thing — and I hope that this one thing will be repeated time and time again as the afternoon wears on — and that is: I pass.

CHAIRMAN MILLARD: The Chair will recognize Delegate Sterrett.

MR. STERRETT: Mr. Chairman and delegates, I would just like to make a brief remark about the appointment of the auditor general by the legislature. We have heard that this should be left to the people. Well, I have a letter from one of these voters, and I have several others that I have received, and the third point in this letter that this person brings out is, "The auditor general should be appointed by the legislature and responsible to that body for the funds it authorizes."

MR. BLEDSOE: Point of information, Mr. Chairman.

CHAIRMAN MILLARD: The gentleman will state his point of information.

MR. BLEDSOE: How many on the list?

CHAIRMAN MILLARD: We have 3 on the list. Delegate Durst.

MR. DURST: Mr. Chairman and members of the committee, I know that most members of the committee are beyond listening by this time, but I would like to read into the record, as long as we are discussing who stands for what, the opinions of 2 very eminent members — either present or former members of the state government of Michigan on this question. We were privileged to have former Governor Williams appear before us and he made a very detailed statement of what he thought should be done in the state government. He listed an 8 point program which he said was essential to strengthen the legislature. Point 8 was: "The legislature should have the right to select the auditor general and thereby control the postaudit." By like reason the executive should have complete control of the preaudit which, as I understand it, is exactly the system which we have proposed in this committee proposal.

Now we also had another gentleman who is very experienced in finance in this state, Mr. Ira Polley, appear before our committee on November 22, 1961. And he said in part in discussing an executive budget:

> As a parenthetical observation, let me add that it is my belief that the legislature should appoint the state auditor who would conduct the postaudit to determine the accuracy, legality and propriety with which the budget has been executed.

To my knowledge these gentlemen have not changed their minds yet.

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

MRS. JUDD: Mr. Chairman and members of the committee, we have heard many times on this floor this afternoon the importance of having the auditor general responsive to the people. Often when I hear this, I wonder just how responsive the people are to the auditor general. And just as an experiment, I would like to see a show of hands in this committee as to how many of us before running for con con regularly had read the reports of the auditor general. This is a remarkably select group, and I think if we were to go home and ask our friends, we would find there are very few who could read them and understand them and interpret them and make use of them. I think that when somebody is responsible to everybody, it amounts almost to being responsible to nobody, and this change would make the auditor general responsible to the legislature.

It has been said that the legislature is not responsible to the people. I heard that statement this afternoon, which surprises me. However, when the legislators understand the auditor general's report, you and I can talk with our legislator any weekend and get some understanding of the relationship of the auditor general's studies to the appropriations being made by the legislature. It seems to me this is a much more effective way in which the people can understand and check on our state finances.

CHAIRMAN MILLARD: Delegate Ford of Taylor.

MR. FORD: I am sorry that Senator Hutchinson left us after his little presentation because I — oh, he is back — disagree with what he said about consistency. I think that Senator Hutchinson exemplifies, typifies, and has demonstrated by his little analysis of the change that has taken place in his approach to this subject, a form of consistency which I have been convinced of recent date in this convention his party has practiced for a number of years in Michigan. And he seems to be one of the foremost exponents of it. Glancing at the state directory, I see that from 1836 to 1850, we appointed the auditors general in this state. And from 1851 to 1955 we seem to have elected them for some reason, predominantly from 1 of the 2 major political parties. And then at about the same time — purely by coincidence I am sure — Mr. Hutchinson did what he calls an act of inconsistency and what I view as an act of consistency — and that is, changed his mind about whether they ought to be elected or appointed. I see Democratic names starting to show up in the office, and I submit that Senator Hutchinson is being completely consistent. I won't argue with him about whether it is a virtue or not, but this is following the rule of his party that when the Democrats start to win we change the rules, and if we cannot find a different way to select him we abolish him.

CHAIRMAN MILLARD: The Chair will recognize Delegate Bledsoe.

MR. BLEDSOE: Mr. Chairman, fellow conferees, since time and history find us very happily assembled here with 2 Mr. Hutchinsons, I am happy to say that I am going to join the ancient Mr. Hutchinson because I think he was good then and I think he is still good. Frankly, if I were to cast my vote today for the most helpful person in helping this convention to get off parliamentarily on the right foot — aside from our illustrious secretary — I would vote number 1 for Mr. Hutchinson. I think he was good. I still think so. And I think he actually gave the only reason he could give here today on the floor for this change. I still think we ought to stand by the people in electing our public officials.

CHAIRMAN MILLARD: Delegate Downs.

MR. DOWNS: Mr. Chairman, since this seems to be our afternoon for eulogizing, I would like to eulogize my good seatmate and companion, Delegate Durst, for his eulogizing the eighth point of Governor Williams. I do hope that when we get to the subject of legislative organization, he will continue to show that respect for our great governor and read the other points that he supported as a condition precedent to the acceptance of point 8. Thank you. (laughter)

CHAIRMAN MILLARD: The Chair will recognize Delegate Madar.

MR. MADAR: All I have been doing is waiting and hoping and praying that maybe you were going to get tired, but it seems that after I did give you 3 days of rest, you learned nothing. (laughter) You know I like to hear Mr. Hutchinson talk about it being a good thing to change your mind occasionally. Well, you know, I have mentioned this on several occasions about having been a Republican for a long number of years. (laughter) They were a long number of years, too, because it just seemed that they could never learn and I am sincere about this; I am not trying to make you laugh. You lost elections in this state because your leaders did not have sense enough to give the people what they wanted.

When I ran for state representative in the first district on the Republican ticket, I did say we ought to have a strong governor. He ought to be responsible, not just in name only because he is the governor and supposed to be the administrator but because he had the right to appoint his ad board. And in those days because the Republican party was electing the ad board and could do as they wished, they would go along with even appointing him but not under the advice and consent. And then just as Mr. Ford puts it, the Democrats started to elect the ad board. Then they came along and said we have got to do something about it. Oh, I was in on many a conclave. It used to make me sick. I don't mind telling you that was why I left the party; I got sick and tired of running down the state —

MR. GOVER: Point of order.

CHAIRMAN MILLARD: All right, state the point.

MR. MADAR: Let's get 2 points of order —

MR. MARTIN: Point of order.

CHAIRMAN MILLARD: Just a minute. Who is it?

MR. MADAR: I am trying to get something here for the people of the state —

CHAIRMAN MILLARD: Just a moment, now. Point of order has been raised. What is it, Mr. Martin?

MR. MARTIN: The point of order, Mr. Chairman, is simply on the question of whether Mr. Madar is discussing the subject before the —

MR. MADAR: I am.

MR. MARTIN: — committee or whether he is discussing his political career. (laughter)

CHAIRMAN MILLARD: Mr. Madar, you will confine yourself to the question, which is on the minority report amendment, please.

MR. MADAR: Well, you may rest assured that I didn't lose my trend of thought due to the rudeness of the interruption. I am hoping that maybe here instead of just having a caucus and saying it is Republican or Democrat, that you will start to use your own heads in making up your minds as to whether it is right to appoint or elect. I do not believe that it is right to appoint even with advice and consent, because then the governor is not appointing —

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

MR. MADAR: — and I believe that they should be elected.

CHAIRMAN MILLARD: Now, just a moment. State your point, Mr. Everett.

MR. EVERETT: There is nothing in this proposal about appointment with advice and consent, and I think he is off the subject.

CHAIRMAN MILLARD: Mr. Madar, will you please confine yourself to the matter being discussed.

MR. MADAR: That's right. It is by the legislature, appointment by the legislature. And I wanted to get that in too. (laughter)

CHAIRMAN MILLARD: The committee will be in order.

MR. MADAR: Mr. Chairman and fellow delegates, you have been asked all during the campaign how you felt about these things. I believe that you meant that the people should have something to say about our government. You aren't giving them a chance to say anything about it. Frankly, I think you are trying to defeat a constitution. I tell you right now that if you are going to try to get anything done, you will go ahead and put in this constitution that you will elect your auditor, let the people elect him, and then you will be doing some good.

CHAIRMAN MILLARD: The question is on the minority report amendment. The secretary will read it. Mr. Martin.

MR. MARTIN: Do you have any more speakers listed?

CHAIRMAN MILLARD: No, sir.

MR. MARTIN: If I might add —

CHAIRMAN MILLARD: Mr. McAllister just raised his hand. The Chair will recognize Mr. McAllister.

MR. McALLISTER: Mr. Chairman and fellow delegates, I do not belong to the minority party; however, the people of my area have instructed me to not vote for any appointed officer. Accordingly, I will have to support the minority report amendment.

CHAIRMAN MILLARD: Mr. Martin.

MR. MARTIN: Mr. Chairman, I believe we have covered the subject thoroughly. I don't think there is anything more to be added on either side. I did, however, want to pick up just 1 or 2 quick points to this effect: the report of the committee is based squarely, among other things, upon the report of the little Hoover commission, the Michigan joint legislative committee on reorganization of state government, which was the most extensive study ever done in Michigan of state government, and I think it is interesting that the membership of that committee contained some of the most distinguished members of the legislature including some of the very well known members of the minority party. I note here Representative Michael O'Brien, Representative Leo Doyle, Senator Garland Lane, who is still in the senate, and Representative William Romano. It also included some of our more distinguished Republican legislators: Senator Bonine, Representative Conlin, Representative Montgomery, Senator Perry Greene, who is still there, Senator Frank Heath, our own delegate, Representative Jefferson Hoxie, the Speaker of the House Victor Knox, and Senator Leo Roy; and, representing the governor, Clark Adams, who served on the supreme court and was at that time representing the governor. And the comment of the little Hoover commission was just this. I read it only because it is so squarely in point. It is under the recommendations, number 4:

> Strengthening the legislature's means for effective control, particularly through establishment of a legislative auditor general to be appointed by and responsible to the legislature to undertake performance as well as fiscal audits of all state agencies. This will equip the legislature with its own means to hold the executive branch responsible for the execution of the program prescribed by the legislature.

The point has been made over and over again here this afternoon that we ought to keep this office close to the people by electing him.

All I can say is that any one of you or all of you ought to search back in your recollections as to who these auditors general were. Perhaps you know that I was one of them because I have mentioned it here, but these people are not known to the people who elect them. They are not known when they are elected, they aren't known when they are in office, and they aren't known when they leave office. And I might say myself that after 4 years in the office I still couldn't go out to make a speech without being introduced as the attorney general instead of the auditor general, although I did my best to become known to the voters of the state. I am sure the attorneys general had the same experience. There is absolutely no validity whatsoever to the argument that this business of electing an auditor general keeps him close to the people. If you want to select a highly qualified man who knows something about the job, the way to do it is to do it through the committee proposal, and the legislature will be in position to get the best and most qualified person that can be found in the country. We are not only interested in strengthening the executive power; we are interested in strengthening the legislative arm as well, because we want 2 strong branches of government; we want 3 in fact. Of course we want strong courts, but we want a strong governor and we want a strong legislature. And with that kind of a division between the branches we will get a good government.

I think that probably covers all the points that can be made on the subject. I hope we are ready to vote, Mr. Chairman.

CHAIRMAN MILLARD: The question is on the minority report amendment. The secretary will read.

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

1. Amend page 1, line 6, by striking out all of the committee proposal.

CHAIRMAN MILLARD: Are you ready for the question? All in favor of the amendment will say aye. Opposed, no.

A DELEGATE: Division.

CHAIRMAN MILLARD: Division is called for. Is there support?

SECRETARY CHASE: Sufficient number.

CHAIRMAN MILLARD: There is support. All those in favor will vote aye and those opposed will vote nay. For those coming in, this is the vote on the minority amendment to strike out all of the proposal. Have you all voted? If so, the machine will be locked and the secretary will tally the vote.

SECRETARY CHASE: On the adoption of the minority report amendment to strike out all of section a, the yeas are 39; the nays are 85.

CHAIRMAN MILLARD: The amendment is not adopted. The secretary will read.

SECRETARY CHASE: Pursuant to the minority report of Messrs. Wanger, Wood, Perras, Hubbs, Powell and Mrs. Koeze, Mr. Wanger offers the following amendment:

1. Amend page 1, line 18, after "thereof" by changing the period to a comma and inserting "and may after public hearing establish minimum standards for annual reports to be issued thereby.".

CHAIRMAN MILLARD: The Chair will recognize the first proponent of this amendment, Delegate Wanger.

MR. WANGER: Mr. Chairman and members of the committee, the purpose of this minority amendment which is offered by members of the legislative powers committee is, as you can see, in no way designed to weaken the office of the legislative auditor general. Its sole purpose, and I think all will agree its sole effect, is to strengthen that office. It is the position of us in offering this amendment that to do so is most desirable; to give the legislative auditor general the power, after public hearing, to establish minimum standards for annual reports to be issued by those agencies of which it is his job to do fiscal and performance postaudits. I want to emphasize the fact that the legislative auditor general's power relates only to the finding out and determining of facts, facts about the fiscal and facts about the efficiency of the operation of the executive branch of our government.

Now, we believe that there are 2 important reasons why it would be desirable to strengthen the office as this amendment proposes. The first reason is that it will save money by enabling the legislative auditor to get the facts economically — in many cases without having to go to the expense of a comprehensive investigation at all. It will also promote reasonable uniformity in the reports to be rendered, as they should be

rendered, by all of the important agencies, departments and institutions of the state.

As you can very well realize, when you come into an agency at the end of an operation or at the end of a period and try to find out what happened during the preceding period, it takes a great deal of effort and sometimes a great deal of time to find out the facts when the agency has not had its records set up in a manner so that those facts will be readily available. This provision allows the legislative auditor to set these minimum standards so that the facts will be available without the unnecessary cost and perhaps in some cases unnecessary embarrassment of the investigatory process coming into effect. Since such standards could only be minimum, no department, office or agency would in any way be prevented or discouraged from including additional information for analysis.

Now the requirement of public hearing guarantees that any department, office or agency affected will have the fullest opportunity to be heard before its minimum standards are established, and this will guard against any abuse. It has been suggested that experts in charge of agencies may oftentimes be so intimately concerned in serving the people of the state in their area that they do not have time and sometimes do not have the mental attitude required to take a larger and more broad view and to realize that the legislature in making appropriations should have as much uniformity among the reports of the agencies as can be obtained.

The Detroit News on page 4A of the issue of Tuesday, June 27, 1961, pointed out that

> As of June 27 of that year the presidents of Michigan's 9 tax supported colleges and universities have adopted rules for the uniform reporting of student enrollments and faculty members . . .

and goes on to point out that up until that time there had not been a uniformity in some cases in this regard. This is perfectly understandable because the various institutions involved can and should be concerned with their own operations and do not always have the time and the inclination to consider the broad scope as far as the uniformity in their reports is concerned. This applies with even more force and vigor to other agencies of a more specialized nature than educational institutions.

Now there have been 2 objections raised, Mr. Chairman, to this proposal. The objections which have been called to my attention are, first, that this language is unnecessary and, secondly, that in some way which I do not myself understand, it would give the legislative auditor general too much power. And in order to, I hope, conserve time, I would like to briefly comment upon those 2 objections. First of all, I believe that if we want to accomplish the goals of uniformity and economy this provision is necessary, because I think it is quite clear that without this constitutional authority the legislature could not authorize the legislative auditor or anybody else to set such minimum standards for constitutional agencies in many cases. I would also like to point out that there is no other place in the constitution which authorizes the legislature to establish such standards except with respect perhaps to the limited financial aspect of accounting alone. The second to last paragraph of the present substitute does authorize the legislature to provide uniform accounting for units or agencies of local government, but that, of course, applies just to the local government area. And section c of Committee Proposal 37 does not apply to any state agency beyond the dollar and cents accounting.

Now, with respect to the second objection which has to do with the power of the office, I would like to emphasize once again that the legislative auditor only has power to gather and discover facts and report those facts. He is not a policymaker in any sense and cannot interfere even to the extent of getting into the preaudit area through the operations of any of these agencies. Only facts are what he is to discover. Secondly, these again are only minimum standards which he could set. Third, a public hearing would be required. This hearing is authorized only with respect to the setting of these standards, so that any abuse would be fully guarded against. And fourth, I would like to point out that if any power of the legislative auditor would be abused, he is fully subject to the process of removal from his job by the legislature.

So in conclusion I would like to reemphasize that adding this phrase to the constitution, our amendment here, in the opinion of this minority of the committee — which includes 2 members of the subcommittee which had the topic under its direct jurisdiction — first of all would save the state a great deal of money in the fact finding process and, secondly, would promote reasonable uniformity of content in reports to be rendered by the agency which, after all, he is empowered to investigate and check.

CHAIRMAN MILLARD: The Chair will recognize Delegate Kuhn.

MR. KUHN: Mr. Chairman and members of the committee, I think Delegate Wanger made my speech. This was defeated by the committee on legislative powers. It was brought up before the joint subcommittee on legislative powers in the executive branch and defeated again as not being necessary, totally unrealistic and might cause powers in this legislative auditor general which we would not want. Therefore, we urge you to defeat this amendment.

CHAIRMAN MILLARD: The question is on the Wanger amendment. Delegate Karn.

MR. KARN: I agree with Delegate Kuhn in taking a position in opposition to this amendment. It is wholly unnecessary in my opinion.

CHAIRMAN MILLARD: The question is on the Wanger amendment. All in favor will say aye. Opposed, no.

The amendment is not adopted. The secretary will read.

DELEGATES: Division.

CHAIRMAN MILLARD: Did somebody ask for division? Is the demand for a division seconded? A sufficient number. All those in favor will vote aye. Those opposed will vote no. The secretary will read the amendment.

SECRETARY CHASE: The amendment offered by Mr. Wanger is:

[The amendment was again read by the secretary. For text, see above, page 1692.]

CHAIRMAN MILLARD: The question is on that amendment just read. All in favor will vote aye. Those opposed, no. Have you all voted? If so, the machine will be locked and the secretary will tally the vote.

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Wanger on behalf of the minority, the yeas are 27 and the nays are 79.

CHAIRMAN MILLARD: The amendment is not adopted. The secretary will read.

SECRETARY CHASE: Mr. Hutchinson offers the following amendment:

1. Amend page 1, line 7, after "appoint" by striking out "a legislative" and inserting "an"; and line 12, after "The" by striking out "legislative"; and on page 2, line 2, after the second "The" by striking out "legislative"; and line 12, after "The" by striking out "legislative".

CHAIRMAN MILLARD: The Chair will recognize the proponent of the amendment, Mr. Hutchinson.

MR. HUTCHINSON: Mr. Chairman, I think that the amendment is perhaps self explanatory. My desire is to change the apparent constitutional name of the office and reinstate the office as we have known it for so long. I do not myself think much of having a constitutional officer called "legislative auditor general." I think he should be called "auditor general." The word "legislative" is an adjective. If you are referring to a legislative auditor general, why, you are saying a lawmaking auditor general. That is not what he is. I think we would do better to call him "auditor general." This will not change the meat of the proposal at all. The legislature will still appoint an "auditor general." I hope that you can go along with this minor amendment. I suppose I could have offered this in style and drafting, but I was afraid somebody might claim this was a substantive change.

CHAIRMAN MILLARD: The Chair will recognize Mr. Martin.

MR. MARTIN: Mr. Chairman, I can see no objection to Mr. Hutchinson's amendment. I think perhaps I can speak for the committee in saying that the committee would see no objection to it.

CHAIRMAN MILLARD: The Chair will recognize the delegate from Taylor, Mr. Marshall.

MR. MARSHALL: Mr. Chairman, I rise to speak against the amendment, because in effect he is a legislative auditor; he is no longer the "auditor general." I think the majority proposal insofar as the terminology is correct and, therefore, I would oppose the amendment. If Delegate Hutchinson would like to add that he be elected by the people, then I would support his amendment.

CHAIRMAN MILLARD: The question is on the Hutchinson amendment. Do you want it read again? Mr. Austin.

MR. AUSTIN: I wonder if I could ask Mr. Hutchinson a question through the Chair.

CHAIRMAN MILLARD: If Mr. Hutchinson cares to answer.

MR. AUSTIN: Mr. Hutchinson, inasmuch as there is this one area of, let's say, auditing work that has not been covered in our constitution by this proposed legislative auditor — and I am relating now particularly to the work of auditing the counties and any other local units of government that may be required — I was wondering if we were not going to need some other type of auditor and who may have a title somewhat similar to "auditor general" and it might be better to let it be clear that this is the one who has responsibility to the legislature by way of his title.

MR. HUTCHINSON: Mr. Chairman, in answer to Mr. Austin I would say this: that I suppose that the county auditing function under this proposal might very likely be placed in the department of administration perhaps and that it would be known as the "county auditing division." And I think in all fairness that the state officer that is hereby being created is the successor to the officer that we know as the "auditor general" and he is the "auditor general." This word "legislative" is not descriptive of his powers at all. He is the postauditor of the state government. His department, while I understand it is the intent of the committee that the department should be described as being within the legislative branch — although I do not see that that is written out clearly in this proposal as it stands — nevertheless, it is also clear that the employees of his branch are under civil service just as they are in the executive branch in the government. I think that really this officer is the "auditor general" and while the legislature appoints him and while he reports to them, you will notice he also reports to the governor. And I don't think that there will be any confusion here at all. In fact, I think there will be much more confusion if we leave that word "legislative" in here.

CHAIRMAN MILLARD: The Chair recognizes Delegate Young.

MR. YOUNG: Mr. Chairman, I rise to oppose the amendment primarily because I think the whole amendment makes it very clear exactly what we are doing in terms of strengthening the executive. And I heard a lot of talk before the convention about the necessity of strengthening the executive office. Several days ago we strengthened the governor by taking away from him the right to make judicial appointments, and so now we are proposing to further strengthen that office by removing yet another responsibility from the executive. I would hate to see this convention contrive consciously to weaken the executive if this is the way we strengthen him.

CHAIRMAN MILLARD: The question is on the Hutchinson amendment. All in favor will say aye. Opposed, no.

The amendment is adopted. The secretary will read.

SECRETARY CHASE: Mr. Boothby offers the following amendment:

1. Amend page 1, line 8, after "to serve" by striking out "for a term of 8 years, who may be reappointed for one additional term only. He shall be removable for cause at any time by a 2/3 vote of the members elect of each house of the legislature.", and inserting "at the pleasure of the legislature."; so that the sentence will read; "The legislature by a majority vote of the members elect of each house, shall appoint an auditor general to serve at the pleasure of the legislature."

CHAIRMAN MILLARD: The Chair will recognize Delegate Boothby.

MR. BOOTHBY: Mr. Chairman and ladies and gentlemen of the committee, Mr. Kuhn has pointed out that there is some disagreement as to whether the auditor general, if appointed by the legislature, should serve at the pleasure of the legislature or whether he should serve for a relatively long, fixed term of years. Those favoring the long term claim this would attract a professional man and would remove him from ordinary political pressures of the legislature, thus making him independent. Mr. Kuhn did mention, however — he stated that the last 3 states that have adopted a legislative auditor have done it for a fixed term of years. I would like to point out that that statement is not completely correct. The state of Alaska has provided for a legislative auditor and that particular state has provided that the legislature shall appoint an auditor to serve at its pleasure; so the state of Alaska has provided that rather than having a fixed term of years provided, instead, they would indicate that the auditor general or the legislative auditor would only serve at the pleasure of the legislature; in other words, not for a fixed term of years.

I would also like to point out that for once — and I think probably this may be the first time I am in complete agreement with the model constitution put out by the national municipal league — I wish Mr. Allen was here — the national municipal league in its constitution makes the recommendation as follows: "Postaudit. The legislature shall appoint an auditor to serve at its pleasure." So the national municipal league also makes this same recommendation which was also included in the Alaskan constitution.

I personally feel that to make the auditor truly an arm of the legislature, that body must have the power to hire and fire the auditor at its will. An official appointed for a long term might feel so independent that he would refuse to provide the legislature with the information they desired, especially — I wonder if I could have some order, please.

CHAIRMAN MILLARD: The committee will be in order.

MR. BOOTHBY: — especially if the legislature was of a political complexion different from the auditor and particularly if the auditor was of the same party affiliation as the executive. A long, fixed term of years would allow an auditor to set up his own bureaucratic kingdom, I fear.

Now, there were certain statements made in the committee's recommendation as to why they wanted the long, fixed term of years. They listed 3. The first one they have indicated was to attract high caliber persons. I would refute that by saying that the office of auditor general certainly is an office of high prestige, and I feel that any person in this state would feel it an honor and a matter of prestige to serve in that capacity and would take that position whether it was for a fixed term of years or whether it was offered at the pleasure of the legislature.

The committee has also indicated that their reason for placing a long, fixed term of 8 years is to provide for a substantial degree of freedom from extraneous influence in the performance of his duties. Now the members of the legislature should certainly not be considered an extraneous influence. The purpose is to make the auditor of postaudits an arm of the legislature. They would not be an extraneous influence; they would actually be the proper body to have the influence. They should hold direct control of the constitutional means by which the legislature may have a check upon the executive and his subordinates in financial matters. I would say this: that the extraneous influence — the extraneous influence — would be the executive. This is what you want to keep him away from, but you want to have the legislature have control of this particular individual.

Now the third point that the committee has raised is that they want a long, fixed term of years to provide a

reasonable degree of job security. Now I submit that the auditor is something more than an employee of state government. He sits in a professional category such as a doctor, a lawyer or a C.P.A. The relationship between the legislature and the auditing arm of the government requires a high degree of confidence. Article X, section 2 of the Michigan constitution now requires that the legislature should provide moneys for estimated expenses of state government. Article X, section 18, requires the legislature to provide for the supervision and audits of accounts of public officials. In addition, it has traditionally been considered the power of the purse strings should remain in the legislative branch. The legislature — the legislature — has the obligation to provide for the paying of necessary expenses of state government, but in the appropriations of the taxpayers' money it must make sure that these funds are not being illegally used, mishandled, or wasted. I say that this responsibility which the legislature has to the people requires that they have a great deal of confidence in the auditing arm of state government, and so in this degree of confidence they must have a situation occurring where they can appoint or fire that person such as an individual would have over a person serving as his lawyer or his C.P.A. The real purpose of the legislative auditor should be to give the legislature maximum control over the determination of the accuracy, legality and integrity with which the executive has carried out the legislatively enacted budget plans.

Now, a statement was made in some prior debate that the auditor should be responsive to the people, and I do believe that there should be a degree of responsibility in this category of auditing the books of the executive arm in the postaudit function. And I would say that the auditor can be responsive to the people through the traditional watchdog of the public purse strings, and the traditional watchdog of the public purse strings has been the legislature. And I say if you want to continue that idea that the legislature shall be the watchdog, then you must give them a high degree of control over the auditing arm, and the only way I know how to do it is to make that particular arm serve at the pleasure of the legislature. It is my own personal feeling that an 8 year term would not cause this particular official to be responsive. I think he would be nonresponsive to the people through their elected representatives if he served for a long fixed term of years. And I ask you and I plead with you to consider this fact: if you want the legislature to have control of the purse strings and to be able to supervise and look over to see whether the executive is spending the money the way that the legislature has provided it, let them have control — and direct control — and let them have confidence in the official which they provide to cover this.

To further placate some of the members of this convention, I would like to indicate that when I was before the committee that was considering this provision and particularly my proposal which required that the auditor general serve at the pleasure of the legislature, Lieutenant Governor Lesinski indicated that he agreed with this proposal, and I am also informed that Governor Williams indicated to a reporter that he also agreed with this proposal. I urge the adoption of this amendment which would remove a long, fixed term of years and insert a provision which would allow responsibility of the auditor general to the legislature.

CHAIRMAN MILLARD: The Chair will recognize Delegate Binkowski.

MR. BINKOWSKI: Mr. Chairman, I would like to ask Mr. Martin, the chairman of this committee, 2 questions before I speak against the Boothby amendment.

CHAIRMAN MILLARD: If he cares to answer.

MR. BINKOWSKI: Mr. Martin, there has been discussion that the individual to be selected for this office is to have some professional status. I notice that there are no qualifications written into the committee proposal so, of course, he does not have to be an accountant or a C.P.A. or anyone of any professional background whatsoever. Is this not true?

MR. MARTIN: We haven't written in the qualifications, Mr. Binkowski, because we thought that this was a proper function of the legislature. We do want, I might say, and we do hope and expect that the legislature will select a person of the very highest qualifications, the kind of person who is hard to get because he already has a very good job and is being well paid. And in order to get that kind of person, you have to have some incentive other than a sort of day to day basis.

MR. BINKOWSKI: Well now, Mr. Martin — however, this job could very well be an administrative one and the individual would not necessarily have to be a C.P.A. in order to qualify for the job. Is that not true?

MR. MARTIN: Yes. Let me say it is both. It is administrative, but it is highly desirable that the auditor have some accounting background. If he does not have some accounting background, it is very difficult for him to do the job, because it is difficult for him to properly instruct his auditors and to know where to look — that is, under what rug he will find the bugs that he is looking for. So it is desirable that he have those qualifications and we expect that the legislature will take those things into consideration.

MR. BINKOWSKI: Mr. Martin, how do you feel about the Boothby amendment?

MR. MARTIN: Well, I am going to speak on it in a moment, but I would rather take it up at one time and let the other comments be made first.

MR. BINKOWSKI: Well, thank you, Mr. Martin. Ladies and gentlemen of the committee, I oppose the Boothby amendment, because I am very fearful that if this provision were inserted in the constitution that the legislative auditor could very well be a one man grand juror for the state of Michigan. Whenever you are involved in investigations there is attendant publicity, and I am very fearful that if he would have to serve at the pleasure of the legislature no matter in whose control or what party would be controlling it, he would be an arm of the politics of that particular party. I think if we are going to have a legislative auditor that you would certainly want him as independent as possible and certainly independent from party politics. I think this is the purpose of having the term stated right in the constitution. I would oppose any type of amendment of this sort. I also have an amendment in, myself, to try to eliminate him from as much politics as possible.

CHAIRMAN MILLARD: The Chair will recognize the delegate from Detroit, Delegate Mahinske.

MR. MAHINSKE: I would yield the floor to committee chairman Martin at this time to explain his stand on whether he is for or against this amendment before I would make my remarks.

CHAIRMAN MILLARD: Mr. Martin said he would like to talk later.

MR. MAHINSKE: Well, then I will make them now. I am also opposed to this amendment. I think that this is certainly not going to remove this man from politics. By the same token, by inserting the new language, we are making this man strictly accountable to the legislature, and as to his holding the job at the pleasure of the legislature, he may be removed even without cause, as I read this. I feel that this is certainly not going to draw the type of man into this job that Mr. Martin just remarked about. We are going to have to have a man with a good substantial background who is going to be leaving a well paying job and he is going to be coming to a job that is going to be on a day to day basis, and when you are working for anyone at their pleasure you are working on a day to day basis. I do not think that the job with these stipulations will attract this type of man, and I would be opposed to the amendment.

CHAIRMAN MILLARD: The Chair will recognize Delegate Hodges.

MR. HODGES: Mr. Chairman, I believe this amendment bears out many of the fears most of us from my party have had on this very thing. It would seem all we are doing here is transferring, under the guise that we are going to get expertise in a particular field, from the people under a one man, one vote theory and now turning it into a legislative theory where that faction of our population which is a minority can control that individual. Now, if we are going to do this —

because under the guise of expertise he is going to need some freedom from that legislative body and perhaps the 8 year term gives it to him — if we are to adopt this amendment, all it means is that we can expect an auditor general who can harass the administration at the will of a legislative body which is not representative of the people of this state.

CHAIRMAN MILLARD: Delegate Marshall.

MR. MARSHALL: What I was going to say has already been said, but I would like to ask a question. How many more amendments does the secretary have on his desk, please?

SECRETARY CHASE: There are 5 additional amendments on the desk, Mr. Marshall.

MR. MARSHALL: Well, inasmuch as we have been here since 2:00 o'clock and we did not have a recess, I would like to at this time move that the committee rise, Mr. Chairman. It is after 5:00 o'clock.

MR. MARTIN: Mr. Chairman.

CHAIRMAN MILLARD: Mr. Martin.

MR. MARTIN: We have carried on here and we have made a lot of progress this afternoon. I had in mind moving —

A DELEGATE: Point of order.

CHAIRMAN MILLARD: It is not debatable, Mr. Martin.

MR. MARSHALL: Mr. Chairman, I don't mind Mr. Martin running the convention through the Republican caucus, but I do resent — I do resent —

CHAIRMAN MILLARD: The Chair has ruled that Mr. Martin is out of order, Mr. Marshall. The question is upon your motion. The question is on whether the committee will now rise. All in favor say aye. Opposed, no. The Chair is in doubt. All in favor that the committee do now rise will vote aye. Those opposed will vote nay. Have you all voted? If so, the machine will be locked and the secretary will tally the vote.

SECRETARY CHASE: On the motion that the committee rise, the yeas are 61; the nays are 52.

CHAIRMAN MILLARD: The committee will now rise.

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

PRESIDENT NISBET: The Chair recognizes Mr. Millard.

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

SECRETARY CHASE: Mr. President, the committee of the whole has had under consideration **Committee Proposal 78**, A proposal to provide for the office of legislative auditor general; has considered several amendments thereto and has come to no final resolution thereon.

This completes the report of the committee of the whole.

PRESIDENT NISBET: Any announcements?

Without objection, we will return to the order of **communications from state officers.** Hearing none —

MR. MAHINSKE: Mr. President, is a motion out of order at this time?

PRESIDENT NISBET: Let us take this up first, Mr. Mahinske, and then we will return to you. This is a message from the governor. Mr. Chase will read.

SECRETARY CHASE: Office of the Governor, Lansing March 15,

The Honorable Stephen S. Nisbet, President, Michigan Constitutional Convention,

Civic Center, Constitution Hall,

Lansing, Michigan

Dear Mr. President:

Transmitted to you with this letter is my message to the fifth Michigan constitutional convention on the subject of executive appointments.

Sincerely yours,

John B. Swainson, Governor.

Following is the message:

Ladies and gentlemen of the convention:

The convention is now considering provisions concerning the executive branch of government to be incorporated in a proposed new constitution for this state. I take this opportunity of calling to your attention one facet of executive authority which I am convinced should be modified from its form in our existing constitution. I make reference to the provisions of section 10, article VI of the Constitution of 1908, which provides that vacancies in state office shall be filled by the governor with the advice and consent of the senate.

The proviso in question derives from the Constitution of the United States, and was placed in that document following strong debate on the proposition of whether absolute power in the matter of appointments should be placed in the hands of the executive, or whether this authority should reside solely in the hands of the legislative body. Convincing arguments were presented on each side of this question and, as a compromise, the "advice and consent" proviso was adopted by those who framed our federal constitution. This has been a part of each Michigan constitution.

In the early years of our federal and state governments, the words "advice and consent" were literally observed in the matter of executive appointments. The senate was a numerically small body and executive appointments were only a fraction of the number they are today. Under these circumstances, the senate could truly advise the executive and comprehensively examine each prospective appointee. However, the vast increase in the number of executive appointments, as well as the increase in the membership of the senate, has made it impractical for the "advice and consent" proviso to operate in its traditional manner, and its use as originally conceived has, for all practical purposes, been abandoned.

In Michigan, the power to advise and consent has in modern days been used strictly as a right of veto by the legislative body. An executive appointee receives in most cases a perfunctory hearing before a committee of the senate which votes him in or out of office on the committee recommendation.

In some instances, the appointee occupies office without any action by the senate, simply by assuming the position during legislative recess and holding it during months and even years of senate inaction. In the case of rejection of an appointee by the senate, no reason therefor is communicated to the executive.

The foregoing situation may, to a great extent, be blamed upon the fact that the large number of agencies, boards and commissions require the executive and senate to submit and pass upon hundreds of appointees. Inasmuch as the convention has already taken commendable action to drastically reduce the number of state agencies, boards and commissions, it appears to be an opportune time to reinstitute and restore the provision for "advice and consent" to its historical place in our government, and assure its operation as our founding fathers intended.

Therefore, I urge that you give serious consideration to adopting provisos which will guarantee an appointee a prompt and full hearing before the pertinent legislative committee, together with the right to be confronted by and cross examine all witnesses who may have been presented to the committee in opposition to his candidacy.

The appointee should also be afforded the right to counsel, the right to examine and rebut all documents which may have been viewed by or presented to the committee in opposition to his confirmation, as well as the right of subpoena to assist him in gathering evidence to prove or disprove contentions which have been raised in the matter of his fitness and qualifications for public office.

A proviso requiring the legislative body to report to the executive the specific reasons for rejecting an appointee should most certainly be adopted.

I further recommend that a provision be incorporated in the new constitution which will automatically confirm an appointee in his position unless he is rejected by the legislature within 60 days after that body convenes its first session following the appointment.

Proceedings in accordance with the foregoing would assure that legislative rejection of an appointee would not

member of this convention to have been so situated, by reason of the fact that both our names begin with D, that Mr. Davis has been my closest neighbor on my left. I want to add my words to what Mr. Brake has said, in this part of the hall especially, for myself and the others here, for the privilege that we have had in having Mr. Davis as a member, and to join on behalf of all the others here located in the good wishes that Mr. Brake has expressed. Thank you. (applause)

VICE PRESIDENT ROMNEY: Delegate Marshall.

MR. MARSHALL: Mr. President, I respectfully again request that I be excused for the remainder of the session today for personal reasons.

VICE PRESIDENT ROMNEY: Is there objection? The Chair hears none. You are excused.

Delegate Hodges.

MR. HODGES: Mr. President, I also request leave to be excused.

VICE PRESIDENT ROMNEY: Is there objection? There is no objection. You are excused.

Delegate Davis.

MR. DAVIS: For the remarks which have just been made from 2 gentlemen whom we all respect, I am indeed grateful. I didn't happen to know that the fact of my leaving today was going to be mentioned. I had even addressed a letter to Mr. Nisbet expressing a statement which I had hoped he might read after I left here. With your permission, I would like to say this: as an individual, I think that we sometimes are called upon to make decisions which contain certain regrettable factors. In numerous ways I regret resigning as a delegate to the constitutional convention.

For 5½ months I have been a part of as fine a group of ladies and gentlemen as it has ever been my good fortune to be associated with. The personal qualities of character, diligence, sincerity of purpose and capability have been amply demonstrated by individuals on both sides of the political aisle. After the completion of the new constitution, like the other delegates, I shall put my shoulder to the task of explaining the new document, truthfully and objectively, to the best of my ability.

In parting, I wish to extend personally to each of the officers, delegates and employees of this convention best wishes and God speed for your future well being, both in and out of this convention. (applause)

VICE PRESIDENT ROMNEY: The secretary has a request.

SECRETARY CHASE: Earlier today Mr. L. W. Richards filed a request asking for excuse from the afternoon session.

VICE PRESIDENT ROMNEY: Without objection, it is so ordered.

The Chair will recognize Delegate Millard.

MR. MILLARD: Mr. President, I move that the convention now resolve itself into committee of the whole for the purpose of taking up matters upon the general orders calendar.

VICE PRESIDENT ROMNEY: Excuse me, Mr. Millard. In light of the many things that happened this morning, we didn't go through the regular order of business. Consequently, the next thing in order is the reports of standing committees.

SECRETARY CHASE: We have some other requests ahead of that, Mr. President. Mr. Baginski, Mr. Walker, Miss Hart, Mr. Buback and Mr. Downs filed requests to be excused from the afternoon session.

VICE PRESIDENT ROMNEY: Is there objection? The Chair hears none; it is so ordered.

Delegate Walker.

MR. WALKER: I think I have partially resolved my problems of this morning, and I wish to withdraw my request. (applause)

VICE PRESIDENT ROMNEY: Delegate Madar.

MR. MADAR: Mr. President, seeing as we are in so gracious a mood this afternoon, I would like to renew my request to be excused from this afternoon's session.

VICE PRESIDENT ROMNEY: Is there objection? The Chair hears none; it is so ordered.

Mrs. Hatcher.

MRS. HATCHER: Mr. President, I would like to be excused for the balance of the afternoon.

VICE PRESIDENT ROMNEY: Is there objection? The Chair hears none; it is so ordered.

Delegate Murphy.

MR. MURPHY: Mr. President, I would like to be excused for the afternoon.

VICE PRESIDENT ROMNEY: Is there objection? The Chair hears none; it is so ordered.

Reports of standing committees.

SECRETARY CHASE: There are no standing committee reports on file, Mr. President.

VICE PRESIDENT ROMNEY: Reports of select committees.

SECRETARY CHASE: None.

VICE PRESIDENT ROMNEY: Delegate Lawrence.

MR. LAWRENCE: Mr. President, early this morning I filed a request to be excused from the latter portion of today's meeting. I have a medical appointment in Ann Arbor, and I have to be there by 4:30. I also have one on Monday that may make me late. I would like to be excused from the remainder of this afternoon's session, and from the first session on Monday.

VICE PRESIDENT ROMNEY: Without objection, it is so ordered.

Delegate Kelsey.

MR. KELSEY: Mr. President, in view of the circumstances, I would put forth a preferential motion to adjourn until Monday.

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

The motion does not prevail.

Communications from state officers.

SECRETARY CHASE: None.

VICE PRESIDENT ROMNEY: Second reading of proposals.

SECRETARY CHASE: Nothing on that calendar.

VICE PRESIDENT ROMNEY: Third reading of proposals.

SECRETARY CHASE: Nothing on that calendar.

VICE PRESIDENT ROMNEY: Motions and resolutions.

SECRETARY CHASE: There are no resolutions on file.

VICE PRESIDENT ROMNEY: **Unfinished business.**

SECRETARY CHASE: Under the order of unfinished business, the president lays before the convention the motion made on yesterday to reconsider the vote by which the order was set up for consideration of proposals on the executive branch.

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

The motion does not prevail.

Special orders of the day.

SECRETARY CHASE: None.

VICE PRESIDENT ROMNEY: Delegate Millard.

MR. MILLARD: I will now make my motion, Mr. President, that the convention resolve itself into committee of the whole for the purpose of taking up matters on the **general orders** calendar.

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

The motion prevails. Delegate Millard will preside.

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

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

SECRETARY CHASE: The matter presently under consideration is **Committee Proposal 78,** A proposal to provide for the office of legislative auditor general.

For last previous action by the committee of the whole on Committee Proposal 78, see above, page 1680.

The substitute offered by the committee on executive branch and legislative powers has been adopted, and presently pending is an amendment offered by Mr. Boothby:

[The amendment was again read by the secretary. For text, see above, page 1694.]

CHAIRMAN MILLARD: At the close of the session yesterday the Chair had exhausted the list of those who wanted to speak on this amendment. So, Delegate Kuhn.

MR. KUHN: Mr. Chairman and members of the committee, I just wanted to straighten Mr. Boothby out, because he thought that I misinformed the committee that Alaska did not have in its constitution the provision that the legislative auditor general should serve at the pleasure of the legislature. In the statement I made yesterday, I said out of the 4 constitutions that provided for a legislative auditor general, 3 provide for a definite term, and the only one that does not is Alaska. I just wanted to make the record straight, and say to you that the joint committees of legislative powers and executive branch had taken this question up, and we are opposed to the Boothby amendment.

CHAIRMAN MILLARD: Delegate Brown, from Detroit.

MR. T. S. BROWN: I'm sorry, Mr. Chairman, are we on the Boothby amendment now.

CHAIRMAN MILLARD: We are on the Boothby amendment.

MR. T. S. BROWN: I was absent for the last hour or so of yesterday's session. But during the early part of the session I made a speech concerning this particular topic, and I should like to oppose the Boothby amendment for the specific reasons which I enumerated yesterday. I believe the principal objection to the legislative auditor general setup is that it would allow fishing expeditions at the whim and caprice of not only the legislature, but individual legislators through the office of the auditor general, and thus attempt to obfuscate or embarrass or otherwise second guess some very autonomous functions of government, and I would imagine that in my absence yesterday certainly the universities were mentioned in that regard. I think this is the principal objection.

CHAIRMAN MILLARD: Mr. Martin.

MR. MARTIN: Mr. Chairman, I did comment on this yesterday, in response to a question from Mr. Binkowski, but I wanted to add 1 or 2 points on behalf of the committee. The committee considered this question very carefully. We considered the idea of having the legislative auditor general employed only at the pleasure of the legislature. We also considered the possibility of providing for a much longer term, a term of 15 years, as I believe the comptroller general of the United States is employed.

It appeared to us that neither of these answers was a proper one; that to provide the longest term was longer than necessary. But it also appeared to us that to provide no tenure whatsoever would be harmful to the work of the auditor general, and that it would create 2 major difficulties. One is the problem of getting the kind of man that you have to have—and I adverted to this in my answer to Mr. Binkowski's question. It simply is not possible to get the caliber of man you need to fill this kind of a job unless you can offer him some tenure. The man you need for this kind of a job is one of the most qualified men in the country so far as governmental accounting is concerned. He has a good job now; he can't be lured away from it on the proposition that he may be out of a job tomorrow. And he can't be lured away from it without paying him a good salary. So we felt that it was necessary to have a term, and we felt that the term of 8 years was not too long —that this offered reasonable security, unless he did something which justified his dismissal—and for that reason we put into the proposal the rest of the sentence which this amendment would strike out, that he shall be removable for cause at any time by a 2/3 vote of the members elect of each house of the legislature. We don't want him to be removable at the mere whim of an individual senator, or even necessarily at the whim of a party, but if he has clearly failed in his responsibilities, then he should be removable, and it is possible to do so on this basis. So I hope that you will go along with the committee proposal—it has had careful consideration—and will not vote for the amendment.

CHAIRMAN MILLARD: The Chair will recognize the proposer of the amendment, Delegate Boothby.

MR. BOOTHBY: Mr. Chairman and ladies and gentlemen of the committee, no doubt, after all the time that has passed since last night, my remarks are little remembered. This, too, shall pass away. And I will not take the time of this committee to repeat them. However, I would comment on some of the remarks that have been made after my initial comments regarding this amendment.

The purposes of a postaudit—and that is the function which the legislative auditor or the auditor general appointed by the legislature is responsible for and is concerned with— are 3 in nature. The 3 points which a legislative auditor is looking towards are, 1, the systematic check and review of the administration's financial accounts, records, methods and practice; 2, a determination of accuracy, legality and integrity with which the budget plans have been carried out; and 3, a report of the findings to the proper officials.

Now, when you investigate the 3 purposes which are connected with the postaudit, you find that these are the responsibilities which the legislature has been traditionally charged with. They have the responsibility of controlling the purse strings. They have the responsibility to determine whether the executive has carried out that budget in a legal manner and whether it has been carried out accurately. In other words, this is simply a check upon the function of the executive branch of government. Now, if this is the case, I would think and I would feel that there should be a high degree of control by the legislature over this particular function. And I fear the situation which may develop if you create a wholly new and separate independent body in addition to the legislature to carry out this function. I think that the responsibility of controlling this particular phase, the postaudit phase, should be with one body and not separated with 2. When you create a legislative auditor or an auditor general who has a great deal of independence from the legislative body, I'm afraid that you're dividing the function of the watchdog of the people's dollar as spent by the executive branch of government.

Now, I would like to comment regarding the question of whether you would be able to get a person of high caliber if you didn't offer him the security of a long term. Last night I had occasion to go over to the legislature, and there I talked with several members of the legislature concerning this problem. And those people I talked to expressed their hope that the amendment would be adopted so as to allow control by the legislature of this particular function. I asked one of the members there whether there was an analogy presently existing in the state legislature to allow a person to serve only at its pleasure and, if so, whether they had any difficulty in finding people of high caliber to fill these jobs. Immediately one of the members of the legislature made reference to the legislative service bureau, and he informed me that that particular bureau, and the head of it, and all the members connected with it, who have been doing outstanding work for the legislature, are serving only at the pleasure of the legislature. I was also informed that there are only 3 people that are elected for terms by the legislature: the clerk, the secretary and the postmaster. These 3 people are elected for terms which are consistent and coincide with the legislative term. All the other employees of the legislature are serving at the pleasure. And I think I have found, from my discussions, that the people who are members of the legislature are well satisfied with the high degree of competence that these people have in the carrying out of their purpose.

I would urge the adoption of this amendment, which would strike from the committee proposal the term of 8 years for legislative auditor—or the auditor general, as the office has been named—and that inserted in its place would be the provision which is urged in the model constitution, and which has been adopted in the Alaskan constitution, to have him serve at the pleasure of the legislature.

CHAIRMAN MILLARD: Mr. Martin.

MR. MARTIN: Mr. Chairman, only with respect to one of Mr. Boothby's comments, I say this knowing whereof I speak.

The job of the head of the legislative reference service has no comparability to the job of a legislative auditor general. The pressure on the former are nothing compared to the pressures which are on a person holding the job of auditor general and it's highly important that he have the maximum independence of judgment in making his reports. If he does not, his reports will not be of the kind that they should be. So I only say that I speak from experience on this, and that there is no comparability between any job held in the legislature at the present time and this kind of responsibility.

This of course is not derogatory in any sense of the persons who are now employed over there, who are of very high caliber and whom I know and respect very much; but this is a different kind of responsibility, and the pressures are entirely different. It is desirable that the holder of the job have some job tenure, and that the legislature be able to work with him on that basis. In any event, they have the maximum control in that they control his salary.

CHAIRMAN MILLARD: The Chair recognizes the gentleman from Lansing, Delegate Wanger.

MR. WANGER: Mr. Chairman and members of the committee, just to correct an impression which might be with you regarding the model constitution of the national municipal league, which Mr. Boothby uses as support for his amendment, I would like to call your attention also to the fact that the Michigan municipal league, which is concerned with Michigan, has recommended in their constitutional recommendations to this group, and I quote from recommendation 4 regarding this, "The Michigan municipal league recommends that the auditor general be appointed by the legislature for a definite term."

CHAIRMAN MILLARD: The question is on the Boothby amendment. All in favor will say aye. Opposed, no.

The amendment is not adopted. The secretary will read.

SECRETARY CHASE: Mr. Brake offers the following amendment:

1. Amend page 1, line 8, after "term of" by striking out "8" and inserting "4"; so that the language will read, ". . . shall appoint an auditor general to serve for a term of 4 years."

CHAIRMAN MILLARD: Mr. Brake.

MR. BRAKE: Mr. Chairman, ladies and gentlemen, the fact that 4 is halfway between the 2 extremes puts it in a good compromising position, but that's not the reason for the 4. I listened to Mr. Brown's speech yesterday and found myself in agreement with a considerable part of it. The matter of having a legislative auditor is a fashion at the present time, and I think he is correct in his inference, at least, that it is a fashion fostered very largely by political scientists. Strangely enough, it's a fashion with which I agree.

It seems, however, to me, that what we are handing out with one hand we are taking back with the other. We are saying to the legislature: you can have your own watchdog to see that the birds to whom you apportion the money spend it the way you direct them to spend it; but we are going on and saying to them, but you can't put any chain on this dog. And if he goes to pointing rabbits instead of pheasants, there isn't anything you can do about it for 8 years. It doesn't seem to me logical to have him appointed by the legislature and then say to the legislature, you can't do anything about it. And I don't think there is any possible justification in Michigan's background for the assumption that if the legislature has the power to do it, it will handle him by means of whim and caprice.

In reaching a judgment, I always like not to put it purely on theory, and we don't have to put it on theory here. Let me call your attention to the fact that there are some of us here who can remember when a skillful and experienced clerk of the house of representatives was carried through the term when the parties changed, so that he was a member of the opposite party from a very high majority of the members of the house. The very distinguished gentleman whom we enticed to come here and steer us through the maze that we are in has been secretary of the senate continuously since 1935, until we got him away, and during that time the senate was not always under the control of the same party. The legislative comptroller —Mr. Martin says this has no reference—but it does have a bearing on what I'm arguing. The legislative comptroller, who has been there continuously since 1949, is not a member of the party that has been in control of the senate for that entire time. I think there is no basis for thinking that it will be a matter of whim and caprice.

Now, it's conceivable that some time in the more remote future the majority control of our legislature will change hands. It's not probable, of course, but just possible. If that misfortune should happen, (laughter) I think that the legislature that comes in under a new party should have the right to say whether this is the man they want. I don't think we can assume that they would change on account of party, but I think they should have the right to say whether they wish to continue or whether they wish somebody of their own.

In the meantime, before we change parties, as I understand it, if and when we ever get to it, we are going to establish 4 year terms for the senate and 2 year terms for the house. That means a new legislature every 4 years—not all new legislators, but a new legislature. I think every incoming legislature should have a right to pass judgment on whether or not they wish to continue the person who is there or whether they want somebody else. Now, if that's not true, I don't know who we are fooling by having him appointed by the legislature. They have no control over him. Now, that is the reason that I am suggesting a 4 year term—so that his tenure will be coterminous with that of each legislature. I'm sure they won't change unless there is a real reason, because the experienced man in that position is simply invaluable, but I think they should have the right to change if they wish.

CHAIRMAN MILLARD: Mr. Wanger.

MR. WANGER: Mr. Chairman, members of the committee, in opposing this amendment, I would call your attention to the fact, first, of the experience in other states, where Hawaii has a 8 year term, for example, for this office. Also, right here in Michigan, where since 1937 the city of Detroit has had an auditor general who has a definite term for 10 years. And of course as we know the comptroller general of the United States has a definite term of 15 years.

Largely, I think, due to the reasons which have been so well outlined by Mr. Martin about the type of an office and the type of an individual who should fill it, the office is clearly a nonpartisan, non policymaking position. Its holder would thus be able to work equally well with the legislature regardless of which party is in power there. Therefore, no justifiable reason exists for providing for his dismissal at a time when the political complexion of that body may change.

The fixed term of office—and I think it's been quite well accepted by this committee on the basis of the last vote—has been set at 8 years rather than at half that time for 3 or 4 reasons, which I will briefly state. First of all, it will take considerable time for an office holder to become thoroughly acquainted with the position of auditor general; secondly, the administrative direction of the position should not be frequently interrupted; third, remember that the incumbent here may only be appointed for one additional term; and fourth, remember, as has been stated here, that this is a career type of appointment. In limiting it to 4 years, it would be very much more difficult to get the type of man for this position which it so definitely requires.

With respect to the aspect of control over the office, the legislature clearly has control over it, because any time that the man in this position is not faithfully performing his duities for any reason, that will be cause for removal.

CHAIRMAN MILLARD: The Chair will recognize the gentleman from Detroit, Delegate Yeager.

MR. YEAGER: Mr. Chairman, I would like to ask through the Chair a couple of questions of Mr. Brake, if he would care to answer. Under this amendment, reducing from 8 to 4 years, we continue with the next sentence "who may be reappointed for one additional term only." In other words, this would be a limitation of 8 years?

MR. BRAKE: If this amendment of mine prevails, I will offer an amendment to strike that out. Whether it is a 4 year

term or an 8 year term, if they've got a man who is doing the job, why in the world shouldn't they keep him as long as they want him?

MR. YEAGER: Well, that's the point I wanted to make.

CHAIRMAN MILLARD: Will you ask your questions through the Chair, Mr. Yeager, so we can follow it, please.

MR. YEAGER: I'm sorry, Mr. Chairman. I have no further questions of Mr. Brake. I simply want to state that if that next sentence is stricken out, I could vote for the amendment. Thank you.

CHAIRMAN MILLARD: The Chair recognizes the gentleman from Jackson, Delegate Karn.

MR. KARN: Mr. Chairman, members of the committee, some of the things I say here may be repetitious, but I would like to say that the 2 committees, the committee on executive branch and the committee on legislative powers, gave this question a great deal of thought, measured in time, in order to attempt to get what was considered the best solution to this particular point.

It has been said that we started with 15 years tenure. We are down to 8 years. But our conclusion was that it was our belief that we could get a higher type of man if we had an 8 year term instead of a 4 year term, because if you go out and get an extremely capable individual, which the committees are in hopes would happen in this case, you have to have something that will attract him besides salary. He is looking to some continuity of service. The other thing is that we discussed at some length—and we believe it has merit—that if a person is appointed for a shorter term, 4 years instead of 8, there is more likelihood that he may be thinking of things that he should do to curry favor with his bosses that would permit him to continue his employment after the 4 years is up. If he has an 8 year appointment he is more likely to do the things that in his best judgment should be done and not be thinking about his future employment.

It seems to us that this is entirely in order. We believe we could get a better man, and attract better people for this particular position, if he is appointed for an 8 year term rather than a 4 year term. Another thing that we discussed was the question of more than two 8 year terms. We discussed that this might work a hardship in the other way; that he might so conduct himself that he would establish an empire which would make it rather difficult for him to be released. So we think that this is a good compromise, arrived at with both committees being present and discussing it, and I support the committee proposal in opposition to the amendment.

CHAIRMAN MILLARD: The Chair will recognize the delegate from Parma, Mr. Beaman.

MR. BEAMAN: Mr. Chairman, Mr. Yeager asked my question, and it was answered by Mr. Brake. Thank you.

CHAIRMAN MILLARD: Delegate Dell from St. Ignace.

MR. DELL: Mr. Chairman, Mr. Yeager likewise asked my question, but there is another thought that I had. Because of the fact that this man will be appointed nonpartisan, or at least he can be nonpartisan in appointment, we must take into consideration that after all he is not going to be faced with the expense of campaigns for election, and so on, which I think would be quite a factor in your being able to go out and get a qualified man. For that reason, I could go for either the 4 or the 8 year term.

CHAIRMAN MILLARD: The Chair recognizes the chairman of the committee, Mr. Martin.

MR. MARTIN: Mr. Chairman, this is the kind of amendment where you could probably take 4, 6, 8 or 10 and make some argument for it. I don't think there is any magic number. The 2 committees have tried to use their very best judgment on this. The report was unanimous from both committees, and I hope that the delegates will support the joint committee recommendation.

CHAIRMAN MILLARD: The question is on the Brake amendment. All in favor will say aye. Opposed, no. The Chair is in doubt. The question is on the Brake amendment. All in favor will vote aye. All those opposed will vote nay. Have you all voted? If so, the machine will be locked and the secretary will tally the vote.

SECRETARY CHASE: On the amendment offered by Mr. Brake to reduce the term from 8 years to 4, the yeas are 34; the nays are 58.

CHAIRMAN MILLARD: The amendment is not adopted. The secretary will read.

SECRETARY CHASE: Mr. Austin has filed an amendment. He is not present.

Mr. Binkowski offers the following amendment:

1. Amend page 1, line 9—

CHAIRMAN MILLARD: Is Mr. Binkowski here? Proceed with the next amendment then.

SECRETARY CHASE: Messrs. Bonisteel, J. A. Hannah, Anspach and Goebel offer the following amendment:

1. Amend page 1, line 18, after "audits thereof.", by inserting "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 to be solely responsible for the control and direction of all expenditures from the institutions' funds.".

CHAIRMAN MILLARD: The Chair will recognize the proposer of the amendment, Delegate Bonisteel.

MR. BONISTEEL: Mr. Chairman and fellow members of the committee, the language of this amendment is plain. It is the purpose of the sponsors to put in writing the interpretations heretofore made by the sponsors of Committee Proposal 78. This amendment to Committee Proposal 78 has been heretofore submitted to the committee, and it does not seem to require any amendment, and I wish to ask, Mr. Chairman, through the Chair, if Chairman Martin will confirm my impression of the statement which he made that there is no objection from the committee to the proposed amendment as submitted here.

CHAIRMAN MILLARD: If Chairman Martin wishes to answer.

MR. MARTIN: Mr. Chairman, Mr. Bonisteel and fellow delegates, Mr. Bonisteel did show this amendment to me. The purpose of the committee, I'm sure, was not to interfere with the responsibilities of the universities as outlined in his amendment for the control and expenditure of their funds. The sole function of the auditor general, of course, is a postaudit function, and he is not directed or permitted to get involved in the operation or direction or determinations of that kind. I have not shown this to all the members of the committee, but I believe it is the sense of the committee that this amendment does no harm to the committee proposal, and I would favor it.

MR. BONISTEEL: Mr. Chairman, that being the case, I—will sit down. (laughter)

CHAIRMAN MILLARD: The Chair will recognize Delegate Wanger.

MR. WANGER: Mr. Chairman, members of the committee, I know that we all on the legislative powers committee also realize that this amendment would in no way be contrary to our intent, nor to the operation of the substitute, or even of the original as it was proposed, but I would like to suggest that this amendment adds language which is legally unnecessary. There is nothing in this proposal which gives the legislative auditor general any authority over the control and direction of expenditures from the institutions' funds. Will you please look at the substitute, and I can show you very completely and exactly what powers he has: first, to conduct fiscal postaudits; second, to conduct performance postaudits; third, to make investigations pertinent to the conduct of such audits; and, finally, it's expressly stated that the legislative auditor general shall be assigned no duties other than those herein specified. So you see there is absolutely nothing in the original that could empower the legislative auditor general to interfere with the boards of the universities and colleges to be solely responsible for the control and direction of all expenditures from the institutions' funds. This language therefore is unnecessary. It adds language to the constitution which does not have any legal effect. It says, in other words, that the legislative auditor shall not be able to do something which he doesn't have any excuse for a power to do anyway. So I oppose the amendment, but solely on that basis.

And I would like to hear — and perhaps my mind would be changed — any reason why the sponsors of this amendment believe that this amendment is necessary to clear up any ambiguity in the language of the committee proposal, or any interference which the committee proposal would permit the legislative auditor general to make with the governing boards' authority and control over the direction of all expenditures of those institutions.

CHAIRMAN MILLARD: The Chair will recognize the second sponsor of the amendment, Dr. Hannah.

MR. J. A. HANNAH: Mr. Chairman, members of the committee, I didn't intend to speak, but in view of Mr. Wanger's questions and comments, I feel constrained to.

The strength of public higher education in this state is very largely due to the fact that back in 1840, after the University of Michigan had been subjected to a series of inquisitions by individual members of the Michigan legislature, the legislature caused to have a committee appointed to make a study of the appropriate relationship between legislatures, state governments and universities. And had we the time, or was it necessary, I would like to read to this committee this rather long statement of 1840 known as house document 51 of 1840, filed by the chairman of the select committee who was then a representative in the legislature from Mackinac county. I'm not going to read it, because it would take too much of your time, but I would be glad to make copies of it available to those who would like to read it. It points out the great weakness of public universities of that day, due to the fact that individual members of the legislature felt that because these universities were publicly supported, that it was desirable and necessary for legislators and others politically inclined to examine into all of their operations. It is a very interesting statement in which, among other things, Mr. Turner compares a university or a college to a plant, and indicates what happens when one legislator or politician finds it is necessary to pull up the plant to look at its roots to see if the roots are strong enough to support the top, and then deciding that the top is too large for the roots, they lop off a part of the top. It is a very interesting and humorous anecdote that he describes.

Well, subsequent to that the founding fathers of this state decided that partisan politics and higher education have little in common; that universities should not be more concerned with the problems of policies of one party than with another. And so they moved in the direction of giving first the University of Michigan, and then what is now Michigan State University, and later Wayne University—and in the educational provisions that have already been approved by this convention, to all of our public universities and colleges—constitutional status and protection in their educational integrity.

Now, I would only answer Mr. Wanger by referring him to some of the incidents that were reported in the press just a few months ago when individual members of our legislature became very much concerned and interested in the content being taught in certain courses and departments and programs on our own campus. The constitutional status of our institution made it possible for the institution's board of trustees and president to say that the board and president are perfectly willing to be subject to scrutiny, to answer questions, to appear before such inquiries as you may want to conduct, but when you move in the direction of actually examining course content or demanding of individual instructors explanations of what they teach and why they teach, this is improper.

Now, why we want this language written in here—and I've made it clear in the comments I made a couple of days ago that there's no feeling on the part of most of us in education that education should be a sacred cow; that we are perfectly willing that these institutions and boards and operations shall be subject to the same scrutiny with reference to the procedures they use in the expenditure of their money, that they be made to be accountable, and make certain that they do follow prudent and defensible procedures—is that there is always the fear that this thing you call the legislative auditor, or auditor general, may become the tool of a group or even an individual or a committee of members of the legislature and be used for the purpose, not intended, of inquiring into what is taught and why it is taught. It takes nothing away from this provision. It doesn't make it impossible or undesirable or in any way impede attaining the objectives that the committee had in mind when they wrote the provision. It does give the colleges and the universities the protection that they should have if they are to serve you and the people of this state now and in the future as they should.

I recognize that I am biased, but I believe with great conviction that there is nothing more important to the future of Michigan, more important to the people of this nation or the role this nation is going to play in world affairs, than the availability of educational opportunity, the basic philosophy of that education, the availability to all people. I think we should do everything that needs to be done to be certain that we maintain this great strength that we have had in Michigan that has been widely copied more recently by other states in keeping our educational institutions completely free from partisan political influences just as nearly as that can be done.

CHAIRMAN MILLARD: Delegate Wanger.

MR WANGER: Mr. Chairman, members of the committee, I'm sure we are all in agreement with the sentiments expressed by Dr. Hannah. But there's nothing in the words here of the amendment which relate to course content, curricula or academic freedom. I suggest that the legislative auditor has no power to get into this area at all. I do not understand how this language then would give any additional protection in that way.

CHAIRMAN MILLARD: Dr. Hannah.

MR. J. A. HANNAH: Mr. Chairman, I don't want to become involved in a debate with Mr. Wanger. For 28 years I have dealt with the Michigan legislature, either as the secretary or the president of a university only 3 miles away from it; and I recognize that there is nothing in the language, without this protection, that gives this specific authority to a legislative auditor. I also have full knowledge of how legislators sometimes operate, and there is nothing in the language that would prevent a member or a committee of the legislature from using the legislative auditor to do, at least until he was stopped, the thing I am concerned about. And so if Mr. Wanger only says it shouldn't be there because no authority is given, let's leave it there to make certain that in the future this isn't abused.

CHAIRMAN MILLARD: Do you wish to be recognized again, Mr. Wanger?

MR. WANGER: Well, I would be in complete agreement on the score that the legislative auditor should not have this power to go into any aspect of curricula, course content or things of that type. But, legally, looking over this, all I can say is that there is no power given here, as nearly as I can see, for him to do anything other than make postaudits and investigations pursuant thereto, and the language says that he shall be assigned no duties other than those.

CHAIRMAN MILLARD: The chairman of the committee, Mr. Martin.

MR. MARTIN: Mr. Chairman, the reason behind my supporting the amendment was simply that I think the universities have had some experience which give them some cause for concern that this might be claimed to provide a right to do things which the committee has no intention should be done. I think that it's fair to include language which will quiet any such fears, now or for the future.

CHAIRMAN MILLARD: The Chair will recognize the gentleman from Hancock, Delegate Heideman.

MR. HEIDEMAN: Mr. Chairman, ladies and gentlemen of the committee, the very fact that a question has been raised as to the need of this amendment by people who have dedicated so many years of their lives in the service of these great institutions in Michigan to me is an argument for the amendment. I favor the amendment wholeheartedly so that we can in every possible way strengthen the autonomy of Michigan's institutions of education.

CHAIRMAN MILLARD: Delegate Bonisteel.

MR. BONISTEEL: Mr. Chairman and members of the committee, I don't think that anything I might say will add too much. I just call your attention to the fact that if we are talking about what should be and what should not be in the constitution, most of the matters that are already in this particular section, in my judgment, are properly matters of legislation. But I am not raising that question. I am merely pointing out that we are trying to clarify something so that we know that we are going to be adequately and fully protected. There can be honest differences of opinion, you know, as to legal interpretations. I hope that the members of this committee will support the proposed amendment.

CHAIRMAN MILLARD: Delegate Wanger.

MR. WANGER: May I ask a question through the Chair of Mr. Bonisteel?

CHAIRMAN MILLARD: If he cares to answer.

MR. WANGER: Mr. Bonisteel, I know the major concern here is with regard to politics in the field of what is being taught and done in an academic way in the universities and colleges. Now, I just want to ask: is it the intention of this amendment to mean that the legislative auditor, then, as I understand it, shall be prohibited from getting into that area of the educational institutions?

CHAIRMAN MILLARD: Dr. Hannah, do you want to answer that question?

MR. J. A. HANNAH: I have already answered it, Mr. Wanger. There is no desire on the part of the universities or the colleges to be immune from examinations of their books, their fiscal records, and all that sort of thing. There has been a mistaken notion created in the minds of the people of this state that in recent years there has been some unwillingness on the part of universities and colleges to make available to the legislators and others complete information with reference to their fiscal practices, and that just is not true.

No one has any objection at all to granting to the auditor general what he always has had—an opportunity to make full and complete audits of the fiscal affairs of the universities if he wants to. He used to do that. Twenty years ago they stopped because they didn't have money enough to do it. In recent years the principal universities at least have had annual audits conducted by Ernst and Ernst, or Price Waterhouse, or some of the great auditing firms, because of course the boards of trustees need to have some protection to make certain their own officers are carrying on their business affairs in an honest and an appropriate manner. So in recent years the auditor generals have accepted these commercial audits conducted at the expense of the institutions in lieu of their own auditing. But there is no objection on the part of the institution that I am the president of, and as chairman of the council of state college presidents, I think I can state for all of our institutions that there is no unwillingness to be scrutinized in the same manner as other operations so far as the handling of our financial affairs is concerned. We just want to be sure that in looking into finances, this doesn't become a device by which you look into what is taught in the economics department, and why, and you do it on the handle that it is necessary to satisfy some legislator to find out how many professors there are, and what are they teaching, and are they Keynesians, or are they subscribing to other types of economic philosophies, and is it appropriate? This is the type of thing we want to protect ourselves against.

MR. WANGER: Does this language—

CHAIRMAN MILLARD: Are you asking another question?

MR. WANGER: Yes.

CHAIRMAN MILLARD: Please ask it through the Chair.

MR. WANGER: Mr. Chairman, this language speaks of control and direction of all expenditures from the institutions' funds. However, I take it—and I'm sure Dr. Hannah has already pointed this out—that it's not the intent of it to mean that the legislative auditor would not have constitutional power to make audits in that regard, and with that assurance I would see no reason for not stating again that the amendment will not materially or in any way weaken the legislative powers committee's intent and purpose, nor the executive committee's, as I have been informed of its intent and purpose, but I still think it is legally unnecessary.

CHAIRMAN MILLARD: Dr. Hannah.

MR. J. A. HANNAH: This is my final comment on this one. I would like to read to the members of the committee the sentence that is in the educational section that has already been approved by this convention, when we are talking about these universities and colleges and their boards — and this is the exact quote —

> The respective boards shall have the general supervision of their respective institutions and the control and direction of all expenditures from the institution's funds . . . .

And those are the words that Mr. Bonisteel has included in this amendment, in which I and others concur. It is an exact restatement of the words that you have already approved.

CHAIRMAN MILLARD: The question is on the Bonisteel amendment. All in favor will say aye. Opposed, no.

DELEGATES: Division.

CHAIRMAN MILLARD: There is a call for a division. Is the demand supported? There's enough up. The question is on the Bonisteel amendment. All in favor will vote aye. Those opposed will vote nay. Have you all voted? If so, the machine will be locked and the secretary will tally the vote.

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Bonisteel and others, the yeas are 66; the nays are 25.

CHAIRMAN MILLARD: The amendment is adopted. Are there any further amendments to the proposal?

SECRETARY CHASE: Miss Donnelly and Messrs. Lawrence and W. F. Hanna offer the following amendment:

1. Amend page 1, line 8, after "8 years,", by inserting "who shall be a certified public accountant duly licensed to practice in this state and"; so that the sentence will then read:

> The legislature by a majority vote of the members elect of each house, shall appoint an auditor general to serve for a term of 8 years, who shall be a certified public accountant duly licensed to practice in this state and who may be reappointed for one additional term only.

CHAIRMAN MILLARD: The Chair will recognize the proposer of the amendment, Miss Donnelly.

MISS DONNELLY: In view of the fact that Mr. Lawrence has to leave, I will be happy to yield to him at the moment.

CHAIRMAN MILLARD: Miss Donnelly yields to Delegate Lawrence.

MR. LAWRENCE: The purpose of this proposed amendment of course is to assure the people of the state of Michigan that the auditor general or the auditor will be a competent, qualified person. The requirement of the certified public accountant is similar of course to that of judges being attorneys. The qualifications, the examinations, the training that is required to obtain a license as a certified public accountant — as far as ability and as far as background, of course — is desirable and necessary. The head of the department, in other words, should be qualified. We feel that it would be to the best interests of the people of the state of Michigan if this proposed amendment was adopted.

CHAIRMAN MILLARD: Delegate Hanna.

MR. W. F. HANNA: Mr. Chairman and fellow delegates, there is another reason for my joining in this amendment, and that is that I am worried about a practice which occasionally creeps into this office and creeps into other offices that legislative bodies sometimes appoint. And that is to appoint to this office some legislator who may have in the past served very well in the legislature — perhaps as a member of the ways and means or finance or taxation committee, or of other committees — and then, because he lost his office through election, and this vacancy being appointive, you will have with the old club tie the temptation to appoint one of the club to this office.

Now, there is a second reason. The second reason is that when you require this man to be a certified public accountant, you have 2 lines or 2 groups watching his competency. The first of course is the legislature. The second is: a certified

public accountant must meet certain professional and ethical standards of his group. This is comparable to the attorney. Not only does he face, when he is a judge, the governor's right to remove him or the supreme court's right to suspend him, but he faces the fact that if he conducts himself unethically in office the bar association of which he is a member may also discipline him for reasons of unethical conduct.

Certainly no person who is not a qualified public accountant should hold this office. And the only test that we have in this country today is the test of whether or not he is a certified public accountant. Not all certified public accountants are competent to audit public books and records. But all certified public accountants must pass an exam in governmental accounting. And governmental accounting is considerably different than private accounting, especially when you get into performance accounting. But this requirement protects the people of Michigan in guaranteeing that the legislature will not use this except to hire the most competent person by an independent and outside test; and I strongly urge the adoption of this amendment.

CHAIRMAN MILLARD: The Chair recognizes Judge Dehnke.

MR. DEHNKE: I have a question, Mr. Chairman, to address to Mr. Hanna.

CHAIRMAN MILLARD: If Delegate Hanna cares to answer.

MR. DEHNKE: It is the purpose of the proposers of this amendment to confine the candidates to those who have been previously certified as public accountants in the state of Michigan?

MR. W. F. HANNA: Judge, the certified public accountant exam now is a universal exam across the country. Michigan some years back had a separate public accounting exam that was different from the national C.P.A. exam. We have now shifted and are using the national C.P.A. exam. I believe that a certified public accountant is required. I did not consider whether or not he should be a qualified elector or resident of Michigan. I would assume, however, that if I were in the legislature and the state of Alaska had a certified public accountant who was qualified and who had some experience, and I wanted to hire him, I would hate to be bound by the requirement that he be a Michigan resident.

MR. DEHNKE: I'm wondering whether that isn't the effect of the language. You require him to be a public accountant duly licensed to practice in this state.

MR. W. F. HANNA: With this language, a stranger can move to be admitted if he has 5 years practice as a C.P.A. in another state, much the same as an attorney.

MR. DEHNKE: Then you expect him to be qualified under the Michigan rules before he takes office, but not before he is appointed?

MR. W. F. HANNA: That's right. He would have to qualify under the Michigan rules. And I think this becomes important, Judge, if we ever go back in Michigan to having a more restrictive C.P.A. exam than the national exam.

MR. DEHNKE: Thank you, Mr. Chairman and Mr. Hanna.

CHAIRMAN MILLARD: The Chair recognizes Delegate Karn.

MR. KARN: Mr. Chairman, members of the committee, in commenting on this amendment, again, I want to say that there was lengthy discussion on the part of the 2 committees regarding this individual. And the final decision was that he should not necessarily be a certified public accountant. This particular individual, as we viewed it in the committee discussions, should have experience in accounting, yes, because this is an accounting matter. But we look upon this individual as being more of the administrative and executive type — one who is fully qualified to be in charge of a group of individuals who are making the accounting audits.

This restricts the legislature in seeking a top flight man that could operate this job. Again, I want to say that he should have accounting experience and auditing experience, but he should not be restricted to someone of this sort. Because the administration of the office is very important. Neither should they be restricted in having to employ only someone who is a resident of Michigan. Again, it would be the hope, I know, of the convention that for jobs like this they would get an outstanding individual; and to do that there might not be anyone available at the moment in Michigan, and they might see fit to go across state lines. I would vote in opposition to this amendment.

CHAIRMAN MILLARD: The Chair will recognize the gentleman from Lansing, Delegate Erickson.

MR. ERICKSON: I was wondering to what number we were restricting this in limiting it to C.P.A.s of Michigan, although Mr. Hanna has indicated you might go outside. But it might be well to know the number of C.P.A.s in Michigan.

CHAIRMAN MILLARD: Do you know the answer?

MR. W. F. HANNA: I do not.

CHAIRMAN MILLARD: Mr. Hanna does not know the answer. Chairman Martin.

MR. MARTIN: Mr. Chairman, I'm out of position here. Mr. Karn has said much of what I would say. The committee felt that the legislature should have the latitude to decide on what kind of employee it wanted. And very likely it would decide on a certified public accountant. But it is not absolutely necessary. The job is both administrative and requiring accounting knowledge, so that the legislature we felt should have this wide discretion in making its selection of a man to do this job.

CHAIRMAN MILLARD: The Chair recognizes the lady from Grand Rapids, Delegate Koeze.

MRS. KOEZE: Mr. Chairman, as a member of the legislative powers committee, I'm sure you are well aware of my position in regard to the auditor general being a C.P.A. The C.P.A. certificate is a mark of professional competency relied upon by businessmen, bankers, government officials and others who are concerned with financial reports. Now, I happen to do all of my husband's bookkeeping. It is a peanut business, (laughter) but nevertheless I do his bookkeeping. I wouldn't consider anything else but a C.P.A. when it comes time for my husband to have to file any kind of government report, income tax, or anything else. I think it is good business procedure. I think it would enhance the position of this auditor general to be a C.P.A. I want to go on record as feeling that this is almost a must for the man, as well as having administrative ability. I think he should be part of the C.P.A. organization.

CHAIRMAN MILLARD: Delegate Hanna.

MR. W. F. HANNA: I would like to add a couple of things. It seems to me the committee is rather inconsistent with some of the practices and procedures. If my township is required by statute to be audited by a C.P.A., and if my school district is required to be audited by a C.P.A., since when is the state to be subject to a looser standard than the others? Secondly, he says that he shall be an administrator. Would you hire a school teacher to run the highway department, or would you hire an engineer? Would you hire a qualified deep sea diver to run the state board of education, or would you hire an educator? It seems to me that in both cases you measure the competency of that person by his professional attainment, and you measure a teacher by the fact that he has a teacher's certificate or a degree in education that shows some professional competency. If you hire an engineer, and you have written in that he should be an engineer, he should be a certified civil engineer; because you cannot administer something that you don't know.

Once you take away the certified public accountant, then you let human nature judge his competency. Who is to say that I am a qualified accountant because I spent 2 years as a cost accountant with a corporation? Am I a qualified accountant because I have kept county books as a county controller, without being a C.P.A.?

I say that the only test and the only public assurance that the public has in any audit is a requirement of a certified public accountant's audit. And certified public accountants are very able administrators. In fact, they are probably as

able administrators as attorneys. And yet we have said that the attorneys shall administer the court system. If we are not requiring attorneys on the supreme court to administer the court system, maybe we should hire an engineer — an efficiency engineer — to administer the court system. But I dare say he would know little about legal practice. When we get into the accounting field, let's make sure that the administrator knows whereof he talks and about what he talks, and that he is measured by a certificate that tests his competency, and not his political attributes.

I urge the adoption of this amendment so that the state of Michigan will be subject to the same professional competency that my township board or my school board is required to meet at the present time.

CHAIRMAN MILLARD: The Chair recognizes Delegate Kuhn.

MR. KUHN: Mr. Chairman and members of the committee, as Dan Karn pointed out, we had this matter in discussion in our committee. I was one that was in favor of a C.P.A. for the legislative auditor; but after listening to Dan Karn's arguments and those of others, I agreed to eliminate it as a minimum requirement. I then took a glance at the other 4 state constitutions which provide for a legislative auditor, and I found that 3 of the 4 do not require that he be a certified public accountant. So taking that into consideration, as well as the arguments by Dan Karn, I thought it would be best not to put this minimum requirement in our constitution, and therefore I agree with the committee report — and that is the committee on legislative powers and the committee on executive branch — that this minimum requirement should not be in our constitution.

CHAIRMAN MILLARD: The Chair recognizes the gentleman from Flint, Delegate McLogan.

MR. McLOGAN: The recent auditor general of the state of Michigan and current supreme court justice, Otis M. Smith, indicated to me last October that his first recommendation for the office of auditor general would be that that person be so qualified to bear the designation, certified public accountant. Incidentally, attorney Smith is not a C.P.A. But that was his firm recommendation.

CHAIRMAN MILLARD: Delegate DeVries.

MR. DeVRIES: Mr. Chairman, members of the committee, I would like to ask Mr. Hanna a question. Delegate Hanna, would you give constitutional status and recognition and require that the state treasurer be a C.P.A., or make the superintendent of public instruction an educator, or the highway commissioner an engineer, or somebody on the liquor control commission a bartender, make a psychiatrist the head of the department of health, a union leader as head of the department of labor, and so on, and require that we put all of these things in the constitution?

CHAIRMAN WILLARD: The Chair thinks that question is out of order, Dr. DeVries.

MR. W. F. HANNA: I would love to answer it.

MR. DeVRIES: I think it is to the point, Mr. Chairman.

CHAIRMAN MILLARD: If you want to answer it, go ahead.

MR. W. F. HANNA: Would I require a bartender to be a member of the liquor control commission? He would be the last man I would want on the liquor control commission, I think.

MR. DeVRIES: Don't take the worst of my analogies.

MR. W. F. HANNA: Mr. Chairman, I'll answer those that I would require. Would I require that the superintendent of public instruction be an educator? Yes.

MR. DeVRIES: In the constitution?

MR. W. F. HANNA: Preferably a man who had a PhD, or a PhE, or something in education and education administration. But I know of no public test which can be applied in that field except the educational degrees. Would I require the highway commissioner to be a qualified civil engineer? Yes. Would I require the state treasurer to be a C.P.A.? No, because he is not an auditor. But I do require in the constitution that he be an honest man. And we put in that he can hold no other offices, and we tie his hands very completely with other restrictions. Now, when we get to the liquor control commission, or the janitor of the courthouse, and so forth, I might even write in that a janitor had to have 2 arms so he could push a broom. But I believe here that you have a test of competency that is the same as testing the competency of an attorney, and I do believe it is important, Mr. DeVries.

MR. DeVRIES: Mr. Chairman, if I may, one more question. In other words, Mr. Hanna, for the major departments in state government you would require that these people be professionals in the particular field that they supervise and administer?

MR. W. F. HANNA: If there is a public test that determines their competency, I would be glad to use that test.

MR. DeVRIES: You would give it constitutional status?

MR. W. F. HANNA: Yes, sir.

CHAIRMAN MILLARD. The Chair recognizes the proposer of the amendment, Miss Donnelly.

MISS DONNELLY: I believe that some of these questions have gotten a little far afield, and I want to try to answer some that were posed earlier. I understand that there are presently 68,000 C.P.A.s; 9,000 within the last year or 2 years. Now, you just multiply that along and I think you will find that there are more than adequate numbers to choose from.

On the next question, should they have administrative ability, I should think that the legislature, acting, should be able to make this determination. We are giving a great deal of latitude to the legislature. We are hoping to get a very adequate handling of our problem.

To require that the minimum standard that we have set up in our state for people handling individual books and holding themselves out to be qualified to make these analyses should be met in this manner, I think is perfectly logical, perfectly reasonable and eminently proper. To say that we don't have enough within this state I don't think is valid. There is no requirement initially that I can see that they are residents of this state, except for the fact that they must be admitted to practice. This means that they must meet the minimum requirement that we set forth in this state.

Now, we are not talking about a momentary job. We are talking about someone that we are going to have for 8 years on good behavior, with a requirement of a 2/3 vote to remove. To require that this individual be more than competent I think is a minimum aspect. The legislature, in viewing and screening their individual applicants, may establish whether they have enough judgment, if they have enough administrative ability — and I'm sure that there are numerous candidates that will meet this. This is one job we are talking about. And to have in our state the highest requirement that we know of at this moment to fill this job is only reasonable in my opinion.

CHAIRMAN MILLARD: The Chair recognizes Delegate Stafseth.

MR. STAFSETH: Mr. Chairman and members of this committee, I wholeheartedly endorse this amendment. I think this is like the same example that I gave when I was talking about the probate judges. The legislature in their wisdom in the 1951 act that governs all the control of moneys for state highways, county highways and city funds for roads said that they would not give this to us unless we had a system that subsidized engineers at the county level and insured that they were used properly. I think this is a step in the right direction. I had the pleasure when I was at Lenawee county to set up an accounting system, and this accounting system, with the help of the highway department, emanated all the way up to the auditor general's office, and now is one of the best accounting systems for highway programs in the United States. And one of these men helped us do it, and I think that these men are well qualified and will do us a tremendous job.

CHAIRMAN MILLARD: Delegate Karn.

MR. KARN: One short statement. There seems to be some feeling that because there is no requirement in this proposal

that the auditor general be a C.P.A., that there might not be C.P.A.s in the department. I think it is certainly necessary to have C.P.A.s in the department — men who are actually making the audits. I don't see this individual as devoting a major part of his time, perhaps, on detailed auditing. There should be — and no doubt would be — C.P.A.s in the department, however.

CHAIRMAN MILLARD: Mr. Martin.

MR. MARTIN: I just want to say that Mr. Karn is entirely correct, at least if the staff were composed as it is now. There are a number of C.P.A.s on the auditor general's staff. And that's highly desirable, of course. They are not all C.P.A.s. There are some very fine auditors who do not have a C.P.A. certificate. But they are doing sort of in service training, so to speak, and some of them will get their C.P.A. certificates in due course.

I hope that the delegates will accept the committee's suggestion, however. If the best man found is a C.P.A., that's fine. But it is possible to do a thoroughly good job as auditor general — and I'm not referring to any present company — without a C.P.A. certificate. It is desirable to have some accounting background, but the certificate is not an absolute necessity to finding a highly qualified man.

CHAIRMAN MILLARD: The question is on the Donnelly amendment. All in favor will say aye. Opposed, no. The Chair is in doubt.

MISS DONNELLY: Division.

CHAIRMAN MILLARD: A division is demanded. Is there support? There is a sufficient number up. The question is on the Donnelly amendment. All in favor will vote aye. Those opposed will vote nay. Have you all voted? If so, the secretary will lock the machine and tally the vote.

SECRETARY CHASE: On the amendment offered by Miss Donnelly and others, the yeas are 42; the nays are 47.

CHAIRMAN MILLARD: The amendment is not adopted. The secretary will read.

SECRETARY CHASE: Mr. Faxon offers the following amendment:

1. Amend page 1, line 12, after "conduct" by striking out "comprehensive fiscal postaudits of all transactions and accounts kept by or for" and inserting "postaudits according to standards prescribed by law or fiscal reports and records of"; so that the language will then read:

> The auditor general shall conduct postaudits according to standards prescribed by law of fiscal reports and records of all branches, departments, offices, boards, commissions, agencies, authorities and institutions of the state. . . .

CHAIRMAN MILLARD: The Chair will recognize Delegate Faxon.

MR. FAXON: Mr. Chairman and fellow delegates, this is the amendment which Mr. Austin had prepared, and I see that he isn't here to submit it, so I am submitting it on his behalf. As I examine the language, I can point out to you, I hope, 2 points that his amendment covers that aren't to be found in the present language on lines 12 and 13.

The question that we have here is that of dealing with "The auditor general shall conduct comprehensive fiscal postaudits. . . ." Now, who is to determine what the comprehensive fiscal postaudits could be? This could be determined either by the auditor general himself or, possibly, by the legislature. But in the absence of any specific delegation of responsibility here, it would seem to me that we should state specifically who shall prescribe the standards involving the conducting of the postaudit. In this case we ask that the legislature prescribe those standards. This not only serves to eliminate any confusion, but it also provides some degree of flexibility in the determination of what shall be a comprehensive fiscal postaudit. It would seem that in keeping with the writing of a document that would have some flexibility for the future, the legislature ought to be able to prescribe those standards that shall make up the postaudit.

I urge your consideration of this amendment.

CHAIRMAN MILLARD: The Chair will recognize Delegate King.

MR. KING: Mr. Chairman, fellow delegates, once again I find myself in agreement with that conservative, Mr. Faxon. I think that certainly we ought to have in the language some means of prescribing the standards by which the auditor general is to work. I also think that the logical place for these rules to be promulgated would be with the legislature. So I think this is an excellent addition to the very fine language that the committee has already presented, and I would urge support of it.

CHAIRMAN MILLARD: The Chair recognizes Delegate Wanger.

MR. WANGER: Mr. Chairman, I urge you to vote against this amendment. I think it would seriously endanger or weaken the office. In the first place, the legislative auditor, according to our entire discussion, is supposed to be a man well qualified in the field of accounting and in these areas— and should set his own standards and follow the clear language of comprehensive fiscal postaudits. That means a complete audit investigation. If you allow the legislature to set standards, you imply that it may be less than a complete fiscal or performance examination. Further, by using the words "as prescribed by law," you make these standards subject to the veto power of the governor. The whole purpose of placing this man in this office in responsibility to the legislature is to provide that his basic powers will not be subject to pressure, influence, or veto from the executive branch, which is he continually called upon to investigate and check, pursuant to his constitutional postaudit duties.

CHAIRMAN MILLARD: The Chair will recognize the chairman of the committee, Mr. Martin.

MR. MARTIN: Mr. Chairman, it is quite clear that the legislature has the authority to prescribe the standards which Mr. Faxon's amendment would provide for. So I feel that the additional language is entirely unneeded. The committee did consider this problem when it was preparing its report and its proposal. I hope that the amendment will be defeated.

CHAIRMAN MILLARD: Delegate Faxon.

MR. FAXON: Mr. Chairman, I don't see in that sentence the degree of flexibility and the interpretation that the legislature has the authority with regard to what shall make up a fiscal postaudit, as the chairman of the committee indicates. I would invite the delegates to examine the language, and if they can find standards prescribed by law, or any prescription by law as to what shall compose a fiscal postaudit, then I would be most willing to withdraw this amendment.

But I do think it is necessary to comment briefly upon the major objection that was raised by the speaker previous to the chairman of the committee, who indicated to us that we are to permit an individual to set his own standards. We have already taken the office of the auditor general away from the people through the direct election process. Now I see a further attempt to remove the auditor from his duties by attempting to permit him to establish his own standards, and not to permit the representatives of the people in the legislature to have some say as to what those standards might be.

I suggest that if it's a question of who runs the government, I would prefer to see the government in the hands of those representatives of the people, rather than in the hands of experts who have long appointments to office and who are not in a position to be reflective and responsive to the people themselves. I think in the tradition of sound government and sound, effective control by the people, the standards ought to be set by the legislature. And if this attempts to clear up in any way the language as to who sets the standards, then it ought to be accepted.

CHAIRMAN MILLARD: Delegate Wanger.

MR. WANGER: Mr. Chairman, there is confusion here. I'm sure Mr. Faxon is operating under confusion of the postaudit power of the auditor general and the standard for accounting and for preaudits. Now, it is very clear that this does not remove the power from the legislature to establish the standards for the accounting system and for the preaudits. In fact, Committee Proposal 37, which was passed by the

committee of the whole on February 2, in section c says, "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." They can set the accounting standards. They can set the preaudit standards. But what we are dealing with here is the postaudit power of the auditor general. This is not just a matter of standards. If you pass the amendment you will seriously endanger and weaken that power and make it, to the full effect of the veto power, another executive influence subject to control by the executive branch and the whole purpose of placing it underneath the legislative body would thereby be weakened and defeated.

CHAIRMAN MILLARD: Delegate King.

MR. KING: Mr. Chairman and fellow delegates, I would like to address a question, if I might, to Mr. Martin through the Chair. I believe that I was thinking of the earlier draft. There is a substitute draft dated March 7 which was not called to my attention until after I spoke before. I would like to ask Mr. Martin what his interpretation of the language on line 17 is.

CHAIRMAN MILLARD: Mr. Martin, do you care to answer?

MR. MARTIN: Mr. Chairman, I am looking at the language in line 17, but I don't know which language you mean there, Mr. King.

MR. KING: Well, the whole sentence is:

> The auditor general shall conduct comprehensive fiscal postaudits of all transactions and accounts kept by or for all branches, departments, offices, boards, commissions, agencies, authorities and institutions of the state, whether established by this constitution or by law. . . .

Now, the part that concerns me is the language "whether established by this constitution or by law." Does this refer to the boards and commissions, or does it refer—

MR. MARTIN: That's right, it does.

MR. KING: It does not refer, you feel, to the comprehensive fiscal postaudits?

MR. MARTIN: No, it refers to the various boards and commissions and agencies and so on which are mentioned there.

MR. KING: I would now, Mr. Chairman, direct Mr. Martin's attention to the second page, line 8, reading, "The legislature shall provide by law with respect to the maintenance of uniform accounting systems and the auditing of units or agencies of local government." Does this language refer only to the auditing of units or agencies of local government?

MR. MARTIN: That's right. It refers to local government.

MR. KING: This language again does not refer to providing by law with respect to maintenance of uniform accounting systems, except as they relate to local units?

MR. MARTIN: No, it does not, because it's the feeling of the committee that the legislature has this inherent power to provide for proper accounting systems implicit in its power to conduct these audits. In order to conduct an audit—I mean, to take an extreme case, if an agency were to say we are not going to keep any accounts, and therefore you can't audit us, clearly the legislature would have authority to say: look, you keep those accounts, because we have authority to audit you, and they shall be such and such accounts. I use an extreme example. There's no question but what the legislature can require that certain standard types of accounting systems be established and exist in state departments and agencies and institutions, and so on.

MR. KING: Mr. Chairman, Mr. Martin, would it be your opinion that you would be in disagreement with Mr. Wanger in that he feels that this gives power which does not exist to the legislature, but rather that you feel that the language is somewhat superfluous and not necessary. Is that a fair statement?

MR. MARTIN: Yes. I feel that the language is superfluous and unnecessary. I'm not worried about there being any danger from it. I just think it is not needed, and it is provided for by the language we already have.

MR. KING: Thank you.

CHAIRMAN MILLARD: The question is on the Faxon amendment. All in favor will say aye.

DELEGATES: Division.

CHAIRMAN MILLARD: Division has been called for. Is there support? There is a sufficient number up. The question is on the Faxon amendment. All those in favor will vote aye, and those opposed will vote nay. Have you all voted? If so, the machine will be locked and the secretary will tally the vote.

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Faxon, the yeas are 17; the nays are 61.

CHAIRMAN MILLARD: The amendment is not adopted. The secretary will read.

MR. MARTIN: Mr. Chairman.

CHAIRMAN MILLARD: Mr. Martin.

MR. MARTIN: One or 2 delegates have asked me when we propose to rise. I would appreciate the secretary letting us know how many amendments there are on the desk. I believe there's only one, is that correct?

SECRETARY CHASE: There is one additional amendment, offered by Mr. Hutchinson.

MR. MARTIN: I would like to work through until 4:00 o'clock if we can, and if we can possibly dispose of that amendment then we will have completed one good piece of work.

SECRETARY CHASE: Mr. Hutchinson offers the following amendment:

1. Amend page 1, line 8, after "years" by changing the comma to a period and striking out all of line 9, which reads as follows: "who may be reappointed for one additional term only.".

CHAIRMAN MILLARD: The Chair will recognize the proposer of the amendment, Vice President Hutchinson.

MR. HUTCHINSON: Mr. Chairman, had time permitted, before I offered this amendment I would have liked to have asked the committee for the rationale for this language in the first place. I have been listening to the debate, and somehow or other I haven't noted any real point being made about this "who may be reappointed for one additional term only." I'm thinking about the situation where a man is to be appointed the first time, and I suppose that the likelihood is that he wouldn't be in his 20s. He might be in his early 30s, let's say 35, when the legislature would first appoint him. Under the present arrangement, he would only be able to serve 16 years. That would get him out of office when he was about 50 or 51. And then what would the situation be? I presume he would be just a little bit too old to go out and start in to build up another career. At the same time, he wouldn't have been in state government long enough to qualify for retirement under the retirement systems. Offhand I can't see the wisdom of limiting him to only 16 years. If he is doing a good job, and if he has 16 years of experience, by that time he certainly will know this state government thoroughly. And if the legislature in its wisdom would say let him stay on for another term, an 8 year term or whatever their pleasure is, thereby have the advantage of his experience and his knowledge and his wisdom, because he will have obtained great wisdom in state government through that tenure, why shouldn't they be able to do so? What was the thinking for knocking him out after 16 years? I offer this amendment to remove that restriction, because I can't see it.

CHAIRMAN MILLARD: Are you asking the question—

MR. HUTCHINSON: I would direct the question to Mr. Martin, Mr. Chairman.

CHAIRMAN MILLARD: Mr. Martin, do you care to answer it?

MR. MARTIN: Yes, Mr. Chairman. Mr. Hutchinson, the reasoning of the committee was simply that we wanted to be as sure as we could that the auditor general would not be making decisions for the purpose or with the view in mind of indefinite extension of his tenure. We are giving him tenure, and we didn't want him to feel that he had to make decisions which would keep him in office indefinitely. The wisdom of this is a matter of judgment. The committee felt that it was

desirable. And I believe that this same type of provision occurs in several other constitutions. That is the rationale of it, Mr. Hutchinson.

MR. HUTCHINSON: Well, Mr. Chairman, I don't know that I am particularly convinced with the rationale, because if it was to dissuade him from making decisions which might lead to an extension of his tenure, the thing to do would be to give him one term of considerable length and make him ineligible for reappointment. Now, since you are going to let him be reappointed once, then, in the worst situation that I can think of, toward the end of his first 8 year term he would tend to fall away from his ideal in order to satisfy some people in order that he might get reelected for another 8 year term. Thereafter he would be secure for 8 years. He wouldn't know whether the men were going to be around in 8 years. In other words, this would come up only toward the end of every 8 year term. It wouldn't be a regular thing. Certainly when a man would start out in the beginning he wouldn't be too concerned, because public memory and even personal memory is short. Human relationships tend to adjust themselves. And while he might make an unpopular although a very right decision in, say, the first 6 years of his term, that wouldn't disturb him much. I mean, he would do that. He wouldn't be thinking about what he was going to get in his third or fourth term at that time. So I say that the rationale of the argument you make, Mr. Martin, seems weak to me the minute that you realize that he is subject to reappointment at all.

MR. MARTIN: Mr. Hutchinson, I think I would subscribe really to the proposition that he might well be given a much longer term. Some of the members of the committee felt, however, that there were some reasons for not extending it too far. And this was a compromise provision, if you want to call it that, to effect the purpose that I have stated.

MR. HUTCHINSON: Well, Mr. Chairman, it is unfortunate, I would think, in view of the fact that it is likely that a man first appointed will be in his 30s, that you are going to turn him out to pasture when he is just past 50, at a time when from the standpoint of his service to the state he is in his prime, but also at a period in his life when it is unlikely that he would be able to go out and build a new career. For that reason I think that it would be a better decision not to deny him—at least, not constitutionally—the opportunity for further service in a career for the state of Michigan if the appointing authorities saw fit. For that reason I hope that my amendment can be adopted.

CHAIRMAN MILLARD: Delegate Wanger.

MR. WANGER: Mr. Chairman, members of the committee, the type of individual that the office of legislative auditor general should attract will be the type which at the end of his term of office will find a number of careers ready and waiting for him because of the experience which he has gained.

Now, the committees were torn to some extent between a long term with no reappointment at all and a shorter term, and this 8 year term was finally reached—a comparatively short term—with a limitation on the number of times that he could hold the office. This proposal provides that the legislative auditor general shall be eligible for reappointment only once, as you know. Limitations on reappointment are also contained in the statute providing for the United States comptroller general, and also in the charter provision providing for the auditor general of the city of Detroit. Let us remember that the state revenues or state finances at this time amount to about 1 billion, 200 million a year. And it is certainly necessary to provide this limitation with respect to the office in order to insulate the office from the improper pressures which the office would otherwise be bound to invite.

CHAIRMAN MILLARD: The question is on the Hutchinson amendment. All in favor will say aye. Opposed, no.

The ayes have it.

DELEGATES: Division.

CHAIRMAN MILLARD: A division is demanded. Is there support? There is support.

The question is on the Hutchinson amendment. All in favor will vote aye. Those opposed will vote nay. Have you all voted? If so, the machine will be locked and the secretary will tally the vote.

SECRETARY CHASE: On the amendment offered by Mr. Hutchinson, the yeas are 72; the nays are 19.

CHAIRMAN MILLARD: The amendment is adopted. Are there any further amendments?

SECRETARY CHASE: This is the last amendment on the desk, Mr. Chairman.

CHAIRMAN MILLARD: Are there any amendments to the body of the proposal? If not, the proposal will pass.

Committee Proposal 78, as amended, is passed. Mr. Martin.

MR. MARTIN: I move that the committee do now rise.

CHAIRMAN MILLARD: The question is on the motion made by Mr. Martin that the committee do now rise. All in favor say aye. Opposed, no.

The motion prevails.

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

VICE PRESIDENT ROMNEY: Delegate Millard.

MR. MILLARD: Mr. President, the committee of the whole has had before it a proposal on which the secretary will make a detailed report.

SECRETARY CHASE: Mr. President, the committee of the whole has had under consideration **Committee Proposal 78,** A proposal to provide for the office of legislative auditor general. It reports this proposal back to the convention with an amended substitute therefor, recommending that the substitute be agreed to, and that the proposal as thus substituted do pass.

For substitute, see below.

VICE PRESIDENT ROMNEY: The question is on agreeing to the substitute. Those in favor say aye. Opposed, no.

The substitute is adopted.

The proposal, as substituted, will be referred to style and drafting. Mr. Wanger.

MR. WANGER: Mr. President, there were a number of amendments adopted to this, and our previous practice has been to make reference to those. I was wondering—perhaps I had missed something, or do not understand the procedure properly.

SECRETARY CHASE: May the secretary point out to Mr. Wanger that the substitute offered by the 2 committees was amended. The only question coming before the convention at this time was agreeing to the amended substitute, which has been adopted.

MR. WANGER: I would desire to have a separate vote upon the last amendment, because I think it is of great importance, and I think it should be tested upon the floor of this convention.

VICE PRESIDENT ROMNEY: The Chair is advised by the secretary that in order to do that, Delegate Wanger, you will have to offer a separate amendment in writing.

MR. WANGER: I will prepare the amendment.

VICE PRESIDENT ROMNEY: In the meantime, **Committee Proposal 78,** as substituted, is referred to the committee on style and drafting.

Following is Committee Proposal 78 as substituted and referred to the committee on style and drafting:

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

Sec. a. The legislature by a majority vote of the members elect of each house, shall appoint an auditor general to serve for a term of 8 years. He shall be removable for cause at any time by a 2/3 vote of the members elect of each house of the legislature. The auditor general shall conduct comprehensive fiscal post-

audits of all transactions and accounts kept by or for all branches, departments, offices, boards, commissions, agencies, authorities and institutions of the state, whether established by this constitution or by law, and performance postaudits thereof. 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 to be solely responsible for the control and direction of all expenditures from the institutions' funds. For these purposes, in addition to his staff, he may employ such independent accounting firms or legal counsel, as the legislature by resolution may direct and may make investigations pertinent to the conduct of such audits. The auditor general shall be assigned no duties other than those herein specified and shall report annually and at such other times as he deems necessary or as required by the legislature to the legislature and the governor.

The legislature shall provide by law with respect to the maintenance of uniform accounting systems and the auditing of units or agencies of local government.

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

VICE PRESIDENT ROMNEY (continuing): Announcements, Mr. Secretary.

SECRETARY CHASE: We have the following requests for leave: Mr. Hoxie wishes to be excused from Monday to attend a meeting which has been previously arranged; Mrs. Conklin wishes to be excused from Monday's session to make an address; Mr. Thomson wishes to be excused from Monday afternoon's session; Mr. Rush wishes to be excused from Monday's session, possibly from the Tuesday session, for business reasons; and Mr. Suzore wishes to be excused from Monday's session.

VICE PRESIDENT ROMNEY: Without objection, it is so ordered. Are there any further announcements? Mr. Kelsey.

MR. KELSEY: Mr. President, I would like, before the convention adjourns, to have the privilege of speaking on a point of personal privilege. I would acquiesce until you give me that right, sir.

VICE PRESIDENT ROMNEY: Delegate Kelsey, the Chair thinks we are ready to adjourn, and therefore if you want to be recognized, this is the time.

MR. KELSEY: Thank you very kindly, Mr. President. As much as I dislike using names—I don't like to deal in personalities—however, Mr. President, you being in the Chair, I have reference to what was said as of this morning.

A fine gentleman many years ago in our history appraised human value and the dignity of an individual's name. In my opinion, sir, you were on the floor this morning and indicted the entire minority party, which I have been associated with for 20 years. I would like to invite you, sir, at any time at your convenience, to cross the avenue, go over to "the hill", and go before the state supreme court, before the attorney general, and I will swear, affirm upon oath, that I as an individual member of the Democratic party have never been talked to by any members of my delegation, any members of the governor's staff or governor's office, or anyone in the Democratic party.

It was not my opinion, when we debated section 10, article II on search and seizure, when I supported the Prettie amendment, that it was a political issue. My name did not appear on the bulletin board that I was one of the people that voted with the so called Republicans, as on the Ford amendment there was a list of Republicans who were listed on the bulletin board that said these are the people that voted for the Ford amendment, and so on and so forth.

I take offense, Mr. President, at you, Mr. Romney, because I profess to be a man of high standards. I think my reputation will bear that out. In the years that I have served in public life in the city of Warren, which is the fifth largest city in the state, we had a grand jury and we also had an auditor general's investigation. And by virtue of the offices I held at those times, I was subjected to subpoena to make statements before a grand jury, and I was subjected to indictment. Now, I don't know if this will add any truth or veracity or any credence to what I say, and I cast no reflection on those public servants who in that area at that time were called before the grand jury and were indicted, but I say with pride, Mr. President, that I was not called, nor was I indicted, in any of these investigations. And when you indict the entire Democratic party, sir, you indict me.

I would at your convenience be happy to swear and affirm under oath before the attorney general, and subject myself to cross examination at any length, to the fact that I have discussed matters with members of both delegations as to how they felt on a particular issue; I have never told anyone how to vote, and no one has asked or told me how to vote. Thank you very kindly, Mr. President.

VICE PRESIDENT ROMNEY: Thank you, Delegate Kelsey. May the Chair just say that he would be very happy to see you make such a statement to the attorney general. The Chair made no statement of the character you have indicated with respect to you, and certainly thinks you would be entirely within your rights to make such a statement.

Is there any other matter to come before the convention?

SECRETARY CHASE: There is nothing on the desk, Mr. President.

VICE PRESIDENT ROMNEY: The Chair will recognize Mr. James Rood.

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

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

We stand adjourned until 4:00 o'clock Monday afternoon.

[Whereupon, at 4:10 o'clock p.m., the convention adjourned until 4:00 o'clock p.m., Monday, March 19, 1962.]

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 72 of that committee, reporting back to the convention **Committee Proposal 71,** A proposal to provide for the election, term and duties of state officers; allocation of departments, administrative reorganization, appointment and removal of department heads, supervision of departments, appointments to fill vacancies, provisional appointments, and removal or suspension from office by the governor;
with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

For Committee Proposal 71 as reported by the committee on style and drafting, see below under date of April 24.

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 75 of that committee, reporting back to the convention **Committee Proposal 72,** A proposal to provide for compensation of acting governor;
with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

For Committee Proposal 72 as reported by the committee on style and drafting, see below under date of April 24.

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 76 of that committee, reporting back to the convention **Committee Proposal 74,** A proposal to provide by law for the administration of claims against the state, escheats and escheated property, and the investment of state funds;
with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

For Committee Proposal 74 as reported by the committee on style and drafting, see below under date of April 24.

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 77 of that committee, reporting back to the convention **Committee Proposal 75,** A proposal to provide for compensation of state officers;
with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

For Committee Proposal 75 as reported by the committee on style and drafting, see below under date of April 24.

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 78 of that committee, reporting back to the convention **Committee Proposal 76,** A proposal pertaining to the passage of permissive legislation to allow civil divisions of the state to establish local civil service systems and to receive assistance from the state civil service system;
with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

For Committee Proposal 76 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 79 of that committee, reporting back to the convention **Committee Proposal 77,** A proposal to provide a suitable residence for the governor and to authorize an allowance for maintenance;
with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

For Committee Proposal 77 as reported by the committee on style and drafting, see below under date of April 24.

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 80 of that committee, reporting back to the convention **Committee Proposal 78,** A proposal to provide for the office of legislative auditor general;
with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

For Committee Proposal 78 as reported by the committee on style and drafting, see below under date of April 24.

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

SECRETARY CHASE: That is all of the standing committee reports, Mr. President.

PRESIDENT NISBET: Communications.

SECRETARY CHASE: None.

PRESIDENT NISBET: It is always a marvel to me how the human body and brain can rebound so rapidly. When I went home last night it made me think of the fellow playing golf who had had a rather bad day. He was hooking or he was slicing, and finally on the thirteenth hole he missed his putt. He broke the putter over his knee, threw the ball into the lake and sat down on the green rather frustrated, saying, "I've got to give it up, I've got to give it up," and the caddy said, "Give up what, golf?" The fellow says, "No, the ministry." (laughter)

Before anything else happens here I wish you a happy Easter when we leave here, if we do. Today we have taxation. We hope we can get it through early in time for you all to get home, because I know you want to, but I am sure you realize we must keep on schedule. We have asked style and drafting now to do 2 weeks work in 4 days. In talking to Mr. Brake, I know his committee is in good shape today, and I hope we will keep our debating sharp and intensify our work to do the best job we can.

The Chair recognizes Mr. Brake on second reading.

MR. BRAKE: Mr. President, ladies and gentlemen of the convention, I wish to move for a change in the order in which the proposals from finance and taxation will be presented; namely, that we start with Committee Proposal 6, then 23, then 56, then 38, then 39, and otherwise follow the order that is already on your calendar. I make this motion for one reason, and for one reason only, and it is connected with what the president just said. Tomorrow is Good Friday. I understand from information here and there around the convention that there will be delegates leaving possibly before we get through. These are the 3 issues most likely to be controversial, and my purpose in making the motion is that we handle those while a maximum number of delegates are present. I have no other motive whatsoever in asking for the change in order. These cover the 15 mill limitation, the weight and gas state taxes and antidiversion, and the sales tax, and I want to get those off, if it's possible, before noon, while everyone is present.

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

MR. DURST: Mr. Chairman, could Mr. Brake give us those again and give us the number that appears on the second reading calendar, rather than the committee proposal number?

MR. BRAKE: The numbers on the calendar, those are the numbers that I gave you. We start with Committee Proposal 6 and 23 as the calendar now is; then 56, that is the 15 mill limitation; then 38, that is the highway money; then 39, the sales tax.

PRESIDENT NISBET: The question is on Committee Proposal 70. Those in favor will vote aye. Those opposed will vote nay. We are voting on Committee Proposal 70. Those in favor will vote aye. Those opposed will vote nay. Have you all voted? If so, the secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas—114

Allen	Gust	Powell
Anspach	Hart, Miss	Prettie
Austin	Haskill	Pugsley
Baginski	Hatch	Radka
Balcer	Heideman	Rajkovich
Barthwell	Higgs	Richards, J. B.
Batchelor	Hodges	Richards, L. W.
Beaman	Howes	Romney
Bentley	Hoxie	Rood
Blandford	Hubbs	Rush
Boothby	Hutchinson	Sablich
Bradley	Iverson	Seyferth
Brake	Jones	Shackleton
Buback	Judd, Mrs.	Shanahan
Butler, Mrs.	Karn	Sharpe
Conklin, Mrs.	Kelsey	Sleder
Cudlip	Kirk, S.	Snyder
Cushman, Mrs.	Knirk, B.	Spitler
Danhof	Koeze, Mrs.	Stafseth
Dehnke	Kuhn	Staiger
Dell	Leibrand	Stamm
Donnelly, Miss	Leppien	Sterrett
Doty, Dean	Lesinski	Stevens
Doty, Donald	Mahinske	Suzore
Douglas	Marshall	Thomson
Downs	Martin	Tubbs
Durst	McAllister	Turner
Elliott, A. G.	McCauley	Tweedie
Elliott, Mrs. Daisy	McGowan, Miss	Upton
Erickson	McLogan	Van Dusen
Farnsworth	Millard	Wanger
Faxon	Mosier	White
Figy	Nisbet	Wilkowski
Finch	Ostrow	Wood
Follo	Page	Woolfenden
Garvin	Perlich	Yeager
Goebel	Perras	Young
Gover	Plank	Youngblood

Nays—1

Walker

SECRETARY CHASE: On the passage of Committee Proposal 70, the yeas are 114; the nays are 1.

PRESIDENT NISBET: **Committee Proposal 70** is passed and referred to the committee on style and drafting.

For Committee Proposal 70 as rereferred to the committee on style and drafting, see above, page 2769.

The board will be cleared. The secretary will read the next proposal.

SECRETARY CHASE: **Committee Proposal 74,** A proposal to provide by law for the administration of claims against the state, escheats and escheated property, and the investment of state funds. Revises article VI, section 20.

Following is Committee Proposal 74 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 1747.):

Sec. a. [The procedure] 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 [provided] PRESCRIBED [for] by law.

PRESIDENT NISBET: Mr. Martin.

MR. MARTIN: Mr. President, these are minor changes by style and drafting. They are entirely acceptable to the committee and we recommend that you approve the proposal.

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

PRESIDENT NISBET: The question is on approval of Committee Proposal 74. Mr. Barthwell.

MR. BARTHWELL: Mr. President, I'd like to ask Mr. Martin a question.

PRESIDENT NISBET: If Mr. Martin cares to answer.

MR. BARTHWELL: Mr. Martin, I'd like to know what's the difference between "provided" and "prescribed" by law. I wonder why they changed that.

MR. MARTIN: Perhaps it would be better to ask Mr. Cudlip that. I think they thought that the word was a little more precise. There really isn't any great distinction. Mr. Barthwell. You can do either one. You can prescribe by law or you can provide for by law. I think they thought it was a little neater language, that's all.

MR. BARTHWELL: I need to know the difference because I'm getting hung out here on some of the things I'm very interested in. Some of them say "provided," and others say "prescribed."

MR. MARTIN: I imagine they have used similar language in other proposals and therefore wanted to make it uniform.

PRESIDENT NISBET: The question is on the adoption of Committee Proposal 74. Those in favor will vote aye. Those opposed will vote nay. Have you all voted? If so, the secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas—113

Allen	Gover	Pugsley
Andrus, Miss	Gust	Radka
Anspach	Hart, Miss	Rajkovich
Austin	Haskill	Richards, J. B.
Baginski	Hatch	Richards, L. W.
Balcer	Heideman	Romney
Barthwell	Higgs	Rood
Batchelor	Howes	Rush
Beaman	Hoxie	Sablich
Bentley	Hubbs	Seyferth
Blandford	Hutchinson	Shackleton
Boothby	Iverson	Shanahan
Bradley	Jones	Sharpe
Brake	Judd, Mrs.	Sleder
Buback	Karn	Snyder
Butler, Mrs.	Kelsey	Spitler
Conklin, Mrs.	Kirk, S.	Stafseth
Cudlip	Knirk, B.	Staiger
Cushman, Mrs.	Koeze, Mrs.	Stamm
Danhof	Kuhn	Sterrett
Dehnke	Leibrand	Stevens
Dell	Leppien	Suzore
DeVries	Lesinski	Thomson
Donnelly, Miss	Marshall	Tubbs
Doty, Dean	Martin	Turner
Doty, Donald	McAllister	Tweedie
Douglas	McCauley	Upton
Downs	McGowan, Miss	Van Dusen
Durst	McLogan	Walker
Elliott, A. G.	Millard	Wanger
Elliott, Mrs. Daisy	Mosier	White
Erickson	Nisbet	Wilkowski
Farnsworth	Ostrow	Wood
Faxon	Page	Woolfenden
Figy	Perlich	Yeager
Finch	Perras	Young
Garvin	Plank	Youngblood
Goebel	Powell	

Nays—0

SECRETARY CHASE: On the passage of Committee Proposal 74, the yeas are 113; the nays, 0.

PRESIDENT NISBET: **Committee Proposal 74** is passed and referred to the committee on style and drafting.

For Committee Proposal 74 as rereferred to the committee on style and drafting, see above.

The secretary will read the next proposal.

SECRETARY CHASE: Item 18 on the calendar, **Committee**

Proposal 78, A proposal to provide for the office of legislative auditor general. Adds a new section to article V.

MR. MARTIN: Mr. President.

PRESIDENT NISBET: Mr. Martin.

MR. MARTIN: If there is no objection, I move that the proposal be considered read.

PRESIDENT NISBET: Without objection, it will be so considered.

Following is Committee Proposal 78 as reported by the committee on style and drafting and considered read. (For full text as referred to said committee, see above, page 1715.):

Sec. a. The legislature by a majority vote of the members ELECTED TO AND SERVING IN [elect of] each house, shall appoint an auditor general to serve for a term of 8 years. He [shall] MAY be [removable] REMOVED for cause at any time by a 2/3 vote of the members ELECTED TO AND SERVING IN [elect of] each house of the legislature. The auditor general shall conduct [comprehensive fiscal] postaudits of FINANCIAL [all] transactions OF THE STATE and [accounts kept by or for] OF all branches, departments, offices, boards, commissions, agencies, authorities and institutions of the state[, whether] established by this constitution or by law, and performance postaudits thereof.

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 AS PROVIDED IN THIS CONSTITUTION [universities and colleges to be solely responsible for the control and direction of all expenditures from the institutions' funds.]

[For these purposes, in addition to his staff, he] THE AUDITOR GENERAL UPON DIRECTION BY THE LEGISLATURE may employ [such] independent accounting firms or legal counsel[, as the legislature by resolution may direct] and may make investigations pertinent to the conduct of [such] audits. [The auditor general shall be assigned no duties other than those herein specified and] 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 [to the legislature and the governor]. HE SHALL BE ASSIGNED NO DUTIES OTHER THAN THOSE HEREIN SPECIFIED.

The legislature shall provide by law [with respect to] FOR the maintenance of uniform accounting systems BY UNITS OF LOCAL GOVERNMENT and the auditing of [units or agencies of local government] 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.

PRESIDENT NISBET (continuing): Mr. Martin.

MR. MARTIN: Mr. President, the committee has an amendment which I would appreciate the secretary reading.

SECRETARY CHASE: Mr. Martin, on behalf of the committee on executive branch, and Mr. Hoxie, on behalf of the committee on legislative powers, offer the following amendment:

1. Amend page 1, line 5, [paragraph 1] after "conduct" by reinserting "comprehensive"; and in line 6, after "postaudits of" by inserting "all"; and after "transactions" by inserting "and accounts"; and in line 10, [paragraph 2] after "infringe" by reinserting "the responsibility and constitutional"; and in line 12, [paragraph 2] by striking out "institutions of higher education as provided in this constitution" and reinserting "universities and colleges to be solely responsible for the control and direction of all expenditures from the institutions' funds".

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

MR. MARTIN: Mr. President.

PRESIDENT NISBET: Mr. Martin.

MR. MARTIN: If I may explain that briefly, in the first paragraph we have simply reinserted the word "accounts" to make it read, "all financial transactions and accounts." We thought that this was necessary to make it comprehensive and we have also reinserted the word "comprehensive." The balance of the amendment simply reinstates in lines 10 to 14, the language as it came from committee of the whole. We propose to reinsert it because we thought that the language used by the committee was a little broader than we intended. We want to make these colleges and universities solely responsible for the control and direction of all expenditures in the institutions, but we don't want to create any impression that they have no responsibility with respect to audits, and I'm sure they don't either. So we've taken language which they originally approved and placed it back in the proposal. That's all the amendment does.

PRESIDENT NISBET: The question is on the amendment of Mr. Martin and Mr. Hoxie.

MR. AUSTIN: Mr. President, may I ask Mr. Martin a question?

PRESIDENT NISBET: Mr. Martin?

MR. MARTIN: Certainly.

MR. AUSTIN: Mr. Martin, may I ask, why do you feel it is necessary to include the word "comprehensive" in the constitution in regard to these audits?

MR. MARTIN: Mr. Austin, some of us thought it might not be, but there was strong feeling on the part of the subcommittee that this ought to go back in and we could see no harm if it did, so we acceded to the subcommittee's wish.

MR. AUSTIN: Mr. President, I would like to state, on behalf of the committee on style and drafting, as well as my own point of view, that this word "comprehensive" may cause some difficulty, and I'll explain why. If we say that the auditor general shall conduct comprehensive post audits of all transactions, we are actually leaving him no discretion. When an auditor approaches an engagement of any kind, the first thing that he normally does is to examine the system of internal control and check, that is, where employees are checking on one another, as the transactions are being incurred. Now, if there is a system of internal control and check that is actually working, it is not always necessary to examine every transaction. It is only necessary for the auditor to test-check to make sure the system is working. Now, if we are going to say in the constitution that the auditor general shall conduct comprehensive fiscal post audits of all transactions, then we are saying, in effect, that no matter how well the system of internal control and check is working he has no discretion; he must at all times make a comprehensive audit of all transactions. I think this is totally unnecessary as constitutional language and that it could actually lead to difficulty in case some transaction should happen to be overlooked. So I would strongly urge that we not include this word "comprehensive" and the word "all." I think these words should be left out and it should be left to the discretion of the auditor general to decide how much checking is necessary.

PRESIDENT NISBET: Mr. Martin. Just a minute Mr. Martin. Mr. Austin.

MR. AUSTIN: Would it be possible for me to ask for a division so as to at least vote on the word "comprehensive" and the word "all" separately?

PRESIDENT NISBET: You can. Mr. Martin.

MR. MARTIN: You are proposing to just simply vote on the word "comprehensive" separately from the rest of the committee amendment?

DELEGATES: And "all."

PRESIDENT NISBET: Mr. Austin, please state your request again.

MR. AUSTIN: I would like to have the vote on the words "comprehensive" and "all" separately.

MR. MARTIN: The word "all" doesn't immediately follow. It reads, "The auditor general shall conduct comprehensive postaudits of all financial transactions and accounts. . . ."

MR. AUSTIN: I understood that, Mr. President and Mr.

Martin, but it's those 2 words which I do not believe should be inserted.

[The amendment, first part, reads as follows:
1. Amend page 1, line 5, [paragraph 1] after "conduct" by reinserting "comprehensive"; and in line 6, after "postaudits of" by inserting "all".]

MR. MARTIN: Mr. President, then let me say that I hope that the convention will support the committee in this. These are desirable and they don't cramp the auditor general. They are just general terms indicating the broad scope of his powers. They don't mean that he has to conduct a comprehensive audit in every instance. He can limit it according to whatever the need may be. I hope you will support the committee.

PRESIDENT NISBET: Mr. Austin.

MR. AUSTIN: Mr. President, I am not reading this quite like Mr. Martin and I would like to reread it just to make sure I haven't misunderstood. The langauge reads — assuming that these words are inserted: the auditor general shall conduct comprehensive fiscal postaudits of all transactions of the state.

MR. HOXIE: No. That isn't correct.

MR. MARTIN: Mr. President, it reads: the auditor general shall conduct postaudits of all financial transactions and accounts of the state.

MR. AUSTIN: It means the same thing, Mr. President. It's just the word "financial" that was inserted. I didn't realize you wanted to leave that word in. But it doesn't matter. If we say that the auditor general shall conduct comprehensive fiscal audits of all financial transactions, we are leaving him no discretion because you are saying constitutionally that he shall conduct such audits. And I feel that this is very dangerous language, especially if he is ever brought into court.

PRESIDENT NISBET: Mr. Hoxie.

MR. HOXIE: Mr. President, fellow delegates, as indicated, the executive branch committee and the legislative powers committee had joint responsibility for this proposal. There was, in each committee, a subcommittee. They spent many, many hours reviewing and revising the language. They discussed this proposal with equally good authorities in the field of accounting as well as Mr. Austin, and one of the members of this committee who worked hard and long on the proposal was Delegate Wanger, and I, at this time, would like to yield to Delegate Wanger.

PRESIDENT NISBET: Mr. Wanger.

MR. WANGER: Mr. President and fellow delegates, most all has been said by Mr. Martin on this point, except this: the word "comprehensive" was carefully chosen by the committee. It presently exists in the federal budget and accounting act of 1921, and as discussed particularly in the Law Review of the University of Michigan in June of 1961, it very clearly has a meaning and is necessary in this regard to be sure that in this area, where there is over a billion dollars a year going through, the auditor general will have the power to make the kind of audits that we desire. The word "all" was also carefully chosen by the committee on legislative powers and put in here because it wished to emphasize the broad scope of the authority and power of this individual. Remember, this is a postaudit under the constitution but it is what many of us normally think of just as an audit of a business. Now, when you have an auditor in a business, and particularly when there are public funds involved, you want to have that audit be complete and comprehensive. This is the people's money we are talking about and that is the reason why this language was put in and why we believe it was an erroneous substantive change, although probably unintentional, for style and drafting to take these words out.

PRESIDENT NISBET: Mr. Sterrett.

MR. STERRETT: Mr. President and delegates, unfortunately I will have to disagree here. I am on the committee on the executive branch but I don't recall reviewing this amendment before and I would like to agree with Mr. Austin. At times I think we might get a little rash with words. The way I understand this, as it was read, and the way I read it myself using the words in this amendment, makes this definite, makes it a firm mandate that there must be a comprehensive audit. Now, I think we should all bear in mind that there is quite a bit of difference between an auditor and a bookkeeper, and we are talking about an auditor here, and I believe that this amendment should be defeated.

PRESIDENT NISBET: Mr. Knirk.

MR. KNIRK: Mr. President and fellow delegates, I, too, feel as Delegate Sterrett does, and disagree with the committee proposal here. I think it is very unwise. I think Delegate Austin has been very accurate in bringing this to our attention. Certainly, we who have been connected with various corporations, whether it be a public corporation or a private corporation, when our books are audited, they spot check, and if they find discrepancies we all know they will then continue and make a detailed audit of every transaction. Certainly, I think that the auditor general in this case, if there were discrepancies, would do this, but I don't think that we should include in this the words "comprehensive" or "all." I think that we should definitely delete those 2 words from this particular amendment.

PRESIDENT NISBET: Mr. Snyder.

MR. SNYDER: Thank you, Mr. President. I rise to support Mr. Austin on his insistence that the word "comprehensive" go out. I feel that Mr. Austin is trying to point out to the delegates that we are not providing for good audits, bad audits or intermediate audits in this proposal. We are providing for the expression "audits" and as Mr. Austin points out, his experience of checks does provide for a system that all audits will be good.

Now, I am sure that the 56 attorneys here who have a very good background of their particular profession, have felt that there were certain things that should go in and out of this constitution. What Mr. Austin is doing is staking his professional reputation here that the term "comprehensive" is not necessary. I feel that the knowledge that Mr. Austin has imparted to us in the past gives us every reason to believe that he is trying to give us the proper course to pursue in this particular instance. Now, as a certified public accountant, he knows that the term "audit" is all inclusive; that it does not have to be modified in any sense. It will be up to the legislative auditor to determine the extent, depending on the internal controls required by this system. I feel that the term "comprehensive" would hamstring the efficient functioning of the legislative auditor as intended by the delegates and as we are setting it up.

PRESIDENT NISBET: Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, it appears that we are not going to be able to complete the executive branch calendar by 6:30. I have discussed the matter with Mr. Martin and I believe that the thing to do is to complete our work on this proposal and complete our work on Committee Proposal 77, which is very brief, and leave civil service for tomorrow morning so that we can avoid a night session tonight.

I would move that further debate on this amendment and the debate on all pending amendments to this proposal be limited to 5 minutes.

PRESIDENT NISBET: The question is on the motion of Mr. Van Dusen. Mr. Austin.

MR. AUSTIN: Mr. President, I don't believe that 5 minutes will be enough to thoroughly discuss Committee Proposal 78. So if you are concerned about getting out today and starting again tomorrow morning, my feeling is that it would be better not to try to finish this proposal this evening because I have one amendment that I know will require more than 5 minutes of debate. It will take 5 minutes to explain it. I don't believe it is appropriate. I oppose Mr. Van Dusen's motion.

MR. VAN DUSEN: If Mr. Austin will advise which amendment that is, I will be glad to except it and to propose whatever time he recommends.

MR. AUSTIN: Well, I would say 10 minutes might be enough. I don't believe 5 would be enough.

MR. VAN DUSEN: In that event, Mr. President, I amend my motion to permit 10 minutes' discussion on the amendment offered by Mr. Austin.

PRESIDENT NISBET: The question is on the motion of Mr. Van Dusen, as revised. Mr. Hoxie.

MR. HOXIE: Mr. President, I appreciate Mr. Van Dusen's desire to speed up the action as much as possible, but as indicated by Mr. Austin, he has an amendment which he wants to discuss for 10 minutes. Certainly, the membership would want the privilege of hearing discussion also on the other side of the question. So I think that whatever time might be allotted for discussion of the Austin amendment, an equal amount of time should be allotted for answering the questions raised by Mr. Austin.

PRESIDENT NISBET: Mr. Marshall.

MR. MARSHALL: I would just like to ask a question. I think we ought to spend as little time as possible. We spent quite a bit of time debating this. But I am getting somewhat disturbed. It appears to me Mr. Van Dusen is setting himself up as either appointed by somebody or as a self appointed timekeeper and is now usurping the power of the committee chairman in accepting committee amendments and how long we're going to discuss them. I wonder if he is self appointed or appointed by someone.

MR. VAN DUSEN: I am self appointed.

MR. HUTCHINSON: May I make a point of order, Mr. President?

PRESIDENT NISBET: Mr. Hutchinson.

MR. HUTCHINSON: That this motion to limit debate is not debatable.

PRESIDENT NISBET: That is correct. The Chair sustains the point of order.

MR. DOWNS: Point of information on the motion, Mr. President.

PRESIDENT NISBET: Mr. Downs.

MR. DOWNS: Was the 5 minutes to be 5 minutes on the amendment and the proposal or 5 minutes total?

PRESIDENT NISBET: Mr. Van Dusen, will you state your motion again.

MR. VAN DUSEN: Mr. President, my motion was 5 minutes further on the present amendment and 5 minutes on each pending amendment other than the Austin amendment to which Mr. Austin had indicated 10 minutes might suffice. If Mr. Austin now indicates that it will take him 10 minutes for his presentation, I think Mr. Hoxie's suggestion is a good one and that perhaps we should limit the total debate on the Austin amendment to 15 minutes. So to restate the motion, it would be 5 minutes more on the pending amendment, 5 minutes on each of the remaining pending amendments other than the Austin amendment, and 15 minutes on the Austin amendment.

MR. HODGES: Mr. President, a preferential motion.

PRESIDENT NISBET: Mr. Hodges.

MR. HODGES: I believe that to get into all these mechanics of the time is going to be somewhat time consuming. Therefore, I would move to adjourn to 9:01 tomorrow, a time certain.

DELEGATES: No.

PRESIDENT NISBET: Mr. Hodges moves that we adjourn until tomorrow morning. Those in favor of the motion will say aye. Opposed, no.

The motion does not prevail.

DELEGATES: Division.

PRESIDENT NISBET: A division has been requested. Is the demand supported? It is supported. Those in favor will vote aye. Those opposed will vote no. Have you all voted? If so, the secretary will lock the machine and tally the vote.

SECRETARY CHASE: On the motion that the convention adjourn, the yeas are 27; the nays are 73.

PRESIDENT NISBET: The motion does not prevail. Mr. Walker.

MR. WALKER: I have an amendment to Mr. Van Dusen's revised motion. I would like to amend Mr. Van Dusen's motion by striking out "15 minutes" and inserting "10 minutes" on each of the individual items; and by striking out "15 minutes" and inserting "20 minutes" on the one amendment of Mr. Austin.

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

The motion to amend does not prevail. The question now is on the motion by Mr. Van Dusen, as revised. Those in favor will say aye. Opposed, no.

The motion as finally revised prevails.

MR. WANGER: Mr. President.

PRESIDENT NISBET: Mr. Wanger.

MR. WANGER: I wish to very briefly discuss these 2 words "comprehensive" and "all" to point out this: that under the doctrine of separation of powers, which we have written into the constitution and which exists inherently —

MR. HATCH: Point of order.

PRESIDENT NISBET: State your point.

MR. HATCH: I believe Mr. Wanger has already spoken to this amendment.

MR. WANGER: Mr. President, I was speaking on Mr. Hoxie's time. He yielded to me, as you will recall. So I am now speaking for the first time in my own right.

PRESIDENT NISBET: The Chair does think you have spoken on the amendment. The question now is on the amendment.

MR. WANGER: Mr. President.

PRESIDENT NISBET: Mr. Wanger.

MR. WANGER: It's been the custom for 6 months in this convention that if someone yields to someone else and there is no objection raised at that time—anybody had the right to object, but no one objected—then that person is speaking at that point upon that other person's time—

MR. MARSHALL: We object.

MR. WANGER:—therefore, he has a right to speak again on his own. That's been the rule we've followed.

PRESIDENT NISBET: Every time we try to save some time, we lose it. Mr. Downs.

MR. DOWNS: Mr. President and fellow delegates, I shall try to speak on the amendment and on the proposal since I understand that 5 minutes includes both the proposal and the amendment. I am concerned that this performance comprehensive audit which Delegate Austin refers to so clearly, includes a review of the civil service commission as well as the administrative operation of the courts. I feel that this legislative auditor, as defined in the constitution, is a violation of the other provisions of the document where we call for separation of the executive, judicial and legislative branches of government. I urge a no vote on the amendment and on the proposition, recognizing that the legislature can itself, whenever it wishes, create a legislative auditor that would limit himself to the constitutional functions of the legislature, and not inject himself into these other agencies.

PRESIDENT NISBET: The secretary will read the amendment.

SECRETARY CHASE: The amendment on which the vote is to be taken at this time is on the first portion of the amendment recommended by the committees:

[The amendment, first part, was read by the secretary. For text, see above, page 2772.]

PRESIDENT NISBET: The question is on the amendment. Mr. Hatch.

MR. HATCH: Mr. President, point of order. Is this amendment divisible? It has provisions of striking out and also inserting.

PRESIDENT NISBET: It is a series of amendments, Mr. Hatch, and is divisible. Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, I'd just like to say I believe Mr. Austin is completely right on this matter, and I urge you to vote no.

PRESIDENT NISBET: The question is on the adoption of the first part of the amendment. Those in favor will say aye. Those opposed, no.

The amendment, first part, is not adopted. The next amendment:

SECRETARY CHASE: The remaining amendment offered by the committee on executive branch and the committee on legislative powers is:

1. Amend page 1, line 6, [paragraph 1] after "transactions" by inserting "and accounts"; and in line 10, [paragraph 2] after "infringe" by reinserting "the responsibility and constitutional"; and in line 12, [paragraph 2] by striking out "institutions of higher education as provided in this constitution" and reinserting "universities and colleges to be solely responsible for the control and direction of all expenditures from the institutions' funds".

PRESIDENT NISBET: Mr. Martin.

MR. MARTIN: I have already pointed out, Mr. President, this just reinserts the original language approved in committee of the whole. We think that it is better, in that it is a little more limiting and was already acceptable to all of the educational people who were involved in this. We urge its approval.

PRESIDENT NISBET: Mr. Hatch.

MR. HATCH: Mr. President, like Mr. Sterrett, I am somewhat surprised that this appears as a committee amendment because, to my knowledge, the executive branch committee, or at least some members of it, have not seen the amendment. The portion in lines 10 through 14 was not a committee proposal initially. It was an amendment which was offered on the floor. At that time Mr. Elliott and myself had prepared an amendment to that amendment to strike out the words "solely responsible" in light of the fact that we felt that this provision might be a grant of power to the institutions of higher education rather than merely clarifying; in other words, not granting any additional powers to those already granted. At the urging of Dr. Hannah, we withdrew the amendment with the understanding that that was not their intent and that style and drafting would take care of the situation. In my opinion, style and drafting has taken care of this situation and I therefore oppose this amendment and would at this time yield to Mr. Elliott.

PRESIDENT NISBET: Mr. Elliott.

MR. A. G. ELLIOTT: Mr. President, ladies and gentlemen, as I read what style and drafting has done here, it meets with my full approval and it is consistent with the amendment that Mr. Hatch and I had prepared and which we were going to offer at the time this originally came under debate. It seems to me that rather than the amendment broadening the provisions of higher institutions, that these are merely restating some things that were already construed in the constitution. While the language that is offered here as an amendment does broaden because of the word "solely," I would like to urge the defeat of this amendment and the retention of the language as presented to us by style and drafting.

PRESIDENT NISBET: Mr. Wanger.

MR. WANGER: Mr. President, parliamentary inquiry. Are we not speaking on the amendment both in line 6 and also in lines 10 through 14?

PRESIDENT NISBET: We are speaking on the rest of the amendment, Mr. Wanger.

MR. WANGER: I wish to make the point, Mr. President, that these amendments which were adopted by a meeting of those people who had worked very intimately and very long with this problem are important and are necessary to preserve the constitutional strength of this legislative auditor. If you do not put the strength into the constitution, the legislature will not be able to give it to him by law because it will be a violation of the doctrine of separation of powers. This battle has been fought back and forth over the comptroller general of the United States for years. We don't want to have that battle in Michigan. Therefore, it is necessary to put whatever strength you wish to give the office into the constitution.

The words "and accounts" are necessary to make this clear. If it is not clear, it can be fought out in this area, and there can be a tremendous amount of fighting, and there is over $1 billion a year involved.

With respect to the substantive change which has been worked out by the committee on style and drafting in lines 10 through 14, I wish to point out to you that the amendment of the committee merely restores what was done by the committee of the whole and that's what we are asking you to adopt. This language, the language put in by style and drafting, can be very reasonably interpreted to mean that the legislative auditor general will have absolutely no power or authority whatsoever with respect to any institution of higher education. That is not what the people originally desired when they put this amendment in. It was carefully considered originally by the committee of the whole. Therefore, unless you wish to bar the legislative auditor general from having anything to do with higher education—and remember, that's the single largest appropriation that the state makes each year, the single largest one—why, then, you should vote in favor of this committee amendment.

PRESIDENT NISBET: Time has expired. The question is on the amendment.

MR. A. G. ELLIOTT: Mr. President.

PRESIDENT NISBET: Mr. Elliott.

MR. A. G. ELLIOTT: Point of information. It seems to me that there are a series of amendments that have been offered, and for it to be properly judged by the delegation, that we should separate the "and accounts" from the balance of the amendment as offered, because the balance of the amendment discusses higher education. I would like to ask for that permission.

PRESIDENT NISBET: It is so divided. The question now is on the amendment. Mr. Chase will read the amendment to be voted on first.

SECRETARY CHASE: The present amendment under consideration, upon the division as requested by Mr. Elliott is:

1. Amend page 1, line 6, [paragraph 1] after "transactions" by inserting "and accounts".

PRESIDENT NISBET: The question is on the amendment.

MR. HOXIE: Mr. President.

PRESIDENT NISBET: Mr. Hoxie.

MR. HOXIE: I realize time has expired. The question has arisen before the convention as to the position of the committee on education and I certainly think that in view of the fact that Mr. Bentley has been standing at the microphone for several minutes trying to get recognition, that this convention should be willing to grant him the opportunity to be heard. And I so move.

PRESIDENT NISBET: By unanimous consent, Mr. Bentley may have the floor. Mr. Bentley.

MR. BENTLEY: Mr. President, it is not my intention to take time that was not allotted in the motion previously adopted, but I will say I am sure that the committee on education would feel very strongly in favor of adopting the committee amendment to restore the original language in this. I would just like, Mr. President, if I may, to ask Mr. Wanger a question. I would ask him what he envisages by "institutions of higher education."

PRESIDENT NISBET: Mr. Wanger.

MR. WANGER: Mr. President, Delegate Bentley, by "institutions of higher education," of course, we certainly mean all of the universities in the state and we also mean all of the colleges in the state as we normally consider them.

MR. BENTLEY: Including the community and junior colleges?

MR. WANGER: That's an interesting question. I have not had a chance to refresh my recollection by looking back at the exact wording of the provision of the educational proposal that mentions community and junior colleges.

MR. BENTLEY: In view of this question, Mr. President, I strongly urge the support of the committee amendment.

PRESIDENT NISBET: The question is on the amendment, as divided.

SECRETARY CHASE: The amendment under consideration at the moment is:

1. Amend page 1, line 6, [paragraph 1] after "transactions" by inserting "and accounts".

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

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

SECRETARY CHASE: The remaining amendment:

1. Amend page 1, line 10, [paragraph 2] after "infringe"

by reinserting "the responsibility and constitutional"; and in line 12, [paragraph 2] by striking out "institutions of higher education as provided in this constitution" and reinserting "universities and colleges to be solely responsible for the control and direction of all expenditures from the institutions' funds".

PRESIDENT NISBET: The question is on the remainder of the committee amendment which Mr. Chase just read. Those in favor will say aye. Opposed, no. The Chair is in doubt. Those in favor will vote aye. Those opposed will vote nay. Have you all voted? If so, the secretary will lock the machine and tally the vote.

SECRETARY CHASE: On the adoption of the remainder of the amendment offered by the committees, the yeas are 58; the nays are 46.

PRESIDENT NISBET: That part of the amendment is adopted. The secretary will read the next amendment.

SECRETARY CHASE: Messrs. Austin, Bonisteel, Miss Donnelly, Messrs. Downs, Gust and W. F. Hanna offer the following amendment:

1. Amend page 1, line 2, [paragraph 1] after "auditor general" by inserting a comma and "who shall be an administrator and a certified public accountant duly licensed to practice in this state,".

PRESIDENT NISBET: Mr. Austin.

MR. AUSTIN: Mr. President and fellow delegates, I approach this subject with a great deal of trepidation for several reasons. I have often heard that "he who is his own attorney has a fool for a client," and I should leave it to the lawyers to argue this case for me. But this matter came up on the floor while I happened to be away and I feel that perhaps something ought to be said for the CPA. If we take the position that a legal background is necessary for persons involved in the legal province in the state, supreme court justices, state attorney general, prosecuting attorneys, assistant prosecutors, city attorneys, is it not inconsistent to hold that it is not necessary to require that an expert in the field of auditing be the only person qualified for the office of auditor general? And again, when we consider that we expect the highway commissioner to be a highway engineer, is it not inconsistent to say that the holder of the highest audit office in this state should not be especially qualified in this field?

Now just briefly let me make these few remarks about the certified public accountant, and I am not talking about his qualifications now because I think most of you are familiar with those. But if you are concerned about having more than a certified public accountant in this position, you can only expect that he should be an administrator in addition, or you may wish that he be a lawyer in addition to being a CPA. You may even wish that he be a Ph.D. in addition to being a certified public accountant. And I would say to you that among the 3,000 certified public accountants in the state of Michigan, you could take your choice. If you need a CPA who is an administrator, you will have no trouble finding one. Examples of administrators who are well known among the CPA profession are such men as Lynn Townsend who is now the president of Chrysler corporation, Ernest Breech of Ford Motor company, and Robert P. Briggs of Consumers Power. If you feel that he ought to be a lawyer, I don't think you'll have any trouble finding at least 100 CPAs in the state who are also lawyers. There are also specialists in the profession, specialists in taxation, specialists in management services, specialists in SEC audits, specialists in government audits, school audits, university audits, specialists in personnel, public relations and systems. And then, of course, there is the lowly general practitioner like myself, who doesn't have a great deal of value except to extoll the abilities of the specialists in the field.

If you are concerned about numbers, let me remind you that there are less than 9,000 lawyers in the state, and from these 9,000 lawyers you expect to get your supreme court justices, your state attorney general, your prosecuting attorneys, your assistant prosecuting attorneys, city attorneys, and all of those. Out of 3,000 CPAs we are asking that one state position be reserved to the CPA, and I don't think you will have any trouble finding one out of 3,000. And incidentally, if you are concerned about the politics of these people, for the benefit of the majority party here, I would say they run anywhere from 5 to 10 to 1 in favor of the majority party. I would not want you to judge the whole profession by my performance on this floor.

Two more rather important points: we certainly expect that this auditor general shall have technical ability and administrative ability, but you also want him to have independence in mental attitude, and this is an attitude which the profession has attempted to develop among the CPAs.

One other point which I think is rather important, is that we have a growing profession of men who have abilities in many fields in addition to that of the so called audit, with which you are familiar. But these men generally have not been found very active in public life, in public service. And it is my feeling that they have a value which the public ought to take advantage of and I would feel that if we do designate this one office for the certified public accountant, that it will aid to draw the CPA into public service. I think his services are needed there and I think he will be of value. Rather than carry on my whole case by myself, I think it is better now that I at least let my counsel say a few words in my behalf. I will yield the floor to Miss Donnelly.

MISS DONNELLY: The thing I regret is the time that this issue hits the floor. It reminds me of the time it hit the floor the last time when we were in committee of the whole. The chamber was practically vacant. I think it is a very vital issue for people to put their brains to and not just go nonchalantly on. We are confronted with a problem about who would do the most comprehensive and important job for this state. We are also confronted with the problem of how much training should a person have. I submit, as a member of the bar, I don't believe someone who has not been admitted to practice law in this state is qualified to represent people. I think the same logic applies to the highest job that we could possibly have for auditing books in this state. And auditing books is not a simple process. I think the convention earlier has been confronted with one of the problems of the trade, a term of art. It took a CPA on the floor to make it clear to the rest of you what this term of art meant and how to understand it and what the job entailed. To have someone who is not equipped with the highest training that we can find in this state to do this job, I think, is most inadequate.

Some time ago there was a list made of the licenses and exams that were required throughout the state to do various jobs, such as a barber to cut hair must be licensed; to go down from that point, even for selling dogs and treatments in many instances. I think you will find if you analyze this thing carefully that this is not a job for a beginner; this is not a job for a politically important appointment. This is a job for a professional, and there is only one way we grade professionals today. That is through a licensing process. For this licensing process may get tougher as the years go on. I think it will. This has happened in every other profession we've had. And to allow an individual to occupy this position who hasn't met the highest requirements we have in this state is selling the state short, I think. I therefore very strongly support Mr. Austin's amendment and urge a very definite yes vote thereon.

PRESIDENT NISBET: Mr. Barthwell.

MR. BARTHWELL: Mr. President and delegates, I rise to support this amendment in part, especially the part where the accountant should be a CPA. But this word "administrator" kind of worried me because I don't know how the state would lure Lynn Townsend or Breech away from Chrysler and Ford Motor company to do the job. So I think that Austin used a poor description for me to understand exactly what he means by "administrator." However, when I look at the sponsors of this amendment, I feel sure that Mr. Bonisteel and the rest of them know what they are talking about. (laughter) Therefore, I urge you to support this amendment.

PRESIDENT NISBET: Mr. Tubbs.

MR. TUBBS: Mr. President, I rise to support the Austin amendment. I have a telegram from a CPA in whom I have a

great deal of confidence, and he urges the same thing. And despite his discounting remarks, I suggest to Delegate Austin that he should be a candidate for this job and I offer him 143 people who know what his contribution is to this convention. (applause)

PRESIDENT NISBET: Mr. Stevens.

MR. STEVENS: Mr. President and delegates, having served on the committee on style and drafting with Delegate Austin, I have learned the value of CPAs. He is our authority in that field and I think we all learned — lawyers and laymen alike — that it is necessary to have a CPA when you get into things which deal with finances and accounting.

PRESIDENT NISBET: Mr. Woolfenden.

MR. WOOLFENDEN: As a professional man myself, I strongly support the Austin amendment and urge a favorable vote.

PRESIDENT NISBET: Mr. Leppien.

MR. LEPPIEN: Very briefly, Mr. President and fellow delegates, remember this when you vote — and I hope you vote in favor of the amendment — wouldn't it be something to have a person not a CPA in charge of CPAs going around the state auditing accounts of the counties and of the other units of government? I urge you to support the amendment.

PRESIDENT NISBET: Mr. Marshall.

MR. MARSHALL: Mr. President, I realize that probably taking into consideration the popularity of my good friend, Dick Austin, that I will probably not make any friends, but I rise to oppose the Austin amendment — and I too have all the respect in the world for Delegate Austin and his ability as a CPA. But I would point out that the auditor general of the state is more of an administrator than he is an auditor. How many auditors general that have served in this office have themselves personally gone about the state, as Mr. Leppien said, and performed the audits? I think very few, if any. The responsibility of the auditor general is primarily administrative and I do not believe we should be denied the services of an outstanding administrator who could take over a department and run it properly solely because he was lacking a CPA certificate. I oppose the Austin amendment on this basis and I ask the rejection of it.

PRESIDENT NISBET: Mr. Martin.

MR. MARTIN: Mr. President, I think everything has been said on this. We have had the auditor generals taking charge of CPAs for about 150 years here in Michigan and some of them have done a reasonably good job. It seems to me that the legislature and the committee gave careful consideration to this. This was all debated in committee of the whole. It was turned down in committee of the whole and obviously every one of us would be glad to have Dick Austin appointed as auditor general. But that has nothing to do with the matter. The question is whether the legislature should have the authority to appoint a person who meets its qualifications rather than our determining that he should be a CPA. I don't think that we should. I think that the amendment should not be accepted in spite of our high regard for Mr. Austin.

PRESIDENT NISBET: Mr. Upton.

MR. UPTON: Mr. President and delegates, I rise to support the Austin amendment. We have today talked about a highway commissioner and in this language we say he shall be a competent highway engineer and administrator. I think the auditor general, who no longer is going to be elected but appointed, should certainly carry these qualifications and should know his trade in the highest position of this sort in the state. So I would hope that this convention would support this amendment.

PRESIDENT NISBET: Mr. Yeager.

MR. YEAGER: Mr. President, likewise.

PRESIDENT NISBET: Mr. Rajkovich.

MR. RAJKOVICH: Mr. President and fellow delegates, I guess we don't trust the legislature again. It appears that we trust them for one thing and not something else. Evidently we believe that the legislature will not be able to pick a qualified man. I have all due respect and regard for Mr. Austin. I'd certainly like to see him be the first legislative auditor. But I still think the legislature should be able to pick a qualified man. Therefore, I oppose the amendment.

PRESIDENT NISBET: Mr. Perras.

MR. PERRAS: Mr. President and fellow delegates, I also want to support the Austin amendment and at this time I move the previous question.

PRESIDENT NISBET: The time has expired. The question is on the Austin amendment. Those in favor of the Austin amendment will say aye. Those opposed, no.

The amendment is adopted.

DELEGATES: Division.

PRESIDENT NISBET: A division has been requested. Is the demand supported? It is supported. Those in favor of the Austin amendment will vote aye. Those opposed will vote nay. Have you all voted? If so, the secretary will lock the machine and tally the vote.

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Austin, the yeas are 74; the nays are 34. (applause)

PRESIDENT NISBET: The amendment is adopted.

MR. AUSTIN: Mr. President, I want everyone to know there was nothing personal in this. (laughter)

MR. BARTHWELL: Mr. President, I want to request that the statement made by Delegate Austin be printed in the journal so we'll be sure of that. (laughter)

PRESIDENT NISBET: The secretary will read the next amendment.

SECRETARY CHASE: Mr. Austin offers the following amendment:

1. Amend page 1, line 3, [paragraph 1] after "years.", by inserting "He shall be ineligible for appointment or election to any other paid public office in this state while serving as auditor general and for 2 years following the termination of his service.".

PRESIDENT NISBET: Mr. Austin.

MR. AUSTIN: Mr. President and fellow delegates, the CPAs with whom I have talked over the weekend about this subject have felt that the auditor general, assuming, of course, that he would be a CPA, should retain his independence of mind, and that he should not be influenced by political ambition or permitted political maneuvers of any kind. And it was their feeling that this concession, if you want to call it that, should be made in regard to this auditor general; that he should not be eligible for appointment to any other office, nor should he be a candidate for office immediately after serving as auditor general. This is the way to insure his integrity and his position. And I would urge the adoption of this amendment.

PRESIDENT NISBET: Mr. Martin.

MR. MARTIN: Mr. President, I see no objection to this. If the delegates wish to approve it, I am sure the committee would go along.

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

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

SECRETARY CHASE: Messrs. Marshall, Downs, Austin and Miss Hart offer the following amendment:

1. Amend page 1, line 9, [paragraph 1] after "thereof" by inserting "except civil service and judicial functions".

PRESIDENT NISBET: Mr. Marshall. Mr. Downs. Miss Hart. Mr. Downs, you have an amendment on the floor that you might like to talk about. The question is on the amendment offered by Mr. Marshall, Mr. Downs, and so forth.

MR. DOWNS: Mr. President, excuse me. I put in my dinner order and told them to hold it a little while.

PRESIDENT NISBET: You're a little early for that. (laughter)

MR. DOWNS: This amendment is a very simple one. It makes it very clear that the performance postaudit would not affect civil service or our judiciary. I think when in the constitution we are creating such a broad power of a performance postaudit that we should be sure that it does not interfere with either the civil service or the judiciary. I therefore urge support of the amendment and demand the yeas and nays.

PRESIDENT NISBET: The yeas and nays have been de-

manded. Is the demand seconded? Sufficient number up. The Chair recognizes Mr. Gover.

MR. GOVER: Mr. President and fellow delegates, it looks to me like they're 2 different departments in there, civil service and the judicial. I think, Mr. President, that that should be divided and be voted on as 2 separate issues.

PRESIDENT NISBET: Mr. Martin.

MR. MARTIN: I simply rise to oppose the amendment. At the present time both the civil service and the judiciary are audited. The performance postaudit relates only to whether the money was spent for the purposes for which it was appropriated — was used for those purposes. It doesn't have to do with whether the court is trying the case correctly or not. And I think that this amendment should be voted down. The same provision should apply to these areas as apply to all other areas.

PRESIDENT NISBET: Mr. Heideman.

MR. HEIDEMAN: Mr. President, there should be no one in a free society who objects to being inquired into or checked.

PRESIDENT NISBET: Mr. Sterrett.

MR. STERRETT: Mr. President, I oppose this amendment. From the words of this amendment it would appear to me that somebody is trying to hide something and I do not feel that it is right to do this to the civil service or the judicial.

PRESIDENT NISBET: Mrs. Judd.

MRS. JUDD: Mr. President, I stood for the independence of civil service in many respects but certainly not independence from the eyes of the legislature. I think it should be fully informed of what civil service is doing and how it is spending its money. I would be very much opposed to this amendment.

PRESIDENT NISBET: Mr. Leppien.

MR. LEPPIEN: Mr. President, fellow delegates, through the Chair, I'd like to ask Delegate Downs a question.

PRESIDENT NISBET: If Mr. Downs cares to answer.

MR. LEPPIEN: Mr. Downs, when you say the judiciary, that would mean, of course, the county clerk could not be audited for the reason that he is an arm of the judiciary; is that correct?

MR. DOWNS: No, I did not have that intent. I meant it more similar to what we have done for institutions of higher learning. The intent was not to affect that ministerial function of the clerk.

MR. LEPPIEN: Another question, Mr. President, if I may: when you say "the judicial," the judicial as such does not handle money or accounts. They have a clerk do it for them, if I understand it correctly.

MR. DOWNS: That point is well taken. The intent here was to see that the judiciary would not have its performance functions interfered with by the performance audit of the legislature. I think this might apply particularly to juvenile courts, courts of that nature, which do do quite a bit of administrative work. I think their responsibility should be through the judicial system rather than through this type of performance audit.

MR. LEPPIEN: Mr. President, again, if I may, through the Chair: in the field of juvenile courts, again, the clerk or the welfare agent, as he is known in county government, does handle the funds on behalf of the court, and the state auditors now do perform audits. In fact, they must keep separate accounts of it.

MR. DOWNS: Mr. President, what I was trying to get at primarily was the performance part of the postaudit. For example, this would mean if a juvenile court were attempting a rehabilitation program or something like that, that I would not want the legislative auditor to use the performance concept to review the rehabilitation function there. I differentiate that from the traditional auditing where we see that money is spent honestly, whether it is proper economy and accounting. "Performance" is the word that bothers me. I think that one other way would have been to strike the word "performance."

PRESIDENT NISBET: Mr. Downs, time has expired. Mr. Gover has withdrawn his request to divide the question. The yeas and nays have been ordered. The question is on the amendment. Mr. Chase will read the amendment.

SECRETARY CHASE: The amendment offered by Messrs. Marshall, Downs, Austin and Miss Hart:

1. Amend page 1, line 9, [paragraph 1] after "thereof" by inserting "except civil service and judicial functions".

PRESIDENT NISBET: Those in favor of the amendment will vote aye. Those opposed will vote nay. Have you all voted? If so, the secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas — 23

Austin	Hart, Miss	McGowan, Miss
Balcer	Hodges	Perlich
Buback	Jones	Snyder
Douglas	Kelsey	Suzore
Downs	Lawrence	Wilkowski
Elliott, Mrs. Daisy	Mahinske	Young
Faxon	Marshall	Youngblood
Garvin	McCauley	

Nays — 83

Allen	Hatch	Richards, L. W.
Andrus, Miss	Heideman	Romney
Anspach	Higgs	Rood
Barthwell	Howes	Rush
Batchelor	Hoxie	Sablich
Beaman	Hubbs	Seyferth
Bentley	Hutchinson	Shackleton
Bradley	Iverson	Shanahan
Brake	Judd, Mrs.	Sharpe
Butler, Mrs.	Karn	Sleder
Cushman, Mrs.	King	Spitler
Danhof	Kirk, S.	Stafseth
Dell	Knirk, B.	Staiger
DeVries	Koeze, Mrs.	Stamm
Donnelly, Miss	Leppien	Sterrett
Doty, Dean	Martin	Stevens
Doty, Donald	McAllister	Tubbs
Durst	McLogan	Turner
Elliott, A. G.	Millard	Tweedie
Erickson	Nisbet	Upton
Everett	Page	Van Dusen
Farnsworth	Perras	Walker
Figy	Plank	Wanger
Finch	Powell	White
Follo	Prettie	Wood
Gover	Radka	Woolfenden
Gust	Rajkovich	Yeager
Haskill	Richards, J. B.	

SECRETARY CHASE: On the adoption of the amendment, the yeas are 23; the nays are 83.

PRESIDENT NISBET: The amendment is not adopted. The question now is on the adoption of Committee Proposal 78 as amended. Will you clear the board, please. Those in favor of Committee Proposal 78 as amended will vote aye. Those opposed will vote nay. Have you all voted? If so, the secretary will lock the machine and record the vote.

MR. MARTIN: Mr. President.

PRESIDENT NISBET: Mr. Martin.

MR. MARTIN: While the secretary is checking the vote, I would like to say that there is simply one more proposal on the executive residence, to which there are no amendments. I would move to take up Committee Proposal 77 next. Then this will leave state civil service and local civil service for tomorrow morning. Then I propose to move that we adjourn.

PRESIDENT NISBET: Without objection, the motion prevails and we will proceed as requested.

The roll was called and the delegates voted as follows:

Yeas — 88

Allen	Heideman	Radka
Austin	Higgs	Rajkovich
Balcer	Howes	Richards, J. B.
Barthwell	Hoxie	Richards, L. W.
Batchelor	Hubbs	Romney
Beaman	Hutchinson	Rood
Bentley	Iverson	Rush
Bledsoe	Judd, Mrs.	Seyferth
Bradley	Karn	Shackleton
Brake	Kelsey	Shanahan

Butler, Mrs.	King	Sharpe
Danhof	Kirk, S.	Spitler
Dell	Knirk, B.	Stafseth
DeVries	Koeze, Mrs.	Staiger
Donnelly, Miss	Lawrence	Stamm
Doty, Dean	Leppien	Sterrett
Doty, Donald	Martin	Stevens
Durst	McAllister	Suzore
Elliott, A. G.	McCauley	Tubbs
Elliott, Mrs. Daisy	McGowan, Miss	Turner
Erickson	McLogan	Tweedie
Everett	Millard	Upton
Farnsworth	Nisbet	Van Dusen
Figy	Page	Wanger
Finch	Perlich	White
Follo	Perras	Wilkowski
Gover	Plank	Woolfenden
Gust	Powell	Yeager
Haskill	Prettie	Youngblood
Hatch		

Nays — 13

Buback	Hodges	Snyder
Douglas	Jones	Walker
Downs	Marshall	Wood
Faxon	Sablich	Young
Hart, Miss		

SECRETARY CHASE: On the passage of Committee Proposal 78 as amended, the yeas are 88; the nays are 13.

PRESIDENT NISBET: **Committee Proposal 78,** as amended, is passed and referred to the committee on style and drafting.

Following is Committee Proposal 78 as amended and rereferred to the committee on style and drafting:

Sec. a. 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 years. He shall be ineligible for appointment or election to any other paid public office in this state while serving as auditor general and for 2 years following the termination of his service. He may be removed for cause at any time by a 2/3 vote of the members elected to and serving in each house of the legislature. The auditor general shall conduct postaudits 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 postaudits thereof.

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 to be solely responsible for the control and direction of all expenditures from the institutions' funds.

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.

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.

SECRETARY CHASE: Pursuant to the motion of Mr. Martin, the next item is item 21 on the calendar, **Committee Proposal 77,** A proposal to provide a suitable residence for the governor and to authorize an allowance for maintenance. **Amends article VI.**

Following is Committee Proposal 77 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 1747.):

Sec. a. [There shall be provided, at the seat of government, for the governor's use a suitable executive residence with fixtures and furniture and the governor shall receive an allowance for maintenance of the residence as shall be prescribed by law.] 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.

PRESIDENT NISBET: Mr. Martin.

MR. MARTIN: Mr. President, these are the words proposed by the committee on style and drafting. They are entirely satisfactory. We hope you will approve the proposal.

PRESIDENT NISBET: The question is on Committee Proposal 77. The board will be cleared. Those in favor of the proposal will vote aye. Those opposed will vote nay. Have you all voted? If so, the secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas—95

Allen	Finch	Plank
Andrus, Miss	Follo	Prettie
Anspach	Gust	Radka
Austin	Hart, Miss	Rajkovich
Balcer	Haskill	Richards, J. B.
Barthwell	Hatch	Rood
Batchelor	Heideman	Sablich
Beaman	Higgs	Seyferth
Bentley	Hodges	Shackleton
Binkowski	Howes	Shanahan
Bledsoe	Hoxie	Sleder
Bradley	Hubbs	Snyder
Brake	Jones	Spitler
Buback	Judd, Mrs.	Stafseth
Butler, Mrs.	Karn	Staiger
Cushman, Mrs.	Kelsey	Stamm
Danhof	King	Stevens
Dell	Kirk, S.	Suzore
DeVries	Knirk, B.	Tubbs
Donnelly, Miss	Koeze, Mrs.	Turner
Doty, Dean	Lawrence	Tweedie
Doty, Donald	Mahinske	Upton
Douglas	Marshall	Van Dusen
Downs	Martin	Walker
Durst	McCauley	White
Elliott, A. G.	McGowan, Miss	Wilkowski
Elliott, Mrs. Daisy	McLogan	Wood
Erickson	Millard	Woolfenden
Everett	Nisbet	Yeager
Farnsworth	Page	Young
Faxon	Perlich	Youngblood
Figy	Perras	

Nays — 8

Boothby	McAllister	Sharpe
Gover	Powell	Wanger
Hutchinson	Richards, L. W.	

SECRETARY CHASE: On the passage of Committee Proposal 77, the yeas are 95; the nays are 8.

PRESIDENT NISBET: **Committee Proposal 77** is passed and referred to the committee on style and drafting.

For Committee Proposal 77 as rereferred to the committee on style and drafting, see above.

Announcements.

MR. MARTIN: Mr. President, I announce that the committee on executive branch will hold a committee meeting in room 240 of the Capitol Park motel immediately after this session.

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

Article I
Declaration of Rights

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

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

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

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

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

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

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

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

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

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

ever be tolerated in this state.

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

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

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

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

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

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

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

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

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

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

Sec. 20. In every criminal prosecution, the accused shall have the right to a speedy and public trial by an impartial jury, which may consist of less than 12 jurors in all courts not of record; to be informed of the nature of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to have the assistance of counsel for his defense; to have an appeal as a matter of right; and in courts of record, when the trial court so orders, to have such reasonable assistance as may be necessary to perfect and prosecute an appeal.

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

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

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

ARTICLE II
ELECTIONS

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

Article II
Elections

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The legislature shall implement the provisions of this section.

ARTICLE III
GENERAL GOVERNMENT

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

Article III
General Government

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

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

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

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

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

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

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

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

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

ARTICLE IV
LEGISLATIVE BRANCH

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

19. Legislature, elections, recorded vote . 117a
20. Legislature, open public meetings ... 103a
21. Legislature, consent to adjourn 103a
22. Bills 35a
23. Style of laws 29a
24. Laws, object and title
First sentence 121a
Last sentence 105a
25. Laws, revision 121a
26. Bills, requirements for passage
First sentence 105a
Remainder 104a
27. Acts, immediate effect 121a
28. Bills, subjects at special session 105a
29. Local or special acts, referendum 119a
30. Appropriations for local purposes ... 41a
31. General appropriations, priority 46b
32. Tax laws, title 53a
33. Bills passed, approval and veto by governor 70a
34. Referendum on certain bills 113a
35. Publication of laws 24a
36. Revision of laws, compilation 108a
37. Administrative rules, suspension 123a
38. Filling vacancies 122a
39. Continuity of government 122a
40. Liquor Control Commission 27a
41. Lotteries 100a
42. Ports and port districts 87a
43. Banking and trust company laws 5a
44. Jury in civil cases 99a
45. Indeterminate sentences 106a
46. Prohibition against death penalty 20a
47. Chaplains 111a
48. Resolution of public disputes 109a
49. Regulation of employment 110a
50. Atomic energy 127a
51. Public Health 126a
52. Natural resources 125a
53. Auditor General 78a

Article IV
Legislative Branch

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

eral appropriation bills as passed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

sons imprisoned or detained [on] UNDER such sentences.

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE V

EXECUTIVE BRANCH

Sec.		Com. Proposal
1.	Executive Power—where vested	2a
2.	Principal Departments (part Schedule)	71b
3.	Same, Appointment	71b
4.	Licensing Boards	71b
5.	Advice and Consent, Definition (part Schedule)	71g
6.	Appointments, Senate not in Session	71e
7.	Principal Departments, supervision of governor	71d
8.	Principal Departments, offices	71c
9.	Power of Removal	71g
10.	Provisional Appointment	71f
11.	Governor—Commander in Chief	3a
12.	Same—Writs of Election	7a
13.	Same—Reprieves and Pardons	16a
14.	Same—Convene Legislature	8a
15.	Same—Convene Legislature away from Seat	9a
16.	Same—Communicate to Legislature	4a
17.	Same—Budget	46a
18.	Same—Disapproval Appropriation	46c
19.	Appropriation—No mandate to spend	46d
20.	State Officers (part Schedule)	71a
21.	Eligibility for Office	17a
22.	State Officer Compensation	75a
23.	Executive Residence	77a
24.	Lieutenant Governor, duties	71b
25.	Succession to Governorship	59–60a
26.	Same—Salary	72a

27. Highway Commission 71h
28. Civil Rights Commission 71A

Article V
Executive Branch

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

YEARS NEXT PRECEDING HIS ELECTION.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE VI
JUDICIAL BRANCH

Sec.		Com. Proposal
1.	Judicial power	90a
2.	Supreme Court; justices, election, term	91a
3.	Supreme Court; chief justice	91b
4.	Supreme Court; jurisdiction	91c
5.	Supreme Court; rules	91d
6.	Supreme Court; written decisions	91e
7.	Supreme Court, staff supervision	91f
8.	Court of Appeals; judges, elections	92a
9.	Court of Appeals; terms	92b
10.	Court of Appeals; jurisdiction	92c
11.	Judicial Circuits; districts	93a
12.	Circuit Courts; elections, terms	93b
13.	Circuit Courts; jurisdiction	93c
14.	Clerk; vacancies	93d
15.	Probate Courts; jurisdiction	94a
16.	Probate Courts; judges, elections	94b
17.	Salaries; restriction	96a-1
18.	Salaries; uniformity	96g
19.	Courts of Record; seal	96a
20.	Judge; removal from domicile	96b
21.	Judges; ineligibility for other office	96c
22.	Candidacy; affidavit	96l
23.	Vacancy; courts of record	96d
24.	Judges; ballot designation	96e
25.	Removal	96h
26.	Certain offices abolished	96i
27.	Prohibition; power of appointment	96n
28.	Administrative decisions; review	95a
29.	Conservators of peace	96o

Article VI
Judicial Branch

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE VII
LOCAL GOVERNMENT

Sec.		Com. Proposal
1.	Counties; corporate character	81a
2.	Counties; charter	89a
3.	Townships in county	81b
4.	County officers	81c
5.	Offices at County Seat	81d
6.	Sheriff, ineligibility other office, security responsibility for acts	81e
7.	Board of Supervisors; representation from cities	81f
8.	Board of Supervisors; powers	81g
9.	Board of Supervisors; power over compensation	81h
10.	Removal of County Seat	81j
11.	Indebtedness; limitation	81i
12.	Navigable Streams; permission to bridge or dam	81k
13.	County Consolidation	81n
14.	Townships; organization and consolidation	81l
15.	Counties; Intervention in rate proceedings	85c
16.	Highways; powers of supervisors; county or district road system; tax limitation	86a
17.	Township; corporate character	82a
18.	Township officers	82c
19.	Public Utility Franchises	82e
20.	Townships, dissolution	82d
21.	Cities & Villages; incorporation	83a
22.	Charters; law and ordinances	83b
23.	Power to acquire and maintain parks, hospitals	83c
24.	Public utilities; power to own and operate	83e
25.	Elective franchise; public utilities	83f

26. Taxation for private purposes 83d
27. Metropolitan Areas 88a
28. Intrastate Cooperation 88b
29. Highways, streets, etc.; use by utilities; control 85a
30. Franchises; limitations 85b
31. Highways, streets, etc.; vacation, alteration 86b
32. Local Government 57a
33. Local Government article liberal construction 84a

Article VII
Local Government

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 27. Notwithstanding any other provision

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

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

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

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

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

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

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

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

ARTICLE VIII
EDUCATION

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

Article VIII
Education

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

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

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

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

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

have powers and duties provided by law.

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

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

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

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

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

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

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

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

ARTICLE IX
FINANCE & TAXATION

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

Article IX
Finance and Taxation

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

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

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

Sec. 4. Property held by a non-profit corporation, association, or legal entity and used and occupied exclusively for religious, educational, charitable or burial grounds purposes, as defined by law, shall be exempt from real and personal property taxes.

Sec. 5. The legislature shall provide for the assessment by the state of the property of those PUBLIC SERVICE businesses [whose property is now] assessed by the state AT THE DATE THIS CONSTITUTION BECOMES EFFECTIVE, and of other property as designated by the legislature, and for the [levy] IMPOSITION and collection of taxes thereon. Property assessed by the state shall be assessed at the same proportion of its true cash value as the legislature shall specify for property subject to general ad valorem taxation. The rate of taxation on such property shall be the average rate levied upon other property in this state under the general ad valorem tax law, or, if the legislature provides, the rate of tax applicable to the property of each business enterprise assessed by the state shall be the average rate of ad valorem taxation levied upon other property in all counties in which any of such property is situated.

Sec. 6. Except as otherwise provided in this constitution, the total amount of general ad valorem taxes [levied against] IMPOSED UPON REAL AND TANGIBLE PERSONAL property for all purposes in any one year shall not exceed 15 mills on each dollar of the assessed valuation of [said] property as finally equalized. Under procedures provided by law, which shall guarantee the right of initiative, separate tax limitations for any county and FOR the townships and FOR school districts therein, the aggregate of which shall not exceed 18 mills on each dollar of such valuation, may be adopted and thereafter altered by the vote of a majority of the qualified electors of such county voting thereon, in lieu of the limitation hereinbefore established. The limitations established [herein] BY THIS CONSTITUTION or by county vote may be increased to an aggregate of not to exceed 50 mills, OR MORE IF PROVIDED BY LAW, on each dollar of [such] valuation, [except as otherwise provided by law,] for a period of not to exceed 20 years at any one time, [by the vote of] IF APPROVED BY a majority of the [qualified] electors, QUALIFIED UNDER [as defined in] Article II, [hereof] SECTION 6 OF THIS CONSTITUTION[,] VOTING ON THE QUESTION [of any such taxing authority voting thereon].

The foregoing limitations shall not apply to [(a)] taxes [levied] IMPOSED for the payment of principal and interest on bonds or other evidences of indebtedness[,] or for the payment of assessments or contract obligations in anticipation of which bonds are issued, which taxes may be [levied] IMPOSED without limitation as to rate or amount[,]; or [(b)] TO taxes [levied] IMPOSED for any other purpose by any city, village, charter county, charter township or other charter authority the tax limitations of which are provided by charter or by general law.

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

In any school district which extends into [2] TWO or more counties, [there may be levied and collected for school purposes throughout the district] property taxes at the highest rate available in the county which contains the greatest part of the area of the district MAY BE IMPOSED AND COLLECTED FOR SCHOOL PURPOSES THROUGHOUT THE DISTRICT.

Sec. 7. No income tax graduated as to rate or base shall be imposed by the state or any of its subdivisions.

Sec. 8. [At no time shall] The legislature SHALL NOT [levy] IMPOSE a sales tax on retailers at a rate of more than [4] FOUR percent of their gross taxable sales of tangible personal property.

Sec. 9. All specific taxes, except general sales and use taxes and regulatory fees, imposed DIRECTLY OR INDIRECTLY on fuels sold or used to propel motor vehicles upon highways and on registered motor vehicles shall, after the payment of [the] necessary collection expenses, be used exclusively for highway purposes as defined by law.

Sec. 10. One-eighth of all taxes [upon the privilege of selling] IMPOSED ON RETAILERS ON TAXABLE SALES AT RETAIL OF tangible personal property [at retail] shall be used exclusively for assistance to cities, villages and townships, on a population basis as provided by law. IN DETERMINING POPULATION the legislature may exclude [from population] any portion of the total number of persons who are wards, patients or convicts [of] IN any tax supported institution.

Sec. 11. There shall be established a state school aid fund. The legislature may [from time to time] dedicate [certain] tax revenues to this fund which shall be used exclusively for the support of public education and [for] school employees' retirement systems, [in a manner] AS provided by law.

Sec. 12. No evidence of state indebtedness shall be issued except for debts authorized pursuant to this constitution.

Sec. 13. Public bodies corporate shall have power to borrow money and to issue their securities evidencing debt, subject to this constitution and law.

Sec. 14. To meet obligations incurred pursuant to appropriations for any fiscal year, the legislature may by law authorize the state to issue its full faith and credit notes in which case it shall pledge undedicated revenues to be received within the same fiscal year for the repayment thereof. Such indebtedness in any fiscal year shall not exceed 15 percent of undedicated revenues received by the state during the preceding fiscal year and such debts shall be repaid at the time the revenues so pledged are received, but not later than the end of the same fiscal year.

Sec. 15. The state may borrow money for specific purposes in amounts as may be provided by acts of the legislature adopted by a vote of [2/3] TWO-THIRDS of the members elected to and serving in each house, and approved by a majority of the electors voting thereon at any general election. The question submitted to the electors shall state the amount to be borrowed, the specific purpose to which the funds shall be devoted, and the method of repayment.

Sec. 16. The state, in addition to any other borrowing power, may borrow from time to time such amounts as shall be required, pledge its faith and credit and issue its notes or bonds therefor, for the purpose of making loans to school districts as provided in this section.

If the minimum amount which [it] would otherwise be necessary for a school district to levy in any year to pay principal and interest on its qualified bonds, including any necessary allowances for estimated tax delinquencies, exceeds 13 mills on each dollar of its assessed valuation as [last] FINALLY equalized [by the state], or such lower millage as the legislature may prescribe, then the school district may elect to borrow all or any part of the excess from the state. In that event the state shall LEND [loan] the excess amount to the school district for the payment of principal and interest. If for any reason any school district will be or is unable to pay the principal and interest on its qualified bonds when due, then the school district shall borrow and the state shall LEND [loan] to it an amount sufficient to enable the school district to make the payment.

The term "qualified bonds" means general obligation bonds of school districts issued for capital expenditures, including refunding bonds, issued prior to May 4, 1955, or issued thereafter and qualified as provided by law pursuant to Section 27 or Section 28, Article X, of the Constitution of 1908 or pursuant to this section.

After a school district has received loans from the state, each year thereafter it shall levy for debt service, exclusive of levies for nonqualified bonds, not less than 13 mills or such lower millage as the legislature may prescribe, until the amount loaned has been repaid, and any tax collections therefrom in any year over and above the minimum requirements for principal and interest on qualified bonds shall be used toward the repayment of state loans. In any year when such [a] levy would produce an amount in excess of the requirements and the amount due to the state, the levy may be reduced by the amount of the excess.

Subject to the foregoing provisions, the legislature shall have the power to prescribe and to limit the procedure, terms and conditions for the qualification of bonds, for obtaining and making state loans, and for the repayment of loans.

The power to tax for the payment of principal

and interest on bonds hereafter issued which are the general obligations of any school district, including refunding bonds, and for repayment of any state loans made to school districts, shall be without limitation as to rate or amount.

All rights acquired under Sections 27 and 28, Article X of the Constitution of 1908, by holders of bonds heretofore issued, and all obligations assumed by the state or any school district under these sections, shall remain unimpaired.

Sec. 17. No money shall be paid out of the state treasury except in pursuance of appropriations made by law.

Sec. 18. The credit of the state shall not be granted to, nor in aid of any person, association or corporation, public or private, except as authorized in this constitution.

This section shall not be construed to prohibit the investment of public funds until needed for current requirements [or the investment of public employee retirement system funds], as [may be] provided by law.

Sec. 19. The state shall not subscribe to, nor be interested in the stock of any company, association or corporation[,] . [except that] Funds accumulated to provide retirement or pension benefits for public officials and employees may be invested as provided by law[;] . [and except that] Endowment funds created for charitable or educational purposes may be invested as provided by law governing the investment of funds held in trust by trustees.

Sec. 20. No state money shall be deposited in banks other than those organized under the national or state banking laws. No state money shall be deposited in any bank in excess of 50 percent of the capital and surplus of such bank. Any bank receiving deposits of state money shall show the amount of state money so deposited as a separate item in all published statements.

Sec. 21. The legislature shall provide by law for the annual accounting for all public moneys, state and local, and may [also] provide by law for interim accounting.

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

Sec. 22. PROCEDURES FOR THE EXAMINATION AND ADJUSTMENT OF CLAIMS AGAINST THE STATE SHALL BE PRESCRIBED BY LAW.

Sec. 23. All financial records, accountings, audit reports and other reports of public moneys shall be public records and open to inspection. A statement of all revenues and expenditures of public moneys shall be published and distributed annually, as [prescribed] PROVIDED by law.

Sec. 24. The accrued financial benefits of each pension plan and retirement system of the state and its political subdivisions shall be a contractual obligation thereof which shall not be diminished or impaired thereby.

Financial benefits arising on account of service rendered in each fiscal year shall be funded during that year and such funding shall not be [usable] USED for financing unfunded accrued liabilities.

ARTICLE X
PROPERTY

Sec.		Com. Proposal
1.	Married Women	63a
2.	Eminent Domain	67a
3.	Homestead Exemption	12a
4.	Escheats	74a
5.	State Lands	129a
6.	Alien Rights	43a

Article X
Property

Sec. 1. The real and personal estate of every woman, acquired before marriage, and all property to which she may afterwards become entitled by gift, grant, inheritance or devise, shall be and remain the estate and property of such woman, and shall not be liable for the debts, obligations or engagements of her husband, and may be devised or bequeathed by her as if she were unmarried.

Sec. 2. Private property shall not be taken for public use without just compensation therefor being first made or secured in a manner prescribed by law.

Sec. 3. A homestead in the amount of not less than $3,500[.00] and personal property of every resident of this state in the amount of not less than $750[.00], as defined by law, shall be exempt from forced sale on execution or other process of any court. Such exemptions shall not extend to any lien thereon excluded FROM EXEMPTION by law.

Sec. 4. Procedures [for the examination and adjustment of claims against the state and procedures] relating to escheats and to the custody and disposition of escheated property shall be prescribed by law.

Sec. 5. The legislature shall have general supervisory jurisdiction over all state owned lands useful for forest preserves, game areas and recreational purposes; shall require annual reports as to such lands from all departments having supervision or control thereof; and shall by general law provide for the sale, lease[,] or other disposition of such lands.

The legislature BY AN ACT ADOPTED [by a resolution concurred in] by TWO-THIRDS [2/3]

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

of the members elected to and serving in each house may [from time to time declare] DESIGNATE any part of such lands AS [to be] a state land reserve. [and may remove lands from such classification.] No lands in the state land reserve may be REMOVED FROM THE RESERVE, sold, leased or otherwise disposed of except by an act of the legislature.

Sec. 6. Aliens who are residents of this state shall enjoy the same rights and privileges in property as citizens of this state.

ARTICLE XI
PUBLIC OFFICERS AND EMPLOYMENT

Sec.		Com. Proposal
1.	Oath of Office	25a
2.	Terms of Office	61a
3.	Extra Compensation	62a
4.	Custodian of Funds, Accounting	55a
5.	Classified Civil Service, creation	22a
6.	Civil Service Commission	22a
7.	Commission to make rules and fix compensation	22a
8.	Increases in Compensation	22a
9.	May abolish positions	22a
10.	Commission to recommend increases to governor and legislature	22a
11.	Commission to receive appropriations	22a
12.	Violations of Civil Service Article	22a
13.	Civil Service, Local Government, county	76a, 81m
14.	Impeachment	42a, 42b, 42c, 42d
15.	Removal of Elected Officers	42e

Article XI
Public Officers and Employment

Sec. 1. [Members of the legislature and] All officers, LEGISLATIVE, executive and judicial, [shall,] before [they enter] ENTERING upon the duties of their respective offices, SHALL take and subscribe the following oath or affirmation: ["]I do solemnly swear (or affirm) that I will support the Constitution of the United States and the constitution of this state, and that I will faithfully discharge the duties of the office of ..... according to the best of my ability.["] No other oath, affirmation, or any religious test shall be required as a qualification for any office or public trust.

Sec. 2. The terms of office of elective state officers, members of the legislature[,] and JUSTICES AND judges of courts of record shall begin at [12:00] TWELVE o'clock noon on the first day of January next succeeding their election, except as otherwise provided in this constitution. The terms of office of county officers shall begin on the first day of January next succeeding their election, except as otherwise provided by law.

Sec. 3. Neither the legislature nor any political subdivision of this state shall grant or authorize extra compensation to any public officer, agent or contractor after the service has been rendered or the contract entered into.

Sec. 4. No person having custody or control of public moneys shall [have a seat in] BE A MEMBER OF the legislature, [n]or be eligible to any office of trust or profit under this state, until he shall have made an accounting, as provided by law, of all sums for which he may be liable.

Sec. 5. The classified state civil service shall consist of all positions in the state service except those filled by popular election, heads of principal departments, members of boards and commissions, the [chief] PRINCIPAL executive officer of boards and commissions heading principal departments, employees of courts of record, employees of the legislature, employees of the state institutions of higher education, all persons in the armed forces of the state, [8] EIGHT exempt positions in the office of the governor, and within each principal department, when requested by the department head, [2] TWO other exempt positions, one of which shall be policy-making. The civil service commission may exempt [3] THREE additional positions of a policy-making nature within each principal department.

Sec. 6. The civil service commission shall be non-salaried and shall consist of [4] FOUR persons, not more than [2] TWO of whom shall be members of the same political party, appointed by the governor for TERMS OF [8] EIGHT yearS, [overlapping terms.] NO TWO OF WHICH SHALL EXPIRE IN THE SAME YEAR.

The administration of the commission's powers shall be vested in a state personnel director who shall be a member of the classified service and who shall be responsible to and selected by the commission after open competitive examination.

Sec. 7. The commission shall classify all positions in the classified service according to their respective duties and responsibilities, fix rates of compensation for all classes of positions, approve or disapprove disbursements for all personal services, determine by competitive examination and performance exclusively on the basis of merit, efficiency and fitness the qualifications of all candidates for positions in the classified service, make rules and regulations covering all personnel transactions, and regulate all conditions of employment in the classified service.

No person shall be appointed to or promoted in the classified service who has not been certified BY THE COMMISSION as qualified for such appointment or promotion [by the commission]. No appointments, promotions, demotions or removals in the classified service shall be made for

partisan, racial or religious considerations.

Sec. 8. Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. Within 60 calendar days following such transmission, the legislature may, by a [2/3] TWO-THIRDS vote of the members elected to and serving in each house, reject, reduce, or modify increases in rates of compensation authorized by the commission[:]. [Provided however,] The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases authorized by the commission. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year.

Sec. 9. The appointing authorities may create or abolish positions for reasons of administrative efficiency without the approval of the commission. Positions shall not be created nor abolished except for reasons of administrative efficiency. Any employee considering himself aggrieved by the abolition of a position shall have a right of appeal to the commission through established grievance procedures.

Sec. 10. The civil service commission shall recommend to the governor and to the legislature rates of compensation for all appointed positions within the executive department not a part of the classified service.

Sec. 11. To enable the commission to exercise its powers, the legislature shall appropriate to the commission for the ensuing fiscal year a sum not less than one percent of the aggregate payroll of the classified service for the preceding fiscal year, as certified by the commission. Within [6] SIX months after the conclusion of each fiscal year the commission shall return to the state treasury all [funds] MONEYS unexpended for that fiscal year.

The commission shall furnish reports of expenditures, at least annually, to the governor and the legislature and shall be subject to annual audit as provided by law.

Sec. 12. No payment for personal services shall be made or authorized until the provisions of this [article] CONSTITUTION PERTAINING TO CIVIL SERVICE have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

Sec. 13. BY ORDINANCE OR RESOLUTION WHICH SHALL NOT TAKE EFFECT UNTIL APPROVED BY A MAJORITY OF THE ELECTORS VOTING THEREON, each city, village, township, county, school district[,] and other governmental unit[s] or authorit[ies]Y [performing the same or similar functions] may[, by ordinance or resolution of the governing body which ordinance or resolution shall not take effect until approved by a majority of the electors voting thereon,] establish, modify or discontinue a merit system for its employees other than teachers under contract or tenure. The state civil service commission may on request furnish technical services [to them] TO ANY SUCH UNIT on a reimbursable basis.

[The board of supervisors of any county with a population of 1,000,000 or more shall have the power by ordinance to establish a merit system for county employment. The ordinance or any amendments thereto shall not take effect until approved by a majority of the electors voting thereon.]

Sec. 14. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office or for crimes or misdemeanors, but a majority of the members elected and serving shall be necessary to direct an impeachment.

When an impeachment is directed, the house of representatives shall elect [3] THREE of its members to prosecute the impeachment.

Every impeachment shall be tried by the senate immediately after the final adjournment of the legislature. The senators shall take an oath or affirmation truly and impartially to try and determine the impeachment according to the evidence. When the governor or lieutenant governor is tried, the chief justice of the supreme court shall preside.

No person shall be convicted without the concurrence of [2/3] TWO-THIRDS of the senators elected and serving. Judgment in case of conviction shall not extend further than removal from office, but the person convicted shall be liable to punishment according to law.

No judicial officer shall exercise ANY OF THE FUNCTIONS OF his office after an impeachment is directed until he is acquitted.

Sec. 15. Any elected officer of a political subdivision may be removed from office in the manner and for the causes [prescribed] PROVIDED by law.

ARTICLE XII
AMENDMENT & REVISION

Sec.		Com. Proposal
1.	By Legislature	64a
2.	By Petition of Electors	65a
3.	Constitutional Convention	66a

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

Article XII
Amendment & Revision

Sec. 1. Amendments to this constitution may be proposed in the senate or house of representatives. Proposed amendments agreed to by [2/3] TWO-THIRDS of the members elected to and serving in each house on a [yea and nay] vote WITH THE NAMES AND VOTE OF THOSE VOTING entered in the respective journals shall be submitted, not less than 60 days thereafter, to the electors at the next general election or special election as the legislature shall direct. If a majority of electors voting on [such] a proposed amendment approve [such amendment,] THE SAME, it shall become part of the constitution and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved.

Sec. 2. Amendments may be proposed to this constitution by petition of the registered electors of this state. Every petition shall include the full text of the proposed amendment, and be signed by registered electors of the state equal in number to at least 10 percent of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected, or 300,000 registered electors, whichever is less. Such petitions shall be filed with the person authorized by law to receive the same at least 120 days before the election at which the proposed amendment is to be voted upon. Any such petition shall be in the form, and shall be signed and circulated in such manner, as prescribed by law. The person authorized by law to receive such petition[,] shall[,] upon its receipt[,] determine, as provided by law, the validity and sufficiency of the signatures on the petition, and make an official announcement thereof at least 60 days prior to the election at which the proposed amendment is to be voted upon.

Any amendment proposed by such petition shall be submitted, not less than 120 days after it was filed, to the electors at the next GENERAL election. [at which any state officer is to be elected.] Such proposed amendment, existing provisions of the constitution which would be altered or abrogated thereby, and the question as it shall appear on the ballot [used in such election] shall be published in full as provided by law. Copies of such publication shall be posted in each polling place and furnished to news media as provided by law.

The ballot to be used in such election shall contain a statement of the purpose of the proposed amendment, expressed in not more than 100 words, exclusive of caption. Such statement of purpose and caption shall be prepared by the person authorized by law, and shall consist of a true and impartial statement of the purpose of the amendment in such language as shall create no prejudice for or against the proposed amendment.

If the proposed amendment is approved by a majority of the electors voting on the question, the proposed amendment shall become part of the constitution, and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved. IF TWO OR MORE AMENDMENTS APPROVED BY THE ELECTORS AT THE SAME ELECTION CONFLICT, THAT AMENDMENT RECEIVING THE HIGHEST AFFIRMATIVE VOTE SHALL PREVAIL.

Sec. 3. At the general election to be held in the year 1978, and in each 16th year thereafter and at such times as may be provided by law, the question of a general revision of the constitution shall be submitted to the electors of the state. If a majority of the electors voting on the question decide in favor of a convention for such purpose, at an election to be held not later than [4] FOUR months after the proposal was certified as approved, the electors of each [house of] representative[s] district as then organized shall elect one delegate and the electors of each senatorial district as then organized shall elect one delegate. The delegates so elected shall convene at the SEAT OF GOVERNMENT [capital city] on the first Tuesday in October next succeeding such election or at an earlier date if provided by law.

The convention shall choose its own officers, determine the rules of its proceedings and judge the qualifications, elections and returns of its members. The governor shall appoint a qualified resident of the same district to fill a vacancy in the office of any delegate. [If the legislature shall determine that delegates shall be elected on a partisan basis, the governor shall appoint a qualified resident of the same district and of the same party.] WHO SHALL BE A MEMBER OF THE SAME PARTY AS THE DELEGATE VACATING THE OFFICE IF THE LEGISLATURE PROVIDES FOR PARTISAN ELECTION OF DELEGATES. The convention shall have power to appoint such officers, employees and assistants as it deems necessary and to fix their compensation; to provide for the printing and distribution of its documents, journals and proceedings; to explain and disseminate information about the proposed constitution and to complete the business of the convention in an orderly manner. Each delegate shall receive for his services compensation provided by law.

No proposed constitution or amendment adopted by such convention shall be submitted to the electors for approval as hereinafter provided unless by the assent of a majority of all the delegates elected to and serving in the convention, WITH THE NAMES AND VOTE OF THOSE VOTING [the yeas and nays being] entered in the journal. Any proposed constitution or amendments adopted

by such convention shall be submitted to the qualified electors in the manner and at the time provided by such convention not less than 90 days after final adjournment of the convention. Upon the approval of such constitution or amendments by a majority of the qualified electors voting thereon the constitution or amendments shall take effect as provided by the convention.

SCHEDULE AND TEMPORARY PROVISIONS

Sec.		Com. Proposal
1.	Attorney general to recommend necessary laws	44d
2.	Writs, actions, claims, etc. remain effective	44b
3.	Officers continue their duties	44c and 71g
4.	Terms of officers elected November, 1962	68b
5.	Terms of governor, etc. elected 1964. When 4 year terms begin	80 and 71a
6.	Senate Apportionment	80
7.	Supreme Court, reduction to seven justices	91a
8.	Judges of Probate, eligible for re-election	96f
9.	Overlapping terms for judiciary	96j
10.	State Board of Education	47a
11.	Boards of Control	98c
12.	Educational Boards	
13.	Initial allocation	71b
14.	Contractual obligations remain in force	6a
15.	Mackinac Bridge refunding	23b
16.	Constitution submitted to people, when	68a
17.	Constitution submitted to people, manner	68c

TO INSURE THE ORDERLY TRANSITION FROM THE CONSTITUTION OF 1908 TO THIS CONSTITUTION THE FOLLOWING SCHEDULE IS SET FORTH TO BE EFFECTIVE FOR SUCH PERIOD AS ITS PROVISIONS REQUIRE.

Sec. 1. The attorney general [of the state] shall recommend to the legislature AS SOON AS PRACTICABLE [at the commencement of the next session] such changes AS MAY BE NECESSARY [in existing laws as may be deemed necessary] to adapt EXISTING LAWS [the same] to this constitution.

Sec. 2. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights [of individuals, partnerships, bodies corporate, and of this state or any subdivision or agency thereof] existing on the effective date [hereof] OF THIS CONSTITUTION shall continue unaffected except as modified in accordance with the provisions of this constitution.

Sec. 3. Except as otherwise provided in this constitution, all officers filling any office by election or appointment shall continue to exercise THEIR POWERS AND [the] duties [thereof, according to their respective commissions or appointments,] until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

No provision of this constitution, or of law or of executive order authorized by this constitution shall shorten the term of any person elected to state office at a statewide election ON [in] or prior to THE DATE ON WHICH THIS CONSTITUTION IS SUBMITTED TO A VOTE. [November, 1962.] In the event the duties of any [of] such officers shall not have been ABOLISHED OR incorporated into one or more of the principal departments at the expiration of his term, such officer shall continue to serve until his duties are so incorporated OR ABOLISHED.

Sec. 4. All officers elected [on the Tuesday after the first Monday of November, 1962] AT THE SAME ELECTION THAT THIS CONSTITUTION IS SUBMITTED TO THE PEOPLE FOR ADOPTION [under the 1908 Constitution as amended and existing laws] shall take office [on and after the first day of January, 1963,] and complete the term to which they were elected UNDER THE 1908 CONSTITUTION AND EXISTING LAWS AND CONTINUE TO SERVE UNTIL THEIR SUCCESSORS ARE ELECTED AND QUALIFIED PURSUANT TO THIS CONSTITUTION OR LAW.

Sec. 5. Notwithstanding any other provision in this constitution, the governor, THE lieutenant governor, THE secretary of state [and], THE attorney general, AND state senators shall be elected at the general election in 1964 to serve for [2] TWO year terms beginning on the first day of January next succeeding their election. The first [4 year] election OF SUCH OFFICERS FOR FOUR-YEAR TERMS under this constitution shall be held at the general election in 1966.

Sec. 6. The state shall be districted for the purpose of electing senators in accordance with the provisions of [Committee Proposal 80, section a,] ARTICLE IV, SECTION 2 after the official publication of the total population count of the 1970 decennial federal census. Until the [re]apportionment of the senate following the 1970 census, the senatorial districts under the 1908 constitution[, as amended,] shall remain intact except that upon the adoption of this constitution each of the counties of Kent, Genesee, Macomb and Oakland shall be divided by the apportionment commission into [2] TWO senatorial districts and Wayne county into [8] EIGHT senatorial districts in accordance with this constitution.

Sec. 7. [A vacancy hereafter created as the result of the death, retirement or resignation of one incumbent justice shall not be filled.]

NOTWITHSTANDING THE PROVISIONS OF THIS CONSTITUTION THAT THE SUPREME COURT SHALL CONSIST OF SEVEN JUSTICES IT SHALL CONSIST OF EIGHT JUSTICES UNTIL THE TIME THAT A VACANCY OCCURS AS A RESULT OF DEATH, RETIREMENT OR RESIGNATION OF A JUSTICE. THE FIRST SUCH VACANCY SHALL NOT BE FILLED.

Sec. 8. Any [supreme court justice, circuit judge,] judge of probate serving [at] ON the [time this constitution becomes] effective DATE OF THIS CONSTITUTION may serve the remainder of the term and be eligible TO SUCCEED HIMSELF for election [to his present office] regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

Sec. 9. The provisions of [this] Article VI providing that terms of JUDICIAL offices shall not all expire at the same time, shall be implemented BY LAW PROVIDING THAT at the next election for such offices [by legislation providing for elections] JUDGES SHALL BE ELECTED for terms of varying length, none of which shall be shorter than the [basic] REGULAR term provided for the office.

Sec. 10. THE MEMBERS OF THE STATE BOARD OF EDUCATION PROVIDED FOR IN ARTICLE VIII SECTION 3 SHALL FIRST BE ELECTED AT THE FIRST GENERAL ELECTION AFTER THE EFFECTIVE DATE OF THIS CONSTITUTION FOR THE FOLLOWING TERMS: TWO SHALL BE ELECTED FOR TWO YEARS, TWO FOR FOUR YEARS, TWO FOR SIX YEARS, AND TWO FOR EIGHT YEARS AS PRESCRIBED BY LAW.

THE STATE BOARD OF EDUCATION PROVIDED FOR IN THE CONSTITUTION OF 1908 IS ABOLISHED AT TWELVE O'CLOCK NOON JANUARY 1 OF THE YEAR FOLLOWING THE FIRST GENERAL ELECTION UNDER THIS CONSTITUTION AND THE TERMS OF MEMBERS THEREOF SHALL THEN EXPIRE.

Sec. 11. THE PROVISIONS OF THIS CONSTITUTION PROVIDING FOR MEMBERS OF BOARDS OF CONTROL OF INSTITUTIONS OF HIGHER EDUCATION AND THE STATE BOARD OF PUBLIC COMMUNITY AND JUNIOR COLLEGES SHALL BE IMPLEMENTED BY LAW. THE LAW MAY PROVIDE THAT THE TERM OF EACH MEMBER IN OFFICE ON THE DATE OF THE VOTE ON THIS CONSTITUTION MAY BE EXTENDED, AND MAY FURTHER PROVIDE THAT THE INITIAL TERMS OF OFFICE OF MEMBERS MAY BE LESS THAN EIGHT YEARS.

Sec. 12. THE PROVISIONS OF THIS CONSTITUTION INCREASING THE NUMBER OF MEMBERS OF THE BOARD OF TRUSTEES OF MICHIGAN STATE UNIVERSITY AND OF THE BOARD OF GOVERNORS OF WAYNE STATE UNIVERSITY TO EIGHT, AND OF THEIR TERMS OF OFFICE TO EIGHT YEARS, SHALL BE IMPLEMENTED BY LAW. THE LAW MAY PROVIDE THAT THE TERM OF EACH MEMBER IN OFFICE ON THE DATE OF THE VOTE ON THIS CONSTITUTION MAY BE EXTENDED ONE YEAR, AND MAY FURTHER PROVIDE THAT THE INITIAL TERMS OF OFFICE OF THE ADDITIONAL MEMBERS MAY BE LESS THAN EIGHT YEARS.

Sec. 13. The initial allocation of departments by law pursuant to Article V, Section 2 shall be completed within two years after the effective date of this constitution. If such allocation shall not have been completed within such period, the governor, within one year thereafter, by executive order, shall make the initial allocation.

Sec. 14. Contractual obligations of the state incurred pursuant to the constitution of 1908 [as amended] shall continue to be obligations of the state.

For the retirement of [such] notes and bonds [as may have been] issued under Section 26 of Article X of the 1908 constitution, there is hereby appropriated from the general fund each year during their life a sum equal to the amount of principal and interest payments due and payable in each [such] year.

Sec. 15. [Provided however, That] The legislature [is authorized to provide by general law adopted] by a vote of [2/3] TWO-THIRDS of the members elected to and serving in each house MAY PROVIDE THAT THE STATE MAY [for the] borrow[ing of] money AND MAY PLEDGE ITS FULL FAITH AND CREDIT for [the] refunding [of] any bonds issued by the Mackinac Bridge Authority[,]AND at [which] THE time OF REFUNDING the Mackinac Bridge Authority [Act] shall be [repealed] ABOLISHED and the operation of the bridge SHALL be assumed by the state highway department. THE LEGISLATURE MAY IMPLEMENT THIS SECTION BY LAW.

Sec. 16. This constitution shall be submitted to the people for their adoption or rejection at the general election to be held on the Tuesday after the first Monday of November, 1962. It shall be the duty of the secretary of state forthwith to give notice of such submission to all other officers required to give or publish any notice in regard to A GENERAL [such] election. He shall give notice that this constitution will be duly submitted to the electors at such election. The notice shall be given in the manner required for the election of governor.

Sec. 17. Every registered elector may vote

on the adoption of the constitution. The board of election commissioners in each county shall cause to be printed on a ballot separate from the ballot containing the names of the nominees for office, the words: ["] Shall the revised constitution be adopted? ( ) Yes. ( ) No. ["] All votes cast at THE [this] election shall be taken, counted, canvassed and returned as provided by law for the election of state officers. [Should] IF the revised constitution so submitted receiveS more votes in its favor than were cast against it, it shall be the supreme law of the state on and after the first day of January OF THE YEAR FOLLOWING ITS ADOPTION [,1963, except as otherwise provided in this constitution].

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

Figy	Page	Van Dusen
Finch	Perras	Wanger
Gadola	Plank	White
Goebel	Pollock	Wood
Gover	Prettie	Woolfenden
Gust	Pugsley	Yeager
Hanna, W. F.		

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

VICE PRESIDENT HUTCHINSON: The amendment is not adopted. That completes the amendments to this article on the secretary's desk. Mr. Downs.

MR. DOWNS: Mr. President, fellow delegates, there are no more amendments and we're now on the adoption of the entire article; is that correct?

VICE PRESIDENT HUTCHINSON: That is correct, Mr. Downs.

MR. DOWNS: I rise near the hour of midnight in trepidation, fellow delegates, but I shall try to be very brief. I rise, announcing I am going to vote no on the entire article and urging other delegates to do the same. I shall not make a long speech but I want to make one or two points on what we've done, so the delegates will knowingly and very clearly know what has transpired, particularly on the key item of apportionment.

I wish to point out that under this provision neither house is based on population. And I do not say this in a fringe or flaky manner. I have asked the research department of this convention to prepare maps on how the apportionment system would work out. I am told this is a possible apportionment plan and there are other possibilities. However, I asked for one that would be as reasonable construction as possible.

In the senate in 1970, and not before, there would be a reapportionment and the smallest district in population would be 86,000; the largest would be 3 in Oakland county, each averaging 365,000 votes. In other words, it would take 4 voters in Oakland county to equal 1 voter in the 86,000 area. That is the senate. And this ties in with advice and consent. Then in the matter of the house, Monroe county, according to the 1960 figures, would be the largest, with 101,000, and the counties of the presiding delegate, Allegan and Van Buren, have the distinction of having an average of 53,062, in other words, practically a 2 to 1 difference. It would take 2 citizens from Monroe county to equal 1 citizen's vote in Allegan county. I point this out to try to dramatize that neither house is on population, and if anybody came to this convention pledged to have at least 1 house on population, I hope those delegates will join with me in voting no on this section in the hope that we'll have something done by third reading.

I do also wish to point out that by the time we come back on August 1, there may be additional supreme court decisions. I just have the newspaper report and if I keep talking long enough, I'll be able to have a special delivery letter with some of the further details. But I understand that not only Georgia threw out the county unit system, but in Maryland, their frozen senate, somewhat similar to Michigan's, has also been thrown out by the court there on the concept of equal protection of the laws. I will not now move that we postpone consideration until further court action is taken. I remind us again that the Michigan case, Scholle versus Hare, was remanded by the United States supreme court and is back in the hands of the Michigan state supreme court. I feel that our progress here is going to come from the judicial branch, unfortunately, rather than branches like this which, by themselves, are not created on a one man, one vote concept. I do urge the delegates to understand these factors in arriving at the conclusion. There are other points of this article that we have discussed — some facetiously; some seriously. But I wish to emphasize that the main reason that I am urging a no vote on this article IV, section 2, is that I think that it is not only wrong to deny the one man, one vote concept, but I believe it is running contrary to the historical thrust of the court decisions. Thank you.

VICE PRESIDENT HUTCHINSON: Mr. McAllister.

MR. McALLISTER: Mr. President and fellow delegates, the hour is getting late. I cannot vote for this article. The committee that proposed this apportionment setup does not seem to be able to explain just what counties are going to be where. In fact, when the committee can't explain it to my satisfaction, I certainly can't vote for something of that kind.

It appears to me from the Tennessee case, the Scholle case, your Georgia case in the federal court, and your Maryland case, that we are doing something here that is just what Mr. Downs would like to have us do. And I do support his position. But I don't think this article should be passed if there is a possibility that the Michigan supreme court will rule on this case before August 1. It appears to me that what we are really going to have here is a senate and a house, both on a population basis. And at the present time I can't see where rural Michigan has any representation, either in the house or senate, under this plan. And in view of that fact, I cannot vote for it.

VICE PRESIDENT HUTCHINSON: Mr. Pollock.

MR. POLLOCK: Mr. President, I've listened with what, for me, is unusual patience to the repeated dolorous pronouncements of the delegate from Detroit to the effect that he intends to vote no on one article after another. I will not attempt to surmise his real reason for acting in this negative and wholly destructive manner. He can answer to his own conscience and whatever forces in his party or elsewhere to which he so loyally responds.

I can only say that it is, to me, utterly incomprehensible how any delegate — I say any delegate; not merely the leader of the minority party — can sit here for 7½ months in the give and take of debate and decision and then, at the end of our deliberations, recommend a no vote on issues in which he shared responsibility as a delegate and, as often as not, won his own points. By what kind of extraordinary wisdom or insight does he or any other delegate or delegates think that his or their views are so superior to the slowly agreed majority view that they warrant this extraordinary procedure which, to me, is utterly destructive in its result of trying to throw together a shadow constitution or at least shadow articles in place of the carefully mature articles of this proposed constitution? I say, Mr. President, that this tactic — obviously partisan and nonpublic in nature — is unworthy of any delegate and, in my opinion, deserves condemnation on this floor. (applause)

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen.

MR. DOWNS: I rise to a point of personal privilege —

MR. VAN DUSEN: Mr. President.

MR. DOWNS: — Mr. President.

VICE PRESIDENT HUTCHINSON: You may state it, Mr. Downs.

MR. DOWNS: I believe that the former speaker — and I am not going to question his motives — did attack my motives, did attack me personally, and as such, I have the right to respond.

VICE PRESIDENT HUTCHINSON: You may proceed.

MR. DOWNS: All right. I wish to apprise the convention that this is the first time I have, to my memory, risen on a matter of personal privilege on the floor of the convention. To my knowledge, I have never knowingly attacked any individual on the floor of this convention, nor have I questioned any delegate's motives. I may have disagreed with the judgment or conclusion and I have always, I hope, respected the right of other delegates to question my judgment and my conclusion; and I hope have shown no bitterness or malice when any individual delegate, for his reasons, has seen necessary to vote contrary to what I have wished or expressed.

I wish to say that when I campaigned for this office there were several very clear points I went to the constituents in my district on and offered myself as a candidate. One was that I did not want to see any backward steps in this constitution that's being developed. I specifically refer to civil service, and will touch on that when we get into it. On the apportionment matter, I simply say that this does not represent one man, one vote in either house. I campaigned, and I can show clippings and speeches ad nauseam where I campaigned on the concept of one man, one vote. Whether or not that is right or wrong is not the issue before this convention. The issue is that as a delegate, as a candidate I campaigned on that. I said I would fight for that. I have fought for that. And if I am defeated

on this, I feel no moral obligation to support something that is less than that on which I campaigned. If, on the other hand, I were to compromise basic principles — and I'm not talking about modifications of day to day operations — I would feel that that was not justifiable. How other delegates answer to themselves is their prerogative and their business and I do not intend to answer that on this floor. I do hope, as we mature and develop here, we'll have a chance to review this more thoroughly and compare item by item.

I'm a little surprised at all those points that I've won in debate. I enjoyed the conversation and fellowship but I think it would take a rather small adding machine to suggest the number of significant suggestions I've made that the convention has adopted. And I express no resentment or bitterness at the convention for having seen fit to adopt suggestions other than mine. I hope I have shown no rancor; I have felt no rancor. I apologize for taking this time of the convention this late at night. I want the delegates to know that I came here in a spirit of friendship. I feel that has been increased and I hope we do nothing or say things which we individually would later wish had been left unsaid. Thank you for your patience. (applause)

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, we do seem to be straying from the point. I would move that further debate on this article of the constitution terminate at 12:00 midnight.

VICE PRESIDENT HUTCHINSON: It being now 11:58, Mr. Van Dusen moves to terminate debate at 12:00 o'clock midnight. All those in —

MR. MADAR: Mr. President, I'd like to amend that so that they could speak. There have been several delegates that have tried to get recognition.

VICE PRESIDENT HUTCHINSON: There are 4.

MR. MADAR: That's right. Approximately that. And I move that we give them 10 minutes.

VICE PRESIDENT HUTCHINSON: Each one?

MR. MADAR: No, sir, 10 minutes for the 4.

VICE PRESIDENT HUTCHINSON: Mr. Madar moves that debate be terminated in 10 minutes. All those in favor will say aye. Opposed no.

The motion does not prevail.

DELEGATES: Division.

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

SECRETARY CHASE: Eleven.

VICE PRESIDENT HUTCHINSON: The demand is supported. All those in favor of limiting debate at 12:10 will vote aye. Those opposed will vote no. Have you all voted? If so, the secretary will lock the machine and record the total.

SECRETARY CHASE: On the motion to limit debate to 10 minutes, the yeas are 63; the nays are 48.

VICE PRESIDENT HUTCHINSON: The motion prevails.

MR. A. G. ELLIOTT: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Elliott.

MR. A. G. ELLIOTT: Is a motion necessary to require that this time be divided equally between those that wish to speak? If so, I move.

VICE PRESIDENT HUTCHINSON: Between those who wish to speak?

MR. A. G. ELLIOTT: Yes.

VICE PRESIDENT HUTCHINSON: There are 4 and the Chair will request the 4 speakers to limit themselves to not more than 2½ minutes each. Mr. Wanger is next recognized.

MR. WANGER: Mr. President, fellow delegates, very briefly I'd like to comment on what Delegate Downs has urged the delegates at this convention to do. He has urged every delegate here to vote no on this article, in other words, to vote for nothing. He has offered no substitute, nothing to present to the people by way of any improvement whatsoever in this area of our constitution. And it seems to me very, very clear that such a vote is the most apparent and the grossest kind of irresponsible action for any delegate to take at this state of a constitutional convention.

I am not going to observe upon the motives of any delegate except to say this: I think that for those few delegates at the convention who have already publicly made expressions that they intend to fight the adoption of any revised constitution which we propose, that no observation on their motives is necessary because their vote on the board speaks for itself.

VICE PRESIDENT HUTCHINSON: Dr. Hannah.

MR. J. A. HANNAH: Mr. President, ladies and gentlemen, Mr. Downs has recommended that you vote no on this article primarily because of the apportionment provisions. I would remind you that you have had 21 able persons on this committee who worked long and diligently. They have come up with recommendations which you have approved on first and second reading which the formula — you know what it is — I am only going to, for the record, make it perfectly clear that the recommendations as they appear here apportion the senate seats 80 per cent on population, 20 per cent on area.

Mr. Downs takes the extreme, the very large district in the upper peninsula that will have small population and the 3 most populous districts in Oakland county for his comparison. In the house of representatives he has taken the extreme because in grouping the counties that are not entitled to a single representative, you are left with Allegan and Van Buren counties that are thrown together and then when we come to apportion the difference in the number of seats between those counties that have one or more, and 110, it happens that they get the second seat. This is the extreme. Actually, the house of representatives, as you well know, is as near as you can come to exact population with the exception of a single representative. You could just change one and it comes as close as you can — it's as close as you can come up with a workable formula.

I should dislike, this late at night when you're all tired, any of you to feel that the statement that Mr. Downs has made, that neither house of the legislature reflects population, is correct. We have done very well indeed. I've said before I am very proud of what our committee has come up with and what you are about to approve. We need no apologies for the apportionment portion of the article before you and I urge you to approve it.

VICE PRESIDENT HUTCHINSON: Mr. Marshall.

MR. MARSHALL: Mr. President and fellow delegates, I was going to answer Delegate Pollock but it seems to me that Delegate Downs took care of that rather well himself. I only wish that Delegate Pollock had been as consistent on this question as Delegate Downs has been. He had some very unkind things to say about the provision himself. He equated it as 19 acres equaling 1 man, among other statements, and I can dig them out. This is not a one man, one vote principle. It does not meet the equality —

I do not think we should question the motives of those delegates. We have our own opinions, our own desires. We try to reflect the viewpoints of the people we represent. I urge a no vote on the article, too.

I've heard Dr. Hannah, on several occasions on the floor of this convention, over and over again, talk about how we do not have to apologize to any one for the provision that has come out of this convention. Let me tell you that if I voted for the provision I would have to apologize to the 680,000 people in my senatorial district that has only one senator. I think that we should understand, as Delegate Downs pointed out, that neither house of the legislature is going to be on a straight population basis. And there were alternatives. I think Dr. Pollock said we were taking a negative approach. We did all of the giving and no taking. And there were offers to accept proposals in the committee. Dr. Pollock himself offered one which we agreed to accept as a compromise proposal. Dr. Pollock himself, for reasons best known to him, a day or two later decided to revise his proposal. Then it was no longer acceptable to the minority on that committee. And we could go on and on and point out the facts here, and I'm willing to let the people of the state of Michigan decide whether or not they've got an equitable apportionment.

VICE PRESIDENT HUTCHINSON: Mr. Nord.

MR. NORD: Mr. President, how much time is left for the debate? Am I the last speaker?

VICE PRESIDENT HUTCHINSON: You are.

MR. NORD: How much time is left, sir?

VICE PRESIDENT HUTCHINSON: It looks like 2 minutes to the Chair.

MR. NORD: That is fine. Thank you. I rose earlier. I asked for recognition because I didn't think that Mr. Downs would have an opportunity to reply to the attack on him. Since that has been covered, I will simply attempt to close the debate.

I would like to point out that as to Dr. Pollock's remarks relating to whether or not this is a satisfactory legislature, that when Dr. Pollock appeared before the committee on legislative organization, he started out by saying — and I applauded him and I told him that I would join with him — he said the legislature is so bad that we must start from scratch; we cannot have a patched job. He appeared later before us with a specific proposal. At that point I was not satisfied with it. I asked him, "Dr. Pollock, is this starting from scratch, or is it a patched job?" He said, "It's a patched job." We didn't approve of it. Nevertheless, we were forced to accept it at the end because, of all of the proposals we would find that were put in by the Republicans, that was the best; even though it was a patched job, we tried to accept it. He has retreated from that position. Then he attacked the proposal that you had before you and broke it down so that was worthless. Now he has rebuilt it so that it looks good.

I intend to vote against this. I think everyone understands I intend to vote against this section. I would vote against the entire constitution on the basis of either this section or the one I spoke on before. Both of these, I believe, are unconstitutional. The one about search and seizure, I believe, is clearly unconstitutional. And this one about the senate apportionment is certainly unconstitutional as to the next 10 years, and beyond that my opinion is that it is unconstitutional as well. But even if it were not unconstitutional, it is unjust. There is no reason for me to support it; there is every reason for me not to support it. And with that view, I can't see how anyone can quarrel with my doing what my conscience dictates. And I explained my conscience for 4 hours on the floor. There is no secret why I will vote against this. And when I vote against these 2 sections that have to do with apportionment, they are the heart of the entire constitution to me.

Either you have an effective democratic legislature or you have nothing. You have no state government. We have virtually no state government now in this state. We wanted to cure it. If you vote no on this, we will come back with other proposals. We've been putting in proposal after proposal; we will not quit. Just try it. If you don't believe us, vote no on this and see whether that means that there is no constitution. Vote no and we will stay here until kingdom come until we get something that is agreeable. You're not left with no alternative. Just because you put something on the ballot doesn't mean that anyone is obligated to vote for it and it doesn't mean that anyone here must support it.

VICE PRESIDENT HUTCHINSON: Time for debate has expired. The question is upon the passage of article IV. All those in favor of article IV will vote aye. Those opposed will vote no. Have you all voted? If so, the secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas — 83

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

Nays — 37

Baginski	Hart, Miss	Murphy
Balcer	Hatcher, Mrs.	Nord
Barthwell	Hodges	Norris
Binkowski	Jones	Ostrow
Boothby	Krolikowski	Pellow
Bradley	Leibrand	Perlich
Brown, T. S.	Lesinski	Perras
Buback	Madar	Sablich
Douglas	Marshall	Stopczynski
Downs	McAllister	Suzore
Elliott, Mrs. Daisy	McCauley	Wilkowski
Faxon	McGowan, Miss	Young
Garvin		

SECRETARY CHASE: On the passage of article IV, as amended, the yeas are 83; the nays are 37.

VICE PRESIDENT HUTCHINSON: A majority of the delegates elect having voted in favor thereof, **article IV, as** amended, is passed.

For sections 1, 2, 3, 5, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, and 19 through 53 of article IV as passed, see above, page 3051.

Following is section 4 of article IV, as amended and passed:

Sec. 4. In counties having more than one representative or senatorial district, the territory in the same county annexed to or merged with a city between apportionments shall become a part of a contiguous representative or senatorial district in the city with which it is combined upon the effective date of the annexation or merger if provided by ordinance of the city. The districts with which the territory shall be combined shall be determined by said ordinance certified to the secretary of state.

No such change in the boundaries of a representative or senatorial district shall have the effect of removing a legislator from office during his term.

Following is section 6 of article IV, as amended and passed:

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

No officers or employees of the federal, state or local governments, excepting notaries public and members of the armed forces reserve, shall be eligible for membership on the commission. Members of the commission shall not

PREAMBLE

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

Article I

Declaration of Rights

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

Sec. 2. No person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color or national origin. The legislature shall implement this section by appropriate legislation.

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

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

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

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

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

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

Sec. 9. Neither slavery, nor involuntary servitude unless for the punishment of crime, shall ever be tolerated in this state.

Sec. 10. No bill of attainder, ex post facto law or law impairing the obligation of contract shall be enacted.

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

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

Sec. 13. A suitor in any court of this state has the right to prosecute or defend his suit,

either in his own proper person or by an attorney.

Sec. 14. The right of trial by jury shall remain, but shall be waived in all civil cases unless demanded by one of the parties in the manner prescribed by law. In all civil cases tried by 12 jurors a verdict shall be received when 10 jurors agree.

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

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

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

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

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

Sec. 20. In every criminal prosecution, the accused shall have the right to a speedy and public trial by an impartial jury, which may consist of less than 12 jurors in all courts not of record; to be informed of the nature of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to have the assistance of counsel for his defense; to have an appeal as a matter of right; and in courts of record, when the trial court so orders, to have such reasonable assistance as may be necessary to perfect and prosecute an appeal.

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

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

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

Article II
Elections

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

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

Sec. 3. For purposes of voting in the election for president and vice-president of the United States only, the legislature may by law establish lesser residence requirements for citizens who have resided in this state for less than six months and may waive residence requirements for former citizens of this state who have removed herefrom. The legislature shall not permit voting by any person who meets the voting residence requirements of the state to which he has removed.

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

Sec. 5. Except for special elections to fill vacancies, or as otherwise provided in this constitution, all elections for national, state, county and township offices shall be held on the first Tuesday after the first Monday in November in each even-numbered year or on such other date as members of the congress of the United States are regularly elected.

Sec. 6. Whenever any question is required to be submitted by a political subdivision to the electors which involves the increase of any ad valorem tax rate limitation for a period of more than five years, or the issue of bonds, only electors in, and who have property assessed for any ad valorem taxes in, any part of the district or territory to be affected by the result of such election or electors who are the lawful husbands or wives of such persons shall be entitled to vote thereon. All electors in the district or territory affected may vote on all other questions.

Sec. 7. A board of state canvassers of four

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

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

Sec. 9. The people reserve to themselves the power to propose laws and to enact and reject laws, called the initiative, and the power to approve or reject laws enacted by the legislature, called the referendum. The power of initiative extends only to laws which the legislature may enact under this constitution. The power of referendum does not extend to acts making appropriations for state institutions or to meet deficiencies in state funds and must be invoked in the manner prescribed by law within 90 days following the final adjournment of the legislative session at which the law was enacted. To invoke the initiative or referendum, petitions signed by a number of registered electors, not less than eight percent for initiative and five percent for referendum of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected shall be required.

No law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election.

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

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

Any law submitted to the people by either initiative or referendum petition and approved by a majority of the votes cast thereon at any election shall take effect 10 days after the date of the official declaration of the vote. No law initiated or adopted by the people shall be subject to the veto power of the governor, and no law adopted by the people at the polls under the initiative provisions of this section shall be amended or repealed, except by a vote of the electors or three-fourths of the members elected to and serving in each house of the legislature. Laws approved by the people under the referendum provision of this section may be amended by the legislature at any subsequent session thereof. If two or more measures approved by the electors at the same election conflict, that receiving the highest affirmative vote shall prevail.

The legislature shall implement the provisions of this section.

Article III
General Government

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

Sec. 2. The powers of government are divided into three branches: legislative, executive and judicial. No person exercising powers of one branch shall exercise powers properly belonging to another branch except as expressly provided in this constitution.

Sec. 3. There shall be a great seal of the State of Michigan and its use shall be provided by law.

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

Sec. 5. Subject to provisions of general law, this state or any political subdivision, any governmental authority or any combination thereof may enter into agreements for the performance, financing or execution of their respective functions, with any one or more of the other states, the United States, the Dominion of Canada, or any political subdivision thereof unless otherwise provided in this constitution. Any other provision of this constitution notwithstanding, an officer or employee of the state or of any such unit of government or subdivision or agency thereof may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service. The legislature may impose such restrictions, limitations or conditions on such service as it may deem appropriate.

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

Sec. 7. The common law and the statute laws now in force, not repugnant to this consti-

tution, shall remain in force until they expire by their own limitations, or are changed, amended or repealed.

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

Article IV
Legislative Branch

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

Sec. 2. The senate shall consist of 38 members to be elected from single member districts at the same election as the governor for four-year terms concurrent with the term of office of the governor.

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

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

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

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

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

Sec. 3. The house of representatives shall consist of 110 members elected for two-year terms from single member districts apportioned on a basis of population as provided in this article. The districts shall consist of compact and convenient territory contiguous by land.

Each county which has a population of not less than seven-tenths of one percent of the population of the state shall constitute a separate representative area. Each county having less than seven-tenths of one percent of the population of the state shall be combined with another county or counties to form a representative area of not less than seven-tenths of one percent of the population of the state. Any county which is isolated under the initial allocation as provided in this section shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.

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

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

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

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

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

Sec. 4. In counties having more than one representative or senatorial district, the territory in the same county annexed to or merged with a city between apportionments shall become a part of a contiguous representative or senatorial dis-

trict in the city with which it is combined, if provided by ordinance of the city. The district or districts with which the territory shall be combined shall be determined by such ordinance certified to the secretary of state. No such change in the boundaries of a representative or senatorial district shall have the effect of removing a legislator from office during his term.

Sec. 5. Island areas are considered to be contiguous by land to the county of which they are a part.

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

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

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

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

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

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

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

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

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

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

Sec. 9. No person elected to the legislature shall receive any civil appointment within this

state from the governor, except notaries public, from the legislature, or from any other state authority, during the term for which he is elected.

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

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

Sec. 12. The compensation and expense allowances of the members of the legislature shall be determined by law. Changes in compensation or expense allowances shall become effective only when legislators commence their terms of office after a general election.

Sec. 13. The legislature shall meet at the seat of government on the second Wednesday in January of each year at twelve o'clock noon. Each regular session shall adjourn without day, on a day determined by concurrent resolution, at twelve o'clock noon. Any business, bill or joint resolution pending at the final adjournment of a regular session held in an odd numbered year shall carry over with the same status to the next regular session.

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

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

Sec. 16. Each house, except as otherwise provided in this constitution, shall choose its own officers and determine the rules of its proceedings, but shall not adopt any rule that will prevent a majority of the members elected thereto and serving therein from discharging a committee from the further consideration of any measure. Each house shall be the sole judge of the qualifications, elections and returns of its members, and may, with the concurrence of two-thirds of all the members elected thereto and serving therein, expel a member. The reasons for such expulsion shall be entered in the journal, with the votes and names of the members voting upon the question. No member shall be expelled a second time for the same cause.

Sec. 17. Each house of the legislature may establish the committees necessary for the efficient conduct of its business and the legislature may create joint committees. Each committee shall by roll call vote record the vote and name of all action on bills and resolutions taken in the committee. Such vote shall be available for public inspection. Notice of all committee hearings and a clear statement of all subjects to be considered at each hearing shall be published in the journal in advance of the hearing.

Sec. 18. Each house shall keep a journal of its proceedings, and publish the same unless the public security otherwise requires. The record of the vote and name of the members of either house voting on any question shall be entered in the journal at the request of one-fifth of the members present. Any member of either house may dissent from and protest against any act, proceeding or resolution which he deems injurious to any person or the public, and have the reason for his dissent entered in the journal.

Sec. 19. All elections in either house or in joint convention and all votes on appointments submitted to the senate for advice and consent shall be published by vote and name in the journal.

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

Sec. 21. Neither house shall, without the consent of the other, adjourn for more than two intervening calendar days, nor to any place other than where the legislature may then be in session.

Sec. 22. All legislation shall be by bill and may originate in either house.

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

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

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

Sec. 26. No bill shall be passed or become a law at any regular session of the legislature until it has been printed or reproduced and in the possession of each house for at least five days. Every bill shall be read three times in each house before the final passage thereof. No bill shall become a law without the concurrence of a majority of the members elected to and serving in each

house. On the final passage of bills, the votes and names of the members voting thereon shall be entered in the journal.

Sec. 27. No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.

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

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

Sec. 30. The assent of two-thirds of the members elected to and serving in each house of the legislature shall be required for the appropriation of public money or property for local or private purposes.

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

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

Sec. 33. Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law. If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he does not approve, and the legislature continues the session at which the bill was passed, he shall return it within such 14-day period with his objections, to the house in which it originated. That house shall enter such objections in full in its journal and reconsider the bill. If two-thirds of the members elected to and serving in that house pass the bill notwithstanding the objections of the governor, it shall be sent with the objections to the other house for reconsideration. The bill shall become law if passed by two-thirds of the members elected to and serving in that house. The vote of each house shall be entered in the journal with the votes and names of the members voting thereon. If any bill is not returned by the governor within such 14-day period, the legislature continuing in session, it shall become law as if he had signed it.

Sec. 34. Any bill passed by the legislature and approved by the governor, except a bill appropriating money, may provide that it will not become law unless approved by a majority of the electors voting thereon.

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

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

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

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

Sec. 39. In order to insure continuity of state and local governmental operations in periods of emergency only, resulting from disasters occurring in this state caused by enemy attack on the United States, the legislature may provide by law for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices; and enact other laws necessary and proper for insuring the continuity of governmental operations. Notwithstanding the power conferred by this section, elections shall always

be called as soon as possible to fill any vacancies in elective offices temporarily occupied by operation of any legislation enacted pursuant to the provisions of this section.

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

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

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

Sec. 43. No general law providing for the incorporation of trust companies or corporations for banking purposes, or regulating the business thereof, shall be enacted, amended or repealed except by a vote of two-thirds of the members elected to and serving in each house.

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

Sec. 45. The legislature may provide for indeterminate sentences as punishment for crime and for the detention and release of persons imprisoned or detained under such sentences.

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

Sec. 47. The legislature may authorize the employment of chaplains in state institutions of detention or confinement.

Sec. 48. The legislature may enact laws providing for the resolution of disputes concerning public employees, except those in the state classified civil service.

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

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

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

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

Sec. 53. The legislature by a majority vote of the members elected to and serving in each house, shall appoint an auditor general, who shall be a certified public accountant licensed to practice in this state, to serve for a term of eight years. He shall be ineligible for appointment or election to any other public office in this state from which compensation is derived while serving as auditor general and for two years following the termination of his service. He may be removed for cause at any time by a two-thirds vote of the members elected to and serving in each house. The auditor general shall conduct post audits of financial transactions and accounts of the state and of all branches, departments, offices, boards, commissions, agencies, authorities and institutions of the state established by this constitution or by law, and performance post audits thereof.

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

Nothing in this section shall be construed in any way to infringe the responsibility and constitutional authority of the governing boards of the institutions of higher education to be solely responsible for the control and direction of all expenditures from the institutions' funds.

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

Article V
Executive Branch

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

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

Subsequent to the initial allocation, the governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these

changes require the force of law, they shall be set forth in executive orders and submitted to the legislature. Thereafter the legislature shall have 60 calendar days of a regular session, or a full session if of shorter duration, to disapprove each executive order. Unless disapproved in both houses by a resolution concurred in by a majority of the members elected to and serving in each house, each order shall become effective at a date thereafter to be designated by the governor.

Sec. 3. The head of each principal department shall be a single executive unless otherwise provided in this constitution or by law. The single executives heading principal departments shall include a secretary of state, a state treasurer and an attorney general. When a single executive is the head of a principal department, unless elected or appointed as otherwise provided in this constitution, he shall be appointed by the governor by and with the advice and consent of the senate and he shall serve at the pleasure of the governor.

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

Terms of office of any board or commission created or enlarged after the effective date of this constitution shall not exceed four years except as otherwise authorized in this constitution. The terms of office of existing boards and commissions which are longer than four years shall not be further extended except as provided in this constitution.

Sec. 4. Temporary commissions or agencies for special purposes with a life of no more than two years may be established by law and need not be allocated within a principal department.

Sec. 5. At no time shall an examining or licensing board of a profession include less than a majority of members of that profession.

Sec. 6. Appointment by and with the advice and consent of the senate when used in this constitution or laws in effect or hereafter enacted means appointment subject to disapproval by a majority vote of the members elected to and serving in the senate if such action is taken within 60 session days after the date of such appointment. Any appointment not disapproved within such period shall stand confirmed.

Sec. 7. Vacancies in any office, appointment to which requires advice and consent of the senate, shall be filled by the governor by and with the advice and consent of the senate. A person whose appointment has been disapproved by the senate shall not be eligible for an interim appointment to the same office.

Sec. 8. Each principal department shall be under the supervision of the governor unless otherwise provided by this constitution. The governor shall take care that the laws be faithfully executed. He shall transact all necessary business with the officers of government and may require information in writing from all executive and administrative state officers, elective and appointive, upon any subject relating to the duties of their respective offices.

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

Sec. 9. Single executives heading principal departments and the chief executive officers of principal departments headed by boards or commissions shall keep their offices at the seat of government except as otherwise provided by law, superintend them in person and perform duties prescribed by law.

Sec. 10. The governor shall have power and it shall be his duty to inquire into the condition and administration of any public office and the acts of any public officer, elective or appointive. He may remove or suspend from office for gross neglect of duty or for corrupt conduct in office, or for any other misfeasance or malfeasance therein, any elective or appointive state officer, except legislative or judicial, and shall report the reasons for such removal or suspension to the legislature.

Sec. 11. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an appointed or elected officer, other than a legislative or judicial officer, until he is reinstated or until the vacancy is filled in the manner prescribed by law or this constitution.

Sec. 12. The governor shall be commander-in-chief of the armed forces and may call them out to execute the laws, suppress insurrection and repel invasion.

Sec. 13. The governor shall issue writs of election to fill vacancies in the senate or house of representatives. Any such election shall be held in a manner prescribed by law.

Sec. 14. The governor shall have power to grant reprieves, commutations and pardons after convictions for all offenses, except cases of impeachment, upon such conditions and limitations as he may direct, subject to procedures and regulations prescribed by law. He shall inform the legislature annually of each reprieve, commutation and pardon granted, stating reasons

therefor.

Sec. 15. The governor may convene the legislature on extraordinary occasions.

Sec. 16. The governor may convene the legislature at some other place when the seat of government becomes dangerous from any cause.

Sec. 17. The governor shall communicate by message to the legislature at the beginning of each session and may at other times present to the legislature information as to the affairs of the state and recommend measures he considers necessary or desirable.

Sec. 18. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state. Proposed expenditures from any fund shall not exceed the estimated revenue thereof. On the same date, the governor shall submit to the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills to provide new or additional revenues to meet proposed expenditures. The amount of any surplus created or deficit incurred in any fund during the last preceding fiscal period shall be entered as an item in the budget and in one of the appropriation bills. The governor may submit amendments to appropriation bills to be offered in either house during consideration of the bill by that house, and shall submit any bills to meet deficiencies in current appropriations.

Sec. 19. The governor may disapprove any distinct item or items appropriating moneys in any appropriation bill. The part or parts approved shall become law, and the item or items disapproved shall be void unless re-passed according to the method prescribed for the passage of other bills over the executive veto.

Sec. 20. No appropriation shall be a mandate to spend. The governor, with the approval of the appropriating committees of the house and senate, shall reduce expenditures authorized by appropriations whenever it appears that actual revenues for a fiscal period will fall below the revenue estimates on which appropriations for that period were based. Reductions in expenditures shall be made in accordance with procedures prescribed by law. The governor may not reduce expenditures of the legislative and judicial branches or from funds constitutionally dedicated for specific purposes.

Sec. 21. The governor, lieutenant governor, secretary of state and attorney general shall be elected for four-year terms at the general election in each alternate even-numbered year.

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

Vacancies in the office of the secretary of state and attorney general shall be filled by appointment by the governor.

Sec. 22. To be eligible for the office of governor or lieutenant governor a person must have attained the age of 30 years, and have been a registered elector in this state for four years next preceding his election.

Sec. 23. The governor, lieutenant governor, secretary of state and attorney general shall each receive the compensation provided by law in full payment for all services performed and expenses incurred during his term of office. Such compensation shall not be changed during the term of office except as otherwise provided in this constitution.

Sec. 24. An executive residence suitably furnished shall be provided at the seat of government for the use of the governor. He shall receive an allowance for its maintenance as provided by law.

Sec. 25. The lieutenant governor shall be president of the senate, but shall have no vote except in case of equal division. He may perform duties requested of him by the governor, but no power vested in the governor shall be delegated.

Sec. 26. In case of the conviction of the governor on impeachment, his removal from office, his resignation or his death, the lieutenant governor, the elected secretary of state, the elected attorney general and such other persons designated by law shall in that order be governor for the remainder of the governor's term.

In case of the death of the governor-elect, the lieutenant governor-elect, the secretary of state-elect, the attorney general-elect and such other persons designated by law shall become governor in that order at the commencement of the governor-elect's term.

If the governor or the person in line of succession to serve as governor is absent from the state, or suffering under an inability, the powers and duties of the office of governor shall devolve in order of precedence until the absence or inability giving rise to the devolution of powers ceases.

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

Sec. 27. The legislature shall provide that the salary of any state officer while acting as governor shall be equal to that of the governor.

Sec. 28. There is hereby established a state highway commission, which shall administer the state highway department and have jurisdiction

and control over all state trunkline highways and appurtenant facilities, and such other public works of the state, as provided by law.

The state highway commission shall consist of four members, not more than two of whom shall be members of the same political party. They shall be appointed by the governor by and with the advice and consent of the senate for four-year terms, no two of which shall expire in the same year as provided by law.

The state highway commission shall appoint and may remove a state highway director, who shall be a competent highway engineer and administrator. He shall be the principal executive officer of the state highway department and shall be responsible for executing the policy of the state highway commission.

Sec. 29. There is hereby established a civil rights commission which shall consist of eight persons, not more than four of whom shall be members of the same political party, who shall be appointed by the governor, by and with the advice and consent of the senate, for four-year terms not more than two of which shall expire in the same year. It shall be the duty of the commission in a manner which may be prescribed by law to investigate alleged discrimination against any person because of religion, race, color or national origin in the enjoyment of the civil rights guaranteed by law and by this constitution, and to secure the equal protection of such civil rights without such discrimination. The legislature shall provide an annual appropriation for the effective operation of the commission.

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

Appeals from final orders of the commission, including cease and desist orders and refusals to issue complaints, shall be tried de novo before the circuit court having jurisdiction provided by law.

Article VI
Judicial Branch

Sec. 1. The judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court, one probate court, and other courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.

Sec. 2. The supreme court shall consist of seven justices elected at non-partisan elections as provided by law. The term of office shall be eight years and not more than two terms of office shall expire at the same time. Nominations for justices of the supreme court shall be in the manner prescribed by law. Any incumbent justice whose term is to expire may become a candidate for re-election by filing an affidavit of candidacy, in the form and manner prescribed by law, not less than 180 days prior to the expiration of his term.

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

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

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

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

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

Sec. 8. The court of appeals shall consist initially of nine judges who shall be nominated and elected at non-partisan elections from districts drawn on county lines and as nearly as possible of equal population, as provided by law. The

supreme court may prescribe by rule that the court of appeals may sit in divisions and for the terms of court and the times and places thereof. Each such division shall consist of not fewer than three judges. The number of judges comprising the court of appeals may be increased, and the districts from which they are elected may be changed by law.

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

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

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

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

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

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

Sec. 15. In each county organized for judicial purposes there shall be a probate court. The legislature may create or alter probate court districts of more than one county if approved in each affected county by a majority of the electors voting on the question. The legislature may provide for the combination of the office of probate judge with any judicial office of limited jurisdiction within a county with supplemental salary as provided by law. The jurisdiction, powers and duties of the probate court and of the judges thereof shall be provided by law. They shall have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

Sec. 16. One or more judges of probate as provided by law shall be nominated and elected at non-partisan elections in the counties or the probate districts in which they reside and shall hold office for terms of six years and until their successors are elected and qualified. In counties or districts with more than one judge the terms of office shall be arranged by law to provide that not all terms will expire at the same time.

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

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

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

Sec. 19. The supreme court, the court of appeals, the circuit court, the probate court and other courts designated as such by the legislature shall be courts of record and each shall have a common seal. Justices and judges of courts of record must be persons who are licensed to practice law in this state. No person shall be elected or appointed to a judicial office after reaching the age of 70 years.

Sec. 20. Whenever a justice or judge removes his domicile beyond the limits of the territory from which he was elected, he shall have vacated his office.

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

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

Sec. 23. A vacancy in the elective office of a judge of any court of record shall be filled at a general or special election as provided by law. The supreme court may authorize persons who have served as judges and who have retired, to perform judicial duties for the limited period of time from the occurrence of the vacancy until the successor is elected and qualified. Such persons shall be ineligible for election to fill the vacancy.

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

Sec. 25. For reasonable cause, which is not sufficient ground for impeachment, the governor shall remove any judge on a concurrent resolution of two-thirds of the members elected to and serving in each house of the legislature. The cause for removal shall be stated at length in the resolution.

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

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

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

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

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

Article VII
Local Government

Sec. 1. Each organized county shall be a body corporate with powers and immunities provided by law.

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

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

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

Sec. 3. No organized county shall be reduced by the organization of new counties to less than 16 townships as surveyed by the United States, unless approved in the manner prescribed by law by a majority of electors voting thereon in each county to be affected.

Sec. 4. There shall be elected for four-year terms in each organized county a sheriff, a county

clerk, a county treasurer, a register of deeds and a prosecuting attorney, whose duties and powers shall be provided by law. The board of supervisors in any county may combine the offices of county clerk and register of deeds in one office or separate the same at pleasure.

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

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

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

Sec. 8. Boards of supervisors shall have legislative, administrative and such other powers and duties as provided by law.

Sec. 9. Boards of supervisors shall have exclusive power to fix the compensation of county officers not otherwise provided by law.

Sec. 10. A county seat once established shall not be removed until the place to which it is proposed to be moved shall be designated by two-thirds of the members of the board of supervisors and a majority of the electors voting thereon shall have approved the proposed location in the manner prescribed by law.

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

Sec. 12. A navigable stream shall not be bridged or dammed without permission granted by the board of supervisors of the county as provided by law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and political subdivisions therein.

Sec. 13. Two or more contiguous counties may combine into a single county if approved in each affected county by a majority of the electors voting on the question.

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

Sec. 15. Any county, when authorized by its board of supervisors shall have the authority to enter or to intervene in any action or certificate proceeding involving the services, charges or rates of any privately owned public utility furnishing services or commodities to rate payers within the county.

Sec. 16. The legislature may provide for the laying out, construction, improvement and maintenance of highways, bridges, culverts and airports by the state and by the counties and townships thereof; and may authorize counties to take charge and control of any highway within their limits for such purposes. The legislature may provide the powers and duties of counties in relation to highways, bridges, culverts and airports; may provide for county road commissioners to be appointed or elected, with powers and duties provided by law. The ad valorem property tax imposed for road purposes by any county shall not exceed in any year one-half of one percent of the assessed valuation for the preceding year.

Sec. 17. Each organized township shall be a body corporate with powers and immunities provided by law.

Sec. 18. In each organized township there shall be elected for terms of not less than two nor more than four years as prescribed by law a supervisor, a clerk, a treasurer, and not to exceed four trustees, whose legislative and administrative powers and duties shall be provided by law.

Sec. 19. No organized township shall grant any public utility franchise which is not subject to revocation at the will of the township, unless the proposition shall first have been approved by a majority of the electors of such township voting thereon at a regular or special election.

Sec. 20. The legislature shall provide by law for the dissolution of township government whenever all the territory of an organized township is included within the boundaries of a village or villages notwithstanding that a village may include territory within another organized township and provide by law for the classification of such village or villages as cities.

Sec. 21. The legislature shall provide by general laws for the incorporation of cities and villages. Such laws shall limit their rate of ad valorem property taxation for municipal purposes, and restrict the powers of cities and villages to borrow money and contract debts. Each city and village is granted power to levy other taxes for public purposes, subject to limitations and prohibitions provided by this constitution or by law.

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

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

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

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

Sec. 25. No city or village shall acquire any public utility furnishing light, heat or power, or grant any public utility franchise which is not subject to revocation at the will of the city or village, unless the proposition shall first have been approved by three-fifths of the electors voting thereon. No city or village may sell any public utility unless the proposition shall first have been approved by a majority of the electors voting thereon, or a greater number if the charter shall so provide.

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

Sec. 27. Notwithstanding any other provision of this constitution the legislature may establish in metropolitan areas additional forms of government or authorities with powers, duties and jurisdictions as the legislature shall provide. Wherever possible, such additional forms of government or authorities shall be designed to perform multi-purpose functions rather than a single function.

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

Any other provision of this constitution notwithstanding, an officer or employee of the state or any such unit of government or subdivision or agency thereof, except members of the legislature, may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service.

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

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

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

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

Sec. 33. Any elected officer of a political subdivision may be removed from office in the manner and for the causes provided by law.

Sec. 34. The provisions of this constitution and law concerning counties, townships, cities and villages shall be liberally construed in their favor. Powers granted to counties and townships by this constitution and by law shall include those fairly implied and not prohibited by this constitution.

Article VIII
Education

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

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

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

The state board of education shall appoint a superintendent of public instruction whose term of office shall be determined by the board. He shall be the chairman of the board without the right to vote, and shall be responsible for the execution of its policies. He shall be the principal executive officer of a state department of education which shall have powers and duties provided by law.

The state board of education shall consist of eight members who shall be nominated by party conventions and elected at large for terms of eight years as prescribed by law. The governor shall fill any vacancy by appointment for the unexpired term. The governor shall be ex-officio a member of the state board of education without the right to vote.

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

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

Sec. 5. The regents of the University of Michigan and their successors in office shall constitute a body corporate known as the Regents of the University of Michigan; the trustees of Michigan State University and their successors in office shall constitute a body corporate known as the Board of Trustees of Michigan State University; the governors of Wayne State University and their successors in office shall constitute a body corporate known as the Board of Governors of Wayne State University. Each board shall have general supervision of its institution and the control and direction of all expenditures from the institution's funds. Each board shall, as often as necessary, elect a president of the institution under its supervision. He shall be the principal executive officer of the institution, be ex-officio a member of the board without the right to vote and preside at meetings of the board. The board of each institution shall consist of eight members who shall hold office for terms of eight years and who shall be elected as provided by law. The governor shall fill board vacancies by appointment. Each appointee shall hold office until a successor has been nominated and elected as provided by law.

Sec. 6. Other institutions of higher education established by law having authority to grant baccalaureate degrees shall each be governed by a board of control which shall be a body corporate. The board shall have general supervision of the institution and the control and direction of all expenditures from the institution's funds. It shall, as often as necessary, elect a president of the institution under its supervision. He shall be the principal executive officer of the institution and be ex-officio a member of the board without the right to vote. The board may elect one of its members or may designate the president, to preside at board meetings. Each board of control shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the governor by and with the advice and consent of the senate. Vacancies shall be filled in like manner.

Sec. 7. The legislature shall provide by law for the establishment and financial support of public community and junior colleges which shall be supervised and controlled by locally elected boards. The legislature shall provide by law for a state board for public community and junior colleges which shall advise the state board of education concerning general supervision and planning for such colleges and requests for annual appropriations for their support. The board shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the state board of education. Vacancies shall be filled in like manner. The superintendent of public instruction shall be ex-officio a member of this board without the right to vote.

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

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

Article IX
Finance and Taxation

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

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

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

Sec. 4. Property owned and occupied by nonprofit religious or educational organizations and used exclusively for religious or educational purposes, as defined by law, shall be exempt from real and personal property taxes.

Sec. 5. The legislature shall provide for the assessment by the state of the property of those public service businesses assessed by the state at the date this constitution becomes effective, and of other property as designated by the legislature, and for the imposition and collection of taxes thereon. Property assessed by the state shall be assessed at the same proportion of its true cash value as the legislature shall specify for property subject to general ad valorem taxation. The rate of taxation on such property shall be the average rate levied upon other property in this state under the general ad valorem tax law, or, if the legislature provides, the rate of tax applicable to the property of each business enterprise assessed by the state shall be the average rate of ad valorem taxation levied upon other property in all counties in which any of such property is situated.

Sec. 6. Except as otherwise provided in this constitution, the total amount of general ad valorem taxes imposed upon real and tangible personal property for all purposes in any one year shall not exceed 15 mills on each dollar of the assessed valuation of property as finally equalized. Under procedures provided by law, which shall guarantee the right of initiative, separate tax limitations for any county and for the townships and for school districts therein, the aggregate of which shall not exceed 18 mills on each dollar of such valuation, may be adopted and thereafter altered by the vote of a majority of the qualified electors of such county voting thereon, in lieu of the limitation hereinbefore established. These limitations may be increased to an aggregate of not to exceed 50 mills on each dollar of valuation, for a period of not to exceed 20 years at any one time, if approved by a majority of the electors, qualified under Section 6 of Article II of this constitution, voting on the question.

The foregoing limitations shall not apply to taxes imposed for the payment of principal and interest on bonds or other evidences of indebtedness or for the payment of assessments or contract obligations in anticipation of which bonds are issued, which taxes may be imposed without limitation as to rate or amount; or to taxes imposed for any other purpose by any city, village, charter county, charter township, charter authority or other authority, the tax limitations of which are provided by charter or by general law.

In any school district which extends into two or more counties, property taxes at the highest rate available in the county which contains the greatest part of the area of the district may be imposed and collected for school purposes throughout the district.

Sec. 7. No income tax graduated as to rate or base shall be imposed by the state or any of its subdivisions.

Sec. 8. The legislature shall not impose a sales tax on retailers at a rate of more than four percent of their gross taxable sales of tangible personal property.

Sec. 9. All specific taxes, except general sales and use taxes and regulatory fees, imposed directly or indirectly on fuels sold or used to propel motor vehicles upon highways and on registered motor vehicles shall, after the payment of necessary collection expenses, be used exclusively for highway purposes as defined by law.

Sec. 10. One-eighth of all taxes imposed on retailers on taxable sales at retail of tangible personal property shall be used exclusively for assistance to townships, cities and villages, on a population basis as provided by law. In determining population the legislature may exclude any portion of the total number of persons who are wards, patients or convicts in any tax supported institution.

Sec. 11. There shall be established a state school aid fund which shall be used exclusively for the support of public education and school

employees' retirement systems, as provided by law. One-half of all taxes imposed on retailers on taxable sales at retail of tangible personal property, and other tax revenues provided by law, shall be dedicated to this fund. Payments from this fund shall be made in full on a scheduled basis, as provided by law.

Sec. 12. No evidence of state indebtedness shall be issued except for debts authorized pursuant to this constitution.

Sec. 13. Public bodies corporate shall have power to borrow money and to issue their securities evidencing debt, subject to this constitution and law.

Sec. 14. To meet obligations incurred pursuant to appropriations for any fiscal year, the legislature may by law authorize the state to issue its full faith and credit notes in which case it shall pledge undedicated revenues to be received within the same fiscal year for the repayment thereof. Such indebtedness in any fiscal year shall not exceed 15 percent of undedicated revenues received by the state during the preceding fiscal year and such debts shall be repaid at the time the revenues so pledged are received, but not later than the end of the same fiscal year.

Sec. 15. The state may borrow money for specific purposes in amounts as may be provided by acts of the legislature adopted by a vote of two-thirds of the members elected to and serving in each house, and approved by a majority of the electors voting thereon at any general election. The question submitted to the electors shall state the amount to be borrowed, the specific purpose to which the funds shall be devoted, and the method of repayment.

Sec. 16. The state, in addition to any other borrowing power, may borrow from time to time such amounts as shall be required, pledge its faith and credit and issue its notes or bonds therefor, for the purpose of making loans to school districts as provided in this section.

If the minimum amount which would otherwise be necessary for a school district to levy in any year to pay principal and interest on its qualified bonds, including any necessary allowances for estimated tax delinquencies, exceeds 13 mills on each dollar of its assessed valuation as finally equalized, or such lower millage as the legislature may prescribe, then the school district may elect to borrow all or any part of the excess from the state. In that event the state shall lend the excess amount to the school district for the payment of principal and interest. If for any reason any school district will be or is unable to pay the principal and interest on its qualified bonds when due, then the school district shall borrow and the state shall lend to it an amount sufficient to enable the school district to make the payment.

The term "qualified bonds" means general obligation bonds of school districts issued for capital expenditures, including refunding bonds, issued prior to May 4, 1955, or issued thereafter and qualified as provided by law pursuant to Section 27 or Section 28 of Article X of the Constitution of 1908 or pursuant to this section.

After a school district has received loans from the state, each year thereafter it shall levy for debt service, exclusive of levies for nonqualified bonds, not less than 13 mills or such lower millage as the legislature may prescribe, until the amount loaned has been repaid, and any tax collections therefrom in any year over and above the minimum requirements for principal and interest on qualified bonds shall be used toward the repayment of state loans. In any year when such levy would produce an amount in excess of the requirements and the amount due to the state, the levy may be reduced by the amount of the excess.

Subject to the foregoing provisions, the legislature shall have the power to prescribe and to limit the procedure, terms and conditions for the qualification of bonds, for obtaining and making state loans, and for the repayment of loans.

The power to tax for the payment of principal and interest on bonds hereafter issued which are the general obligations of any school district, including refunding bonds, and for repayment of any state loans made to school districts, shall be without limitation as to rate or amount.

All rights acquired under Sections 27 and 28 of Article X of the Constitution of 1908, by holders of bonds heretofore issued, and all obligations assumed by the state or any school district under these sections, shall remain unimpaired.

Sec. 17. No money shall be paid out of the state treasury except in pursuance of appropriations made by law.

Sec. 18. The credit of the state shall not be granted to, nor in aid of any person, association or corporation, public or private, except as authorized in this constitution.

This section shall not be construed to prohibit the investment of public funds until needed for current requirements or the investment of funds accumulated to provide retirement or pension benefits for public officials and employees, as provided by law.

Sec. 19. The state shall not subscribe to, nor be interested in the stock of any company, association or corporation, except that funds accumulated to provide retirement or pension benefits for public officials and employees may be invested as provided by law; and endowment funds created for charitable or educational purposes may be invested as provided by law governing the investment of funds held in trust by trustees.

Sec. 20. No state money shall be deposited in banks other than those organized under the national or state banking laws. No state money

shall be deposited in any bank in excess of 50 percent of the capital and surplus of such bank. Any bank receiving deposits of state money shall show the amount of state money so deposited as a separate item in all published statements.

Sec. 21. The legislature shall provide by law for the annual accounting for all public moneys, state and local, and may provide by law for interim accounting.

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

Sec. 22. Procedures for the examination and adjustment of claims against the state shall be prescribed by law.

Sec. 23. All financial records, accountings, audit reports and other reports of public moneys shall be public records and open to inspection. A statement of all revenues and expenditures of public moneys shall be published and distributed annually, as provided by law.

Sec. 24. The accrued financial benefits of each pension plan and retirement system of the state and its political subdivisions shall be a contractual obligation thereof which shall not be diminished or impaired thereby.

Financial benefits arising on account of service rendered in each fiscal year shall be funded during that year and such funding shall not be used for financing unfunded accrued liabilities.

Article X
Property

Sec. 1. The disabilities of coverture as to property are abolished. The real and personal estate of every woman acquired before marriage and all real and personal property to which she may afterwards become entitled shall be and remain the estate and property of such woman, and shall not be liable for the debts, obligations or engagements of her husband, and may be dealt with and disposed of by her as if she were unmarried. Dower may be relinquished or conveyed as provided by law.

Sec. 2. Private property shall not be taken for public use without just compensation therefor being first made or secured in a manner prescribed by law. The amount of compensation shall be determined in proceedings in a court of record.

Sec. 3. A homestead in the amount of not less than $3,500 and personal property of every resident of this state in the amount of not less than $750, as defined by law, shall be exempt from forced sale on execution or other process of any court. Such exemptions shall not extend to any lien thereon excluded from exemption by law.

Sec. 4. Procedures relating to escheats and to the custody and disposition of escheated property shall be prescribed by law.

Sec. 5. The legislature shall have general supervisory jurisdiction over all state owned lands useful for forest preserves, game areas and recreational purposes; shall require annual reports as to such lands from all departments having supervision or control thereof; and shall by general law provide for the sale, lease or other disposition of such lands.

The legislature by an act adopted by two-thirds of the members elected to and serving in each house may designate any part of such lands as a state land reserve. No lands in the state land reserve may be removed from the reserve, sold, leased or otherwise disposed of except by an act of the legislature.

Sec. 6. Aliens who are residents of this state shall enjoy the same rights and privileges in property as citizens of this state.

Article XI
Public Officers and Employment

Sec. 1. All officers, legislative, executive and judicial, before entering upon the duties of their respective offices, shall take and subscribe the following oath or affirmation: I do solemnly swear (or affirm) that I will support the Constitution of the United States and the constitution of this state, and that I will faithfully discharge the duties of the office of ..... according to the best of my ability. No other oath, affirmation, or any religious test shall be required as a qualification for any office or public trust.

Sec. 2. The terms of office of elective state officers, members of the legislature and justices and judges of courts of record shall begin at twelve o'clock noon on the first day of January next succeeding their election, except as otherwise provided in this constitution. The terms of office of county officers shall begin on the first day of January next succeeding their election, except as otherwise provided by law.

Sec. 3. Neither the legislature nor any political subdivision of this state shall grant or authorize extra compensation to any public officer, agent or contractor after the service has been rendered or the contract entered into.

Sec. 4. No person having custody or control of public moneys shall be a member of the legislature, or be eligible to any office of trust or profit under this state, until he shall have made an accounting, as provided by law, of all sums for which he may be liable.

Sec. 5. The classified state civil service shall consist of all positions in the state service except those filled by popular election, heads of principal departments, members of boards and commissions, the principal executive officer of boards and commissions heading principal departments, employees of courts of record, employees of the legis-

lature, employees of the state institutions of higher education, all persons in the armed forces of the state, eight exempt positions in the office of the governor, and within each principal department, when requested by the department head, two other exempt positions, one of which shall be policy-making. The civil service commission may exempt three additional positions of a policy-making nature within each principal department.

The civil service commission shall be non-salaried and shall consist of four persons, not more than two of whom shall be members of the same political party, appointed by the governor for terms of eight years, no two of which shall expire in the same year.

The administration of the commission's powers shall be vested in a state personnel director who shall be a member of the classified service and who shall be responsible to and selected by the commission after open competitive examination.

The commission shall classify all positions in the classified service according to their respective duties and responsibilities, fix rates of compensation for all classes of positions, approve or disapprove disbursments for all personal services, determine by competitive examination and performance exclusively on the basis of merit, efficiency and fitness the qualifications of all candidates for positions in the classified service, make rules and regulations covering all personnel transactions, and regulate all conditions of employment in the classified service.

No person shall be appointed to or promoted in the classified service who has not been certified by the commission as qualified for such appointment or promotion. No appointments, promotions, demotions or removals in the classified service shall be made for religious, racial or partisan considerations.

Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year. Within 60 calendar days following such transmission, the legislature may, by a two-thirds vote of the members elected to and serving in each house, reject or reduce increases in rates of compensation authorized by the commission. Any reduction ordered by the legislature shall apply uniformly to all classes of employees affected by the increases and shall not adjust pay differentials already established by the civil service commission. The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases authorized by the commission.

The appointing authorities may create or abolish positions for reasons of administrative efficiency without the approval of the commission. Positions shall not be created nor abolished except for reasons of administrative efficiency. Any employee considering himself aggrieved by the abolition of a position shall have a right of appeal to the commission through established grievance procedures.

The civil service commission shall recommend to the governor and to the legislature rates of compensation for all appointed positions within the executive department not a part of the classified service.

To enable the commission to exercise its powers, the legislature shall appropriate to the commission for the ensuing fiscal year a sum not less than one percent of the aggregate payroll of the classified service for the preceding fiscal year, as certified by the commission. Within six months after the conclusion of each fiscal year the commission shall return to the state treasury all moneys unexpended for that fiscal year.

The commission shall furnish reports of expenditures, at least annually, to the governor and the legislature and shall be subject to annual audit as provided by law.

No payment for personal services shall be made or authorized until the provisions of this constitution pertaining to civil service have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

Sec. 6. By ordinance or resolution of its governing body which shall not take effect until approved by a majority of the electors voting thereon, unless otherwise provided by charter, each county, township, city, village, school district and other governmental unit or authority may establish, modify or discontinue a merit system for its employees other than teachers under contract or tenure. The state civil service commission may on request furnish technical services to any such unit on a reimbursable basis.

Sec. 7. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office or for crimes or misdemeanors, but a majority of the members elected and serving shall be necessary to direct an impeachment.

When an impeachment is directed, the house of representatives shall elect three of its members to prosecute the impeachment.

Every impeachment shall be tried by the senate immediately after the final adjournment of the legislature. The senators shall take an oath or affirmation truly and impartially to try and determine the impeachment according to the evi-

dence. When the governor or lieutenant governor is tried, the chief justice of the supreme court shall preside.

No person shall be convicted without the concurrence of two-thirds of the senators elected and serving. Judgment in case of conviction shall not extend further than removal from office, but the person convicted shall be liable to punishment according to law.

No judicial officer shall exercise any of the functions of his office after an impeachment is directed until he is acquitted.

Article XII
Amendment & Revision

Sec. 1. Amendments to this constitution may be proposed in the senate or house of representatives. Proposed amendments agreed to by two-thirds of the members elected to and serving in each house on a vote with the names and vote of those voting entered in the respective journals shall be submitted, not less than 60 days thereafter, to the electors at the next general election or special election as the legislature shall direct. If a majority of electors voting on a proposed amendment approve the same, it shall become part of the constitution and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved.

Sec. 2. Amendments may be proposed to this constitution by petition of the registered electors of this state. Every petition shall include the full text of the proposed amendment, and be signed by registered electors of the state equal in number to at least 10 percent of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected. Such petitions shall be filed with the person authorized by law to receive the same at least 120 days before the election at which the proposed amendment is to be voted upon. Any such petition shall be in the form, and shall be signed and circulated in such manner, as prescribed by law. The person authorized by law to receive such petition shall upon its receipt determine, as provided by law, the validity and sufficiency of the signatures on the petition, and make an official announcement thereof at least 60 days prior to the election at which the proposed amendment is to be voted upon.

Any amendment proposed by such petition shall be submitted, not less than 120 days after it was filed, to the electors at the next general election. Such proposed amendment, existing provisions of the constitution which would be altered or abrogated thereby, and the question as it shall appear on the ballot shall be published in full as provided by law. Copies of such publication shall be posted in each polling place and furnished to news media as provided by law.

The ballot to be used in such election shall contain a statement of the purpose of the proposed amendment, expressed in not more than 100 words, exclusive of caption. Such statement of purpose and caption shall be prepared by the person authorized by law, and shall consist of a true and impartial statement of the purpose of the amendment in such language as shall create no prejudice for or against the proposed amendment.

If the proposed amendment is approved by a majority of the electors voting on the question, it shall become part of the constitution, and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved. If two or more amendments approved by the electors at the same election conflict, that amendment receiving the highest affirmative vote shall prevail.

Sec. 3. At the general election to be held in the year 1978, and in each 16th year thereafter and at such times as may be provided by law, the question of a general revision of the constitution shall be submitted to the electors of the state. If a majority of the electors voting on the question decide in favor of a convention for such purpose, at an election to be held not later than six months after the proposal was certified as approved, the electors of each representative district as then organized shall elect one delegate and the electors of each senatorial district as then organized shall elect one delegate at a partisan election. The delegates so elected shall convene at the seat of government on the first Tuesday in October next succeeding such election or at an earlier date if provided by law.

The convention shall choose its own officers, determine the rules of its proceedings and judge the qualifications, elections and returns of its members. The governor shall appoint a qualified resident of the same district to fill a vacancy in the office of any delegate who shall be a member of the same party as the delegate vacating the office. The convention shall have power to appoint such officers, employees and assistants as it deems necessary and to fix their compensation; to provide for the printing and distribution of its documents, journals and proceedings; to explain and disseminate information about the proposed constitution and to complete the business of the convention in an orderly manner. Each delegate shall receive for his services compensation provided by law.

No proposed constitution or amendment adopted by such convention shall be submitted to the electors for approval as hereinafter provided unless by the assent of a majority of all the delegates elected to and serving in the convention, with the names and vote of those voting entered in the

journal. Any proposed constitution or amendments adopted by such convention shall be submitted to the qualified electors in the manner and at the time provided by such convention not less than 90 days after final adjournment of the convention. Upon the approval of such constitution or amendments by a majority of the qualified electors voting thereon the constitution or amendments shall take effect as provided by the convention.

Schedule and Temporary Provisions

To insure the orderly transition from the constitution of 1908 to this constitution the following schedule and temporary provisions are set forth to be effective for such period as are thereby required.

Sec. 1. The attorney general shall recommend to the legislature as soon as practicable such changes as may be necessary to adapt existing laws to this constitution.

Sec. 2. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights existing on the effective date of this constitution shall continue unaffected except as modified in accordance with the provisions of this constitution.

Sec. 3. Except as otherwise provided in this constitution, all officers filling any office by election or appointment shall continue to exercise their powers and duties until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

No provision of this constitution, or of law or of executive order authorized by this constitution shall shorten the term of any person elected to state office at a statewide election on or prior to the date on which this constitution is submitted to a vote. In the event the duties of any such officers shall not have been abolished or incorporated into one or more of the principal departments at the expiration of his term, such officer shall continue to serve until his duties are so incorporated or abolished.

Sec. 4. All officers elected at the same election that this constitution is submitted to the people for adoption shall take office and complete the term to which they were elected under the 1908 constitution and existing laws and continue to serve until their successors are elected and qualified pursuant to this constitution or law.

Sec. 5. Notwithstanding any other provision in this constitution, the governor, the lieutenant governor, the secretary of state, the attorney general, and state senators shall be elected at the general election in 1964 to serve for two year terms beginning on the first day of January next succeeding their election. The first election of such officers for four-year terms under this constitution shall be held at the general election in 1966.

Sec. 6. The state shall be districted for the purpose of electing senators in accordance with the provisions of Section 2 of Article IV of this constitution, after the official publication of the total population count of the 1970 decennial federal census. Until the apportionment of the senate following the 1970 census, the senatorial districts under the 1908 constitution shall remain intact except that upon the adoption of this constitution each of the counties of Kent, Genesee, Macomb and Oakland shall be divide by the apportionment commission into two senatorial districts and Wayne county into eight senatorial districts in accordance with this constitution. The legislature may give prior effect to Section 2 of Article IV of this constitution, which action shall not be subject to veto by the governor.

Sec. 7. Notwithstanding the provisions of this constitution that the supreme court shall consist of seven justices it shall consist of eight justices until the time that a vacancy occurs as a result of death, retirement or resignation of a justice. The first such vacancy shall not be filled.

Sec. 8. Any judge of probate serving on the effective date of this constitution may serve the remainder of the term and be eligible to succeed himself for election regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

Sec. 9. The provisions of Article VI providing that terms of judicial offices shall not all expire at the same time, shall be implemented by law providing that at the next election for such offices judges shall be elected for terms of varying length, none of which shall be shorter than the regular term provided for the office.

Sec. 10. The members of the state board of education provided for in Section 3 of Article VIII of this constitution shall first be elected at the first general election after the effective date of this constitution for the following terms: two shall be elected for two years, two for four years, two for six years, and two for eight years as prescribed by law.

The State Board of Education provided for in the constitution of 1908 is abolished at twelve o'clock noon January 1 of the year following the first general election under this constitution and the terms of members thereof shall then expire.

Sec. 11. The provisions of this constitution providing for members of boards of control of institutions of higher education and the State Board of Public Community and Junior Colleges shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be

extended, and may further provide that the initial terms of office of members may be less than eight years.

Sec. 12. The provisions of this constitution increasing the number of members of the Board of Trustees of Michigan State University and of the Board of Governors of Wayne State University to eight, and of their term of office to eight years, shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended one year, and may further provide that the initial terms of office of the additional members may be less than eight years.

Sec. 13. The initial allocation of departments by law pursuant to Section 2 of Article V of this constitution, shall be completed within two years after the effective date of this constitution. If such allocation shall not have been completed within such period, the governor, within one year thereafter, by executive order, shall make the initial allocation.

Sec. 14. Contractual obligations of the state incurred pursuant to the constitution of 1908 shall continue to be obligations of the state.

For the retirement of notes and bonds issued under Section 26 of Article X of the 1908 constitution, there is hereby appropriated from the general fund each year during their life a sum equal to the amount of principal and interest payments due and payable in each year.

Sec. 15. The legislature by a vote of two-thirds of the members elected to and serving in each house may provide that the state may borrow money and may pledge its full faith and credit for refunding any bonds issued by the Mackinac Bridge Authority and at the time of refunding the Mackinac Bridge Authority shall be abolished and the operation of the bridge shall be assumed by the state highway department. The legislature may implement this section by law.

Sec. 16. This constitution shall be submitted to the people for their adoption or rejection at the general election to be held on the Tuesday after the first Monday of November, 1962. It shall be the duty of the secretary of state forthwith to give notice of such submission to all other officers required to give or publish any notice in regard to a general election. He shall give notice that this constitution will be duly submitted to the electors at such election. The notice shall be given in the manner required for the election of governor.

Sec. 17. Every registered elector may vote on the adoption of the constitution. The board of election commissioners in each county shall cause to be printed on a ballot separate from the ballot containing the names of the nominees for office, the words: Shall the revised constitution be adopted? ( ) Yes. ( ) No. All votes cast at the election shall be taken, counted, canvassed and returned as provided by law for the election of state officers. If the revised constitution so submitted receives more votes in its favor than were cast against it, it shall be the supreme law of the state on and after the first day of January of the year following its adoption.

against the secretary of state, by Mr. Van Dusen, chairman, submits the following report:

In accordance with Resolution 96, the committee on action against secretary of state on May 14, 1962, filed with the circuit court for the county of Ingham, a petition for declaration of rights in an action entitled, Stephen S. Nisbet, President of the Michigan Constitutional Convention of 1961-1962 v. James M. Hare, Secretary of State. The relief sought was a declaration that the convention has the right to provide for submission of the proposed new constitution to the electors at the general election to be held November 6, 1962. The summons and petition were served on the secretary of state on the same day.

On May 22, having had no response from the attorney general, petitioner filed a motion for the entry of a decree. On May 25, the secretary of state appeared specially by the attorney general and moved to dismiss the petition on the ground that the case did not present an actual controversy. The trial court heard argument on the attorney general's motion on June 1 and on June 6 rendered an opinion denying the motion to dismiss. An order to that effect was entered on June 11.

Instead of proceeding to file an answer, the attorney general then filed an application to the supreme court for leave to appeal. This application was granted by the supreme court and the attorney general, on July 2, filed a claim of appeal.

The attorney general has not yet filed a brief and he states that he does not intend to do so until after August 7.

It is obvious that no judicial determination of the right of the constitutional convention to require submission of the proposed constitution to the electors on November 6 will be made in time to be useful to the convention. Accordingly, the committee recommends:

1) That section 15 [formerly section 16] of the schedule and temporary provisions of the proposed constitution be amended by striking from the first sentence the words "Tuesday after the first Monday of November, 1962" and inserting "first Monday in April, 1963."

2) That the committee be authorized to discontinue the action entitled, Nisbet v. Hare.

Richard C. Van Dusen, chairman.

MR. VAN DUSEN: Mr. President, I move the adoption of the report.

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

The report is adopted. Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, in compliance with our rules, I think it would now be necessary to take a roll call vote on the amendment to the constitution changing the date.

PRESIDENT NISBET: Mr. Chase will read the amendment.

SECRETARY CHASE: The amendment recommended in the report is as follows:

1. Amend the schedule, section 15 [formerly section 16] (column 2) line 11, after "held on the" by striking out "Tuesday after the first Monday of November, 1962.", and inserting "first Monday in April, 1963.".

PRESIDENT NISBET: The secretary will call the roll. Those in favor of the amendment will vote aye as your name is called. Those opposed will vote no.

The roll was called and the delegates voted as follows:

Yeas—141

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

Nays—0

SECRETARY CHASE: On the adoption of the amendment, the yeas are 141; the nays are none.

PRESIDENT NISBET: The amendment is adopted. The question now is on the **final passage of the constitution as amended** this morning. Those who are in favor will answer aye as your names are called. Those opposed will answer nay. The secretary will call the roll.

The roll was called and the delegates voted as follows:

Yeas—98

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

Follo	Perras	Woolfenden
Gadola	Plank	Yeager
Goebel	Pollock	

Nays—43

Austin	Greene	Nord
Baginski	Hart, Miss	Norris
Barthwell	Hatcher, Mrs.	Ostrow
Binkowski	Hood	Pellow
Bledsoe	Jones	Perlich
Bowens	Kelsey	Sablich
Bradley	Krolikowski	Shanahan
Brown, T. S.	Leibrand	Snyder
Buback	Lesinski	Stopczynski
Douglas	Liberato	Suzore
Downs	Madar	Walker
Elliott, Mrs. Daisy	Mahinske	Wilkowski
Faxon	McAllister	Young
Ford	Murphy	Youngblood
Garvin		

SECRETARY CHASE: On the adoption of the constitution as amended, the yeas are 98; the nays are 43. (applause)

PRESIDENT NISBET: The **constitution** is adopted.

For the constitution as adopted, see below, page 3317.

Because of the hour, it being almost noon, the Chair recognizes Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, I move that the convention now stand in recess until 2:00 p.m.

PRESIDENT NISBET: The question is on the motion of Mr. Van Dusen that we recess until 2:00 p.m. Those in favor will say aye. Opposed, no.

The motion prevails. We are recessed until 2:00 o'clock.

[Whereupon, at 11:50 o'clock a.m., the convention recessed; and, at 2:00 o'clock p.m., reconvened.]

Will the delegates please take their seats. The convention will please come to order.

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

PRESIDENT NISBET: I think we should recognize the fact that many of our employees are voluntarily back with us today, meeting with the delegates. I'm sure all of us are very happy to have them here. It brings about a happy result to see them and I think we ought to give them a good hand. (applause) Mr. Chase has an announcement.

SECRETARY CHASE: There are 3 announcements that possibly should have been made before we recessed for lunch.

First, there is mail for all of the delegates in the mail room downstairs.

Just prior to the May 11 adjournment, several of the delegates took out, on loan, sets of convention slides which have not been returned. Missing from our files are 12 complete sets of slides. Since we frequently have call from other delegates for the use of these slides, we would appreciate their return as soon as possible. Ink White, chairman of the committee on public information.

I am sure the delegates recall the lady on the civic center staff who took such good care of keeping the windows clean and the place well slicked up, who had to go to the hospital for a very critical operation. A number of the delegates contributed to a fund to help her over her financial difficulties. I have the following card:

> It is very difficult to express my appreciation to all the wonderful people of con con. Let me say, with my heart, your kindness and generosity will always be remembered.
>
> Sincerely,
> Freda Adams.

PRESIDENT NISBET: Since the adjournment on May 11, we have added 2 new associate members to the delegation: Mrs. Charles Follo and Mrs. Gil Wanger.

I asked Charlie if Mrs. Follo was present so that he might present her, but he said she isn't. We are sorry, Charlie, she couldn't be with us.

Mr. Wanger, is your associate delegate present? Would you present her?

[Whereupon, the delegates accorded Mrs. Wanger a standing ovation.]

At the final session before the long recess the president was authorized to name a reunion committee for the constitutional convention. Accordingly, the **president appoints,** as members of the reunion committee: Mr. Erickson, Mrs. Koeze, Messrs. Jones, Bowens, Brake, Mrs. Conklin, Mr. Dean Doty, Mrs. Daisy Elliott, Messrs. Faxon, Kelsey, Kuhn, Powell, Sharpe, Wanger, White and Norris.

Without objection, the appointments are approved. You will notice that most of these delegates are within the area of Lansing, Detroit or Grand Rapids for their ease in getting together when they have to meet. Mr. Claud Erickson is chairman of the committee.

Returning to the order of business, **approval of address to people.** We will take up the **report of the committee on public information.** Mr. White, chairman.

MR. WHITE: Mr. President, under date of June 26, 1962, each delegate was mailed proof copies of the proposed address to the people. Since that time our committee has received numerous suggestions for corrections, additions, deletions and so on. Our committee has met and gone over these suggestions and they have been, for the most part, agreed to. I might say, parenthetically, the address in its present corrected form represents the writing and editing of upwards of 50 of our delegates.

Under date of July 27, 1962, each of you was mailed a 16 page multilith report which outlined in detail some 108 corrections. This communication also carried the recommendation that we be authorized to correct the text of the constitution as it appears in the address to conform with the style and drafting changes adopted at today's session, and to offer comments accordingly, if necessary. All of this material has been delivered again to each delegate's desk today. Additionally, you have a single white multilith sheet from our committee containing brief addenda to this 16 page report.

It seems to me, Mr. President, the delegates have had ample time to consider these matters, and to expedite our final deliberations, I move that the report of the public information committee, with the recommended addenda, be considered read.

PRESIDENT NISBET: Without objection, it is so ordered.

Following is the report as submitted and considered read:

After careful consideration of suggestions from delegates, your committee on public information recommends the adoption of the following changes in the proof copy of the address to the people:

For document incorporating following changes, see below, page 3355. Page numbers in report refer to document pages.

1. Amend page 2, second full paragraph, line 3, after "that one" by striking out "must" and inserting "should"; to improve phraseology.

2. Amend page 2, third full paragraph, line 1, by striking out "Ordered by popular vote, its delegates selected by the people on the basis of one from each senatorial and representative district, the Constitutional Convention of 1961-62 met in Lansing on October 3, 1961.", and inserting "The convention was ordered by popular vote in April of 1961. There were 144 delegates, representing Michigan's 34 State Senatorial districts and 110 State Representative seats. They were elected in statewide voting on September 12, 1961, and convened at Lansing on October 3, 1961."; to improve awkward sentence construction and correct error by indicating "seats" rather than representative "districts."

3. Amend page 2, fifth full paragraph, line 2, after "overlapped" by striking out "each other"; to improve phraseology.

4. Amend page 2, fifth full paragraph, line 6, after

CONSTITUTION
OF THE
STATE OF MICHIGAN

as finally adopted
by the Convention
August 1, 1962

PREAMBLE

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

ARTICLE I

Declaration of Rights

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

Sec. 2. No person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color or national origin. The legislature shall implement this section by appropriate legislation.

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

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

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

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

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

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

Sec. 9. Neither slavery, nor involuntary servitude unless for the punishment of crime, shall ever be tolerated in this state.

Sec. 10. No bill of attainder, ex post facto law or law impairing the obligation of contract shall be enacted.

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

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

Sec. 13. A suitor in any court of this state has the right to prosecute or defend his suit, either in his own proper person or by an attorney.

Sec. 14. The right of trial by jury shall remain, but shall be waived in all civil cases unless demanded by one of the parties in the manner prescribed by law. In all civil cases tried by 12 jurors a verdict shall be received when 10 jurors agree.

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

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

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

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

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

Sec. 20. In every criminal prosecution, the accused shall have the right to a speedy and public trial by an impartial jury, which may consist of less than 12 jurors in all courts not of record; to be informed of the nature of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to have the assistance of counsel for his defense; to have an appeal as a matter of right; and in courts of record, when the trial court so orders, to have such reasonable assistance as may be necessary to perfect and prosecute an appeal.

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

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

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

ARTICLE II

Elections

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

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

Sec. 3. For purposes of voting in the election for president and vice-president of the United States only, the legislature may by law establish lesser residence requirements for citizens who have resided in this state for less than six months and may waive residence requirements for former citizens of this state who have removed herefrom. The legislature shall not permit voting by any person who meets the voting residence requirements of the state to which he has removed.

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

Sec. 5. Except for special elections to fill vacancies, or as otherwise provided in this constitution, all elections for national, state, county and township offices shall be held on the first Tuesday after the first Monday in November in each even-numbered year or on such other date as members of the congress of the United States are regularly elected.

Sec. 6. Whenever any question is required to be submitted by a political subdivision to the electors for the increase of the ad valorem tax rate limitation imposed by Section 6 of Article IX for a period of more than five years, or for the issue of bonds, only electors in, and who have property assessed for any ad valorem taxes in, any part of the district or territory to be affected by the result of such election or electors who are the lawful husbands or wives of such persons shall be entitled to vote thereon. All electors in the district or territory affected may vote on all other questions.

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

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

Sec. 9. The people reserve to themselves the power to propose laws and to enact and reject laws, called the initiative, and the power to approve or reject laws enacted by the legislature, called the referendum. The power of initiative extends only to laws which the legislature may enact under this constitution. The power of referendum does not extend to acts making appropriations for state institutions or to meet deficiencies in state funds and must be invoked in the manner prescribed by law within 90 days following the final adjournment of the legislative session at which the law was enacted. To invoke the initiative or referendum, petitions signed by a number of registered electors, not less than eight percent for initiative and five percent for referendum of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected shall be required.

No law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election.

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

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

Any law submitted to the people by either initiative or referendum petition and approved by a majority of the votes cast thereon at any election shall take effect 10 days after the date of the official declaration of the vote. No law initiated or adopted by the people shall be subject to the veto power of the governor, and no law adopted by the people at the polls under the initiative provisions of this section shall be amended or repealed, except by a vote of the electors unless otherwise provided in the initiative measure or by three-fourths of the members elected to and serving in each house of the legislature. Laws approved by the people under the referendum provision of this section may be amended by the legislature at any subsequent session thereof. If two or more measures approved by the electors at the same election conflict, that receiving the highest affirmative vote shall prevail.

The legislature shall implement the provisions of this section.

ARTICLE III

General Government

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

Sec. 2. The powers of government are divided into three branches: legislative, executive and judicial. No person exercising powers of one branch shall exercise powers properly belonging to another branch except as expressly provided in this constitution.

Sec. 3. There shall be a great seal of the State of Michigan and its use shall be provided by law.

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

Sec. 5. Subject to provisions of general law, this state or any political subdivision thereof, any governmental authority or any combination thereof may enter into agreements for the performance, financing or execution of their respective functions, with any one or more of the other states, the United States, the Dominion of Canada, or any political subdivision thereof unless otherwise provided in this constitution. Any other provision of this constitution notwithstanding, an officer or employee of the state or of any such unit of government or subdivision or agency thereof may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service. The legislature may impose such restrictions, limitations or conditions on such service as it may deem appropriate.

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

Sec. 7. The common law and the statute laws now in force, not repugnant to this constitution, shall remain in force until they expire by their own limitations, or are changed, amended or repealed.

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

ARTICLE IV

Legislative Branch

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

Sec. 2. The senate shall consist of 38 members to be elected from single member districts at the same election as the governor for four-year terms concurrent with the term of office of the governor.

In districting the state for the purpose of electing senators after the official publication of the total population count of each federal decennial census, each county shall be assigned apportionment factors equal to the sum of its percentage of the state's population as shown by the last regular federal decennial census computed to the nearest one-one hundredth of one percent multiplied by four and its percentage of the state's land area computed to the nearest one-one hundredth of one percent.

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

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

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

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

Sec. 3. The house of representatives shall consist of 110 members elected for two-year terms from single member districts apportioned on a basis of population as provided in this article. The districts shall consist of compact and convenient territory contiguous by land.

Each county which has a population of not less than seven-tenths of one percent of the population of the state shall constitute a separate representative area. Each county having less than seven-tenths of one percent of the population of the state shall be combined with another county or counties to form a representative area of not less than seven-tenths of one percent of the population of the state. Any county which is isolated under the initial allocation as provided in this section shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.

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

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

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

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

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

Sec. 4. In counties having more than one representative or senatorial district, the territory in the same county annexed to or merged with a city between apportionments shall become a part of a contiguous representative or senatorial district in the city with which it is combined, if provided by ordinance of the city. The district or districts with which the territory shall be combined shall be determined by such ordinance certified to the secretary of state. No such change in the boundaries of a representative or senatorial district shall have the effect of removing a legislator from office during his term.

Sec. 5. Island areas are considered to be contiguous by land to the county of which they are a part.

Sec. 6. A commission on legislative apportionment is hereby established consisting of eight electors, four of whom shall be selected by the state organizations of each of the two political parties whose candidates for governor received the highest vote at the last general election at which a governor was elected preceding each apportionment. If a candidate for governor of a third political party has received at such election more than 25 percent of such gubernatorial vote, the commission shall consist of 12 members, four of whom shall be selected by the state organization of the third political party. One resident of each of the following four regions shall be selected by each political party organization: (1) the upper peninsula; (2) the northern part of the lower peninsula, north of a line drawn along the northern boundaries of the counties of Bay, Midland, Isabella, Mecosta, Newaygo and Oceana; (3) southwestern Michigan, those counties south of region (2) and west of a line drawn along the western boundaries of the counties of Bay, Saginaw, Shiawassee, Ingham, Jackson and Hillsdale; (4) southeastern Michigan, the remaining counties of the state.

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

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

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

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

Each final apportionment and districting plan shall be published as provided by law within 30 days from the date of its adoption and shall become law 60 days after

publication. The secretary of state shall keep a public record of all the proceedings of the commission and shall be responsible for the publication and distribution of each plan.

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

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

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

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

Sec. 9. No person elected to the legislature shall receive any civil appointment within this state from the governor, except notaries public, from the legislature, or from any other state authority, during the term for which he is elected.

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

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

Sec. 12. The compensation and expense allowances of the members of the legislature shall be determined by law. Changes in compensation or expense allowances shall become effective only when legislators commence their terms of office after a general election.

Sec. 13. The legislature shall meet at the seat of government on the second Wednesday in January of each year at twelve o'clock noon. Each regular session shall adjourn without day, on a day determined by concurrent resolution, at twelve o'clock noon. Any business, bill or joint resolution pending at the final adjournment of a regular session held in an odd numbered year shall carry over with the same status to the next regular session.

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

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

Sec. 16. Each house, except as otherwise provided in this constitution, shall choose its own officers and determine the rules of its proceedings, but shall not adopt any rule that will prevent a majority of the members elected thereto and serving therein from discharging a committee from the further consideration of any measure. Each house shall be the sole judge of the qualifications, elections and returns of its members, and may, with the concurrence of two-thirds of all the members elected thereto and serving therein, expel a member. The reasons for such expulsion shall be entered in the journal, with the votes and names of the members voting upon the question. No member shall be expelled a second time for the same cause.

Sec. 17. Each house of the legislature may establish the committees necessary for the efficient conduct of its business and the legislature may create joint committees. On all actions on bills and resolutions in each committee, names and votes of members shall be recorded. Such vote shall be available for public inspection. Notice of all committee hearings and a clear statement of all subjects to be considered at each hearing shall be published in the journal in advance of the hearing.

Sec. 18. Each house shall keep a journal of its proceedings, and publish the same unless the public security otherwise requires. The record of the vote and name of the members of either house voting on any question shall be entered in the journal at the request of one-fifth of the members present. Any member of either house may dissent from and protest against any act, proceeding or resolution which he deems injurious to any person or the public, and have the reason for his dissent entered in the journal.

Sec. 19. All elections in either house or in joint convention and all votes on appointments submitted to the senate for advice and consent shall be published by vote and name in the journal.

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

Sec. 21. Neither house shall, without the consent of the other, adjourn for more than two intervening calendar days, nor to any place other than where the legislature may then be in session.

Sec. 22. All legislation shall be by bill and may originate in either house.

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

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

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

Sec. 26. No bill shall be passed or become a law at any regular session of the legislature until it has been printed or reproduced and in the possession of each house for

at least five days. Every bill shall be read three times in each house before the final passage thereof. No bill shall become a law without the concurrence of a majority of the members elected to and serving in each house. On the final passage of bills, the votes and names of the members voting thereon shall be entered in the journal.

Sec. 27. No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.

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

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

Sec. 30. The assent of two-thirds of the members elected to and serving in each house of the legislature shall be required for the appropriation of public money or property for local or private purposes.

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

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

Sec. 33. Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law. If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves, and the legislature continues the session at which the bill was passed, he shall return it within such 14-day period with his objections, to the house in which it originated. That house shall enter such objections in full in its journal and reconsider the bill. If two-thirds of the members elected to and serving in that house pass the bill notwithstanding the objections of the governor, it shall be sent with the objections to the other house for reconsideration. The bill shall become law if passed by two-thirds of the members elected to and serving in that house. The vote of each house shall be entered in the journal with the votes and names of the members voting thereon. If any bill is not returned by the governor within such 14-day period, the legislature continuing in session, it shall become law as if he had signed it.

Sec. 34. Any bill passed by the legislature and approved by the governor, except a bill appropriating money, may provide that it will not become law unless approved by a majority of the electors voting thereon.

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

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

Sec. 37. The legislature may by concurrent resolution empower a joint committee of the legislature, acting between sessions, to suspend any rule or regulation promulgated by an administrative agency subsequent to the adjournment of the last preceding regular legislative session. Such suspension shall continue no longer than the end of the next regular legislative session.

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

Sec. 39. In order to insure continuity of state and local governmental operations in periods of emergency only, resulting from disasters occurring in this state caused by enemy attack on the United States, the legislature may provide by law for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices; and enact other laws necessary and proper for insuring the continuity of governmental operations. Notwithstanding the power conferred by this section, elections shall always be called as soon as possible to fill any vacancies in elective offices temporarily occupied by operation of any legislation enacted pursuant to the provisions of this section.

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

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

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

Sec. 43. No general law providing for the incorporation of trust companies or corporations for banking purposes, or regulating the business thereof, shall be enacted, amended or repealed except by a vote of two-thirds of the members elected to and serving in each house.

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

Sec. 45. The legislature may provide for indeterminate sentences as punishment for crime and for the detention and release of persons imprisoned or detained under such sentences.

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

Sec. 47. The legislature may authorize the employment of chaplains in state institutions of detention or confinement.

Sec. 48. The legislature may enact laws providing for the resolution of disputes concerning public employees, except those in the state classified civil service.

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

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

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

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

Sec. 53. The legislature by a majority vote of the members elected to and serving in each house, shall appoint an auditor general, who shall be a certified public accountant licensed to practice in this state, to serve for a term of eight years. He shall be ineligible for appointment or election to any other public office in this state from which compensation is derived while serving as auditor general and for two years following the termination of his service. He may be removed for cause at any time by a two-thirds vote of the members elected to and serving in each house. The auditor general shall conduct post audits of financial transactions and accounts of the state and of all branches, departments, offices, boards, commissions, agencies, authorities and institutions of the state established by this constitution or by law, and performance post audits thereof.

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

Nothing in this section shall be construed in any way to infringe the responsibility and constitutional authority of the governing boards of the institutions of higher education to be solely responsible for the control and direction of all expenditures from the institutions' funds.

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

ARTICLE V
Executive Branch

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

Sec. 2. All executive and administrative offices, agencies and instrumentalities of the executive branch of state government and their respective functions, powers and

duties, except for the office of governor and lieutenant governor and the governing bodies of institutions of higher education provided for in this constitution, shall be allocated by law among and within not more than 20 principal departments. They shall be grouped as far as practicable according to major purposes.

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

Sec. 3. The head of each principal department shall be a single executive unless otherwise provided in this constitution or by law. The single executives heading principal departments shall include a secretary of state, a state treasurer and an attorney general. When a single executive is the head of a principal department, unless elected or appointed as otherwise provided in this constitution, he shall be appointed by the governor by and with the advice and consent of the senate and he shall serve at the pleasure of the governor.

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

Terms of office of any board or commission created or enlarged after the effective date of this constitution shall not exceed four years except as otherwise authorized in this constitution. The terms of office of existing boards and commissions which are longer than four years shall not be further extended except as provided in this constitution.

Sec. 4. Temporary commissions or agencies for special purposes with a life of no more than two years may be established by law and need not be allocated within a principal department.

Sec. 5. A majority of the members of an appointed examining or licensing board of a profession shall be members of that profession.

Sec. 6. Appointment by and with the advice and consent of the senate when used in this constitution or laws in effect or hereafter enacted means appointment subject to disapproval by a majority vote of the members elected to and serving in the senate if such action is taken within 60 session days after the date of such appointment. Any appointment not disapproved within such period shall stand confirmed.

Sec. 7. Vacancies in any office, appointment to which requires advice and consent of the senate, shall be filled by the governor by and with the advice and consent of the senate. A person whose appointment has been disapproved by the senate shall not be eligible for an interim appointment to the same office.

Sec. 8. Each principal department shall be under the supervision of the governor unless otherwise provided by this constitution. The governor shall take care that the laws be faithfully executed. He shall transact all necessary business with the officers of

government and may require information in writing from all executive and administrative state officers, elective and appointive, upon any subject relating to the duties of their respective offices.

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

Sec. 9. Single executives heading principal departments and the chief executive officers of principal departments headed by boards or commissions shall keep their offices at the seat of government except as otherwise provided by law, superintend them in person and perform duties prescribed by law.

Sec. 10. The governor shall have power and it shall be his duty to inquire into the condition and administration of any public office and the acts of any public officer, elective or appointive. He may remove or suspend from office for gross neglect of duty or for corrupt conduct in office, or for any other misfeasance or malfeasance therein, any elective or appointive state officer, except legislative or judicial, and shall report the reasons for such removal or suspension to the legislature.

Sec. 11. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an appointed or elected officer, other than a legislative or judicial officer, until he is reinstated or until the vacancy is filled in the manner prescribed by law or this constitution.

Sec. 12. The governor shall be commander-in-chief of the armed forces and may call them out to execute the laws, suppress insurrection and repel invasion.

Sec. 13. The governor shall issue writs of election to fill vacancies in the senate or house of representatives. Any such election shall be held in a manner prescribed by law.

Sec. 14. The governor shall have power to grant reprieves, commutations and pardons after convictions for all offenses, except cases of impeachment, upon such conditions and limitations as he may direct, subject to procedures and regulations prescribed by law. He shall inform the legislature annually of each reprieve, commutation and pardon granted, stating reasons therefor.

Sec. 15. The governor may convene the legislature on extraordinary occasions.

Sec. 16. The governor may convene the legislature at some other place when the seat of government becomes dangerous from any cause.

Sec. 17. The governor shall communicate by message to the legislature at the beginning of each session and may at other times present to the legislature information as to the affairs of the state and recommend measures he considers necessary or desirable.

Sec. 18. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state. Proposed expenditures from any fund shall not exceed the estimated revenue thereof. On the same date, the governor shall submit to the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills to provide new or additional revenues to meet proposed expenditures. The amount of any surplus created or deficit incurred in any fund during the last preceding fiscal period shall be entered as an item in the budget and in one of the appropriation bills. The governor may submit amendments to appropriation bills to be offered in either house during consideration of the bill by that house, and shall submit bills to meet deficiencies in current appropriations.

Sec. 19. The governor may disapprove any distinct item or items appropriating moneys in any appropriation bill. The part or parts approved shall become law, and the item or items disapproved shall be void unless re-passed according to the method prescribed for the passage of other bills over the executive veto.

Sec. 20. No appropriation shall be a mandate to spend. The governor, with the approval of the appropriating committees of the house and senate, shall reduce expenditures authorized by appropriations whenever it appears that actual revenues for a fiscal period will fall below the revenue estimates on which appropriations for that period were based. Reductions in expenditures shall be made in accordance with procedures prescribed by law. The governor may not reduce expenditures of the legislative and judicial branches or from funds constitutionally dedicated for specific purposes.

Sec. 21. The governor, lieutenant governor, secretary of state and attorney general shall be elected for four-year terms at the general election in each alternate even-numbered year.

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

Vacancies in the office of the secretary of state and attorney general shall be filled by appointment by the governor.

Sec. 22. To be eligible for the office of governor or lieutenant governor a person must have attained the age of 30 years, and have been a registered elector in this state for four years next preceding his election.

Sec. 23. The governor, lieutenant governor, secretary of state and attorney general shall each receive the compensation provided by law in full payment for all services performed and expenses incurred during his term of office. Such compensation shall not be changed during the term of office except as otherwise provided in this constitution.

Sec. 24. An executive residence suitably furnished shall be provided at the seat of government for the use of the governor. He shall receive an allowance for its maintenance as provided by law.

Sec. 25. The lieutenant governor shall be president of the senate, but shall have no vote, unless they be equally divided. He may perform duties requested of him by the governor, but no power vested in the governor shall be delegated.

Sec. 26. In case of the conviction of the governor on impeachment, his removal from office, his resignation or his death, the lieutenant governor, the elected secretary of state, the elected attorney general and such other persons designated by law shall in that order be governor for the remainder of the governor's term.

In case of the death of the governor-elect, the lieutenant governor-elect, the secretary of state-elect, the attorney general-elect and such other persons designated by law shall become governor in that order at the commencement of the governor-elect's term.

If the governor or the person in line of succession to serve as governor is absent from the state, or suffering under an inability, the powers and duties of the office of governor shall devolve in order of precedence until the absence or inability giving rise to the devolution of powers ceases.

The inability of the governor or person acting as governor shall be determined by a majority of the supreme court on joint request of the president pro tempore of the senate and the speaker of the house of representatives. Such determination shall be final

and conclusive. The supreme court shall upon its own initiative determine if and when the inability ceases.

Sec. 27. The legislature shall provide that the salary of any state officer while acting as governor shall be equal to that of the governor.

Sec. 28. There is hereby established a state highway commission, which shall administer the state highway department and have jurisdiction and control over all state trunkline highways and appurtenant facilities, and such other public works of the state, as provided by law.

The state highway commission shall consist of four members, not more than two of whom shall be members of the same political party. They shall be appointed by the governor by and with the advice and consent of the senate for four-year terms, no two of which shall expire in the same year, as provided by law.

The state highway commission shall appoint and may remove a state highway director, who shall be a competent highway engineer and administrator. He shall be the principal executive officer of the state highway department and shall be responsible for executing the policy of the state highway commission.

Sec. 29. There is hereby established a civil rights commission which shall consist of eight persons, not more than four of whom shall be members of the same political party, who shall be appointed by the governor, by and with the advice and consent of the senate, for four-year terms not more than two of which shall expire in the same year. It shall be the duty of the commission in a manner which may be prescribed by law to investigate alleged discrimination against any person because of religion, race, color or national origin in the enjoyment of the civil rights guaranteed by law and by this constitution, and to secure the equal protection of such civil rights without such discrimination. The legislature shall provide an annual appropriation for the effective operation of the commission.

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

Appeals from final orders of the commission, including cease and desist orders and refusals to issue complaints, shall be tried de novo before the circuit court having jurisdiction provided by law.

ARTICLE VI

Judicial Branch

Sec. 1. The judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court, one probate court, and courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.

Sec. 2. The supreme court shall consist of seven justices elected at non-partisan elections as provided by law. The term of office shall be eight years and not more than

two terms of office shall expire at the same time. Nominations for justices of the supreme court shall be in the manner prescribed by law. Any incumbent justice whose term is to expire may become a candidate for re-election by filing an affidavit of candidacy, in the form and manner prescribed by law, not less than 180 days prior to the expiration of his term.

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

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

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

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

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

Sec. 8. The court of appeals shall consist initially of nine judges who shall be nominated and elected at non-partisan elections from districts drawn on county lines and as nearly as possible of equal population, as provided by law. The supreme court may prescribe by rule that the court of appeals sit in divisions and for the terms of court and the times and places thereof. Each such division shall consist of not fewer than three judges. The number of judges comprising the court of appeals may be increased, and the districts from which they are elected may be changed by law.

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

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

Sec. 11. The state shall be divided into judicial circuits along county lines in each of which there shall be elected one or more circuit judges as provided by law. Sessions of the circuit court shall be held at least four times in each year in every county organized for judicial purposes. Each circuit judge shall hold court in the county or

counties within the circuit in which he is elected, and in other circuits as may be provided by rules of the supreme court. The number of judges may be changed and circuits may be created, altered and discontinued by law and the number of judges shall be changed and circuits shall be created, altered and discontinued on recommendation of the supreme court to reflect changes in judicial activity. No change in the number of judges or alteration or discontinuance of a circuit shall have the effect of removing a judge from office during his term.

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

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

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

Sec. 15. In each county organized for judicial purposes there shall be a probate court. The legislature may create or alter probate court districts of more than one county if approved in each affected county by a majority of the electors voting on the question. The legislature may provide for the combination of the office of probate judge with any judicial office of limited jurisdiction within a county with supplemental salary as provided by law. The jurisdiction, powers and duties of the probate court and of the judges thereof shall be provided by law. They shall have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

Sec. 16. One or more judges of probate as provided by law shall be nominated and elected at non-partisan elections in the counties or the probate districts in which they reside and shall hold office for terms of six years and until their successors are elected and qualified. In counties or districts with more than one judge the terms of office shall be arranged by law to provide that not all terms will expire at the same time.

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

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

Each of the judges of the circuit court shall receive an annual salary as provided by law. In addition to the salary received from the state, each circuit judge may receive from any county in which he regularly holds court an additional salary as determined

from time to time by the board of supervisors of the county. In any county where an additional salary is granted, it shall be paid at the same rate to all circuit judges regularly holding court therein.

Sec. 19. The supreme court, the court of appeals, the circuit court, the probate court and other courts designated as such by the legislature shall be courts of record and each shall have a common seal. Justices and judges of courts of record must be persons who are licensed to practice law in this state. No person shall be elected or appointed to a judicial office after reaching the age of 70 years.

Sec. 20. Whenever a justice or judge removes his domicile beyond the limits of the territory from which he was elected, he shall have vacated his office.

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

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

Sec. 23. A vacancy in the elective office of a judge of any court of record shall be filled at a general or special election as provided by law. The supreme court may authorize persons who have served as judges and who have retired, to perform judicial duties for the limited period of time from the occurrence of the vacancy until the successor is elected and qualified. Such persons shall be ineligible for election to fill the vacancy.

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

Sec. 25. For reasonable cause, which is not sufficient ground for impeachment, the governor shall remove any judge on a concurrent resolution of two-thirds of the members elected to and serving in each house of the legislature. The cause for removal shall be stated at length in the resolution.

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

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

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

Sec. 28. All final decisions, findings, rulings and orders of any administrative officer or agency existing under the constitution or by law, which are judicial or quasi-judicial and affect private rights or licenses, shall be subject to direct review by the courts as

provided by law. This review shall include, as a minimum, the determination whether such final decisions, findings, rulings and orders are authorized by law; and, in cases in which a hearing is required, whether the same are supported by competent, material and substantial evidence on the whole record. Findings of fact in workmen's compensation proceedings shall be conclusive in the absence of fraud unless otherwise provided by law.

In the absence of fraud, error of law or the adoption of wrong principles, no appeal may be taken to any court from any final agency provided for the administration of property tax laws from any decision relating to valuation or allocation.

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

ARTICLE VII

Local Government

Sec. 1. Each organized county shall be a body corporate with powers and immunities provided by law.

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

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

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

Sec. 3. No organized county shall be reduced by the organization of new counties to less than 16 townships as surveyed by the United States, unless approved in the manner prescribed by law by a majority of electors voting thereon in each county to be affected.

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

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

Sec. 6. The sheriff may be required by law to renew his security periodically and in default of giving such security, his office shall be vacant. The county shall never be responsible for his acts, except that the board of supervisors may protect him against

claims by prisoners for unintentional injuries received while in his custody. He shall not hold any other office except in civil defense.

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

Sec. 8. Boards of supervisors shall have legislative, administrative and such other powers and duties as provided by law.

Sec. 9. Boards of supervisors shall have exclusive power to fix the compensation of county officers not otherwise provided by law.

Sec. 10. A county seat once established shall not be removed until the place to which it is proposed to be moved shall be designated by two-thirds of the members of the board of supervisors and a majority of the electors voting thereon shall have approved the proposed location in the manner prescribed by law.

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

Sec. 12. A navigable stream shall not be bridged or dammed without permission granted by the board of supervisors of the county as provided by law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and political subdivisions therein.

Sec. 13. Two or more contiguous counties may combine into a single county if approved in each affected county by a majority of the electors voting on the question.

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

Sec. 15. Any county, when authorized by its board of supervisors shall have the authority to enter or to intervene in any action or certificate proceeding involving the services, charges or rates of any privately owned public utility furnishing services or commodities to rate payers within the county.

Sec. 16. The legislature may provide for the laying out, construction, improvement and maintenance of highways, bridges, culverts and airports by the state and by the counties and townships thereof; and may authorize counties to take charge and control of any highway within their limits for such purposes. The legislature may provide the powers and duties of counties in relation to highways, bridges, culverts and airports; may provide for county road commissioners to be appointed or elected, with powers and duties provided by law. The ad valorem property tax imposed for road purposes by any county shall not exceed in any year one-half of one percent of the assessed valuation for the preceding year.

Sec. 17. Each organized township shall be a body corporate with powers and immunities provided by law.

Sec. 18. In each organized township there shall be elected for terms of not less than two nor more than four years as prescribed by law a supervisor, a clerk, a treasurer, and not to exceed four trustees, whose legislative and administrative powers and duties shall be provided by law.

Sec. 19. No organized township shall grant any public utility franchise which is not subject to revocation at the will of the township, unless the proposition shall first have been approved by a majority of the electors of such township voting thereon at a regular or special election.

Sec. 20. The legislature shall provide by law for the dissolution of township government whenever all the territory of an organized township is included within the boundaries of a village or villages notwithstanding that a village may include territory within another organized township and provide by law for the classification of such village or villages as cities.

Sec. 21. The legislature shall provide by general laws for the incorporation of cities and villages. Such laws shall limit their rate of ad valorem property taxation for municipal purposes, and restrict the powers of cities and villages to borrow money and contract debts. Each city and village is granted power to levy other taxes for public purposes, subject to limitations and prohibitions provided by this constitution or by law.

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

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

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

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

Sec. 25. No city or village shall acquire any public utility furnishing light, heat or power, or grant any public utility franchise which is not subject to revocation at the will of the city or village, unless the proposition shall first have been approved by three-fifths of the electors voting thereon. No city or village may sell any public utility unless the proposition shall first have been approved by a majority of the electors voting thereon, or a greater number if the charter shall so provide.

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

Sec. 27. Notwithstanding any other provision of this constitution the legislature may establish in metropolitan areas additional forms of government or authorities with powers, duties and jurisdictions as the legislature shall provide. Wherever possible, such additional forms of government or authorities shall be designed to perform multi-purpose functions rather than a single function.

Sec. 28. The legislature by general law shall authorize two or more counties, townships, cities, villages or districts, or any combination thereof among other things to:

enter into contractual undertakings or agreements with one another or with the state or with any combination thereof for the joint administration of any of the functions or powers which each would have the power to perform separately; share the costs and responsibilities of functions and services with one another or with the state or with any combination thereof which each would have the power to perform separately; transfer functions or responsibilities to one another or any combination thereof upon the consent of each unit involved; cooperate with one another and with state government; lend their credit to one another or any combination thereof as provided by law in connection with any authorized publicly owned undertaking.

Any other provision of this constitution notwithstanding, an officer or employee of the state or any such unit of government or subdivision or agency thereof, except members of the legislature, may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service.

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

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

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

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

Sec. 33. Any elected officer of a political subdivision may be removed from office in the manner and for the causes provided by law.

Sec. 34. The provisions of this constitution and law concerning counties, townships, cities and villages shall be liberally construed in their favor. Powers granted to counties and townships by this constitution and by law shall include those fairly implied and not prohibited by this constitution.

ARTICLE VIII

Education

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

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

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

The state board of education shall appoint a superintendent of public instruction whose term of office shall be determined by the board. He shall be the chairman of the board without the right to vote, and shall be responsible for the execution of its policies. He shall be the principal executive officer of a state department of education which shall have powers and duties provided by law.

The state board of education shall consist of eight members who shall be nominated by party conventions and elected at large for terms of eight years as prescribed by law. The governor shall fill any vacancy by appointment for the unexpired term. The governor shall be ex-officio a member of the state board of education without the right to vote.

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

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

Sec. 5. The regents of the University of Michigan and their successors in office shall constitute a body corporate known as the Regents of the University of Michigan; the trustees of Michigan State University and their successors in office shall constitute a body corporate known as the Board of Trustees of Michigan State University; the governors of Wayne State University and their successors in office shall constitute a body corporate known as the Board of Governors of Wayne State University. Each board shall have general supervision of its institution and the control and direction of all expenditures from the institution's funds. Each board shall, as often as necessary, elect a president of the institution under its supervision. He shall be the principal executive officer of the institution, be ex-officio a member of the board without the right to vote and preside at meetings of the board. The board of each institution shall consist of eight members who shall hold office for terms of eight years and who shall be elected as provided by law. The governor shall fill board vacancies by appointment. Each appointee shall hold office until a successor has been nominated and elected as provided by law.

Sec. 6. Other institutions of higher education established by law having authority to grant baccalaureate degrees shall each be governed by a board of control which shall be a body corporate. The board shall have general supervision of the institution and the control and direction of all expenditures from the institution's funds. It shall, as often as necessary, elect a president of the institution under its supervision.

He shall be the principal executive officer of the institution and be ex-officio a member of the board without the right to vote. The board may elect one of its members or may designate the president, to preside at board meetings. Each board of control shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the governor by and with the advice and consent of the senate. Vacancies shall be filled in like manner.

Sec. 7. The legislature shall provide by law for the establishment and financial support of public community and junior colleges which shall be supervised and controlled by locally elected boards. The legislature shall provide by law for a state board for public community and junior colleges which shall advise the state board of education concerning general supervision and planning for such colleges and requests for annual appropriations for their support. The board shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the state board of education. Vacancies shall be filled in like manner. The superintendent of public instruction shall be ex-officio a member of this board without the right to vote.

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

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

ARTICLE IX

Finance and Taxation

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

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

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

Sec. 4. Property owned and occupied by non-profit religious or educational organizations and used exclusively for religious or educational purposes, as defined by law, shall be exempt from real and personal property taxes.

Sec. 5. The legislature shall provide for the assessment by the state of the property of those public service businesses assessed by the state at the date this constitution becomes effective, and of other property as designated by the legislature,

and for the imposition and collection of taxes thereon. Property assessed by the state shall be assessed at the same proportion of its true cash value as the legislature shall specify for property subject to general ad valorem taxation. The rate of taxation on such property shall be the average rate levied upon other property in this state under the general ad valorem tax law, or, if the legislature provides, the rate of tax applicable to the property of each business enterprise assessed by the state shall be the average rate of ad valorem taxation levied upon other property in all counties in which any of such property is situated.

Sec. 6. Except as otherwise provided in this constitution, the total amount of general ad valorem taxes imposed upon real and tangible personal property for all purposes in any one year shall not exceed 15 mills on each dollar of the assessed valuation of property as finally equalized. Under procedures provided by law, which shall guarantee the right of initiative, separate tax limitations for any county and for the townships and for school districts therein, the aggregate of which shall not exceed 18 mills on each dollar of such valuation, may be adopted and thereafter altered by the vote of a majority of the qualified electors of such county voting thereon, in lieu of the limitation hereinbefore established. These limitations may be increased to an aggregate of not to exceed 50 mills on each dollar of valuation, for a period of not to exceed 20 years at any one time, if approved by a majority of the electors, qualified under Section 6 of Article II of this constitution, voting on the question.

The foregoing limitations shall not apply to taxes imposed for the payment of principal and interest on bonds or other evidences of indebtedness or for the payment of assessments or contract obligations in anticipation of which bonds are issued, which taxes may be imposed without limitation as to rate or amount; or to taxes imposed for any other purpose by any city, village, charter county, charter township, charter authority or other authority, the tax limitations of which are provided by charter or by general law.

In any school district which extends into two or more counties, property taxes at the highest rate available in the county which contains the greatest part of the area of the district may be imposed and collected for school purposes throughout the district.

Sec. 7. No income tax graduated as to rate or base shall be imposed by the state or any of its subdivisions.

Sec. 8. The legislature shall not impose a sales tax on retailers at a rate of more than four percent of their gross taxable sales of tangible personal property.

Sec. 9. All specific taxes, except general sales and use taxes and regulatory fees, imposed directly or indirectly on fuels sold or used to propel motor vehicles upon highways and on registered motor vehicles shall, after the payment of necessary collection expenses, be used exclusively for highway purposes as defined by law.

Sec. 10. One-eighth of all taxes imposed on retailers on taxable sales at retail of tangible personal property shall be used exclusively for assistance to townships, cities and villages, on a population basis as provided by law. In determining population the legislature may exclude any portion of the total number of persons who are wards, patients or convicts in any tax supported institution.

Sec. 11. There shall be established a state school aid fund which shall be used exclusively for aid to school districts, higher education and school employees' retirement systems, as provided by law. One-half of all taxes imposed on retailers on taxable sales at retail of tangible personal property, and other tax revenues provided by law, shall

be dedicated to this fund. Payments from this fund shall be made in full on a scheduled basis, as provided by law.

Sec. 12. No evidence of state indebtedness shall be issued except for debts authorized pursuant to this constitution.

Sec. 13. Public bodies corporate shall have power to borrow money and to issue their securities evidencing debt, subject to this constitution and law.

Sec. 14. To meet obligations incurred pursuant to appropriations for any fiscal year, the legislature may by law authorize the state to issue its full faith and credit notes in which case it shall pledge undedicated revenues to be received within the same fiscal year for the repayment thereof. Such indebtedness in any fiscal year shall not exceed 15 percent of undedicated revenues received by the state during the preceding fiscal year and such debts shall be repaid at the time the revenues so pledged are received, but not later than the end of the same fiscal year.

Sec. 15. The state may borrow money for specific purposes in amounts as may be provided by acts of the legislature adopted by a vote of two-thirds of the members elected to and serving in each house, and approved by a majority of the electors voting thereon at any general election. The question submitted to the electors shall state the amount to be borrowed, the specific purpose to which the funds shall be devoted, and the method of repayment.

Sec. 16. The state, in addition to any other borrowing power, may borrow from time to time such amounts as shall be required, pledge its faith and credit and issue its notes or bonds therefor, for the purpose of making loans to school districts as provided in this section.

If the minimum amount which would otherwise be necessary for a school district to levy in any year to pay principal and interest on its qualified bonds, including any necessary allowances for estimated tax delinquencies, exceeds 13 mills on each dollar of its assessed valuation as finally equalized, or such lower millage as the legislature may prescribe, then the school district may elect to borrow all or any part of the excess from the state. In that event the state shall lend the excess amount to the school district for the payment of principal and interest. If for any reason any school district will be or is unable to pay the principal and interest on its qualified bonds when due, then the school district shall borrow and the state shall lend to it an amount sufficient to enable the school district to make the payment.

The term "qualified bonds" means general obligation bonds of school districts issued for capital expenditures, including refunding bonds, issued prior to May 4, 1955, or issued thereafter and qualified as provided by law pursuant to Section 27 or Section 28 of Article X of the Constitution of 1908 or pursuant to this section.

After a school district has received loans from the state, each year thereafter it shall levy for debt service, exclusive of levies for nonqualified bonds, not less than 13 mills or such lower millage as the legislature may prescribe, until the amount loaned has been repaid, and any tax collections therefrom in any year over and above the minimum requirements for principal and interest on qualified bonds shall be used toward the repayment of state loans. In any year when such levy would produce an amount in excess of the requirements and the amount due to the state, the levy may be reduced by the amount of the excess.

Subject to the foregoing provisions, the legislature shall have the power to prescribe and to limit the procedure, terms and conditions for the qualification of bonds, for obtaining and making state loans, and for the repayment of loans.

The power to tax for the payment of principal and interest on bonds hereafter issued which are the general obligations of any school district, including refunding bonds, and for repayment of any state loans made to school districts, shall be without limitation as to rate or amount.

All rights acquired under Sections 27 and 28 of Article X of the Constitution of 1908, by holders of bonds heretofore issued, and all obligations assumed by the state or any school district under these sections, shall remain unimpaired.

Sec. 17. No money shall be paid out of the state treasury except in pursuance of appropriations made by law.

Sec. 18. The credit of the state shall not be granted to, nor in aid of any person, association or corporation, public or private, except as authorized in this constitution.

This section shall not be construed to prohibit the investment of public funds until needed for current requirements or the investment of funds accumulated to provide retirement or pension benefits for public officials and employees, as provided by law.

Sec. 19. The state shall not subscribe to, nor be interested in the stock of any company, association or corporation, except that funds accumulated to provide retirement or pension benefits for public officials and employees may be invested as provided by law; and endowment funds created for charitable or educational purposes may be invested as provided by law governing the investment of funds held in trust by trustees.

Sec. 20. No state money shall be deposited in banks other than those organized under the national or state banking laws. No state money shall be deposited in any bank in excess of 50 percent of the capital and surplus of such bank. Any bank receiving deposits of state money shall show the amount of state money so deposited as a separate item in all published statements.

Sec. 21. The legislature shall provide by law for the annual accounting for all public moneys, state and local, and may provide by law for interim accounting.

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

Sec. 22. Procedures for the examination and adjustment of claims against the state shall be prescribed by law.

Sec. 23. All financial records, accountings, audit reports and other reports of public moneys shall be public records and open to inspection. A statement of all revenues and expenditures of public moneys shall be published and distributed annually, as provided by law.

Sec. 24. The accrued financial benefits of each pension plan and retirement system of the state and its political subdivisions shall be a contractual obligation thereof which shall not be diminished or impaired thereby.

Financial benefits arising on account of service rendered in each fiscal year shall be funded during that year and such funding shall not be used for financing unfunded accrued liabilities.

ARTICLE X
Property

Sec. 1. The disabilities of coverture as to property are abolished. The real and personal estate of every woman acquired before marriage and all real and personal

property to which she may afterwards become entitled shall be and remain the estate and property of such woman, and shall not be liable for the debts, obligations or engagements of her husband, and may be dealt with and disposed of by her as if she were unmarried. Dower may be relinquished or conveyed as provided by law.

Sec. 2. Private property shall not be taken for public use without just compensation therefor being first made or secured in a manner prescribed by law. Compensation shall be determined in proceedings in a court of record.

Sec. 3. A homestead in the amount of not less than $3,500 and personal property of every resident of this state in the amount of not less than $750, as defined by law, shall be exempt from forced sale on execution or other process of any court. Such exemptions shall not extend to any lien thereon excluded from exemption by law.

Sec. 4. Procedures relating to escheats and to the custody and disposition of escheated property shall be prescribed by law.

Sec. 5. The legislature shall have general supervisory jurisdiction over all state owned lands useful for forest preserves, game areas and recreational purposes; shall require annual reports as to such lands from all departments having supervision or control thereof; and shall by general law provide for the sale, lease or other disposition of such lands.

The legislature by an act adopted by two-thirds of the members elected to and serving in each house may designate any part of such lands as a state land reserve. No lands in the state land reserve may be removed from the reserve, sold, leased or otherwise disposed of except by an act of the legislature.

Sec. 6. Aliens who are residents of this state shall enjoy the same rights and privileges in property as citizens of this state.

ARTICLE XI

Public Officers and Employment

Sec. 1. All officers, legislative, executive and judicial, before entering upon the duties of their respective offices, shall take and subscribe the following oath or affirmation: I do solemnly swear (or affirm) that I will support the Constitution of the United States and the constitution of this state, and that I will faithfully discharge the duties of the office of ..... according to the best of my ability. No other oath, affirmation, or any religious test shall be required as a qualification for any office or public trust.

Sec. 2. The terms of office of elective state officers, members of the legislature and justices and judges of courts of record shall begin at twelve o'clock noon on the first day of January next succeeding their election, except as otherwise provided in this constitution. The terms of office of county officers shall begin on the first day of January next succeeding their election, except as otherwise provided by law.

Sec. 3. Neither the legislature nor any political subdivision of this state shall grant or authorize extra compensation to any public officer, agent or contractor after the service has been rendered or the contract entered into.

Sec. 4. No person having custody or control of public moneys shall be a member of the legislature, or be eligible to any office of trust or profit under this state, until he shall have made an accounting, as provided by law, of all sums for which he may be liable.

Sec. 5. The classified state civil service shall consist of all positions in the state service except those filled by popular election, heads of principal departments, members of boards and commissions, the principal executive officer of boards and commissions heading principal departments, employees of courts of record, employees of the legislature, employees of the state institutions of higher education, all persons in the armed forces of the state, eight exempt positions in the office of the governor, and within each principal department, when requested by the department head, two other exempt positions, one of which shall be policy-making. The civil service commission may exempt three additional positions of a policy-making nature within each principal department.

The civil service commission shall be non-salaried and shall consist of four persons, not more than two of whom shall be members of the same political party, appointed by the governor for terms of eight years, no two of which shall expire in the same year.

The administration of the commission's powers shall be vested in a state personnel director who shall be a member of the classified service and who shall be responsible to and selected by the commission after open competitive examination.

The commission shall classify all positions in the classified service according to their respective duties and responsibilities, fix rates of compensation for all classes of positions, approve or disapprove disbursements for all personal services, determine by competitive examination and performance exclusively on the basis of merit, efficiency and fitness the qualifications of all candidates for positions in the classified service, make rules and regulations covering all personnel transactions, and regulate all conditions of employment in the classified service.

No person shall be appointed to or promoted in the classified service who has not been certified by the commission as qualified for such appointment or promotion. No appointments, promotions, demotions or removals in the classified service shall be made for religious, racial or partisan considerations.

Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year. Within 60 calendar days following such transmission, the legislature may, by a two-thirds vote of the members elected to and serving in each house, reject or reduce increases in rates of compensation authorized by the commission. Any reduction ordered by the legislature shall apply uniformly to all classes of employees affected by the increases and shall not adjust pay differentials already established by the civil service commission. The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases authorized by the commission.

The appointing authorities may create or abolish positions for reasons of administrative efficiency without the approval of the commission. Positions shall not be created nor abolished except for reasons of administrative efficiency. Any employee considering himself aggrieved by the abolition or creation of a position shall have a right of appeal to the commission through established grievance procedures.

The civil service commission shall recommend to the governor and to the legislature rates of compensation for all appointed positions within the executive department not a part of the classified service.

To enable the commission to exercise its powers, the legislature shall appropriate to the commission for the ensuing fiscal year a sum not less than one percent of the aggregate payroll of the classified service for the preceding fiscal year, as certified by the commission. Within six months after the conclusion of each fiscal year the commission shall return to the state treasury all moneys unexpended for that fiscal year.

The commission shall furnish reports of expenditures, at least annually, to the governor and the legislature and shall be subject to annual audit as provided by law.

No payment for personal services shall be made or authorized until the provisions of this constitution pertaining to civil service have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

Sec. 6. By ordinance or resolution of its governing body which shall not take effect until approved by a majority of the electors voting thereon, unless otherwise provided by charter, each county, township, city, village, school district and other governmental unit or authority may establish, modify or discontinue a merit system for its employees other than teachers under contract or tenure. The state civil service commission may on request furnish technical services to any such unit on a reimbursable basis.

Sec. 7. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office or for crimes or misdemeanors, but a majority of the members elected thereto and serving therein shall be necessary to direct an impeachment.

When an impeachment is directed, the house of representatives shall elect three of its members to prosecute the impeachment.

Every impeachment shall be tried by the senate immediately after the final adjournment of the legislature. The senators shall take an oath or affirmation truly and impartially to try and determine the impeachment according to the evidence. When the governor or lieutenant governor is tried, the chief justice of the supreme court shall preside.

No person shall be convicted without the concurrence of two-thirds of the senators elected and serving. Judgment in case of conviction shall not extend further than removal from office, but the person convicted shall be liable to punishment according to law.

No judicial officer shall exercise any of the functions of his office after an impeachment is directed until he is acquitted.

ARTICLE XII

Amendment and Revision

Sec. 1. Amendments to this constitution may be proposed in the senate or house of representatives. Proposed amendments agreed to by two-thirds of the members elected to and serving in each house on a vote with the names and vote of those voting entered in the respective journals shall be submitted, not less than 60 days thereafter, to the electors at the next general election or special election as the legislature shall direct. If a majority of electors voting on a proposed amendment approve the same, it shall become part of the constitution and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved.

Sec. 2. Amendments may be proposed to this constitution by petition of the registered electors of this state. Every petition shall include the full text of the proposed amendment, and be signed by registered electors of the state equal in number to at least 10 percent of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected. Such petitions shall be filed with the person authorized by law to receive the same at least 120 days before the election at which the proposed amendment is to be voted upon. Any such petition shall be in the form, and shall be signed and circulated in such manner, as prescribed by law. The person authorized by law to receive such petition shall upon its receipt determine, as provided by law, the validity and sufficiency of the signatures on the petition, and make an official announcement thereof at least 60 days prior to the election at which the proposed amendment is to be voted upon.

Any amendment proposed by such petition shall be submitted, not less than 120 days after it was filed, to the electors at the next general election. Such proposed amendment, existing provisions of the constitution which would be altered or abrogated thereby, and the question as it shall appear on the ballot shall be published in full as provided by law. Copies of such publication shall be posted in each polling place and furnished to news media as provided by law.

The ballot to be used in such election shall contain a statement of the purpose of the proposed amendment, expressed in not more than 100 words, exclusive of caption. Such statement of purpose and caption shall be prepared by the person authorized by law, and shall consist of a true and impartial statement of the purpose of the amendment in such language as shall create no prejudice for or against the proposed amendment.

If the proposed amendment is approved by a majority of the electors voting on the question, it shall become part of the constitution, and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved. If two or more amendments approved by the electors at the same election conflict, that amendment receiving the highest affirmative vote shall prevail.

Sec. 3. At the general election to be held in the year 1978, and in each 16th year thereafter and at such times as may be provided by law, the question of a general revision of the constitution shall be submitted to the electors of the state. If a majority of the electors voting on the question decide in favor of a convention for such purpose, at an election to be held not later than six months after the proposal was certified as approved, the electors of each representative district as then organized shall elect one delegate and the electors of each senatorial district as then organized shall elect one delegate at a partisan election. The delegates so elected shall convene at the seat of government on the first Tuesday in October next succeeding such election or at an earlier date if provided by law.

The convention shall choose its own officers, determine the rules of its proceedings and judge the qualifications, elections and returns of its members. To fill a vacancy in the office of any delegate, the governor shall appoint a qualified resident of the same district who shall be a member of the same party as the delegate vacating the office. The convention shall have power to appoint such officers, employees and assistants as it deems necessary and to fix their compensation; to provide for the printing and distribution of its documents, journals and proceedings; to explain and disseminate information about the proposed constitution and to complete the business of

the convention in an orderly manner. Each delegate shall receive for his services compensation provided by law.

No proposed constitution or amendment adopted by such convention shall be submitted to the electors for approval as hereinafter provided unless by the assent of a majority of all the delegates elected to and serving in the convention, with the names and vote of those voting entered in the journal. Any proposed constitution or amendments adopted by such convention shall be submitted to the qualified electors in the manner and at the time provided by such convention not less than 90 days after final adjournment of the convention. Upon the approval of such constitution or amendments by a majority of the qualified electors voting thereon the constitution or amendments shall take effect as provided by the convention.

Schedule and Temporary Provisions

To insure the orderly transition from the constitution of 1908 to this constitution the following schedule and temporary provisions are set forth to be effective for such period as are thereby required.

Sec. 1. The attorney general shall recommend to the legislature as soon as practicable such changes as may be necessary to adapt existing laws to this constitution.

Sec. 2. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights existing on the effective date of this constitution shall continue unaffected except as modified in accordance with the provisions of this constitution.

Sec. 3. Except as otherwise provided in this constitution, all officers filling any office by election or appointment shall continue to exercise their powers and duties until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

No provision of this constitution, or of law or of executive order authorized by this constitution shall shorten the term of any person elected to state office at a statewide election on or prior to the date on which this constitution is submitted to a vote. In the event the duties of any such officers shall not have been abolished or incorporated into one or more of the principal departments at the expiration of his term, such officer shall continue to serve until his duties are so incorporated or abolished.

Sec. 4. All officers elected at the same election that this constitution is submitted to the people for adoption shall take office and complete the term to which they were elected under the 1908 constitution and existing laws and continue to serve until their successors are elected and qualified pursuant to this constitution or law.

Sec. 5. Notwithstanding any other provision in this constitution, the governor, the lieutenant governor, the secretary of state, the attorney general and state senators shall be elected at the general election in 1964 to serve for two-year terms beginning on the first day of January next succeeding their election. The first election of such officers for four-year terms under this constitution shall be held at the general election in 1966.

Sec. 6. Notwithstanding the provisions of this constitution that the supreme court shall consist of seven justices it shall consist of eight justices until the time that a vacancy occurs as a result of death, retirement or resignation of a justice. The first such vacancy shall not be filled.

Sec. 7. Any judge of probate serving on the effective date of this constitution may serve the remainder of the term and be eligible to succeed himself for election

regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

Sec. 8. The provisions of Article VI providing that terms of judicial offices shall not all expire at the same time, shall be implemented by law providing that at the next election for such offices judges shall be elected for terms of varying length, none of which shall be shorter than the regular term provided for the office.

Sec. 9. The members of the state board of education provided for in Section 3 of Article VIII of this constitution shall first be elected at the first general election after the effective date of this constitution for the following terms: two shall be elected for two years, two for four years, two for six years, and two for eight years as prescribed by law.

The state board of education provided for in the constitution of 1908 is abolished at twelve o'clock noon January 1 of the year following the first general election under this constitution and the terms of members thereof shall then expire.

Sec. 10. The provisions of this constitution providing for members of boards of control of institutions of higher education and the state board of public community and junior colleges shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended, and may further provide that the initial terms of office of members may be less than eight years.

Sec. 11. The provisions of this constitution increasing the number of members of the Board of Trustees of Michigan State University and of the Board of Governors of Wayne State University to eight, and of their term of office to eight years, shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended one year, and may further provide that the initial terms of office of the additional members may be less than eight years.

Sec. 12. The initial allocation of departments by law pursuant to Section 2 of Article V of this constitution, shall be completed within two years after the effective date of this constitution. If such allocation shall not have been completed within such period, the governor, within one year thereafter, by executive order, shall make the initial allocation.

Sec. 13. Contractual obligations of the state incurred pursuant to the constitution of 1908 shall continue to be obligations of the state.

For the retirement of notes and bonds issued under Section 26 of Article X of the 1908 constitution, there is hereby appropriated from the general fund each year during their life a sum equal to the amount of principal and interest payments due and payable in each year.

Sec. 14. The legislature by a vote of two-thirds of the members elected to and serving in each house may provide that the state may borrow money and may pledge its full faith and credit for refunding any bonds issued by the Mackinac Bridge Authority and at the time of refunding the Mackinac Bridge Authority shall be abolished and the operation of the bridge shall be assumed by the state highway department. The legislature may implement this section by law.

Sec. 15. This constitution shall be submitted to the people for their adoption or rejection at the general election to be held on the first Monday in April, 1963. It shall be the duty of the secretary of state forthwith to give notice of such submission to all

other officers required to give or publish any notice in regard to a general election. He shall give notice that this constitution will be duly submitted to the electors at such election. The notice shall be given in the manner required for the election of governor.

Sec. 16. Every registered elector may vote on the adoption of the constitution. The board of election commissioners in each county shall cause to be printed on a ballot separate from the ballot containing the names of the nominees for office, the words: Shall the revised constitution be adopted? ( ) Yes. ( ) No. All votes cast at the election shall be taken, counted, canvassed and returned as provided by law for the election of state officers. If the revised constitution so submitted receives more votes in its favor than were cast against it, it shall be the supreme law of the state on and after the first day of January of the year following its adoption.

Adopted by the Constitutional Convention of nineteen hundred sixty-one at Constitution Hall in Lansing on the first day of August, nineteen hundred sixty-two.

Stephen S. Nisbet

Stephen S. Nisbet, *President*

Fred I. Chase

Fred I. Chase, *Secretary*

[ADDRESS TO THE PEOPLE]

What the Proposed New State Constitution Means to You

- **A report to the people of Michigan by their elected delegates to the Constitutional Convention of 1961-62.**

Lansing, Michigan

August 1, 1962

No change from Sec. 28, Article V, of the present constitution except for improvement in phraseology.

Prohibition against death penalty.

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

This is a new section prohibiting the death penalty in Michigan. It establishes in the constitution a legislative ban which this state has had since 1846. Except for treason, which today is more a matter of federal than state significance, our state has not had the death penalty since 1846.

Chaplains.

Sec. 47. The legislature may authorize the employment of * chaplains *in state institutions of detention or confinement.* ****

This is a revision of Sec. 26, Article V, of the present constitution to clarify the legislature's power to provide chaplains for state institutions. The right is strictly limited to prisons, mental institutions and other places where people are voluntarily or involuntarily confined.

The last clause of the present section relating to appropriation of money for religious services in the legislature is eliminated as unnecessary.

Resolution of public disputes.

Sec. 48. The legislature may ** *enact laws providing for the resolution of disputes concerning public employees, except those in the state classified civil service.*

This is a revision of Sec. 7, Article XVI, of the present constitution to make it clear that the legislature has power to establish procedures for settling disputes in public employment. The section does not specify what the procedure shall be, but leaves that decision to future legislatures. The state classified civil service is exempted because the constitution has specific provisions in this area.

Regulation of employment.

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

No change from Sec. 29, Article V, of the present constitution except for improvement in phraseology.

Atomic energy.

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.

This is a new section dealing with the emerging problems involved in atomic energy and other forms of energy which may be developed in the future. The legislature is authorized to provide safety measures and regulate the use of these new developments.

The section is declaratory in nature and does not endow the legislature with any additional authority. It simply points the way in which the people of Michigan believe the legislature ought to move.

Public health.

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.

This is a new section, declaratory in character, instructing the legislature to adopt whatever public health measures it deems appropriate.

Natural resources.

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.

This is a new section recognizing public concern for the conservation of natural resources and calling upon the legislature to take appropriate action to guard the people's interest in water, air and other natural resources.

Auditor general.

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 posts 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.

This is a new section providing for the appointment of the auditor general by the legislature. Under the terms of the present constitution, the auditor general is elected by the people.

In changing the method of selection of the auditor general, the proposed constitution makes him primarily responsible to the legislative rather than to the executive branch of state government. His auditing functions, powers and duties are specified in the provisions of the section.

The auditor general must be a certified public accountant licensed to practice in Michigan and his appointment is to be for a term of eight years. He would be ineligible for appointment or election to any other paid public office in the state while serving as auditor general and for two years after the termination of his service. He would be subject to removal at any time by a two-thirds vote of the members elected to and serving in the legislature.

Nothing in the section is to be construed in any way to infringe upon the responsibility and constitutional authority of the governing boards of the state's institutions of higher education. They are to be solely responsible for the control and direction of all expenditures from the institutions' funds. Appropriation of moneys for higher education is a legislative responsibility and an accounting is required to be made to the legislature.

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

Article V

EXECUTIVE BRANCH

Executive power; where vested.

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

No change from Sec. 2, Article VI, of the present constitution except for elimination of the word "chief" before "executive power". The word has been interpreted as a possible limitation on the executive power. The new phrasing is patterned after the language of the United States Constitution and several recently-revised state constitutions.

Principal departments.

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.

This is a new section which places a limit of 20 on the number of principal departments under the direct supervision of the governor. Excepted from the limitation are the offices of the governor and lieutenant governor and the governing bodies of institutions of higher education.

The section is intended to bring about a more effective grouping of departments according to major purposes. It would retain in the hands of the legislature and the governor considerable discretion as to internal organization within principal departments.

The initial allocation of departments (See Schedule and Temporary Provisions) is left to the legislature, but if it has not been completed within two years the governor is given authority by executive order to make the initial allocation within one year thereafter. Subsequently, 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 adminis-