Michigan Constitutional Convention of 1961
Committee Proposal 79
Const 1963, Art 4, § 6

Relevant Material From the Constitutional Convention Record

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

First Reading . . . . . pp. 756, 939-940, 1026, 2014-2029, 2670

Second Reading . . . . . pp. 2799-2803

Draft Constitution (Art 4, § 6) . . . . . pp. 3047-3075 (pp. 3052-3053)

Third Reading, Article-by-Article . . . . . pp. 3103-3104, 3113-3117

Draft Constitution (Art 4, § 6) . . . . . pp. 3215-3237 (p. 3219)

Third Reading, Full Constitution . . . . . pp. 3238, 3292

Adopted Constitution (Art 4, § 6) . . . . . pp. 3319-3353 (pp. 3325-3326)

Address to the People . . . . . pp. 3371-3372

Overview of the Constitutional Convention Process

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

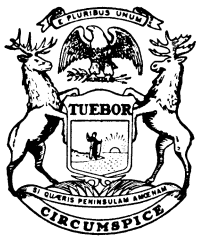
The convention used ALL CAPS to denote added material and [brackets] to denote removed material.

State of Michigan

CONSTITUTIONAL CONVENTION

1961

OFFICIAL RECORD



FRED I. CHASE
Secretary of the Convention

AUSTIN C. KNAPP
Editor

LYNN M. NETHAWAY
Associate Editor

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

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

* Created by the committee on style and drafting.

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

Committee Proposal No. — Page

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

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

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

Committee Proposal No. — Page

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

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

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

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

Page

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

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

Section 1. Legislative power. (Committee Proposal 118a)
May 7, reported; placed on order of third reading .. 3045
May 7, read third time; passed 3099-3116
May 9, referred to committee on style and drafting .. 3210
May 11, reported; placed on order of third reading; considered read third time; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3323
For text, and comments in address to the people 3369

Section 2. Senators, number, term. Senatorial districts, apportionment factors. Apportionment rules. (Committee Proposal 80a)
May 7, reported; placed on order of third reading .. 3045
May 7, read third time; passed 3099-3116
May 9, referred to committee on style and drafting .. 3210
May 11, reported; placed on order of third reading; considered read third time; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3323
For text, and comments in address to the people 3369

Section 3. Representatives, number, term; contiguity of districts. Representative areas, single and multiple county. Apportionment of representatives to areas. Districting of single county area entitled to 2 or more representatives. Districting of multiple county representative areas. (Committee Proposal 80b)
May 7, reported; placed on order of third reading .. 3045
May 7, read third time; passed 3099-3116
May 9, referred to committee on style and drafting .. 3210
May 11, reported; placed on order of third reading; considered read third time; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3324
For text, and comments in address to the people 3369

Section 4. Annexation or merger with a city. (Committee Proposal 80c)
May 7, reported; placed on order of third reading .. 3045
May 7, read third time; amended; passed 3099-3116
May 9, referred to committee on style and drafting .. 3210
May 11, reported; placed on order of third reading; considered read third time; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3325
For text, and comments in address to the people 3370

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

Page

Article IV, Section 5: Cont'd.
May 11, reported; placed on order of third reading; considered read third time; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3325
For text, and comments in address to the people 3371

Section 6. Commission on legislative apportionment. Eligibility to membership. Appointment, term, vacancies. Officers, rules of procedure, compensation, appropriation. Call to convene; apportionment; public hearings. Apportionment plan, publication; record of proceedings. Disagreement of commission; submission of plans to supreme court. Jurisdiction of supreme court on elector's application. (Committee Proposal 79)
May 7, reported; placed on order of third reading .. 3045
May 7, read third time; amended; passed 3099-3116
May 9, referred to committee on style and drafting 3210
May 11, reported; placed on order of third reading; considered read third time; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3325
For text, and comments in address to the people .. 3371

Section 7. Legislators; qualifications, removal from district. (Committee Proposal 32)
May 7, reported; placed on order of third reading .. 3045
May 7, read third time; passed 3099-3116
May 9, referred to committee on style and drafting 3210
May 11, reported; placed on order of third reading; considered read third time; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3326
For text, and comments in address to the people .. 3372

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

Section 9. Civil appointments, ineligibility of legislators. (Committee Proposal 120)
May 7, reported; placed on order of third reading 3045
May 7, read third time; passed 3099-3116
May 9, referred to committee on style and drafting 3210
May 11, reported; placed on order of third reading; considered read third time; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3326
For text, and comments in address to the people .. 3372

Section 10. Legislators and state officers, government contracts, conflict of interest. (Committee Proposal 115)
May 7, reported; placed on order of third reading .. 3045
May 7, read third time; passed 3099-3116
May 9, referred to committee on style and drafting 3210
May 11, reported; placed on order of third reading; considered read third time; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3326
For text, and comments in address to the people 3372

Section 11. Legislators, privileges. (Committee Proposal 33)
May 7, reported; placed on order of third reading .. 3045
May 7, read third time; passed 3099-3116
May 9, referred to committee on style and drafting 3210
May 11, reported; placed on order of third reading; considered read third time; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3326
For text, and comments in address to the people .. 3372

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

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

Nays — 71

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

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

PRESIDENT NISBET: The motion does not prevail.

Reports of standing committees.

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

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

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

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

Claud R. Erickson, chairman.

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

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

John B. Martin, chairman.

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

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

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

John B. Martin, chairman.

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

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

John A. Hannah, chairman.

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

Mr. John Hannah, for the committee on legislative organization, introduced
Committee Proposal 80, A proposal pertaining to the reapportionment of the legislature: (a) the senate; (b) the house of representatives; (c) districting of territories annexed to cities and municipalities. Replaces article V, sections 2 and 3;
with the recommendation that it pass.

John A. Hannah, chairman.

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

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

Arthur G. Elliott, chairman.

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

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

Arthur G. Elliott, chairman.

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

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

Arthur G. Elliott, chairman.

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

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

Arthur G. Elliott, chairman.

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

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

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

SECRETARY CHASE: The amendment is:

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

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

The roll was called and the delegates voted as follows:

Yeas — 65

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

Nays — 53

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

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

PRESIDENT NISBET: The amendment is adopted.

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

PRESIDENT NISBET: Mr. Elliott.

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

PRESIDENT NISBET: The next amendment.

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

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

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

In any school district which extends into 2 or more counties, there may be levied and collected for school purposes throughout the district property taxes at the highest rate available in the county which contains the greatest part of the area of the district.".

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

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

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

Following is Committee Proposal 56 as amended and referred to the committee on style and drafting:

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

Sec. a. The legislature shall by general law fix limits on the rates of ad valorem taxes which may be levied by counties, townships, school districts and other political subdivisions, except where such limits are provided by charter or other applicable home rule provisions.

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

PRESIDENT NISBET: The Chair recognizes Mr. Higgs.

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

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

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

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

VICE PRESIDENT HUTCHINSON: The convention will be in order.

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

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

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

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

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

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

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

VICE PRESIDENT HUTCHINSON: Mr. Sterrett.

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

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

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

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

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

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

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

VICE PRESIDENT HUTCHINSON: You may state it.

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

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

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

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

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

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

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

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

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

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

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

A DELEGATE: Division.

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

SECRETARY CHASE: There is a sufficient number.

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

SECRETARY CHASE: Mr. Ford's amendment is:

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

CHAIRMAN BENTLEY: Those in favor —

MISS DONNELLY: Point of order.

CHAIRMAN BENTLEY: The lady will state it.

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

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

MISS DONNELLY: Not on Madar's?

CHAIRMAN BENTLEY: No.

The gentleman from Taylor, Mr. Ford.

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

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

The gentleman from Detroit, Mr. Madar.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

VICE PRESIDENT ROMNEY: Delegate Hoxie.

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

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

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

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

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

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

The motion prevails.

Delegate Van Dusen.

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

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

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

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

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

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

The motion prevails.

Delegate Downs.

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

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

VICE PRESIDENT ROMNEY: Delegate Hannah.

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

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

VICE PRESIDENT ROMNEY: Mr. Van Dusen.

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

VICE PRESIDENT ROMNEY: Is there objection?

MR. FARNSWORTH: Point of information.

VICE PRESIDENT ROMNEY: Delegate Farnsworth.

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

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

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

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

motion to take up 79 today, and in the event we should get to 80, I would like to move that that be postponed until the session of Monday.

CHAIRMAN HUTCHINSON: Then you withdraw your motion at this time, Mr. Marshall?

MR. MARSHALL: I will withdraw the motion at this time, and should we get to Committee Proposal 80, I will make the motion then. Thank you.

CHAIRMAN HUTCHINSON: The secretary will announce the proposal.

SECRETARY CHASE: Item 1 on the calendar, from the committee on legislative organization, by Mr. John Hannah, chairman, **Committee Proposal 79,** A proposal pertaining to a commission on legislative apportionment. Replaces article V, section 4.

Following is Committee Proposal 79 as read by the secretary, and the reasons submitted in support thereof:

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

Sec. a. THERE IS HEREBY ESTABLISHED A COMMISSION ON LEGISLATIVE APPORTIONMENT CONSISTING OF 8 PERSONS, 4 OF WHOM SHALL BE SELECTED BY EACH OF THE STATE ORGANIZATIONS OF EACH OF THE 2 POLITICAL PARTIES CASTING THE HIGHEST VOTE FOR GOVERNOR AT THE LAST PRECEDING GENERAL ELECTION: PROVIDED, THAT IF A THIRD PARTY RECEIVES MORE THAN 25 PER CENT OF SUCH GUBERNATORIAL VOTE THE COMMISSION SHALL CONSIST OF 12 MEMBERS, 4 OF WHOM SHALL BE SELECTED BY THE THIRD POLITICAL PARTY. ONE MEMBER FROM EACH POLITICAL PARTY SHALL BE SELECTED FROM EACH OF 4 REGIONS HEREINAFTER DESCRIBED: (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 PUBLIC OFFICIALS OR GOVERNMENTAL EMPLOYEES OF EITHER THE FEDERAL, STATE OR LOCAL GOVERNMENTS, EXCEPTING NOTARIES PUBLIC AND MEMBERS OF THE ARMED FORCE RESERVES, SHALL BE ELIGIBLE FOR MEMBERSHIP ON THE COMMISSION. MEMBERS SHALL NOT BE ELIGIBLE FOR ELECTION TO THE LEGISLATURE UNTIL 2 YEARS SHALL HAVE ELAPSED AFTER THE APPORTIONMENT IN WHICH THEY SHALL HAVE PARTICIPATED.

SAID COMMISSION SHALL BE APPOINTED IMMEDIATELY AFTER THE ADOPTION OF THIS CONSTITUTION AND WHENEVER REAPPORTIONING OR REDISTRICTING IS REQUIRED BY THE PROVISIONS HEREOF. MEMBERS SHALL HOLD OFFICE UNTIL EACH APPORTIONMENT OR REDISTRICTING PLAN SHALL BECOME EFFECTIVE. VACANCIES SHALL BE FILLED IN THE MANNER OF 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, MAKE ITS OWN RULES OF PROCEDURE, AND SHALL RECEIVE SUCH COMPENSATION AS SHALL BE PROVIDED BY LAW. THE LEGISLATURE SHALL APPROPRIATE THE FUNDS NECESSARY FOR THE SUPPORT OF THE COMMISSION.

WITHIN 30 DAYS AFTER THE ADOPTION OF THIS CONSTITUTION, AND ALSO AFTER THE OFFICIAL RESULTS OF EACH FEDERAL DECENNIAL CENSUS OF THE STATE AND ITS POLITICAL SUBDIVISIONS ARE 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 APPORTION, DISTRICT, REAPPORTION AND REDISTRICT THE SENATE AND HOUSE OF REPRESENTATIVES ACCORDING TO THE PROVISIONS OF THIS CONSTITUTION. NO FINAL DECISIONS SHALL BE MADE EXCEPT BY A MAJORITY OF ALL OF THE MEMBERS OF THE COMMISSION. SAID COMMISSION SHALL HOLD PUBLIC HEARINGS AS MAY BE PROVIDED BY LAW.

THE FINAL APPORTIONMENT AND DISTRICTING SHALL BE PUBLISHED IN THE MANNER PROVIDED FOR ACTS OF THE LEGISLATURE AND SHALL HAVE THE FORCE OF LAW UPON SUCH PUBLICATION, AND SHALL BE SUBJECT TO THE SAME PROVISIONS OF REFERENDUM AS APPLY TO ACTS OF THE LEGISLATURE. THE SECRETARY SHALL KEEP A RECORD OF ALL THE PROCEEDINGS OF THE COMMISSION WHICH SHALL BE PUBLIC RECORD.

IN THE EVENT THE COMMISSION CANNOT AGREE ON A PLAN, THEN THE COMMISSION MEMBERS OF EACH POLITICAL PARTY SHALL SUBMIT A PLAN TO THE SUPREME COURT. IF ALL PLANS SUBMITTED MEET THE REQUIREMENTS OF THIS CONSTITUTION, THE SUPREME COURT SHALL DETERMINE THE PLAN WHICH SHALL BE ADOPTED BY THE COMMISSION AND PUBLISHED AS AFORESAID.

UPON THE APPLICATION OF ANY QUALIFIED ELECTOR, THE SUPREME COURT, IN THE EXERCISE OF ORIGINAL AND FINAL JURISDICTION, SHALL DIRECT THE SECRETARY OF STATE OR THE APPORTIONMENT COMMISSION TO PERFORM THEIR DUTIES, OR MAY REVIEW ANY FINAL DISTRICTING PLAN ADOPTED BY THE APPORTIONMENT COMMISSION AND SHALL MAKE ORDERS TO AMEND SUCH PLAN IF IT FAILS TO COMPLY WITH THE REQUIREMENTS OF THIS CONSTITUTION: PROVIDED, THAT NO SUCH APPLICATION SHALL BE FILED MORE THAN 60 DAYS AFTER FINAL PUBLICATION.

Mr. John Hannah, chairman of the committee on legislative organization, submits the following reasons in support of Committee Proposal 79:

Reliance on legislatures to reapportion themselves generally has been futile. Most authorities agree that self reapportionment poses so many problems that it is seldom voluntarily undertaken by legislatures.

When legislatures fail to reapportion there are no means to force action since the judiciary, under the separation of powers doctrine, has traditionally refused to mandamus legislatures.

Thus the major problem of representation is the failure of the legislature to reallocate seats. In order to solve this impasse the states of California, South Dakota, Texas, Illinois, Michigan and Oregon provide for an executive officer or commission to reapportion their legislatures in case of legislative failure. Six states, Arkansas, Arizona, Hawaii, Missouri and Alaska, have put this function in bodies other than the legislature. In those states which have established apportionment agencies some type of reapportionment has been effected within the past decade.

The committee on legislative organization proposes to establish a constitutional commission charged with this

---

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

responsibility. Failure of the commission to act or not to act in accordance with the principles established in the constitution can be remedied by action of the supreme court.

Provision is made in this proposal to permit the political parties to select members of the commission. There is precedent in this state for the use of the political parties or bipartisan boards in administrative activities as is evidenced in the composition of the board of state canvassers.

It is provided that members of the commission shall be distributed equally among 4 regions of the state which are substantially equal in area.

The proposal provides that the commission shall be established immediately upon the adoption of this constitution to reapportion the seats in the house of representatives and to redistrict those counties in the state which have more than one senatorial district. Commissions would also be established in the future at such times as necessary to reapportion and redistrict.

In reapportioning after each federal decennial census, the commission would begin its work when the official census data on the population of the state and its political subdivisions are available. It would have 180 days in which to complete its work.

Persons appointed to the commission would hold office until the apportionment or redistricting plan has become effective. All actions taken on matters of apportionment or redistricting, whether of statewide or local application, would require a majority vote of the whole membership of the commission.

Provision is made for an ongoing secretariat in the office of the secretary of state. This provides a central records office with the availability of personnel experienced in election methods and machinery.

The final apportionment and redistricting plans are to be published in the manner provided for acts of the legislature and upon publication they are to have the force of law. As is the case with acts of the legislature, they are subject to a referendum vote by the people.

In order to assure that apportionment and districting and reapportionment and redistricting will take place as provided in the constitution, methods to compel action are provided. In the event the commission cannot agree upon a plan, the members of each political party shall submit plans which meet the requirements of the constitution to the supreme court which shall determine the plan that shall be adopted by the commission as complying most accurately with the constitutional requirements, and published as prescribed by this article.

The supreme court, upon the application of any qualified elector, in the exercise of original and final jurisdiction, may direct the secretary of state or the commission on legislative apportionment to perform their duties or may review any final redistricting plan and make orders to amend such a plan if it fails to comply with the requirements of this constitution.

CHAIRMAN HUTCHINSON: The Chair recognizes the chairman of the committee, the delegate from the fourteenth district, Dr. Hannah.

MR. J. A. HANNAH: Mr. Chairman and ladies and gentlemen of the committee, as we begin consideration of the reports of the committee on legislative organization, I would appreciate the indulgence of this committee by permitting me to take a few minutes to make an introductory and explanatory statement. I hope that this general summary statement will, in the long run, conserve the time of the convention through acquainting all delegates with the overall intent of the committee and with the contemplated procedure for the presentation of our proposals. Unless there is objection, after I have completed this opening statement we will proceed to consider Committee Proposal 79 providing for an apportionment commission. The committee will offer a committee amendment to the report as originally submitted. There is no minority report to this proposal, but I understand that there will be some amendments offered by the minority and possibly by others. Delegate Plank will handle the committee presentation and explanation of this proposal.

After Committee Proposal 79 is disposed of, we will proceed to Committee Proposal 80. The committee has 2 committee amendments to offer to this proposal. The minority party has a minority report differing very substantially from the report of the majority of the committee. It is my understanding that Delegate Nord, a vice chairman of our committee, desires to present this minority report and its explanation at length.

After this minority report is disposed of, we will move to the majority committee report; and we propose to present this report divided into its principal parts. Delegate Knirk will present the committee recommendations on senate apportionment. Delegate Donald Doty will present the committee recommendations on apportionment of the house of representatives. Delegate Garry Brown will present the explanation of the system recommended for assignment of seats, known as equal proportions and used by the United States congress for distributing its representation between and among the states. Delegate Blandford will present the section having to do with the disposition of areas in one legislative district annexed or combined with cities in another district. Delegate, and vice chairman of the committee, Judge Dehnke will answer questions that may be raised having to do with the recent decision of the supreme court in the Tennessee legislative apportionment case.

Our committee on legislative organization has worked long and diligently. It gave careful consideration to every proposal and suggestion presented by delegates to this convention, by organizations of citizens, and by individuals, whether presented in person or by letter communications. In addition to the many weeks of hearings conducted in this building, it held formal hearings in Detroit, in Kalamazoo, and in Berrien Springs. The committee invited experts in the field of government from our state government, from Michigan universities, and from universities and organizations outside of the state. It gave serious consideration to the unicameral legislative system of Nebraska and had appear before it, by invitation, a member of the Nebraska legislature and a distinguished member of the faculty of the University of Nebraska. A total of 112 witnesses appeared before the committee, and more than 40 different apportionment proposals were considered in detail.

Apportionment of legislative districts is a knotty and difficult problem in practically every state of the union. Your committee became convinced that fully as important as a fair and valid formula for districting the state is a constitutional provision that will require that the formula be applied and that the districts be redrawn as population shifts or changes dictate. It became convinced that it is totally unrealistic to expect a legislature to redistrict and reapportion seats in its own body. Redistricting inevitably involves the possible denial of seats to members of the existing legislature, and conceivably a fair and equitable redistricting could deprive the most able and respected members of the legislature of their seats. Wholly aside from the political implications involved, the personal relationships alone work to delay, subvert, or prevent prompt and equitable reapportionment of itself by the legislature.

The committee presents Committee Proposal 79, providing for the creation of an apportionment commission with the requirement that the commission redistrict the state after every decennial census if the shifts or changes in population warrant it. If this commission is unable to agree or fails to do so, the responsibility is given to the supreme court to select the plan that most nearly conforms to the requirements of the new constitution; and this plan becomes effective. We believe that this proposal is sound and will be effective and will assure fair districting now and equitable districting in the long decades ahead, avoiding the failures to redistrict and the prolonged delays and divisive altercations between urban and rural areas that are now so common in too many states.

And, ladies and gentlemen, in order that we may all start our discussion of this important subject with the same background information, I would like to review the homework that each delegate has covered. The present constitution by the

amendment adopted in 1952 provides for 34 senators serving 2 year terms, elected from single districts. The districts are precisely spelled out in the constitution with the exception of the 2 counties with more than one senator. Kent county is given 2 senators, and Wayne county is given 7. The present constitution provides that the boards of supervisors in those counties should act in 1953 and provide for the determination of the districts in those counties. There is no provision in the constitution for changing these senatorial districts. They are fixed until the constitutional provision is changed by amendment or by a new constitution. This fixed districting without any provision for changes to reflect population changes is the feature most objected to by the critics of the present apportionment.

The present constitution provides for not more than 110 representatives chosen for 2 year terms and by single districts which shall contain as nearly as may be an equal number of inhabitants. When a city or township is entitled to more than 1 representative, the township or city is not to be divided unless it is entitled to 5 or more representatives, when it is to be divided into districts with 2 or 3 representatives each. An exception is provided in the event that a city lies in 2 or more counties, when it may be divided into legislative districts along the county line. The districting of counties entitled to more than 1 representative is the responsibility of the county board of supervisors.

The present constitution provided for a districting of the state in 1953, and a redistricting in 1963 and each 10 years thereafter. In the event that the legislature fails to act, the state board of canvassers is required to reapportion the house seats. The present constitution provides that in arranging the house districts the population of the state shall be divided by 100. Each county or group of counties forming a representative district shall be entitled to a separate representative when it has attained a population equal to 50 per cent of the ratio of representation. This is the so called moiety provision so often attacked by those who insist that it unfairly disadvantages the inhabitants of the cities and urban areas and advantages those living in more sparsely settled communities.

Now I should like to refer to and review with you the folder which was delivered to your desk a few minutes ago, and it has your name typed on the cover page. I believe that it will conserve time if we take a few minutes and all thumb through the contents of this folder together, so that we will all move into consideration of this important subject possessed of the same background information. This is the green book that you have on your desk. As I have already indicated, the committee on legislative organization has worked hard and diligently. You know the members of the committee; I shall not read their names. Without exception they took this assignment very seriously. Then you will move to the index page, which I will not refer to, and then to a green sheet, and then to some maps that show the present districts.

The first one shows the present senatorial districts. You will notice for each district in the circle is a number. That is the specific number of that senatorial district. If you will turn to the northwest corner of the state, you will find senatorial district 32: Ontonagon, Baraga, Houghton and Keweenaw. Or you move down to the southeast corner, and there is senatorial district 19: Lenawee and Monroe.

Now, I should like to point out just the facts shown on this sheet. First of all you notice, of course, that there is a considerable difference in the population of these various senatorial districts. The largest senatorial district in the state from the point of view of populatoin is Oakland county, senatorial district 12, with 690,259 people when the 1960 census was taken; the second most populous senatorial district is 11, Macomb county, with 405,804; and the third largest is senatorial district 13, Genesee county, with 374,313. The 3 least populous senatorial districts are: district 32, in the upper peninsula, with 55,806; district 26, which has a total of 87,016—Mason, Lake, Manistee, Oceana and Newaygo; and district 28, which has a total of 94,026—Crawford, Oscoda, Alcona, and running down there to Arenac and to Osceola.

Now, on the lefthand side you will see the tabulations for the counties with 2 or more senators. I would point out that in Kent county, at the moment, partly due to population shifts, partly due to annexations in the city of Grand Rapids, district 16 has 138,000 and district 17 has 225,000 in the same county. The districting was originally determined, and is not changeable, under the present constitution. And then, Wayne county, with its 7 districts—and I would point out, as you can see, that district 21 has 647,688 people; and on the other hand, district 3 has only 246,068 in the same county. This is the present situation with reference to senate districts.

Now, if you will move to the next chart, you have the representative districts. Here, since the representative districts are not given numbers, they are known by the name of a county. There is only the population of the districts, and again if you start up in the northwest, we have the Gogebic-Ontonagon district, with 34,954; or Monroe county down in the southeast corner, with 101,120.

I have already commented that the present constitution will require a redistricting in 1963, and the technique that is required by the present constitution is that the population of 1960, 7,823,000, be divided by 100, which gives you a quotient of 78,230; and any county or group of counties with more than ½ of that number, or more than 39,115 people, is entitled to one seat; and any present representative district that has less than 39,116 will have to be redistricted; will have to have another county added to it. And if you will look at these districts, I have circled on my chart and you may want to circle on yours the counties that do not have the present moiety number: the Gogebic-Ontonagon district, the Houghton district, the Delta district, the Emmet-Cheboygan district, the Montmorency-Presque Isle-Oscoda-Ogemaw-Crawford district, the Grand Traverse-Kalkaska district, the Manistee-Wexford district, the Gladwin district, the Huron district and the Gratiot district. These districts automatically will have to be redistricted if nothing is done with the present constitution. You can figure out for yourselves the smallest districts in population. The very smallest one, of course, is Huron county, with 34,006; the second smallest district is in Wayne county, with 34,137; the third smallest district is the Roscommon-Missaukee-Gladwin-Arenac district, with 34,613. Or, at the other end of the spectrum, the largest district in point of population is Wayne district 21, with 188,478; the second largest district is Wayne district 19, with 179,218; the third largest district is Macomb district 2, with 172,717. Now, those are the facts so far as the present representative districts are concerned.

Let's move to the next chart, congressional districts. Here I should like to call your attention to the fact that our committee in the beginning gave considerable attention to the problem being encountered by our legislature in redistricting the congressional districts to provide reasonably fair representation in the federal congress for all Michigan citizens. But the management of this convention then referred proposals having to do with congressional representation to another committee, and it was not the concern of our committee, so from this point forward what I say is not speaking for the committee, but only as an individual. As a personal suggestion, not a committee recommendation, I would like to suggest that if this convention approves our Committee Proposal 79 and approves an apportionment commission, you may want to consider assigning the responsibility for the congressional districting to this commission if the legislature fails to act within a reasonable period. Or you may want to assign this item for further study to the committee on emerging problems. The present difficulty that the legislature is experiencing in considering this problem from a statewide point of view highlights the problems faced by legislatures dealing with apportionment. As you know, the governor has just vetoed one bill passed by the legislature.

I would like to direct your attention to this chart just for a moment. The population of Michigan, as of now, is 7,823,000. When we had 18 congressional districts, if they were to be reasonably equal in size they would have had approximately 434,000 citizens in each district. But now, with the extra seat that has been added to Michigan's delegation, divide the 7,823,000 by 19 and you come up with a quotient of 411,535.

So you look at the present districts and their present populations, and any district that has less than 411,535—or let's say that has substantially less, because in sticking to county lines you can never come up with exactly equal districts—any congressional district with substantially less than 411,000 people is over represented. Any district with substantially more than 411,000 people is under represented. And, again, if you will look at these districts, those districts that are over represented by 50,000 people or more are: district 12, at the west end of the upper peninsula, that has 234,000 people short of a full share; the district in the east end of the upper peninsula and the northern part of the lower peninsula, district 11, which is 171,000 people short; district 9, the so called Muskegon district, that is 99,000 people short; the Bay-Midland-Gladwin-Arenac district, that is 103,000 people short.

Now, those figures do not surprise you. But then you go to Wayne county, and in Wayne county, congressional district 1 is 128,000 people short; Wayne county district 13 is 143,000 people short; Wayne county district 15 is 74,000 people short. Or, at the other end of the spectrum, those that are under represented outstate: of course, first is Oakland county, district 18, that has 379,000 people more than a full share; the Macomb thumb district has 250,000 more than a full share; 6, the Genesee-Ingham-Livingston district has 212,000 too many people; 2, the Jackson-Washtenaw-Lenawee-Monroe district, has 72,000 too many; district 5, the Kent-Ottawa district, has 50,000 too many; in Wayne county, district 16 has 391,000 too many, 802,000 instead of 411,000; Wayne county district 17 has 101,000 too many people; and Wayne district 14 has 51,000 too many people. Now, this was not the business of our committee. It is called to your attention, however. Personally, it is my conviction that if this convention does all that it can, it will find some device to give the legislature a reasonable opportunity to redistrict itself and, failing to do so, provide another technique.

Now, if you will turn to the next chart, it gives the geographic shape of the reprsentative districts in Wayne county. I have already commented on those that do not have an appropriate number of inhabitants. You will notice the district in western Wayne county, district 21, the 5 west townships, with 188,000 people. A full share, on the basis of dividing the population by 100, would be 78,000; Wayne district 20 has 15,000; Wayne district 16 has 112,000; Wayne district 19, 179,000; and Wayne district 1, or the Ecorse district, has 129,000. I'm not sure I have the number right.

Now, I want to call your attention to the fact that in Wayne county you have some grossly over represented districts. A full share would be 78,000. A moiety district would be 39,000. Highland Park, with 1 state representative, has only 38,000; and Hamtramck, with 1 representative, has 34,000. Now, these districts, admittedly, were the products of the Wayne county board of supervisors.

Now we move to the city of Detroit. Now you are attracted, I'm sure, by the peculiar shape of the city of Detroit districts. This is largely due to tradition in Detroit, with the original city laid out along the river, and in the old French system the long divisions that later became wards and now have no other purpose in Detroit, so far as I know, except for assessments or perhaps census tracts. The interesting thing about the Detroit city districts is that district 11, with 2 representatives and a total of 75,000 people, or an average of 37,694 per representative, actually has less than a moiety entitlement. Those 2 representatives represent about as small a number as the representatives from any other area of the state. With the exception of that inequity, of course the spread is not great, from 97,000 in west Detroit, district 12, with 2 representatives —and you can figure out the rest as well as I can. But the rest of the city of Detroit picture is not too bad, except for the unusual shape.

Now, you will find another green sheet, and we now have some background information that I'm going to explain, hoping that it may save time that may arise from questions raised by delegates to this convention when you study this material. The first one is merely the figures of the Michigan Manual, giving the populations of every county of this state from 1890 through 1950—and of course you already have the 1960 figures on another map. The next one, if you will turn to the next white page, is a tabulation which gives the percentage increase or decrease in population of the counties of Michigan by decades, 1900 to 1960.

Just to take the top county, in the first decade Alcona county increased 0.2 per cent; the next decade it increased by 3.7, the next decade it decreased by 15.6, the next decade it increased by 9.5, the next decade it increased by 7.2, and the last decade it increased by 8.5 per cent. And you can find your own county and see what happened to the population trend in that county as compared to the total picture in the state.

Then you come to the next map, which is the map that gives the actual population from the census figures of April, 1960, for every county in the state. If you want to do your own mapping—and I hope you don't—you can figure out what the population is of every county and what would be required to come up with equitable districts.

Then the question is asked: well, this is fine; this was the 1960 picture. What will it be in 1970? The next map is a guess as to what the population will be in each county of the state in 1970. And here the committee had many choices. There was a set of figures prepared by the demographers of Michigan State University. There was a set of figures prepared by some guessers of the census bureau. And then there were the figures prepared by the Consumers Power company. The committee decided to accept the Consumers Power company figures, rather than involve itself in whether some other figures were correct, and if these are correct, all right, and if they aren't—and you can be most certain they aren't exactly correct, because something may happen in one county so that growth is less than expected, and something may happen in another county so that growth is greater than expected—but the overall guess is that in 1970, when the next census is taken, the overall population in Michigan will be 9,545,870, more or less, and you can see what the guesses are as to what the population will be in your county.

Now, I am only going to quickly touch on the next maps, because they will be gone into in greater detail as the essential features of our proposals are presented for discussion. The only reason for covering them at all now is so that you will understand what these are all about for your own information. The first one gives the land area of all the counties of the state calculated as a percentage of the total area of the state, because when we get to the senate formula, you will note that the senate formula is based on the percentage of the total state land area that each county has; and another figure based on the percentage that the population of that county is to the total state population. Now, populations will change; but area figures are not likely to change. And to answer the question that will be raised as to this figure, what actually was used in its tabulation—and some question was raised as to whether inland lakes and bodies of water were included—I am informed that this chart is prepared on land area. And, insofar as possible, submerged land is not included in this tabulation.

The next map takes the present population and calculates the percentage that the population of each county is of the state's total. This is as of April 1, 1960. Of course, the figures are not exactly alike now, but, as of April, 1960, Wayne county included 34.08 per cent of all the people of this state; Oakland county had 8.82; Macomb had 5.19; Genesee had 4.78; and Kent had 4.64. Or up at the other end, if you look up clear to Keweenaw, the most northern county that sticks out into Lake Superior, Keweenaw county represented .03 per cent of the state's population. This is just for your own edification.

Turn to the next picture. This takes the Consumers Power guesses for 1970 and gives the percentage of the guess as to what the picture will be with every county in the state. The guess is that Wayne would have 32.4 per cent of the state's population, Oakland 10.7, and Keweenaw will have been reduced so that it will represent .02 per cent.

Then, the next tabulation gives the population by senatorial districts from now until 1970, if the convention follows the committee recommendation. And, as you will recall, the only change will be 4 additional senate seats, one each added to

Wayne, Macomb, Genesee and Oakland, until the apportionment commission shall reapportion all the senate seats after the census of 1970, and this you can figure out. You can start at the top with Kalamazoo-St. Joseph, the sixth district, with 212,044; and Berrien-Cass, 186,797; or you can go down to these counties that will get new senators: Wayne county, with 8, will have an average of 333,000 people per senate seat; Macomb will have an average of 202,000 per senate seat; Genesee will have 182,000; and Oakland will have an average of 345,000.

Now we come to the fictions in this business. Many of you have visited room D, where there are 50 or 60 or 70 large maps, with all sorts of proposals. And these next maps—the first one will be referred to at greater length by Mr. Knirk, and all that this represents is one way the apportionment commission could redistrict the senate seats in 1970 if the Consumers Power population figures are right. And Mr. Knirk has figured this one out so that there would be a minimum of rearrangement of present districts—the least possible rearrangement. Now, the apportionment commission might follow this technique or something else. And the only reason I mention this one at all is, it would be a mistake for any of you to figure this map has any validity at all. It has exactly none. It was prepared by Mr. Knirk to use in his presentation.

The next one will be a map that may be referred to by Mr. Donald Doty when he is talking about the house recommendations, and this one has no validity either. This merely shows—well, this one does have some validity; this one shows what would happen if we were to use the 1960 population—not guessing 1970 population—and redistrict the state in accordance with the formula, because if you approve the formula the committee recommends then, of course, the apportionment commission will immediately redistrict the house seats. And this is one way they could do it. Of course, first of all, they have to assign a seat to every county that is entitled to one representative. Then they've got to group together the other counties as best they can to come up with districts that are reasonably equal. Then they will come up with a total, and the difference between that figure and 110 will be apportioned among these various districts on the basis of population, and this is one way they might do it.

The next map is again one of these things just for interest; because there has been a good deal of discussion, with many questions asked, as to what would happen if you were to take the 1960 population, 110 representatives, staying to county lines, but come up with districts as equal as possible. And this is a production of my own. I have no defense for it, excepting that as I figured it out this was about as equitably as you could do it if you were going to have 110 seats, straight population.

And then the next chart indicates the difference between these various schemes, and there was a mistake made in this one, in that the 5 most populous counties were not cross hatched. If you take the counties of Kent, Wayne, Macomb, Oakland and Genesee and cross hatch them, it will mean more. Now, these are arbitrary divisions. But the upper peninsula has 3.93 per cent of the state's population. Of 110 seats, it's entitled to 4. Under the committee proposal it would get 5. Under straight population it would get 4.

Now, in the northern lower peninsula you have difficulties, because all you have done here is to come out with an arrangement and then drawn a line. You could draw this line, of course, at the north Bay, across to north Oceana, or to north Muskegon, the one we followed here, but this is only presented for information. The northern lower peninsula, as defined here, with 6.10 per cent of the state's population, would be entitled to 7 seats. Under the committee proposal it would get 8. Under straight population it would get 6, one less than it is entitled to. And this is because of the problem of sticking to county lines. If you take the 5 most populous counties, Wayne, Macomb, Oakland, Genesee and Kent, they presently constitute 57.51 per cent of the state's population. They would be entitled to 63 seats. Under the committee proposal they would get 62. On straight population they would get 64. The reason for that is, you take the multi district county and you've got to give it all it's entitled to, and then you group the rest of the counties together, and they may be shortchanged a little. The rest of the state has 32.50 per cent of the state's population, and would be entitled to 36 seats. Under the committee proposal it would get 35, and under straight population it would get 36.

Now you come to a lot of information that has been prepared by Mr. Garry Brown to be used by him when he makes the explanation of this system known as equal proportions. And I'm going to say nothing more about it except that's what it is all about, and when he comes to a discussion of this feature he will explain those figures. That's all I would like to say in the way of bringing us all up to date so we have about the same information.

Mr. Chairman, with your approval, I would now like to call upon Delegate Plank to present the committee position on Committee Proposal 79.

CHAIRMAN HUTCHINSON: Mr. Hannah yields to Mr. Plank. (applause)

MR. PLANK: So the record will be set straight, that applause is for Dr. Hannah. (laughter)

I think, to begin with, we should ask the secretary to read Committee Proposal 79 in its entirety.

CHAIRMAN HUTCHINSON: The secretary will read.

SECRETARY CHASE: Committee Proposal 79:

[The proposal was read by the secretary. For text, see above, page 2014.]

CHAIRMAN HUTCHINSON: Mr. Plank.

MR. PLANK: Mr. Chairman, there are some amendments. However, before we consider those, I would like to make a few remarks. This proposal should be quite noncontroversial, and unlike some other noncontroversial ones, I don't expect too much flack on this proposal. Dr. Hannah has mentioned some of the things that I'm going to mention but I believe, because they are pertinent to what is before us, that I should mention them again.

[The reasons submitted in support of Committee Proposal 79 were read by Mr. Plank. For text, see above, page 2014.]

Now, these, in essence, are the only remarks that we have printed in the journal. I have read them because I had a feeling that you may not have had time to do your homework and would like to have them brought before you and to your attention.

Since there are, to my knowledge, 2 amendments to the proposal, Mr. Chairman, I might suggest that we take the first paragraph first, and that would have to do with the delegate proposal presented by Dr. Pollock, and I might ask, if this is agreeable with the Chair, that the secretary read his amendment.

CHAIRMAN HUTCHINSON: The question is upon the first paragraph of section a of Committee Proposal 79, to which there are amendments to be offered. The secretary will read.

SECRETARY CHASE: Mr. Pollock offers the following amendment:

1. Amend page 1, line 14, after "party.", by striking out the balance of the paragraph.

CHAIRMAN HUTCHINSON: The Chair recognizes Dr. Pollock.

MR. POLLOCK: Mr. Chairman, I find myself in full agreement with the committee's view that we must provide reapportionment machinery that will guarantee the periodic reapportionment provided in the constitution. While a special apportionment commission is not the only possible route to this objective, I think it has much to recommend it, and I hope that I will be able to vote for it. However, I am offering a series of amendments which I consider perfecting amendments to this proposal. These amendments are designed to correct what I believe to be certain rather serious weaknesses in the committee proposal now before us. Without attempting any extended discussion of these provisions, I would like to state very briefly the problems which cause me most concern.

In the first place—and this is the instant amendment before you—I see no merit in a system of area representation on the

proposed commission. The committee proposal would require that at all times half the commission should be made up of persons residing above the Bay City-Muskegon line. Not even the most extreme advocates of area representation have contended, so far as I know, that population should be totally disregarded in apportioning the legislature. And I see no reason for applying such an extreme and rigid formula to the appointment of commission members. In fact, I see no necessity for any formula at all. Since the commission members will be nominated by the political parties, I think we can safely rely on the parties to follow the ancient and honorable practice of ticket balancing in their nominations for commission membership.

That's all I think I have to say, Mr. Chairman, about this first amendment. I have 2 other amendments to follow. I find other provisions that need change, but this is the only thing for that amendment.

CHAIRMAN HUTCHINSON: On Dr. Pollock's amendment, the Chair recognizes Dr. Nord.

MR. NORD: Mr. Chairman, I would rise to support the Pollock amendment. I had intended to offer the identical amendment, but deferred to Dr. Pollock because I knew that he had already submitted it. I simply wish to confirm the statements he made. I see no reason whatever for any area representation. To the extent that area representation is needed in the make up of the commission, it will no doubt be provided by the parties. It certainly should not be rigidly built into the constitution. I think it is a bad principle, just as Dr. Pollock has said, to build into the constitution total area representation. However, I would like to make this further remark, if I may. The majority and minority are in accord with this proposal, with or without this area representation. The proposal itself is too good to be opposed even if the area representation is in. And that is the reason we did not wish to present a minority report. We simply wish to concur in Dr. Pollock's recommendation. We think this should be removed. But it certainly should not be construed that in any way we oppose the overall principle.

CHAIRMAN HUTCHINSON: Mr. Plank.

MR. PLANK: Mr. Chairman, this amendment that Dr. Pollock has put in is not new. It was discussed at great length in our committee, and it was felt that we had a very good reason for doing what we have done. And I believe, without disclosing my thoughts at the moment, I will yield to Delegate Hanna to carry on the discussion on this point.

CHAIRMAN HUTCHINSON: The Chair has a list, and it was going to recognize Judge Dehnke next.

MR. DEHNKE: I will yield.

CHAIRMAN HUTCHINSON: Judge Dehnke yields. The Chair will permit, without objection, Mr. Plank to yield to Mr. William Hanna.

MR. PLANK: Thank you, Mr. Chairman.

MR. W. F. HANNA: Mr. Chairman, fellow delegates, this device of members coming from different portions of the state is not an innovation for the state of Michigan. The Democratic party or the members thereof who participated in writing the Alaskan constitution provided for what they called their reapportionment board. This consisted of 5 members, and they spell out the 4 general geographic areas of the state of Alaska. Let me say at the outset that our testimony as we listened to the problem of apportionment indicated that within both parties there is some fear of the sectional factionalism that creeps into the parties. We have seen this over the years.

Secondly, our experience in the committee as we approached this—and I'm sure if each member will reflect on this, he will find it to be true—was that if you are to do a fair job and are to follow the proposals for reapportioning and districting the state fairly, you can do it best when you are not dealing with your own home territory. I can draw a line easier in Wayne county or in Bay county than I can in Muskegon county. I am in the same position as a surgeon; I can operate on a stranger more easily than I can operate on myself or my child. If the members of the apportionment commission are to fairly and honestly apply, without any reservation, the formulas adopted in this constitution for apportioning both the senate and the house, it requires both the insurance and the assurance that they will be from areas, so that a number of the board can look impartially and draw the lines fairly and squarely. This is the best argument that you can find for having this apportionment commission.

Then, if the rest of the proposal concerning the house and senate is fairly and adequately and accurately stated, the main problem of this board is to draw the lines within a county, because the rest of the state falls largely into place, because the lines of how you do it are drawn very tightly. It is more important to draw those standards for districting the state than it is to worry about the geographical representation. But this geographical representation insures impartial drawing of the lines, much more so than if all of one party comes from a particular area or county or group of counties of this state.

CHAIRMAN HUTCHINSON: Mr. Plank, do you yield the floor?

MR. PLANK: Yes, I yield the floor, Mr. Chairman.

CHAIRMAN HUTCHINSON: The Chair recognizes Judge Dehnke.

MR. DEHNKE: Mr. Chairman, ladies and gentlemen, I have very little to add to what Mr. Hanna has said. I think we have 2 things that it would be well to have on this commission. One is some familiarity with every part of the state by at least 1 or 2 members of the commission. The other is a majority of the board situated so that they can objectively view the problem. Under this plan we will have 2 from each area reasonably familiar with that area who can impart their information to the board as a whole. We will have 6 who are not residents of that particular area, and therefore will be able to view it objectively in this matter or redistricting. I think those are 2 advantages that are attained by this method that we have suggested.

CHAIRMAN HUTCHINSON: On Dr. Pollock's amendment, the Chair recognizes Mr. Yeager.

MR. YEAGER: Mr. Chairman, ladies and gentlemen of the committee, I rise to support the committee report. In our discussions on this in the committee, we had some other considerations as well. One that has been touched on briefly is the fact that the people from the various areas would have some familiarity with the geography and setup of the various subdivisions. Another point that hasn't been raised, but which should be raised, is the fact that if you have any fear of such an area situation you have the use of referendum, plus supreme court review of any such plan or any disagreement that may result. Therefore, I think that this is an adequate provision. We talked about it quite thoroughly, and I would support the committee report.

CHAIRMAN HUTCHINSON: The secretary will again read the amendment before the committee.

SECRETARY CHASE: The amendment is:

[The amendment was again read by the secretary. For text, see above, page 2018.]

CHAIRMAN HUTCHINSON: All those in favor of Dr. Pollock's amendment will say aye. Opposed will say no.

The amendment is not adopted.

DELEGATES: Division.

CHAIRMAN HUTCHINSON: Is the demand for division supported? There are a sufficient number up. All those in favor of the amendment offered by Dr. Pollock will vote aye. Those opposed will vote no. The question is upon the amendment offered by Dr. Pollock to section a of Committee Proposal 79, and if there is any further demand the secretary will read again.

MR. BARTHWELL: Mr. Chairman, I would like to have the secretary read it again.

CHAIRMAN HUTCHINSON: All right. We will read it again.

SECRETARY CHASE: The pending amendment is:

[The amendment was again read by the secretary. For text, see above, page 2018.]

CHAIRMAN HUTCHINSON: Have you all voted? If so, the secretary will lock the machine and record the total.

SECRETARY CHASE: On the amendment offered by Dr. Pollock, the yeas are 43; the nays are 77.

CHAIRMAN HUTCHINSON: The amendment is not adopted. The Chair recognizes the chairman of the committee, Dr. Hannah.

MR. J. A. HANNAH: Mr. Chairman, it now being 11:30, and understanding it is going to be a shorter noon hour, I now move the committee do rise.

CHAIRMAN HUTCHINSON: The question is upon the motion made by Dr. Hannah that the committee do now rise. All those in favor say aye. Those opposed, no.

The motion prevails, and it is so ordered.

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

PRESIDENT NISBET: The Chair recognizes Mr. Hutchinson.

MR. HUTCHINSON: Mr. President, the committee of the whole has had under consideration a certain 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 79,** A proposal pertaining to a commission on legislative apportionment; has considered one amendment thereto, and has come to no final resolution thereon. This completes the report of the committee of the whole.

PRESIDENT NISBET: Do you have any announcements?

SECRETARY CHASE: We have the following requests for leave: Mr. Bonisteel requests leave from the latter part of the afternoon session to attend to professional matters; and Mr. Suzore wishes to be excused from Monday's session.

PRESIDENT NISBET: Without objection, the excuses are granted.

The Chair recognizes Mr. Stopczynski.

MR. STOPCZYNSKI: Mr. President, I move that we recess until 1:30 this afternoon.

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

We are recessed until 1:30.

[Whereupon, at 11:35 o'clock a.m., the convention recessed; and, at 1:30 o'clock p.m., reconvened.]

The convention will please come to order.

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

Mr. Page has filed with the secretary a request to be excused from the afternoon session.

PRESIDENT NISBET: Without objection, the excuse is granted.

The Chair recognizes Mr. Hutchinson.

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

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

The motion prevails.

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

CHAIRMAN HUTCHINSON: The committee will be in order. The committee is considering **Committee Proposal 79.** The secretary will read.

SECRETARY CHASE: The committee has under consideration the first paragraph of section a, Committee Proposal 79, to which an amendment offered by Mr. Pollock had been considered and defeated.

Mr. Nord now offers the following amendment to the first paragraph of section a:

1. Amend page 1, line 14, after "party" by changing the period to a comma and inserting "in which event but not otherwise, the vote of each member of said commission shall be equal to the vote obtained by the gubernatorial candidate of his political party in the previous general election."; so that the language will read:

> There is hereby established a commission on legislative apportionment consisting of 8 persons, 4 of whom shall be selected by each of the state organizations of each of the 2 political parties casting the highest vote for governor at the last preceding general election: Provided, That if a third party receives more than 25 per cent of such gubernatorial vote the commission shall consist of 12 members, 4 of whom shall be selected by the third political party, in which event but not otherwise, the vote of each member of said commission shall be equal to the vote obtained by the gubernatorial candidate of his political party in the previous general election.

CHAIRMAN HUTCHINSON: On the amendment offered by Mr. Nord, the Chair recognizes Mr. Nord.

MR. NORD: Mr. Chairman, the amendment offered here is intended to be a perfecting amendment, the general subject of which was discussed briefly in the committee on the last day, or nearly the last day.

The object of the amendment, first, is to take care of a question which is unlikely to occur, but in the event that it should occur it is suggested that this solution ought to be adopted. The problem that I refer to is the case of a third party receiving more than 25 per cent of the gubernatorial vote. Now, the committee and all of the members of the committee agreed that if that should happen, if there should be a third party with that strength, it ought to participate in the commission. In that case it would not be a bipartisan commission, but it would be a 3 party commission. And according to the proposal that is subscribed to by all the members of the committee, there would then be 12 members on the commission instead of 8.

Now, in that event, it might very well be that one of the parties would have a bare 25 per cent, and another party might have close to 50 per cent—or the maximum it could be would be exactly 50 per cent. In other words, it is possible to have one party with 25 per cent and another party with almost twice as much. That is the maximum thing that could happen. In the event that that should happen, or in the event that there should be 2 major parties and 1 minor party, the minor party would actually carry the balance of power in the apportionment commission. In other words, the party that has the smallest amount of power and is the least well established and just barely gets into the commission could decide the whole issue. In that event, it was suggested to the committee, as I say, in their rush to draft this document, that something should be done to take care of that situation, but the committee decided not to bother with it because it thought that it was a remote contingency—and I agreed that it is a remote contingency.

However, it is possible for this to happen in the next 50 years, and it seemed to me it would perfect the proposal to adopt some solution to that problem which doesn't compromise the rest of the proposal, and which doesn't go into effect except when the need exists. The amendment I have offered is intended to solve that problem in as inconspicuous a way, so to speak, as it can be done. It states that if it occurs that there are 3 parties on the commission, instead of 2, and only in that event, then the votes of each member shall not be equal, but shall reflect the vote of his party as judged by the vote as received in the previous gubernatorial campaign. On this basis, then, no third party having the smallest vote of the 3 could dominate the entire apportionment commission. It is suggested for your consideration that this amendment, if adopted, would simply eliminate one contingency which, though remote, could occur. I therefore urge the adoption of this amendment.

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

MR. PLANK: Mr. Chairman and fellow delegates, this was brought up, as Dr. Nord says, in our committee, and it was

felt that it was a very remote possibility that this would happen. Number 1, it could only happen once in 10 years, because that's the only time this commission is going to be concerned. Number 2, I submit to you that if it did happen, and they tried to get away with something that was shady in any manner at all, I believe that the Republicans and Democrats, even though they differ greatly, would not stand apart and allow this to happen. So I would say that this possibility is so rare and remote, and even if it did happen the possibility of something very bad happening in reapportionment and redistricting is so small, because of the check and balance of the other 2 groups, that it is not necessary to put this verbiage in the constitution. Therefore, speaking for the committee proposal, I urge you to defeat the Nord amendment. Thank you.

CHAIRMAN HUTCHINSON: On the Nord amendment, the Chair recognizes Judge Dehnke.

MR. DEHNKE: Mr. Chairman and fellow delegates, I would like to add a few words to what Mr. Plank has said. If the proposal for the apportionment commission is adopted, the constitution itself will set up pretty strict rules to govern the determination of this commission. The commissioners will not be left free to ramble at will. And it's a matter of the decision by each member within those prescribed limits that is important, and we won't be involved in calling in any adding machine to make the computation.

CHAIRMAN HUTCHINSON: On the Nord amendment, all those in favor will say aye. Opposed will say no.

The amendment is not adopted and if there are no further amendments paragraph 1 of section a is agreed to without amendment. The secretary will read.

SECRETARY CHASE: Paragraph 2:

[Paragraph 2 of section a was read by the secretary. For text, see above, page 2014.]

CHAIRMAN HUTCHINSON: The Chair recognizes Mr. Plank.

MR. PLANK: Mr. Chairman, fellow delegates, I think this is very self explanatory. Both the minority and majority have agreed upon it. I see no reason for further delay on this paragraph. I move we pass on to the next one.

CHAIRMAN HUTCHINSON: Are there any amendments to the second paragraph?

SECRETARY CHASE: There are none on file, Mr. Chairman.

CHAIRMAN HUTCHINSON: If not, paragraph 2 is agreed to. Mr. Faxon.

MR. FAXON: I just want to ask a question of Mr. Plank on that. Mr. Plank, where you use the words "local government," are you referring to cities, villages and townships? That's on line 4.

CHAIRMAN HUTCHINSON: Mr. Plank.

MR. PLANK: This was brought up in the committee, and it was decided that if they worked for any governmental units, they are not eligible to be on this commission, Mr. Faxon.

MR. FAXON: I wonder if this is clear language. Does this include schoolteachers, for instance? School districts? Drainage districts? Does this include these other local units?

MR. PLANK: Mr. Chairman, Mr. Faxon, it includes anyone who works for a governmental unit, and I would say that under this interpretation it probably does include schoolteachers. It is not felt that a schoolteacher would be asked to serve on this, for 2 reasons. One is, most schoolteachers are not in political circles. And, number 2, this is a job that is going to be a part time job. It is not going to be one that could be used for sole income. Therefore, it is felt that a schoolteacher would probably not be asked to serve on this commission.

MR. FAXON: Mr. Chairman, I don't think it's at all fair to say that schoolteachers are not interested in politics, number 1. And I think that there are others here who can give evidence to their previous background in the field of education. Secondly, the fact that a commission is part time is another reason why I would say that this would lend itself towards participation of people who are in the employ of the school districts. There is nothing here which would make their judgment any less than the judgment of those people who aren't in the employ of a school district.

I fail to see the need for something which clearly discriminates against public employees as people not able to participate. Is this the intent of the whole committee? That all public employees, whether it be a drainage district or a school district, cannot participate in their political party to the extent that they could at some time serve on such a commission?

MR. PLANK: Mr. Chairman, Mr. Faxon, it was the opinion of the majority that voted on this to bring it out of the committee onto the floor that this would include all employees of governmental units. Now, they had a very good reason for this. If you wanted to exclude certain individuals, you could end up having one section here as long as perhaps the entire constitution. Therefore, after a great deal of comment, it was decided that it would mean, all governmental employees are excluded from being members of this commission. Now, you must realize there are only going to be 8 in the whole state, and it is only going to be every 10 years. Therefore, I don't think we are excluding too many people.

MR. FAXON: Well, Mr. Chairman, I don't want to take issue over the fact that the commission will only number 8. But, at the same time, I think that this is a highly prejudicial type of insertion in the constitution; that people who happen to be in the employ—not elected officials—but people who are in the employ of a local governmental unit ought to be eligible to participate in any type of function of government. I think this is a prejudicial thing. I wonder if I could yield to Delegate Nord, who seems to have something to say with regard to this.

CHAIRMAN HUTCHINSON: Are there any amendments to the second paragraph? The Chair recognizes Mr. Nord.

MR. NORD: Mr. Chairman, I simply wanted to answer the question which Mr. Faxon appears to have posed, and that is whether all of the committee members agreed to this. I would like to assure him that they all did, insofar as I can recall. There was no dissent whatever to this. And while it may not be 100 per cent to the satisfaction of every single person in the state, I think it is about 99.44 per cent perfect, and I think we ought to approve it without any dissent.

CHAIRMAN HUTCHINSON: Are there any amendments to the second paragraph? If not, it is agreed to.

MR. FAXON: Wait a minute.

CHAIRMAN HUTCHINSON: Oh. There is.

SECRETARY CHASE: Mr. Faxon offers the following amendment:

1. Amend page 2, line 3, after "no" by inserting "elected"; so the language will read, "No elected public officials or governmental employees of either the federal, state or local governments," et cetera.

CHAIRMAN HUTCHINSON: The question is on the amendment offered by Mr. Faxon. The Chair recognizes Mr. Faxon.

MR. FAXON: Mr. Chairman, I think I have said what I care to say on this. It's just that I can see some reason to not want to put an elected official on a commission of this sort, but at the same time I don't think we ought to get into the habit of disenfranchising people who happen to be working for local governmental units, whether it's the city, the county or the local school district. I just feel that we ought to give these people as equal an opportunity to participate in the public life of their communities, and the word "elected" there would clearly make it possible for people who are not elected people, who are in other walks of employ, to participate in a commission of this sort.

CHAIRMAN HUTCHINSON: The Chair recognizes Mr. Plank.

MR. PLANK: I only say that I would like to have a vote on this as quickly as possible. I think it is rather a small issue. It is not our intention to discriminate against anyone. I think we should go on.

CHAIRMAN HUTCHINSON: All those in favor of the

amendment offered by Mr. Faxon will say aye. Opposed will say no.

The amendment is not adopted and paragraph 2 is agreed to without amendment. The secretary will read.

SECRETARY CHASE: Paragraph 3:

[Paragraph 3 of section a was read by the secretary. For text, see above, page 2014.]

CHAIRMAN HUTCHINSON: Are there any amendments to this paragraph?

SECRETARY CHASE: There are none on file, Mr. Chairman.

CHAIRMAN HUTCHINSON: If there are none, paragraph 3 is agreed to and the secretary will read paragraph 4.

SECRETARY CHASE: Paragraph 4 of section a:

[Paragraph 4 of section a was read by the secretary. For text, see above, page 2014.]

CHAIRMAN HUTCHINSON: Are there any amendments to this paragraph? If not, paragraph 4 is agreed to and the secretary will read.

SECRETARY CHASE: Paragraph 5:

[Paragraph 5 of section a was read by the secretary. For text, see above, page 2014.]

CHAIRMAN HUTCHINSON: Are there any amendments to the paragraph? If not, paragraph 5 is agreed to and the secretary will read.

SECRETARY CHASE: Paragraph 6:

[Paragraph 6 of section a was read by the secretary. For text, see above, page 2014.]

Mr. John Hannah, on behalf of the committee on legislative organization, offers the following amendment:

1. Amend page 3, line 12, after "published" by striking out "in the manner provided for acts of the legislature and shall have the force of law upon such publication, and shall be subject to the same provisions of referendum as apply to acts of the legislature.", and inserting "within 30 days and shall become law 60 days thereafter in the same manner as acts of the legislature."; and on line 17 after "record" by changing the period to a comma and inserting "and shall be responsible for the publication and distribution of the report.".

CHAIRMAN HUTCHINSON: Mr. Plank, do you desire to have these 2 paragraphs taken collectively?

MR. PLANK: No, I think we should take them one at a time. And since we have this amendment as it is, I would like to yield the floor to Mr. William Hanna for a few comments on this amendment.

CHAIRMAN HUTCHINSON: On the committee amendment, Mr. Plank yields to Mr. William Hanna.

MR. W. F. HANNA: Mr. Chairman and fellow delegates, I believe the language in the amendment proposed by the committee is clear. The intent of this is to make sure that these apportionment plans are published in a manner available to the general public so that they will have the force and effect of law; they shall be published as soon as possible; and because they are subject to appeal to the courts, they should be available. The intent of the language is to get them published as soon as possible and to have them published in the same manner as acts of the legislature, so there is a standard method of publication, and the parties will know when they become effective for purposes of appeal to the court. I urge the adoption of the committee amendment.

CHAIRMAN HUTCHINSON: Mr. Heideman.

MR. HEIDEMAN: I just have a question to address to Mr. Hanna.

CHAIRMAN HUTCHINSON: On the committee amendment?

MR. HEIDEMAN: Yes. Will the amendment still retain the provision for referendum, or is that to be stricken? I didn't understand.

MR. W. F. HANNA: The provision for referendum would come out; because there is no effective way of having a referendum from the decision of the commission. But there is effective appeal to the court if it's an unconstitutional provision.

MR. HEIDEMAN: I see. Would you read that again, please?

CHAIRMAN HUTCHINSON: Would you read the amendment again.

SECRETARY CHASE: The first amendment:

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

CHAIRMAN HUTCHINSON: The question is upon the committee amendment. The Chair recognizes Dr. Pollock.

MR. POLLOCK: Mr. Chairman, some time ago I prepared a somewhat similar amendment, and the secretary has it on the desk. Will you please withdraw that second amendment of mine, and I'll say just a brief word in support of the committee amendment, which now adopts language similar to that which I had submitted.

The main thing, it seemed to me, that was defective was the provision submitting it to referendum. And there was no provision for the contingency which would arise if the reapportionment plan were defeated in a referendum, and of course a referendum in any case wouldn't be a major safeguard against unconstitutionality of the reapportionment plan, because the provision is made for judicial review by the court.

If the voters rejected the plan which was constitutional in its provisions, the commission would have no guidelines for writing a new plan, and it's not certain the commission would be empowered to do so in any case. I don't think a referendum is a suitable device for conducting a reapportionment, especially when complex technical rules are involved. If the people of the state come to believe that the constitutional system of reapportionment is inequitable, they may, of course, themselves, through the initiative, amend the constitution to install a new system. I urge support of the committee amendment.

CHAIRMAN HUTCHINSON: On the amendment the Chair recognizes Judge Dehnke.

MR. DEHNKE: Mr. Chairman and fellow delegates, in order to have the record clear, and in fairness to the committee and convention, I think I should indicate that I am inclined to agree with the philosophy that seems to interest Dr. Heideman. I think it could well be said that this is one of the most important functions of government, and should be left in the hands of the people themselves, directly, or else in the hands of their elected representatives. And I am not able to agree with the interpretation that has been given that the possibility of a referendum is eliminated by this change in language; because this becomes a law on completion of the process. Our constitution, I assume, will continue to provide for referendum from laws passed by the legislature and any other types of laws, and in the Hildebrand case from the state of Ohio, the United States supreme court held that an apportionment act was subject to the same referendum provisions of the constitution as any other act.

However, I don't think it is too important. The referendum would involve the circulation and obtaining of signatures of a certain number in order to submit the act to the people. If the people are dissatisfied with any such apportionment order as we are thinking of here, they can attain the same purpose by placing upon the ballot a proposal obtained in the same manner. I say this merely in order, as I indicated at the beginning, that there be no misunderstanding about it, and in fairness to the convention.

CHAIRMAN HUTCHINSON: On the committee amendment, Mr. Plank.

MR. PLANK: All I wanted to say, Mr. Chairman, is that Mr. Dehnke's points are well taken. They were discussed at the time this amendment was decided to be brought before

the committee. Therefore, I move that we get on with business and pass this into the constitution.

CHAIRMAN HUTCHINSON: On the amendment, Mr. Nord.

MR. NORD: Mr. Chairman, I believe the amendment is basically immaterial one way or the other. That is to say, I neither oppose nor support it. I think on the whole I would support it. But I do think there is a legal problem involved that will have to be straightened out sooner or later, and that is the point raised by Judge Dehnke. It occurred to me also that we can't be sure whether or not there is a referendum possible in this, and possibly we can't be sure until we see the referendum provisions that will be in the constitution. I believe the present referendum provisions relate to a law being enacted, and then it doesn't go into effect for 90 days, whereas the one we have before us now says something about 60 days, and it's not clear whether the referendum provision will apply or won't apply. This question ought to be considered, it seems to me, but I don't think it is something that needs to be debated. It ought to be considered probably by style and drafting to see whether or not referendum will be possible. We can't determine it until we know what is in the referendum provision. For that reason, I believe that on the whole we ought to support the amendment.

CHAIRMAN HUTCHINSON: The question is on the amendment offered by the committee to this paragraph. All those in favor of the amendment will say aye. Opposed will say no.

The amendment is adopted and paragraph 6 is agreed to as amended. The secretary will read.

SECRETARY CHASE: Paragraph 7:

[Paragraph 7 of section a was read by the secretary. For text, see above, page 2014.]

Mr. John Hannah, on behalf of the committee on legislative organization, offers the following amendment:

1. Amend page 3, line 23, after "commission" by inserting "as complying most accurately with the constitutional requirements,"; so the language will then read:

> . . . the supreme court shall determine the plan which shall be adopted by the commission as complying most accurately with the constitutional requirements, and published as aforesaid.

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

MR. PLANK: The committee decided, after they had composed this section, that this was a little more clear as to just what their intention was. It perhaps could have been left to style and drafting, but since they decided the wording fitted the sentence, they did ask for it to be offered as an amendment. I move that it be adopted.

CHAIRMAN HUTCHINSON: The question is upon the amendment to this paragraph offered by the committee. All those in favor will say aye. Opposed will say no.

The amendment is adopted. Are there any further amendments to this paragraph?

SECRETARY CHASE: Mr. Pollock offers the following amendment:

1. Amend page 3, line 19, by striking out "then the commission members of each political party shall submit a plan to the supreme court.", and inserting "each member of the commission shall submit to the supreme court either individually or jointly with any other members, a proposed reapportionment plan."; so the language will read:

> In the event the commission cannot agree on a plan, each member of the commission shall submit to the supreme court either individually or jointly with any other members, a proposed reapportionment plan.

CHAIRMAN HUTCHINSON: Dr. Pollock.

MR. POLLOCK: Mr. Chairman, I have offered this amendment because I think it closes a loophole in the committee proposal. The original language assumes that any dispute in the commission which prevents a majority decision would be a straight party line split. And it provides that in case of deadlock, each party's delegation shall submit a plan to the supreme court. While it is probable that any deadlocks will be along party lines, it is not certain. And it is clearly possible that disagreements will cut across party lines, or that while one party is united on a single plan, the other party is split between 2 other plans. The proposed amendment clears up this difficulty, I think, by allowing any member or group of members to submit a plan to the court which will then select one of the plans it finds to be in accordance with the constitution.

CHAIRMAN HUTCHINSON: On Dr. Pollock's amendment, all those in favor will say aye. Mr. Plank, do you desire to speak on it?

MR. PLANK: I would just like to ask Dr. Pollock a question. It seems to me that this perhaps is a style and drafting question, but does the word "shall" mean that each member must, or he can't possibly collaborate with another member and submit it jointly, Dr. Pollock?

MR. POLLOCK: Mr. Chairman, Mr. Plank, I think I have simply used the same language you have. You have the word "shall." So what does it mean in your plan?

MR. PLANK: In our plan it means that it is necessary for them, as an individual quartet, so to speak, to submit a plan. There must be 2 plans, 1 from one party and 1 from the other. Both parties would have to submit a plan, unless they could agree on one. In your case here it would seem to me that each member of the commission must submit a plan, and I must say that this might cause a little bit of difficulty.

MR. POLLOCK: Mr. Chairman, we would assume that we are setting up the commission to come to an agreement, and this is only in the case of disagreement. And I insist that the disagreements are not just going to be party disagreements. It would be much preferable if only one plan were submitted but I think the groupings on the commission are likely to differ not merely on party lines, and I simply wanted to make it possible so that you didn't just submit 2 plans, one Republican and one Democratic, but you submitted whatever plans were in controversy.

CHAIRMAN HUTCHINSON: Mr. Plank.

MR. PLANK: Mr. Chairman, Dr. Pollock, I have no objection. I just want to make sure that this could happen, that's all.

CHAIRMAN HUTCHINSON: Mr. William Hanna.

MR. W. F. HANNA: Mr. Chairman, members of the committee, first, let me say that I don't think the committee had any real objection to the amendment offered by Dr. Pollock. At the time we were considering this of course we were doing it in light of our experience, and to my knowledge ours was the only committee that had a Republican subcommittee and a Democratic subcommittee, and never the twain could meet at times. We have discovered that it sometimes is impossible to get agreement within a political party since we have gotten out of our cubbyhole and come up to the light of day. And I have only one question, then, to ask Dr. Pollock.

Dr. Pollock, would it be better, in your language, to require at least 2 members to agree on a particular plan? As against the possibility of, under your language, 8 members submitting 8 plans, shouldn't there be a requirement that at least the minority submitting a plan of some kind have one other person in agreement? May I ask if we could say that any 2 members of the commission could submit jointly with other members?

CHAIRMAN HUTCHINSON: The Chair recognizes Dr. Pollock to respond.

MR. POLLOCK: Well, I was considering it the same as I would a dissenting opinion with the court, and a dissenting opinion is often very important. I have no objection, if you would prefer to make it always 2 to submit a plan; but I would prefer my own language.

CHAIRMAN HUTCHINSON: The question is upon the amendment offered by Mr. Pollock. Mr. Yeager.

MR. YEAGER: Mr. Chairman, ladies and gentlemen of the committee, I would simply rise to support Dr. Pollock's plan. It seems to me that 8 separate reports being submitted is a very remote possibility. But I would suggest that inasmuch as we have prescribed that the various people be chosen on the basis of area to serve on this commission, that it might be well

to provide that a minority report or a minority plan could be submitted from one single member. However, I would like to ask Dr. Pollock if he would accept in his amendment the use of the word "may" rather than the word "shall," as an amendment.

CHAIRMAN HUTCHINSON: The Chair recognizes Dr. Pollock to respond.

MR. POLLOCK: Mr. Chairman, Mr. Yeager, I have no objection to providing that. I followed the committee language, and tried not to vary from that as much as possible. But I believe the chairman of the committee prefers "may" to "shall."

CHAIRMAN HUTCHINSON: Mr. Yeager.

MR. YEAGER: Would the Chair require that in writing, or could we just do this verbally?

CHAIRMAN HUTCHINSON: If Dr. Pollock accepts the change.

MR. POLLOCK: I agree.

SECRETARY CHASE: Mr. Pollock, on the suggestion of Mr. Yeager, revises the amendment to read as follows:

1. Amend page 3, line 19, by striking out "then the commission members of each political party shall submit a plan to the supreme court.", and inserting "each member of the commission may submit to the supreme court either individually or jointly with any other members, a proposed reapportionment plan.".

CHAIRMAN HUTCHINSON: On the amendment offered by Dr. Pollock, the Chair recognizes Dr. Heideman.

MR. HEIDEMAN: Mr. Chairman, ladies and gentlemen, Dr. Pollock has likened the situation to that in the supreme court with dissenting opinions. If we once are going to differentiate, it would seem logical to me to make it each commission member, and give each one an opportunity.

CHAIRMAN HUTCHINSON: Mr. Plank.

MR. PLANK: Mr. Chairman, all I would like to say is if the convention will adopt our formulas for the districting of the house and the senate, I won't worry about 8 opinions, because you won't be able to draw 8 different plans.

CHAIRMAN HUTCHINSON: Mr. Wanger.

MR. WANGER: Dr. Pollock's amendment has the additional advantage in that under the present language, in case of disagreement, each plan would have to have the agreement of every one of the commission members from that particular party. And if any one of the members should not agree with the other 3, then no plan could be submitted to the supreme court.

CHAIRMAN HUTCHINSON: Mr. Danhof.

MR. DANHOF: Mr. Chairman, I would like to ask a question of Mr. Plank, if I might. Mr. Plank, I take it that it was the considered opinion of your committee that only as a last resort would you go to the supreme court? I mean, you certainly were not encouraging the submission of various plans to the supreme court, is that correct?

MR. PLANK: That is correct. Our thinking was that the apportionment commission would come to an agreement on their own. The only use of the supreme court would be if they do not come to an agreement. Then they must submit plans to the supreme court, so that they in turn can determine which one of the plans will be used in redistricting.

MR. DANHOF: Now, I further take it from the makeup of this particular commission, being 4 members from each of the political parties—and we will stick with 2, since we don't have a third one getting close to 25 per cent of the vote—that as a very practical matter, if we put 4 Republicans and 4 Democrats together in a room and tell them to come up with a plan, there's going to be a little horsetrading going on in order to come up with a plan. I mean, was this some of the philosophy that was behind the committee's thinking?

MR. PLANK: Well, we had both groups in our committee, and it's pretty difficult to come up with much horsetrading with the formulas we have so designed.

MR. DANHOF: Well, what I'm stating is: when it comes to drawing your districts, somebody is going to have to give a little here and give a little there in order to get a final plan.

MR. PLANK: Mr. Chairman and Mr. Danhof, in my estimation this is a part of the definition of politics.

MR. DANHOF: Thank you, Mr. Plank. Members of the committee, I submit that if that is the intent, then by adopting the language offered in the Pollock amendment you will be defeating in essence what the committee intended to do, for this reason: while it is true that these 4 people come from different parts of the state, they are not there in their individual capacity. They are not there to put forth their pet particular plan, either 1 or 2 of them. They are there to represent a political party, and they are there to represent the overwhelming majority of that political party. If you are going to allow them to submit an individual plan and say, "Well, if you won't take it I can always go to the supreme court," then you will not have what Mr. Plank describes as the fine art of politics, and with this I particularly agree.

I don't think we want, every 10 years, the supreme court deciding the redistricting plans. This was not their intent. This was only if they reached a hard and fast deadlock. Furthermore, with the committee language, it makes the 4 Democrats or the 4 Republicans agree on something, rather than to run in with individual plans, and leaves with the party, if you please, some sort of thing known as party discipline. And on this type of commission, where they are representing political parties, I think it is important that this type of party discipline remain, and that when they go before the supreme court they go either as 4 Democrats or 4 Republicans on a particular plan, and that we not allow them to run in there on their individual likes or dislikes because they come from a particular geographical area. I'm afraid that's what you will have happening. Consequently, for that reason, and because I do believe in party discipline in this case and in party participation, I would oppose the Pollock amendment.

CHAIRMAN HUTCHINSON: Dr. John Hannah.

MR. J. A. HANNAH: Mr. Chairman and members of the committee, partially in answer to the question raised by Mr. Danhof, I would refer you to line 7 on this same page, where it says, "No final decisions shall be made except by a majority of all of the members of the commission." This means that if we have only the 2 parties that are entitled to representation, and a total of 8, that at least 5 must agree. Then it would not be possible for the members representing any 1 party to come up with a final agreement. There must be at least 4 of one party and 1 of the other. The only time we are going to come to the supreme court is in the event that no 5 can agree.

Now, Professor Pollock feels that instead of 2 plans to go to the supreme court, in a situation where there is no agreement on the part of 5 and it's going to go to the supreme court, that it might be better to let each individual member of the commission submit his plan.

As has already been indicated by Mr. William Hanna and by Mr. Plank, and as can be verified by other members of the committee, after Professor Pollock submitted his amendments we had a meeting of the committee, and we were in the process of considering this. There was some feeling that there was much merit in the Pollock amendment. However, we were unable to get 11 members of the committee to agree, due to the fact that there were fewer than all of the members of the total committee present, and we felt this should come to the floor.

So it's my feeling — and I think I'm speaking for a majority of the committee — that this is not an important item. It is going to arise only when 5 members of the committee cannot agree. All we are arguing about now is whether the 4 members of each party must agree with 2 plans, or whether we are going to give the individual that insists that his is the best an opportunity to submit his to the supreme court, and give the supreme court the opportunity to look at his, too. I don't think it is so important that we need to take a lot of time with it.

CHAIRMAN HUTCHINSON: On the amendment offered by Dr. Pollock, as revised, all those in favor will say aye. Opposed will say no.

The amendment is adopted. The secretary will read.

SECRETARY CHASE: Beginning in line 24 — I beg your pardon. Mr. Nord has filed an amendment.

MR. KNIRK: Mr. Chairman, is it too late to have a division on that?

CHAIRMAN HUTCHINSON: Well, we haven't gone on to the next order of business.

MR. KNIRK: I request a division.

CHAIRMAN HUTCHINSON: Mr. Knirk demands a division on the Pollock amendment. Is the demand supported? The demand is supported. All those in favor of the amendment offered by Dr. Pollock 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 adoption of the amendment offered by Mr. Pollock, the yeas are 70; the nays are 30.

CHAIRMAN HUTCHINSON: The amendment is agreed to. The secretary will read.

SECRETARY CHASE: Mr. Nord offers the following amendment:

1. Amend page 3, line 19, after "plan.", by striking out the balance of the paragraph and inserting "If only one of said plans satisfies the requirements of this constitution, said plan shall be decreed to be the apportionment plan adopted by the commission. If, however, more than one of said plans prima facie satisfies the requirements of this constitution, the supreme court shall determine which plan most fully satisfies the requirements of this constitution, and said plan shall be decreed to be the apportionment plan adopted by the commission.".

CHAIRMAN HUTCHINSON: On the amendment offered by Mr. Nord, the Chair recognizes Mr. Nord.

MR. NORD: Mr. Chairman, this amendment is intended to be a perfecting amendment, to spell out what the committee intended. The intention of the committee, as far as I am aware of it, is exactly expressed or as nearly as possible by the language now before you. The reason for the amendment is this: the proposal as it is now in existence simply says, "If all plans submitted meet the requirements of this constitution," and so on. It doesn't state what happens if they don't all meet the requirements of the constitution. The committee did discuss this question, and they did agree in principle that if only one of the plans satisfies the constitution, then that's the end of it; that the supreme court shall determine that fact, and state that is the fact, and then that shall be the law.

Now, it's no doubt implied even by the language in the proposal. But it simply occurred to me, and I note also that the committee will propose in a minute an amendment somewhat in the same direction, but not fully in that direction. Therefore, the amendment that is offered is simply to make it crystal clear that if any one of the plans proposed by either party is unconstitutional, that plan is simply out. It is impossible to be considered. The supreme court will say that the other one wins. But if there's more than one which is prima facie in accord with the constitution, then the supreme court will simply determine, as the committee has suggested, which one is the one which most accurately satisfies the requirements. Again, there is no substantive matter at stake. It simply intends to make sure that the intention of the committee is fully expressed.

CHAIRMAN HUTCHINSON: On the amendment now before you, the Chair recognizes Mr. William Hanna.

MR. W. F. HANNA: Mr. Chairman, with regard to the amendment offered by Dr. Nord, the first line, "If only one of said plans satisfies the requirements of this constitution, said plan shall be decreed to be the apportionment plan adopted by the commission" is unnecessary; because if only one constitutional plan is submitted to the supreme court, and all the other plans are unconstitutional, then of course this is the end, as he has stated. So the first line is not necessary at all.

The question comes if more than one plan is to be submitted, all of which or both of which meet the requirements of the constitution, but no plan of which can receive the necessary 5 votes. Dr. Nord says that if more than one of said plans prima facie satisfies the requirements of this constitution, the supreme court shall determine which plan most fully satisfies the requirements, and said plan shall be decreed to be the apportionment plan adopted by the commission. Now, the committee has an amendment to line 23 which merely requires the supreme court to determine the plan which most nearly complies or most accurately complies with this constitution.

But there is a substantive matter here, I believe, between the language used by Dr. Nord and by the committee, and it becomes important only as to the next paragraph, dealing with appeal. Dr. Nord, in his amendment, says, "said plan shall be decreed to be the apportionment plan adopted by the commission."

Now, the committee proposal is careful to say the supreme court shall determine the plan which shall be adopted. Perhaps this is a play on words. But we want the adoption to be made by the commission, not by decree of the court, so that you end up with a mandamusable body or a suable body, and reviewable by the court. I believe the language in committee was carefully considered to accomplish this point. So I urge the defeat of the Nord amendment, on the basis that the first line is not necessary, and the second line will be cured by the committee amendment, which preserves what we were very determined to do; that this court would not decree the apportionment plan, but the court would direct the plan that the commission would adopt, leaving the court in a position to review the plan not of their own decree, but to review an action taken by a commission after the direction of the supreme court.

CHAIRMAN HUTCHINSON: The question is upon the amendment offered by Mr. Nord. All those in favor will say aye. Opposed will say no.

The amendment is not adopted and paragraph 7 is agreed to as amended. The secretary will read.

SECRETARY CHASE: Paragraph 8:

[Paragraph 8 of section a was read by the secretary. For text, see above, page 2014.]

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

CHAIRMAN HUTCHINSON: State the point, Mr. Nord.

MR. NORD: Am I correct in believing that there is an amendment offered by Mr. Hanna to line 23?

CHAIRMAN HUTCHINSON: No. That amendment has already been agreed to, Dr. Nord. Are there any amendments to the last paragraph of the proposal?

SECRETARY CHASE: There are none on file, Mr. Chairman.

CHAIRMAN HUTCHINSON: If not, paragraph 8 is agreed to. Are there any amendments to the body of the proposal?

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

1. Amend page 2, line 3, paragraph 2, by striking out all of the first sentence, lines 3 through 6. In other words, by striking out:

> No public officials or governmental employees of either the federal, state or local governments, excepting notaries public and members of the armed force reserves, shall be eligible for membership on the commission.

CHAIRMAN HUTCHINSON: The question is upon the amendment offered by Mr. Everett and Mr. Faxon. The Chair recognizes Mr. Faxon.

MR. FAXON: I just invite you, fellow delegates, to realize that this first sentence does nothing but exclude about 80 per cent of you from ever participating in this type of thing. I don't speak now for teachers, but just imagine township officials, city clerks, county clerks, city council people—a whole slew of officials who are people who know their area, and know the district. Why on earth should they be prevented from participation?

I say that we can leave it to the discretion of the respective state central committees of the political parties to make the necessary selection, regardless of whether the person happens to have the unfortunate position of being a city attorney or a county clerk, or some other official who happens to know his area and participates in the local community thereof. We want people who know their districts, and if their jobs in their counties or townships are going to prevent them from participat-

ing, that is not necessary. The whole first sentence is not necessary.

I think what you are looking for here are political eunuchs —people who haven't even had so much as a single political job—to serve on a commission which is obviously representing a political party. I think that the state central committees will be very apt to make the necessary judgments here, and this first sentence does nothing but serve as unnecessary language, and leaves out many, many good people from eventually participating in this type of commission.

CHAIRMAN HUTCHINSON: The Chair recognizes Mr. Plank.

MR. PLANK: Mr. Chairman, fellow delegates, we have gone over this before, and what I said before applies now. It is not our intention to discriminate against anyone. But let's put it a little differently. You could have some man who was aspiring to become a representative of one of these senatorial or representative areas, and he perhaps could, by virtue of influence on this body, fix it so that he would be more apt to be elected than if he were not available to do that.

Now, we have done 2 things here. One, we have said that he can't run for office for 2 years. But the other is we don't want to make this a political plum of any kind that could be moved around to an advantage. We are trying to do a job here for representation as far as the people are concerned. Therefore, I would urge the committee to defeat the amendment.

CHAIRMAN HUTCHINSON: Mr. Faxon.

MR. FAXON: Mr. Chairman, the second sentence clearly takes cares of a person sitting on the commission and districting so as to arrange for himself a convenient spot in the legislature. I am not suggesting that the second sentence be deleted. This is only dealing with who can sit on it. We are still going to make it impossible for them to run for the seats they create. It is just a question of permitting people who know their districts, know their area, who have been active in their area, to participate if the party that they belong to feels they can make a necessary and qualified contribution.

CHAIRMAN HUTCHINSON: Mr. William Hanna.

MR. W. F. HANNA: Mr. Chairman, fellow delegates, as the father of 5 children, I don't like to be called a eunuch, Mr. Faxon. It's embarrassing. (laughter) But, to go back to our purpose in the committee, if you want to get into the same problem that you have with the legislature, then take out this paragraph. And we might as well put it right back in the legislature, because one of the problems that we have discovered in our committee—and if you will search your souls, you will find this is true in this convention—is that it is not only the fact that I hold a governmental position, but I am a good governmental friend or foe of a particular person now in or who aspires to be in the legislature. The best way to have this be as independent of governmental pressure as possible, whether it is legislative or otherwise, is to adopt the committee proposal.

Now, we want active party participation persons whose main job is that of being a good, active political party person, and who has not a divided loyalty between his loyalty to the local school district, the justice of the peace association, or anything else; but their loyalty is primarily to the political party that chooses them to serve on this commission. And they will be virile individuals, and not eunuchs, I assure you.

CHAIRMAN HUTCHINSON: Mr. Everett.

MR. EVERETT: Mr. Chairman, I would simply say that I have faith in the political parties, and I don't think that they will fall into any of the pitfalls that Mr. Hanna has mentioned, who apparently would like to write in that even friends of legislators are not eligible. I would ask for a division.

CHAIRMAN HUTCHINSON: Mr. Everett demands a division upon the amendment now offered. Is the demand supported? There is a sufficient number up. The demand is supported. The question is upon the amendment offered by Mr. Everett and Mr. Faxon. All those in favor will vote aye. Those opposed will vote no. Have you all voted? If so, the secretary will lock the machine and record the total.

SECRETARY CHASE: On the amendment offered by Messrs. Everett and Faxon, the yeas are 22; the nays are 70.

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

SECRETARY CHASE: Mr. Prettie offers the following amendment:

1. Amend page 3, line 18, after "event" by inserting "a majority of"; so the language would then read, "In the event a majority of the commission cannot agree on a plan . . . ."

CHAIRMAN HUTCHINSON: Mr. Prettie.

MR. PRETTIE: Mr. Chairman and fellow delegates, our slogan recently seems to have been, "let's leave it to style and drafting." This amendment is for the purpose of relieving style and drafting of a problem of correcting what I conceive to be an inconsistency. I think it is implied in this proposal on page 3, line 8, that action of this commission shall of course be by a majority. But in line 18 we say, "In the event the commission cannot agree . . ." and to me this means all 8 members of the commission. I'm sure the committee intends that in the event a majority of the commission cannot agree, then the procedure in the supreme court may be undertaken. This is a perfecting amendment to relieve style and drafting of a problem they might otherwise have.

CHAIRMAN HUTCHINSON: Delegate Plank.

MR. PLANK: Delegate Prettie's point is well taken. I'm sure I speak for the committee when I say we are happy to go along with the change.

CHAIRMAN HUTCHINSON: All those in favor of the amendment offered by Mr. Prettie will say aye. Opposed will say no.

The amendment is adopted. Are there any further amendments to the body of the proposal? Mr. Hatch.

MR. HATCH: Mr. Chairman, I would like to direct a question to Mr. Hanna, through the Chair, if I may.

CHAIRMAN HUTCHINSON: Mr. William Hanna?

MR. HATCH: Yes.

CHAIRMAN HUTCHINSON: If the gentleman cares to respond.

MR. HATCH: On page 3, in that paragraph which we just amended, is it the intent of the committee that the only time the supreme court can act is if all of the plans which are submitted to it meet the requirements of the constitution?

MR. W. F. HANNA: Mr. Chairman, Mr. Hatch, that is correct. We do not intend to allow the supreme court to adopt an unconstitutional apportionment plan.

MR. HATCH: Well, suppose 8 plans are submitted, and 7 obviously meet the requirements of the constitution and one doesn't. Then, as I read this language, the supreme court would not be able to determine which plan complies most accurately with the constitutional requirements.

MR. W. F. HANNA: Excuse me. You say if 7 do comply with the constitution—

MR. HATCH: Yes.

MR. W. F. HANNA:—then the supreme court could not determine which of the 7 complied most accurately with the constitutional requirements?

MR. HATCH: Well, the first part of that sentence, beginning on line 20, says, "If all plans submitted meet the requirements of this constitution," then "the supreme court shall determine the plan which shall be adopted. . . ." My only point is that it doesn't seem to me that the first part of that sentence is even necessary. It would seem to me that "the supreme court shall determine the plan which shall be adopted by the commission" as complying most accurately with the constitutional requirements is sufficient.

MR. W. F. HANNA: Mr. Chairman, I see Mr. Hatch's construction. Mr. Hatch, if we take out the word "all" we will meet your objection, I believe. "If plans submitted meet the requirements of this constitution . . . ."

MR. HATCH: Would the committee object to the removal of the word "all?"

MR. W. F. HANNA: I can't caucus this fast, Mr. Chairman, but, speaking for myself, I would see no objection, and I think Mr. Hatch's point is well taken. I would urge the

deletion of the word "all."

CHAIRMAN HUTCHINSON: Do you offer such an amendment, Mr. Hatch?

MR. HATCH: I do, Mr. Chairman.

SECRETARY CHASE: Mr. Hatch offers the following amendment:

1. Amend page 3, line 20, after "If" by striking out "all"; so the language will then read, "If plans submitted meet the requirements . . . ."

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

The amendment is adopted. Are there any further amendments to the body of the proposal?

SECRETARY CHASE: There are none.

CHAIRMAN HUTCHINSON: If not—Dr. Pollock.

MR. POLLOCK: I think the secretary has an amendment of mine to the body of the proposal. I sent 2 copies to the desk this morning.

SECRETARY CHASE: This is to Committee Proposal 80, as it is labeled, and we are on Committee Proposal 79.

MR. POLLOCK: Well, it was improperly labeled.

SECRETARY CHASE: I'm sorry. Mr. Pollock offers the following amendment:

1. Amend page 1, after "Sec. a.", by striking out all of lines 6 through 22; and on page 2, by striking out all of lines 1 through 6, and inserting "The board of state canvassers is hereby designated as the commission on apportionment."; and striking out all of lines 10 through 24.

CHAIRMAN HUTCHINSON: On the amendment, the Chair recognizes Dr. Pollock.

MR. POLLOCK: Mr. Chairman, I am going to give the committee another chance to avoid what I consider bad constitution drafting. You see, already it would eliminate about 2 pages of this proposal.

In the second place, I don't see the need to create another constitutional commission. We already have one. People seem to be against cluttering up our governmental structure with more bodies. Now we are creating a new one. We have one already in the constitution known as the state board of canvassers, which as far as I can see is just as good a body as would be determined by this proposal. In fact, I think it would be better, because it's already selected by the political parties; it is therefore a somewhat similar purpose. You don't have to freeze all of these districts into the constitution, which may or may not be good in the future. And the state board of canvassers also has the staff. The secretary of state's office provides the staff work for the board of canvassers. And, after all, this is only once in a 10 year period. It would seem to me unnecessary, therefore, Mr. Chairman, to create a new commission when we already have one, and the purport of my amendment is merely to give to the state board of canvassers the additional function. I have been very brief. I don't intend to delay the committee; but I don't want us to make a mistake.

CHAIRMAN HUTCHINSON: On the amendment now offered by Dr. Pollock, the Chair recognizes Mr. Plank.

MR. PLANK: I appreciated, Dr. Pollock, your being brief. Actually, we did consider the board of canvassers, but we decided that since this job was only going to be done once every 10 years, we would prefer to have a commission that did it, and were brought together for the sole purpose of doing this job, and not have them delayed in any way by counting votes or recounting votes someplace else when they ought to be taking care of the job before them.

I submit to you, fellow delegates, that we have considered this possibility, and believe you should defeat the Pollock amendment and stick with the commission as we have arranged it. Believe you me, we've gone over every type of commission for apportioning, and I believe we have the best one in the whole 50 states. Thank you.

CHAIRMAN HUTCHINSON: Mr. Faxon.

MR. FAXON: Mr. Chairman, to Dr. Pollock a question. Dr. Pollock, you are the chairman of the committee on rights, suffrage and elections and you have no doubt dealt with the state board of canvassers in one of your proposals, I assume. Is that true?

MR. POLLOCK: Yes. We are continuing the present constitutional provision, and we therefore have retained the present board of canvassers in the proposal that is coming up this week.

MR. FAXON: Mr. Chairman, Dr. Pollock, if this additional duty were asked of the state board of canvassers, would you think it necessary perhaps to increase the membership from 4 to 8 members?

MR. POLLOCK: Not necessarily.

MR. FAXON: One further question, Mr. Chairman. Dr. Pollock, the present wording on the state board of canvassers simply says that a majority shall not be composed of adherents to the same political party, whereas the wording of this proposal leaves it to the respective state central committees to make the selection. Now, are you intending to make a change with regard to the selective process, so that each political party is assured of their representation on the board?

MR. POLLOCK: At the present time the positions on the state board of canvassers are filled by nomination of the political parties. Each political party nominates 2. This simply retains the present bipartisan composition.

MR. FAXON: Well, I wish to support Dr. Pollock's amendment here. I had the same thought when this whole thing came up when I came into the convention; that the state board of canvassers was already an established body, and it had performed well. It is something that has been in our constitution. This is a function which is only going to be given once in 10 years. I think that the state board of canvassers would be able to handle this. The secretary of state is already the secretary of this board. I think this is an amendment that would cut out a lot of unnecessary detail in creating a new commission, and keeping with something that has already demonstrated its effectiveness in our state.

CHAIRMAN HUTCHINSON: Judge Dehnke.

MR. DEHNKE: Mr. Chairman and members of the committee, one of the problems that gave the committee a lot of difficulty was that of assuring a determination in the way of apportionment not any more influenced by political considerations than could possibly be helped. We talked about having the governor make these appointments. We talked about many other ways of setting up such a commission. We talked about the board of canvassers.

This has already been implied, and perhaps I'm stating it a little more bluntly than it has been stated, but the problem was: how do we make sure that those 4 who are chosen from one party and 4 from the other are recognized good standing members of that party, so that no one can claim that they were lukewarm members of the party?

And with reference to the board of canvassers, the appointments are made by the governor, and in order to eliminate any possibility of that being used as an objection to the board, we decided that an independent board was a better answer.

CHAIRMAN HUTCHINSON: Mr. John Hannah.

MR. J. A. HANNAH: Mr. Chairman, members of the committee, I only want to reiterate the point that Judge Dehnke has made. This is a matter that received long and careful consideration by the committee. The committee felt very strongly that this apportionment commission should be, as he indicated, persons with strong political feelings, selected by the 2 political parties to do this specific job. I urge strongly that the committee approve the committee report and reject the Pollock amendment.

I was a little surprised by this amendment, because my good friend Dr. Pollock had submitted to me all of the amendments that he indicated he intended to present, and they were given some consideration by the committee, and this was not among them. But that's not important. I hope you go along with the committee that worked long, hard and diligently, and I do not believe you are going to improve the device that has been recommended by the committee.

CHAIRMAN HUTCHINSON: Mr. Marshall.

MR. MARSHALL: Mr. Chairman and fellow delegates, I rise to support the Pollock amendment. I regret that I have to

take exception to the statement of Dr. Hannah and others. I think all that Dr. Pollock is trying to do is to accomplish the same thing that the majority proposal is intended to accomplish, with the exception that Dr. Pollock is trying to prevent the creation of another commission—another constitutional commission—that is unnecessary. There isn't a thing that this new commission that you are going to create can do, or do better, than the present board of canvassers that we have now in the constitution. I'm afraid that when we get through with this constitution it is going to be 10 times as long as the present one, and I see no reason for the creation of another commission when the present board of canvassers would work. I would urge the delegates to give serious consideration to the support of Dr. Pollock's amendment.

CHAIRMAN HUTCHINSON: Mr. Nord.

MR. NORD: Mr. Chairman, I rise to oppose the Pollock amendment and to support the committee proposal. The plan that has been offered by the committee, it's true, contains many words and every one of us on the committee has tried to find out how to reduce the number of words. But we were more interested in saving the principle, and the principle is to have a commission which you can be almost 100 per cent certain will do the job with no ifs, ands or buts. There is no other scheme that we have found that has a nearer certainty of doing the job. The board of canvassers is not selected the same way as this. It is just chock full of loopholes and problems.

The committee did consider this. I didn't know anyone on the committee who was opposed to this plan, and I certainly think that trying to reduce the number of words on an issue that is as crucial as apportionment is a mistake. Let us have a few extra words where it counts, but let us have the principle of reapportionment solidly founded in the constitution, and there's no way that we know of except this.

CHAIRMAN HUTCHINSON: On the amendment now offered by Dr. Pollock, all those in favor will say aye. Opposed will say no.

The amendment is not adopted.

DELEGATES: Division.

CHAIRMAN HUTCHINSON: Division is requested. Is the demand supported? The demand is supported. All those in favor of the amendment will vote aye. Those opposed will vote no. Have you all voted? If so, the secretary will lock the machine and record the total.

SECRETARY CHASE: On the adoption of the amendment offered by Dr. Pollock, the yeas are 15; the nays are 82.

CHAIRMAN HUTCHINSON: The amendment is not adopted. Are there any further amendments to the body of the proposal? If not, it will pass. Mr. Hannah.

MR. J. A. HANNAH: Mr. Chairman, 2 members of the convention—and there's no particular reason why they need clear this with me—within the last 5 minutes have indicated that they would like to make certain that there is considered by this convention a proposal that has to do with the responsibility for districting the federal house of representatives.

You will recall that in the presentation this morning I indicated that this committee had given preliminary consideration to this matter, and then it had been decided by the officials of the convention that this was a matter more appropriately for the committee on legislative powers. So I only rise now to ask the judgment of yourself and the others as to whether or not this needs to be considered at this time, or whether the proponents, Mr. Hodges and Mr. Lesinski, can be assured that they will have an opportunity to have their proposal considered when we get to legislative powers.

I might go on and say that unless it is necessary to hold this matter open in order that they may be heard, I propose now to move that the committee rise; but I want to be fair to them.

CHAIRMAN HUTCHINSON: The chairman of the committee of the whole will leave it to the chairman of the committee as to whether he wants to hold this particular proposal in general orders. Certainly the chairman of the committee of the whole could not give any assurance about anything that might take place in something coming out of the legislative powers committee.

MR. J. A. HANNAH: Mr. Chairman, it is my feeling that as chairman of the committee on legislative organization, this matter not having been referred to us, but to the other committee, it is hardly appropriate for me to take any position on it at all.

I think these people who authored this proposal ought to have an opportunity to have it considered by the convention. But it really is not our matter. It was put in the other committee.

CHAIRMAN HUTCHINSON: The Chair will recognize Mr. Hoxie.

MR. HOXIE: Mr. Chairman and fellow delegates, I might make this statement to the convention. It is true that the proposal relative to districting of the congressional districts was referred to our committee. We did consider it. We do have on the floor of the convention a minority report on this subject. It was also indicated this morning by Dr. Hannah that perhaps the committee on emerging problems should further consider the districting of congressional districts. I don't see where Dr. Hannah has any concern in his committee on this matter at this time.

CHAIRMAN HUTCHINSON: Mr. Hodges.

MR. HODGES: As one of the proponents, I would just comment that the particular board that is to be used in the apportionment of the congressional districts is the one that is in front of the committee at this time. I doubt if there is any other place where it would be appropriate in the convention, once this Committee Proposal 79 is passed, for us to offer it. I am only requesting if this is possible, and I would just ask for the chairman's comments.

Rather than engage on this decision now, if we could have the committee rise at this point, we could discuss it between now and Monday morning, and whatever the pleasure of the leadership was at that time would be all right. I don't think we can settle this now, and inasmuch as the hour is 4 minutes from the time we were supposed to adjourn, I would suggest that, rather than get into that at this time.

CHAIRMAN HUTCHINSON: Dr. Hannah.

MR. J. A. HANNAH: After a brief conversation with the president of the convention, and with the assurance that either this will be brought in and given consideration when the report of the legislative powers is made, or there will be some device found to make certain that this proposal is given fair and adequate consideration, I now move that this committee rise.

CHAIRMAN HUTCHINSON: Mr. Hannah, is it your intention to hold in committee of the whole Committee Proposal 79?

MR. J. A. HANNAH: No.

CHAIRMAN HUTCHINSON: All right. Mr. Hodges.

MR. HODGES: I don't think that it would be asking too much to request that we let the committee rise without passing this, and let this pass the first thing Monday morning, if that's the pleasure of the leadership. But I would caution the president of the convention, and also the leadership, that this does directly pertain and is an amendment to 79. And if we pass it at this point I'm afraid that we will be leading ourselves into some mechanical difficulties in trying to resurrect it at a later time.

CHAIRMAN HUTCHINSON: Mr. Dehnke.

MR. DEHNKE: We may be losing sight of the fact that whatever duty the legislature has on that subject has its origin and roots not in the state constitution, nor in state statutes, but the federal constitution and the enactments of congress. I think the subject matter properly belongs in the committee on legislative powers. And I understand from what has been said that there is a minority report in connection with the report of the committee on legislative powers. I think that assures that there will be an opportunity to discuss that subject when we come to the report of the committee on legislative powers, and I don't think we should hold up the proceedings on Committee Proposal 79.

CHAIRMAN HUTCHINSON: Mr. Hodges.

MR. HODGES: I would only point out 2 things in reply to Judge Dehnke's remarks. One is, the question of the sub-

stance and the validity of such an amendment is properly in the argumentation on the question itself. Also, this amendment which is being proposed does differ from the one that is a minority report later on, in that it goes to the heart of a different apportioning body. This one uses the apportioning body that is being set up in Committee Proposal 79, where the latter one will use the board of canvassers.

I'm not trying to belabor the point, Mr. Chairman. My only point is I think if we could just rise at this moment it would save more time than trying mechanically to bring this up at a later time with one of these agreements.

CHAIRMAN HUTCHINSON: Mr. Hannah.

MR. J. A. HANNAH: Mr. Chairman, I would like to assure Mr. Hodges and others that feel this is an important matter and should receive the consideration of the convention, while I haven't read his proposal, that if we proceed and rise and dispose of Committee Proposal 79, and prepare a statement that we make certain that this matter will receive the consideration of this convention, I'll join with him, and I'm sure we'll get a great many others, to see to it that it is taken up and given appropriate consideration before we finish.

CHAIRMAN HUTCHINSON: Are there any further amendments to the body of Committee Proposal 79? If not, it will pass.

Committee Proposal 79, as amended, is passed.

The delegate from the fourteenth district, Mr. Hannah, moves that the committee do now rise. All those in favor will say aye. Opposed will say no.

The motion prevails.

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

PRESIDENT NISBET: The Chair recognizes Mr. Hutchinson.

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

SECRETARY CHASE: Mr. President, the committee of the whole has had under consideration **Committee Proposal 79,** A proposal pertaining to a commission on legislative apportionment. It reports the proposal back to the convention with several amendments, recommending the amendments be agreed to, and the committee proposal as thus amended do pass.

Following are the amendments made to the committee proposal by the committee of the whole:

1. Amend page 3, line 12, after "published" by striking out "in the manner provided for acts of the legislature and shall have the force of law upon such publication, and shall be subject to the same provisions of referendum as apply to acts of the legislature.", and inserting "within 30 days and shall become law 60 days thereafter in the same manner as acts of the legislature.".

2. Amend page 3, line 17, after "record" by changing the period to a comma and inserting "and shall be responsible for the publication and distribution of the report.".

3. Amend page 3, line 18, after "event" by inserting "a majority of".

4. Amend page 3, line 19, by striking out "then the commission members of each political party shall submit a plan to the supreme court.", and inserting "each member of the commission may submit to the supreme court either individually or jointly with any other members, a proposed reapportionment plan.".

5. Amend page 3, line 20, after "If" by striking out "all".

6. Amend page 3, line 23, after "commission" by inserting "as complying most accurately with the constitutional requirements,".

PRESIDENT NISBET: The question is on concurring in the amendments of the committee of the whole. Those in favor will say aye. Opposed, no.

The amendments are adopted.

Committee Proposal 79, as amended, is referred to the committee on style and drafting.

Following is Committee Proposal 79 as amended and referred to the committee on style and drafting:

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

Sec. a. There is hereby established a commission on legislative apportionment consisting of 8 persons, 4 of whom shall be selected by each of the state organizations of each of the 2 political parties casting the highest vote for governor at the last preceding general election: Provided, That if a third party receives more than 25 per cent of such gubernatorial vote the commission shall consist of 12 members, 4 of whom shall be selected by the third political party. One member from each political party shall be selected from each of 4 regions hereinafter described: (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 public officials or governmental employees of either the federal, state or local governments, excepting notaries public and members of the armed force reserves, shall be eligible for membership on the commission. Members shall not be eligible for election to the legislature until 2 years shall have elapsed after the apportionment in which they shall have participated.

Said commission shall be appointed immediately after the adoption of this constitution and whenever reapportioning or redistricting is required by the provisions hereof. Members shall hold office until each apportionment or redistricting plan shall become effective. Vacancies shall be filled in the manner of 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, make its own rules of procedure, and shall receive such compensation as shall be provided by law. The legislature shall appropriate the funds necessary for the support of the commission.

Within 30 days after the adoption of this constitution, and also after the official results of each federal decennial census of the state and its political subdivisions are 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 apportion, district, reapportion and redistrict the senate and house of representatives according to the provisions of this constitution. No final decisions shall be made except by a majority of all of the members of the commission. Said commission shall hold public hearings as may be provided by law.

The final apportionment and districting shall be published within 30 days and shall become law 60 days thereafter in the same manner as acts of the legislature. The secretary shall keep a record of all the proceedings of the commission which shall be public record, and shall be responsible for the publication and distribution of the report.

In the event a majority of the commission cannot agree on a plan, each member of the commission may submit to the supreme court either individually or jointly with any other members, a proposed reapportionment plan. If plans submitted meet the requirements of this constitution, the supreme court shall determine the plan which shall be adopted by the commission as complying most accurately with the constitutional requirements, and published as aforesaid.

PRESIDENT NISBET: Without objection, the delegates are excused.

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

Reports of standing committees.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PRESIDENT NISBET: Thank you, Mr. Martin. Dr. DeVries.

MR. DeVRIES: Mr. President, the committee on administration will meet immediately following this morning's session.

PRESIDENT NISBET: Announcements.

SECRETARY CHASE: The committee on declaration of rights, suffrage and elections will meet in room F immediately upon recess; a short meeting. James K. Pollock, chairman.

The committee on legislative powers will meet tomorrow morning, Thursday, at 8:00 a.m. T. Jefferson Hoxie, chairman.

Mrs. Koeze asks to be excused temporarily from the early part of the afternoon session.

PRESIDENT NISBET: Without objection, she will be excused. Mr. Hoxie.

MR. HOXIE: Mr. President, I would like the attention of Mr. Wanger. I am asking that the members of the legislative powers committee meet immediately following this session.

PRESIDENT NISBET: The Chair recognizes Mr. Brake.

MR. BRAKE: Mr. President, I move we recess until 1:30.

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

The motion prevails. We are recessed until 1:30.

[Whereupon, at 11:35 o'clock a.m., the convention recessed; and, at 1:30 o'clock p.m., reconvened.]

VICE PRESIDENT HUTCHINSON: The convention will be in order. Will you please come to order. The delegates will please take their seats.

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

VICE PRESIDENT HUTCHINSON: The Chair recognizes the delegate from Kent, Mr. DeVries.

MR. DeVRIES: Mr. President, members of the convention, I respectfully request the committee on administration be granted permission to meet when the convention is on general orders, at the request of the chairman.

VICE PRESIDENT HUTCHINSON: Without objection, it will be so granted. The Chair hears no objections.

We are on the order of second reading of proposals.

SECRETARY CHASE: Item 1 on the second reading calendar, **Committee Proposal 79,** A proposal pertaining to a commission on legislative apportionment. Replaces article V, section 4.

VICE PRESIDENT HUTCHINSON: Mr. Hannah.

MR. J. A. HANNAH: Mr. President, unless there is objection, I would like to suggest that we consider Committee Proposal 79 read.

VICE PRESIDENT HUTCHINSON: Is there objection? The Chair hears no objection and the proposal is so considered.

Following is Committee Proposal 79 as reported by the committee on style and drafting and considered read. (For text as referred to said committee, see above, page 2029.):

Sec. a. [There is hereby established] A commission on legislative apportionment IS HEREBY ESTABLISHED consisting of 8 persons, 4 of whom shall be selected by [each of] the state organizations of each of the 2 political parties WHOSE CANDIDATES FOR GOVERNOR RECEIVED [casting] the highest vote [for governor] at the last [preceding] general election[:] PRECEDING EACH APPORTIONMENT. [Provided, That] If a CANDIDATE FOR GOVERNOR OF A third POLITICAL party [receives] HAS RECEIVED AT SUCH ELECTION more than 25 per cent of such gubernatorial vote, the commission shall consist of 12 members, 4 of whom shall be selected by THE STATE ORGANIZATION OF the third political party. One member OF THE COMMISSION [from each political party] shall be selected BY EACH POLITICAL PARTY ORGANIZATION from each of THE FOLLOWING 4 regions [hereinafter described]: (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 [public officials] OFFICERS or [governmental] employees of [either] the federal, state or local governments, excepting notaries public and members of the armed forceS reserve[s], shall be eligible for membership on the commission. Members OF THE COMMISSION shall not be eligible for election to the legislature until 2 years [shall have elapsed] after the apportionment PLAN in which they [shall have] participated BECOMES EFFECTIVE.

THE [Said] commission shall be appointed immediately after the adoption of this constitution and whenever [reapportioning] REAPPORTIONMENT or [redistricting] DISTRICTING is required by the provisions OF THIS CONSTITUTION [hereof]. Members OF THE COMMISSION shall hold office until each apportionment or [redistricting] DISTRICTING plan [shall become] BECOMES effective. Vacancies shall be filled in the SAME manner [of] 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 [such] compensation [as shall be] provided by law. The legislature shall appropriate [the] funds necessary TO ENABLE [for] the [support of the] commission TO CARRY OUT ITS ACTIVITIES.

Within 30 days after the adoption of this constitution, and [also] after the official TOTAL POPULATION COUNT [results] of each federal decennial census of the state and its political subdivisions [are] 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 apportion, AND district, [reapportion and redistrict] the senate and house of representatives according to the provisions of this constitution. ALL [No] final decisions shall REQUIRE THE CONCURRENCE OF [be made except by] a majority of all of the members of the commission. THE [Said] commission shall hold public hearings as may be provided by law.

[The] 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. [thereafter in the same manner as acts of the legislature.] The secretary OF STATE shall keep a PUBLIC record of all the proceedings of the commission [which shall be public record,] and shall be responsible for the publication and distribution of EACH PLAN [the report].

[In the event] 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. [either individually or jointly with any other members, a proposed reapportionment plan. If plans submitted meet the requirements of this constitution,] The supreme court shall determine [the] WHICH plan [which shall be adopted by the commission as complying most accurately with the constitutional requirements, and published as aforesaid] COMPLIES MOST ACCURATELY WITH THE CONSTITUTIONAL REQUIREMENTS AND SHALL DIRECT THAT IT BE ADOPTED 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

---

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

exercise of original [and final] jurisdiction, shall direct the secretary of state or the apportionment commission to perform their duties, [or] may review any final [districting] plan adopted by the [apportionment] commission and shall make orders [to amend] AMENDING such plan if it fails to comply with the requirements of this constitution[: Provided, That no such application shall be filed more than 60 days after final publication].

VICE PRESIDENT HUTCHINSON (continuing): The Chair recognizes the chairman of the committee on legislative organization, Dr. Hannah.

MR. J. A. HANNAH: Mr. President and ladies and gentlemen, this afternoon we come to the consideration of the recommendations of the committee on legislative organization. They are Committee Proposals 79 and 80, and we have before us Committee Proposal 79. I am not going to review the fairly lengthy statement that was made when this item was before you in the committee of the whole. Because those of us that have spent a lot of time on this matter are inclined to feel that all members of the convention know as much about it as we do, we sometimes feel that it's simpler than it is and I should like to tell you briefly why the committee recommended—before we get into a discussion of apportionment proposals—that there be established some organization, some agency, what we call a commission, charged with the responsibility of reapportioning the legislature whenever shifts in population make such reapportionment desirable or necessary. The committee became satisfied that when we ask the legislature to reapportion itself, we ask it to do something that is very difficult for it to do for the very obvious reason that it is dealing with shifting boundary lines between districts, which means, most certainly, that the districts of some of their colleagues are going to be changed, some of their colleagues are likely to lose their constituencies entirely, and if the apportioning is done fairly and objectively, there is always the possibility that some of the ablest members of the house or senate, whichever legislative body we're talking about, might find themselves apportioned out of a seat. These and other reasons are probably responsible for the fact that, pretty generally, state legislatures have failed to act.

You will recall that the supreme court case of a few weeks ago was based on the fact that in Tennessee, the state constitution provided that both the house and senate should be apportioned on a population basis and the legislature had failed to act for more than 60 years; and because the citizens of the state had no other recourse, the supreme court decided that it was appropriate for the federal court to reexamine the situation to see whether or not citizens were being unfairly deprived of adequate representation in the state legislature.

Now, Committee Proposal 79 provides that after any decennial census there shall be created an apportionment commission of 8 members, ordinarily, 4 selected by each of the 2 parties; or, in the event that some time in the future a third party might be successful in getting 25 per cent of the vote for governor at the last election, then that party too would be entitled to 4 representatives on the commission. This proposal provides that these members of the commission are selected, when necessary, by the party organization. Normally, your party organizations are the same as they are now, by the state central committee. In the present situation, there would be 4 Republicans and 4 Democrats.

It goes on to provide that they shall be selected on a district basis. The state is divided into 4 districts and each party would select one member of the commission from each of the 4 districts. The reason for that is: in the view of our committee it is desirable that this commission first of all be partisan; secondly, that it be reasonably objective; and thirdly, that it have some knowledge of all of the areas of the state for which it is going to be responsible for drawing new district lines.

Then there is spelled out in detail how this commission is to function and it is provided that there is, in the event the commission fails to come up with a majority vote — if there are 8 members, of course, it would take 5, meaning at least one member of one party and all the members of the other, or any combination of them, to come up with 5. If no 5 can agree on a single apportionment, then the supreme court shall review those proposals presented by any 2 commissioners and shall select the one that most nearly conforms to the provisions of the constitution.

Now, the committee on style and drafting has made some language changes that, in the view of our committee, are improvements. The committee recommends to you for favorable consideration the recommendation as it is before you as it comes from the committee on style and drafting.

VICE PRESIDENT HUTCHINSON: The question is on the adoption of the proposal. Mr. Hodges.

MR. HODGES: Mr. President, the minority members of this committee fully subscribe to the idea of an apportionment commission. There is no question that in light of history in Michigan and elsewhere, this is the only way apportionment can be accomplished. But we cannot subscribe to this commission. If one looks at the proposal closely, you will note that ½ of the people that will serve on this commission represent 6 per cent of the population of this state. We've had malapportionment of great extent, but this is probably the farthest we've ever gone. Actually what we have here is a malapportioned commission apportioning the legislature under a malapportioned formula. It cannot come to equity because of the formula and it is questionable if it can come to equity when you realize that ½ of the representatives on this will come from areas that represent 6 per cent of the population. It is inherently unfair; it is obviously undemocratic. And for this reason, the minority must oppose it.

VICE PRESIDENT HUTCHINSON: The question is upon the adoption of the proposal. Mr. William Hanna.

MR. W. F. HANNA: Do you want to take care of the amendment?

VICE PRESIDENT HUTCHINSON: All right. There is an amendment. The secretary will read.

SECRETARY CHASE: Messrs. Faxon and Marshall offer the following amendment:

1. Amend page 1, line 9, [paragraph 1] after "party.", by striking out the balance of the paragraph; which reads:

One member of the commission shall be selected by each political party organization from each of the following 4 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.

VICE PRESIDENT HUTCHINSON: The question is upon the amendment. The Chair recognizes Mr. Faxon.

MR. FAXON: Mr. President and fellow delegates, this amendment is similar to the one that was considered for some time during our deliberations in committee of the whole. Mainly it takes out from this provision that part dealing with where these people must live in order to sit on the commission. We've already permitted the political parties to make this designation. We already stipulate that these members of the commission can neither be officers or employees of any federal, state or local government. Now, I ask you, what need is there to insult the intelligence and integrity of our political parties by stipulating that these people must come from 1 of these 4 regions in order to qualify to sit on the commission? Realizing that our political parties in Michigan are statewide parties, and realizing that in the past, our political parties have shown consideration in all of their various operations to all parts of the state, I would question the wisdom of including into the constitution a specification as to what areas people must come from because I feel perfectly confident that the political parties will make the necessary and intelligent judgments in this matter.

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

Regardless of all other factors. this is not language that has any place in the constitution. There has been no precedent to this in any previous constitution to the dividing of the state up into 4 areas. This has never been done. I don't think we're in a position to make this judgment now. Four regions, 8 regions or 10 regions, we are one state and the people ought to be able to be picked from the state as a whole. We are not 4 different regions. I am sure that no one is going to identify themselves as a region in Michigan, whether they live in the southwestern region or the north central region or whatever region you want to call it. We are not a state of regions. We have never been a state of regions. I ask you to consider the wisdom of dividing a state up into regions for this or any other purpose. Let's leave this to the political parties to make the judgments that they will make. We can be certain that they will, in most cases, be the kind that we can trust and have faith in. I ask your support for this amendment.

VICE PRESIDENT HUTCHINSON: On the amendment, Mr. Hanna of Muskegon.

MR. W. F. HANNA: Mr. President and fellow delegates, I would like to talk against the Faxon amendment and in favor of the committee proposal. First, I would like to point out that this was not something that was brought up just to apply to Michigan, but is literally an application of the same principle that is in the Alaskan constitution, where, like our great state, they have a diversity of area. Secondly, I would like to call your attention to the fact that we have seen at this convention that we do have within Michigan 4 regions or 4 areas and we had testimony before our committee that within each political party, the people outstate and the people in the metropolitan areas within the same political party do not always quite agree. The most vivid of that testimony was the Democratic county chairman from Ionia county, a gentleman who was a fraternity brother of mine at Western Michigan, who came down and testified, asking that we keep the present senatorial system and the present house system, and who made this statement which I will paraphrase, because I do not have the quote, but to the effect that the Wayne county Democrats don't always listen to us Democrats outstate. Now, thirdly, this is very much analagous to another situation. Any of you who have studied the problem of annexation and the so called Virginia plan of annexation realize that once they have had a court or judicial body enter into the problem of annexation and drawing lines, those statutes or constitutional provisions uniformly provide for an outside judge to come in and hear the testimony and do the work. And from my experience here at this convention on apportionment, it has become very obvious that it is easier to draw the lines fairly and squarely and honestly in an area from which I do not come than it is to draw the lines in my own area. I can divide Bay county into 2 legislative districts more fairly and more honestly than I can divide Muskegon county, my home county, into 2 districts. Try as hard as I may to be judicious and honest and forthright, I cannot help but be influenced by local politics, personalities of the legislators from that county, and so forth.

I certainly urge that if we're going to have an honest, judicial approach to this matter of apportionment, we retain this provision that the Democratic party in Alaska thought so wise to put in. I submit to you that you can find people of your political thoughts, whether they're from the upper peninsula or Wayne county, regardless of political party, and I can only point to the votes taken in our committee, where I am sure that those members who were on that committee recognized that despite the fact that members of either party were from the upper peninsula, they reflected their party position.

I urge this as the only fair, honest way to get judicious reapportionment, as nearly fair and equal as we can possibly provide in this constitution. I urge the defeat of the Faxon amendment because it will inject politics into apportionment to the point where this commission will not honestly do its job under the standards we have set up in Committee Proposal 80.

VICE PRESIDENT HUTCHINSON: On the amendement, the Chair recognizes Mr. Knirk.

MR. KNIRK: Mr. President and ladies and gentlemen, I'd like to definitely correct the statement that was made by Mr. Hodges that 6 per cent of the people live in the area where ½ of these members of this particular commission would be from. That is not true. It's actually over 10 per cent. So I think that Mr. Hodges should check his figures on that. Secondly, I would like to say that the majority of the district changes will be made from outstate. Very few changes will be made, for instance, you might say, down in the southeastern or metropolitan area of the state. And I think that it is very important that on this commission there be people representing the entire area of the state of Michigan because when I say "area" I am referring to the sparsely populated areas in the upper peninsula and the upper part of the lower peninsula, because that's where most of the changes are going to take place. And I certainly hope that the convention delegates here will oppose this amendment and support the proposal as recommended by the committee. Thank you.

VICE PRESIDENT HUTCHINSON: On the amendment, Mr. Plank.

MR. PLANK: Mr. President and fellow delegates, I'd like to speak in behalf of defeating this amendment. Some of the delegates have raised the point that they've never heard of such a commission, and they are absolutely right. This is the first one of its kind in the 50 states. And it was chosen deliberately because it was thought that men from throughout the state will look at an area not their own with a more realistic and objective vision as far as concerns redistricting and reapportioning. I think in this proposal, we have the best reapportionment and redistricting plan of the whole 50 states and I would expect that many of the states will follow our apportionment plan and come up with the same type of body. In fact, I can report to this convention that at least one other state has asked that we send them our proposal on the redistricting reorganization plan. I certainly would urge you, on behalf of the committee on legislative organization, to defeat this amendment and go along with Committee Proposal 79.

VICE PRESIDENT HUTCHINSON: On the amendment, Mr. Stevens.

MR. STEVENS: Mr. President and members of the convention, I'd like to reply to the principal part of the argument of the proponents of this amendment. I refer particularly to the use of that synthetic hybrid, malapportionment. When Delegate Hubbs objected to its use in committee, I had it researched in the state library. The library staff was unable to find any authority for the use of this word in the English language. Delegate Butler insists it is used here in mala fide. I suggest that as used here, it is malapropos, malevolent, malicious and malignant. (laughter)

VICE PRESIDENT HUTCHINSON: On the amendment, Mr. Marshall.

MR. MARSHALL: I just want to demand the yeas and nays.

VICE PRESIDENT HUTCHINSON: Mr. Marshall demands the yeas and nays. Is the demand supported? The demand is supported. The yeas and nays are ordered. On the amendment the Chair recognizes, for the second time, Mr. Faxon.

MR. FAXON: Mr. President and fellow delegates, I think that some people have been arguing something which I never advocated nor said in my statement. I am not questioning the wisdom of having people sit on this commission who would come from various areas of the state. But I question the wisdom of writing in where they have to live in order to be on the commission. The question that we should be concerned with is having people of competence and ability, people who can do a good job, and it doesn't matter whether they live in Washtenaw, Ionia or Keewenaw county. If they are good people, they ought to be able to serve. This is the main point. I don't think there is any relevance in comparing Michigan with the state of Alaska and I think that we're aware of the fact that Alaska is the largest state and Alaska has a number

of other problems with regard to internal communication and transportation which are not true in the state of Michigan to the extent that it is true in Alaska.

I think in order to get a judicious reapportionment in line with remarks that have been made by Mr. Hanna, in order to get a reapportionment that we can all feel confident in, the important thing should be the individual merit of those persons who would be appointed to the commission, and those merits are not to be determined on the basis of whether the person lives in a particular region or not. We want qualified people. We want good people. And I think that we need people from all parts of Michigan, but I don't think we need to write this into the constitution. I think that we should have enough confidence and trust in our political party organizations to make the necessary judgments and to exercise their discretion insofar as their selection of people on that commission are concerned.

For these reasons, and not for any reason that we are going to think of, all these members ought to be from one area of the state, let's not freeze into the constitution, really, language that doesn't belong in there. Competence and qualifications are important. And I am sure that the political parties will make that judgment. It is not necessary that they live on one side of a county or another to see whether they can sit on the commission. We want good people. Let's leave the selection to the respective parties for their choice.

VICE PRESIDENT HUTCHINSON: On the amendment, Mr. Perras.

MR. PERRAS: Mr. President and fellow delegates, I rise in opposition to this amendment and I would like to, if I may, direct a question to Mr. Faxon, through the Chair.

VICE PRESIDENT HUTCHINSON: You may proceed, if he cares to answer.

MR. PERRAS: From your remarks, Mr. Faxon, did you infer that the only place you could get competent men for this commission would be from the lower part of the state?

MR. FAXON: Not at all, Mr. Perras. And I think I made it very clear that I haven't any intention that the commission ought to be made up of people only from one part. It is simply a question of leaving the manner of the selection — the place and the location of the selection of the delegates — to the respective political party organizations. They've done it in the past; they'll do it again. I'm sure they can be trusted in this case.

VICE PRESIDENT HUTCHINSON: On the amendment, Mr. Hodges.

MR. HODGES: On behalf of the minority committee members, we support this amendment. I would point out that this is the first time we'll have a pure area formula. There is no population formula whatsoever. This is strictly on area. I would beg forgiveness of Mr. Knirk. I note that he is right, that this is 10 per cent of the population. I was 4 per cent off. I realize that this makes it a little more palatable to say that 50 per cent of the representation on this commission will represent 10 per cent of the people. And this is more impalatable than anything that we've ever had in this state in terms of apportionment of the legislature, and this is the very body we're asking to apportion our legislature.

MR. PLANK: Point of order, Mr. President. Hasn't Mr. Hodges spoken on this once before?

VICE PRESIDENT HUTCHINSON: He has not.

MR. HODGES: Thank you, Mr. President.

MR. PLANK: Pardon me, Mr. Hodges.

VICE PRESIDENT HUTCHINSON: The question is upon the adoption of the amendment offered by Mr. Faxon and Mr. Marshall. The yeas and nays have been demanded and ordered. As many as are in favor of the amendment will vote aye. Those opposed will vote no. The voting has commenced. Have you all voted? If so, the secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas—40

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

Nays—86

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

SECRETARY CHASE: On the adoption of the amendment offered by Messrs. Faxon and Marshall, the yeas are 40; the nays are 86.

VICE PRESIDENT HUTCHINSON: The amendment is not adopted. The question recurs on the adoption of Committee Proposal 79. Mr. Norris.

MR. NORRIS: Mr. President, I would like to direct a question to Dr. Hannah, through the Chair, if I may.

VICE PRESIDENT HUTCHINSON: You may proceed.

MR. NORRIS: Do I understand, sir, that any elector may compel a review of a plan of apportionment that may be adopted by the apportionment commission?

MR. J. A. HANNAH: Mr. Norris, instead of answering that question, I'd like to defer to the vice chairman of our committee, Judge Dehnke, who will give you the legal answer.

VICE PRESIDENT HUTCHINSON: Judge Dehnke.

MR. DEHNKE: Mr. President and Dr. Norris, please repeat the question. I'm not sure that I caught the point of it.

MR. NORRIS: Mr. President, Judge Dehnke, my question was: In view of the fact that one of the reasons for an apportionment commission is to make available a review which had not been present thus far in a mandamusable fashion, is it the specific intent of this apportionment provision under the language contained in the proposal to provide for a review by the court upon petition of the qualified electorate of the plan of apportionment adopted by the apportionment commission?

MR. DEHNKE: I think the language speaks for itself, Dr. Norris. The court may review, upon such a petition, a final plan adopted by the commission and make orders amending the plan if it fails to comply with the requirements of the constitution. I think we may safely assume that the court, if it makes any amendments, will make them in conformity to the requirements of the constitution—the specifications, in other words.

MR. NORRIS: My second question, Mr. President, Judge Dehnke, is with regard to the situation that prevails when

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

MR. DEHNKE: The court then what?

MR. NORRIS: Issues an order.

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

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

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

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

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

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

VICE PRESIDENT HUTCHINSON: Mr. Hanna of Muskegon.

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

MR. NORRIS: Mr. President.

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

MR. NORRIS: A point of observation.

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

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

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

The roll was called and the delegates voted as follows:

Yeas—95

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

Nays—35

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

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

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

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

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

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

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

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

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

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-

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

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

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

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

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

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

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

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

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

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

Sec. 6. A commission on legislative apportionment is hereby established consisting of [8] EIGHT persons, [4] FOUR of whom shall be selected by the state organizations of each of the [2] TWO political parties whose candidates for governor received the highest vote at the last general election AT WHICH A GOVERNOR WAS ELECTED preceding each apportionment. If a candidate for governor of a third political party has received at such election more than 25 percent of such gubernatorial vote, the commission shall consist of 12 members, [4] FOUR of whom shall be selected by the state organization of the third political party. One member of the commission shall be selected by each political party organization from each of the following [4] FOUR regions: (1) The upper peninsula; (2) The northern part of the lower peninsula, north of a line drawn along the northern boundaries of the counties of Bay, Midland, Isabella, Mecosta, Newaygo and Oceana; (3) Southwestern Michigan, those counties south of region (2) and west of a line drawn along the western boundaries of the counties of Bay, Saginaw, Shiawassee, Ingham, Jackson and Hillsdale; (4) Southeastern Michigan, the remaining counties of the state.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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.

the problem of eliminating a representative or senatorial district if the annexation or merger would be of such proportion as to create that problem.

VICE PRESIDENT HUTCHINSON: Mr. John Hannah.

MR. J. A. HANNAH: Mr. President, ladies and gentlemen, I don't want to belabor this one. I think both Mr. Blandford and Mr. William Hanna are right. The original recommendation of the committee did not include these words that have to do with the determination to be left to ordinance by the city and certified to the secretary of state. When Committee Proposal 80 was before style and drafting the first time, they raised the question that would come into being if the annexed district might be adjacent to 2 districts of the legislature and, on the floor, we added these words, "as determined by the ordinance of the city certified to the secretary of state." And I recall that I did say — and I think Judge Dehnke said — that it was our understanding that the language we were putting on would leave this to a city ordinance to determine whether or not the new territory was to be annexed to one district or another district or left in the original district. And I support Mr. Wanger and Mrs. Judd's amendment.

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

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

SECRETARY CHASE: Messrs. Nord, Hodges, Norris, Austin, Faxon, Sablich, Marshall, T. S. Brown, Greene and Mrs. Daisy Elliott offer the following amendment:

1. Amend article IV, section 6 (second column, line 6) after "party.", by striking out the balance of the paragraph and inserting "Each political party shall be the judge of the qualifications of the members selected by it.".

VICE PRESIDENT HUTCHINSON: The question is upon the amendment. The Chair recognizes Mr. Nord.

MR. NORD: Mr. President, this amendment does 2 things which complement each other: 1, it strikes out the 4 regions from the apportionment commission; and 2, replaces it with a statement which clearly negatives the whole concept of an area factor and states the reverse; namely, that each political party shall be the judge of the qualifications of the members selected by it. That is the reverse of what we have in the provision before us because in this provision before us, the constitution is the judge, partly, in that it sets forth that the 4 members of each party must come from the 4 quarters of the state.

Now, the Democratic members of the apportionment committee who have joined me, and other delegates who have joined me, object to that concept of an area factor in apportionment. That is the one place where you don't want malapportionment; right in the body itself, which is the duly appointed apportionment commission. Therefore, we are urging this amendment which reverses the concept, eliminates any area factor from the apportionment commission, and makes the apportionment commission simply and purely a bipartisan commission. Like any other bipartisan commission, the parties are the judges and the constitution doesn't attempt to influence or affect the judgment of the political parties as to which members of their party should be on the commission.

I would also point out that one of the objections to it — in addition to the one I mentioned to the 4 quarters, or the balkanization, as it has been called, of the state, to use these 4 quarters in an apportionment commission — is this: that the need for it doesn't exist. The need that has been stated for it is that we want to get the opinions of people from each part of the state. Now that, I believe, is quite fallacious. The apportionment commission will get opinions. It will not be opinion formers. They will get opinions from people all over the state. They will be backed up by experts from their own political party and by members of the public that will appear before them. So that the mere fact that they don't come from the 4 quarters of the state would not affect their getting expert advice relating to the 4 quarters. Therefore, Mr. President, for these reasons, I submit this amendment, along with a number of other delegates, and ask the consideration of the convention. I demand the yeas and nays, Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Nord demands the yeas and nays upon the amendment. Is the demand supported? Sufficient number up. The yeas and nays are ordered. The question is upon the amendment. All those in favor of the amendment will vote aye. Those opposed will vote no. Have you all voted? If so, the secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas—34

Austin	Follo	McGowan, Miss
Baginski	Garvin	Murphy
Balcer	Greene	Nord
Barthwell	Hart, Miss	Norris
Binkowski	Hatcher, Mrs.	Ostrow
Brown, T. S.	Hodges	Pellow
Buback	Jones	Perlich
Cushman, Mrs.	Krolikowski	Stopczynski
Douglas	Lesinski	Suzore
Downs	Madar	Wilkowski
Elliott, Mrs. Daisy	Marshall	Young
Faxon		

Nays—85

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

SECRETARY CHASE: On the amendment offered by Mr. Nord and others to section 6, the yeas are 34; the nays are 85.

VICE PRESIDENT HUTCHINSON: The amendment is not adopted.

SECRETARY CHASE: Mr. Boothby offers the following amendment:

1. Amend article IV, section 6 (column 1, line 24) after "and" by striking out "shall make orders amending such plan" and inserting "may remand such plan to the commission for further action"; so, beginning in line 18, the language will read:

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

VICE PRESIDENT HUTCHINSON: Mr. Boothby.

MR. BOOTHBY: Mr. President, ladies and gentlemen of the convention, I believe this to be what is commonly known around the convention as a perfecting amendment. This particular amendment takes care of a problem which I think is

presently contained in this particular section of the article. The section as it now reads allows, on the application of a private citizen, an elector to, within 60 days after final adoption of the apportionment plan, petition the supreme court to review the apportionment plan, and then the supreme court has certain powers to deal with that particular plan to bring it into accord with the constitution.

Now, the present section provides that the supreme court may make an amendment to this apportionment plan. My way of thinking is that the supreme court should not have the problem of deciding what the actual apportionment plan should be, or making any amendment to it, but if it finds that it does not meet the constitutional provision, should simply remand it back to the apportionment commission for further action. This is what is generally done by the supreme court; when they come up to a matter which they find is not in accordance with constitutional provisions, they remand it back to the lower court for further proceedings. This is what the United States supreme court did in the Tennessee case. They remanded it back for further proceedings, and they did the same thing in the Scholle case.

What I am particularly fearful of is that the supreme court will be faced with trying to amend an apportionment plan that the commission has carefully worked out. The commission has been given power in the article to hold public hearings and to go into the whole total question of apportionment. I feel that the supreme court should not be forced to try to figure out an amendment to it because they would not have access to all the thinking of the commission that made up the total plan which resulted in the apportionment program. And to my way of thinking, until we have on the supreme court Bill Hanna, who is the only man I know of who can interpret the provision which is now contained in this article, I think it would be very foolhardy to place this before the supreme court.

VICE PRESIDENT HUTCHINSON: Mr. Dehnke.

MR. DEHNKE: Mr. President and fellow delegates, I am inclined to agree with Mr. Boothby on the advisability of this clarifying amendment. That language apparently has bothered a great many delegates who fear that the supreme court might construe it as giving it authority to make an apportionment according to its own notion. I am sure that was not the intent of the committee. The purpose of the committee was to have the supreme court act only as a reviewing body and if it determined that none of the plans submitted complied acceptably with the requirements of the constitution, that then it should be allowed to express its opinion to point out where the plan failed to comply with the requirements and remand it to the commission for further action. I therefore hope this amendment will be adopted.

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

The amendment is adopted.

SECRETARY CHASE: Messrs. Buback, Marshall, Baginski and Downs offer the following amendment:

1. Amend article IV, section 8 (column 1, line 37) after "Sec. 8.", by striking out the balance of the section; which reads:

> 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.

and renumbering the remaining sections.

VICE PRESIDENT HUTCHINSON: The question is upon the amendment offered by Mr. Buback and others. The Chair recognizes Mr. Marshall.

MR. MARSHALL: I yield to Mr. Van Dusen for the seventh time. (laughter)

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, might I ask Delegate Marshall how long he'd like?

MR. MARSHALL: It will only take me about a minute.

MR. VAN DUSEN: Mr. President, I would move to limit debate on this amendment to 5 minutes.

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen moves to limit debate to 5 minutes on this amendment. All those in favor say aye. Those opposed say no.

The motion prevails. Mr. Marshall.

MR. MARSHALL: First of all, Mr. President, I'd like to thank Delegate Van Dusen for his generosity. I'll be very brief. I urge a yes vote on the Buback, Baginski and Downs amendment. I talked on this at length on second reading and also in committee of the whole. I think it's ridiculous for us to write into the constitution a provision that will prohibit a minor township official from serving in the state legislature if the people of that community desired his services. And I urge a yes vote on this amendment.

VICE PRESIDENT HUTCHINSON: Mr. Hanna.

MR. W. F. HANNA: Mr. President and fellow delegates, 2 things: I'm not worried about the minor township official because all minor township officials don't have very much to do. But major township officials are sometimes faced with a divided loyalty once they get to the legislature, as are our major county and city officials. I would, secondly, like to point out that we have been very careful to prevent legislators from sitting on intergovernmental authorities. Now we are going to open the back door to allow them to be elected to the legislature. It only reverses the proceedings. We have prevented them from being in the legislature first and then being appointed to joint governmental authorities within this state. On the other hand, if they can get on the joint governmental authority first, under the Marshall amendment they could then get in the legislature.

I heartily wish to support the position that legislators should be legislators and their duty should be to the state and to the constituents who elect them, and they should be not torn, in judging legislation, as to what's good for "my job or my cohorts" on a township board or county board or city commission.

VICE PRESIDENT HUTCHINSON: The question is upon the amendment offered by Messrs. Buback, Marshall, Baginski and Downs —

MR. MARSHALL: The yeas and nays.

VICE PRESIDENT HUTCHINSON: — on which Mr. Marshall demands the yeas and nays. Is the demand for the yeas and nays supported? The demand is supported. The yeas and nays are ordered. The question is upon the amendment. All those in favor of the amendment will vote aye. Those opposed will vote no. This is a record roll call vote. Have you all voted? If so, the secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas—36

Anspach	Douglas	Mahinske
Austin	Downs	Marshall
Baginski	Elliott, Mrs. Daisy	McCauley
Balcer	Garvin	McGowan, Miss
Barthwell	Gover	Murphy
Boothby	Hart, Miss	Pellow
Bradley	Hatcher, Mrs.	Perlich
Brake	Hodges	Powell
Brown, T. S.	Jones	Stopczynski
Buback	Kirk, S.	Suzore
Doty, Dean	Lesinski	Wilkowski
Doty, Donald	Madar	Young

Nays—82

Allen	Heideman	Pugsley
Andrus, Miss	Higgs	Radka
Batchelor	Howes	Rajkovich
Beaman	Hoxie	Richards, J. B.
Bentley	Hubbs	Richards, L. W.
Binkowski	Iverson	Romney
Blandford	Judd, Mrs.	Rush
Conklin, Mrs.	Karn	Sablich
Cudlip	King	Seyferth
Cushman, Mrs.	Koeze, Mrs.	Shackleton
Danhof	Krolikowski	Shaffer
Dehnke	Kuhn	Shanahan
Dell	Lawrence	Sharpe
DeVries	Leibrand	Spitler
Donnelly, Miss	Leppien	Stafseth

Figy	Page	Van Dusen
Finch	Perras	Wanger
Gadola	Plank	White
Goebel	Pollock	Wood
Gover	Prettie	Woolfenden
Gust	Pugsley	Yeager
Hanna, W. F.		

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

VICE PRESIDENT HUTCHINSON: The amendment is not adopted. That completes the amendments to this article on the secretary's desk. Mr. Downs.

MR. DOWNS: Mr. President, fellow delegates, there are no more amendments and we're now on the adoption of the entire article; is that correct?

VICE PRESIDENT HUTCHINSON: That is correct, Mr. Downs.

MR. DOWNS: I rise near the hour of midnight in trepidation, fellow delegates, but I shall try to be very brief. I rise, announcing I am going to vote no on the entire article and urging other delegates to do the same. I shall not make a long speech but I want to make one or two points on what we've done, so the delegates will knowingly and very clearly know what has transpired, particularly on the key item of apportionment.

I wish to point out that under this provision neither house is based on population. And I do not say this in a fringe or flaky manner. I have asked the research department of this convention to prepare maps on how the apportionment system would work out. I am told this is a possible apportionment plan and there are other possibilities. However, I asked for one that would be as reasonable construction as possible.

In the senate in 1970, and not before, there would be a reapportionment and the smallest district in population would be 86,000; the largest would be 3 in Oakland county, each averaging 365,000 votes. In other words, it would take 4 voters in Oakland county to equal 1 voter in the 86,000 area. That is the senate. And this ties in with advice and consent. Then in the matter of the house, Monroe county, according to the 1960 figures, would be the largest, with 101,000, and the counties of the presiding delegate, Allegan and Van Buren, have the distinction of having an average of 53,062, in other words, practically a 2 to 1 difference. It would take 2 citizens from Monroe county to equal 1 citizen's vote in Allegan county. I point this out to try to dramatize that neither house is on population, and if anybody came to this convention pledged to have at least 1 house on population, I hope those delegates will join with me in voting no on this section in the hope that we'll have something done by third reading.

I do also wish to point out that by the time we come back on August 1, there may be additional supreme court decisions. I just have the newspaper report and if I keep talking long enough, I'll be able to have a special delivery letter with some of the further details. But I understand that not only Georgia threw out the county unit system, but in Maryland, their frozen senate, somewhat similar to Michigan's, has also been thrown out by the court there on the concept of equal protection of the laws. I will not now move that we postpone consideration until further court action is taken. I remind us again that the Michigan case, Scholle versus Hare, was remanded by the United States supreme court and is back in the hands of the Michigan state supreme court. I feel that our progress here is going to come from the judicial branch, unfortunately, rather than branches like this which, by themselves, are not created on a one man, one vote concept. I do urge the delegates to understand these factors in arriving at the conclusion. There are other points of this article that we have discussed — some facetiously; some seriously. But I wish to emphasize that the main reason that I am urging a no vote on this article IV, section 2, is that I think that it is not only wrong to deny the one man, one vote concept, but I believe it is running contrary to the historical thrust of the court decisions. Thank you.

VICE PRESIDENT HUTCHINSON: Mr. McAllister.

MR. McALLISTER: Mr. President and fellow delegates, the hour is getting late. I cannot vote for this article. The committee that proposed this apportionment setup does not seem to be able to explain just what counties are going to be where. In fact, when the committee can't explain it to my satisfaction, I certainly can't vote for something of that kind.

It appears to me from the Tennessee case, the Scholle case, your Georgia case in the federal court, and your Maryland case, that we are doing something here that is just what Mr. Downs would like to have us do. And I do support his position. But I don't think this article should be passed if there is a possibility that the Michigan supreme court will rule on this case before August 1. It appears to me that what we are really going to have here is a senate and a house, both on a population basis. And at the present time I can't see where rural Michigan has any representation, either in the house or senate, under this plan. And in view of that fact, I cannot vote for it.

VICE PRESIDENT HUTCHINSON: Mr. Pollock.

MR. POLLOCK: Mr. President, I've listened with what, for me, is unusual patience to the repeated dolorous pronouncements of the delegate from Detroit to the effect that he intends to vote no on one article after another. I will not attempt to surmise his real reason for acting in this negative and wholly destructive manner. He can answer to his own conscience and whatever forces in his party or elsewhere to which he so loyally responds.

I can only say that it is, to me, utterly incomprehensible how any delegate — I say any delegate; not merely the leader of the minority party — can sit here for 7½ months in the give and take of debate and decision and then, at the end of our deliberations, recommend a no vote on issues in which he shared responsibility as a delegate and, as often as not, won his own points. By what kind of extraordinary wisdom or insight does he or any other delegate or delegates think that his or their views are so superior to the slowly agreed majority view that they warrant this extraordinary procedure which, to me, is utterly destructive in its result of trying to throw together a shadow constitution or at least shadow articles in place of the carefully mature articles of this proposed constitution? I say, Mr. President, that this tactic — obviously partisan and nonpublic in nature — is unworthy of any delegate and, in my opinion, deserves condemnation on this floor. (applause)

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen.

MR. DOWNS: I rise to a point of personal privilege —

MR. VAN DUSEN: Mr. President.

MR. DOWNS: — Mr. President.

VICE PRESIDENT HUTCHINSON: You may state it, Mr. Downs.

MR. DOWNS: I believe that the former speaker — and I am not going to question his motives — did attack my motives, did attack me personally, and as such, I have the right to respond.

VICE PRESIDENT HUTCHINSON: You may proceed.

MR. DOWNS: All right. I wish to apprise the convention that this is the first time I have, to my memory, risen on a matter of personal privilege on the floor of the convention. To my knowledge, I have never knowingly attacked any individual on the floor of this convention, nor have I questioned any delegate's motives. I may have disagreed with the judgment or conclusion and I have always, I hope, respected the right of other delegates to question my judgment and my conclusion; and I hope have shown no bitterness or malice when any individual delegate, for his reasons, has seen necessary to vote contrary to what I have wished or expressed.

I wish to say that when I campaigned for this office there were several very clear points I went to the constituents in my district on and offered myself as a candidate. One was that I did not want to see any backward steps in this constitution that's being developed. I specifically refer to civil service, and will touch on that when we get into it. On the apportionment matter, I simply say that this does not represent one man, one vote in either house. I campaigned, and I can show clippings and speeches ad nauseam where I campaigned on the concept of one man, one vote. Whether or not that is right or wrong is not the issue before this convention. The issue is that as a delegate, as a candidate I campaigned on that. I said I would fight for that. I have fought for that. And if I am defeated

on this, I feel no moral obligation to support something that is less than that on which I campaigned. If, on the other hand, I were to compromise basic principles — and I'm not talking about modifications of day to day operations — I would feel that that was not justifiable. How other delegates answer to themselves is their prerogative and their business and I do not intend to answer that on this floor. I do hope, as we mature and develop here, we'll have a chance to review this more thoroughly and compare item by item.

I'm a little surprised at all those points that I've won in debate. I enjoyed the conversation and fellowship but I think it would take a rather small adding machine to suggest the number of significant suggestions I've made that the convention has adopted. And I express no resentment or bitterness at the convention for having seen fit to adopt suggestions other than mine. I hope I have shown no rancor; I have felt no rancor. I apologize for taking this time of the convention this late at night. I want the delegates to know that I came here in a spirit of friendship. I feel that has been increased and I hope we do nothing or say things which we individually would later wish had been left unsaid. Thank you for your patience. (applause)

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, we do seem to be straying from the point. I would move that further debate on this article of the constitution terminate at 12:00 midnight.

VICE PRESIDENT HUTCHINSON: It being now 11:58, Mr. Van Dusen moves to terminate debate at 12:00 o'clock midnight. All those in —

MR. MADAR: Mr. President, I'd like to amend that so that they could speak. There have been several delegates that have tried to get recognition.

VICE PRESIDENT HUTCHINSON: There are 4.

MR. MADAR: That's right. Approximately that. And I move that we give them 10 minutes.

VICE PRESIDENT HUTCHINSON: Each one?

MR. MADAR: No, sir, 10 minutes for the 4.

VICE PRESIDENT HUTCHINSON: Mr. Madar moves that debate be terminated in 10 minutes. All those in favor will say aye. Opposed no.

The motion does not prevail.

DELEGATES: Division.

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

SECRETARY CHASE: Eleven.

VICE PRESIDENT HUTCHINSON: The demand is supported. All those in favor of limiting debate at 12:10 will vote aye. Those opposed will vote no. Have you all voted? If so, the secretary will lock the machine and record the total.

SECRETARY CHASE: On the motion to limit debate to 10 minutes, the yeas are 63; the nays are 48.

VICE PRESIDENT HUTCHINSON: The motion prevails.

MR. A. G. ELLIOTT: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Elliott.

MR. A. G. ELLIOTT: Is a motion necessary to require that this time be divided equally between those that wish to speak? If so, I move.

VICE PRESIDENT HUTCHINSON: Between those who wish to speak?

MR. A. G. ELLIOTT: Yes.

VICE PRESIDENT HUTCHINSON: There are 4 and the Chair will request the 4 speakers to limit themselves to not more than 2½ minutes each. Mr. Wanger is next recognized.

MR. WANGER: Mr. President, fellow delegates, very briefly I'd like to comment on what Delegate Downs has urged the delegates at this convention to do. He has urged every delegate here to vote no on this article, in other words, to vote for nothing. He has offered no substitute, nothing to present to the people by way of any improvement whatsoever in this area of our constitution. And it seems to me very, very clear that such a vote is the most apparent and the grossest kind of irresponsible action for any delegate to take at this state of a constitutional convention.

I am not going to observe upon the motives of any delegate except to say this: I think that for those few delegates at the convention who have already publicly made expressions that they intend to fight the adoption of any revised constitution which we propose, that no observation on their motives is necessary because their vote on the board speaks for itself.

VICE PRESIDENT HUTCHINSON: Dr. Hannah.

MR. J. A. HANNAH: Mr. President, ladies and gentlemen, Mr. Downs has recommended that you vote no on this article primarily because of the apportionment provisions. I would remind you that you have had 21 able persons on this committee who worked long and diligently. They have come up with recommendations which you have approved on first and second reading which the formula — you know what it is — I am only going to, for the record, make it perfectly clear that the recommendations as they appear here apportion the senate seats 80 per cent on population, 20 per cent on area.

Mr. Downs takes the extreme, the very large district in the upper peninsula that will have small population and the 3 most populous districts in Oakland county for his comparison. In the house of representatives he has taken the extreme because in grouping the counties that are not entitled to a single representative, you are left with Allegan and Van Buren counties that are thrown together and then when we come to apportion the difference in the number of seats between those counties that have one or more, and 110, it happens that they get the second seat. This is the extreme. Actually, the house of representatives, as you well know, is as near as you can come to exact population with the exception of a single representative. You could just change one and it comes as close as you can — it's as close as you can come up with a workable formula.

I should dislike, this late at night when you're all tired, any of you to feel that the statement that Mr. Downs has made, that neither house of the legislature reflects population, is correct. We have done very well indeed. I've said before I am very proud of what our committee has come up with and what you are about to approve. We need no apologies for the apportionment portion of the article before you and I urge you to approve it.

VICE PRESIDENT HUTCHINSON: Mr. Marshall.

MR. MARSHALL: Mr. President and fellow delegates, I was going to answer Delegate Pollock but it seems to me that Delegate Downs took care of that rather well himself. I only wish that Delegate Pollock had been as consistent on this question as Delegate Downs has been. He had some very unkind things to say about the provision himself. He equated it as 19 acres equaling 1 man, among other statements, and I can dig them out. This is not a one man, one vote principle. It does not meet the equality —

I do not think we should question the motives of those delegates. We have our own opinions, our own desires. We try to reflect the viewpoints of the people we represent. I urge a no vote on the article, too.

I've heard Dr. Hannah, on several occasions on the floor of this convention, over and over again, talk about how we do not have to apologize to any one for the provision that has come out of this convention. Let me tell you that if I voted for the provision I would have to apologize to the 680,000 people in my senatorial district that has only one senator. I think that we should understand, as Delegate Downs pointed out, that neither house of the legislature is going to be on a straight population basis. And there were alternatives. I think Dr. Pollock said we were taking a negative approach. We did all of the giving and no taking. And there were offers to accept proposals in the committee. Dr. Pollock himself offered one which we agreed to accept as a compromise proposal. Dr. Pollock himself, for reasons best known to him, a day or two later decided to revise his proposal. Then it was no longer acceptable to the minority on that committee. And we could go on and on and point out the facts here, and I'm willing to let the people of the state of Michigan decide whether or not they've got an equitable apportionment.

VICE PRESIDENT HUTCHINSON: Mr. Nord.

MR. NORD: Mr. President, how much time is left for the debate? Am I the last speaker?

VICE PRESIDENT HUTCHINSON: You are.

MR. NORD: How much time is left, sir?

VICE PRESIDENT HUTCHINSON: It looks like 2 minutes to the Chair.

MR. NORD: That is fine. Thank you. I rose earlier. I asked for recognition because I didn't think that Mr. Downs would have an opportunity to reply to the attack on him. Since that has been covered, I will simply attempt to close the debate.

I would like to point out that as to Dr. Pollock's remarks relating to whether or not this is a satisfactory legislature, that when Dr. Pollock appeared before the committee on legislative organization, he started out by saying — and I applauded him and I told him that I would join with him — he said the legislature is so bad that we must start from scratch; we cannot have a patched job. He appeared later before us with a specific proposal. At that point I was not satisfied with it. I asked him, "Dr. Pollock, is this starting from scratch, or is it a patched job?" He said, "It's a patched job." We didn't approve of it. Nevertheless, we were forced to accept it at the end because, of all of the proposals we would find that were put in by the Republicans, that was the best; even though it was a patched job, we tried to accept it. He has retreated from that position. Then he attacked the proposal that you had before you and broke it down so that was worthless. Now he has rebuilt it so that it looks good.

I intend to vote against this. I think everyone understands I intend to vote against this section. I would vote against the entire constitution on the basis of either this section or the one I spoke on before. Both of these, I believe, are unconstitutional. The one about search and seizure, I believe, is clearly unconstitutional. And this one about the senate apportionment is certainly unconstitutional as to the next 10 years, and beyond that my opinion is that it is unconstitutional as well. But even if it were not unconstitutional, it is unjust. There is no reason for me to support it; there is every reason for me not to support it. And with that view, I can't see how anyone can quarrel with my doing what my conscience dictates. And I explained my conscience for 4 hours on the floor. There is no secret why I will vote against this. And when I vote against these 2 sections that have to do with apportionment, they are the heart of the entire constitution to me.

Either you have an effective democratic legislature or you have nothing. You have no state government. We have virtually no state government now in this state. We wanted to cure it. If you vote no on this, we will come back with other proposals. We've been putting in proposal after proposal; we will not quit. Just try it. If you don't believe us, vote no on this and see whether that means that there is no constitution. Vote no and we will stay here until kingdom come until we get something that is agreeable. You're not left with no alternative. Just because you put something on the ballot doesn't mean that anyone is obligated to vote for it and it doesn't mean that anyone here must support it.

VICE PRESIDENT HUTCHINSON: Time for debate has expired. The question is upon the passage of article IV. All those in favor of article IV will vote aye. Those opposed will vote no. Have you all voted? If so, the secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas — 83

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

Nays — 37

Baginski	Hart, Miss	Murphy
Balcer	Hatcher, Mrs.	Nord
Barthwell	Hodges	Norris
Binkowski	Jones	Ostrow
Boothby	Krolikowski	Pellow
Bradley	Leibrand	Perlich
Brown, T. S.	Lesinski	Perras
Buback	Madar	Sablich
Douglas	Marshall	Stopczynski
Downs	McAllister	Suzore
Elliott, Mrs. Daisy	McCauley	Wilkowski
Faxon	McGowan, Miss	Young
Garvin		

SECRETARY CHASE: On the passage of article IV, as amended, the yeas are 83; the nays are 37.

VICE PRESIDENT HUTCHINSON: A majority of the delegates elect having voted in favor thereof, **article IV, as** amended, is passed.

For sections 1, 2, 3, 5, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, and 19 through 53 of article IV as passed, see above, page 3051.

Following is section 4 of article IV, as amended and passed:

Sec. 4. In counties having more than one representative or senatorial district, the territory in the same county annexed to or merged with a city between apportionments shall become a part of a contiguous representative or senatorial district in the city with which it is combined upon the effective date of the annexation or merger if provided by ordinance of the city. The districts with which the territory shall be combined shall be determined by said ordinance certified to the secretary of state.

No such change in the boundaries of a representative or senatorial district shall have the effect of removing a legislator from office during his term.

Following is section 6 of article IV, as amended and passed:

Sec. 6. A commission on legislative apportionment is hereby established consisting of eight persons, four of whom shall be selected by the state organizations of each of the two political parties whose candidates for governor received the highest vote at the last general election at which a governor was elected preceding each apportionment. If a candidate for governor of a third political party has received at such election more than 25 percent of such gubernatorial vote, the commission shall consist of 12 members, four of whom shall be selected by the state organization of the third political party. One member of the commission shall be selected by each political party organization from each of the following four regions: (1) The upper peninsula; (2) The northern part of the lower peninsula, north of a line drawn along the northern boundaries of the counties of Bay, Midland, Isabella, Mecosta, Newaygo and Oceana; (3) Southwestern Michigan, those counties south of region (2) and west of a line drawn along the western boundaries of the counties of Bay, Saginaw, Shiawassee, Ingham, Jackson and Hillsdale; (4) Southeastern Michigan, the remaining counties of the state.

No officers or employees of the federal, state or local governments, excepting notaries public and members of the armed forces reserve, shall be eligible for membership on the commission. Members of the commission shall not

be eligible for election to the legislature until two years after the apportionment in which they participated becomes effective.

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

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

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

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

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

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

Following is section 12 of article IV, as amended and passed:

Sec. 12. The compensation and expenses of the members of the legislature shall be determined by law. Changes in salary or expenses shall become effective only when legislators commence their term of office after a general election.

Following is section 18 of article IV, as amended and passed:

Sec. 18. Each house shall keep a journal of its proceedings, and publish the same unless the public security otherwise requires. The record of the vote and name of the members of either house voting on any question shall be entered in the journal at the request of one-fifth of the members present. Any member of either house may dissent from and protest against any act, proceeding or resolution which he deems injurious to any person or the public, and have the reason for his dissent entered in the journal.

Following is explanation of vote submitted by Messrs. Madar, Nord, Norris, Marshall, Baginski, Buback, Jones, Lesinski, Stopczynski, Suzore, Hodges, Downs, Mrs. Hatcher and Miss Hart:

We object to the adoption of article IV on legislative branch. The basic reason is that this denies equality at the ballot box as is being described by United States and other court decisions. Neither house is based on population, since the smallest house district is 53,062 and the largest is 101,120, and by 1970 when the senate would be reapportioned the smallest would be 86,430 and the largest 365,860.

We regret very much that the convention did not meet the apportionment problem, nor delay action until further court decisions in Michigan have been handed down, which would still give sufficient time for getting the new draft constitution on the ballot.

We are concerned that section 53, providing for a legislative auditor to replace the presently elected voters' auditor, will weaken public control which has been so effective in Michigan's "dollar honest" government. The performance postaudits authorized by the legislative auditor can be used to harass the efficient operation of units of government, rather than be limited to financial auditing which is presently the primary function of the auditor general.

The failure of the convention majority to meet the apportionment problem is perhaps the most serious weakness of the convention to date, because the question of apportionment affects practically every other article of the constitution. The question of the responsibility of the legislature, and its power can only be determined after a truly representative legislature is created. The question of taxation, finances, advice and consent, and all appropriations is dependent upon the type of legislature we have established.

We, therefore, urge a no vote on this article and hope the convention will reconsider its action on this article before adjournment.

VICE PRESIDENT HUTCHINSON (continuing): Announcements by the secretary.

SECRETARY CHASE: The apple juice today was through the courtesy of the Eauclair Canning company, by Mr. J. Burton Richards. (applause) And the oranges are with the compliments of your finance clerk, Mrs. Lois Tomlinson. (applause)

VICE PRESIDENT HUTCHINSON: The Chair has been waiting a long time to do it, but the Chair now recognizes Mr. Dell.

MR. DELL: Mr. President and members of the convention, I tried to get recognition on this last article here because I was like Mr. Downs there — I hope I have the privilege of making this statement — I also campaigned on this reapportionment, not on a population basis but on the effect it would have on outstate, and I felt very much like the farmer who went to town to sell his wheat and when he came back his neighbor said to him, "Well, Tom, how did you make out?" "Well," he said, "I didn't get as much as I expected and I didn't expect I would." And I think that's what's going to happen in this convention. At this time I move that we adjourn.

VICE PRESIDENT HUTCHINSON: Mr. Dell moves that the convention do now adjourn. All those in favor will say aye. Opposed will say no.

The motion prevails, and the convention stands adjourned until 9:00 o'clock a.m. today.

[Whereupon, at 12:15 o'clock a.m., the convention adjourned until 9:00 o'clock a.m., Tuesday, May 8, 1962.]

ONE HUNDRED THIRTY-FOURTH DAY

Tuesday, May 8, 1962, 9:00 o'clock a.m.

PROCEEDINGS

VICE PRESIDENT HUTCHINSON: The convention will **come to order.** The delegates will please take their seats.

The **invocation** today will be delivered by Dr. Ralph J. Danhof, executive secretary and stated clerk of the Christian Reformed Church. Dr. Danhof is from Grand Rapids and is an uncle of Delegate Robert J. Danhof.

REVEREND DANHOF: Let us unite our hearts in prayer. We thank Thee, heavenly Father, that we may call upon Thee. We thank Thee that Thou hast given us a state in which we may live and also exercise the gifts of freedom. We pray that Thou wilt preserve these freedoms for us not only as the state of Michigan but as the United States of America.

We pray, Lord our God, that Thou wilt bless this constitutional convention. Bless these delegates in all of their efforts and grant that they may truly be servants of Thine, for therein lieth our greatness, when we may serve Thee and our fellow men. We beseech Thee that Thou wilt cause Thy favor to rest upon each and every delegate. Use them mightily to promote the cause of justice and freedom for men.

Pardon graciously our sins and favor us as a nation among the nations of the world and cause us to be a good example unto all of them. Pardon all that we do contrary to Thy heavenly will, and may Thy law serve as the guide of true worship; to love Thee above all else and our fellow men as ourselves. In Christ's name we ask it. Amen.

VICE PRESIDENT HUTCHINSON: The secretary will take the **roll call.** All those present will vote aye. Have you all voted? The secretary will record the roll.

SECRETARY CHASE: Mr. President, 127 delegates; a quorum is present.

Prior to today's session, the secretary received the following requests for leave: Mr. Ford, temporarily, from this morning's session; and Mr. Nisbet, from today's session.

VICE PRESIDENT HUTCHINSON: Without objection, the requests are granted.

SECRETARY CHASE: Absent with leave: Messrs. Ford, Hood, Liberato and Nisbet.

Absent without leave: Miss Andrus, Mrs. Hatcher, Messrs. Hubbs, Murphy, Norris and Ostrow.

VICE PRESIDENT HUTCHINSON: Without objection, the delegates are excused.

[During the proceedings the following delegates entered the chamber and took their seats: Miss Andrus, Mrs. Hatcher, Messrs. Murphy, Hubbs, Ford, Ostrow and Norris.]

Reports of standing committees.

SECRETARY CHASE: No committee reports, Mr. President.

VICE PRESIDENT HUTCHINSON: Communications from state officers.

SECRETARY CHASE: None.

VICE PRESIDENT HUTCHINSON: **Motions and resolutions.**

SECRETARY CHASE: Messrs. Van Dusen and Cudlip offer **Resolution 97,** A resolution to amend the convention rules to provide for possible amendments to the proposed constitution on the occasion of the sine die adjournment session of the convention.

Following is Resolution 97 as offered:

Whereas, When the convention adjourns in May, it will stand adjourned until Wednesday, August 1; and

Whereas, During the intervening period a legal determination may alter the date of submission of the constitution to the people as provided in the schedule; and

Whereas, During said period the committee on style and drafting may discover technical changes which should be made in the new document; now therefore be it

Resolved, That on the occasion of the sine die adjournment session August 1, 1962, amendments to the proposed constitution not affecting its substance may be offered by the committee on style and drafting, and amendments may be offered to the schedule to implement any intervening determination respecting the time of submission of the proposed constitution to the electors, but no other amendment may be offered. No such amendment shall be adopted unless approved by a majority of the delegates elected to and serving in the convention, voting by the yeas and nays.

VICE PRESIDENT HUTCHINSON: Referred to the committee on rules and resolutions.

SECRETARY CHASE: Mr. Van Dusen offers **Resolution 98,** A resolution to provide for the time and place of the sine die adjournment session, and for notice thereof.

Following is Resolution 98 as offered:

Resolved, That when the convention adjourns today it stand adjourned until Wednesday, August 1, 1962, at 10:00 o'clock a.m., when it shall convene at a place to be designated by the president and the 3 vice presidents of the convention; and be it further

Resolved, That the officers shall determine the place of such August 1, 1962, session and the secretary shall advise each delegate thereof in writing not later than July 16, 1962.

VICE PRESIDENT HUTCHINSON: Referred to the committee on rules and resolutions.

SECRETARY CHASE: Mr. Van Dusen also offers **Resolution 99,** A resolution of thanks and appreciation to the citizens research council of Michigan, incorporated.

Following is Resolution 99 as offered:

Whereas, The citizens research council has issued a series of excellent research studies on matters relating to the work of this convention and has freely provided research staff and time to convention activities; and

Whereas, These publications and research efforts have been extensively used by committees and by individual delegates as reliable factual sources throughout all phases of the work of this convention; and

Whereas, This research activity by a privately supported organization is deemed by this convention to have been of material aid to its deliberations; now therefore be it

Resolved, That the Michigan Constitutional Convention of 1961 hereby records and expresses its sincere thanks and cordial appreciation to the citizens research council of Michigan for its substantial interest and effort in this momentous public affair; and be it further

Resolved, That a suitably printed copy of this resolution be transmitted to the president of the board of directors of the citizens research council of Michigan, incorporated.

VICE PRESIDENT HUTCHINSON: Referred to the committee on rules and resolutions.

SECRETARY CHASE: That is all the resolutions on file, Mr. President.

VICE PRESIDENT HUTCHINSON: **Third reading.**

SECRETARY CHASE: On the third reading calendar this morning, **article V,** the executive branch, of the third reading document.

PREAMBLE

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

Article I

Declaration of Rights

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

Sec. 2. No person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color or national origin. The legislature shall implement this section by appropriate legislation.

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

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

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

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

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

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

Sec. 9. Neither slavery, nor involuntary servitude unless for the punishment of crime, shall ever be tolerated in this state.

Sec. 10. No bill of attainder, ex post facto law or law impairing the obligation of contract shall be enacted.

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

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

Sec. 13. A suitor in any court of this state has the right to prosecute or defend his suit,

either in his own proper person or by an attorney.

Sec. 14. The right of trial by jury shall remain, but shall be waived in all civil cases unless demanded by one of the parties in the manner prescribed by law. In all civil cases tried by 12 jurors a verdict shall be received when 10 jurors agree.

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

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

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

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

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

Sec. 20. In every criminal prosecution, the accused shall have the right to a speedy and public trial by an impartial jury, which may consist of less than 12 jurors in all courts not of record; to be informed of the nature of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to have the assistance of counsel for his defense; to have an appeal as a matter of right; and in courts of record, when the trial court so orders, to have such reasonable assistance as may be necessary to perfect and prosecute an appeal.

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

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

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

Article II
Elections

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

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

Sec. 3. For purposes of voting in the election for president and vice-president of the United States only, the legislature may by law establish lesser residence requirements for citizens who have resided in this state for less than six months and may waive residence requirements for former citizens of this state who have removed herefrom. The legislature shall not permit voting by any person who meets the voting residence requirements of the state to which he has removed.

Sec. 4. The legislature shall enact laws to regulate the time, place and manner of all nominations and elections, except as otherwise provided in this constitution or in the constitution and laws of the United States. The legislature shall enact laws to preserve the purity of elections, to preserve the secrecy of the ballot, to guard against abuses of the elective franchise, and to provide for a system of voter registration and absentee voting. No law shall be enacted which permits a candidate in any partisan primary or partisan election to have a ballot designation except when required for identification of candidates for the same office who have the same or similar surnames.

Sec. 5. Except for special elections to fill vacancies, or as otherwise provided in this constitution, all elections for national, state, county and township offices shall be held on the first Tuesday after the first Monday in November in each even-numbered year or on such other date as members of the congress of the United States are regularly elected.

Sec. 6. Whenever any question is required to be submitted by a political subdivision to the electors which involves the increase of any ad valorem tax rate limitation for a period of more than five years, or the issue of bonds, only electors in, and who have property assessed for any ad valorem taxes in, any part of the district or territory to be affected by the result of such election or electors who are the lawful husbands or wives of such persons shall be entitled to vote thereon. All electors in the district or territory affected may vote on all other questions.

Sec. 7. A board of state canvassers of four

members shall be established by law. No candidate for an office to be canvassed nor any inspector of elections shall be eligible to serve as a member of a board of canvassers. A majority of any board of canvassers shall not be composed of members of the same political party.

Sec. 8. Laws shall be enacted to provide for the recall of all elective officers except judges of courts of record upon petition of electors equal in number to 25 percent of the number of persons voting in the last preceding election for the office of governor in the electoral district of the officer sought to be recalled. The sufficiency of any statement of reasons or grounds procedurally required shall be a political rather than a judicial question.

Sec. 9. The people reserve to themselves the power to propose laws and to enact and reject laws, called the initiative, and the power to approve or reject laws enacted by the legislature, called the referendum. The power of initiative extends only to laws which the legislature may enact under this constitution. The power of referendum does not extend to acts making appropriations for state institutions or to meet deficiencies in state funds and must be invoked in the manner prescribed by law within 90 days following the final adjournment of the legislative session at which the law was enacted. To invoke the initiative or referendum, petitions signed by a number of registered electors, not less than eight percent for initiative and five percent for referendum of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected shall be required.

No law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election.

Any law proposed by initiative petition shall be either enacted or rejected by the legislature without change or amendment within 40 session days from the time such petition is received by the legislature. If any law proposed by such petition shall be enacted by the legislature it shall be subject to referendum, as hereinafter provided.

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

Any law submitted to the people by either initiative or referendum petition and approved by a majority of the votes cast thereon at any election shall take effect 10 days after the date of the official declaration of the vote. No law initiated or adopted by the people shall be subject to the veto power of the governor, and no law adopted by the people at the polls under the initiative provisions of this section shall be amended or repealed, except by a vote of the electors or three-fourths of the members elected to and serving in each house of the legislature. Laws approved by the people under the referendum provision of this section may be amended by the legislature at any subsequent session thereof. If two or more measures approved by the electors at the same election conflict, that receiving the highest affirmative vote shall prevail.

The legislature shall implement the provisions of this section.

Article III
General Government

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

Sec. 2. The powers of government are divided into three branches: legislative, executive and judicial. No person exercising powers of one branch shall exercise powers properly belonging to another branch except as expressly provided in this constitution.

Sec. 3. There shall be a great seal of the State of Michigan and its use shall be provided by law.

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

Sec. 5. Subject to provisions of general law, this state or any political subdivision, any governmental authority or any combination thereof may enter into agreements for the performance, financing or execution of their respective functions, with any one or more of the other states, the United States, the Dominion of Canada, or any political subdivision thereof unless otherwise provided in this constitution. Any other provision of this constitution notwithstanding, an officer or employee of the state or of any such unit of government or subdivision or agency thereof may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service. The legislature may impose such restrictions, limitations or conditions on such service as it may deem appropriate.

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

Sec. 7. The common law and the statute laws now in force, not repugnant to this consti-

tution, shall remain in force until they expire by their own limitations, or are changed, amended or repealed.

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

Article IV
Legislative Branch

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

Sec. 2. The senate shall consist of 38 members to be elected from single member districts at the same election as the governor for four-year terms concurrent with the term of office of the governor.

In districting the state for the purpose of electing senators after the official publication of the total population count of each federal decennial census, each county shall be assigned an apportionment factor equal to the sum of its percentage of the state's population as shown by the last regular federal decennial census computed to the nearest one-one hundredth of one percent multiplied by four and its percentage of the state's land area computed to the nearest one-one hundredth of one percent.

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

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

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

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

Sec. 3. The house of representatives shall consist of 110 members elected for two-year terms from single member districts apportioned on a basis of population as provided in this article. The districts shall consist of compact and convenient territory contiguous by land.

Each county which has a population of not less than seven-tenths of one percent of the population of the state shall constitute a separate representative area. Each county having less than seven-tenths of one percent of the population of the state shall be combined with another county or counties to form a representative area of not less than seven-tenths of one percent of the population of the state. Any county which is isolated under the initial allocation as provided in this section shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.

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

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

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

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

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

Sec. 4. In counties having more than one representative or senatorial district, the territory in the same county annexed to or merged with a city between apportionments shall become a part of a contiguous representative or senatorial dis-

trict in the city with which it is combined, if provided by ordinance of the city. The district or districts with which the territory shall be combined shall be determined by such ordinance certified to the secretary of state. No such change in the boundaries of a representative or senatorial district shall have the effect of removing a legislator from office during his term.

Sec. 5. Island areas are considered to be contiguous by land to the county of which they are a part.

Sec. 6. A commission on legislative apportionment is hereby established consisting of eight persons, four of whom shall be selected by the state organizations of each of the two political parties whose candidates for governor received the highest vote at the last general election at which a governor was elected preceding each apportionment. If a candidate for governor of a third political party has received at such election more than 25 percent of such gubernatorial vote, the commission shall consist of 12 members, four of whom shall be selected by the state organization of the third political party. One member of the commission shall be selected by each political party organization from each of the following four regions: (1) The upper peninsula; (2) The northern part of the lower peninsula, north of a line drawn along the northern boundaries of the counties of Bay, Midland, Isabella, Mecosta, Newaygo and Oceana; (3) Southwestern Michigan, those counties south of region (2) and west of a line drawn along the western boundaries of the counties of Bay, Saginaw, Shiawassee, Ingham, Jackson and Hillsdale; (4) Southeastern Michigan, the remaining counties of the state.

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

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

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

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

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

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

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

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

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

Sec. 9. No person elected to the legislature shall receive any civil appointment within this

state from the governor, except notaries public, from the legislature, or from any other state authority, during the term for which he is elected.

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

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

Sec. 12. The compensation and expense allowances of the members of the legislature shall be determined by law. Changes in compensation or expense allowances shall become effective only when legislators commence their terms of office after a general election.

Sec. 13. The legislature shall meet at the seat of government on the second Wednesday in January of each year at twelve o'clock noon. Each regular session shall adjourn without day, on a day determined by concurrent resolution, at twelve o'clock noon. Any business, bill or joint resolution pending at the final adjournment of a regular session held in an odd numbered year shall carry over with the same status to the next regular session.

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

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

Sec. 16. Each house, except as otherwise provided in this constitution, shall choose its own officers and determine the rules of its proceedings, but shall not adopt any rule that will prevent a majority of the members elected thereto and serving therein from discharging a committee from the further consideration of any measure. Each house shall be the sole judge of the qualifications, elections and returns of its members, and may, with the concurrence of two-thirds of all the members elected thereto and serving therein, expel a member. The reasons for such expulsion shall be entered in the journal, with the votes and names of the members voting upon the question. No member shall be expelled a second time for the same cause.

Sec. 17. Each house of the legislature may establish the committees necessary for the efficient conduct of its business and the legislature may create joint committees. Each committee shall by roll call vote record the vote and name of all action on bills and resolutions taken in the committee. Such vote shall be available for public inspection. Notice of all committee hearings and a clear statement of all subjects to be considered at each hearing shall be published in the journal in advance of the hearing.

Sec. 18. Each house shall keep a journal of its proceedings, and publish the same unless the public security otherwise requires. The record of the vote and name of the members of either house voting on any question shall be entered in the journal at the request of one-fifth of the members present. Any member of either house may dissent from and protest against any act, proceeding or resolution which he deems injurious to any person or the public, and have the reason for his dissent entered in the journal.

Sec. 19. All elections in either house or in joint convention and all votes on appointments submitted to the senate for advice and consent shall be published by vote and name in the journal.

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

Sec. 21. Neither house shall, without the consent of the other, adjourn for more than two intervening calendar days, nor to any place other than where the legislature may then be in session.

Sec. 22. All legislation shall be by bill and may originate in either house.

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

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

Sec. 25. No law shall be revised, altered or amended by reference to its title only. The section or sections of the act altered or amended shall be re-enacted and published at length.

Sec. 26. No bill shall be passed or become a law at any regular session of the legislature until it has been printed or reproduced and in the possession of each house for at least five days. Every bill shall be read three times in each house before the final passage thereof. No bill shall become a law without the concurrence of a majority of the members elected to and serving in each

house. On the final passage of bills, the votes and names of the members voting thereon shall be entered in the journal.

Sec. 27. No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.

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

Sec. 29. The legislature shall pass no local or special act in any case where a general act can be made applicable, and whether a general act can be made applicable shall be a judicial question. No local or special act shall take effect until approved by two-thirds of the members elected to and serving in each house and by a majority of the electors voting thereon in the district affected. Any act repealing local or special acts shall require only a majority of the members elected to and serving in each house and shall not require submission to the electors of such district.

Sec. 30. The assent of two-thirds of the members elected to and serving in each house of the legislature shall be required for the appropriation of public money or property for local or private purposes.

Sec. 31. The general appropriation bills for the succeeding fiscal period covering items set forth in the budget shall be passed or rejected in either house of the legislature before that house passes any appropriation bill for items not in the budget except bills supplementing appropriations for the current fiscal year's operation. Any bill requiring an appropriation to carry out its purpose shall be considered an appropriation bill. One of the general appropriation bills as passed by the legislature shall contain an itemized statement of estimated revenue by major source in each operating fund for the ensuing fiscal period, the total of which shall not be less than the total of all appropriations made from each fund in the general appropriation bills as passed.

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

Sec. 33. Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law. If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he does not approve, and the legislature continues the session at which the bill was passed, he shall return it within such 14-day period with his objections, to the house in which it originated. That house shall enter such objections in full in its journal and reconsider the bill. If two-thirds of the members elected to and serving in that house pass the bill notwithstanding the objections of the governor, it shall be sent with the objections to the other house for reconsideration. The bill shall become law if passed by two-thirds of the members elected to and serving in that house. The vote of each house shall be entered in the journal with the votes and names of the members voting thereon. If any bill is not returned by the governor within such 14-day period, the legislature continuing in session, it shall become law as if he had signed it.

Sec. 34. Any bill passed by the legislature and approved by the governor, except a bill appropriating money, may provide that it will not become law unless approved by a majority of the electors voting thereon.

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

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

Sec. 37. The legislature may by concurrent resolution empower a joint committee of the legislature acting between sessions to suspend until the end of the next regular legislative session any rule or regulation of an administrative agency promulgated when the legislature is not in regular session.

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

Sec. 39. In order to insure continuity of state and local governmental operations in periods of emergency only, resulting from disasters occurring in this state caused by enemy attack on the United States, the legislature may provide by law for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices; and enact other laws necessary and proper for insuring the continuity of governmental operations. Notwithstanding the power conferred by this section, elections shall always

be called as soon as possible to fill any vacancies in elective offices temporarily occupied by operation of any legislation enacted pursuant to the provisions of this section.

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

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

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

Sec. 43. No general law providing for the incorporation of trust companies or corporations for banking purposes, or regulating the business thereof, shall be enacted, amended or repealed except by a vote of two-thirds of the members elected to and serving in each house.

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

Sec. 45. The legislature may provide for indeterminate sentences as punishment for crime and for the detention and release of persons imprisoned or detained under such sentences.

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

Sec. 47. The legislature may authorize the employment of chaplains in state institutions of detention or confinement.

Sec. 48. The legislature may enact laws providing for the resolution of disputes concerning public employees, except those in the state classified civil service.

Sec. 49. The legislature may enact laws relative to the hours and conditions of employment.

Sec. 50. The legislature may provide safety measures and regulate the use of atomic energy and forms of energy developed in the future, having in view the general welfare of the people of this state.

Sec. 51. The public health and general welfare of the people of the state are hereby declared to be matters of primary public concern. The legislature shall pass suitable laws for the protection and promotion of the public health.

Sec. 52. The conservation and development of the natural resources of the state are hereby declared to be of paramount public concern in the interest of the health, safety and general welfare of the people. The legislature shall provide for the protection of the air, water and other natural resources of the state from pollution, impairment and destruction.

Sec. 53. The legislature by a majority vote of the members elected to and serving in each house, shall appoint an auditor general, who shall be a certified public accountant licensed to practice in this state, to serve for a term of eight years. He shall be ineligible for appointment or election to any other public office in this state from which compensation is derived while serving as auditor general and for two years following the termination of his service. He may be removed for cause at any time by a two-thirds vote of the members elected to and serving in each house. The auditor general shall conduct post audits of financial transactions and accounts of the state and of all branches, departments, offices, boards, commissions, agencies, authorities and institutions of the state established by this constitution or by law, and performance post audits thereof.

The auditor general upon direction by the legislature may employ independent accounting firms or legal counsel and may make investigations pertinent to the conduct of audits. He shall report annually to the legislature and to the governor and at such other times as he deems necessary or as required by the legislature. He shall be assigned no duties other than those specified in this section.

Nothing in this section shall be construed in any way to infringe the responsibility and constitutional authority of the governing boards of the institutions of higher education to be solely responsible for the control and direction of all expenditures from the institutions' funds.

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

Article V
Executive Branch

Sec. 1. The executive power is vested in the governor.

Sec. 2. All executive and administrative offices, agencies and instrumentalities of the executive branch of state government and their respective functions, powers and duties, except for the office of governor and lieutenant governor and the governing bodies of institutions of higher education provided for in this constitution, shall be allocated by law among and within not more than 20 principal departments. They shall be grouped as far as practicable according to major purposes.

Subsequent to the initial allocation, the governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these

changes require the force of law, they shall be set forth in executive orders and submitted to the legislature. Thereafter the legislature shall have 60 calendar days of a regular session, or a full session if of shorter duration, to disapprove each executive order. Unless disapproved in both houses by a resolution concurred in by a majority of the members elected to and serving in each house, each order shall become effective at a date thereafter to be designated by the governor.

Sec. 3. The head of each principal department shall be a single executive unless otherwise provided in this constitution or by law. The single executives heading principal departments shall include a secretary of state, a state treasurer and an attorney general. When a single executive is the head of a principal department, unless elected or appointed as otherwise provided in this constitution, he shall be appointed by the governor by and with the advice and consent of the senate and he shall serve at the pleasure of the governor.

When a board or commission is at the head of a principal department, unless elected or appointed as otherwise provided in this constitution, the members thereof shall be appointed by the governor by and with the advice and consent of the senate. The term of office and procedure for removal of such members shall be as prescribed in this constitution or by law.

Terms of office of any board or commission created or enlarged after the effective date of this constitution shall not exceed four years except as otherwise authorized in this constitution. The terms of office of existing boards and commissions which are longer than four years shall not be further extended except as provided in this constitution.

Sec. 4. Temporary commissions or agencies for special purposes with a life of no more than two years may be established by law and need not be allocated within a principal department.

Sec. 5. At no time shall an examining or licensing board of a profession include less than a majority of members of that profession.

Sec. 6. Appointment by and with the advice and consent of the senate when used in this constitution or laws in effect or hereafter enacted means appointment subject to disapproval by a majority vote of the members elected to and serving in the senate if such action is taken within 60 session days after the date of such appointment. Any appointment not disapproved within such period shall stand confirmed.

Sec. 7. Vacancies in any office, appointment to which requires advice and consent of the senate, shall be filled by the governor by and with the advice and consent of the senate. A person whose appointment has been disapproved by the senate shall not be eligible for an interim appointment to the same office.

Sec. 8. Each principal department shall be under the supervision of the governor unless otherwise provided by this constitution. The governor shall take care that the laws be faithfully executed. He shall transact all necessary business with the officers of government and may require information in writing from all executive and administrative state officers, elective and appointive, upon any subject relating to the duties of their respective offices.

The governor may initiate court proceedings in the name of the state to enforce compliance with any constitutional or legislative mandate, or to restrain violations of any constitutional or legislative power, duty or right by any officer, department or agency of the state or any of its political subdivisions. This authority shall not be construed to authorize court proceedings against the legislature.

Sec. 9. Single executives heading principal departments and the chief executive officers of principal departments headed by boards or commissions shall keep their offices at the seat of government except as otherwise provided by law, superintend them in person and perform duties prescribed by law.

Sec. 10. The governor shall have power and it shall be his duty to inquire into the condition and administration of any public office and the acts of any public officer, elective or appointive. He may remove or suspend from office for gross neglect of duty or for corrupt conduct in office, or for any other misfeasance or malfeasance therein, any elective or appointive state officer, except legislative or judicial, and shall report the reasons for such removal or suspension to the legislature.

Sec. 11. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an appointed or elected officer, other than a legislative or judicial officer, until he is reinstated or until the vacancy is filled in the manner prescribed by law or this constitution.

Sec. 12. The governor shall be commander-in-chief of the armed forces and may call them out to execute the laws, suppress insurrection and repel invasion.

Sec. 13. The governor shall issue writs of election to fill vacancies in the senate or house of representatives. Any such election shall be held in a manner prescribed by law.

Sec. 14. The governor shall have power to grant reprieves, commutations and pardons after convictions for all offenses, except cases of impeachment, upon such conditions and limitations as he may direct, subject to procedures and regulations prescribed by law. He shall inform the legislature annually of each reprieve, commutation and pardon granted, stating reasons

therefor.

Sec. 15. The governor may convene the legislature on extraordinary occasions.

Sec. 16. The governor may convene the legislature at some other place when the seat of government becomes dangerous from any cause.

Sec. 17. The governor shall communicate by message to the legislature at the beginning of each session and may at other times present to the legislature information as to the affairs of the state and recommend measures he considers necessary or desirable.

Sec. 18. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state. Proposed expenditures from any fund shall not exceed the estimated revenue thereof. On the same date, the governor shall submit to the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills to provide new or additional revenues to meet proposed expenditures. The amount of any surplus created or deficit incurred in any fund during the last preceding fiscal period shall be entered as an item in the budget and in one of the appropriation bills. The governor may submit amendments to appropriation bills to be offered in either house during consideration of the bill by that house, and shall submit any bills to meet deficiencies in current appropriations.

Sec. 19. The governor may disapprove any distinct item or items appropriating moneys in any appropriation bill. The part or parts approved shall become law, and the item or items disapproved shall be void unless re-passed according to the method prescribed for the passage of other bills over the executive veto.

Sec. 20. No appropriation shall be a mandate to spend. The governor, with the approval of the appropriating committees of the house and senate, shall reduce expenditures authorized by appropriations whenever it appears that actual revenues for a fiscal period will fall below the revenue estimates on which appropriations for that period were based. Reductions in expenditures shall be made in accordance with procedures prescribed by law. The governor may not reduce expenditures of the legislative and judicial branches or from funds constitutionally dedicated for specific purposes.

Sec. 21. The governor, lieutenant governor, secretary of state and attorney general shall be elected for four-year terms at the general election in each alternate even-numbered year.

The lieutenant governor, secretary of state and attorney general shall be nominated by party conventions in a manner prescribed by law. In the general election one vote shall be cast jointly for the candidates for governor and lieutenant governor nominated by the same party.

Vacancies in the office of the secretary of state and attorney general shall be filled by appointment by the governor.

Sec. 22. To be eligible for the office of governor or lieutenant governor a person must have attained the age of 30 years, and have been a registered elector in this state for four years next preceding his election.

Sec. 23. The governor, lieutenant governor, secretary of state and attorney general shall each receive the compensation provided by law in full payment for all services performed and expenses incurred during his term of office. Such compensation shall not be changed during the term of office except as otherwise provided in this constitution.

Sec. 24. An executive residence suitably furnished shall be provided at the seat of government for the use of the governor. He shall receive an allowance for its maintenance as provided by law.

Sec. 25. The lieutenant governor shall be president of the senate, but shall have no vote except in case of equal division. He may perform duties requested of him by the governor, but no power vested in the governor shall be delegated.

Sec. 26. In case of the conviction of the governor on impeachment, his removal from office, his resignation or his death, the lieutenant governor, the elected secretary of state, the elected attorney general and such other persons designated by law shall in that order be governor for the remainder of the governor's term.

In case of the death of the governor-elect, the lieutenant governor-elect, the secretary of state-elect, the attorney general-elect and such other persons designated by law shall become governor in that order at the commencement of the governor-elect's term.

If the governor or the person in line of succession to serve as governor is absent from the state, or suffering under an inability, the powers and duties of the office of governor shall devolve in order of precedence until the absence or inability giving rise to the devolution of powers ceases.

The inability of the governor or person acting as governor shall be determined by a majority of the supreme court on joint request of the president pro tempore of the senate and the speaker of the house of representatives. Such determination shall be final and conclusive. The supreme court shall upon its own initiative determine if and when the inability ceases.

Sec. 27. The legislature shall provide that the salary of any state officer while acting as governor shall be equal to that of the governor.

Sec. 28. There is hereby established a state highway commission, which shall administer the state highway department and have jurisdiction

and control over all state trunkline highways and appurtenant facilities, and such other public works of the state, as provided by law.

The state highway commission shall consist of four members, not more than two of whom shall be members of the same political party. They shall be appointed by the governor by and with the advice and consent of the senate for four-year terms, no two of which shall expire in the same year as provided by law.

The state highway commission shall appoint and may remove a state highway director, who shall be a competent highway engineer and administrator. He shall be the principal executive officer of the state highway department and shall be responsible for executing the policy of the state highway commission.

Sec. 29. There is hereby established a civil rights commission which shall consist of eight persons, not more than four of whom shall be members of the same political party, who shall be appointed by the governor, by and with the advice and consent of the senate, for four-year terms not more than two of which shall expire in the same year. It shall be the duty of the commission in a manner which may be prescribed by law to investigate alleged discrimination against any person because of religion, race, color or national origin in the enjoyment of the civil rights guaranteed by law and by this constitution, and to secure the equal protection of such civil rights without such discrimination. The legislature shall provide an annual appropriation for the effective operation of the commission.

The commission shall have power, in accordance with the provisions of this constitution and of general laws governing administrative agencies, to promulgate rules and regulations for its own procedures, to hold hearings, administer oaths, through court authorization to require the attendance of witnesses and the submission of records, to take testimony, and to issue appropriate orders. The commission shall have other powers provided by law to carry out its purposes. Nothing contained in this section shall be construed to diminish the right of any party to direct and immediate legal or equitable remedies in the courts of this state.

Appeals from final orders of the commission, including cease and desist orders and refusals to issue complaints, shall be tried de novo before the circuit court having jurisdiction provided by law.

Article VI
Judicial Branch

Sec. 1. The judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court, one probate court, and other courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.

Sec. 2. The supreme court shall consist of seven justices elected at non-partisan elections as provided by law. The term of office shall be eight years and not more than two terms of office shall expire at the same time. Nominations for justices of the supreme court shall be in the manner prescribed by law. Any incumbent justice whose term is to expire may become a candidate for re-election by filing an affidavit of candidacy, in the form and manner prescribed by law, not less than 180 days prior to the expiration of his term.

Sec. 3. One justice of the supreme court shall be selected by the court as its chief justice as provided by rules of the court. He shall perform other duties required by the court. The supreme court shall appoint an administrator of the courts and other assistants of the supreme court as may be necessary to aid in the administration of the courts of this state. The administrator shall perform administrative duties assigned by the court.

Sec. 4. The supreme court shall have general superintending control over all courts; power to issue, hear, and determine prerogative and remedial writs; and appellate jurisdiction as provided by rules of the supreme court. The supreme court shall not have the power to remove a judge.

Sec. 5. The supreme court shall by general rules establish, modify, amend and simplify the practice and procedure in all courts of this state. The distinctions between law and equity proceedings shall, as far as practicable, be abolished. The office of master in chancery is prohibited.

Sec. 6. Decisions of the supreme court, including all decisions on prerogative writs, shall be in writing and shall contain a concise statement of the facts and reasons for each decision and reasons for each denial of leave to appeal. When a judge dissents in whole or in part he shall give in writing the reasons for his dissent.

Sec. 7. The supreme court may appoint, may remove, and shall have general supervision of its staff. It shall have control of the preparation of its budget recommendations and the expenditure of moneys appropriated for any purpose pertaining to the operation of the court or the performance of activities of its staff except that the salaries of the justices shall be established by law. All fees and perquisites collected by the court staff shall be turned over to the state treasury and credited to the general fund.

Sec. 8. The court of appeals shall consist initially of nine judges who shall be nominated and elected at non-partisan elections from districts drawn on county lines and as nearly as possible of equal population, as provided by law. The

supreme court may prescribe by rule that the court of appeals may sit in divisions and for the terms of court and the times and places thereof. Each such division shall consist of not fewer than three judges. The number of judges comprising the court of appeals may be increased, and the districts from which they are elected may be changed by law.

Sec. 9. Judges of the court of appeals shall hold office for a term of six years and until their successors are elected and qualified. The terms of office for the judges in each district shall be arranged by law to provide that not all terms will expire at the same time.

Sec. 10. The jurisdiction of the court of appeals shall be provided by law and the practice and procedure therein shall be prescribed by rules of the supreme court.

Sec. 11. The state shall be divided into judicial circuits along county lines in each of which there shall be elected one or more circuit judges as provided by law. Sessions of the circuit court shall be held at least four times in each year in every county organized for judicial purposes. Each circuit judge shall hold court in the county or counties within the circuit in which he is elected, and in other circuits as may be provided by rules of the supreme court. The number of judges may be changed and circuits may be created, altered and discontinued by law and the number of judges shall be changed and circuits shall be created, altered and discontinued on recommendation of the supreme court to reflect changes in judicial activity. No change in the number of judges or alteration or discontinuance of a circuit shall have the effect of removing a judge from office during his term.

Sec. 12. Circuit judges shall be nominated and elected at non-partisan elections in the circuit in which they reside, and shall hold office for a term of six years and until their successors are elected and qualified. In circuits having more than one circuit judge their terms of office shall be arranged by law to provide that not all terms will expire at the same time.

Sec. 13. The circuit court shall have original jurisdiction in all matters not prohibited by law; appellate jurisdiction from all inferior courts and tribunals except as otherwise provided by law; power to issue, hear and determine prerogative and remedial writs; supervisory and general control over inferior courts and tribunals within their respective jurisdictions in accordance with rules of the supreme court; and jurisdiction of other cases and matters as provided by rules of the supreme court.

Sec. 14. The clerk of each county organized for judicial purposes or other officer performing the duties of such office as provided in a county charter shall be clerk of the circuit court for such county. The judges of the circuit court may fill a vacancy in an elective office of county clerk or prosecuting attorney within their respective jurisdictions.

Sec. 15. In each county organized for judicial purposes there shall be a probate court. The legislature may create or alter probate court districts of more than one county if approved in each affected county by a majority of the electors voting on the question. The legislature may provide for the combination of the office of probate judge with any judicial office of limited jurisdiction within a county with supplemental salary as provided by law. The jurisdiction, powers and duties of the probate court and of the judges thereof shall be provided by law. They shall have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

Sec. 16. One or more judges of probate as provided by law shall be nominated and elected at non-partisan elections in the counties or the probate districts in which they reside and shall hold office for terms of six years and until their successors are elected and qualified. In counties or districts with more than one judge the terms of office shall be arranged by law to provide that not all terms will expire at the same time.

Sec. 17. No judge or justice of any court of this state shall be paid from the fees of his office nor shall the amount of his salary be measured by fees, other moneys received or the amount of judicial activity of his office.

Sec. 18. Salaries of justices of the supreme court, of the judges of the court of appeals, of the circuit judges within a circuit, and of the probate judges within a county or district, shall be uniform, and may be increased, but shall not be decreased during a term of office except and only to the extent of a general salary reduction in all other branches of government.

Each of the judges of the circuit court shall receive an annual salary as provided by law. In addition to the salary received from the state, each circuit judge may receive from any county in which he regularly holds court an additional salary as determined from time to time by the board of supervisors of the county. In any county where an additional salary is granted, it shall be paid at the same rate to all circuit judges regularly holding court therein.

Sec. 19. The supreme court, the court of appeals, the circuit court, the probate court and other courts designated as such by the legislature shall be courts of record and each shall have a common seal. Justices and judges of courts of record must be persons who are licensed to practice law in this state. No person shall be elected or appointed to a judicial office after reaching the age of 70 years.

Sec. 20. Whenever a justice or judge removes his domicile beyond the limits of the territory from which he was elected, he shall have vacated his office.

Sec. 21. Any justice or judge of a court of record shall be ineligible to be nominated for or elected to an elective office other than a judicial office during the period of his service and for one year thereafter.

Sec. 22. Any elected judge of the court of appeals, circuit court or probate court may become a candidate in the primary election for the office of which he is the incumbent by filing an affidavit of candidacy in the form and manner prescribed by law.

Sec. 23. A vacancy in the elective office of a judge of any court of record shall be filled at a general or special election as provided by law. The supreme court may authorize persons who have served as judges and who have retired, to perform judicial duties for the limited period of time from the occurrence of the vacancy until the successor is elected and qualified. Such persons shall be ineligible for election to fill the vacancy.

Sec. 24. There shall be printed upon the ballot under the name of each elected incumbent justice or judge who is a candidate for nomination or election to the same office the designation of that office.

Sec. 25. For reasonable cause, which is not sufficient ground for impeachment, the governor shall remove any judge on a concurrent resolution of two-thirds of the members elected to and serving in each house of the legislature. The cause for removal shall be stated at length in the resolution.

Sec. 26. The offices of circuit court commissioner and justice of the peace are abolished at the expiration of five years from the date this constitution becomes effective or may within this period be abolished by law. Their jurisdiction, compensation and powers within this period shall be as provided by law. Within this five-year period, the legislature shall establish a court or courts of limited jurisdiction with powers and jurisdiction defined by law. The location of such court or courts, and the qualifications, tenure, method of election and salary of the judges of such court or courts, and by what governmental units the judges shall be paid, shall be provided by law, subject to the limitations contained in this Article.

Statutory courts in existence at the time this constitution becomes effective shall retain their powers and jurisdiction, except as provided by law, until they are abolished by law.

Sec. 27. The supreme court, the court of appeals, the circuit court, or any justices or judges thereof, shall not exercise any power of appointment to public office except as provided in this constitution.

Sec. 28. All final decisions, findings, rulings and orders of any administrative officer or agency existing under the constitution or by law, which are judicial or quasi-judicial and affect private rights or licenses, shall be subject to direct review by the courts as provided by law. This review shall include, as a minimum, the determination whether such final decisions, findings, rulings and orders are authorized by law; and, in cases in which a hearing is required, whether the same are supported by competent, material and substantial evidence on the whole record. Findings of fact in workmen's compensation proceedings shall be conclusive in the absence of fraud unless otherwise provided by law.

Sec. 29. Justices of the supreme court, judges of the court of appeals, circuit judges and other judges as provided by law shall be conservators of the peace within their respective jurisdictions.

Article VII
Local Government

Sec. 1. Each organized county shall be a body corporate with powers and immunities provided by law.

Sec. 2. Any county may frame, adopt, amend or repeal a county charter in a manner and with powers and limitations to be provided by general law, which shall among other things provide for the election of a charter commission. The law may permit the organization of county government in form different from that set forth in this constitution and shall limit the rate of ad valorem property taxation for county purposes, and restrict the powers of charter counties to borrow money and contract debts. Each charter county is hereby granted power to levy other taxes for county purposes subject to limitations and prohibitions set forth in this constitution or law. Subject to law, a county charter may authorize the county through its regularly constituted authority to adopt resolutions and ordinances relating to its concerns.

The board of supervisors by a majority vote of its members may, and upon petition of five percent of the electors shall, place upon the ballot the question of electing a commission to frame a charter.

No county charter shall be adopted, amended or repealed until approved by a majority of electors voting on the question.

Sec. 3. No organized county shall be reduced by the organization of new counties to less than 16 townships as surveyed by the United States, unless approved in the manner prescribed by law by a majority of electors voting thereon in each county to be affected.

Sec. 4. There shall be elected for four-year terms in each organized county a sheriff, a county

clerk, a county treasurer, a register of deeds and a prosecuting attorney, whose duties and powers shall be provided by law. The board of supervisors in any county may combine the offices of county clerk and register of deeds in one office or separate the same at pleasure.

Sec. 5. The sheriff, county clerk, county treasurer and register of deeds shall hold their principal offices at the county seat.

Sec. 6. The sheriff may be required by law to renew his security periodically and in default of giving such security, his office shall be vacant. The county shall never be responsible for his acts, except that the board of supervisors may protect him against claims by prisoners for unintentional injuries received while in his custody. He shall not hold any other office except in civil defense.

Sec. 7. A board of supervisors shall be established in each organized county consisting of one member from each organized township and such representation from cities as provided by law.

Sec. 8. Boards of supervisors shall have legislative, administrative and such other powers and duties as provided by law.

Sec. 9. Boards of supervisors shall have exclusive power to fix the compensation of county officers not otherwise provided by law.

Sec. 10. A county seat once established shall not be removed until the place to which it is proposed to be moved shall be designated by two-thirds of the members of the board of supervisors and a majority of the electors voting thereon shall have approved the proposed location in the manner prescribed by law.

Sec. 11. No county shall incur any indebtedness which shall increase its total debt beyond 10 percent of its assessed valuation.

Sec. 12. A navigable stream shall not be bridged or dammed without permission granted by the board of supervisors of the county as provided by law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and political subdivisions therein.

Sec. 13. Two or more contiguous counties may combine into a single county if approved in each affected county by a majority of the electors voting on the question.

Sec. 14. The board of supervisors of each organized county may organize and consolidate townships under restrictions and limitations provided by law.

Sec. 15. Any county, when authorized by its board of supervisors shall have the authority to enter or to intervene in any action or certificate proceeding involving the services, charges or rates of any privately owned public utility furnishing services or commodities to rate payers within the county.

Sec. 16. The legislature may provide for the laying out, construction, improvement and maintenance of highways, bridges, culverts and airports by the state and by the counties and townships thereof; and may authorize counties to take charge and control of any highway within their limits for such purposes. The legislature may provide the powers and duties of counties in relation to highways, bridges, culverts and airports; may provide for county road commissioners to be appointed or elected, with powers and duties provided by law. The ad valorem property tax imposed for road purposes by any county shall not exceed in any year one-half of one percent of the assessed valuation for the preceding year.

Sec. 17. Each organized township shall be a body corporate with powers and immunities provided by law.

Sec. 18. In each organized township there shall be elected for terms of not less than two nor more than four years as prescribed by law a supervisor, a clerk, a treasurer, and not to exceed four trustees, whose legislative and administrative powers and duties shall be provided by law.

Sec. 19. No organized township shall grant any public utility franchise which is not subject to revocation at the will of the township, unless the proposition shall first have been approved by a majority of the electors of such township voting thereon at a regular or special election.

Sec. 20. The legislature shall provide by law for the dissolution of township government whenever all the territory of an organized township is included within the boundaries of a village or villages notwithstanding that a village may include territory within another organized township and provide by law for the classification of such village or villages as cities.

Sec. 21. The legislature shall provide by general laws for the incorporation of cities and villages. Such laws shall limit their rate of ad valorem property taxation for municipal purposes, and restrict the powers of cities and villages to borrow money and contract debts. Each city and village is granted power to levy other taxes for public purposes, subject to limitations and prohibitions provided by this constitution or by law.

Sec. 22. Under general laws the electors of each city and village shall have the power and authority to frame, adopt and amend its charter, and to amend an existing charter of the city or village heretofore granted or enacted by the legislature for the government of the city or village. Each such city and village shall have power to adopt resolutions and ordinances relating to its municipal concerns, property and government, subject to the constitution and law. No enumeration of powers granted to cities and villages in this constitution shall limit or restrict the general grant of authority conferred by this section.

Sec. 23. Any city or village may acquire, own, establish and maintain, within or without its corporate limits, parks, boulevards, cemeteries, hospitals and all works which involve the public health or safety.

Sec. 24. Subject to this constitution, any city or village may acquire, own or operate, within or without its corporate limits, public service facilities for supplying water, light, heat, power, sewage disposal and transportation to the municipality and the inhabitants thereof.

Any city or village may sell and deliver heat, power or light without its corporate limits in an amount not exceeding 25 percent of that furnished by it within the corporate limits, except as greater amounts may be permitted by law; may sell and deliver water and provide sewage disposal services outside of its corporate limits in such amount as may be determined by the legislative body of the city or village; and may operate transportation lines outside the municipality within such limits as may be prescribed by law.

Sec. 25. No city or village shall acquire any public utility furnishing light, heat or power, or grant any public utility franchise which is not subject to revocation at the will of the city or village, unless the proposition shall first have been approved by three-fifths of the electors voting thereon. No city or village may sell any public utility unless the proposition shall first have been approved by a majority of the electors voting thereon, or a greater number if the charter shall so provide.

Sec. 26. Except as otherwise provided in this constitution, no city or village shall have the power to loan its credit for any private purpose or, except as provided by law, for any public purpose.

Sec. 27. Notwithstanding any other provision of this constitution the legislature may establish in metropolitan areas additional forms of government or authorities with powers, duties and jurisdictions as the legislature shall provide. Wherever possible, such additional forms of government or authorities shall be designed to perform multi-purpose functions rather than a single function.

Sec. 28. The legislature by general law shall authorize two or more counties, townships, cities, villages or districts, or any combination thereof among other things to: enter into contractual undertakings or agreements with one another or with the state or with any combination thereof for the joint administration of any of the functions or powers which each would have the power to perform separately; share the costs and responsibilities of functions and services with one another or with the state or with any combination thereof which each would have the power to perform separately; transfer functions or responsibilities to one another or any combination thereof upon the consent of each unit involved; cooperate with one another and with state government; lend their credit to one another or any combination thereof as provided by law in connection with any authorized publicly owned undertaking.

Any other provision of this constitution notwithstanding, an officer or employee of the state or any such unit of government or subdivision or agency thereof, except members of the legislature, may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service.

Sec. 29. No person, partnership, association or corporation, public or private, operating a public utility shall have the right to the use of the highways, streets, alleys or other public places of any county, township, city or village for wires, poles, pipes, tracks, conduits or other utility facilities, without the consent of the duly constituted authority of the county, township, city or village; or to transact local business therein without first obtaining a franchise from the township, city or village. Except as otherwise provided in this constitution the right of all counties, townships, cities and villages to the reasonable control of their highways, streets, alleys and public places is hereby reserved to such local units of government.

Sec. 30. No franchise or license shall be granted by any township, city or village for a period longer than 30 years.

Sec. 31. The legislature shall not vacate or alter any road, street, alley, or public place under the jurisdiction of any county, township, city or village.

Sec. 32. Any county, township, city, village, authority or school district empowered by the legislature or by this constitution to prepare budgets of estimated expenditures and revenues shall adopt such budgets only after a public hearing in a manner prescribed by law.

Sec. 33. Any elected officer of a political subdivision may be removed from office in the manner and for the causes provided by law.

Sec. 34. The provisions of this constitution and law concerning counties, townships, cities and villages shall be liberally construed in their favor. Powers granted to counties and townships by this constitution and by law shall include those fairly implied and not prohibited by this constitution.

Article VIII
Education

Sec. 1. Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

Sec. 2. The legislature shall maintain and support a system of free public elementary and secondary schools as defined by law. Every school district shall provide for the education of its pupils without discrimination as to religion, creed, race, color or national origin.

Sec. 3. Leadership and general supervision over all public education, including adult education and instructional programs in state institutions, except as to institutions of higher education granting baccalaureate degrees, is vested in a state board of education. It shall serve as the general planning and coordinating body for all public education, including higher education, and shall advise the legislature as to the financial requirements in connection therewith.

The state board of education shall appoint a superintendent of public instruction whose term of office shall be determined by the board. He shall be the chairman of the board without the right to vote, and shall be responsible for the execution of its policies. He shall be the principal executive officer of a state department of education which shall have powers and duties provided by law.

The state board of education shall consist of eight members who shall be nominated by party conventions and elected at large for terms of eight years as prescribed by law. The governor shall fill any vacancy by appointment for the unexpired term. The governor shall be ex-officio a member of the state board of education without the right to vote.

The power of the boards of institutions of higher education provided in this constitution to supervise their respective institutions and control and direct the expenditure of the institutions' funds shall not be limited by this section.

Sec. 4. The legislature shall appropriate moneys to maintain the university of Michigan, Michigan State University, Wayne State University, Eastern Michigan University, Michigan College of Science and Technology, Central Michigan University, Northern Michigan University, Western Michigan University, Ferris Institute, Grand Valley State College, by whatever names such institutions may hereafter be known, and other institutions of higher education established by law. The legislature shall be given an annual accounting of all income and expenditures by each of these educational institutions. Formal sessions of governing boards of such institutions shall be open to the public.

Sec. 5. The regents of the University of Michigan and their successors in office shall constitute a body corporate known as the Regents of the University of Michigan; the trustees of Michigan State University and their successors in office shall constitute a body corporate known as the Board of Trustees of Michigan State University; the governors of Wayne State University and their successors in office shall constitute a body corporate known as the Board of Governors of Wayne State University. Each board shall have general supervision of its institution and the control and direction of all expenditures from the institution's funds. Each board shall, as often as necessary, elect a president of the institution under its supervision. He shall be the principal executive officer of the institution, be ex-officio a member of the board without the right to vote and preside at meetings of the board. The board of each institution shall consist of eight members who shall hold office for terms of eight years and who shall be elected as provided by law. The governor shall fill board vacancies by appointment. Each appointee shall hold office until a successor has been nominated and elected as provided by law.

Sec. 6. Other institutions of higher education established by law having authority to grant baccalaureate degrees shall each be governed by a board of control which shall be a body corporate. The board shall have general supervision of the institution and the control and direction of all expenditures from the institution's funds. It shall, as often as necessary, elect a president of the institution under its supervision. He shall be the principal executive officer of the institution and be ex-officio a member of the board without the right to vote. The board may elect one of its members or may designate the president, to preside at board meetings. Each board of control shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the governor by and with the advice and consent of the senate. Vacancies shall be filled in like manner.

Sec. 7. The legislature shall provide by law for the establishment and financial support of public community and junior colleges which shall be supervised and controlled by locally elected boards. The legislature shall provide by law for a state board for public community and junior colleges which shall advise the state board of education concerning general supervision and planning for such colleges and requests for annual appropriations for their support. The board shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the state board of education. Vacancies shall be filled in like manner. The superintendent of public instruction shall be ex-officio a member of this board without the right to vote.

Sec. 8. Institutions, programs, and services for the care, treatment, education or rehabilitation of those inhabitants who are physically, mentally, or otherwise seriously handicapped shall always be fostered and supported.

Sec. 9. The legislature shall provide by law for the establishment and support of public libraries which shall be available to all residents of the state under regulations adopted by the governing bodies thereof. All fines assessed and collected in the several counties, cities and townships for any breach of the penal laws shall be exclusively applied to the support of such public libraries, and county law libraries as provided by law.

Article IX
Finance and Taxation

Sec. 1. The legislature shall impose taxes sufficient with other resources to pay the expenses of state government.

Sec. 2. The power of taxation shall never be surrendered, suspended or contracted away.

Sec. 3. The legislature shall provide for the uniform general ad valorem taxation of real and tangible personal property not exempt by law. The legislature shall provide for the determination of true cash value of such property; the proportion of true cash value at which such property shall be uniformly assessed, which shall not, after January 1, 1966, exceed 50 percent; and for a system of equalization of assessments. The legislature may provide for alternative means of taxation of designated real and tangible personal property in lieu of general ad valorem taxation. Every tax other than the general ad valorem property tax shall be uniform upon the class or classes on which it operates.

Sec. 4. Property owned and occupied by nonprofit religious or educational organizations and used exclusively for religious or educational purposes, as defined by law, shall be exempt from real and personal property taxes.

Sec. 5. The legislature shall provide for the assessment by the state of the property of those public service businesses assessed by the state at the date this constitution becomes effective, and of other property as designated by the legislature, and for the imposition and collection of taxes thereon. Property assessed by the state shall be assessed at the same proportion of its true cash value as the legislature shall specify for property subject to general ad valorem taxation. The rate of taxation on such property shall be the average rate levied upon other property in this state under the general ad valorem tax law, or, if the legislature provides, the rate of tax applicable to the property of each business enterprise assessed by the state shall be the average rate of ad valorem taxation levied upon other property in all counties in which any of such property is situated.

Sec. 6. Except as otherwise provided in this constitution, the total amount of general ad valorem taxes imposed upon real and tangible personal property for all purposes in any one year shall not exceed 15 mills on each dollar of the assessed valuation of property as finally equalized. Under procedures provided by law, which shall guarantee the right of initiative, separate tax limitations for any county and for the townships and for school districts therein, the aggregate of which shall not exceed 18 mills on each dollar of such valuation, may be adopted and thereafter altered by the vote of a majority of the qualified electors of such county voting thereon, in lieu of the limitation hereinbefore established. These limitations may be increased to an aggregate of not to exceed 50 mills on each dollar of valuation, for a period of not to exceed 20 years at any one time, if approved by a majority of the electors, qualified under Section 6 of Article II of this constitution, voting on the question.

The foregoing limitations shall not apply to taxes imposed for the payment of principal and interest on bonds or other evidences of indebtedness or for the payment of assessments or contract obligations in anticipation of which bonds are issued, which taxes may be imposed without limitation as to rate or amount; or to taxes imposed for any other purpose by any city, village, charter county, charter township, charter authority or other authority, the tax limitations of which are provided by charter or by general law.

In any school district which extends into two or more counties, property taxes at the highest rate available in the county which contains the greatest part of the area of the district may be imposed and collected for school purposes throughout the district.

Sec. 7. No income tax graduated as to rate or base shall be imposed by the state or any of its subdivisions.

Sec. 8. The legislature shall not impose a sales tax on retailers at a rate of more than four percent of their gross taxable sales of tangible personal property.

Sec. 9. All specific taxes, except general sales and use taxes and regulatory fees, imposed directly or indirectly on fuels sold or used to propel motor vehicles upon highways and on registered motor vehicles shall, after the payment of necessary collection expenses, be used exclusively for highway purposes as defined by law.

Sec. 10. One-eighth of all taxes imposed on retailers on taxable sales at retail of tangible personal property shall be used exclusively for assistance to townships, cities and villages, on a population basis as provided by law. In determining population the legislature may exclude any portion of the total number of persons who are wards, patients or convicts in any tax supported institution.

Sec. 11. There shall be established a state school aid fund which shall be used exclusively for the support of public education and school

employees' retirement systems, as provided by law. One-half of all taxes imposed on retailers on taxable sales at retail of tangible personal property, and other tax revenues provided by law, shall be dedicated to this fund. Payments from this fund shall be made in full on a scheduled basis, as provided by law.

Sec. 12. No evidence of state indebtedness shall be issued except for debts authorized pursuant to this constitution.

Sec. 13. Public bodies corporate shall have power to borrow money and to issue their securities evidencing debt, subject to this constitution and law.

Sec. 14. To meet obligations incurred pursuant to appropriations for any fiscal year, the legislature may by law authorize the state to issue its full faith and credit notes in which case it shall pledge undedicated revenues to be received within the same fiscal year for the repayment thereof. Such indebtedness in any fiscal year shall not exceed 15 percent of undedicated revenues received by the state during the preceding fiscal year and such debts shall be repaid at the time the revenues so pledged are received, but not later than the end of the same fiscal year.

Sec. 15. The state may borrow money for specific purposes in amounts as may be provided by acts of the legislature adopted by a vote of two-thirds of the members elected to and serving in each house, and approved by a majority of the electors voting thereon at any general election. The question submitted to the electors shall state the amount to be borrowed, the specific purpose to which the funds shall be devoted, and the method of repayment.

Sec. 16. The state, in addition to any other borrowing power, may borrow from time to time such amounts as shall be required, pledge its faith and credit and issue its notes or bonds therefor, for the purpose of making loans to school districts as provided in this section.

If the minimum amount which would otherwise be necessary for a school district to levy in any year to pay principal and interest on its qualified bonds, including any necessary allowances for estimated tax delinquencies, exceeds 13 mills on each dollar of its assessed valuation as finally equalized, or such lower millage as the legislature may prescribe, then the school district may elect to borrow all or any part of the excess from the state. In that event the state shall lend the excess amount to the school district for the payment of principal and interest. If for any reason any school district will be or is unable to pay the principal and interest on its qualified bonds when due, then the school district shall borrow and the state shall lend to it an amount sufficient to enable the school district to make the payment.

The term "qualified bonds" means general obligation bonds of school districts issued for capital expenditures, including refunding bonds, issued prior to May 4, 1955, or issued thereafter and qualified as provided by law pursuant to Section 27 or Section 28 of Article X of the Constitution of 1908 or pursuant to this section.

After a school district has received loans from the state, each year thereafter it shall levy for debt service, exclusive of levies for nonqualified bonds, not less than 13 mills or such lower millage as the legislature may prescribe, until the amount loaned has been repaid, and any tax collections therefrom in any year over and above the minimum requirements for principal and interest on qualified bonds shall be used toward the repayment of state loans. In any year when such levy would produce an amount in excess of the requirements and the amount due to the state, the levy may be reduced by the amount of the excess.

Subject to the foregoing provisions, the legislature shall have the power to prescribe and to limit the procedure, terms and conditions for the qualification of bonds, for obtaining and making state loans, and for the repayment of loans.

The power to tax for the payment of principal and interest on bonds hereafter issued which are the general obligations of any school district, including refunding bonds, and for repayment of any state loans made to school districts, shall be without limitation as to rate or amount.

All rights acquired under Sections 27 and 28 of Article X of the Constitution of 1908, by holders of bonds heretofore issued, and all obligations assumed by the state or any school district under these sections, shall remain unimpaired.

Sec. 17. No money shall be paid out of the state treasury except in pursuance of appropriations made by law.

Sec. 18. The credit of the state shall not be granted to, nor in aid of any person, association or corporation, public or private, except as authorized in this constitution.

This section shall not be construed to prohibit the investment of public funds until needed for current requirements or the investment of funds accumulated to provide retirement or pension benefits for public officials and employees, as provided by law.

Sec. 19. The state shall not subscribe to, nor be interested in the stock of any company, association or corporation, except that funds accumulated to provide retirement or pension benefits for public officials and employees may be invested as provided by law; and endowment funds created for charitable or educational purposes may be invested as provided by law governing the investment of funds held in trust by trustees.

Sec. 20. No state money shall be deposited in banks other than those organized under the national or state banking laws. No state money

shall be deposited in any bank in excess of 50 percent of the capital and surplus of such bank. Any bank receiving deposits of state money shall show the amount of state money so deposited as a separate item in all published statements.

Sec. 21. The legislature shall provide by law for the annual accounting for all public moneys, state and local, and may provide by law for interim accounting.

The legislature shall provide by law for the maintenance of uniform accounting systems by units of local government and the auditing of county accounts by competent state authority and other units of government as provided by law.

Sec. 22. Procedures for the examination and adjustment of claims against the state shall be prescribed by law.

Sec. 23. All financial records, accountings, audit reports and other reports of public moneys shall be public records and open to inspection. A statement of all revenues and expenditures of public moneys shall be published and distributed annually, as provided by law.

Sec. 24. The accrued financial benefits of each pension plan and retirement system of the state and its political subdivisions shall be a contractual obligation thereof which shall not be diminished or impaired thereby.

Financial benefits arising on account of service rendered in each fiscal year shall be funded during that year and such funding shall not be used for financing unfunded accrued liabilities.

Article X
Property

Sec. 1. The disabilities of coverture as to property are abolished. The real and personal estate of every woman acquired before marriage and all real and personal property to which she may afterwards become entitled shall be and remain the estate and property of such woman, and shall not be liable for the debts, obligations or engagements of her husband, and may be dealt with and disposed of by her as if she were unmarried. Dower may be relinquished or conveyed as provided by law.

Sec. 2. Private property shall not be taken for public use without just compensation therefor being first made or secured in a manner prescribed by law. The amount of compensation shall be determined in proceedings in a court of record.

Sec. 3. A homestead in the amount of not less than $3,500 and personal property of every resident of this state in the amount of not less than $750, as defined by law, shall be exempt from forced sale on execution or other process of any court. Such exemptions shall not extend to any lien thereon excluded from exemption by law.

Sec. 4. Procedures relating to escheats and to the custody and disposition of escheated property shall be prescribed by law.

Sec. 5. The legislature shall have general supervisory jurisdiction over all state owned lands useful for forest preserves, game areas and recreational purposes; shall require annual reports as to such lands from all departments having supervision or control thereof; and shall by general law provide for the sale, lease or other disposition of such lands.

The legislature by an act adopted by two-thirds of the members elected to and serving in each house may designate any part of such lands as a state land reserve. No lands in the state land reserve may be removed from the reserve, sold, leased or otherwise disposed of except by an act of the legislature.

Sec. 6. Aliens who are residents of this state shall enjoy the same rights and privileges in property as citizens of this state.

Article XI
Public Officers and Employment

Sec. 1. All officers, legislative, executive and judicial, before entering upon the duties of their respective offices, shall take and subscribe the following oath or affirmation: I do solemnly swear (or affirm) that I will support the Constitution of the United States and the constitution of this state, and that I will faithfully discharge the duties of the office of ..... according to the best of my ability. No other oath, affirmation, or any religious test shall be required as a qualification for any office or public trust.

Sec. 2. The terms of office of elective state officers, members of the legislature and justices and judges of courts of record shall begin at twelve o'clock noon on the first day of January next succeeding their election, except as otherwise provided in this constitution. The terms of office of county officers shall begin on the first day of January next succeeding their election, except as otherwise provided by law.

Sec. 3. Neither the legislature nor any political subdivision of this state shall grant or authorize extra compensation to any public officer, agent or contractor after the service has been rendered or the contract entered into.

Sec. 4. No person having custody or control of public moneys shall be a member of the legislature, or be eligible to any office of trust or profit under this state, until he shall have made an accounting, as provided by law, of all sums for which he may be liable.

Sec. 5. The classified state civil service shall consist of all positions in the state service except those filled by popular election, heads of principal departments, members of boards and commissions, the principal executive officer of boards and commissions heading principal departments, employees of courts of record, employees of the legis-

lature, employees of the state institutions of higher education, all persons in the armed forces of the state, eight exempt positions in the office of the governor, and within each principal department, when requested by the department head, two other exempt positions, one of which shall be policy-making. The civil service commission may exempt three additional positions of a policy-making nature within each principal department.

The civil service commission shall be non-salaried and shall consist of four persons, not more than two of whom shall be members of the same political party, appointed by the governor for terms of eight years, no two of which shall expire in the same year.

The administration of the commission's powers shall be vested in a state personnel director who shall be a member of the classified service and who shall be responsible to and selected by the commission after open competitive examination.

The commission shall classify all positions in the classified service according to their respective duties and responsibilities, fix rates of compensation for all classes of positions, approve or disapprove disbursments for all personal services, determine by competitive examination and performance exclusively on the basis of merit, efficiency and fitness the qualifications of all candidates for positions in the classified service, make rules and regulations covering all personnel transactions, and regulate all conditions of employment in the classified service.

No person shall be appointed to or promoted in the classified service who has not been certified by the commission as qualified for such appointment or promotion. No appointments, promotions, demotions or removals in the classified service shall be made for religious, racial or partisan considerations.

Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year. Within 60 calendar days following such transmission, the legislature may, by a two-thirds vote of the members elected to and serving in each house, reject or reduce increases in rates of compensation authorized by the commission. Any reduction ordered by the legislature shall apply uniformly to all classes of employees affected by the increases and shall not adjust pay differentials already established by the civil service commission. The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases authorized by the commission.

The appointing authorities may create or abolish positions for reasons of administrative efficiency without the approval of the commission. Positions shall not be created nor abolished except for reasons of administrative efficiency. Any employee considering himself aggrieved by the abolition of a position shall have a right of appeal to the commission through established grievance procedures.

The civil service commission shall recommend to the governor and to the legislature rates of compensation for all appointed positions within the executive department not a part of the classified service.

To enable the commission to exercise its powers, the legislature shall appropriate to the commission for the ensuing fiscal year a sum not less than one percent of the aggregate payroll of the classified service for the preceding fiscal year, as certified by the commission. Within six months after the conclusion of each fiscal year the commission shall return to the state treasury all moneys unexpended for that fiscal year.

The commission shall furnish reports of expenditures, at least annually, to the governor and the legislature and shall be subject to annual audit as provided by law.

No payment for personal services shall be made or authorized until the provisions of this constitution pertaining to civil service have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

Sec. 6. By ordinance or resolution of its governing body which shall not take effect until approved by a majority of the electors voting thereon, unless otherwise provided by charter, each county, township, city, village, school district and other governmental unit or authority may establish, modify or discontinue a merit system for its employees other than teachers under contract or tenure. The state civil service commission may on request furnish technical services to any such unit on a reimbursable basis.

Sec. 7. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office or for crimes or misdemeanors, but a majority of the members elected and serving shall be necessary to direct an impeachment.

When an impeachment is directed, the house of representatives shall elect three of its members to prosecute the impeachment.

Every impeachment shall be tried by the senate immediately after the final adjournment of the legislature. The senators shall take an oath or affirmation truly and impartially to try and determine the impeachment according to the evi-

dence. When the governor or lieutenant governor is tried, the chief justice of the supreme court shall preside.

No person shall be convicted without the concurrence of two-thirds of the senators elected and serving. Judgment in case of conviction shall not extend further than removal from office, but the person convicted shall be liable to punishment according to law.

No judicial officer shall exercise any of the functions of his office after an impeachment is directed until he is acquitted.

Article XII
Amendment & Revision

Sec. 1. Amendments to this constitution may be proposed in the senate or house of representatives. Proposed amendments agreed to by two-thirds of the members elected to and serving in each house on a vote with the names and vote of those voting entered in the respective journals shall be submitted, not less than 60 days thereafter, to the electors at the next general election or special election as the legislature shall direct. If a majority of electors voting on a proposed amendment approve the same, it shall become part of the constitution and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved.

Sec. 2. Amendments may be proposed to this constitution by petition of the registered electors of this state. Every petition shall include the full text of the proposed amendment, and be signed by registered electors of the state equal in number to at least 10 percent of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected. Such petitions shall be filed with the person authorized by law to receive the same at least 120 days before the election at which the proposed amendment is to be voted upon. Any such petition shall be in the form, and shall be signed and circulated in such manner, as prescribed by law. The person authorized by law to receive such petition shall upon its receipt determine, as provided by law, the validity and sufficiency of the signatures on the petition, and make an official announcement thereof at least 60 days prior to the election at which the proposed amendment is to be voted upon.

Any amendment proposed by such petition shall be submitted, not less than 120 days after it was filed, to the electors at the next general election. Such proposed amendment, existing provisions of the constitution which would be altered or abrogated thereby, and the question as it shall appear on the ballot shall be published in full as provided by law. Copies of such publication shall be posted in each polling place and furnished to news media as provided by law.

The ballot to be used in such election shall contain a statement of the purpose of the proposed amendment, expressed in not more than 100 words, exclusive of caption. Such statement of purpose and caption shall be prepared by the person authorized by law, and shall consist of a true and impartial statement of the purpose of the amendment in such language as shall create no prejudice for or against the proposed amendment.

If the proposed amendment is approved by a majority of the electors voting on the question, it shall become part of the constitution, and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved. If two or more amendments approved by the electors at the same election conflict, that amendment receiving the highest affirmative vote shall prevail.

Sec. 3. At the general election to be held in the year 1978, and in each 16th year thereafter and at such times as may be provided by law, the question of a general revision of the constitution shall be submitted to the electors of the state. If a majority of the electors voting on the question decide in favor of a convention for such purpose, at an election to be held not later than six months after the proposal was certified as approved, the electors of each representative district as then organized shall elect one delegate and the electors of each senatorial district as then organized shall elect one delegate at a partisan election. The delegates so elected shall convene at the seat of government on the first Tuesday in October next succeeding such election or at an earlier date if provided by law.

The convention shall choose its own officers, determine the rules of its proceedings and judge the qualifications, elections and returns of its members. The governor shall appoint a qualified resident of the same district to fill a vacancy in the office of any delegate who shall be a member of the same party as the delegate vacating the office. The convention shall have power to appoint such officers, employees and assistants as it deems necessary and to fix their compensation; to provide for the printing and distribution of its documents, journals and proceedings; to explain and disseminate information about the proposed constitution and to complete the business of the convention in an orderly manner. Each delegate shall receive for his services compensation provided by law.

No proposed constitution or amendment adopted by such convention shall be submitted to the electors for approval as hereinafter provided unless by the assent of a majority of all the delegates elected to and serving in the convention, with the names and vote of those voting entered in the

journal. Any proposed constitution or amendments adopted by such convention shall be submitted to the qualified electors in the manner and at the time provided by such convention not less than 90 days after final adjournment of the convention. Upon the approval of such constitution or amendments by a majority of the qualified electors voting thereon the constitution or amendments shall take effect as provided by the convention.

Schedule and Temporary Provisions

To insure the orderly transition from the constitution of 1908 to this constitution the following schedule and temporary provisions are set forth to be effective for such period as are thereby required.

Sec. 1. The attorney general shall recommend to the legislature as soon as practicable such changes as may be necessary to adapt existing laws to this constitution.

Sec. 2. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights existing on the effective date of this constitution shall continue unaffected except as modified in accordance with the provisions of this constitution.

Sec. 3. Except as otherwise provided in this constitution, all officers filling any office by election or appointment shall continue to exercise their powers and duties until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

No provision of this constitution, or of law or of executive order authorized by this constitution shall shorten the term of any person elected to state office at a statewide election on or prior to the date on which this constitution is submitted to a vote. In the event the duties of any such officers shall not have been abolished or incorporated into one or more of the principal departments at the expiration of his term, such officer shall continue to serve until his duties are so incorporated or abolished.

Sec. 4. All officers elected at the same election that this constitution is submitted to the people for adoption shall take office and complete the term to which they were elected under the 1908 constitution and existing laws and continue to serve until their successors are elected and qualified pursuant to this constitution or law.

Sec. 5. Notwithstanding any other provision in this constitution, the governor, the lieutenant governor, the secretary of state, the attorney general, and state senators shall be elected at the general election in 1964 to serve for two year terms beginning on the first day of January next succeeding their election. The first election of such officers for four-year terms under this constitution shall be held at the general election in 1966.

Sec. 6. The state shall be districted for the purpose of electing senators in accordance with the provisions of Section 2 of Article IV of this constitution, after the official publication of the total population count of the 1970 decennial federal census. Until the apportionment of the senate following the 1970 census, the senatorial districts under the 1908 constitution shall remain intact except that upon the adoption of this constitution each of the counties of Kent, Genesee, Macomb and Oakland shall be divide by the apportionment commission into two senatorial districts and Wayne county into eight senatorial districts in accordance with this constitution. The legislature may give prior effect to Section 2 of Article IV of this constitution, which action shall not be subject to veto by the governor.

Sec. 7. Notwithstanding the provisions of this constitution that the supreme court shall consist of seven justices it shall consist of eight justices until the time that a vacancy occurs as a result of death, retirement or resignation of a justice. The first such vacancy shall not be filled.

Sec. 8. Any judge of probate serving on the effective date of this constitution may serve the remainder of the term and be eligible to succeed himself for election regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

Sec. 9. The provisions of Article VI providing that terms of judicial offices shall not all expire at the same time, shall be implemented by law providing that at the next election for such offices judges shall be elected for terms of varying length, none of which shall be shorter than the regular term provided for the office.

Sec. 10. The members of the state board of education provided for in Section 3 of Article VIII of this constitution shall first be elected at the first general election after the effective date of this constitution for the following terms: two shall be elected for two years, two for four years, two for six years, and two for eight years as prescribed by law.

The State Board of Education provided for in the constitution of 1908 is abolished at twelve o'clock noon January 1 of the year following the first general election under this constitution and the terms of members thereof shall then expire.

Sec. 11. The provisions of this constitution providing for members of boards of control of institutions of higher education and the State Board of Public Community and Junior Colleges shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be

extended, and may further provide that the initial terms of office of members may be less than eight years.

Sec. 12. The provisions of this constitution increasing the number of members of the Board of Trustees of Michigan State University and of the Board of Governors of Wayne State University to eight, and of their term of office to eight years, shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended one year, and may further provide that the initial terms of office of the additional members may be less than eight years.

Sec. 13. The initial allocation of departments by law pursuant to Section 2 of Article V of this constitution, shall be completed within two years after the effective date of this constitution. If such allocation shall not have been completed within such period, the governor, within one year thereafter, by executive order, shall make the initial allocation.

Sec. 14. Contractual obligations of the state incurred pursuant to the constitution of 1908 shall continue to be obligations of the state.

For the retirement of notes and bonds issued under Section 26 of Article X of the 1908 constitution, there is hereby appropriated from the general fund each year during their life a sum equal to the amount of principal and interest payments due and payable in each year.

Sec. 15. The legislature by a vote of two-thirds of the members elected to and serving in each house may provide that the state may borrow money and may pledge its full faith and credit for refunding any bonds issued by the Mackinac Bridge Authority and at the time of refunding the Mackinac Bridge Authority shall be abolished and the operation of the bridge shall be assumed by the state highway department. The legislature may implement this section by law.

Sec. 16. This constitution shall be submitted to the people for their adoption or rejection at the general election to be held on the Tuesday after the first Monday of November, 1962. It shall be the duty of the secretary of state forthwith to give notice of such submission to all other officers required to give or publish any notice in regard to a general election. He shall give notice that this constitution will be duly submitted to the electors at such election. The notice shall be given in the manner required for the election of governor.

Sec. 17. Every registered elector may vote on the adoption of the constitution. The board of election commissioners in each county shall cause to be printed on a ballot separate from the ballot containing the names of the nominees for office, the words: Shall the revised constitution be adopted? ( ) Yes. ( ) No. All votes cast at the election shall be taken, counted, canvassed and returned as provided by law for the election of state officers. If the revised constitution so submitted receives more votes in its favor than were cast against it, it shall be the supreme law of the state on and after the first day of January of the year following its adoption.

Following is statement of the style and form changes made by the committee on style and drafting from the document as referred to said committee (see above, page 3210) to the document as reported by said committee (see above, page 3214):

article	section	changes
I	2	After "because of" strike out "race, color, religion, or national origin" and insert "religion, race, color or national origin".
II	6	After "such election or" insert "electors who are".
III	5	Combine both paragraphs into one.
IV	4	First paragraph, first sentence, after "which it is combined" insert a comma and strike out "upon the effective date of the annexation or merger,"; and in the second sentence, after the first "the" insert "district or"; and after "determined by" strike out "said" and insert "such".
	6	Last paragraph, after "by the commission, and" strike out "may" (in the amendment) and insert "shall".
	12	(In the amendment) after "compensation and" strike out "expenses" and insert "expense allowances"; and after "changes in" strike out "salary or expenses" and insert "compensation or expense allowances"; and after "commence their" strike out "term" and insert "terms".
V	4	Section has been split into 2 sections and reversed in order. The balance of the article has been renumbered.
	25	Renumbered to Sec. 26. First paragraph, after "resignation" strike out the comma; and after "THE ELECTED attorney general" strike out the comma; and in the second paragraph, after "IN" strike out "THE".
	28	Renumbered to Sec. 29. Last paragraph, (in the amendment), after "court" strike out "of the state".
VI	8	After "lines and as" (in the amendment) strike out "near" and insert "nearly"; and after "equal population, as" (in the amendment) strike out "prescribed" and insert "provided".
	26	First paragraph, after "justice of the peace" strike out "shall be" and insert "are".
VII	24	First paragraph, after "own" strike out "and" and insert "or".
	25	Last sentence, after "sell any" strike out "such".
	28	First paragraph, after "two or more counties,", strike out "cities, villages, townships or districts,", and insert "townships, cities, villages or districts,".
	29	First sentence, after "places of any county,", strike out "city, village or township" and insert "township, city or village"; and after "authority of the county,", strike out "city, village or township" and insert "township, city or village"; and after "franchise from the" strike out "city, village or township" and insert "township, city or village". Second sentence, after "right of all counties,", strike out "cities, villages and townships" and insert "townships, cities and villages".
	30	After "granted by any" strike out "city, village or township" and insert "township, city or village".
	33	Renumbered to Sec. 34. After "concerning" strike out "cities, villages, counties and townships" and insert "counties, townships, cities and villages". (This section had previously been section 15 of article XI.)
VIII	2	After "discrimination as to" strike out "race, creed, religion, color or national origin" and insert "religion, creed, race, color or national origin".
IX	4	(In the amendment) after "occupied by" strike out "a"; and after "educational" strike out "organization" and insert "organizations".
	6	First paragraph, at the beginning of the third sentence strike out "The" and insert "These"; and after "limitations" strike out "established by this constitution or by county vote"; and after "constitution" insert a comma. Second paragraph, after "charter township" strike out "or" and insert a comma; and after "charter" strike out "or other" (in the amendment); and after "authority" insert "or other authority,".
	10	After "assistance to" strike out "cities, villages and townships" and insert "townships, cities and villages".
	11	Section 11 has been rewritten to conform to other language in finance article. Meaning has not been changed.
	16	Third paragraph, after "28" strike out the comma and insert "of" and after "X" strike out the comma. Seventh paragraph, after "28" strike out the comma and insert "of".
X	1	Second sentence (in the amendment) after "every woman" strike out the comma; and after "marriage" strike out the comma; and after "may be dealt with" insert "and disposed of".
	2	The sentence, "Compensation shall be determined in proceedings in a court of record.", has been added in lieu of the floor amendment.
XI	6-14	Section numbers 6, 7, 8, 9, 10, 11 and 12 stricken and Sec. 13 renumbered to Sec. 6, Sec. 14 renumbered to Sec. 7.
	7	Old Sec. 7 (paragraph 5 of new section 5), strike out "partisan, racial or religious" and insert "religious, racial or partisan".
	8	Last sentence of old section 8 (paragraph 6 of new section 5), has been moved to second sentence; after "serving in each house, reject" strike out the comma; and in the next sentence, after "CLASSES OF EMPLOYEES" (in the amendment) insert "affected by the increases".
	13	First sentence of old section 13 (new section 6, in the amendment), after "otherwise provided by charter" insert a comma.
	15	Old section 15 transferred to local government article. (section 33 of article VII.)
XII	2	Paragraph 4, first sentence, after "question,", strike out "the proposed amendment" and insert "it".
	3	Second paragraph, second sentence, after "vacating the office" insert a period and strike out "if the legislature provides for partisan election of delegates.".
Schedule		After "FOLLOWING SCHEDULE" strike out "IS" and insert "and temporary provisions are"; and after "PERIOD AS" strike out "ITS PROVISIONS REQUIRE" and insert "are thereby required".
	6	Section 6 has been changed somewhat but meaning unchanged; a sentence (not a paragraph) has been added at end of section, incorporating the floor amendment, which sentence reads as follows: "The legislature

committee on style and drafting as offered and considered read, including the additional changes made by said committee on August 1. (For text as referred to said committee, see above, page 3275):

1. Amend article II, section 6 (column 2) line 49, after "electors" by striking out "which involves" and inserting "for"; and after "increase of" by striking out "any" and inserting "the"; and line 50, after "limitation" by inserting "imposed by Section 6 of Article IX"; and line 51, after "or" by inserting "for".

2. Amend article II, section 9 (column 2) line 8, after "electors" by striking out "or three-fourths of the members elected to and serving in each house of the legislature.", and inserting "unless otherwise provided in the initiative measure or by three-fourths of the members elected to and serving in each house of the legislature.".

3. Amend article III, section 5 (column 2) line 36, after "subdivision" by inserting "thereof".

4. Amend article IV, section 2 (column 1) line 24, after "assigned" by striking out "an apportionment factor" and inserting "factors".

5. Amend article IV, section 2 (column 2) line 1, after "two or more" by striking out "senate districts" and inserting "senators".

6. Amend article IV, section 3 (column 2) line 54, after "population" by inserting a comma.

7. Amend article IV, section 6 (column 1) line 14, by striking out "persons" and inserting "electors"; and line 24, after "party.", by striking out "One member of the commission shall be selected by each political party organization from each of the following four regions:", and inserting "One resident of each of the following four regions shall be selected by each political party organization:"; and line 27, after "(1)" do not capitalize "the"; and after "(2)" do not capitalize "the"; and line 31, after "(3)" do not capitalize "southwestern"; and line 35, after "(4)" do not capitalize "southeastern".

8. Amend article IV, section 6 (column 2) line 38, after "state or the" by striking out "apportionment".

9. Amend article IV, section 8 (column 2) line 56, after "public and" by striking out "officers" and inserting "members".

10. Amend article IV, section 17 (column 2) line 10, after "committees.", by striking out the sentence which reads, "Each committee shall by roll call vote record the vote and name of all action on bills and resolutions taken in the committee.", and inserting "On all actions on bills and resolutions in each committee, names and votes of members shall be recorded.".

11. Amend article IV, section 33 (column 2) line 1, after "If he" by striking out "does not approve" and inserting "disapproves".

12. Amend article IV, section 37 (column 2) line 36, after "Sec. 37.", by striking out the entire section which reads, "The legislature may by concurrent resolution empower a joint committee of the legislature acting between sessions to suspend until the end of the next regular legislative session any rule or regulation of an administrative agency promulgated when the legislature is not in regular session.", and inserting "The legislature may by concurrent resolution empower a joint committee of the legislature, acting between sessions, to suspend any rule or regulation promulgated by an administrative agency subsequent to the adjournment of the last preceding regular legislative session. Such suspension shall continue no longer than the end of the next regular legislative session.".

13. Amend article V, section 2 (column 1) line 4, after "full" by inserting "regular".

14. Amend article V, section 5 (column 1) line 43, after "Sec. 5.", by striking out the entire section which reads, "At no time shall an examining or licensing board of a profession include less than a majority of members of that profession.", and inserting "A majority of the members of an appointed examining or licensing board of a profession shall be members of that profession.".

15. Amend article V, section 18 (column 1) line 31, after "submit" by striking out "any".

16. Amend article V, section 25 (column 2) line 24, after "vote" by inserting a comma; and line 25, by striking out "except in case of equal division.", and inserting "unless they be equally divided.".

17. Amend article V, section 28 (column 1) line 10, after "same year" by inserting a comma.

18. Amend article VI, section 1 (column 2) line 2, by striking out "other".

19. Amend article VI, section 3 (column 2) line 20, by striking out "other".

20. Amend article VI, section 4 (column 2) line 28, after "hear" by striking out the comma.

21. Amend article VI, section 8 (column 1) line 2, after "appeals" by striking out "may".

22. Amend article VI, section 18 (column 2) line 38, after "increased" by striking out the comma.

23. Amend article VI, section 26 (column 1) line 52, do not capitalize "article".

24. Amend article VI, section 28 (column 2) following line 16, by striking out the entire second paragraph [This paragraph added by amendment on May 11, see above, page 3240; for section as amended, see above, page 3275] which reads:

"No appeal may be taken to any court from a decision of the state tax commission fixing the value of described property for property tax purposes or determining an appeal from a decision of the county tax allocation board.", and inserting a new paragraph to read as follows:

"In the absence of fraud, error of law or the adoption of wrong principles, no appeal may be taken to any court from any final agency provided for the administration of property tax laws from any decision relating to valuation or allocation.".

25. Amend article VII, section 31 (column 2) line 36, after "alley" by striking out the comma.

26. Amend article VIII, section 4 (column 1) line 40, capitalize "University".

27. Amend article VIII, section 8 (column 2) line 56, after "programs" by striking out the comma; and line 58, after "mentally" by striking out the comma.

28. Amend article VIII, section 9 (column 1) line 6, after "counties,", by striking out "cities and townships" and inserting "townships and cities".

29. Amend article IX, section 11 (column 2) line 60, after "for" by striking out "the support of public education" and inserting "aid to school districts, higher education".

30. Amend article XI, section 5 (column 2) line 8, after "tion" by inserting "or creation".

31. Amend article XI, section 7 (column 2) line 51, after "elected" by inserting "thereto"; and after "serving" by inserting "therein".

32. Amend article XII, the title (column 1) after "Amendment" by striking out "&" and inserting "and".

33. Amend article XII, section 3 (column 2) line 41, after "bers.", by striking out "The governor shall appoint a qualified resident of the same district to fill a vacancy in the office of any delegate who shall be a member of the same party as the delegate vacating the office.", and inserting "To fill a vacancy in the office of any delegate, the governor shall appoint a qualified resident of the same district who shall be a member of the same party as the delegate vacating the office.".

34. Amend the schedule, section 5 (column 1) line 58, after "general" by striking out the comma; and line 59, after "two" by inserting a hyphen, so that it will read "two-year".

35. Amend the schedule, section 6 (column 2) line 12, after "1908 constitution" by inserting "as amended in 1952".

36. Amend the schedule, section 6 (column 2) line 15, after "shall be" by striking out "divide" and inserting "divided".

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

Island areas.

Sec. 5. Island areas are considered to be contiguous by land to the county of which they are a part.

This is a new section which clarifies the definition of "contiguous by land" with respect to legislative apportionment.

Legislative apportionment commission.

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.

This is a new section requiring that the house and senate be reapportioned following each decennial census by a commission on legislative apportionment. The commission is to consist of eight members, with the state organizations of the two major political parties each selecting four members. One member from each party is to come from each of four regions of the state – Upper Peninsula, northern part of Lower Peninsula, southwestern part of Lower Peninsula, and southeastern part of Lower Peninsula. A third party polling more than 25 per cent of the votes for governor shall also be entitled to four members on a 12-member commission.

The commission shall convene within 75 days after the adoption of the constitution and after the results of each decennial census are available and shall complete its work within 180 days after all necessary census information is available. The commission shall reapportion and redistrict house and senate seats in accordance with the provisions of the constitution.

A plan approved by a majority of the members shall, when published, have the force of law. If a majority of the members of the commission cannot agree on a plan, then the members individually or jointly may submit a plan to the supreme court. The supreme court shall determine which plan complies most accurately with constitutional requirements and direct that it be adopted.

Upon the application of any elector the supreme court may compel the performance of duties imposed in this section and may review any plan

adopted by the apportionment commission and remand it to the commission for further action if it fails to comply with the requirements of the constitution.

Legislators; qualifications; removal.

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.

This is a revision of Sec. 5, Article V, of the present constitution. The only substantive change is in the last sentence where new language removes the disqualification for the legislature of persons who have been convicted of a felony involving a breach of the public trust after 20 years.

Ineligibility of certain persons for office.

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.* ****

This is a revision of Sec. 6, Article V, of the present constitution to exclude from serving as legislators officers and employees of federal, state and local units of government.

Retained is language permitting notaries public and members of the armed forces reserve to serve in the legislature.

The provisions of the new section will allow people holding offices or positions to run for the legislature, but since dual office-holding is prohibited a legislator-elect would be obliged to resign his prior office or employment as a condition precedent to taking his seat.

Legislators; ineligibility for certain appointments.

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. ****

This is a revision of Sec. 7, Article V, of the present constitution. Deleted is a prohibition against appointment of a state legislator to the U. S. Senate since it appears that there is no reason why a qualified legislator should not be chosen to fill such vacancy. Also eliminated is unnecessary language making appointments and votes for legislators void.

A final sentence in the existing section relating to the interest of a legislator in contracts with the state is covered in a subsequent section of this Article.

Conflict of interest.

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.*

This is a revision of Secs. 7 and 25, Article V, of the present constitution to indicate clearly that persons who serve the state in elected or appointed positions shall not have substantial conflicting interests. Detailed restrictions in the existing sections were inserted originally in the 1850 constitution and are now regarded as unnecessary since there is no question about the legislature's power to act in such matters.

Legislators; privileges.

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.

This is a revision of Sec. 8, Article V, of the present constitution to make it clear that legislators are not immune from arrest on criminal charges. The present 15-day immunity from civil arrest and process before and after sessions is reduced to five days.

Legislators; compensation.

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.*

This is a revision of Sec. 9, Article V, of the present constitution adding new language to cover compensation changes enacted under this revised constitution which provides two-year terms for state representatives and four-year terms for state senators.

A concluding sentence of the present section relating to miscellaneous perquisites is deleted as unnecessary.

Legislature; time of convening.

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.

This is a revision of Sec. 13, Article V, of the present constitution modifying an existing provision which has forbidden a motion, bill or resolution to be carried over from one session to the next – the procedure followed by the U. S. Congress. The new language permits bills or joint resolutions pending during the first session of a particular legislature to be carried over to the second session of the same legislature. This will save much in printing costs and time.