

Michigan Constitutional Convention of 1961

Committee Proposal 112

Const 1963, Art 4, § 8

Relevant Material From the Constitutional Convention Record

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Overview of the Constitutional Convention Process

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

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

State of Michigan
CONSTITUTIONAL CONVENTION
1961 - 1962
OFFICIAL RECORD



FRED I. CHASE
Secretary of the Convention

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Editor
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Associate Editor

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be printed 5 days prior to passage and for limitation of extraordinary sessions. Amends article V, section 22; with the recommendation that it pass.

T. Jefferson Hoxie, chairman.

For Committee Proposal 105 and the reasons submitted in support thereof, see below under date of April 11.

Mr. Hoxie, for the committee on legislative powers, introduced **Committee Proposal 106**, A proposal to allow the legislature to pass laws regarding indeterminate sentences. Retains article V, section 28; with the recommendation that it pass.

T. Jefferson Hoxie, chairman.

For Committee Proposal 106 and the reasons submitted in support thereof, see below under date of April 11.

Mr. Hoxie, for the committee on legislative powers, introduced **Committee Proposal 107**, A proposal to provide that legislators shall be elected on the first Tuesday after the first Monday in November. Amends article V, section 12; with the recommendation that it pass.

T. Jefferson Hoxie, chairman.

For Committee Proposal 107 and the reasons submitted in support thereof, see below under date of April 11.

Mr. Hoxie, for the committee on legislative powers, introduced **Committee Proposal 108**, A proposal to provide a limitation against general revision of the laws and a method of compilation. Amends article V, section 40; with the recommendation that it pass.

T. Jefferson Hoxie, chairman.

For Committee Proposal 108 and the reasons submitted in support thereof, see below under date of April 11.

Mr. Hoxie, for the committee on legislative powers, introduced **Committee Proposal 109**, A proposal to provide that the legislature may enact laws whereby public employment disputes can be settled. Amends article XVI, section 7; with the recommendation that it pass.

T. Jefferson Hoxie, chairman.

For Committee Proposal 109 and the reasons submitted in support thereof, see below under date of April 11.

Mr. Hoxie, for the committee on legislative powers, introduced **Committee Proposal 110**, A proposal to provide that the legislature may enact laws relative to hours and condition of employment. Retains article V, section 29; with the recommendation that it pass.

T. Jefferson Hoxie, chairman.

For Committee Proposal 110 and the reasons submitted in support thereof, see below under date of April 11.

Mr. Hoxie, for the committee on legislative powers, introduced **Committee Proposal 111**, A proposal pertaining to the employment of chaplains. Amends article V, section 26; with the recommendation that it pass.

T. Jefferson Hoxie, chairman.

For Committee Proposal 111 and the reasons submitted in support thereof, see below under date of April 11.

Mr. Hoxie, for the committee on legislative powers, introduced **Committee Proposal 112**, A proposal to provide that certain office holders shall be ineligible for the legislature. Amends article V, section 6; with the recommendation that it pass.

T. Jefferson Hoxie, chairman.

For Committee Proposal 112 and the reasons submitted in support thereof, see below under date of April 11.

Mr. Hoxie, for the committee on legislative powers introduced **Committee Proposal 113**, A proposal to provide that the legislature may submit bills to the people for referendum. Retains article V, section 38; with the recommendation that it pass.

T. Jefferson Hoxie, chairman.

For Committee Proposal 113 and the reasons submitted in support thereof, see below under date of April 12.

Mr. Hoxie, for the committee on legislative powers, introduced **Committee Proposal 114**, A proposal to provide that each house of the legislature shall keep a journal and the yeas and nays be recorded on a demand of 1/5 of the members present. Amends article V, section 16; with the recommendation that it pass.

T. Jefferson Hoxie, chairman.

For Committee Proposal 114 and the reasons submitted in support thereof, see below under date of April 12.

Mr. Hoxie, for the committee on legislative powers, introduced **Committee Proposal 115**, A proposal to provide that no member of the legislature or state officer shall have a substantial conflict of interest with the state. Amends article V, section 25; with the recommendation that it pass.

T. Jefferson Hoxie, chairman.

For Committee Proposal 115 and the reasons submitted in support thereof, see below under date of April 12.

Mr. Hoxie, for the committee on legislative powers, introduced **Committee Proposal 116**, A proposal to provide time and place of legislative sessions and that bills and resolutions pending at the end of a session shall be considered introduced at the next session. Amends article V, section 13; with the recommendation that it pass.

T. Jefferson Hoxie, chairman.

For Committee Proposal 116 and the reasons submitted in support thereof, see below under date of April 12.

Mr. Hoxie, for the committee on legislative powers, introduced **Committee Proposal 117**, A proposal to provide that votes on elections and nominations in the legislature be recorded. Amends article V, section 17; with the recommendation that it pass.

T. Jefferson Hoxie, chairman.

For Committee Proposal 117 and the reasons submitted in support thereof, see below under date of April 12.

Mr. Hoxie, for the committee on legislative powers, introduced **Committee Proposal 118**, A proposal to provide for vesting the legislative power in the senate and house of representatives and to reserve the power of initiative and referendum to the people. Amends article V, section 1; with the recommendation that it pass.

T. Jefferson Hoxie, chairman.

For Committee Proposal 118 and the reasons submitted in support thereof, see below under date of April 12.

Mr. Hoxie, for the committee on legislative powers, introduced **Committee Proposal 119**, A proposal to provide that the legislature shall not pass local acts when general acts can be made applicable and that local acts require a 2/3 vote of the legislature. Amends article V, section 30; with the recommendation that it pass.

T. Jefferson Hoxie, chairman.

for the blind, the school for the deaf—many of the church organizations within the community furnish that service free to the various children or inmates of an institution of that nature. The list that Mr. Powell read only related to those that were hired for a specific institution.

I don't think there would be anything to prohibit the civil service commission, which selects these personnel the same as they do other personnel, from employing those individuals in those other types of institutions suggested by Mrs. Cushman if it was necessary, but I know in Lansing that the various denominations within the city of Lansing do furnish that service to the school for the blind, and that is true also in the school for the deaf in Flint.

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

MR. DOWNS: I wish to further supplement Chairman Hoxie's comment. I believe in the committee's deliberations here we wanted to make it clear that we were not getting involved in the church-state issue which was more appropriately handled by the education committee, and we did not want to open up the question of state supported chaplains for universities or schools. When we did use the term "confinement" we were sort of, you might say, limiting it to where there was a captive audience and there were citizens who would not normally be able to go to religious services of their choice simply because there was a wall between them and the church, and that we did not think this broke down the separation of the wall between church and state, but did make it possible to have what had been the practice in many institutions which apparently had kind of developed that did make the matter much more clear.

CHAIRMAN BENTLEY: Are there any amendments to the body of Committee Proposal 111? There being none, it will pass.

Committee Proposal 111 is passed, and the secretary will read.

SECRETARY CHASE: Item 14 on the calendar, from the committee on legislative powers, by Mr. Hoxie, chairman, **Committee Proposal 112**, A proposal to provide that certain officeholders shall be ineligible for the legislature. Amends article V, section 6.

Following is Committee Proposal 112 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. No person holding any office under the United States or this state or any county, TOWNSHIP OR MUNICIPAL office, except notaries public[,] AND officers of the militia [and officers elected by townships], shall [be eligible to or] have a seat in either house of the legislature. [; and all votes given for any such person shall be void.]

Mr. Hoxie, chairman of the committee on legislative powers, submits the following reasons in support of Committee Proposal 112:

The committee is of the opinion that it is improper to allow township officers, along with city and county officers, to serve in the legislature.

County, township and municipal officers who sit in the legislature cannot properly serve 2 offices and the people who elect them.

However, notaries and members of the militia are in a position to properly serve in the legislature.

The striking of the last phrase and of the language prohibiting eligibility is recommended.

This would allow people in the enumerated offices to run for the legislature, but since dual officeholding is prohibited a legislator elect would be obliged to resign his prior office as a condition precedent to taking his seat.

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

MR. HOXIE: Mr. Chairman, fellow delegates, this proposal

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

came under the jurisdiction of our subcommittee headed by Mr. Kuhn.

I would also like to comment that again Mr. Faxon appeared before our committee last evening. He was concerned about the word "militia." And I would like to state in behalf of the committee that it is our intent that if there is any question about the interpretation of "militia" not being broad enough to include reserve officers, that that should be corrected in style and drafting. It was our opinion and the opinion of Mr. Hutchinson, who is present, that that would include that type of personnel. However, I would like to state that it is our intent, and if it should be found that the word "militia" isn't adequate to cover reserve officers, that that should be corrected in the committee on style and drafting.

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

MR. KUHN: Mr. Chairman and members of the committee, this is another great step forward for the people of the state of Michigan. It showed real courage on the part of our committee to give the people a good responsible legislature. In 1835, state and United States officials were prohibited from being legislators. And in 1850 they decided to make county officials not eligible to be legislators. Now, in 1962, the committee on legislative powers has gone a step further and has decided to prohibit all township, county and municipal officers from being legislators.

We have also provided that any of these particular officeholders could be candidates for the legislature, which is a relaxation of the rule, but then they must make up their mind and decide which hat they want to wear. We feel there are enough people, both in the rural and urban areas, to have these different jobs. We do not think that anybody is so indispensable that he must be a member of a township board or be a township official and a member of the legislature. And we think it is imperative, to have a good legislature, that we make them decide which hat they want to wear, and therefore we recommend that this proposal pass.

CHAIRMAN BENTLEY: The secretary will report the first amendment to Committee Proposal 112.

MR. SLEDER: I have a question, Mr. Chairman.

CHAIRMAN BENTLEY: The gentleman will proceed.

MR. SLEDER: What position does this put members of the educational boards in, such as college boards or boards of education of local school districts?

CHAIRMAN BENTLEY: The gentleman from Traverse City yields to the gentleman from Pontiac, Mr. Kuhn, for answer.

MR. KUHN: Well, a school board member, the attorney general ruled in 1958, could not be a member of the legislature and he had to resign or the office was vacant. That was independent of this section.

CHAIRMAN BENTLEY: Will the gentleman yield to the gentleman from Taylor, Mr. Marshall?

MR. KUHN: Yes, I would be glad to yield.

MR. MARSHALL: Mr. Chairman, may I ask a question of Delegate Kuhn through the Chair? By inserting the language "township or municipal office" am I to take it that a township trustee, who maybe attends one meeting a month, would not be eligible to serve in the state legislature? Or, for example, we have some state legislators now that are doing a very able and capable job and have served a long period of time, who hold part time offices in a township government, and it seems to me that this is a highly unfair provision to have a provision where a township trustee in a small township who maybe only attends one meeting a month for an hour or 2 hours a night for the one night a month should be prohibited from serving in the state legislature.

MR. KUHN: Well, he can be a candidate. We have allowed that. But you are correct in assuming that he cannot be a member of the legislature. We took this all under careful consideration and decided that we should make them decide which hat they want to wear. Now, if they are only serving their township board for one night a month, then I think it is not too much to ask them to get off that if they would like to sit in the legislature.

MR. MARSHALL: Well now, I just can't quite agree with that. We have in many townships and I live in a township where we have some very capable trustees who serve at a great personal sacrifice in the township on the board of trustees, and we, the citizens of the township, might not want them to get off, and yet we might want to support them for the state legislature. Now, I don't mind giving you an example. My own state representative holds a part time position as a township clerk in Dearborn township; yet he still serves in the legislature.

I personally saw nothing wrong with the original language that was in the old constitution. I think it was sufficient. But I would like to have some good, sound reasons why we are going so far as to prohibit a part time or a township official who may only attend a 2 hour meeting once a month from being able to hold a seat in the state legislature. It seems to me that in many cases they could make a great contribution.

MR. KUHN: The sound reason is equality, Mr. Marshall. You see, we do not want to discriminate against the county official who is prohibited under our present constitution, or the municipal officer or the township officer; so we are taking them all out to make it uniform.

We do not think there is a shortage of talent. We were very sure when we sat looking out our window over toward the legislature that those 144 people could hardly believe that there could be 144 people over here doing a job of writing the constitution, (laughter) and we said to ourselves then that if they had to have another body of 144 in the state of Michigan on top of the body sitting here and the body across the street, that we honestly thought they could find another body of 144 good people, and on that basis we decided the people that wanted to be in public office should wear one hat.

MR. MARSHALL: I am sure there are many delegates here that feel there isn't any shortage of capable candidates, but I am still concerned with this and I have a very strong opinion on it, and I would like to offer an amendment but I haven't got it ready; so maybe I can sit down and go to work on it and get it offered. But I am at a complete loss to see why we are going to prohibit, and I say again, a township or a municipal official who might hold some minor office that doesn't require much of his time from being able to serve in the state legislature if the people of that district should want to elect him.

MR. KUHN: We gave you our reasons, sir, and I would like to say that the vote on this very controversial thing was the yeas 11, the nays 2, and one passed.

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

MR. STEVENS: Mr. Chairman, members of the committee, in answer to Mr. Marshall's question, I am sure that it is not a question of pay or of holding 2 jobs or of moonlighting. It is a question of compatibility.

The law in Michigan will not permit a person to sit in the legislature if that position is incompatible with some other position he holds at the same time. However, the attorney general himself doesn't know just where to draw the line in the case of incompatibility. He sent us a letter way back in October, I think, asking us to define this matter of incompatibility. I think all the committee is trying to do is to define, at least in certain instances, that the 2 offices are incompatible; so you take one or you take the other. You can't have both.

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

MR. NORRIS: Mr. Chairman, Mr. Kuhn, I would like to address a question following through on what Mr. Stevens mentioned, the question of compatibility or, more properly, the question of whether there is any conflict of interest. First of all, is there in the exclusion historically a recognition of a conflict of interest, and is it the intention of the committee to continue a policy against a conflict of interest by this proposed language? And, more specifically, what are the indicia of this conflict? In what way is it the judgment of the committee that there would be a conflict between membership in the legislature and acting as a township or municipal officer?

CHAIRMAN BENTLEY: The gentleman yields to the gentleman from Pontiac, Mr. Kuhn, for reply.

MR. KUHN: Well, quite obviously: 1, if you were a member of the legislature and a member of a township board, you would have to be, obviously, quite subservient to your township board in their wishes, not that you wouldn't represent your district; 2, there is a great possibility that you could miss some time; and, 3, the overall effect, we thought, of having these 2 jobs was not warranted with the amount of people around today that certain people thought they had to hold so many offices, and we thought the most important one would be the availability and to devote your full time to what the people want you to do, and that is to be a member of the legislature or do the other. In other words, if you read your citizens advisory council book, they sort of recommended something like this, but they did suggest that we ease it so people that came under this category of being prohibited to be a member of the legislature would at least have the right to run for the job. They have the right to run. But then, when they get elected, they must get off the other. And we just say you can't have your cake and eat it too.

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

MR. MADAR: I thought at first that we were discussing something that we had here once before, and at that time we talked an awful lot about moonlighting, and frankly that is just about what this is, moonlighting.

Though I know this isn't going to help me defeat this, I can't help but make the remark that there is certainly an awful lot of incompatibility of attorneys who have partners who are doing all their work back home and still holding jobs in the legislature. Why don't you go ahead and kick them out of there, too, as you should? After all, let's cut out all this moonlighting. You want to needle; I'll shove it all the way in. (laughter)

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

MR. NORD: Mr. Chairman, I simply want to ask a question of Mr. Kuhn, if I may. It is simply this: I would like to know what is meant by the word "municipal?" Does that mean the same thing as city or village, or is it broader?

MR. KUHN: That is correct.

MR. NORD: It means city or village?

MR. KUHN: That is correct.

MR. NORD: Thank you.

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

MR. FORD: Mr. Chairman, members of the committee, I have had an opportunity to discuss this proposed language with a number of people since it first came to our attention, and there are many people who have looked into it who feel that the language as it is now could reach much further than anybody has talked about thus far. There is no definition at this point of a township or municipal officer. Everybody has been talking as if this language by magic means only an elected official of a city or a township.

Now, when you are talking about a municipal officer, what do you do about the people in the villages, for example? What are they? And how far down the line do you go? Is a township attorney a municipal officer? I think presently he is, because he is provided for by statute. I think that a city attorney, or corporation counsel as he is called in some charters, is a municipal officer. A city engineer is a municipal officer. The city auditor in many charters is provided for, although he certainly doesn't make his full time living out of auditing the accounts of one small city or one small village.

And we are here inviting the people in the legislature once more to say, "It looks to me like all those fellows over there are trying to do is create some vacancies for themselves when they get through in May—if they get through in May."

As Mr. Marshall has already indicated, I represent the nineteenth representative district which he lives in also, and our representative has been, for about 12 years, the clerk of Dearborn township and he has been elected under the new charter as the city clerk of the new city that was incorporated out of that township. And in drafting the charter, I am aware of

the fact that some of the charter commissioners, knowing of his many years of experience, took this into consideration in making the city clerk a part time job so that there would be no question about his ability to serve in both capacities.

Now, I submit that there are far more people who serve only for an honorarium, if anything, in these positions, by numbers, than there are who make a full time living at it, and it would seem that we are arbitrarily placing a barrier on everyone who serves in any kind of a public office capacity at the local level. If you want to just see how far reaching this might be, look around the room and see how many people are sitting here right now who could not be here if there was a similar provision concerning constitutional convention delegates. There must be at least 30 delegates to this convention who would be disqualified by this language. And would you say that these people are not able to perform because of the part time job they have as a member of a township board in a small rural township? I don't think that this is really what is intended.

I have no sympathy at all for Mr. Kuhn's attitude "let's let them decide what hat they are going to wear" because there are many, many communities in the state of Michigan where the councilmen or the township trustees serve for little or nothing. I think that about \$10 a month is par for a great many townships in this state, and something around \$10 a month and in some places \$15 is par for the small cities and villages.

Now, what you are saying is, if a man has the respect of his community and is contributing at that level, you don't want him in the legislature. I think that we have done quite well in the state of Michigan with a well established principle of conflict of interest, and when the attorney general says that he has trouble with compatibility, that is correct, but the fact that the attorney general from time to time has trouble with the definition is no excuse for giving him a new problem, because if you don't think this one is going to cause problems with the attorney general rendering opinions on what is a township officer or a municipal officer within the meaning of this language, then you are kidding yourself. There is a well established doctrine of conflict of interest.

Someone mentioned the board of education. It is very clear why a member of a board of education wouldn't be here. It is a conflict of interest problem. It has nothing at all to do with the constitution alone. And there are many other positions that there would be a conflict on. But quite obviously there has not been a conflict with respect to most municipal officers or they wouldn't be serving, because there are plenty of people who have challenged this from time to time. With respect to the gentleman that I have already mentioned, the challenge was made. It was tested.

I would oppose the language, and I have prepared and presented to the desk an amendment to strike the reference to the townships, and I want to call your attention to the fact that by "municipality" you are including a lot more than just cities, because this word "municipality," anyone on the local government committee will tell you, is capable of a great many definitions in the state of Michigan and may be capable of a great many more in the future, because we are creating some new animals here that might properly in the future be termed "municipality," and I think we ought to be very, very careful before we put this sort of language into the constitution.

And I think we ought to have an awful lot better reason than just the opinion of one member of the committee that he doesn't think it is right for any person to hold 2 public offices. And I don't know just how we would do it, but if you take a quick look at the biographies that you were handed early in the convention of all the delegates here, you will find that there are an awful lot of people in this convention who are serving in more than one capacity while they are here and who would very well be able to serve in more than one capacity over in that legislative hall.

With respect to what Mr. Madar said, there might be some merit to this, because if you are going to talk about conflicts and try to define them in the constitution rather than by statute from time to time, then we ought to make a thorough analysis of all of the possible conflicts and do the job well,

because what you are actually doing now is discriminating against certain attorneys. I don't happen to be a candidate for the legislature. I should hope that, from what I have seen over there, I won't be. But I belong to a category of attorneys that is being discriminated against here, and I think we have some city attorneys that are being discriminated against. If you are going to keep us out, then maybe you better keep the other attorneys out.

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

MR. WANGER: Mr. Chairman, I would like to remind the gentleman who just spoke last on this subject that there is much more than the opinion of one delegate behind this proposal; it is the substantial majority of the committee behind this. As Delegate Kuhn pointed out, I believe, there were 11 votes in favor of this, 2 nays and but 1 abstention at the meeting, and I can personally assure the delegates that this matter consumed a considerable portion of the debate before the committee.

Now, there are always problems of conflicts of interest or incompatibility when you talk about people holding 2 offices at once, and you can do no more than establish a general rule which you believe will generally work for the best of the people in the long run in this area. It is also very clear that such a rule has to be established in the constitution. We have seen that a rule has been established with respect to county offices for many years, and this has not caused the construction or interpretation problem which Mr. Ford indicates would somehow be created by inserting "township or municipal."

It has been the impression of the committee and it has been, I believe, voiced on the floor on a number of occasions that a person holding an office is different from a person who is classified merely as an employee. It is also very clear that the legislature has to pass laws which affect not only counties but also, today more and more, townships and municipalities, and that there is very clearly the problem of a conflict of interest when a person sits in the legislature and at the same time sits as either an elected or an appointed officer or officeholder in a municipal unit. How can he be, as a general rule and over the long pull, considered completely free from any conflict of interest with respect to legislation which the people connected with the unit of government of which he is a part may consider either advantageous or detrimental to their particular interest, which interest may or may not be in accordance with the interest of the people generally?

CHAIRMAN BENTLEY: The Chair will point out that there are 5 amendments at the desk and would suggest that delegates who still desire to speak might wish to withhold their comments until those amendments are offered. The Chair recognizes the gentleman from Detroit, Mr. Norris.

MR. NORRIS: Mr. Chairman, I would like to make a comment. I had asked a question previously of Mr. Kuhn with regard to the question of conflict of interest and the manner by which this conflict might be appraised. I thought there was a disproportionate emphasis in Mr. Kuhn's observations on the question of the right of individuals to run for office rather than upon the public interest which I thought was intended as the committee proposal.

It seems to me there is a public interest involved, and the incompatibility is the incompatibility not merely between the offices but with the public interest, as I understand it, and certainly we are able to see the headlines today and in recent weeks with regard to taxes as a momentous question that our state is called upon to face, and I detect a degree of incompatibility and conflict of interest between those who may be the kind of officials sought to be proscribed from being members of the legislature and this question. Township officers have a matter of taxes coming before the legislature. The first question, it seems to me, is: how does it affect my township and the taxes in my township? And I think that there is a question as to whether or not the overriding public state interest is the first consideration. I think that that is a very important proposition.

We have had some experience, too, with regard to conflict in terms of time of service where I understand, for example, in

the present legislature, there are members of the boards of supervisors of some of the communities who are full time members of the boards who are nevertheless members of the legislature, and I think that they have to make, at some juncture, some decision with regard to where are they going to be at a given time. And I think both the public interest of the community that sends them and the state public interest is in some way disparaged by this. We have had an experience too in Detroit where some constables were members of the legislature and they certainly acted in the legislature to preserve their jobs, and that was the first and foremost objective that they had for a long time.

In addition to that, I think some very considerable constructive thinking was performed for this body in the proposals that are going to be before us by Dr. Pollock, Mr. DeVries, Mr. King and Mr. Durst in the materials that have been distributed to us, and one of the propositions is Committee Proposal 116. In relation to that committee proposal, they ask that we support the proposition that the legislature shall be a continuous body during the term for which —

MR. HOXIE: Point of information. What proposal are we discussing at the present time?

CHAIRMAN BENTLEY: At the present time, the Chair will state, we are still discussing the committee proposal. No amendments have yet been offered. The gentleman may proceed.

MR. NORRIS: I merely want to suggest, Mr. Chairman, in support of the proposal that if we are going to promote the idea of a full time legislature, the idea of a fully responsive, fully operating legislature, that this idea of removing conflict of interest and inserting the language proposed by the committee would serve a very useful public interest purpose, and I support it.

CHAIRMAN BENTLEY: The secretary will report the first amendment to Committee Proposal 112.

SECRETARY CHASE: Mr. Ford offers the following amendment:

1. Amend page 1, line 6, after "county" by striking out the comma and "township or municipal"; so the language will read:

No person holding any office under the United States or this state or any county office, except notaries public and officers of the militia, shall have a seat in either house of the legislature.

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

MR. FORD: Mr. Chairman, I think I have already stated most of the reasons for this, except to point out that we are not really here eliminating from the legislature a great area of conflict of interest. All we are saying is that we are not going to have the courage to say that we should have a full time legislature with basic qualifications so that they can devote their full time to the legislature, but we are saying that it will continue to be, so far as anything that is passed in this convention thus far, a part time legislature, and we are saying it is all right for you to be a bank president and come down here and represent the banking interests as a member of the legislature, or an officer of a corporation, whether you make automobiles or tricycles. That is all right. You can be in the legislature and take part in all of the discussions and the votes concerning that industry, and you can be a member of the bar association, or you can be a barber or a doctor or anybody else who has problems as a group coming before it or a member of a labor union, but you must not be a public servant and come down here and have any possible conflict because you might have a point of view oriented toward a city if you are a city employee, or toward a township or a village if you happen to be an officer of one of those. So really we are not by this section eliminating the vast majority of the conflicts that do in fact exist over there. We all know that there are few, if any, of the legislators who do not have some other source of income, because they are not paid enough at the present time to live on what they make. They all have some other business or profession. Should we say that automobile dealers should be disqualified from sitting because we deal in areas of workmen's compensation that the automobile

industry is involved in? Of course not. And I see an automobile dealer over here getting excited now. (laughter)

This isn't really a section that is going to define the conflict of interest or eliminate conflicts from the legislature. It is merely going to eliminate a certain group of people and create some vacancies in the legislature at the present time, and I surely hope that there is no motivation here for the creating of vacancies for any particular people in this convention.

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

MR. ALLEN: Mr. Chairman, I happened to serve on a committee with Stanley Powell and Larry Lindemer and Neil Staebler and some others that had to do with this same section as part of a governor's advisory committee, and the recommendation that the committee turns in to us is the same recommendation as was the conclusion of that preparatory committee, and I think it is a wise one and I want to support it.

First of all, I don't see why we should bar county officials but allow city officials or township officials to come up here. We have counties that are just as large and just as important as many of our cities. In fact, Wayne county and Oakland county are larger and more complicated, I think, than most of our Michigan cities. So I don't think it is right to bar one and not the others.

Secondly, I think that in the good old days when we had less government, it was possible without a conflict in time alone perhaps to serve the 2 offices, but I don't think government today is that simple and I don't think anyone in this room thinks government is that simple today, and frankly I don't see how anyone holding an elective office in a city or a township or a county has the time to adequately perform the 2 duties.

And, thirdly, I feel also, just as Dr. Norris and others who have spoken, that you just inevitably run into some very serious conflicts. If you are a city official and you have this problem of whether or not there shall be a tax on people who live outside of the city, you can see the conflict that you get into, or if you have an annexation question, and you can't help but be motivated in part by the district from which you come and the other duties which you hold. I think this is a salutary thing. I think it is a wise thing. I don't think any harm will come from it, but a lot of good. And I support the committee proposal and oppose the proposed amendment.

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

MR. POWELL: Mr. Chairman, ladies and gentlemen of the committee, in the first place, may I comment that I don't quite agree with the analysis of my colleague, Delegate Allen, relative to the report of the citizens advisory committee. I have compared the language recommended therein with the language of this committee report and there is substantial difference. I have this report of the citizens advisory committee out here because I wish to read you the last 2 sentences of it. It starts:

Rather than take away the right of township officers from holding a seat in the legislature it was felt that the right should be given these other officers —

referring to municipal officers —

so as not to eliminate too many people who might serve well in more than one office. It was felt that if there was too much conflict in holding more than one office the people electing such a person should decide if they want that person to hold more than one office.

It just so happens that my own representative in the Michigan legislature, who has been there for several terms, has been for all of these years a township supervisor, and is today. As far as I know, these offices have not been incompatible with him or with many other members of the legislature who hold positions such as township supervisor or mayor or other positions.

I think that we can safely trust the voters to use their judgment in selecting members to serve in the Michigan legislature. I would approve language to restore this provision as close as possible to the existing language, and I would like to ask Delegate Ford, if he is available here, this question: have you considered restoring the stricken language in lines 7 and 8

where it says "officers elected by townships" in the exemption or exception? I think that that was put in there to take care of township supervisors.

You will notice in line 6, the words that you seek to strike "township or municipal" are new words. They are printed in capital letters. And when you take them out, you just put that part back to the way it was. But it does not cover this point that I raise, I think, as to lines 7 and 8, "and officers elected by townships." The question in my mind is whether we are sure as to the status of a township supervisor; is he a township official or is he a county official? And with that language restored there, I think there would be no doubt. Have you given that matter consideration, Delegate Ford?

CHAIRMAN BENTLEY: The gentleman yields to the gentleman from Taylor, Mr. Ford, for reply.

MR. FORD: Well, the township supervisor has a little different status than anybody else in the township because he is mentioned elsewhere in the constitution and provided for with a 2 prong function. He is covered under the section on townships, but there is also a provision that there shall be a supervisor who is a member of the board of supervisors from each township.

Now, it happens that by law these 2 people are the same. I don't know that the constitution would require that the person elected to be the supervisor where the word is used in the township section would have to be the same person referred to as the supervisor in the section referring to the board of supervisors, but it always has been in Michigan, and apparently it has been so construed, so I assume that his problems arise out of the fact, as you have indicated, that he is considered to be a county officer in that he serves as a member of the board of supervisors by reason of the present language in the constitution.

MR. POWELL: Well, may I comment that I think Delegate Ford and Delegate Powell would both be more comfortable if he would accept the suggestion to restore those stricken words there.

MR. FORD: I would have no objection to that at all, Mr. Powell, if the intention would be to get us closer to the situation we were in before they put the 2 words in. I didn't mean by neglecting to reinstate them to imply that their previous exemption should be taken away, but I don't really see a reason for giving township officers, as opposed to other municipal officers, special treatment.

I might call your attention to the fact that most of the townships in Wayne county are larger than all but the top 25 cities of the state of Michigan. As a matter of fact, some of the townships rank within the top 5 to 10 municipalities of the state of Michigan by population. This township can be anything from 36 people to 100,000 people and, as you have indicated, when the job gets to be big enough, the fellow gets in a position where he has to make a choice.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Quincy, Mr. Knirk.

MR. KNIRK: Mr. Chairman, ladies and gentlemen, I find myself agreeing with my near mate here, Mr. Norris, in his comments, and disagreeing with my long standing friend, Mr. Powell. For the life of me I can't see how a person can serve objectively in the legislature if he is serving as an official of a township or city. I think that we wouldn't have to go too far from this particular hall to remind ourselves of, I think, some conflict of interest. I have noticed it here, and I don't want to be picking on any particular group, but it has been so titled as a "courthouse gang," Mr. Brake. (laughter) I think there has been an inference many times that this particular gang, as it has been referred to here, had a conflict of interest, and I think that this could also apply in the legislature. Whether this was an innocent implication or an intended implication, I do not wish to declare, but I think that we should support the committee proposal. I think it is sound. I think it is fair. I hope that we oppose the Ford amendment and vote it down.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Stanton, Mr. Brake. (laughter)

MR. BRAKE: That timing, Mr. Chairman, was just right. (laughter) As long as I have known the legislature, we have had a scattering of township officers as legislators. Many of them have been very excellent legislators, chairmen of committees, prominent and influential in the legislature. The legislature has been definitely better because they have been there.

The difference between the township officers and the county officers in this prohibition, Mr. Allen, is that the township officers are generally not full time officers. I think I have never known of one in the legislature who was a full time officer. It would be a mistake, in my judgment, to bar them. Now, if their service in the legislature results in poor service to their township back home, the people there have a very prompt remedy to take care of that situation. I am definitely in favor of the Ford amendment, township gang or county gang or not. (laughter)

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

MR. MARSHALL: I would first like to ask Delegate Ford one question, through the Chair, then I would like to make a brief comment.

CHAIRMAN BENTLEY: State the question.

MR. MARSHALL: Delegate Ford, would you accept in your amendment—I have one, too—to strike the words "township or municipal office" and also reinsert in lines 7 and 8 and lines 9 and 10 the stricken language?

CHAIRMAN BENTLEY: The gentleman yields to the gentleman from Taylor, Mr. Ford.

MR. FORD: I would, except that I just noticed something in going back to the 1850 constitution. Actually, what they did in 1908 was pick up the 1850 language, and if we take a quick look at one of the major changes that was made in 1907 that got into the 1908 constitution, we came up with this home rule city for the first time, although cities were mentioned, and I wonder why they had this language. It would appear that by omission—and there are some cases cited under the 1850 language—the types of local government that are omitted are not prohibited. Townships are specifically exempted and counties are specifically prohibited, and it looks like we would be going back to this same conglomeration. I think we ought to treat people in townships, villages and cities the same, and changing it the way you are asking me to change it wouldn't accomplish this.

CHAIRMAN BENTLEY: The gentleman has the floor.

MR. MARSHALL: Well, from the standpoint of partisanship, from the standpoint of legislative accomplishment and from the standpoint of differences in philosophy, I probably should be supporting the committee proposal because I think that the farm bloc would suffer more under this than any other group in the state, because they do have more township officials in the legislature than you do in the metropolitan area. As a matter of fact, I can only recall one. But it seems to me it would be a little bit silly when we say that there can be a conflict of interest because a member of the board of trustees in Taylor township, who draws \$15 a meeting and he makes his livelihood from some other source, should be prohibited from serving in the legislature.

Now, I have to disagree with my good friend, Blaque Knirk, on the conflict of interest. There is no more a conflict of interest for a \$15 a month or a \$20 a month member of the board of trustees in a township serving in the legislature than there is a representative of the manufacturers association, the table-toppers, the AFL-CIO, the grange, the farm bureau and literally dozens of other lobbying groups in the state capitol.

Now, if we are worried about conflict of interest, I think we ought to probably spell it out that no one who holds any position in the particular spots mentioned in the proposal, or membership or in any way representing any of these groups that are registered as lobbyists—now, again I don't want to use the word hypocritical, and maybe that isn't the right word, but let's don't have a 2 way street. And I say to the delegates in this committee that if the people in my district want to elect one of the minor township officials who has the time and can perform the service and the duty and can carry to the

office some experience, we ought to have that right, and I don't think we ought to prohibit this constitutionally.

And I think, brother Knirk, if you would think this over, that you would have to agree with the remarks that I just made concerning conflict of interest. Where does it stop and where does it begin? Or where does it begin and where does it stop? And I don't think that the statements that you made are appropriate to the proposal because we could debate from now on or for at least a week on questions of conflict of interest, and I don't want to do that. But I am seriously concerned whether or not a minor township official who may presently be serving in the legislature or who may in the future want to be a candidate will be denied that right solely because he is drawing a wage of \$20 or \$25 a month from a township government, and I would ask support of the Ford amendment.

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

MR. A. G. ELLIOTT: Mr. Chairman, I wasn't going to speak on this particular amendment until Mr. Ford opened up such a vista there when he started talking about these conflicts of interest. I just wanted him to know that I will join with him on an amendment of the kind that he offered if he would like to make an amendment to that effect.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Jackson, Mr. Thomson.

MR. THOMSON: Mr. Chairman, delegates, what few words I have to contribute are based upon my experience as a member of the legislature and as a representative of the county officers association before the legislature for the past 15 or 16 years.

I have observed that the person always carries some of the ideas from home with him, and when you go there and discuss matters before them, they have a preconceived idea which they obtained as a public official in some other capacity, and I have never yet known in my contacts as a member of the legislature or as a person asking favors from the legislature, but what the man who was serving in only one capacity was much more conscientious and did a much better job than did the person who was holding or trying to do 2 or 3 jobs at once.

CHAIRMAN BENTLEY: Is the gentleman from St. Louis seeking recognition?

MR. HOXIE: I wonder, Mr. Chairman, if I could ask Mr. Ford a question.

CHAIRMAN BENTLEY: The gentleman will state it.

MR. HOXIE: Apparently Mr. Ford is only concerned about township and municipal officers. We are not talking about elected officials; we are talking about officers, which includes appointed officials as well. I am wondering if, to be consistent, Mr. Ford, you shouldn't also strike county officers. I am thinking of an individual who happened to be a friend of the court in Gratiot county. Under the ruling of the attorney general, there was a conflict of office there. There would be a conflict in the county health officer, which is a part time job.

If we are going to consider this on the basis of eliminating, and allowing township and municipal officials to serve in the legislature, shouldn't we give that same right to county officials as well? How can you distinguish between the 2?

CHAIRMAN BENTLEY: The gentleman yields to the gentleman from Taylor for a reply, Mr. Ford.

MR. FORD: I think that is a good point, and I didn't really intend to, because I was aiming at the specific problem, but this seems to get more complicated as you get into it. Perhaps we shouldn't be mentioning any type of officer at all, but should merely have a general statement that no person should serve in the legislature when he occupies any position of public or private employment or public or private office, the duties of which are in conflict with the performance of his duties as a legislator.

We have a common law rule, if you please, or a set of statutes in many cases—the school code takes care of those people now—and we have the separation of powers that keeps all the judicial officers off; and we have this language which keeps a county officer off, but there are numerous cases on what this means when you say county officer. As I recall, a deputy clerk or a deputy treasurer, even though he isn't elected, is a county officer, but an employee of the road commission is not a county

officer. He may get more money and he may have more responsibilities and he may have, in fact, a more direct interest in the appropriations of the legislature, but he is not a county officer.

I think you raise a good point, and I would be glad to join in any amendment that would get a single standard here so that we get at the real problem, which is a conflict of interest.

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

MR. HABERMEHL: Mr. Chairman, just a very brief comment. Most of the groups that there has been reference to here—and I understand a number of the bigger counties and cities—hire a legislative agent. Other townships, it would appear, would prefer to elect them. I think that probably has some bearing on the question.

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

MR. KUHN: Mr. Chairman and members of the committee, I would like to straighten out Mr. Marshall. He said that they would like to be able to elect their township officials to the legislature. Under our proposal he will be able to do that, but if he is elected, then he must resign his seat on the township board.

In answer to Mr. Powell, I think he was confused on one statement and I know he didn't do it intentionally, but he inadvertently said that the citizens research recommended more or less the status quo. It is the governor's group that recommended status quo. And he is holding the governor's book, the blue book, in his hand and he quoted that absolutely correctly. The citizens research is recommending what we are recommending. And I say to you that this is 1962, and if you want to go back to 1850, you will adopt the Ford amendment, and we are definitely opposed to it.

CHAIRMAN BENTLEY: The vote occurs on the amendment offered by the gentleman from Taylor, Mr. Ford. Mr. Kuhn.

MR. KUHN: Mr. Chairman, I demand the yeas and nays.

CHAIRMAN BENTLEY: The yeas and nays have been demanded. Is the demand supported? A sufficient number. The yeas and nays are ordered. Those in favor of the Ford amendment will vote aye. Those opposed will vote no. Mr. Stevens.

MR. STEVENS: May we have the amendment reread?

CHAIRMAN BENTLEY: The secretary will read the Ford amendment.

SECRETARY CHASE: The pending amendment which is being voted upon is to amend page 1, line 6, after "county" by striking out the comma and "township or municipal".

CHAIRMAN BENTLEY: The secretary will lock the machine.

The roll was called and the delegates voted as follows:

Yeas—41

Balcer	Ford	McLogan
Boothby	Gover	Murphy
Bradley	Greene	Powell
Brake	Hart, Miss	Radka
Buback	Hatcher, Mrs.	Richards, J. B.
Dehnke	Hood	Sablich
Dell	Hutchinson	Shanahan
Doty, Donald	Kelsey	Snyder
Douglas	Lesinski	Stafseth
Downs	Madar	Stopezynski
Elliott, Mrs. Daisy	Mahinske	Suzore
Erickson	Marshall	Walker
Flyg	Martin	Wilkowski
Finch	McCauley	

Nays—66

Allen	Hanna, W. F.	Prettle
Andrus, Miss	Haskill	Pugsley
Anspach	Hatch	Rajkovich
Austin	Heideman	Richards, L. W.
Barthwell	Higgs	Rood
Batchelor	Hoxie	Rush
Beaman	Hubbs	Seyferth
Binkowski	Iverson	Shackleton

Bledsoe	Jones	Sharpe
Cudlip	Judd, Mrs.	Sleder
Cushman, Mrs.	Karn	Spitler
Danhof	Knirk, B.	Staiger
DeVries	Koeze, Mrs.	Stevens
Donnelly, Miss	Kuhn	Thomson
Durst	Lawrence	Turner
Elliott, A. G.	Leibrand	Tweddie
Everett	Leppien	Upton
Farnsworth	Nisbet	Van Dusen
Faxon	Nord	Wanger
Follo	Norris	White
Goebel	Perras	Wood
Habermehl	Plank	Yeager

SECRETARY CHASE: On the amendment offered by Mr. Ford, the yeas are 41; the nays are 66.

CHAIRMAN BENTLEY: And the amendment is not adopted. Does the gentleman from St. Louis desire recognition?

MR. HOXIE: Mr. Chairman, a good many delegates over in this corner desire to have the committee rise. I understand there are 5 more amendments on the secretary's desk. As so ably expressed by the secretary of the convention, 9:00 o'clock comes early in the morning; so I move that the committee rise.

CHAIRMAN BENTLEY: The motion is on whether the committee shall rise. Those in favor of the motion will vote aye. Those opposed? The Chair is in doubt. A division is requested. Those in favor of the motion to rise will vote aye. Those opposed will vote no. The secretary will lock the machine.

MR. MARSHALL: Mr. President, I must have voted wrong. I notice that Miss Hart and Mr. Downs voted aye; so I better change my vote so I can follow my leaders. (laughter)

MR. WANGER: Mr. Chairman, I trust you will note that I did not vote, but I couldn't make up my mind without the advice and counsel of my esteemed senatorial delegate, and he wasn't here to vote. (laughter)

SECRETARY CHASE: On the motion that the committee do now rise, the yeas are 66; the nays are 36.

CHAIRMAN BENTLEY: The motion prevails. The committee will rise.

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

PRESIDENT NISBET: The Chair recognizes Mr. Bentley.

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

SECRETARY CHASE: Mr. President, the committee of the whole has had under consideration **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; **Committee Proposal 105**, A proposal to provide that bills must be printed 5 days prior to passage and for limitation of extraordinary sessions; **Committee Proposal 106**, A proposal to allow the legislature to pass laws regarding indeterminate sentences; **Committee Proposal 108**, A proposal to provide a limitation against general revision of the laws and a method of compilation; **Committee Proposal 109**, A proposal to provide that the legislature may enact laws whereby public employment disputes can be settled; **Committee Proposal 110**, A proposal to provide that the legislature may enact laws relative to hours and conditions of employment; and **Committee Proposal 111**, A proposal pertaining to the employment of chaplains; reports these proposals back to the convention without amendment and with a recommendation that they do pass.

PRESIDENT NISBET: **Committee Proposals 103, 105, 106, 108, 109, 110 and 111** are accepted and referred to the committee on style and drafting.

For Committee Proposal 103 as referred to the committee on style and drafting, see above, page 2333.

For Committee Proposal 105 as referred to the committee on style and drafting, see above, page 2334.

For Committee Proposal 106 as referred to the committee on style and drafting, see above, page 2335.

For Committee Proposal 108 as referred to the committee on style and drafting, see above, page 2336.

For Committee Proposal 109 as referred to the committee on style and drafting, see above, page 2337.

For Committee Proposal 110 as referred to the committee on style and drafting, see above, page 2341.

For Committee Proposal 111 as referred to the committee on style and drafting, see above, page 2342.

SECRETARY CHASE: Mr. President, the committee of the whole has also had under consideration **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; reports this proposal back to the convention with an amendment and recommending that the proposal as amended do pass.

[Following is the amendment adopted by the committee of the whole:

1. Amend page 1, line 9, after "elected" by striking out "to" and inserting "and serving in".]

PRESIDENT NISBET: **Committee Proposal 104**, as amended by the committee of the whole, is accepted and referred to the committee on style and drafting.

Following is Committee Proposal 104 as amended and referred to the committee on style and drafting:

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

Sec. a. Every bill shall be read 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 and serving in each house. On the final passage of all bills, the vote shall be by yeas and nays and entered on the journal.

SECRETARY CHASE: Mr. President, the committee of the whole has also had under consideration **Committee Proposal 107**, A proposal to provide that legislators shall be elected on the first Tuesday after the first Monday in November.

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

1. Amend page 1, by striking out all after the enacting clause.]

PRESIDENT NISBET: **Committee Proposal 107**, as amended by the committee of the whole, is accepted and referred to the committee on style and drafting.

Following is Committee Proposal 107 as amended and referred to the committee on style and drafting:

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

(Note — The complete content of this committee proposal has been stricken.)

SECRETARY CHASE: Mr. President, the committee of the whole has had under consideration **Committee Proposal 112**, A proposal to provide that certain officeholders shall be ineligible for the legislature; has considered an amendment thereto and has reached no final conclusion thereon. This completes the report of the committee of the whole.

PRESIDENT NISBET: Are there any announcements?

SECRETARY CHASE: We have the following announcements: the committee on emerging problems will meet tomorrow.

row at 11:30 or immediately after the morning session; the committee on judicial branch will meet in room B on Friday at 8:00 o'clock in the morning; and the committee on local government will meet Friday morning at 8:00 o'clock in room A.

We have the following requests for leave: Mr. Bledsoe asks to be excused from the session of Friday. It is necessary for him to appear in court on business started before the convention began.

PRESIDENT NISBET: Without objection, he is excused. The Chair recognizes Mr. Rush.

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

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

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

[Whereupon, at 10:45 o'clock p.m., the convention adjourned until 9:00 o'clock a.m., Thursday, April 12, 1962.]

ONE HUNDRED TWENTIETH DAY

Thursday, April 12, 1962, 9:00 o'clock a.m.

PROCEEDINGS

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

Our **invocation** this morning will be given by one of our own delegates, Lillian Hatcher.

MRS. HATCHER: Let us pray. Heavenly Father, great and eternal God, we are thankful for the privilege of addressing ourselves to Thee, in this place, at this hour and on behalf of this constitutional convention as individual delegates.

We beseech Thee, please make us to realize that the magnitude of this task can be properly accomplished only by including Thee in our meditations; direct our deliberations with constructive thinking; temper our thinking with wisdom; mold our wisdom in understanding; so much so, that it be impregnated with justice and humility that herefrom shall emerge a physical structure, better for the state of Michigan, better for our fellow beings, better for ourselves and better for the oncoming generations of tomorrow's children.

These blessings grant us, dear Lord, for Jesus' sake. Amen.

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

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

Prior to today's session, the secretary was in receipt of the following requests for leave: Messrs. Arthur Elliott, Garvin and Young, temporarily, from today's session; and Mr. Krolikowski, from today's session.

PRESIDENT NISBET: Without objection, the requests are granted.

SECRETARY CHASE: Absent with leave: Messrs. Baginski, Durst, A. G. Elliott, Garvin, J. A. Hannah, Hodges, Howes, Krolikowski, Pollock and Young.

Absent without leave: Messrs. Allen, Bledsoe, Dean Doty, G. E. Brown, Ford, Greene, Gust, Murphy and Wilkowski.

PRESIDENT NISBET: Without objection, the delegates are excused.

[During the proceedings, the following delegates entered the chamber and took their seats: Messrs. Bledsoe, Greene, Gust, A. G. Elliott, Durst, Allen, J. A. Hannah, Murphy, G. E. Brown, Wilkowski, Dean Doty, Ford, Garvin and Young.]

Reports of standing committees.

SECRETARY CHASE: None.

PRESIDENT NISBET: Communications.

SECRETARY CHASE: No communications.

PRESIDENT NISBET: Motions and resolutions.

SECRETARY CHASE: There are no resolutions on file.

PRESIDENT NISBET: Unfinished business.

SECRETARY CHASE: None.

PRESIDENT NISBET: **General orders**. The Chair recognizes Mr. Bentley.

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

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

The motion prevails.

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

CHAIRMAN BENTLEY: The committee will be in order. The convention is in committee of the whole for consideration of items on the general orders calendar. The secretary will report the next amendment to Committee Proposal 112, which is the current order of business.

SECRETARY CHASE: **Committee Proposal 112**, A proposal to provide that certain officeholders shall be ineligible for the legislature.

For last previous action by the committee of the whole on Committee Proposal 112, see above, page 2345.

Messrs. Marshall, Powell and Mahinske offer the following amendment:

1. Amend page 1, line 6, after "county," by striking out "township"; so that the language will read:

No person holding any office under the United States or this state or any county, or municipal office, except notaries public and officers of the militia, shall have a seat in either house of the legislature.

MR. KUHN: Mr. Chairman.

CHAIRMAN BENTLEY: For what purpose does the gentleman from Pontiac rise?

MR. KUHN: I rise for a point of order.

CHAIRMAN BENTLEY: The gentleman will state it.

MR. KUHN: It is my understanding that when an amendment is offered and the amendment is divisible, and they fail to use that privilege of dividing it, they waive their rights; and since we voted on township and municipal last night, I contend that this is out of order this morning.

CHAIRMAN BENTLEY: In response to the point of order raised by the gentleman from Pontiac, Mr. Kuhn, the Chair will rule that this is a different amendment from that which was offered last night. The question of divisibility could have been raised and was not raised at that time. The amendment is in order, and the Chair will recognize the gentleman from Taylor, Mr. Marshall.

MR. MARSHALL: Thank you, Mr. Chairman. We spoke on this last night. I think we gave all the reasons. I do not buy the argument that there is any conflict of interest if some minor township official happens to be called upon by the people of his district to serve in the state legislature. That's all that this amendment is intended to do—to make it possible for a minor township official to be able to serve in the legislature, and also to make it possible for those who are presently serving to continue to serve if the people in their district want them to serve. Insofar as any conflict of interest is concerned, if any, I think that the people themselves can determine that, and I would urge your support of this amendment.

CHAIRMAN BENTLEY: The question occurs on the amend-

ment offered by the gentleman from Taylor, Mr. Marshall. All those in favor will respond by voting aye. Those opposed will say no.

The amendment is not adopted. The secretary will report the next amendment.

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

1. Amend page 1, line 7, after "notaries public" by inserting a comma and "members of the armed forces reserves"; so that the language will then read:

No person holding any office under the United States or this state or any county, township or municipal office, except notaries public, members of the armed forces reserves and officers of the militia, shall have a seat in either house of the legislature.

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

MR. FAXON: Mr. Chairman and fellow delegates, this amendment was discussed with the committee on legislative powers the other night, at which time the committee informed me that it was their intention that this language be included. Now, Mr. Hoxie made a statement yesterday to the effect that this was the intention of the committee, and this was in line with the previous action of the convention taken on Committee Proposal 79 with regards to the apportionment commission, whereby they excluded those people, notaries public and members of the armed forces reserves.

Now, in the light of Mr. Hoxie's statement that style and drafting will take care of it, and unless Mr. Kuhn wishes to make any further comments, I would just as soon withdraw that, in the event that style and drafting would handle it adequately.

MR. KUHN: We are in accord with Jack Faxon's statement.

CHAIRMAN BENTLEY: Without the objection of Mr. Nord, the amendment will be withdrawn. The secretary will report the next amendment.

SECRETARY CHASE: Mr. Mahinske offers the following amendment:

1. Amend page 1, line 9, after "legislature" by striking out the period and reinserting the semicolon and "and all votes given for any such person shall be void."

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

MR. MAHINSKE: Mr. Chairman, members of the committee, as I understand it, the intent behind striking this language is that at the present time an officeholder may run through a primary and through a general election without having to put up any kind of security, so to speak, for his doing this. Under the present article in the constitution, any elected officeholder recited here, once he goes beyond the primary, has to resign from his office before he can run through the general election. Otherwise all the votes cast for him are void and he can't be elected no matter how many votes he gets, because none of them are counted.

Now, the intent, as I said before, is to remove this possibility and allow officeholders—township, municipal, county, and even other state officeholders and federal officeholders—to run through a primary, run through a general election, and then make a choice of which office they want. It is my opinion that this is just going to encourage people who are holding offices of one repute or another to use this office to attempt to gather votes for a next higher office or a better office without jeopardizing a thing. In other words, they will run through the primary, and they will take their chances at the general election, and if they get the votes then they will resign the office that they are in. And very possibly there may be quite a waiting spell for the local people before they can replace this man.

Now, we heard all these arguments last night about how the voters on a local level will speak, and they will determine whether or not a person can hold a second office, and so forth. Frankly, I don't believe that this is a good argument. It seems to me that if somebody wants to run for one office who is holding another office, he should at least be required to vacate

the one office prior to going through a general election for the next highest office that he desires.

For these reasons, I would reinsert or propose to reinsert the language in lines 9 and 10 and leave the situation exactly as it is today, so that after a primary election an officeholder that is recited here would have to resign from his office before going through a general election.

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

MR. KUHN: Mr. Chairman and members of the committee, this was done because of the fact that we did include the township and county officials. Now, I'll submit to you today that I spoke with Paul Mahinske about this a little earlier, and I honestly think that it's shocking how many can really run today. This is only to allow the township officials. How many people that would have a higher office would want to run for the legislature?

This is in accordance with fair play. It is not something that would cost the people of Michigan any money. For example, if they were in a common council or a township board and they were so elected to the legislature, and resigned, because they'd be forced to, they could be appointed by their township board to a vacancy on the city commission, and so forth. To us this is fair play. It was recommended by the citizens research council, if we were to put these other provisions in.

CHAIRMAN BENTLEY: The question occurs on the amendment offered by the gentleman from Detroit.

MR. KUHN: Mr. Chairman.

CHAIRMAN BENTLEY: Mr. Kuhn.

MR. KUHN: I would like to say the committee is definitely opposed to this amendment.

CHAIRMAN BENTLEY: The question occurs on the amendment submitted by the gentleman from Detroit, Mr. Mahinske. Those in favor will say aye. Those opposed will say no.

The amendment is not adopted. The secretary will report the next amendment.

SECRETARY CHASE: Mrs. Cushman offers the following amendment:

1. Amend page 1, line 9, after "legislature" by inserting "or serve as constitutional convention delegates".

CHAIRMAN BENTLEY: The Chair recognizes the lady from Dearborn, Mrs. Cushman, in support of her amendment.

MRS. CUSHMAN: Mr. Chairman and fellow delegates, my purpose in offering this amendment is obviously the fact that I think that serving as a con con delegate is a full time job. I have been acquainted with many people holding other offices here, and I feel that they made a real contribution to the convention. But after going through this constitutional convention, it seems to me that there is just no time and energy left over to do a good job in another capacity as well. For that reason I offer this amendment.

MR. KUHN: Mr. Chairman.

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

MR. KUHN: I hate to do this, but I would like to raise the point of order that this is not germane to this section; that the qualifications and conditions for a constitutional convention delegate are brought up in the committee on miscellaneous provisions. And when we come to that, I would go along with Mrs. Cushman, and I would like to see a lot stronger language as far as who can be a candidate, and for how many years afterwards they could run for office; but this is not germane to the legislature.

CHAIRMAN BENTLEY: With regard to the point of order raised by the gentleman from Pontiac, Mr. Kuhn, the Chair notes that the title to Committee Proposal 112 is, "A proposal to provide that certain officeholders shall be ineligible for the legislature." Having that in mind, the Chair would rule that this amendment is not germane to this particular proposal, and therefore would sustain the point of order, and would suggest to the lady from Dearborn, Mrs. Cushman, that it be reoffered at the time mentioned by the gentleman from Pontiac, Mr. Kuhn.

MRS. CUSHMAN: I'm not at all surprised. I rather felt that way myself. I merely was sort of offering this as an

indication of what I intend to do when we get to that point.

CHAIRMAN BENTLEY: The point of order is sustained.

MRS. CUSHMAN: I would like to speak further on this section when —

CHAIRMAN BENTLEY: The point of order is sustained. The lady from Dearborn will be recognized when the amendments are disposed of to speak on the body of the proposal. The secretary will report the next amendment.

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

1. Amend page 1, line 6, after "office," by inserting "or any person having any direct or indirect financial transactions for profit with the state or any subdivision thereof,"; so that the language will read:

No person holding any office under the United States or this state or any county, township or municipal office, or any person having any direct or indirect financial transactions for profit with the state or any subdivision thereof, except notaries public and officers of the militia, shall have a seat in either house of the legislature.

MR. WANGER: Mr. Chairman.

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

MR. WANGER: I must raise a similar point of order on this amendment, because this does not relate to the subject of incompatibility. It relates to the subject of conflicts of interest, which is, I believe, Committee Proposal 115, which undoubtedly will come up this morning, and this will be appropriate there. But the 2 subjects are entirely distinct, entirely different. They are dealt with by 2 different sections in our present constitution, and it's the committee's intent that we should consider them the same way in the revised constitution.

CHAIRMAN BENTLEY: Does the gentleman from Taylor, Mr. Marshall, desire to be heard on the point of order?

MR. MARSHALL: Yes. I think that Mr. Wanger is incorrect in his remarks. The movers of the committee proposal talked about conflict of interest in explaining why they were taking out the 1908 language, which was good language and should have remained in, and substituting it with something else. And while there is a proposal, 115, which deals with conflict of interest, the language is not the same as this, and I do feel that the amendment that I offer is germane to the question that we are talking about. Because, in explaining the proposal, practically the entire explanation dealt with conflict of interest.

MR. WANGER: Mr. Chairman, just briefly. I know the word conflict of interest was used. But from the standpoint of constitutional subject matter and also the title of the proposal, this proposal we are now dealing with is the incompatibility between different offices, and the 2 subjects are really entirely distinct. While this amendment may be a very good one, I think it ought to be in a separate section of the constitution, and should be considered separately from the incompatibility between 2 offices; because one is not germane to the other.

MR. MARSHALL: Mr. Chairman, I would then have to ask for a ruling of the Chair. I get the impression that many of these proposals that are being introduced here to change provisions in this constitution where there has been no demand whatsoever from the people to change them are motivated by some personal experience that some delegate or group of delegates might have had somewhere along the line; and if we're going to talk about conflict of interest and if we're going to say that a little township trustee that earns \$15 a month can't serve in the legislature, then I think that anyone who holds a contract with the state for profit or deals in any way with the state or any local unit of government should not be able to serve either. I think that it is germane, and I would ask for a ruling from the Chair.

CHAIRMAN BENTLEY: Does the gentleman from Detroit, Dr. Nord, desire to be heard on the point of order?

MR. NORD: I do, if I may.

CHAIRMAN BENTLEY: The gentleman is recognized.

MR. NORD: I simply wish to point out, Mr. Chairman, that Committee Proposal 115 deals with a different matter than

the matter before us on the wall. Committee Proposal 115 says that somebody who is a member of the legislature shall not have a conflict of interest. That means that if he is a member of the legislature, he must divest himself of the conflict of interest. It doesn't say he must stop being a legislator or must not start being a legislator. It seems to me there is a difference, because the amendment on the wall offered by Mr. Marshall says he shall not become a legislator. I therefore think that the point of order is not well taken.

CHAIRMAN BENTLEY: Does the gentleman from Detroit, Mr. Stevens, desire to be heard on the point of order?

MR. STEVENS: Yes, Mr. Chairman. It seems to me we ought to have cleared this matter up yesterday. We brought in this matter of conflict of interest, and so on, but it was carefully explained that we are talking here only about incompatibility of 2 offices. It has nothing to do with whether he gets \$15 a month, \$5 a day, or no pay at all. The idea of this particular section is simply that 2 offices do not go together; that a man can't serve in both offices in a fair and impartial way, or that he might not. I don't see that it has anything to do with the thing which Delegate Marshall is talking about. I think his amendment should be well considered, but I don't think it should go here.

CHAIRMAN BENTLEY: The gentleman from Taylor, Mr. Marshall.

MR. MARSHALL: Mr. Chairman, I don't agree with Mr. Stevens. I think we are talking about more than just incompatibility of offices here. We are also talking about conflict of interest. I still think the amendment is germane to the proposal before the body. If a sewer inspector of Taylor township can't serve in the legislature, I don't know why some individual who has a contract for profit with the state should be able to serve there either. I think this is germane to the issue before this committee.

CHAIRMAN BENTLEY: The Chair is ready to rule. The Chair has examined Committee Proposal 112, which is the current order of business, as well as Committee Proposal 115. The title to Committee Proposal 112 states, "A proposal to provide that certain officeholders shall be ineligible for the legislature." The title to Committee Proposal 115 states, "A proposal to provide that no member of the legislature or state officer shall have a substantial conflict of interest with the state." The Chair would assume that the restrictions in Committee Proposal 115 with respect to officeholders could logically also be taken to include candidates for those offices, as well as incumbent officeholders.

Therefore, since Committee Proposal 112, the current order of business, deals only with people who may hold certain local offices and at the same time offer themselves as candidates for the legislature, and there is no reference to conflicts of interest arising outside of their dual officeholding, the Chair would sustain the point of order, and suggest to the gentleman from Taylor, Mr. Marshall, that this amendment be reoffered at the time that Committee Proposal 115 is before the committee of the whole.

MR. MARSHALL: Mr. Chairman, I will accept the ruling of the Chair, as I have no other alternative. But would I be in order at this time — I don't have it written, but I intend to hand it to the secretary later — to offer an amendment to strike the entire section, all of Committee Proposal 112? What I actually want to do is reinsert the language that was in the 1908 constitution in toto.

CHAIRMAN BENTLEY: The Chair will advise the gentleman from Taylor, Mr. Marshall, that an agreement was made to recognize the lady from Dearborn, Mrs. Cushman, to speak on the body of Committee Proposal 112. There are no other amendments. If the gentleman can prepare an amendment before the proposal is ready to be passed, of course, it will be acceptable.

MR. MARSHALL: Thank you.

CHAIRMAN BENTLEY: The lady from Dearborn, Mrs. Cushman, is recognized to speak on the body of Committee Proposal 112.

MRS. CUSHMAN: I have a couple of comments on this. Mostly, I don't think we have completely made ourselves clear,

and being a member of the committee on style and drafting. I think we ought to try to resolve any possible problems here in committee of the whole. For example, it isn't really clear whether we mean no person holding any elective office or whether we mean no officer or employee. I think that is one conflict that we have got to make clear in our own minds. It isn't clear in mine, in any case.

Then, I think we also want to clarify what we mean by "municipal." If we mean "city and village," I think we ought to say that; because "municipal" in Michigan has somewhat of a vague meaning, as we have been finding out in style and drafting, and I think that this would be a help. I wonder if I could inquire of whichever member of the legislative powers committee would like to answer whether it would be possible to change "municipal" to "city and village," if that was what they intended.

CHAIRMAN BENTLEY: The lady from Dearborn yields to the gentleman from Pontiac, Mr. Kuhn, to reply to the question.

MR. KUHN: Last night we went over this word, I thought, rather thoroughly. We would not be in favor of changing this word because we do not know in the next 50 or 100 years what "municipal" might mean. We want it to be all inclusive. Dr. Nord asked the direct question, "Do you mean at least cities and villages?" and the direct answer was, "Yes, definitely so." We cannot say what "municipal" might mean at a later juncture. I think it is quite important that this word stay in. Our intent is quite clear.

MRS. CUSHMAN: Thank you. Now, what about this "no person holding any office?" Do you mean elective office, or do you mean officer or employee?

MR. KUHN: Pardon? I'm sorry, I didn't hear that.

MRS. CUSHMAN: Do you mean no person holding any elective office, or do you mean any officer or employee?

MR. KUHN: We do not mean employees. Generally, an officer is one who has to take an oath of office. We are not intending to get at the employees. I would say, basically, for example, in the township we mean the supervisor, the clerk, the treasurer and the trustees.

MRS. CUSHMAN: Would it be possible to say, "No person holding any elective office?"

MR. KUHN: No, that wouldn't be possible; because we are having appointive state officials and things of that nature. We went over all this, and this is the best we could do, and we think it does cover the subject.

MRS. CUSHMAN: Well, I'm afraid it isn't too clear exactly how we can word it to express what we mean; but thanks anyway.

MR. HOXIE: Mr. Chairman.

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

MR. HOXIE: I might add this to the observations of Mr. Kuhn, for the benefit of Mrs. Cushman: the attorney general has ruled repeatedly that when they say "office" they are referring to an elected official as well as an appointed official. The distinction is whether they are an official.

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

MR. MADAR: Mr. Chairman, the answer that Delegate Kuhn gave to Delegate Cushman wasn't any too clear. I have to hark back to Judge Dethmers again, and I want to be sure that he is going to understand it if he is still a justice. When he was asked about employees, he said all they meant was those who might have to take an oath of office. When I went to work for the city of Detroit, and on 2 or 3 occasions since then, when I changed positions with the city of Detroit, I had to take an oath of office. Now, does this pertain to the employees that have to take an oath to do their duty? The policeman has to take an oath to do his duty. And I would like to get this on the record clearly, because I don't want any mistakes, and I don't want someone saying this means this or this means that. Let's put it in the record here clearly.

MR. KUHN: I would say we definitely do not mean policemen or any other employees.

MR. MADAR: Or employees?

MR. KUHN: Or employees.

MR. MADAR: Any that are not elected or appointed?

MR. KUHN: Employees are not prohibited to be members of the legislature.

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

MR. DOWNS: Mr. Chairman, fellow delegates, I did hesitate to talk for fear I would further confuse the issue, but I think one protection here we are forgetting about is the voter himself. Now, I feel that if we make too many limitations here on who can run, we are not only telling that individual he can't run, but we are telling the electorate that you may want Joe Doaks to be your legislator, but we are constitutionally precluding you from being able to get petitions filed, get him to run, and support him. I think the real protection comes in a vigorous campaign, with the voter making the decision.

I think, on the problem of conflict of interest, that the committee wrestled with this very diligently, and the more we got into it the more problems that were raised. Somebody asked if a person who is a friend of the court should be precluded from running even though the people want him to run. I just want to point out what I consider a very important protection. I think we are moving to the point where disclosure, so that the voters know what the relationship is, is often more important than the particular position. We even had the extreme example in the matter of financial interests: if a man owns 2 shares of stock in an automobile factory, and the state buys automobiles from that company for the state police, is that a conflict of interest?

At some point we get to a rule of reason, and I think Delegates Marshall's and Mahinske's amendment, in a sense, shows us that we do need to use some rule of reason here, and finally have the confidence in the electorate in making their decision.

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

MR. STEVENS: Mr. Chairman, I am on the committee of style and drafting, and I'm sure that aside from Mrs. Cushman we will have no trouble with any of this, except possibly the question of armed forces reserves, and I'm sure we can find out about that from our own delegate reserve officer, Delegate Millard, so we can clear that up. I think this is excellently drafted. The courts have certainly ruled on the question of who is an officer and who is an employee.

CHAIRMAN BENTLEY: The secretary will report the next amendment to Committee Proposal 112.

SECRETARY CHASE: Messrs. Marshall and Mahinske offer an amendment to strike out the present section a and reinsert the language of the present section of the 1908 constitution, so that the language will read:

No person holding any office under the United States or this state or any county office, except notaries public, officers of the militia and officers elected by townships, shall be eligible to or have a seat in either house of the legislature; and all votes given for any such person shall be void.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Pontiac—

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

CHAIRMAN BENTLEY: The gentleman will state it.

MR. KUHN: As I understood the Ford amendment last night, it struck the words "township or municipal." Now, if they strike those 2 words, the amendment would be identical to the original language.

CHAIRMAN BENTLEY: The Chair will state, in reply to the point of order raised by the gentleman from Pontiac, Mr. Kuhn, that the pending amendment makes other changes by restoring the language of the present constitution, and the Chair will therefore have to rule that the amendment is germane. The gentleman from Taylor, Mr. Marshall, is recognized in support of his amendment.

MR. MARSHALL: Mr. Chairman and fellow delegates, all we are attempting to do is try to get some sense back into the committee as relates to this particular question that is before us. As I stated earlier, I am convinced in my own mind that

many of these proposals are motivated by some personal experience that a delegate or group of delegates might have had at some time that he thought was unfortunate in a political campaign, et cetera, as it might have affected some incumbent legislator that he was involved in a dispute with.

All this does is put the 1908 language back into the constitution. It has worked, and it has been tried and proven. There has not been any great problem in this area. I know of no great demand—and no one has pointed any out on the part of the people of this state—to change this particular provision or, as a matter of fact, to change many of the other provisions that have been changed.

Now, I get a little bit weary listening to this conflict of interest or this incompatibility of office argument. Here we say—and I point this out again, and I think that the delegates ought to be reasonable about this—that the vice president of General Motors can run for the state legislature. Now, certainly none of us are going to deny that there might be a conflict of interest there. But certainly he should have the right to run, and if the people of his district elected him, he ought to have the right to serve. And I say that if a top official of any corporation or any labor union of this state is eligible to serve in the legislature, then we should not put into the constitution any provision that would deny a township official or a village official, who serves for little or no compensation at all, the right to serve in the state legislature. I believe that the 1908 language is much better than the language of the committee proposal, and I urge its adoption. Thank you.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Muskegon, Mr. William Hanna.

MR. W. F. HANNA: Mr. Chairman, a question to Mr. Marshall, if I may, please.

CHAIRMAN BENTLEY: The gentleman will state it.

MR. W. F. HANNA: Mr. Marshall, under this language would you say that the township treasurer and township clerk could serve in the legislature?

CHAIRMAN BENTLEY: The gentleman yields to the gentleman from Taylor, Mr. Marshall, to reply.

MR. MARSHALL: Under this language, Delegate Hanna, if a township clerk or a township treasurer, or any township official, was an official of a township of a large enough size to require his full time services, I think the decision would be up to that person and the people within his district as to whether time would permit him to serve in the legislature. Now, my clerk could not serve because he is a full time clerk. But there are townships in this state where the clerk is a part time job, where the clerk has time to serve and he should be permitted to serve, and the answer is, yes. As a matter of fact, we have had township clerks who have served in the legislature, some presently.

MR. W. F. HANNA: Mr. Chairman, a second question to Mr. Marshall. You have another provision in the old constitution, carried over into this one, that no holder, disbursing officer or collector of money may hold a seat in the legislature. And I submit to you that a township clerk and a township treasurer is a holder, collector or disbursing officer of money. How do you reconcile the 2 conflicting provisions, one of which we passed some time ago, and this one?

MR. MARSHALL: I don't recall the one that we passed some time ago, Delegate Hanna. And if that is true, then I would have to admit that it would be hard to reconcile the 2.

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

MR. MARSHALL: But I'll tell you what we could do. We can go ahead and pass my amendment, and then we can let the attorneys worry about reconciling it. That will give you some business.

MR. W. F. HANNA: I think the proposal that came out of the finance and taxation committee was not understood by a great many delegates, and I don't think it is clear what it did or even intended to mean. But it's obvious in the language that a township clerk and township treasurer could not serve in the legislature under the provision that came out of finance and taxation. And you have a definite conflict between this and the other.

Now, there is some confusion in the township code as to whether or not the supervisor is responsible for disbursements in a township, in his capacity as a purchasing agent. He does not sign the warrants, and he does not have custody of the money; but in a lot of townships, because the township code refers to him as a purchasing officer, he also countersigns the warrants, which makes him a disbursing officer of public money.

This amendment, if the other provision remains in, just gets us down to nothing but township trustees. Obviously, under this language, also, the office of township justice of the peace or judicial office, which may come out of the legislature at a future date, would be in conflict, because we have said that justices of the peace cannot be in the legislative body. On the other hand, this language says any township officer may be in the legislative body.

I believe that the original committee proposal is much clearer, much better, and eliminates all the conflict that was in the old constitution; and certainly we should not knowingly carry forward this complete conflict. I'm satisfied that under the 1908 constitution any township clerk or treasurer could have been barred from the legislature had his opponent read the constitution.

CHAIRMAN BENTLEY: Does the gentleman from Muskegon desire to yield further to the gentleman from Taylor, Mr. Marshall?

MR. W. F. HANNA: Yes.

MR. MARSHALL: Delegate Hanna, the proposal that you referred to, Committee Proposal 55, out of the finance and taxation committee, is the same language that was in the old constitution, and it has just been reinserted into this one. My amendment would also reinsert the language of the 1908 constitution. And I would remind you that presently, under the language of these 2 proposals, there are township clerks serving in the state legislature. This language in Committee Proposal 55 does not prohibit, as I read it, a township clerk from serving. It says:

No collector, holder or disbursing officer of public moneys shall have a seat in the legislature, nor be eligible to any office of trust or profit under this state, until he shall have accounted for and paid over, as provided by law, all sums for which he may be liable.

I submit there is no conflict.

So I again would urge the adoption of this amendment, because no one has given me any good reasons for changing this, nor have they given me any substantiating evidence that the people requested or wanted a change in this section. I urge its adoption.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Detroit, Mr. Stevens, to speak on the Marshall amendment.

MR. STEVENS: Mr. Chairman and members, it seems to me quite clear that all this proposal is intended to do is to bar a person from office, in this case a seat in the legislature, while holding another seat which is incompatible with that seat. And all it does, in addition to that general statement, is to provide that certain enumerated, designated offices are by constitutional decree declared to be incompatible. All the rest of this has nothing whatever to do with this provision. It is entirely irrelevant.

I think Delegate Marshall understands. I think he simply refuses to accept the explanation of the committee—and what seems to me to be absolutely clear—that it deals with nothing except incompatibility of 2 separate offices. If we accept that, and that seems to be the purpose, then what is the point of all the rest?

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Detroit, Mr. Austin, to speak on the Marshall amendment.

MR. AUSTIN: Mr. Chairman and fellow delegates, this is a rather involved subject. The committee on emerging problems is interested in this matter of dual officeholding, and the committee on style and drafting has also registered a considerable amount of interest, because we have discovered that there are several sections of the constitution dealing with this same question. I might add that both committees have assigned me

the responsibility of coordinating these various provisions of the constitution that relate to dual officeholding.

I would underscore the remarks of Delegate Hanna with regard to the conflict where an official is handling money. We have already taken care of that provision, and the new language which style and drafting has decided upon is as follows:

No person having custody or control of public moneys shall hold a seat in the legislature nor be eligible to hold or continue in any public office unless he shall have complied with the requirements for accountability of public moneys as provided by law.

In other words, we have already taken care of the problem of any person who happens to be handling public moneys attempting to hold a seat in the legislature. So it doesn't matter whether he be a local official or any other person, for that matter. If he is handling public moneys he can't hold a seat in the legislature.

So, I don't think we need to confuse the subject now by this matter of handling money. Let's just forget about the handling of the money, and deal with the problem strictly from the standpoint of compatibility. I don't have strong feelings on the subject one way or the other. I'm not too sure as to whether or not we should prevent township officers and municipal officers from holding seats in the legislature. And I'm not going to attempt at this time to influence the delegates one way or the other on it. I simply want to make the point that you don't need to concern yourselves at this time about whether these people are handling money. We have already taken care of that problem, and you can merely deal with it on the matter of compatibility.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Pontiac, Mr. Kuhn, to speak on the Marshall amendment.

MR. KUHN: Mr. Chairman, I don't like to talk about things that people raise by innuendo, but since it was raised I definitely would want the record straight. It's not that I think it was cast upon any particular delegate, but it seems to me, since this is a committee proposal, that it was cast upon the whole committee. They think there are some sinister motives behind this. I submit to you that the only motive behind this is good government.

And now I would like to speak for myself, in case it was directed at me. I represent 14 townships and 1 city. Neither are prohibited to be in the legislature. I'm sticking my neck out, I feel. I'm certain that these township officials might not approve of this. I'm not worried about it. I'm trying to do what is right. The citizens research council advocates this. In fact, when we had the research department going over these different problems of incompatibility, and so forth, this suggestion came up. It was sent to us in a memorandum. We went over it and studied it, and it was the consensus of our committee that this was the best thing.

Now, in my particular township where I live my supervisor did run for the legislature, but he resigned from the township office. No one asked him to. He thought it was his duty. But we don't want to get into personalities, and we don't want people to throw what we call red herrings over the table. We want you to vote on this on its merits.

Do you want to go back to what was in the 1850 constitution, or do you want to come up to 1962 and say: anybody can run for it, but if you're elected to the legislature, you can decide to wear that hat and devote your time to that office? We are opposed to the Marshall amendment.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Detroit, Mr. Mahinske, to speak on the Marshall amendment.

MR. MAHINSKE: Most of my points have been made. I just wanted to point out that the argument from Mr. Hanna was not germane here. This in no way would override the provisions of Committee Proposal 55. They spoke in that area as to disbursers of money. The intent here is to reinsert the language that is in the existing constitution. There's a whole body of case law and attorney general opinions backing this

up and I, for the life of me, can't see any reason for changing the language that we currently have. I would recommend the reinsertion of the existing language.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Stanton, Mr. Brake, to speak on the Marshall amendment.

MR. BRAKE: Mr. Chairman, I ask for a roll call vote.

CHAIRMAN BENTLEY: The yeas and nays have been requested. Is the demand supported? There's a sufficient number. The yeas and nays will be ordered. The Chair recognizes the gentleman from Taylor, Mr. Marshall, to speak on his amendment.

MR. MARSHALL: Mr. Chairman and fellow delegates, I regret that Delegate Kuhn took exception to the remarks I made. I can assure him that I was not casting any aspersions at all toward any delegate. I merely said — and I will repeat what I said — I sometimes wonder, with the number of changes that we have been making where there was no request for a change, no reasons for a change, if it could not be motivated by some personal reason or personal experience that some of us have had at some time or the other. Now, this is what I said. I don't agree that just because you are making a change that you're going forward in 1962. There can be many changes where you can be going backwards 50 years or so. Change just for the sake of change does not necessarily move us forward. And I can assure you that there is no thought in my mind that there is any sinister motive behind your proposal.

I also want to comment — and this is the last time I want to speak on this; I think we have spent enough time on it — in answer to Mr. Stevens: whose interpretation of "incompatibility" are you going to take, mine or yours? Or Mrs. Koeze's? Or Miss Donnelly's? I think it is a question of how you interpret it. I would remind the delegates that the legislature itself determines the qualifications and the fitness of its members. And if there is any incompatibility, they can handle the problem themselves. I don't think that we are here in this constitutional convention to lay down all of the rules and all of the guidelines, and to tell the legislature: you are going to do this, you are not going to seat this person if he is elected, or this person can't run for the legislature. To me it isn't sound government. If you have an outstanding individual in a given representative or senatorial district who might also happen to be a part time township official, who can receive the overwhelming vote of the people of his district, and it's the people's desire that he serve them in the legislature, I think that we in no way should thwart their efforts to have him there.

Don't be misled. I urge the delegates not to be misled by the constant mention of the word "incompatibility;" because, again, as I say, it's a question of whose interpretation you're going to take. I urge the support of the amendment which would insert the 1908 language, which has worked for a good many years, and concerning which there has been no problem raised. Thank you.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Jackson, Mr. Thomson, to speak on the Marshall amendment.

MR. THOMSON: Mr. Chairman and delegates, I have a question of Mr. Marshall, if he cares to answer.

CHAIRMAN BENTLEY: The gentleman will state it.

MR. THOMSON: I believe the other day you stated that you came from the district which was second in population?

CHAIRMAN BENTLEY: The gentleman yields to the gentleman from Taylor, Mr. Marshall, to reply.

MR. MARSHALL: That's true. My senatorial district has 680,000 people.

MR. THOMSON: And the township which you mentioned with a trustee, would have what population, approximately?

MR. MARSHALL: My township has a population of approximately 50,000.

MR. THOMSON: Is it your contention that you couldn't find in that number of people somebody qualified to serve as perhaps trustee?

MR. MARSHALL: It is not my contention at all that we couldn't find one. We have very many able and capable people that could serve, including myself; (laughter) but that isn't the question at all. The question is that I don't think that we should deny the individual the right to run for the legislature, nor do I believe that the people should be denied his services in both spots, if he can perform the duties.

MR. THOMSON: I also believe you made the statement that no one has presented any reason why they shouldn't serve. Might this supposition be true, that the person who was serving there might feel that he owed greater allegiance to the smaller unit of government by reason of holding both offices at the same time?

MR. MARSHALL: I don't think so, Mr. Thomson.

MR. THOMSON: Well, I will conclude my remarks by apologizing to Reverend Dade for this biblical quotation, which says: you cannot serve 2 masters. You will either hate one and serve the other, or you will serve the one and hate the other. You cannot serve both God and man.

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Garden City, Mr. T. S. Brown, to speak on the Marshall amendment.

MR. T. S. BROWN: Mr. Chairman and fellow delegates, I could not let this moment pass, since we are so concerned with the term "incompatibility," without reminding you of the definition I once read of that term, which goes as follows: when the gentleman loses his income, the lady loses her "patibility." (laughter)

CHAIRMAN BENTLEY: The Chair recognizes the gentleman from Pontiac, Mr. King, to speak on the Marshall amendment.

MR. KING: Mr. Chairman and fellow delegates, I don't want to take up the time of the committee in talking about this, but I do recall, when I was a young lad living outside of Boston, we had a mayor in Boston who ran for office who, I think, had a clearly incompatible position which occupied all of his time. And by "all" I mean 24 hours a day; and yet the people did elect him to be mayor of Boston. His other position was that of a convict in jail.

CHAIRMAN BENTLEY: The question occurs on the amendment offered by the gentleman from Taylor, Mr. Marshall. The yeas and nays have been ordered. As many as are in favor of the amendment will vote aye. Those opposed will vote no. The secretary will lock the machine.

The roll was called and the delegates voted as follows:

Yeas—35

Balcer	Greene	McCauley
Boothby	Hart, Miss	McGowan, Miss
Brake	Hatcher, Mrs.	Murphy
Brown, T. S.	Hood	Pellow
Buback	Hutchinson	Perlich
Dehnke	Kelsey	Powell
Dell	Kirk, S.	Prettie
Doty, Donald	Lesinski	Snyder
Downs	Liberato	Stopczynski
Elliott, Mrs. Daisy	Madar	Suzore
Erickson	Mahinske	Youngblood
Finch	Marshall	

Nays—82

Andrus, Miss	Heideman	Richards, L. W.
Austin	Hoxie	Romney
Barthwell	Hubbs	Rood
Batchelor	Iverson	Rush
Beaman	Jones	Seyferth
Blandford	Karn	Shackleton
Bledsoe	King	Shaffer
Bonisteel	Knirk, B.	Shanahan
Bradley	Koeze, Mrs.	Sharpe
Brown, G. E.	Kuhn	Sleder
Cudlip	Lawrence	Spitler
Cushman, Mrs.	Leibbrand	Stafseth
Danhof	Leppien	Staiger
Donnelly, Miss	Martin	Stamm
Durst	McAllister	Sterrett
Elliott, A. G.	McLogan	Stevens
Everett	Millard	Thomson

Farnsworth	Mosier
Faxon	Nord
Figy	Norris
Follo	Ostrow
Gadola	Page
Goebel	Perras
Gover	Plank
Habermehl	Pugsley
Hanna, W. F.	Radka
Haskill	Rajkovich
Hatch	

Tubbs
Turner
Tweedie
Upton
Van Dusen
Wanger
White
Wood
Woolfenden
Yeager

SECRETARY CHASE: On the adoption of the amendment offered by Messrs. Marshall and Mahinske, the yeas are 35; the nays are 82.

CHAIRMAN BENTLEY: The amendment is not adopted. Are there any further amendments to the body of Committee Proposal 112?

SECRETARY CHASE: None, Mr. Chairman.

CHAIRMAN BENTLEY: There being none, the proposal will pass.

Committee Proposal 112 is passed and the secretary will read.

SECRETARY CHASE: Item 15 on the calendar, from the committee on legislative powers, by Mr. Hoxie, chairman, **Committee Proposal 113**, A proposal to provide that the legislature may submit bills to the people for referendum. Retains article V, section 38.

Following is Committee Proposal 113 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. Any bill passed by the legislature and approved by the governor, except appropriation bills, may be referred by the legislature to the qualified electors; and no bill so referred shall become a law unless approved by a majority of the electors voting thereon.

Mr. Hoxie, chairman of the committee on legislative powers, submits the following reasons in support of Committee Proposal 113:

The legislative power is vested by this constitution in a senate and house of representatives. However, there may be matters of such importance to the public welfare and of such controversial nature, that the electors should speak.

Without express provision, it is doubtful that the legislature may delegate to the people a power the people have vested in the legislature. The committee, therefore, recommends the retention of this section.

For the minority report to Committee Proposal 113 as offered, and the reasons submitted in support thereof, see below, page 2392.

CHAIRMAN BENTLEY: The Chair understands that the proposed minority report amendment to Committee Proposal 113 is to be withdrawn at this time, and resubmitted when Committee Proposal 118 is before the committee of the whole. The Chair would inquire of the gentleman from Detroit, Mr. Downs, if that understanding is correct.

MR. DOWNS: Mr. Chairman, I have talked to as many of the other cosponsors as I could find, also the chairman of the committee, and this is perfectly agreeable, so long as the minority report gets floor discussion at some point under legislative powers. Thank you, Mr. Chairman.

CHAIRMAN BENTLEY: Without objection, the proposed minority report amendment will therefore be withdrawn. The Chair recognizes the chairman of the committee, the gentleman from St. Louis, Mr. Hoxie.

MR. HOXIE: Mr. Chairman and fellow delegates, this is another proposal that fell under the jurisdiction of subcommittee 1, Mr. Kuhn. He will proceed.

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

MR. KUHN: Mr. Chairman, at this time I would like to yield the floor to Mr. Hubbs.

of influencing," and then limiting this directly to the legislature. I don't know if this means too much or too little.

What has bothered me a little are comments that have been made by Delegate King in our discussion, which I think most of us would agree with, on the possible abuses, but I don't see anything in here that would take care of those real abuses. I would suggest, perhaps, that the sponsors might want to get some teeth in it along with the lines Delegate King mentioned, and I assume we will have a noon recess before we finally act on this. I'm not going to try to tell another delegate how to write his amendment, but I just did want to draw that to the attention of the committee.

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

MR. HOXIE: Mr. Chairman and fellow delegates, it was my hope that we would get through this proposal before we recessed. However, it is my understanding that there are several amendments to the pending amendment, so it does not seem possible. I'm certainly happy that this amendment wasn't a part of the constitution presently, because I probably would have been guilty of violating it. Last week I took a member of the legislature to dinner and lobbied him to try to get the finances we need to complete this operation. (laughter) I now move, Mr. Chairman, that the committee rise.

CHAIRMAN BENTLEY: The question is on the motion that the committee shall rise. All those in favor say aye. Those opposed no.

The committee will rise.

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

PRESIDENT NISBET: The Chair recognizes Mr. Bentley.

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

SECRETARY CHASE: Mr. President, the committee of the whole has had under consideration **Committee Proposal 112**, A proposal to provide that certain officeholders shall be ineligible for the legislature; and **Committee Proposal 113**, A proposal to provide that the legislature may submit bills to the people for referendum. It reports it has made no amendments to these 2 proposals, and recommends their passage.

PRESIDENT NISBET: **Committee Proposals 112 and 113**, as reported from the committee of the whole, are accepted and referred to the committee on style and drafting.

For Committee Proposal 112 as referred to the committee on style and drafting, see above, page 2345.

For Committee Proposal 113 as referred to the committee on style and drafting, see above, page 2358.

SECRETARY CHASE: The committee of the whole, Mr. President, has also had under consideration **Committee Proposal 114**, A proposal to provide that each house of the legislature shall keep a journal and the yeas and nays be recorded on a demand of 1/5 of the members present; has adopted an amendment thereto, and recommends that the proposal as thus amended do pass.

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

1. Amend page 1, line 9, after "present.", by inserting "Any member of either house may dissent from and protest against any act, proceeding or resolution which he may deem injurious to any person or the public, and have the reason for his dissent entered on the journal.".]

PRESIDENT NISBET: **Committee Proposal 114**, as amended by the committee of the whole, is accepted and referred to the committee on style and drafting.

Following is Committee Proposal 114 as amended and referred to the committee on style and drafting:

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

Sec. a. Each house shall keep a journal of its proceedings and publish the same. The yeas and nays of the members of either house on any question shall be entered on the journal at the request of 1/5 of the members present. Any member of either house may dissent from and protest against any act, proceeding or resolution which he may deem injurious to any person or the public, and have the reason for his dissent entered on the journal.

SECRETARY CHASE: The committee of the whole has also had under consideration **Committee Proposal 115**, has considered some amendments thereto, and has come to no final resolution thereon. This completes the report of the committee of the whole.

PRESIDENT NISBET: Any announcements?

SECRETARY CHASE: Mrs. Butler has requested the following announcement to be made: The Right Reverend Robert DeWitt Suffigan, bishop of the episcopal diocese of Michigan, will be host to the episcopal delegates at a dinner, preceded by a celebration of the Holy Communion, Thursday, at 6:15 at St. Paul's Church in Lansing.

We have the following committee announcements:

The committee on emerging problems will meet immediately in room H on the third floor. Bring your lunch. Frank G. Millard, chairman.

The committee on judicial branch will meet tomorrow morning at 8:00 o'clock.

The committee on local government will meet tomorrow morning at 8:00 o'clock.

We have a request for leave from the afternoon session from Mr. Tubbs. An emergency in his office requires him to be absent. He requests excuse from the afternoon session.

PRESIDENT NISBET: Without objection his request is granted. I might say that May 15 is approaching rapidly. We must be through by that date. We've got to get through with these proposals, and the only way to do it is stay in session until we do it. I appreciate that many of you have commitments tonight, but I see no way of getting through this unless we stay with this committee and finish this up tonight. If we don't do it we are going to be in trouble.

The Chair recognizes Mr. Bonisteel.

MR. BONISTEEL: Mr. President, I move this convention do now recess until 1:30 this afternoon.

PRESIDENT NISBET: The question is on the motion of Mr. Bonisteel. Those in favor will say aye. Those opposed no. We will recess until 1:30.

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

The convention will please come to order.

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

PRESIDENT NISBET: Without objection, we will return to the order of **motions and resolutions**. The Chair recognizes Mr. Van Dusen.

MR. VANDUSEN: Mr. President, fellow delegates, yesterday, I believe, each of you received a proposed schedule for completing the work of the convention. That schedule contemplates beginning second reading on Tuesday of next week, April 17. I won't review the details of the schedule, but I would like to call to your attention one correction made at the request of Delegate Ford; and with the concurrence of Delegates Danhof and Brake, the work on the finance and taxation article would be moved to Thursday, April 19, and the work on the judicial article would take place on Monday, April 23. As I said, this was done to accommodate Delegate Ford, who planned to be absent on the day the judicial article had originally been scheduled to take place. There-

with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

For Committee Proposal 106 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 92 of that committee, reporting back to the convention **Committee Proposal 108**, A proposal to provide a limitation against general revision of the laws and a method of compilation; with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

For Committee Proposal 108 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 93 of that committee, reporting back to the convention **Committee Proposal 109**, A proposal to provide that the legislature may enact laws whereby public employment disputes can be settled; with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

For Committee Proposal 109 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 94 of that committee, reporting back to the convention **Committee Proposal 110**, A proposal to provide that the legislature may enact laws relative to hours and conditions of employment; with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

For Committee Proposal 110 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 95 of that committee, reporting back to the convention **Committee Proposal 111**, A proposal pertaining to the employment of chaplains; with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

For Committee Proposal 111 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 96 of that committee, reporting back to the convention **Committee Proposal 112**, A proposal to provide that certain office holders shall be ineligible for the legislature; with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

For Committee Proposal 112 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 97 of that committee, reporting back to the convention **Committee Proposal**

113, A proposal to provide that the legislature may submit bills to the people for referendum; with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

For Committee Proposal 113 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 98 of that committee, reporting back to the convention **Committee Proposal 114**, A proposal to provide that each house of the legislature shall keep a journal and the yeas and nays be recorded on a demand of 1/5 of the members present; with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

For Committee Proposal 114 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 99 of that committee, reporting back to the convention **Committee Proposal 115**, A proposal to provide that no member of the legislature or state officer shall have a substantial conflict of interest with the state; with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

For Committee Proposal 115 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 100 of that committee, reporting back to the convention **Committee Proposal 116**, A proposal to provide time and place of legislative sessions and that bills and resolutions pending at the end of a session shall be considered introduced at the next session; with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

For Committee Proposal 116 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 101 of that committee, reporting back to the convention **Committee Proposal 117**, A proposal to provide that votes on elections and nominations in the legislature be recorded; with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

For Committee Proposal 117 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.

Communications.

SECRETARY CHASE: No communications.

PRESIDENT NISBET: In response to previous inquiries the Chair has made a ruling on 2 questions, which the secretary will read.

SECRETARY CHASE: In regard to voting on second and third reading rule 58 reads as follows:

On the passage of every proposal, section, article and any complete revision of or amendment to the constitution, the vote shall be taken by yeas and nays, and entered on the journal, and no proposal, section, article

The amendment is adopted. The question is upon the passage of the proposal as amended. All those in favor will vote aye. Those opposed will vote no. The voting has started. 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—116

Allen	Gover	Ostrow
Andrus, Miss	Greene	Perlich
Austin	Gust	Perras
Baginski	Habermehl	Plank
Balcer	Hart, Miss	Powell
Barthwell	Haskill	Prettie
Batchelor	Hatch	Pugsley
Beaman	Hatcher, Mrs.	Radka
Bentley	Heideman	Rajkovich
Binkowski	Higgs	Richards, L. W.
Blandford	Hodges	Rush
Bonisteel	Hood	Sablich
Boothby	Howes	Seyferth
Bradley	Hoxie	Shaffer
Brake	Hubbs	Shanahan
Brown, G. E.	Hutchinson	Sharpe
Buback	Iverson	Sleder
Butler, Mrs.	Jones	Snyder
Conklin, Mrs.	Judd, Mrs.	Spitler
Cudlip	Karn	Stafseth
Cushman, Mrs.	Kelsey	Staiger
Danhof	King	Stamm
Dehnke	Kirk, S.	Sterrett
Doty, Donald	Knirk, B.	Stevens
Douglas	Koeze, Mrs.	Stopczynski
Downs	Krolkowski	Suzore
Durst	Kuhn	Thomson
Elliott, A. G.	Lawrence	Turner
Elliott, Mrs. Daisy	Leibbrand	Tweedie
Erickson	Leppien	Upton
Everett	Lesinski	Van Dusen
Farnsworth	Liberato	Walker
Faxon	Madar	Wanger
Figy	Mahinske	White
Finch	Marshall	Wood
Follo	Martin	Woolfenden
Ford	Millard	Young
Gadola	Mosier	Youngblood
Goebel	Murphy	

Nays—3

Dell	DeVries	Norris
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SECRETARY CHASE: On the passage of Committee Proposal 32, as amended, the yeas are 116; the nays, 3.

VICE PRESIDENT HUTCHINSON: A majority of the delegates elect having voted therefor, **Committee Proposal 32**, as amended, is passed. It is referred to the committee on style and drafting.

Following is Committee Proposal 32 as amended and rereferred to the committee on style and drafting:

Sec. a. Each senator and representative shall be a citizen of the United States, at least 21 years of age, and 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.

SECRETARY CHASE: Item 3 on the calendar, **Committee Proposal 112**, A proposal to provide that certain officeholders shall be ineligible for the legislature. Amends article V, section 6.

Following is Committee Proposal 112 as reported by the committee on style and drafting and read by the secretary. (For text as referred to said committee, see above, page 2345.):

Sec. a. No person holding any office under the United States or this state or [any county, township or municipal

office] A POLITICAL SUBDIVISION THEREOF, except notaries public and officers of the [militia] ARMED FORCES RESERVE, [shall have a seat in] MAY BE A MEMBER OF either house of the legislature.

VICE PRESIDENT HUTCHINSON: Mr. Hoxie.

MR. HOXIE: Mr. President and fellow delegates, even though there were some changes in the wording by changing "county, township or municipal office" to "a political subdivision" — which, I believe, is the wording that has been used in other proposals — also striking the word "militia" and including "members of the armed forces or armed forces reserve" — which would clear up any question as to the ability of persons in that category being members of the legislature — I recommend its adoption.

VICE PRESIDENT HUTCHINSON: The question is upon the passage of Committee Proposal 112. Mr. Ford.

MR. FORD: Mr. President and members of the convention, I stated in full my reasons before. I opposed this section as written because I think that the people in the local community should be the judge of whether or not they feel a man is capable of holding a position in the legislature as their representative, and his occupancy of a seat on the board of education or on a township board or on a city council which, in most instances is, at most, a once a month obligation, should certainly not disqualify him. For that reason, I oppose the proposal as written.

VICE PRESIDENT HUTCHINSON: The question is upon the passage of Committee Proposal 112. All those in favor will vote aye. Those opposed will vote no. The voting has started. 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—90

Andrus, Miss	Goebel	Perras
Austin	Gust	Plank
Baginski	Habermehl	Prettie
Balcer	Hart, Miss	Radka
Barthwell	Haskill	Rajkovich
Batchelor	Hatch	Richards, L. W.
Beaman	Heideman	Rood
Bentley	Higgs	Rush
Blandford	Howes	Sablich
Bonisteel	Hoxie	Seyferth
Buback	Iverson	Sharpe
Butler, Mrs.	Judd, Mrs.	Sleder
Conklin, Mrs.	Karn	Spitler
Cudlip	Kelsey	Stafseth
Cushman, Mrs.	King	Staiger
Danhof	Knirk, B.	Stamm
Dehnke	Koeze, Mrs.	Sterrett
Dell	Krolkowski	Stevens
DeVries	Kuhn	Stopczynski
Doty, Donald	Leibbrand	Thomson
Downs	Leppien	Turner
Durst	Lesinski	Tweedie
Elliott, A. G.	Liberato	Upton
Erickson	Martin	Van Dusen
Everett	McGowan, Miss	Wanger
Farnsworth	McLogan	White
Faxon	Millard	Wood
Finch	Mosier	Woolfenden
Follo	Norris	Yeager
Gadola	Ostrow	Youngblood

Nays—20

Bradley	Jones	Perlich
Brake	Kirk, S.	Powell
Elliott, Mrs. Daisy	Lawrence	Snyder
Ford	Madar	Suzore
Greene	Marshall	Walker
Hatcher, Mrs.	McCauley	Young
Hodges	Murphy	

SECRETARY CHASE: On the passage of Committee Proposal 112, the yeas are 90; the nays, 20.

VICE PRESIDENT HUTCHINSON: A majority of the dele-

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

gates elect having voted in favor thereof, **Committee Proposal 112** is passed and referred to the committee on style and drafting.

For Committee Proposal 112 as rereferred to the committee on style and drafting, see above, page 2929.

Mr. Young.

MR. YOUNG: I would like a point of information, Mr. President. Under the recent ruling of allowing 100 words for the delegates to express their failure to vote, there are 3 of us who would like to submit a joint statement. Does that mean that collectively and jointly we are entitled to 300 words?

VICE PRESIDENT HUTCHINSON: The Chair would not believe that was the intent of the motion. The Chair would construe the motion to mean that any statement would be limited to 100 words, and as many delegates could join in that statement as saw fit to do so.

MR. YOUNG: That is your ruling?

VICE PRESIDENT HUTCHINSON: That is the Chair's ruling.

SECRETARY CHASE: **Committee Proposal 120**, A proposal to provide that a member of the legislature shall not be appointed to certain other offices during the term for which he is elected. Amends article V, section 7.

Following is Committee Proposal 120 as reported by the committee on style and drafting and read by the secretary. (For text as referred to said committee, see above, page 2415.):

Sec. a. No person elected 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.

VICE PRESIDENT HUTCHINSON: Mr. Hoxie.

MR. HOXIE: Mr. President and fellow delegates, it is the belief of the committee on legislative powers that no substantive change was made in this proposal and we recommend it to you for your adoption.

VICE PRESIDENT HUTCHINSON: The question is upon the adoption of Committee Proposal 120. Mr. Baginski.

MR. BAGINSKI: Mr. President and fellow delegates, I rise to concur in the adoption of this proposal.

VICE PRESIDENT HUTCHINSON: Will the delegates please clear the board? The question is upon the passage of Committee Proposal 120. All those in favor of the proposal will vote aye. Those opposed will vote no. The voting has started. Have you all voted? If so, the secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas—113

Allen	Greene	Norris
Andrus, Miss	Gust	Ostrow
Austin	Habermehl	Perlich
Baginski	Hart, Miss	Perras
Balcer	Haskill	Plank
Barthwell	Hatch	Powell
Batchelor	Hatcher, Mrs.	Prettie
Beaman	Heideman	Pugsley
Bentley	Higgs	Radka
Blandford	Hodges	Rajkovich
Bonisteel	Hood	Richards, L. W.
Brake	Howes	Rood
Brown, G. E.	Hoxie	Rush
Buback	Hutchinson	Seyferth
Butler, Mrs.	Iverson	Shaffer
Conklin, Mrs.	Jones	Shanahan
Cudlip	Judd, Mrs.	Sharpe
Cushman, Mrs.	Karn	Sleder
Danhof	Kelsey	Snyder
Dehnke	King	Spitler
Dell	Kirk, S.	Stafseth
DeVries	Knirk, B.	Staiger
Doty, Donald	Koeze, Mrs.	Stamm
Douglas	Krolkowski	Sterrett

Downs	Kuhn	Stopczynski
Durst	Lawrence	Suzore
Elliott, A. G.	Leibbrand	Thomson
Elliott, Mrs. Daisy	Leppien	Turner
Erickson	Lesinski	Tweedie
Everett	Liberato	Upton
Farnsworth	Madar	Van Dusen
Faxon	Martin	Wanger
Flgy	McCauley	White
Finch	McGowan, Miss	Woolfenden
Follo	McLogan	Yeager
Gadola	Millard	Young
Goebel	Mosier	Youngblood
Gover	Murphy	

Nays—5

Bradley	Marshall	Walker
Ford	Sablich	

SECRETARY CHASE: On the passage of Committee Proposal 120, the yeas are 113; the nays, 5.

VICE PRESIDENT HUTCHINSON: A majority of the delegates elect having voted in favor thereof, **Committee Proposal 120** is passed and referred to the committee on style and drafting.

For Committee Proposal 120 as rereferred to the committee on style and drafting, see above.

SECRETARY CHASE: Item 5 on the calendar, **Committee Proposal 33**, A proposal to provide for immunity of legislators from arrest during sessions except for certain crimes. Amends article V, section 8.

Following is Committee Proposal 33 as reported by the committee on style and drafting and read by the secretary. (For text as referred to said committee, see above, page 765.):

Sec. a. Senators and representatives shall [in all cases, except for treason, felony or breach of the peace,] be privileged from CIVIL arrest AND CIVIL PROCESS during sessions of the legislature and for 5 days next before the commencement and after the termination thereof. [They shall not be subject to any civil process during the same period.] They shall not be questioned in any other place for any speech in either house.

VICE PRESIDENT HUTCHINSON: Mr. Hoxie.

MR. HOXIE: Mr. President and fellow delegates, there were some changes made by style and drafting. We believe that there was a substantive change. The committee has offered an amendment and I yield to Mr. Kuhn.

VICE PRESIDENT HUTCHINSON: Mr. Kuhn.

MR. HOXIE: Will you read the amendment, please?

VICE PRESIDENT HUTCHINSON: The secretary will read the amendment.

SECRETARY CHASE: Mr. Hoxie, on behalf of the committee on legislative powers, offers the following amendment:

1. Amend page 1, line 3, after "civil process" by inserting "and from criminal arrest for misdemeanors"; so the language will then read:

Senators and representatives shall be privileged from civil arrest and civil process and from criminal arrest for misdemeanors during sessions of the legislature and for 5 days next before the commencement and after the termination thereof.

VICE PRESIDENT HUTCHINSON: On the amendment, the Chair recognizes Mr. Kuhn.

MR. KUHN: Mr. President and members of the convention, it is the committee's feeling that this was the intent of our forefathers when they wrote the federal constitution, that they did not believe their legislators should be harassed by any other department of government.

We all know that in our own state senate just the other day there was a very serious bill passed by the bare minimum. Now, if someone wanted to play dirty, they could possibly get into

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

PREAMBLE

- I. DECLARATION OF RIGHTS
 - II. ELECTIONS
 - III. GENERAL GOVERNMENT
 - IV. LEGISLATIVE BRANCH
 - V. EXECUTIVE BRANCH
 - VI. JUDICIAL BRANCH
 - VII. LOCAL GOVERNMENT
 - VIII. EDUCATION
 - IX. FINANCE AND TAXATION
 - X. PROPERTY
 - XI. PUBLIC OFFICERS AND EMPLOYMENT
 - XII. AMENDMENT AND REVISION
- SCHEDULE AND TEMPORARY PROVISIONS

PREAMBLE

We, the people of the State of Michigan, grateful to Almighty God for the blessings of freedom, and earnestly desiring to secure these blessings undiminished to ourselves and our posterity, do ordain and establish this constitution.

**ARTICLE I
DECLARATION OF RIGHTS**

Sec.	Proposal
1.	Political Power 15- 1
2.	Equal Protection under the Law 26a
3.	Right of Assembly and Petition 15- 2
4.	Freedom of Worship 15- 3
5.	Liberty of Speech and Press 15- 4
6.	Right to bear arms 15- 5
7.	Civil Power Supreme 15- 6
8.	Quartering of Soldiers 15- 7
9.	Slavery Prohibited 15- 8
10.	Attainder; ex post facto laws; impairment of contracts 15- 9
11.	Searches and Seizures 15-10
12.	Habeas Corpus 15-11
13.	Appearance in Person or by Counsel . 15-12
14.	Jury trial 15-13
15.	Former Jeopardy; Bailable Offenses 15-14
16.	Bail; Fines; Punishments, detention of witnesses 15-15
17.	Self-incrimination; due process of law 15-16
18.	Competency of witnesses 15-17
19.	Libels; truth as defense 15-18
20.	Rights of accused 15-19
21.	Imprisonment for debt or military fine 15-20
22.	Treason; definition, evidence 15-21
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Article I**Declaration of Rights**

Sec. 1. All political power is inherent in the people. Government is instituted for their equal benefit, security and protection.

Sec. 2. No person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of race, COLOR, religion, sex or national origin. The legislature shall implement this section by appropriate legislation. This SECTION shall not be construed to [prevent] PROHIBIT reasonable [classification] LEGISLATION for the protection of women.

Sec. 3. The people have the right peaceably to assemble, to consult for the common good, to instruct their representatives and to petition the government for redress of grievances.

Sec. 4. Every person shall be at liberty to worship God according to the dictates of his own conscience. No person shall be compelled to attend, or, against his consent, to contribute to the erection or support of any place of religious worship, or to pay tithes, taxes or other rates for the support of any minister of the gospel or teacher of religion. No money shall be appropriated or drawn from the treasury for the benefit of any religious sect or society, theological or religious seminary; nor shall property belonging to the state be appropriated for any such purpose. The civil and political rights, privileges and capacities of no person shall be diminished or enlarged on account of his religious belief.

Sec. 5. Every person may freely speak, write, express[,] and publish his views on all subjects, being responsible for the abuse of such right; and no law shall be [passed] ENACTED to restrain or abridge the liberty of speech or of the press.

Sec. 6. Every person has a right to keep and bear arms for the defense of himself and the state.

Sec. 7. The military shall in all cases and at all times be in strict subordination to the civil power.

Sec. 8. No soldier shall, in time of peace, be quartered in any house without the consent of the owner or occupant, nor in time of war, except in a manner prescribed by law.

Sec. 9. Neither slavery, nor involuntary servitude unless for the punishment of crime, shall

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

ever be tolerated in this state.

Sec. 10. No bill of attainder, ex post facto law or law impairing the obligation of contract shall be ENACTED [passed].

Sec. 11. The person, houses, papers and possessions of every person shall be secure from unreasonable searches and seizures. No warrant to search any place or to seize any person or things shall issue without describing them, nor without probable cause, supported by oath or affirmation. The provisions of this section shall not be construed to bar from evidence in any criminal proceeding[,] any narcotic drug, [any] firearm, bomb, explosive[,] or any other dangerous weapon, seized by A [any] peace officer outside the curtilage of any dwelling house in this state.

Sec. 12. The privilege of the writ of habeas corpus shall not be suspended unless in case of rebellion or invasion the public safety may require it.

Sec. 13. [Any] A suitor in any court of this state [shall have] HAS the right to prosecute or defend his suit, either in his own proper person or by an attorney.

Sec. 14. The right of trial by jury shall remain, but shall be [deemed to be] waived in all civil cases unless demanded by one of the parties in THE [such] manner [as shall be] prescribed by law. In all civil [actions in circuit courts] CASES TRIED BY 12 JURORS a verdict shall be received when 10 jurors [shall] agree.

Sec. 15. No person shall be subject for the same offense to be twice put in jeopardy. All persons shall, before conviction, be bailable by sufficient sureties, except for murder and treason when the proof is evident or the presumption great.

Sec. 16. Excessive bail shall not be required; excessive fines shall not be imposed; cruel or unusual punishment shall not be inflicted; nor shall witnesses be unreasonably detained.

Sec. 17. No person shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property, without due process of law. The right of all individuals, firms, corporations and voluntary associations to fair and just treatment in the course of legislative and executive investigations and hearings shall not be infringed.

Sec. 18. No person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief.

Sec. 19. In all prosecutions for libels the truth may be given in evidence to the jury; and, if it appears to the jury that the matter charged as libelous is true and was published with good motives and for justifiable ends, the accused shall be acquitted.

Sec. 20. In every criminal prosecution, the accused shall have the right to a speedy and public trial by an impartial jury, which may consist of

less than 12 jurors in all courts not of record; to be informed of the nature of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to have the assistance of counsel for his defense; to have an appeal as a matter of right; and in courts of record, when the trial court so orders, to have such reasonable assistance as may be necessary to perfect and prosecute an appeal.

Sec. 21. No person shall be imprisoned for debt arising out of[,] or founded on contract, express or implied, except in cases of fraud or breach of trust.

Sec. 22. Treason against the state shall consist only in levying war against it or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless upon the testimony of [2] TWO witnesses to the same overt act[,] or on confession in open court.

Sec. 23. The enumeration in this constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE II ELECTIONS

Sec.	Com. Proposal
1. Qualifications	58a
2. Legislature may exclude certain persons from voting	58b
3. Presidential electors, residence	58c
4. Elections, Place and Manner	58d
5. Elections, Time	58e
6. Expenditure of Money	58f
7. Board of Canvassers	58h
8. Recall	58g
9. Initiative and Referendum	118b

Article II Elections

Sec. 1. Every citizen of the United States who has attained the age of 21 years, who has resided in this state [6] SIX months, and who meets the requirements of local residence provided by law, shall be an elector and qualified to vote in any election except as otherwise provided in this constitution. The legislature shall define residence for voting purposes.

Sec. 2. The legislature may by law exclude persons from voting because of mental incompetence[,] or commitment to a jail or penal institution.

Sec. 3. For purposes of voting in the election for president and vice-president of the United States only, the legislature may by law establish lesser residence requirements for citizens who have resided in this state for less than [6] SIX months and may waive residence requirements [of] FOR FORMER citizens of this state who have

1 removed [t]herefrom. The legislature [may pro-
2 vide the manner of voting by such persons but]
3 shall not permit voting by any [such] person who
4 meets the voting residence requirements of the
5 state to which he has removed.

6 Sec. 4. The legislature shall enact laws to reg-
7 ulate the time, place [,] and manner of all nom-
8 inations and elections, except as otherwise pro-
9 vided in this constitution or in the constitution
10 and laws of the United States. The legislature
11 shall enact laws to preserve the purity of elec-
12 tions, to preserve the secrecy of the ballot, to
13 guard against abuses of the elective franchise,
14 and to provide for a system of voter registration
15 and absentee voting. No law shall be enacted
16 which permits a candidate in any partisan pri-
17 mary or partisan election to have a ballot desig-
18 nation except when required for identification
19 of [persons who are] candidates for the same
20 office WHO [and] have the same or similar sur-
21 names.

22 Sec. 5. Except for special elections to fill va-
23 cancies, OR AS OTHERWISE PROVIDED IN
24 THIS CONSTITUTION, all elections for national,
25 state, county and township offices shall be held on
26 the first Tuesday after the first Monday in Novem-
27 ber in each even-numbered year[,] or on such
28 other date as MEMBERS OF THE CONGRESS
29 OF THE UNITED STATES ARE REGULARLY
30 ELECTED [may hereafter be provided by the
31 Constitution of the United States or by congress
32 for election of members thereof].

33 Sec. 6. Whenever any question is REQUIRED
34 TO BE submitted BY A POLITICAL SUBDIVI-
35 SION to [a vote of] the electors which involves
36 THE INCREASE OF ANY AD VALOREM TAX
37 RATE LIMITATION FOR A PERIOD OF MORE
38 THAN FIVE YEARS, the direct expenditure
39 of public money, OR the issue of bonds, [or the
40 increase of any ad valorem tax rate for a period
41 of more than 5 years,] only [persons having the
42 qualifications of] electors in, and who have prop-
43 erty assessed for any ad valorem taxes in, any
44 part of the district or territory to be affected
45 by the result of such election or the lawful hus-
46 bands or wives of such persons shall be entitled
47 to vote thereon. All ELECTORS IN THE DIS-
48 TRICT OR TERRITORY AFFECTED [persons
49 having the qualifications of electors] may vote
50 on all other questions, [involving an increase in
51 any ad valorem tax rate and on borrowing by
52 this state.]

53 Sec. 7. A board of state canvassers [consisting]
54 of [4] FOUR members shall be established by law.
55 No candidate for an office to be canvassed nor any
56 inspector of elections shall be eligible to serve as
57 a member of a board of canvassers. A majority
58 of any board of canvassers shall not be composed
59 of members of the same political party.

60 Sec. 8. Laws shall be enacted to provide for the

recall of all elective officers except judges of courts
of record upon petition of electors equal in number
to 25 percent of the number of persons voting [at]
IN the last preceding election for the office of
governor in the electoral district of the officer
sought to be recalled. THE SUFFICIENCY OF
any statement of reasons or grounds procedurally
required shall be [deemed to pose] a political rather
than a judicial question.

Sec. 9. The people reserve to themselves the
power to propose laws and to enact and reject laws,
called the initiative, and the power to reject laws
enacted by the legislature, called the referendum.
The power of initiative extends only to laws which
the legislature may enact under this constitution.
The power of referendum does not extend to acts
making appropriations for state institutions or to
meet deficiencies in state funds AND MUST BE
INVOKED IN THE MANNER PRESCRIBED BY
LAW WITHIN 90 DAYS FOLLOWING THE
FINAL ADJOURNMENT OF THE LEGISLA-
TIVE SESSION AT WHICH THE LAW WAS
ENACTED. To invoke the initiative or referen-
dum, petitions signed by a number of registered
electors, not less than [8] EIGHT percent for initia-
tive and [5] FIVE percent for referendum of the
total vote cast for all candidates for governor at
the last preceding general election AT WHICH A
GOVERNOR WAS ELECTED shall be required.

NO LAW AS TO WHICH THE POWER OF
REFERENDUM PROPERLY HAS BEEN IN-
VOKED SHALL BE EFFECTIVE THEREAFTER
UNLESS APPROVED BY A MAJORITY OF
THE ELECTORS VOTING THEREON AT THE
NEXT GENERAL ELECTION.

[The] ANY law proposed by initiative petition
shall be either enacted or rejected by the legisla-
ture without change or amendment within 40 days
from the time such petition is received by the legis-
lature. If any law proposed by such petition shall
be enacted by the legislature it shall be subject to
referendum, as hereinafter provided.

If the law so [petitioned for] PROPOSED is not
enacted by the legislature within the 40 days, the
state officer authorized by law shall submit such
proposed law to the people for approval or rejec-
tion at the next [ensuing] general election. The
legislature may reject any measure so proposed
by initiative petition and propose a different meas-
ure upon the same subject by a yea and nay vote
upon separate roll calls, and in such event both
measures shall be submitted by such state officer
to the electors for approval or rejection at the
next [ensuing] general election.

Any [act] LAW submitted to the people by either
initiative or referendum petition and approved by
a majority of the votes cast thereon at any election
shall take effect 10 days after the date of the
official declaration of the vote. No [act] LAW

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

initiated or adopted by the people shall be subject to the veto power of the governor, and no [act] LAW adopted by the people at the polls under the initiative provisions of this section shall be amended or repealed, except by a vote of the electors or [3/4] THREE-FOURTHS of the members elected to and serving in each house of the legislature. [Acts] LAWS adopted by the people under the referendum provision of this section may be amended by the legislature at any subsequent session thereof. If [2] TWO or more measures approved by the electors at the same election conflict, THAT [the measure] receiving the highest affirmative vote shall prevail.

The legislature shall implement the provisions of this section.

ARTICLE III GENERAL GOVERNMENT

Sec.	Com. Proposal
1. Seat	10a
2. Division of Powers	21a
3. Great Seal	18a
4. Militia	19a
5. Inter-Governmental Agreements ...	128a
6. Internal Improvement	101a
7. Laws remain in effect	44a
8. Advisory Opinions	96k

Article III General Government

Sec. 1. The seat of government shall be at Lansing.

Sec. 2. The powers of government are divided into [3] THREE branches: legislative, executive[,] and judicial. No person [belonging to] EXERCISING POWERS OF one branch shall exercise powers properly belonging to another branch[,] except [in] AS [cases] expressly provided in this constitution.

Sec. 3. There shall be a great seal of the State of Michigan and its use shall be [prescribed] PROVIDED by law.

Sec. 4. The militia shall be organized, equipped and disciplined as provided by law.

Sec. 5. Subject to provisions of general law, this state or any political subdivision, ANY GOVERNMENTAL AUTHORITY or any combination thereof may enter into agreements[,] for the performance, financing or execution of their respective [governmental] functions, with any one or more of the other states, the United States, the Dominion of Canada, or any political subdivision thereof unless otherwise provided in this constitution.

Any other provision of this constitution [to the contrary] notwithstanding, an officer or employee of the state or OF any [municipal corporation or other subdivision or agency] SUCH UNIT OF GOVERNMENT OR SUBDIVISION

OR AGENCY thereof may serve on or with any governmental body ESTABLISHED FOR THE PURPOSES SET FORTH IN THIS SECTION [as a representative of the state or any municipal corporation or other subdivision or agency thereof, or for the purpose of participating or assisting in the consideration or performance of joint or cooperative undertakings or for the study of governmental problems,] and shall not be required to relinquish his office or employment by reason of such service. The legislature [by statute] may impose such restrictions, limitations or conditions on such service as it may deem appropriate.

Sec. 6. The state shall not be a party to, nor be financially interested in, any work of internal improvement, nor engage in carrying on any such work, except for public internal improvements [authorized] PROVIDED by law.

Sec. 7. [All law not repugnant to this constitution,] THE COMMON LAW AND THE STATUTE LAWS NOW IN FORCE, NOT REPUGNANT TO THIS CONSTITUTION, shall remain in force until [changed, repealed or in the case of statutes they have expired because of limitations contained therein] THEY EXPIRE BY THEIR OWN LIMITATIONS, OR ARE CHANGED, AMENDED OR REPEALED.

Sec. 8. Either house of the legislature or the governor may request the opinion of the supreme court [up]on important questions of law upon solemn occasions as to the constitutionality of legislation after it has been enacted into law but before its effective date.

ARTICLE IV LEGISLATIVE BRANCH

Sec.	Com. Proposal
1. Legislative Power, where vested	118a
2. Senate, Number, Term, Districts	80a
3. Representatives, Number, Term, Districts	80b
4. Legislative Districts, merger	80c
5. Island Areas	
6. Legislative Apportionment Commission	79a
7. Legislators, qualifications, removal ..	32a
8. Ineligibility of certain persons for office	112a
9. Legislators, ineligibility for certain appointments	120a
10. Conflict of interest	115a
11. Legislators, privileges	33a
12. Legislators, compensation	28a
13. Legislature, time of convening	116a
14. Senate and House, quorums	34a
15. Legislative Council	102c
16. Legislature, powers, rules	102a
17. Legislature, committees	102b
18. Legislature, journals, protest	114a

1	19.	Legislature, elections, recorded vote .	117a
2	20.	Legislature, open public meetings ...	103a
3	21.	Legislature, consent to adjourn	103a
4	22.	Bills	35a
5	23.	Style of laws	29a
6	24.	Laws, object and title	
7		First sentence	121a
8		Last sentence	105a
9	25.	Laws, revision	121a
10	26.	Bills, requirements for passage	
11		First sentence	105a
12		Remainder	104a
13	27.	Acts, immediate effect	121a
14	28.	Bills, subjects at special session	105a
15	29.	Local or special acts, referendum	119a
16	30.	Appropriations for local purposes ...	41a
17	31.	General appropriations, priority	46b
18	32.	Tax laws, title	53a
19	33.	Bills passed, approval and veto by	
20		governor	70a
21	34.	Referendum on certain bills	113a
22	35.	Publication of laws	24a
23	36.	Revision of laws, compilation	108a
24	37.	Administrative rules, suspension	123a
25	38.	Filling vacancies	122a
26	39.	Continuity of government	122a
27	40.	Liquor Control Commission	27a
28	41.	Lotteries	100a
29	42.	Ports and port districts	87a
30	43.	Banking and trust company laws	5a
31	44.	Jury in civil cases	99a
32	45.	Indeterminate sentences	106a
33	46.	Prohibition against death penalty	20a
34	47.	Chaplains	111a
35	48.	Resolution of public disputes	109a
36	49.	Regulation of employment	110a
37	50.	Atomic energy	127a
38	51.	Public Health	126a
39	52.	Natural resources	125a
40	53.	Auditor General	78a

Article IV

Legislative Branch

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

house.

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

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

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

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

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

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

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

Sec. 17. Each house of the legislature may establish the committees necessary for the efficient conduct of its business and the legislature may create joint committees. Each committee shall [keep a recorded] BY roll call vote RECORD THE VOTE AND NAME [by yeas and nays] of all action on bills and resolutions taken in the committee. Such vote shall be available FOR [to] public inspection. Notice of all committee hearings and a clear statement of all subjects to be considered at each hearing shall be published in the journal in advance of the hearing.

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

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

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

Sec. 21. Neither house shall, without the consent of the other, adjourn for more than [3] TWO INTERVENING CALENDAR days, nor to any place other than where the legislature may then be in session.

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

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

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

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

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

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

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

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

Sec. 29. The legislature shall pass no local or special act in any case where a general act can be made applicable, and whether a general act can be made applicable shall be a judicial question. No local or special act shall take effect until approved by TWO-THIRDS [2/3] of the members elected to and serving in each house [of the legislature] and by a majority of the electors voting thereon in the district [to be] affected. Any act repealing local or special acts [in effect as of the effective date of this constitution] shall require only a majority of the members elected to and serving in each house and shall not require submission to the electors of such district.

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

Sec. 31. The general appropriation bills for the succeeding fiscal period covering items set forth in the budget shall be passed or rejected in either house of the legislature before that house passes any appropriation bill for items not in the budget except bills supplementing appropriations for the current FISCAL year's operation. Any bill requiring an appropriation to carry out its purpose shall be considered an appropriation bill. One of the general appropriation bills as passed by the legislature shall contain an itemized statement of estimated revenue by major source in each operating fund for the ensuing fiscal period, the total of which shall not be less than the total of all appropriations made from each fund in the gen-

eral appropriation bills as passed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

sons imprisoned or detained [on] UNDER such sentences.

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

Sec. 47. The legislature may authorize the employment of chaplains in state institutions of DETENTION OR confinement.

Sec. 48. The legislature may enact laws providing for the resolution of disputes [in] CONCERNING public [employment] EMPLOYEES, except THOSE IN THE state classified civil service.

Sec. 49. The legislature may enact laws relative to the hours and conditions of employment.

Sec. 50. The legislature may provide safety measures and regulate the use of atomic energy and forms of energy developed in the future, having in view the general welfare of the people of this state.

Sec. 51. The public health and general welfare of the people of the state are hereby declared to be matters of primary public concern. The legislature shall pass suitable laws for the protection and promotion of the public health.

Sec. 52. The conservation and development of the natural resources of the state are hereby declared to be of paramount public concern in the interest of the health, safety[,] and general welfare of the people. The legislature shall provide for the protection of the air, water[,] and other natural resources of the state from pollution, impairment and destruction.

Sec. 53. The legislature by a majority vote of the members elected to and serving in each house, shall appoint an auditor general, who shall be [an administrator and] a certified public accountant [duly] licensed to practice in this state, to serve for a term of [8] EIGHT years. He shall be ineligible for appointment or election to any other [paid] public office in this state FROM WHICH COMPENSATION IS DERIVED while serving as auditor general and for [2] TWO years following the termination of his service. He may be removed for cause at any time by a [2/3] TWO-THIRDS vote of the members elected to and serving in each house [of the legislature]. The auditor general shall conduct post audits of financial transactions and accounts of the state and of all branches, departments, offices, boards, commissions, agencies, authorities and institutions of the state established by this constitution or by law, and performance post audits thereof.

The auditor general upon direction by the legislature may employ independent accounting firms or legal counsel and may make investigations pertinent to the conduct of audits. He shall report annually to the legislature and to the governor and at such other times as he deems necessary or as required by the legislature. He shall be assigned no duties other than those [herein]

specified IN THIS SECTION.

Nothing in this section shall be construed in any way to infringe the responsibility and constitutional authority of the governing boards of the [universities and colleges] INSTITUTIONS OF HIGHER EDUCATION to be solely responsible for the control and direction of all expenditures from the institutions' funds.

[The legislature shall provide by law for the maintenance of uniform accounting systems by units of local government and the auditing of county accounts by competent state authority and other units of government as provided by law.]

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

ARTICLE V

EXECUTIVE BRANCH

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Article V Executive Branch

Sec. 1. The executive power is vested in the governor.

Sec. 2. All executive and administrative offices, agencies and instrumentalities of the EXECUTIVE BRANCH OF state government and their respective functions, powers and duties, except for the office of governor and lieutenant governor and the governing bodies of institutions of higher education provided for in this constitution, shall be allocated by law among and within not more than 20 principal departments. They shall be grouped as far as practicable according to major purposes.

Subsequent to the initial allocation, the governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these changes require the force of law, they shall be set forth in executive orders AND SUBMITTED TO THE LEGISLATURE. THEREAFTER the legislature shall have 60 CALENDAR days of a regular session, or a full session if of shorter duration, to disapprove [these] EACH executive order[s]. Unless disapproved in both houses by a resolution concurred in by a majority of the members elected to and serving in each house, [these] EACH order[s] shall become effective at a date thereafter to be designated by the governor.

Sec. 3. The head of each principal department shall be a single executive unless otherwise provided in this constitution or by law. The single executives heading principal departments shall include a secretary of state, a state treasurer and an attorney general. When a single executive [other than an elective official,] is the head of a principal department, UNLESS ELECTED OR APPOINTED AS OTHERWISE PROVIDED IN THIS CONSTITUTION, he shall be [nominated and,] APPOINTED BY THE GOVERNOR by and with the advice and consent of the senate[, appointed by the governor] and he shall serve at the pleasure of the governor.

When a board or commission is at the head of a principal department, [the members thereof,] unless elected or appointed as otherwise provided in this constitution, THE MEMBERS THEREOF shall be [nominated and,] APPOINTED BY THE GOVERNOR by and with the advice and consent of the senate[, appointed by the governor]. The term of office and procedure for removal of such members shall be as prescribed in this constitution or by law.

Terms of office of any board or commission

created or enlarged after [adoption] THE EFFECTIVE DATE of this constitution shall not exceed [4] FOUR years except as otherwise authorized in this constitution. The terms of office of existing boards and commissions[,] which are [greater] LONGER than [4] FOUR years shall not be further extended except as provided in this constitution.

Sec. 4. At no time shall an examining or licensing board of a profession INCLUDE [be composed of] less than a majority of members of that profession. Temporary commissions or agencies for special purposes with a life of no more than [2] TWO years may be established by law and need not be allocated within a principal department.

Sec. 5. Appointment by and with the advice and consent of the senate when used in this constitution or [in statutes] LAWS in effect or hereafter enacted means appointment subject to disapproval by a majority vote of the members elected to and serving in the senate if such action is taken within 60 [legislative] SESSION days after the date of such appointment. [If the] ANY appointment [is] not disapproved within such period [of time the appointment] shall stand confirmed.

Sec. 6. [When the senate is not in session, the governor shall fill a vacancy] VACANCIES in any office, appointment to which requires advice and consent of the senate, [by appointment which may be disapproved by the senate in the manner provided for other] SHALL BE FILLED BY THE GOVERNOR BY AND WITH THE ADVICE AND CONSENT OF THE SENATE. [appointments requiring such advice and consent.] A person [who] WHOSE APPOINTMENT has been disapproved by the senate shall not be eligible for [another] AN interim appointment to the same office.

Sec. 7. Each principal department shall be under the supervision of the governor[, unless otherwise provided by this constitution. The governor shall take care that the laws be faithfully executed. He shall transact all necessary business with the officers of government and may require information in writing from all executive and administrative state officers, elective and appointive, upon any subject relating to the duties of their respective offices.

The governor may initiate court proceedings in the name of the state to enforce compliance with any constitutional or legislative mandate, or to restrain violations of any constitutional or legislative power, duty[, or right by any officer, department[, or agency of the state or any of its political subdivisions. This authority shall not be construed to authorize court proceedings against the legislature.

Sec. 8. Single executives heading principal departments and the chief executive officers of

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

principal departments headed by boards or commissions shall keep their offices at the seat of government except as otherwise provided by law, superintend them in person and perform duties prescribed by law.

Sec. 9. The governor shall have power and it shall be his duty[,] to inquire into the condition and administration of any public office and the acts of any public officer, elective or appointive. He may remove or suspend from office for gross neglect of duty or for corrupt conduct in office, or FOR any other misfeasance or malfeasance therein, any elective or appointive state officer, except legislative or judicial, and report the [causes of] REASONS FOR such removal or suspension to the legislature. [if in session or otherwise at its next session.]

Sec. 10. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an appointed or elected officer, other than a [judicial] LEGISLATIVE OR JUDICIAL officer, until he is REINSTATED [acquitted] or[, if convicted,] until the vacancy is filled in the manner prescribed by law or this constitution [for such office].

Sec. 11. The governor shall be commander-in-chief of the armed forces and may call them out to execute the laws, suppress insurrection and repel invasion.

Sec. 12. The governor shall issue writs of election to fill vacancies in the senate or house of representatives. Any such election shall be held in a manner prescribed by law.

Sec. 13. The governor shall have power to grant reprieves, commutations and pardons after convictions for all offenses, except cases of impeachment, upon such conditions and limitations as he may direct, subject to procedures and regulations [provided] PRESCRIBED by law. He shall inform the legislature annually of each reprieve, commutation and pardon granted, stating reasons therefor.

Sec. 14. The governor may convene the legislature on extraordinary occasions.

Sec. 15. The governor may convene the legislature at some other place when the seat of government becomes dangerous from any cause.

Sec. 16. The governor shall communicate by message to the legislature at the beginning of each session and may at other times present to the legislature information as to the affairs of the state and recommend measures he considers necessary or desirable.

Sec. 17. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state. Proposed expenditures from any fund shall not exceed the estimated revenue thereof. On the same date, the

governor shall submit to the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills to provide new or additional revenues to meet proposed expenditures. The amount of any surplus created or deficit incurred in any fund during the last preceding fiscal period shall be entered as an item in the budget and in one of the appropriation bills. The governor may submit amendments to appropriation bills to be offered in either house during consideration of the bill by that house, and shall submit any bills to meet deficiencies in current appropriations.

Sec. 18. The governor [shall have power to] MAY disapprove any distinct item or items APPROPRIATING MONEYS in any appropriation bill. The part or parts approved shall become law, and the item or items disapproved shall be void unless re-passed according to the method prescribed for the passage of other bills over the executive veto.

Sec. 19. No appropriation shall be [deemed] a mandate to spend. The governor, with the approval of the appropriating committees of the house and senate, shall reduce expenditures AUTHORIZED BY [of any bodies receiving] appropriations whenever it appears that actual revenues for a fiscal period will fall below the revenue estimates on which appropriations for that period were based. Reductions in expenditures shall be made in accordance with procedures [established] PRESCRIBED by law. The governor[']s power to reduce expenditures shall not apply to] MAY NOT REDUCE EXPENDITURES OF the legislative and judicial branches or FROM [to those services for which] funds CONSTITUTIONALLY DEDICATED FOR SPECIFIC PURPOSES. [are mandated by this constitution.]

Sec. 20. The governor, lieutenant governor, secretary of state and attorney general shall be elected FOR FOUR-YEAR TERMS at the general election in each alternate even-numbered year. [They shall serve for terms of 4 years beginning at 12:00 o'clock noon on the first day of January next succeeding their election.]

The lieutenant governor, secretary of state and attorney general shall be nominated by party conventions in a manner prescribed by law. In the general election one vote shall be cast jointly for the candidates for governor and lieutenant governor nominated by the same party.

VACANCIES IN THE OFFICE OF THE SECRETARY OF STATE AND ATTORNEY GENERAL SHALL BE FILLED BY APPOINTMENT BY THE GOVERNOR.

Sec. 21. [No person shall] TO be eligible for the office of governor or lieutenant governor [who shall not have] A PERSON MUST HAVE attained the age of 30 years, and [who shall] have [not] been [4 years next preceding his election] a registered elector in this state FOR FOUR

YEARS NEXT PRECEDING HIS ELECTION.

Sec. 22. The governor, lieutenant governor, secretary of state[, state treasurer] and attorney general shall each receive the compensation [prescribed] PROVIDED by law in full payment for all services performed and expenses incurred during his term of office. Such compensation shall not be changed during the term of office except as otherwise provided in this constitution.

Sec. 23. An executive residence suitably furnished shall be provided at the seat of government for the use of the governor. He shall receive an allowance for its maintenance as provided by law.

Sec. 24. The lieutenant governor shall be president of the senate, but shall have no vote except in case of equal division. He [shall] MAY perform [additional] duties [as] requested of him by the governor[.], BUT NO POWER VESTED IN THE GOVERNOR SHALL BE DELEGATED.

Sec. 25. In case of the conviction of the governor on impeachment, his removal from office, his resignation, or [the] HIS death, [of the governor or governor-elect, the powers and duties of the office shall vest, in the following order of precedence, in the person elected at the last election to the office of] THE lieutenant governor, THE ELECTED secretary of state, THE ELECTED attorney general, and such other persons designated by law[, who] shall IN THAT ORDER be governor [after the commencement of their term] for the [residue] REMAINDER of the governor's term.

IN CASE OF THE DEATH OF THE GOVERNOR-ELECT, THE LIEUTENANT GOVERNOR-ELECT, THE SECRETARY OF STATE-ELECT, THE ATTORNEY GENERAL-ELECT AND SUCH OTHER PERSONS DESIGNATED BY LAW SHALL BECOME GOVERNOR IN THAT ORDER AT THE COMMENCEMENT OF THE GOVERNOR-ELECT'S TERM.

If the governor or the person in line of succession to serve as governor is absent from the state, or suffering under an inability [as determined herein], the powers and duties of the office of governor shall devolve in order of precedence [upon such persons] until the absence or inability giving rise to the DEVOLUTION [devolvment] of powers ceases.

The inability of the governor[, governor-elect] or person[s serving] ACTING as governor shall be determined by a majority of the supreme court on joint request of the president pro tempore of the senate and the speaker of the house of representatives. Such determination shall be final and conclusive. The supreme court shall upon its own initiative determine if and when the inability ceases.

Sec. 26. The legislature shall provide that the

salary of any state officer WHILE ACTING AS [performing the duties of] governor [is] SHALL BE equal to that of the governor.

Sec. 27. There is hereby established a state highway commission, which shall administer the state highway department and have jurisdiction and control over all state trunkline highways and appurtenant facilities, and such other public works of the state, as [shall be prescribed] PROVIDED by law.

The state highway commission shall consist of [4] FOUR members, not more than [2] TWO of whom shall be members of the same political party. They shall be appointed by the governor BY AND with the advice and consent of the senate for [4] FOUR-year terms, no [2] TWO of which shall expire in the same year AS PROVIDED BY LAW.

The state highway commission shall appoint AND MAY REMOVE a state highway director, who shall be a competent highway engineer and administrator. He shall be the PRINCIPAL [chief] executive OFFICER of the state highway department and shall be responsible for executing the policy of the state highway commission.

Sec. 28. There is hereby established a civil rights commission which shall consist of [8] EIGHT persons, not more than [4] FOUR of whom shall be members of the same political party, who shall be appointed by the governor, with the advice and consent of the senate, for [4] FOUR-year terms not more than [2] TWO of which shall expire in the same year. It shall be the duty of the commission in a manner which may be prescribed by law to investigate alleged discrimination against any person because of [race] religion, RACE, color or national origin in the enjoyment of the civil rights guaranteed by law and by this constitution, and to secure the equal protection of such civil rights without such discrimination. The legislature shall provide an annual appropriation for the effective operation of the commission.

The commission shall have [the] power, in accordance with the provisions of this constitution and of general laws governing administrative agencies, to promulgate rules and regulations for its own procedures, to hold hearings, administer oaths, through court authorization to require the attendance of witnesses and the submission of records, to take testimony, and to issue appropriate orders. The commission shall have other powers provided by law to carry out its purposes. Nothing contained in this section shall be construed to diminish the right of any party to direct and immediate legal or equitable remedies in the courts of this state.

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

ARTICLE VI JUDICIAL BRANCH

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Article VI Judicial Branch

Sec. 1. The judicial power of the state is vested exclusively in one court of justice[,] which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court, one probate court, and other courts of limited jurisdiction that the legislature may establish by a [2/3] TWO-THIRDS vote of the members ELECTED TO AND SERVING IN [of] each house.

Sec. 2. The supreme court shall consist of [8] SEVEN justices [to be] elected at non-partisan elections as provided by law. [A vacancy hereafter created as the result of the death, retirement or resignation of one incumbent justice shall not be filled.] The term of office shall be [for 8] EIGHT years and not more than [3] TWO terms of office shall expire at the same time. Nominations for justices of the supreme court shall be in the manner [as provided] PRESCRIBED by law[.]. [except] Any incumbent justice whose term is to expire may become a candidate for re-election by filing an affidavit of candidacy, in the form and manner prescribed by law, not less than 180

days prior to the expiration of his term.

Sec. 3. One justice of the supreme court shall be selected by the court as its chief justice AS [in the manner and for the term] provided by [the] rules of the court. He shall perform other duties required by the court. The supreme court shall appoint an administrator of the courts and other assistants of the supreme court as [shall] MAY be [deemed] necessary to aid in the administration of the courts of this state. The administrator shall perform administrative duties assigned by the court.

Sec. 4. The supreme court shall have general superintending control over all courts; power to issue, hear, and determine prerogative and remedial writs; and appellate jurisdiction as provided by rules of the supreme court. The supreme court shall not have the power to remove a judge.

Sec. 5. The supreme court shall by general rules establish, modify, amend and simplify the practice and procedure in all courts of this state. The distinctions between law and equity proceedings shall, as far as practicable, be abolished. The office of master in chancery is prohibited.

Sec. 6. Decisions of the supreme court, including all decisions on prerogative writs, shall be in writing and shall contain a concise statement of the facts and reasons for each decision and reasons for each denial of leave to appeal. When a judge dissents in whole or in part he shall give in writing the reasons for his dissent.

Sec. 7. The supreme court may appoint, may remove, and shall have general supervision of its staff. It shall have control of the preparation of its budget recommendations and the expenditure of [the funds] MONEYS appropriated for any purpose pertaining to the operation of the court or the performance of activities of its staff except that the salaries of the justices shall be established by law. All fees and perquisites collected by the court staff shall be turned over to the state treasury and credited to the general fund.

Sec. 8. The court of appeals shall consist initially of [9] NINE judges who shall be nominated and elected [on a] AT non-partisan ELECTIONS [basis] from districts, and in the manner, prescribed by law. The supreme court may prescribe by rule that the court of appeals may sit in divisions and for the terms of court and the times and places thereof. Each such division shall consist of not fewer than three judges. The number of judges comprising the court of appeals may be increased, and the districts from which they are elected may be [altered] CHANGED by law.

Sec. 9. Judges of the court of appeals shall hold office for a TERM [period] of [6] SIX years and until their successors are elected and qualified. The terms of office for the judges in each district shall be arranged by law to provide that not all terms will expire at the same time.

Sec. 10. The jurisdiction of the court of appeals shall be provided by law and the practice and procedure therein shall be [as provided] PRE-SCRIBED by rules of the supreme court.

Sec. 11. The state shall be divided into judicial circuits along county lines in each of which there shall be elected one or more circuit judges as provided by law. [A] SESSIONS OF THE circuit court shall be held at least [4] FOUR times in each year in every county organized for judicial purposes. Each circuit judge shall hold court in the county or counties within the circuit in which he is elected, and in other circuits as may be provided by rules of the supreme court. The number of judges may be changed and circuits may be created, altered and discontinued by law and the number of judges shall be changed and circuits shall be created, altered and discontinued on recommendation of the supreme court to reflect changes in judicial activity. No change in the number of judges [n]or alteration or discontinuance of a circuit shall have the effect of removing a judge from office during his term.

Sec. 12. Circuit judges shall be nominated and elected at non-partisan elections in the circuit in which they reside, and shall hold office for a TERM [period] of [6] SIX years and until their successors are elected and qualified. In circuits having more than one circuit judge their terms of office shall be arranged by law to provide that not all terms will expire at the same time.

Sec. 13. THE circuit court[s] shall have original jurisdiction in all matters not prohibited by law; appellate jurisdiction from all inferior courts and tribunals except as otherwise provided by law; power to issue, hear and determine prerogative and remedial writs; supervisory and general control over inferior courts and tribunals within their respective jurisdictions[,] in accordance with rules of the supreme court; and jurisdiction of other cases and matters as provided by rules of the supreme court.

Sec. 14. The clerk of each county organized for judicial purposes or other officer performing the duties of such office as provided in a county charter shall be clerk of the circuit court for such county. The judges of the circuit court[s] may fill [any] A vacancy in an elective office of county clerk or prosecuting attorney within their respective jurisdictions.

Sec. 15. In each county organized for judicial purposes[,] there shall be a probate court. The legislature may [combine one or more counties into] CREATE OR ALTER probate COURT districts OF MORE THAN ONE COUNTY [upon the approval by a majority of the voters of each county voting separately on the question,] IF AP-PROVED IN EACH AFFECTED COUNTY BY A MAJORITY OF THE ELECTORS VOTING ON THE QUESTION. [or combine] THE LEGISLA-

TURE MAY PROVIDE FOR THE COMBINATION OF the office of probate judge with any judicial office of limited jurisdiction [in any] WITHIN A county with supplemental salary as provided by law. The jurisdiction, powers and duties of the probate court[s] and of the judges thereof shall be [prescribed] PROVIDED by law. They shall [also] have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

Sec. 16. ONE OR MORE judges of probate AS PROVIDED BY LAW shall be nominated and elected at non-partisan elections in the counties or the probate districtS in which they reside and shall hold office for [a period] TERMS of [6] SIX years and until their successors are elected and qualified. In counties or districts with more than one judge the terms of office shall be arranged by law to provide that NOT all terms will [not] expire at the same time.

Sec. 17. No judge or justice of any court of this state shall be paid from the fees of his office nor shall the amount of his salary be measured by fees, other moneys received or [by] the amount of judicial activity of his office.

Sec. 18. Salaries of justices of the supreme court, of the judges of the court of appeals, of the circuit judges within a [county or] circuit, and of the probate judges within a county or district, shall be uniform, and may be increased, but shall not be decreased during a term of office except and only to the extent of a general salary reduction in all other branches of government.

Each of the judges of the circuit court[s] shall receive an annual salary as provided by law. In addition to the salary received from the state, [treasury,] each circuit judge may receive from any county in which he regularly holds court [such] AN additional salary as [may be] determined from time to time by the board of supervisors of the county. In any county where [such] AN additional salary is granted, it shall be paid at the same rate to all circuit judges regularly holding court therein.

Sec. 19. The supreme court, the court of appeals, the circuit court, the probate court and other courts designated as such by the legislature shall be courts of record and [shall] each SHALL have a common seal. [Except as otherwise authorized by this constitution,] Justices and judges of [the] courts of record [of this state shall] MUST be PERSONS WHO ARE licensed to practice law in this state. [and] No person shall be elected or appointed to a judicial office after reaching the age of 70 years.

Sec. 20. Whenever a JUSTICE OR judge removes his domicile beyond the limits of the territory from which he was elected, he shall [be deemed to] have vacated his office.

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

Sec. 21. Any justice or judge of a court of record shall be ineligible to be nominated for or elected to an elective office other than a judicial office during the period of his service [as a judge] and for one year thereafter.

Sec. 22. Any elected judge of [a] THE court of appeals, circuit court or probate court may become a candidate in the primary election for the office of which he is the incumbent by filing an affidavit of candidacy in the form and manner [provided] PRESCRIBED by law.

Sec. 23. A vacancy in the elective office of a judge of any court of record shall be filled at a general or special election AS PROVIDED BY [according to] law. The supreme court may authorize persons who have served as judges and who have retired, to perform judicial duties for the limited period of time from the occurrence of the vacancy until the successor is elected and qualified. SUCH PERSONS SHALL BE INELIGIBLE FOR ELECTION TO FILL THE VACANCY.

Sec. 24. There shall be printed upon the ballot under the name of each elected incumbent justice or judge[,] who is a candidate for nomination or election to the same office[,] the designation of that office.

Sec. 25. For reasonable cause, which is not sufficient ground for impeachment, the governor shall remove any judge on a concurrent resolution of [2/3] TWO-THIRDS of the members elected to and serving in each house of the legislature. The cause for removal shall be stated at length in [such] THE resolution.

Sec. 26. The offices of circuit court commissioner and justice of the peace shall be abolished at the expiration of [5] FIVE years from the date this constitution becomes effective or may within this period be abolished by law. Their jurisdiction and powers within this period shall be as provided by law. Within [such] THIS [5] FIVE-year period, the legislature shall establish a court or courts of limited jurisdiction with powers and jurisdiction defined by law. The location of such court or courts, and the qualifications, tenure, method of election[,] and salary of the judges of such court or courts, and by what governmental units the JUDGES [same] shall be paid, shall be provided by law, subject to the limitations contained in this Article.

Statutory courts in existence at the time this constitution becomes effective shall retain their powers and jurisdiction, except as provided by law, until they are abolished by law.

Sec. 27. The supreme court, the court of appeals, the circuit court, or any justices or judges thereof, shall not exercise any power of appointment to public office except as [otherwise] provided in this constitution.

Sec. 28. All final decisions, findings, rulings

and orders of any administrative officer or [body] AGENCY existing under the constitution or by law, which are judicial or quasi-judicial and affect private rights [,] or licenses, shall be subject to direct review by the courts as [shall be] provided by law. This review shall include, as a minimum, the determination whether such final decisions, findings, rulings and orders are authorized by law[,] and, in cases in which a hearing is required, whether the same are supported by competent, material[,] and substantial evidence on the whole record[:]. [Provided however, that the] Findings of fact [of the] IN workmen's compensation [commission] PROCEEDINGS shall be conclusive in the absence of fraud unless otherwise provided by law.

Sec. 29. Justices of the supreme court, judges of the court of appeals, circuit judges[,] and other judges as provided by law shall be conservators of the peace within their respective jurisdictions.

ARTICLE VII LOCAL GOVERNMENT

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Article VII

Local Government

Sec. 1. Each organized county shall be a body corporate with powers and immunities [prescribed] PROVIDED by law.

Sec. 2. Any county may frame, adopt, amend or repeal a county charter in a manner and with powers and limitations to be provided by general law, which shall among other things provide for the election of a charter commission. The law may permit the organization of county government in form different from that set forth in this constitution and shall limit the rate of ad valorem property taxation for county purposes, and restrict THE [their] powers of CHARTER COUNTIES TO borrow[ing] money and contract[ing] debts. Each charter county is hereby granted power to levy other taxes for county purposes subject to limitations and prohibitions set forth in this constitution or law. Subject to law, a county charter may authorize the county through its regularly constituted authority to [enact] ADOPT resolutions and ordinances relating to its concerns.

The board of supervisors by a majority vote of its members may, and upon petition of [5] FIVE percent of the electors shall, place upon the ballot the question of electing a commission to frame a charter.

No county charter shall be adopted, amended or repealed until approved by a majority of electors voting on the question.

Sec. 3. No organized county shall be reduced by the organization of new counties to less than 16 townships as surveyed by the United States, unless APPROVED in [pursuance of] THE MANNER PRESCRIBED BY law BY a majority of electors voting [on] THEREON [the question] in each county to be affected. [thereby shall so decide.]

Sec. 4. There shall be elected for [4] FOUR-year terms in each organized county a sheriff, a county clerk, a county treasurer, a register of deeds and a prosecuting attorney, whose duties and powers shall be [prescribed] PROVIDED by law. The board of supervisors in any county may COMBINE [unite] the offices of county clerk and register of deeds in one office or separate the same

at pleasure.

Sec. 5. The sheriff, county clerk, county treasurer and register of deeds shall hold their principal offices at the county seat.

Sec. 6. The sheriff may be required by law to renew his security [from time to time] PERIODICALLY and in default of giving such security, his office shall be [deemed] vacant. The county shall never be responsible for his acts, except that the board of supervisors may protect him against claims by prisoners for unintentional injuries received while in his custody. He shall not hold any other office except in [connection with] civil defense.

Sec. 7. A board of supervisors shall be established in each ORGANIZED county consisting of one member from each organized township and such representation from cities as [shall be prescribed] PROVIDED by law.

Sec. 8. [The] Boards of supervisors shall have LEGISLATIVE, ADMINISTRATIVE [such] AND SUCH OTHER powers and duties as provided by law [not inconsistent with this constitution].

Sec. 9. [The] Boards of supervisors shall have exclusive power to fix the compensation of [all] county [officials] OFFICERS not otherwise provided [for] by law.

Sec. 10. [No] A county seat once established shall NOT be removed until the place to which it is proposed to be [re]moved shall be designated by [2/3] TWO-THIRDS of the MEMBERS OF THE board of supervisors [of the county,] and a majority of the electors voting thereon shall have [voted in favor of] APPROVED the proposed location in [a] THE manner prescribed by law.

Sec. 11. No county shall incur any indebtedness which shall increase its total debt beyond 10 percent of its assessed valuation.

Sec. 12. [No] A navigable stream [of this state] shall NOT be bridged or dammed without permission granted by the board of supervisors of the county [under the provisions of] AS PROVIDED BY law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and POLITICAL SUBDIVISIONS [the municipalities] therein.

Sec. 13. Two or more CONTIGUOUS counties may combine into a single county [provided] IF APPROVED IN EACH AFFECTED COUNTY BY a majority of the [voters] ELECTORS voting on the question. [of each county, voting separately, approve such combination and the counties are contiguous.]

Sec. 14. The board of supervisors of each organized county may organize and consolidate townships under restrictions and limitations [prescribed] PROVIDED by law.

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

1 Sec. 15. Any county, when authorized by its
2 BOARD OF SUPERVISORS [legislative body]
3 shall have the authority to enter or to intervene
4 in any ACTION [suit] or certificate proceed-
5 ing involving the services, charges or rates of
6 any privately owned public utility furnishing serv-
7 ices or commodities to rate payers within the
8 county.

9 Sec. 16. The legislature may provide for the
10 laying out, construction, improvement and main-
11 tenance of highways, bridges, culverts and airports
12 by the state and by the counties and townships
13 thereof; and may authorize counties to take charge
14 and control of any highway within their limits
15 for such purposes. The legislature may [also
16 prescribe] PROVIDE the powers and duties of
17 counties in relation to highways, bridges, culverts
18 and airports; may provide for county road com-
19 missioners to be appointed or elected, with powers
20 and duties [as may be prescribed] PROVIDED by
21 law. The ad valorem property tax IMPOSED for
22 road purposes by any county shall not exceed in
23 any year [1/2] ONE-HALF of one percent of the
24 assessed valuation for the preceding year.

25 Sec. 17. Each organized township shall be a
26 body corporate with powers and immunities [pre-
27 scribed] PROVIDED by law [and not inconsistent
28 with this constitution].

29 Sec. 18. IN EACH ORGANIZED TOWNSHIP
30 there shall be elected for [a] termS of not less
31 than [2 years] TWO nor more than [4] FOUR
32 years as [provided] PRESCRIBED by law [in
33 each organized township] a [township] supervisor,
34 a [township] clerk, a [township] treasurer, and[,]
35 not to exceed [4 township] FOUR trustees, whose
36 legislative and administrative powers and duties
37 shall be [prescribed] PROVIDED by law.

38 Sec. 19. No ORGANIZED township shall grant
39 any public utility franchise which is not subject
40 to revocation at the will of the township, unless
41 the proposition shall FIRST have BEEN AP-
42 PROVED BY [first received the affirmative vote
43 of] a majority of the electors of such township
44 voting thereon at a regular or special election.

45 Sec. 20. The legislature shall provide by law
46 for the dissolution of township government when-
47 ever all the territory of [a] AN ORGANIZED
48 township is included within the boundaries of a
49 village or villages NOTWITHSTANDING THAT
50 A VILLAGE MAY INCLUDE TERRITORY
51 WITHIN ANOTHER ORGANIZED TOWNSHIP
52 and provide by law for the classification of such
53 village or villages as cities [notwithstanding that a
54 village may include territory within another town-
55 ship].

56 Sec. 21. The legislature shall provide by gen-
57 eral laws for the incorporation of cities and
58 villages[;]. [such general laws] SUCH LAWS
59 shall limit their rate of [general] AD VALOREM
60 property taxation for municipal purposes, and

1 restrict [their] THE powers of CITIES AND
2 VILLAGES TO borrow[ing] money and con-
3 tract[ing] debts. Each city and village is granted
4 power to levy other taxes for public purposes,
5 subject to limitations and prohibitions provided
6 by this constitution or by law.

7 Sec. 22. Under general laws the electors of
8 each city and village shall have the power and
9 authority to frame, adopt[,] and amend its
10 charter, and to amend an existing charter of the
11 city or village heretofore granted or enacted by
12 the legislature for the government of the city or
13 village. Each such city and village shall have
14 power to [pass] ADOPT resolutions and ordinances
15 relating to its municipal concerns, property and
16 government, subject to the constitution and law.
17 No enumeration of powers granted to cities and
18 villages in this constitution shall [be deemed to]
19 limit or restrict the general grant of authority
20 conferred by this section.

21 Sec. 23. Any city or village may acquire, own,
22 establish and maintain, within or without its
23 corporate limits, parks, boulevards, cemeteries,
24 hospitals[,] and all works which involve the public
25 health or safety.

26 Sec. 24. Subject to this constitution, any city
27 or village may acquire, own[,] and operate, within
28 or without its corporate limits, public service
29 facilities for supplying water, light, heat, power,
30 sewage disposal and transportation to the munic-
31 ipality and the inhabitants thereof.

32 Any city or village may sell and deliver heat,
33 power[, and] OR light without its corporate limits
34 [to] IN an amount not [to exceed] EXCEEDING
35 25 percent of that furnished by it within the
36 corporate limits, except as greater amounts may
37 be permitted by law; may sell and deliver water
38 and provide sewage disposal services[,] outside of
39 its corporate limits in such amount as may be
40 determined by the legislative body of the city or
41 village; and may operate transportation lines
42 [without] OUTSIDE the municipality within such
43 limits as may be prescribed by law.

44 Sec. 25. No city or village shall acquire any
45 public utility furnishing light, heat [and] OR
46 power, or grant any public utility franchise which
47 is not subject to revocation at the will of the city
48 or village, unless the proposition shall FIRST have
49 been approved by [3/5] THREE-FIFTHS of the
50 electors voting thereon. No city or village may
51 sell any such public utility unless the proposition
52 shall FIRST have been approved by a majority
53 of the electors voting thereon, or a greater num-
54 ber if the charter shall so provide.

55 Sec. 26. Except as otherwise provided in this
56 constitution, no city or village shall have the
57 power to loan its credit for any private purpose
58 or, except as [authorized] PROVIDED by law, for
59 any public purpose.

60 Sec. 27. Notwithstanding any other provision

of this constitution the legislature may establish in metropolitan areas additional forms of government or authorities with powers, duties and jurisdictions as the legislature shall provide. Wherever possible, such additional forms of government or authorities shall be designed to perform multi-purpose functions rather than a single function.

Sec. 28. The legislature by general law shall authorize two or more counties, cities, villages, townships or districts, or any combination thereof among other things to: enter into contractual undertakings or agreements with one another or with the state or with any combination thereof for the joint administration of any of the functions or powers which each would have the power to perform separately; share the costs and responsibilities of functions and services with one another or with the state or with any combination thereof which each would have the power to perform separately; transfer functions or responsibilities to one another or any combination thereof upon the consent of each unit involved; cooperate with one another and with state government [and with intergovernmental agencies]; lend their credit to one another or any combination thereof as PROVIDED [prescribed] by law in connection with any authorized publicly owned undertaking.

Any other provision of this constitution notwithstanding, an officer or employee of the state or any [of] such unit[s] of government or subdivision or agency thereof, except members of the legislature, may serve on or with any governmental body established for the [above] purposes SET FORTH IN THIS SECTION and shall not be required to relinquish his office or employment by reason of such service.

Sec. 29. No person, partnership, association or corporation, public or private, operating a public utility shall have the right to the use of the highways, streets, alleys or other public places of any county, city, village or township for wires, poles, pipes, tracks, conduits or other utility facilities, without the consent of the duly constituted authority of the county, city, village or township; or to transact local business therein without first obtaining a franchise from the city, village or township. Except as otherwise [authorized] PROVIDED in this constitution the right of all counties, cities, villages and townships to the reasonable control of their highways, streets, alleys and public places is hereby reserved to such local units of government.

Sec. 30. No franchise or license shall be granted by any city, village or township for a [longer] period LONGER than 30 years.

Sec. 31. The legislature shall not vacate or alter any road, street, alley, or public place under the jurisdiction of any county, township, city or village.

Sec. 32. Any county, township, city, village, authority or school district empowered by the legislature or by this constitution to prepare budgets of estimated expenditures and revenues shall adopt [said] SUCH budgets only after a public hearing in a manner prescribed by law.

Sec. 33. The provisions of this constitution and law concerning cities, villages, counties and townships shall be liberally construed in their favor. Powers granted to counties and townships by this constitution and by law shall include those fairly implied and not [inconsistent with nor] prohibited by this constitution.

ARTICLE VIII EDUCATION

Sec.	Com. Proposal
1. Principles	1a
2. Legislative duty to public education ..	30a
3. State Board of Education—Superintendent of Public Instruction	47a
4. Higher education appropriations	98a
5. Higher education—U of M, MSU, WSU	98b
6. Other institutions of higher education.	98c
7. Community and Junior colleges	98d
8. Instruction programs, etc.	13a
9. Public libraries, support of	31a

Article VIII Education

Sec. 1. Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

Sec. 2. The legislature shall maintain and support a system of free public elementary and secondary schools as defined by law. Every school district shall provide for the education of its pupils without discrimination as to race, creed, religion, color[,] or national origin.

Sec. 3. Leadership and general supervision over all public education, including adult education and instructional programs in state institutions, except as to [degree granting] institutions of higher education GRANTING BACCALAUREATE DEGREES, is vested in a state board of education. It shall serve as the general planning and coordinating body for all public education, including higher education, and shall advise the legislature as to the financial requirements in connection therewith.

The state board of education shall appoint a superintendent of public instruction whose term of office shall be determined by the board. He shall be the chairman of the board without the right to vote, and shall be responsible for the execution of its policies. He shall be the [chief administrative] PRINCIPAL EXECUTIVE officer of a state department of education which shall

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

have powers and duties provided by law.

The state board of education shall consist of [8] EIGHT members[.] WHO [Of the members first elected 2 shall serve for 2 years, 2 for 4 years, 2 for 6 years and 2 for 8 years, and their successors shall be elected for terms of 8 years. Each member] shall be nominated by party conventionS and elected at large FOR TERMS OF EIGHT YEARS as prescribed by law. The governor shall fill any vacancy by appointment for the unexpired term. The governor shall [also] be ex-officio a member of the state board of education without the right to vote.

The power of the boards of institutions of higher education provided in this constitution to supervise their respective institutions and control and direct the expenditure of the institutions' funds shall not be limited by this section.

Sec. 4. The legislature shall appropriate MONEYS [funds] to maintain the University of Michigan, Michigan State University, Wayne State University, Eastern Michigan University, Michigan College of Science and Technology, Central Michigan University, Northern Michigan University, Western Michigan University, Ferris Institute, Grand Valley State College, by whatever names [said] SUCH institutions may hereafter be known, and other institutions of higher education established by law. The legislature shall be given an annual accounting of all income and expenditures by each of these educational institutions. Formal sessions of governing boards of such institutions shall be open to the public.

Sec. 5. The regents of the University of Michigan and their successors in office shall constitute a body corporate known as the Regents of the University of Michigan; the trustees of Michigan State University and their successors in office shall constitute a body corporate known as the Board of Trustees of Michigan State University; the governors of Wayne State University and their successors in office shall constitute a body corporate known as the Board of Governors of Wayne State University. [These] EACH board[s] shall have [the] general supervision of [their respective] ITS institution[s] and the control and direction of all expenditures from the institution's funds. EACH BOARD [They] shall, as often as necessary, elect a president of the institution under ITS [their respective] supervision. [who] HE shall be the principal executive officer of the institution, [and] be ex-officio a member of the board [but] without the right to vote[,] and preside at meetings of the board. The board[s] of each institution shall consist of [8] EIGHT members who shall hold office for TERMS OF [8] EIGHT years and who shall be elected [according to] AS PROVIDED BY law. The governor shall fill board

vacancies by appointment. Each appointee shall hold office until a successor has been nominated and elected as [prescribed] PROVIDED by law.

Sec. 6. Other institutions of higher education established by law having authority to grant baccalaureate degrees shall each be governed by a board of control which shall be a body corporate. The board shall have general supervision of the institution and the control and direction of all expenditures from the institution's funds. [and] IT shall, as often as necessary, elect a president of the institution under its supervision. [who] HE shall be the principal executive officer of the institution and be ex-officio a member of the board [but] without the right to vote. The board may elect one of ITS MEMBERS [their number], or may designate the president, to preside at board meetings. Each board of control shall consist of [8] EIGHT members who shall hold office for TERMS OF [8] EIGHT years, NOT MORE THAN TWO OF WHICH SHALL EXPIRE IN THE SAME YEAR, and WHO SHALL be appointed by the governor BY AND WITH THE ADVICE AND CONSENT OF THE SENATE, [in the same manner as executive appointments are provided in this constitution.] Vacancies shall be filled in like manner.

Sec. 7. The legislature shall provide by law for the establishment and financial support of public community and junior colleges[,] which shall be supervised and controlled by locally elected boards. The legislature shall provide by law for a state board for public community and junior colleges[,] which shall advise the state board of education concerning general supervision and planning for such colleges and requests for annual appropriations for their support. The board shall consist of [8] EIGHT members who shall hold office for TERMS OF [8] EIGHT years, NOT MORE THAN TWO OF WHICH SHALL EXPIRE IN THE SAME YEAR, and WHO SHALL be appointed by the state board of education. Vacancies shall be filled in like manner. The superintendent of public instruction shall be ex-officio a member of this board without the right to vote.

Sec. 8. Institutions, programs, and services for the care, treatment, education or rehabilitation of those inhabitants who are physically, mentally, or otherwise seriously handicapped shall always be fostered and supported.

Sec. 9. The legislature shall provide by law for the establishment and support of public libraries which shall be available to all residents of the state under regulations adopted by the governing bodies thereof. All fines assessed and collected in the several counties, cities[,] and townships for any breach of the penal laws shall be exclusively applied to the support of such public libraries, and county law libraries as provided by law.

ARTICLE IX FINANCE & TAXATION

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5. Assessment, rate of	52a
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23. Financial Records; open and public .	37c-1
24. Pensions, State Obligations	40a

Article IX

Finance and Taxation

Sec. 1. The legislature shall impose taxes sufficient with other resources to pay the expenses of state government.

Sec. 2. The power of taxation shall never be surrendered, suspended[,] or contracted away.

Sec. 3. The legislature shall provide for the uniform general ad valorem taxation of real and tangible personal property not exempt by law. The legislature shall provide for the determination of true cash value of such property; the proportion of true cash value at which such property shall be uniformly assessed, which shall not, after January 1, 1966, exceed 50 percent; and for a system of equalization of assessments. The legislature may provide for alternative means of taxation of designated real and tangible personal property in lieu of general ad valorem taxation. Every tax other than the general ad valorem property tax shall be uniform upon the class or classes on which it operates.

Sec. 4. Property held by a non-profit corporation, association, or legal entity and used and occupied exclusively for religious, educational, charitable or burial grounds purposes, as defined by law, shall be exempt from real and personal property taxes.

Sec. 5. The legislature shall provide for the assessment by the state of the property of those PUBLIC SERVICE businesses [whose property is now] assessed by the state AT THE DATE THIS CONSTITUTION BECOMES EFFECTIVE, and of other property as designated by the legislature, and for the [levy] IMPOSITION and collection of taxes thereon. Property assessed by the state shall be assessed at the same proportion of its true cash value as the legislature shall specify for property subject to general ad valorem taxation. The rate of taxation on such property shall be the average rate levied upon other property in this state under the general ad valorem tax law, or, if the legislature provides, the rate of tax applicable to the property of each business enterprise assessed by the state shall be the average rate of ad valorem taxation levied upon other property in all counties in which any of such property is situated.

Sec. 6. Except as otherwise provided in this constitution, the total amount of general ad valorem taxes [levied against] IMPOSED UPON REAL AND TANGIBLE PERSONAL property for all purposes in any one year shall not exceed 15 mills on each dollar of the assessed valuation of [said] property as finally equalized. Under procedures provided by law, which shall guarantee the right of initiative, separate tax limitations for any county and FOR the townships and FOR school districts therein, the aggregate of which shall not exceed 18 mills on each dollar of such valuation, may be adopted and thereafter altered by the vote of a majority of the qualified electors of such county voting thereon, in lieu of the limitation hereinbefore established. The limitations established [herein] BY THIS CONSTITUTION or by county vote may be increased to an aggregate of not to exceed 50 mills, OR MORE IF PROVIDED BY LAW, on each dollar of [such] valuation, [except as otherwise provided by law,] for a period of not to exceed 20 years at any one time, [by the vote of] IF APPROVED BY a majority of the [qualified] electors, QUALIFIED UNDER [as defined in] Article II, [hereof] SECTION 6 OF THIS CONSTITUTION[,] VOTING ON THE QUESTION [of any such taxing authority voting thereon].

The foregoing limitations shall not apply to [(a)] taxes [levied] IMPOSED for the payment of principal and interest on bonds or other evidences of indebtedness[,] or for the payment of assessments or contract obligations in anticipation of which bonds are issued, which taxes may be [levied] IMPOSED without limitation as to rate or amount[,] or [(b)] TO taxes [levied] IMPOSED for any other purpose by any city, village, charter county, charter township or other charter authority the tax limitations of which are provided by charter or by general law.

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

In any school district which extends into [2] TWO or more counties, [there may be levied and collected for school purposes throughout the district] property taxes at the highest rate available in the county which contains the greatest part of the area of the district MAY BE IMPOSED AND COLLECTED FOR SCHOOL PURPOSES THROUGHOUT THE DISTRICT.

Sec. 7. No income tax graduated as to rate or base shall be imposed by the state or any of its subdivisions.

Sec. 8. [At no time shall] The legislature SHALL NOT [levy] IMPOSE a sales tax on retailers at a rate of more than [4] FOUR percent of their gross taxable sales of tangible personal property.

Sec. 9. All specific taxes, except general sales and use taxes and regulatory fees, imposed DIRECTLY OR INDIRECTLY on fuels sold or used to propel motor vehicles upon highways and on registered motor vehicles shall, after the payment of [the] necessary collection expenses, be used exclusively for highway purposes as defined by law.

Sec. 10. One-eighth of all taxes [upon the privilege of selling] IMPOSED ON RETAILERS ON TAXABLE SALES AT RETAIL OF tangible personal property [at retail] shall be used exclusively for assistance to cities, villages and townships, on a population basis as provided by law. IN DETERMINING POPULATION the legislature may exclude [from population] any portion of the total number of persons who are wards, patients or convicts [of] IN any tax supported institution.

Sec. 11. There shall be established a state school aid fund. The legislature may [from time to time] dedicate [certain] tax revenues to this fund which shall be used exclusively for the support of public education and [for] school employees' retirement systems, [in a manner] AS provided by law.

Sec. 12. No evidence of state indebtedness shall be issued except for debts authorized pursuant to this constitution.

Sec. 13. Public bodies corporate shall have power to borrow money and to issue their securities evidencing debt, subject to this constitution and law.

Sec. 14. To meet obligations incurred pursuant to appropriations for any fiscal year, the legislature may by law authorize the state to issue its full faith and credit notes in which case it shall pledge undedicated revenues to be received within the same fiscal year for the repayment thereof. Such indebtedness in any fiscal year shall not exceed 15 percent of undedicated revenues received by the state during the preceding fiscal year and such debts shall be repaid at the time the revenues so pledged are received, but not later than the end of the same fiscal year.

Sec. 15. The state may borrow money for specific purposes in amounts as may be provided by acts of the legislature adopted by a vote of [2/3] TWO-THIRDS of the members elected to and serving in each house, and approved by a majority of the electors voting thereon at any general election. The question submitted to the electors shall state the amount to be borrowed, the specific purpose to which the funds shall be devoted, and the method of repayment.

Sec. 16. The state, in addition to any other borrowing power, may borrow from time to time such amounts as shall be required, pledge its faith and credit and issue its notes or bonds therefor, for the purpose of making loans to school districts as provided in this section.

If the minimum amount which [it] would otherwise be necessary for a school district to levy in any year to pay principal and interest on its qualified bonds, including any necessary allowances for estimated tax delinquencies, exceeds 13 mills on each dollar of its assessed valuation as [last] FINALLY equalized [by the state], or such lower millage as the legislature may prescribe, then the school district may elect to borrow all or any part of the excess from the state. In that event the state shall LEND [loan] the excess amount to the school district for the payment of principal and interest. If for any reason any school district will be or is unable to pay the principal and interest on its qualified bonds when due, then the school district shall borrow and the state shall LEND [loan] to it an amount sufficient to enable the school district to make the payment.

The term "qualified bonds" means general obligation bonds of school districts issued for capital expenditures, including refunding bonds, issued prior to May 4, 1955, or issued thereafter and qualified as provided by law pursuant to Section 27 or Section 28, Article X, of the Constitution of 1908 or pursuant to this section.

After a school district has received loans from the state, each year thereafter it shall levy for debt service, exclusive of levies for nonqualified bonds, not less than 13 mills or such lower millage as the legislature may prescribe, until the amount loaned has been repaid, and any tax collections therefrom in any year over and above the minimum requirements for principal and interest on qualified bonds shall be used toward the repayment of state loans. In any year when such [a] levy would produce an amount in excess of the requirements and the amount due to the state, the levy may be reduced by the amount of the excess.

Subject to the foregoing provisions, the legislature shall have the power to prescribe and to limit the procedure, terms and conditions for the qualification of bonds, for obtaining and making state loans, and for the repayment of loans.

The power to tax for the payment of principal

and interest on bonds hereafter issued which are the general obligations of any school district, including refunding bonds, and for repayment of any state loans made to school districts, shall be without limitation as to rate or amount.

All rights acquired under Sections 27 and 28, Article X of the Constitution of 1908, by holders of bonds heretofore issued, and all obligations assumed by the state or any school district under these sections, shall remain unimpaired.

Sec. 17. No money shall be paid out of the state treasury except in pursuance of appropriations made by law.

Sec. 18. The credit of the state shall not be granted to, nor in aid of any person, association or corporation, public or private, except as authorized in this constitution.

This section shall not be construed to prohibit the investment of public funds until needed for current requirements [or the investment of public employee retirement system funds], as [may be] provided by law.

Sec. 19. The state shall not subscribe to, nor be interested in the stock of any company, association or corporation[,] . [except that] Funds accumulated to provide retirement or pension benefits for public officials and employees may be invested as provided by law[;] . [and except that] Endowment funds created for charitable or educational purposes may be invested as provided by law governing the investment of funds held in trust by trustees.

Sec. 20. No state money shall be deposited in banks other than those organized under the national or state banking laws. No state money shall be deposited in any bank in excess of 50 percent of the capital and surplus of such bank. Any bank receiving deposits of state money shall show the amount of state money so deposited as a separate item in all published statements.

Sec. 21. The legislature shall provide by law for the annual accounting for all public moneys, state and local, and may [also] provide by law for interim accounting.

The legislature shall provide by law for the maintenance of uniform accounting systems by units of local government and the auditing of county accounts by competent state authority and other units of government as provided by law.

Sec. 22. PROCEDURES FOR THE EXAMINATION AND ADJUSTMENT OF CLAIMS AGAINST THE STATE SHALL BE PRESCRIBED BY LAW.

Sec. 23. All financial records, accountings, audit reports and other reports of public moneys shall be public records and open to inspection. A statement of all revenues and expenditures of public moneys shall be published and distributed annually, as [prescribed] PROVIDED by law.

Sec. 24. The accrued financial benefits of each pension plan and retirement system of the state and its political subdivisions shall be a contractual obligation thereof which shall not be diminished or impaired thereby.

Financial benefits arising on account of service rendered in each fiscal year shall be funded during that year and such funding shall not be [usable] USED for financing unfunded accrued liabilities.

ARTICLE X PROPERTY

Sec.	Com. Proposal
1. Married Women	63a
2. Eminent Domain	67a
3. Homestead Exemption	12a
4. Escheats	74a
5. State Lands	129a
6. Alien Rights	43a

Article X Property

Sec. 1. The real and personal estate of every woman, acquired before marriage, and all property to which she may afterwards become entitled by gift, grant, inheritance or devise, shall be and remain the estate and property of such woman, and shall not be liable for the debts, obligations or engagements of her husband, and may be devised or bequeathed by her as if she were unmarried.

Sec. 2. Private property shall not be taken for public use without just compensation therefor being first made or secured in a manner prescribed by law.

Sec. 3. A homestead in the amount of not less than \$3,500[.00] and personal property of every resident of this state in the amount of not less than \$750[.00], as defined by law, shall be exempt from forced sale on execution or other process of any court. Such exemptions shall not extend to any lien thereon excluded FROM EXEMPTION by law.

Sec. 4. Procedures [for the examination and adjustment of claims against the state and procedures] relating to escheats and to the custody and disposition of escheated property shall be prescribed by law.

Sec. 5. The legislature shall have general supervisory jurisdiction over all state owned lands useful for forest preserves, game areas and recreational purposes; shall require annual reports as to such lands from all departments having supervision or control thereof; and shall by general law provide for the sale, lease[,] or other disposition of such lands.

The legislature BY AN ACT ADOPTED [by a resolution concurred in] by TWO-THIRDS [2/3]

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

of the members elected to and serving in each house may [from time to time declare] DESIGNATE any part of such lands AS [to be] a state land reserve. [and may remove lands from such classification.] No lands in the state land reserve may be REMOVED FROM THE RESERVE, sold, leased or otherwise disposed of except by an act of the legislature.

Sec. 6. Aliens who are residents of this state shall enjoy the same rights and privileges in property as citizens of this state.

ARTICLE XI PUBLIC OFFICERS AND EMPLOYMENT

Sec.	Com. Proposal
1. Oath of Office	25a
2. Terms of Office	61a
3. Extra Compensation	62a
4. Custodian of Funds, Accounting	55a
5. Classified Civil Service, creation	22a
6. Civil Service Commission	22a
7. Commission to make rules and fix compensation	22a
8. Increases in Compensation	22a
9. May abolish positions	22a
10. Commission to recommend increases to governor and legislature	22a
11. Commission to receive appropriations	22a
12. Violations of Civil Service Article ..	22a
13. Civil Service, Local Government, county	76a, 81m
14. Impeachment	42a, 42b, 42c, 42d
15. Removal of Elected Officers	42e

Article XI

Public Officers and Employment

Sec. 1. [Members of the legislature and] All officers, LEGISLATIVE, executive and judicial, [shall,] before [they enter] ENTERING upon the duties of their respective offices, SHALL take and subscribe the following oath or affirmation: ["I do solemnly swear (or affirm) that I will support the Constitution of the United States and the constitution of this state, and that I will faithfully discharge the duties of the office of according to the best of my ability."] No other oath, affirmation, or any religious test shall be required as a qualification for any office or public trust.

Sec. 2. The terms of office of elective state officers, members of the legislature[,] and JUSTICES AND judges of courts of record shall begin at [12:00] TWELVE o'clock noon on the first day of January next succeeding their election, except as otherwise provided in this constitution. The terms of office of county officers shall begin on the first day of January next succeeding their election, except as otherwise provided

by law.

Sec. 3. Neither the legislature nor any political subdivision of this state shall grant or authorize extra compensation to any public officer, agent or contractor after the service has been rendered or the contract entered into.

Sec. 4. No person having custody or control of public moneys shall [have a seat in] BE A MEMBER OF the legislature, [n]or be eligible to any office of trust or profit under this state, until he shall have made an accounting, as provided by law, of all sums for which he may be liable.

Sec. 5. The classified state civil service shall consist of all positions in the state service except those filled by popular election, heads of principal departments, members of boards and commissions, the [chief] PRINCIPAL executive officer of boards and commissions heading principal departments, employees of courts of record, employees of the legislature, employees of the state institutions of higher education, all persons in the armed forces of the state, [8] EIGHT exempt positions in the office of the governor, and within each principal department, when requested by the department head, [2] TWO other exempt positions, one of which shall be policy-making. The civil service commission may exempt [3] THREE additional positions of a policy-making nature within each principal department.

Sec. 6. The civil service commission shall be non-salaried and shall consist of [4] FOUR persons, not more than [2] TWO of whom shall be members of the same political party, appointed by the governor for TERMS OF [8] EIGHT yearS, [overlapping terms.] NO TWO OF WHICH SHALL EXPIRE IN THE SAME YEAR.

The administration of the commission's powers shall be vested in a state personnel director who shall be a member of the classified service and who shall be responsible to and selected by the commission after open competitive examination.

Sec. 7. The commission shall classify all positions in the classified service according to their respective duties and responsibilities, fix rates of compensation for all classes of positions, approve or disapprove disbursements for all personal services, determine by competitive examination and performance exclusively on the basis of merit, efficiency and fitness the qualifications of all candidates for positions in the classified service, make rules and regulations covering all personnel transactions, and regulate all conditions of employment in the classified service.

No person shall be appointed to or promoted in the classified service who has not been certified BY THE COMMISSION as qualified for such appointment or promotion [by the commission]. No appointments, promotions, demotions or removals in the classified service shall be made for

partisan, racial or religious considerations.

Sec. 8. Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. Within 60 calendar days following such transmission, the legislature may, by a [2/3] TWO-THIRDS vote of the members elected to and serving in each house, reject, reduce, or modify increases in rates of compensation authorized by the commission[:]. [Provided however,] The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases authorized by the commission. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year.

Sec. 9. The appointing authorities may create or abolish positions for reasons of administrative efficiency without the approval of the commission. Positions shall not be created nor abolished except for reasons of administrative efficiency. Any employee considering himself aggrieved by the abolition of a position shall have a right of appeal to the commission through established grievance procedures.

Sec. 10. The civil service commission shall recommend to the governor and to the legislature rates of compensation for all appointed positions within the executive department not a part of the classified service.

Sec. 11. To enable the commission to exercise its powers, the legislature shall appropriate to the commission for the ensuing fiscal year a sum not less than one percent of the aggregate payroll of the classified service for the preceding fiscal year, as certified by the commission. Within [6] SIX months after the conclusion of each fiscal year the commission shall return to the state treasury all [funds] MONEYS unexpended for that fiscal year.

The commission shall furnish reports of expenditures, at least annually, to the governor and the legislature and shall be subject to annual audit as provided by law.

Sec. 12. No payment for personal services shall be made or authorized until the provisions of this [article] CONSTITUTION PERTAINING TO CIVIL SERVICE have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

Sec. 13. BY ORDINANCE OR RESOLUTION WHICH SHALL NOT TAKE EFFECT UNTIL APPROVED BY A MAJORITY OF THE ELECTORS VOTING THEREON, each city, village,

township, county, school district[,] and other governmental unit[s] or authorit[ies]Y [performing the same or similar functions] may[, by ordinance or resolution of the governing body which ordinance or resolution shall not take effect until approved by a majority of the electors voting thereon,] establish, modify or discontinue a merit system for its employees other than teachers under contract or tenure. The state civil service commission may on request furnish technical services [to them] TO ANY SUCH UNIT on a reimbursable basis.

[The board of supervisors of any county with a population of 1,000,000 or more shall have the power by ordinance to establish a merit system for county employment. The ordinance or any amendments thereto shall not take effect until approved by a majority of the electors voting thereon.]

Sec. 14. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office or for crimes or misdemeanors, but a majority of the members elected and serving shall be necessary to direct an impeachment.

When an impeachment is directed, the house of representatives shall elect [3] THREE of its members to prosecute the impeachment.

Every impeachment shall be tried by the senate immediately after the final adjournment of the legislature. The senators shall take an oath or affirmation truly and impartially to try and determine the impeachment according to the evidence. When the governor or lieutenant governor is tried, the chief justice of the supreme court shall preside.

No person shall be convicted without the concurrence of [2/3] TWO-THIRDS of the senators elected and serving. Judgment in case of conviction shall not extend further than removal from office, but the person convicted shall be liable to punishment according to law.

No judicial officer shall exercise ANY OF THE FUNCTIONS OF his office after an impeachment is directed until he is acquitted.

Sec. 15. Any elected officer of a political subdivision may be removed from office in the manner and for the causes [prescribed] PROVIDED by law.

ARTICLE XII AMENDMENT & REVISION

Sec.	Com. Proposal
1. By Legislature	64a
2. By Petition of Electors	65a
3. Constitutional Convention	66a

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

Article XII

Amendment & Revision

Sec. 1. Amendments to this constitution may be proposed in the senate or house of representatives. Proposed amendments agreed to by [2/3] TWO-THIRDS of the members elected to and serving in each house on a [yea and nay] vote WITH THE NAMES AND VOTE OF THOSE VOTING entered in the respective journals shall be submitted, not less than 60 days thereafter, to the electors at the next general election or special election as the legislature shall direct. If a majority of electors voting on [such] a proposed amendment approve [such amendment,] THE SAME, it shall become part of the constitution and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved.

Sec. 2. Amendments may be proposed to this constitution by petition of the registered electors of this state. Every petition shall include the full text of the proposed amendment, and be signed by registered electors of the state equal in number to at least 10 percent of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected, or 300,000 registered electors, whichever is less. Such petitions shall be filed with the person authorized by law to receive the same at least 120 days before the election at which the proposed amendment is to be voted upon. Any such petition shall be in the form, and shall be signed and circulated in such manner, as prescribed by law. The person authorized by law to receive such petition[,] shall[,] upon its receipt[,] determine, as provided by law, the validity and sufficiency of the signatures on the petition, and make an official announcement thereof at least 60 days prior to the election at which the proposed amendment is to be voted upon.

Any amendment proposed by such petition shall be submitted, not less than 120 days after it was filed, to the electors at the next GENERAL election. [at which any state officer is to be elected.] Such proposed amendment, existing provisions of the constitution which would be altered or abrogated thereby, and the question as it shall appear on the ballot [used in such election] shall be published in full as provided by law. Copies of such publication shall be posted in each polling place and furnished to news media as provided by law.

The ballot to be used in such election shall contain a statement of the purpose of the proposed amendment, expressed in not more than 100 words, exclusive of caption. Such statement of purpose and caption shall be prepared by the person authorized by law, and shall consist of a true and impartial statement of the purpose of the amendment in such language as shall create no prejudice

for or against the proposed amendment.

If the proposed amendment is approved by a majority of the electors voting on the question, the proposed amendment shall become part of the constitution, and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved. IF TWO OR MORE AMENDMENTS APPROVED BY THE ELECTORS AT THE SAME ELECTION CONFLICT, THAT AMENDMENT RECEIVING THE HIGHEST AFFIRMATIVE VOTE SHALL PREVAIL.

Sec. 3. At the general election to be held in the year 1978, and in each 16th year thereafter and at such times as may be provided by law, the question of a general revision of the constitution shall be submitted to the electors of the state. If a majority of the electors voting on the question decide in favor of a convention for such purpose, at an election to be held not later than [4] FOUR months after the proposal was certified as approved, the electors of each [house of] representative[s] district as then organized shall elect one delegate and the electors of each senatorial district as then organized shall elect one delegate. The delegates so elected shall convene at the SEAT OF GOVERNMENT [capital city] on the first Tuesday in October next succeeding such election or at an earlier date if provided by law.

The convention shall choose its own officers, determine the rules of its proceedings and judge the qualifications, elections and returns of its members. The governor shall appoint a qualified resident of the same district to fill a vacancy in the office of any delegate. [If the legislature shall determine that delegates shall be elected on a partisan basis, the governor shall appoint a qualified resident of the same district and of the same party.] WHO SHALL BE A MEMBER OF THE SAME PARTY AS THE DELEGATE VACATING THE OFFICE IF THE LEGISLATURE PROVIDES FOR PARTISAN ELECTION OF DELEGATES. The convention shall have power to appoint such officers, employees and assistants as it deems necessary and to fix their compensation; to provide for the printing and distribution of its documents, journals and proceedings; to explain and disseminate information about the proposed constitution and to complete the business of the convention in an orderly manner. Each delegate shall receive for his services compensation provided by law.

No proposed constitution or amendment adopted by such convention shall be submitted to the electors for approval as hereinafter provided unless by the assent of a majority of all the delegates elected to and serving in the convention, WITH THE NAMES AND VOTE OF THOSE VOTING [the yeas and nays being] entered in the journal. Any proposed constitution or amendments adopted

by such convention shall be submitted to the qualified electors in the manner and at the time provided by such convention not less than 90 days after final adjournment of the convention. Upon the approval of such constitution or amendments by a majority of the qualified electors voting thereon the constitution or amendments shall take effect as provided by the convention.

SCHEDULE AND TEMPORARY PROVISIONS

Sec.	Com. Proposal
1. Attorney general to recommend necessary laws	44d
2. Writs, actions, claims, etc. remain effective	44b
3. Officers continue their duties	44c and 71g
4. Terms of officers elected November, 1962	68b
5. Terms of governor, etc. elected 1964. When 4 year terms begin	80 and 71a
6. Senate Apportionment	80
7. Supreme Court, reduction to seven justices	91a
8. Judges of Probate, eligible for re-election	96f
9. Overlapping terms for judiciary	96j
10. State Board of Education	47a
11. Boards of Control	98c
12. Educational Boards	
13. Initial allocation	71b
14. Contractual obligations remain in force	6a
15. Mackinac Bridge refunding	23b
16. Constitution submitted to people, when	68a
17. Constitution submitted to people, manner	68c

TO INSURE THE ORDERLY TRANSITION FROM THE CONSTITUTION OF 1908 TO THIS CONSTITUTION THE FOLLOWING SCHEDULE IS SET FORTH TO BE EFFECTIVE FOR SUCH PERIOD AS ITS PROVISIONS REQUIRE.

Sec. 1. The attorney general [of the state] shall recommend to the legislature AS SOON AS PRACTICABLE [at the commencement of the next session] such changes AS MAY BE NECESSARY [in existing laws as may be deemed necessary] to adapt EXISTING LAWS [the same] to this constitution.

Sec. 2. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights [of individuals, partnerships, bodies corporate, and of this state or any subdivision or agency thereof] existing on the effective date [hereof] OF THIS CONSTITUTION shall continue unaffected except as modified in accordance with the provisions of this constitution.

Sec. 3. Except as otherwise provided in this constitution, all officers filling any office by election or appointment shall continue to exercise THEIR POWERS AND [the] duties [thereof, according to their respective commissions or appointments,] until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

No provision of this constitution, or of law or of executive order authorized by this constitution shall shorten the term of any person elected to state office at a statewide election ON [in] or prior to THE DATE ON WHICH THIS CONSTITUTION IS SUBMITTED TO A VOTE. [November, 1962.] In the event the duties of any [of] such officers shall not have been ABOLISHED OR incorporated into one or more of the principal departments at the expiration of his term, such officer shall continue to serve until his duties are so incorporated OR ABOLISHED.

Sec. 4. All officers elected [on the Tuesday after the first Monday of November, 1962] AT THE SAME ELECTION THAT THIS CONSTITUTION IS SUBMITTED TO THE PEOPLE FOR ADOPTION [under the 1908 Constitution as amended and existing laws] shall take office [on and after the first day of January, 1963,] and complete the term to which they were elected UNDER THE 1908 CONSTITUTION AND EXISTING LAWS AND CONTINUE TO SERVE UNTIL THEIR SUCCESSORS ARE ELECTED AND QUALIFIED PURSUANT TO THIS CONSTITUTION OR LAW.

Sec. 5. Notwithstanding any other provision in this constitution, the governor, THE lieutenant governor, THE secretary of state [and], THE attorney general, AND state senators shall be elected at the general election in 1964 to serve for [2] TWO year terms beginning on the first day of January next succeeding their election. The first [4 year] election OF SUCH OFFICERS FOR FOUR-YEAR TERMS under this constitution shall be held at the general election in 1966.

Sec. 6. The state shall be districted for the purpose of electing senators in accordance with the provisions of [Committee Proposal 80, section a,] ARTICLE IV, SECTION 2 after the official publication of the total population count of the 1970 decennial federal census. Until the [re]apportionment of the senate following the 1970 census, the senatorial districts under the 1908 constitution[, as amended,] shall remain intact except that upon the adoption of this constitution each of the counties of Kent, Genesee, Macomb and Oakland shall be divided by the apportionment commission into [2] TWO senatorial districts and Wayne county into [8] EIGHT senatorial districts in accordance with this constitution.

Sec. 7. [A vacancy hereafter created as the result of the death, retirement or resignation of one incumbent justice shall not be filled.]

NOTWITHSTANDING THE PROVISIONS OF THIS CONSTITUTION THAT THE SUPREME COURT SHALL CONSIST OF SEVEN JUSTICES IT SHALL CONSIST OF EIGHT JUSTICES UNTIL THE TIME THAT A VACANCY OCCURS AS A RESULT OF DEATH, RETIREMENT OR RESIGNATION OF A JUSTICE. THE FIRST SUCH VACANCY SHALL NOT BE FILLED.

Sec. 8. Any [supreme court justice, circuit judge,] judge of probate serving [at] ON the [time this constitution becomes] effective DATE OF THIS CONSTITUTION may serve the remainder of the term and be eligible TO SUCCEED HIMSELF for election [to his present office] regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

Sec. 9. The provisions of [this] Article VI providing that terms of JUDICIAL offices shall not all expire at the same time, shall be implemented BY LAW PROVIDING THAT at the next election for such offices [by legislation providing for elections] JUDGES SHALL BE ELECTED for terms of varying length, none of which shall be shorter than the [basic] REGULAR term provided for the office.

Sec. 10. THE MEMBERS OF THE STATE BOARD OF EDUCATION PROVIDED FOR IN ARTICLE VIII SECTION 3 SHALL FIRST BE ELECTED AT THE FIRST GENERAL ELECTION AFTER THE EFFECTIVE DATE OF THIS CONSTITUTION FOR THE FOLLOWING TERMS: TWO SHALL BE ELECTED FOR TWO YEARS, TWO FOR FOUR YEARS, TWO FOR SIX YEARS, AND TWO FOR EIGHT YEARS AS PRESCRIBED BY LAW.

THE STATE BOARD OF EDUCATION PROVIDED FOR IN THE CONSTITUTION OF 1908 IS ABOLISHED AT TWELVE O'CLOCK NOON JANUARY 1 OF THE YEAR FOLLOWING THE FIRST GENERAL ELECTION UNDER THIS CONSTITUTION AND THE TERMS OF MEMBERS THEREOF SHALL THEN EXPIRE.

Sec. 11. THE PROVISIONS OF THIS CONSTITUTION PROVIDING FOR MEMBERS OF BOARDS OF CONTROL OF INSTITUTIONS OF HIGHER EDUCATION AND THE STATE BOARD OF PUBLIC COMMUNITY AND JUNIOR COLLEGES SHALL BE IMPLEMENTED BY LAW. THE LAW MAY PROVIDE THAT THE TERM OF EACH MEMBER IN OFFICE ON THE DATE OF THE VOTE ON THIS CONSTITUTION MAY BE EXTENDED, AND MAY FURTHER PROVIDE THAT THE INITIAL TERMS OF OFFICE OF MEMBERS MAY BE LESS THAN EIGHT YEARS.

Sec. 12. THE PROVISIONS OF THIS CONSTITUTION INCREASING THE NUMBER OF MEMBERS OF THE BOARD OF TRUSTEES OF MICHIGAN STATE UNIVERSITY AND OF THE BOARD OF GOVERNORS OF WAYNE STATE UNIVERSITY TO EIGHT, AND OF THEIR TERMS OF OFFICE TO EIGHT YEARS, SHALL BE IMPLEMENTED BY LAW. THE LAW MAY PROVIDE THAT THE TERM OF EACH MEMBER IN OFFICE ON THE DATE OF THE VOTE ON THIS CONSTITUTION MAY BE EXTENDED ONE YEAR, AND MAY FURTHER PROVIDE THAT THE INITIAL TERMS OF OFFICE OF THE ADDITIONAL MEMBERS MAY BE LESS THAN EIGHT YEARS.

Sec. 13. The initial allocation of departments by law pursuant to Article V, Section 2 shall be completed within two years after the effective date of this constitution. If such allocation shall not have been completed within such period, the governor, within one year thereafter, by executive order, shall make the initial allocation.

Sec. 14. Contractual obligations of the state incurred pursuant to the constitution of 1908 [as amended] shall continue to be obligations of the state.

For the retirement of [such] notes and bonds [as may have been] issued under Section 26 of Article X of the 1908 constitution, there is hereby appropriated from the general fund each year during their life a sum equal to the amount of principal and interest payments due and payable in each [such] year.

Sec. 15. [Provided however, That] The legislature [is authorized to provide by general law adopted] by a vote of [2/3] TWO-THIRDS of the members elected to and serving in each house MAY PROVIDE THAT THE STATE MAY [for the] borrow[ing of] money AND MAY PLEDGE ITS FULL FAITH AND CREDIT for [the] refunding [of] any bonds issued by the Mackinac Bridge Authority[,] AND at [which] THE time OF REFUNDING the Mackinac Bridge Authority [Act] shall be [repealed] ABOLISHED and the operation of the bridge SHALL be assumed by the state highway department. THE LEGISLATURE MAY IMPLEMENT THIS SECTION BY LAW.

Sec. 16. This constitution shall be submitted to the people for their adoption or rejection at the general election to be held on the Tuesday after the first Monday of November, 1962. It shall be the duty of the secretary of state forthwith to give notice of such submission to all other officers required to give or publish any notice in regard to A GENERAL [such] election. He shall give notice that this constitution will be duly submitted to the electors at such election. The notice shall be given in the manner required for the election of governor.

Sec. 17. Every registered elector may vote

1 on the adoption of the constitution. The board
 2 of election commissioners in each county shall
 3 cause to be printed on a ballot separate from
 4 the ballot containing the names of the nominees
 5 for office, the words: ["] Shall the revised con-
 6 stitution be adopted? () Yes. () No. ["] All
 7 votes cast at THE [this] election shall be taken,
 8 counted, canvassed and returned as provided by

law for the election of state officers. [Should]
 IF the revised constitution so submitted receiveS
 more votes in its favor than were cast against
 it, it shall be the supreme law of the state on
 and after the first day of January OF THE YEAR
 FOLLOWING ITS ADOPTION [,1963, except as
 otherwise provided in this constitution].

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

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

Durst	Martin	Staiger
Elliott, A. G.	McAllister	Stamm
Erickson	McLogan	Stevens
Everett	Millard	Thomson
Figy	Mosier	Turner
Finch	Nord	Tweedie
Follo	Ostrow	Upton
Gadola	Page	Van Dusen
Goebel	Perras	Wanger
Gust	Plank	White
Hanna, W. F.	Pollock	Wood
Haskill	Prettie	Woolfenden
Hatch		

SECRETARY CHASE: On the amendment of Mr. Buback and others to strike out section 8, the yeas are 36; the nays are 82.

VICE PRESIDENT HUTCHINSON: The amendment is not adopted.

SECRETARY CHASE: Messrs. Brake and DeVries offer the following amendment:

1. Amend article IV, section 12 (second column, line 17) by striking out lines 17 through 26 and inserting:

"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 except workmen's compensation and federal social security. This section shall not be construed to affect retirement benefits of legislators which have accrued prior to the effective date of this constitution, and the legislature may make such appropriations as are necessary to provide these benefits."

MR. DEVRIES: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. DeVries.

MR. DEVRIES: May I ask the chairman of the committee on style and drafting a question regarding a change in this before we proceed to the amendment?

VICE PRESIDENT HUTCHINSON: You may proceed.

MR. DEVRIES: Mr. Cudlip, the way section 12 comes back from style and drafting, in the first paragraph, you make some changes. You strike out, in the last part of the paragraph, "during the term of office for which the legislature making the change was elected" and insert "only when legislators commence their term of office after a general election." Did the committee consider this a substantive change?

MR. CUDLIP: Not in my opinion. Not in the committee's opinion, no, sir.

MR. DEVRIES: Thank you. I yield to Mr. Brake.

VICE PRESIDENT HUTCHINSON: Mr. Brake.

MR. BRAKE: Mr. President and ladies and gentlemen of the convention, as you probably remember, this change we made the other day was made rather rapidly and we overlooked some things.

I didn't know, in all the time that I've been around, that the legislators were entitled to workmen's compensation benefits, but they say they are. And in most of the other states they are. We did have no intention whatsoever of depriving them of social security or keeping the legislature from appropriating enough money to take care of their federal social security. That is a contractual relationship the state has entered into.

As to the other change that we've made, I think that Mr. DeVries and I both believe that we had that covered as we had it worded the other day. But some of the legislators are apprehensive about it, so we are offering language that will make it perfectly clear that the legislature may appropriate enough money to take care of the retirement benefits accruing up to the time the constitution goes into effect. This will allay their fears. We think it ought to be adopted.

VICE PRESIDENT HUTCHINSON: Mr. Kuhn.

MR. KUHN: Mr. President and members of the convention, once again you can see clearly why the model constitution does not recommend this type of language in our constitution, why our forefathers, when they drew up the federal constitution, did not put this in. Every other day now — and they've been working on this, I understand, for months — they find out

something they forgot. And here we are, putting legislation in the constitution. I'm opposed to this and I wish that Dr. DeVries would tell this convention: 1, whether or not any employee of any township or county could be a member of the legislature; and 2, what will it cost for this workmen's compensation and so forth. We'd like the figures.

VICE PRESIDENT HUTCHINSON: The question is upon the amendment offered by Mr. Brake and Mr. DeVries. Mr. Hoxie.

MR. HOXIE: Delegates, this is some improvement over the substitute that we had before us. You will later have an opportunity to vote on an amendment to this section. However, as it stands before us now, I would urge a yes vote on the amendment.

VICE PRESIDENT HUTCHINSON: Mr. Sharpe.

MR. SHARPE: Mr. President, I'd like to concur with Delegate Hoxie. I believe this is not in line with our thinking, but it is better than what we have. And in the event we are stuck with what we have, I think we should vote yes on this amendment.

VICE PRESIDENT HUTCHINSON: Mr. Plank.

MR. PLANK: A question to Mr. Brake, Mr. President.

VICE PRESIDENT HUTCHINSON: You may proceed.

MR. PLANK: Mr. Brake, would this preclude that legislators could not participate in county retirement plans? Some of the members already, by virtue of contributing to county retirement plans, are of course eligible when they reach a certain age.

MR. BRAKE: Are you talking about legislators who have been in a county retirement plan before they became legislators?

MR. PLANK: I am.

MR. BRAKE: It's a new question but I can't see how it would affect their rights at all.

MR. PLANK: All right. That's all I want to know.

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

The amendment is adopted.

SECRETARY CHASE: Messrs. Sharpe and Kuhn offer the following amendment to —

MR. SHARPE: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Sharpe.

MR. SHARPE: Excuse me, Mr. Secretary. If it would please the convention, Mr. Hoxie has an amendment that we would like to have offered before this amendment, if you please.

SECRETARY CHASE: Messrs. Powell, Prettie, Hoxie, Downs, Baginski, Buback, Marshall, Sablich, Perlich, Youngblood, Murphy, Hodges, Jones, John Hannah, Faxon, Leibbrand, Sharpe, Kuhn, Stafseth, Shanahan, Rush, Howes, Wood, McAllister, Dehnke, Beaman, Madar, Batchelor, Cudlip, Lesinski, Farnsworth, L. W. Richards, Iverson, Boothby and Anspach offer the following amendment:

1. Amend article IV, section 12 (column 2, line 2) after "Sec. 12.", by striking out the balance of the section and inserting "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."

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

VICE PRESIDENT HUTCHINSON: The gentleman will state the point, Mr. DeVries.

MR. DEVRIES: The amendment offered by Messrs. Powell, Hoxie, et al, was offered by Mr. Bentley on Monday last. Check page 1208 of the journal. It lost, 64 to 64. On Tuesday Mr. Kuhn offered the same amendment now offered; check page 1226. The Chair ruled the amendment was out of order. Mr. Kuhn moved to reconsider the vote by which the amendment of Mr. Bentley failed to pass. It was reconsidered, 60 to 58. The Bentley amendment — now the Powell amendment — was voted down, 63 to 59.

The argument is going to be raised on the floor that there is a substantive change. I call your attention to section 12, as returned to the convention, which adds the words "only when legislators commence their term of office after a general election." If a substantive change has been made by the

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

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

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

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

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

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

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

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

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

VICE PRESIDENT HUTCHINSON: Mr. McAllister.

MR. McALLISTER: Mr. President and fellow delegates, the hour is getting late. I cannot vote for this article. The com-

mittee that proposed this apportionment setup does not seem to be able to explain just what counties are going to be where. In fact, when the committee can't explain it to my satisfaction, I certainly can't vote for something of that kind.

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

VICE PRESIDENT HUTCHINSON: Mr. Pollock.

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

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

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen.

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

MR. VAN DUSEN: Mr. President.

MR. DOWNS: — Mr. President.

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

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

VICE PRESIDENT HUTCHINSON: You may proceed.

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

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

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

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

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen.

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

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

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

VICE PRESIDENT HUTCHINSON: There are 4.

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

VICE PRESIDENT HUTCHINSON: Each one?

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

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

The motion does not prevail.

DELEGATES: Division.

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

SECRETARY CHASE: Eleven.

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

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

VICE PRESIDENT HUTCHINSON: The motion prevails.

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

VICE PRESIDENT HUTCHINSON: Mr. Elliott.

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

VICE PRESIDENT HUTCHINSON: Between those who wish to speak?

MR. A. G. ELLIOTT: Yes.

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

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

I am not going to observe upon the motives of any delegate except to say this: I think that for those few delegates at the

convention who have already publicly made expressions that they intend to fight the adoption of any revised constitution which we propose, that no observation on their motives is necessary because their vote on the board speaks for itself.

VICE PRESIDENT HUTCHINSON: Dr. Hannah.

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

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

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

VICE PRESIDENT HUTCHINSON: Mr. Marshall.

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

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

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

VICE PRESIDENT HUTCHINSON: Mr. Nord.

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

VICE PRESIDENT HUTCHINSON: You are.

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

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

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

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

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

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

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

The roll was called and the delegates voted as follows:

Yeas — 83

Allen	Gover	Pugsley
Andrus, Miss	Gust	Radka
Anspach	Hanna, W. F.	Rajkovich
Batchelor	Hannah, J. A.	Richards, J. B.
Beaman	Haskill	Richards, L. W.
Bentley	Hatch	Romney
Blandford	Heideman	Rush
Brake	Higgs	Seyferth
Butler, Mrs.	Howes	Shackleton
Conklin, Mrs.	Hoxie	Sharpe
Cudlip	Hutchinson	Sleder
Cushman, Mrs.	Iverson	Spitler
Danhof	Judd, Mrs.	Stafseth
Dehnke	Karn	Staiger
Dell	King	Stamm

DeVries	Kirk, S.	Sterrett
Donnelly, Miss	Kuhn	Stevens
Doty, Dean	Lawrence	Thomson
Doty, Donald	Leppien	Turner
Durst	Martin	Tweedie
Elliott, A. G.	McLogan	Upton
Erickson	Millard	Van Dusen
Everett	Mosier	Wanger
Farnsworth	Page	White
Figy	Plank	Wood
Finch	Pollock	Woolfenden
Gadola	Powell	Yeager
Goebel	Prettie	

Nays — 37

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

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

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

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

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

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

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

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

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

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

PREAMBLE

We, the people of the State of Michigan, grateful to Almighty God for the blessings of freedom, and earnestly desiring to secure these blessings undiminished to ourselves and our posterity, do ordain and establish this constitution.

Article I

Declaration of Rights

Sec. 1. All political power is inherent in the people. Government is instituted for their equal benefit, security and protection.

Sec. 2. No person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color or national origin. The legislature shall implement this section by appropriate legislation.

Sec. 3. The people have the right peaceably to assemble, to consult for the common good, to instruct their representatives and to petition the government for redress of grievances.

Sec. 4. Every person shall be at liberty to worship God according to the dictates of his own conscience. No person shall be compelled to attend, or, against his consent, to contribute to the erection or support of any place of religious worship, or to pay tithes, taxes or other rates for the support of any minister of the gospel or teacher of religion. No money shall be appropriated or drawn from the treasury for the benefit of any religious sect or society, theological or religious seminary; nor shall property belonging to the state be appropriated for any such purpose. The civil and political rights, privileges and capacities of no person shall be diminished or enlarged on account of his religious belief.

Sec. 5. Every person may freely speak, write, express and publish his views on all subjects, being responsible for the abuse of such right; and no law shall be enacted to restrain or abridge the liberty of speech or of the press.

Sec. 6. Every person has a right to keep and bear arms for the defense of himself and the state.

Sec. 7. The military shall in all cases and at all times be in strict subordination to the civil power.

Sec. 8. No soldier shall, in time of peace, be quartered in any house without the consent of the owner or occupant, nor in time of war, except in a manner prescribed by law.

Sec. 9. Neither slavery, nor involuntary servitude unless for the punishment of crime, shall ever be tolerated in this state.

Sec. 10. No bill of attainder, ex post facto law or law impairing the obligation of contract shall be enacted.

Sec. 11. The person, houses, papers and possessions of every person shall be secure from unreasonable searches and seizures. No warrant to search any place or to seize any person or things shall issue without describing them, nor without probable cause, supported by oath or affirmation. The provisions of this section shall not be construed to bar from evidence in any criminal proceeding any narcotic drug, firearm, bomb, explosive or any other dangerous weapon, seized by a peace officer outside the curtilage of any dwelling house in this state.

Sec. 12. The privilege of the writ of habeas corpus shall not be suspended unless in case of rebellion or invasion the public safety may require it.

Sec. 13. A suitor in any court of this state has the right to prosecute or defend his suit,

either in his own proper person or by an attorney.

Sec. 14. The right of trial by jury shall remain, but shall be waived in all civil cases unless demanded by one of the parties in the manner prescribed by law. In all civil cases tried by 12 jurors a verdict shall be received when 10 jurors agree.

Sec. 15. No person shall be subject for the same offense to be twice put in jeopardy. All persons shall, before conviction, be bailable by sufficient sureties, except for murder and treason when the proof is evident or the presumption great.

Sec. 16. Excessive bail shall not be required; excessive fines shall not be imposed; cruel or unusual punishment shall not be inflicted; nor shall witnesses be unreasonably detained.

Sec. 17. No person shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property, without due process of law. The right of all individuals, firms, corporations and voluntary associations to fair and just treatment in the course of legislative and executive investigations and hearings shall not be infringed.

Sec. 18. No person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief.

Sec. 19. In all prosecutions for libels the truth may be given in evidence to the jury; and, if it appears to the jury that the matter charged as libelous is true and was published with good motives and for justifiable ends, the accused shall be acquitted.

Sec. 20. In every criminal prosecution, the accused shall have the right to a speedy and public trial by an impartial jury, which may consist of less than 12 jurors in all courts not of record; to be informed of the nature of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to have the assistance of counsel for his defense; to have an appeal as a matter of right; and in courts of record, when the trial court so orders, to have such reasonable assistance as may be necessary to perfect and prosecute an appeal.

Sec. 21. No person shall be imprisoned for debt arising out of or founded on contract, express or implied, except in cases of fraud or breach of trust.

Sec. 22. Treason against the state shall consist only in levying war against it or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless upon the testimony of two witnesses to the same overt act or on confession in open court.

Sec. 23. The enumeration in this constitution of certain rights shall not be construed to deny or disparage others retained by the people.

Article II Elections

Sec. 1. Every citizen of the United States who has attained the age of 21 years, who has resided in this state six months, and who meets the requirements of local residence provided by law, shall be an elector and qualified to vote in any election except as otherwise provided in this constitution. The legislature shall define residence for voting purposes.

Sec. 2. The legislature may by law exclude persons from voting because of mental incompetence or commitment to a jail or penal institution.

Sec. 3. For purposes of voting in the election for president and vice-president of the United States only, the legislature may by law establish lesser residence requirements for citizens who have resided in this state for less than six months and may waive residence requirements for former citizens of this state who have removed herefrom. The legislature shall not permit voting by any person who meets the voting residence requirements of the state to which he has removed.

Sec. 4. The legislature shall enact laws to regulate the time, place and manner of all nominations and elections, except as otherwise provided in this constitution or in the constitution and laws of the United States. The legislature shall enact laws to preserve the purity of elections, to preserve the secrecy of the ballot, to guard against abuses of the elective franchise, and to provide for a system of voter registration and absentee voting. No law shall be enacted which permits a candidate in any partisan primary or partisan election to have a ballot designation except when required for identification of candidates for the same office who have the same or similar surnames.

Sec. 5. Except for special elections to fill vacancies, or as otherwise provided in this constitution, all elections for national, state, county and township offices shall be held on the first Tuesday after the first Monday in November in each even-numbered year or on such other date as members of the congress of the United States are regularly elected.

Sec. 6. Whenever any question is required to be submitted by a political subdivision to the electors which involves the increase of any ad valorem tax rate limitation for a period of more than five years, or the issue of bonds, only electors in, and who have property assessed for any ad valorem taxes in, any part of the district or territory to be affected by the result of such election or electors who are the lawful husbands or wives of such persons shall be entitled to vote thereon. All electors in the district or territory affected may vote on all other questions.

Sec. 7. A board of state canvassers of four

members shall be established by law. No candidate for an office to be canvassed nor any inspector of elections shall be eligible to serve as a member of a board of canvassers. A majority of any board of canvassers shall not be composed of members of the same political party.

Sec. 8. Laws shall be enacted to provide for the recall of all elective officers except judges of courts of record upon petition of electors equal in number to 25 percent of the number of persons voting in the last preceding election for the office of governor in the electoral district of the officer sought to be recalled. The sufficiency of any statement of reasons or grounds procedurally required shall be a political rather than a judicial question.

Sec. 9. The people reserve to themselves the power to propose laws and to enact and reject laws, called the initiative, and the power to approve or reject laws enacted by the legislature, called the referendum. The power of initiative extends only to laws which the legislature may enact under this constitution. The power of referendum does not extend to acts making appropriations for state institutions or to meet deficiencies in state funds and must be invoked in the manner prescribed by law within 90 days following the final adjournment of the legislative session at which the law was enacted. To invoke the initiative or referendum, petitions signed by a number of registered electors, not less than eight percent for initiative and five percent for referendum of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected shall be required.

No law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election.

Any law proposed by initiative petition shall be either enacted or rejected by the legislature without change or amendment within 40 session days from the time such petition is received by the legislature. If any law proposed by such petition shall be enacted by the legislature it shall be subject to referendum, as hereinafter provided.

If the law so proposed is not enacted by the legislature within the 40 days, the state officer authorized by law shall submit such proposed law to the people for approval or rejection at the next general election. The legislature may reject any measure so proposed by initiative petition and propose a different measure upon the same subject by a yea and nay vote upon separate roll calls, and in such event both measures shall be submitted by such state officer to the electors for approval or rejection at the next general election.

Any law submitted to the people by either initiative or referendum petition and approved by

a majority of the votes cast thereon at any election shall take effect 10 days after the date of the official declaration of the vote. No law initiated or adopted by the people shall be subject to the veto power of the governor, and no law adopted by the people at the polls under the initiative provisions of this section shall be amended or repealed, except by a vote of the electors or three-fourths of the members elected to and serving in each house of the legislature. Laws approved by the people under the referendum provision of this section may be amended by the legislature at any subsequent session thereof. If two or more measures approved by the electors at the same election conflict, that receiving the highest affirmative vote shall prevail.

The legislature shall implement the provisions of this section.

Article III

General Government

Sec. 1. The seat of government shall be at Lansing.

Sec. 2. The powers of government are divided into three branches: legislative, executive and judicial. No person exercising powers of one branch shall exercise powers properly belonging to another branch except as expressly provided in this constitution.

Sec. 3. There shall be a great seal of the State of Michigan and its use shall be provided by law.

Sec. 4. The militia shall be organized, equipped and disciplined as provided by law.

Sec. 5. Subject to provisions of general law, this state or any political subdivision, any governmental authority or any combination thereof may enter into agreements for the performance, financing or execution of their respective functions, with any one or more of the other states, the United States, the Dominion of Canada, or any political subdivision thereof unless otherwise provided in this constitution. Any other provision of this constitution notwithstanding, an officer or employee of the state or of any such unit of government or subdivision or agency thereof may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service. The legislature may impose such restrictions, limitations or conditions on such service as it may deem appropriate.

Sec. 6. The state shall not be a party to, nor be financially interested in, any work of internal improvement, nor engage in carrying on any such work, except for public internal improvements provided by law.

Sec. 7. The common law and the statute laws now in force, not repugnant to this consti-

tution, shall remain in force until they expire by their own limitations, or are changed, amended or repealed.

Sec. 8. Either house of the legislature or the governor may request the opinion of the supreme court on important questions of law upon solemn occasions as to the constitutionality of legislation after it has been enacted into law but before its effective date.

Article IV Legislative Branch

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

Sec. 2. The senate shall consist of 38 members to be elected from single member districts at the same election as the governor for four-year terms concurrent with the term of office of the governor.

In districting the state for the purpose of electing senators after the official publication of the total population count of each federal decennial census, each county shall be assigned an apportionment factor equal to the sum of its percentage of the state's population as shown by the last regular federal decennial census computed to the nearest one-one hundredth of one percent multiplied by four and its percentage of the state's land area computed to the nearest one-one hundredth of one percent.

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

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

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

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

Sec. 3. The house of representatives shall consist of 110 members elected for two-year terms from single member districts apportioned on a basis of population as provided in this article. The districts shall consist of compact and convenient territory contiguous by land.

Each county which has a population of not less than seven-tenths of one percent of the population of the state shall constitute a separate representative area. Each county having less than seven-tenths of one percent of the population of the state shall be combined with another county or counties to form a representative area of not less than seven-tenths of one percent of the population of the state. Any county which is isolated under the initial allocation as provided in this section shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.

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

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

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

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

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

Sec. 4. In counties having more than one representative or senatorial district, the territory in the same county annexed to or merged with a city between apportionments shall become a part of a contiguous representative or senatorial dis-

1 | trict in the city with which it is combined, if
2 | provided by ordinance of the city. The district
3 | or districts with which the territory shall be
4 | combined shall be determined by such ordinance
5 | certified to the secretary of state. No such change
6 | in the boundaries of a representative or senatorial
7 | district shall have the effect of removing a legis-
8 | lator from office during his term.

9 | Sec. 5. Island areas are considered to be con-
10 | tiguous by land to the county of which they are
11 | a part.

12 | Sec. 6. A commission on legislative apportion-
13 | ment is hereby established consisting of eight
14 | persons, four of whom shall be selected by the
15 | state organizations of each of the two political
16 | parties whose candidates for governor received
17 | the highest vote at the last general election at
18 | which a governor was elected preceding each ap-
19 | portionment. If a candidate for governor of a third
20 | political party has received at such election more
21 | than 25 percent of such gubernatorial vote, the
22 | commission shall consist of 12 members, four of
23 | whom shall be selected by the state organization of
24 | the third political party. One member of the com-
25 | mission shall be selected by each political party or-
26 | ganization from each of the following four regions:
27 | (1) The upper peninsula; (2) The northern part of
28 | the lower peninsula, north of a line drawn along
29 | the northern boundaries of the counties of Bay,
30 | Midland, Isabella, Mecosta, Newaygo and Oceana;
31 | (3) Southwestern Michigan, those counties south
32 | of region (2) and west of a line drawn along
33 | the western boundaries of the counties of Bay,
34 | Saginaw, Shiawassee, Ingham, Jackson and Hills-
35 | dale; (4) Southeastern Michigan, the remaining
36 | counties of the state.

37 | No officers or employees of the federal, state
38 | or local governments, excepting notaries public
39 | and members of the armed forces reserve, shall
40 | be eligible for membership on the commission.
41 | Members of the commission shall not be eligible
42 | for election to the legislature until two years after
43 | the apportionment in which they participated
44 | becomes effective.

45 | The commission shall be appointed immediately
46 | after the adoption of this constitution and when-
47 | ever apportionment or districting of the legislature
48 | is required by the provisions of this constitution.
49 | Members of the commission shall hold office until
50 | each apportionment or districting plan becomes
51 | effective. Vacancies shall be filled in the same
52 | manner as for original appointment.

53 | The secretary of state shall be secretary of
54 | the commission without vote, and in that capacity
55 | shall furnish, under the direction of the commis-
56 | sion, all necessary technical services. The com-
57 | mission shall elect its own chairman, shall make
58 | its own rules of procedure, and shall receive com-
59 | pensation provided by law. The legislature shall
60 | appropriate funds to enable the commission to

carry out its activities.

1 | Within 30 days after the adoption of this con-
2 | stitution, and after the official total population
3 | count of each federal decennial census of the state
4 | and its political subdivisions is available, the se-
5 | cretary of state shall issue a call convening the
6 | commission not less than 30 nor more than 45
7 | days thereafter. The commission shall complete
8 | its work within 180 days after all necessary census
9 | information is available. The commission shall
10 | proceed to district and apportion the senate and
11 | house of representatives according to the provi-
12 | sions of this constitution. All final decisions shall
13 | require the concurrence of a majority of the mem-
14 | bers of the commission. The commission shall hold
15 | public hearings as may be provided by law.

16 | Each final apportionment and districting plan
17 | shall be published as provided by law within 30
18 | days from the date of its adoption and shall be-
19 | come law 60 days after publication. The secre-
20 | tary of state shall keep a public record of all the
21 | proceedings of the commission and shall be re-
22 | sponsible for the publication and distribution of
23 | each plan.

24 | If a majority of the commission cannot agree
25 | on a plan, each member of the commission, indi-
26 | vidualy or jointly with other members, may sub-
27 | mit a proposed plan to the supreme court. The
28 | supreme court shall determine which plan com-
29 | plies most accurately with the constitutional re-
30 | quirements and shall direct that it be adopted
31 | by the commission and published as provided
32 | in this section.

33 | Upon the application of any elector filed not
34 | later than 60 days after final publication of the
35 | plan, the supreme court, in the exercise of origi-
36 | nal jurisdiction, shall direct the secretary of
37 | state or the apportionment commission to per-
38 | form their duties, may review any final plan
39 | adopted by the commission, and shall remand
40 | such plan to the commission for further action
41 | if it fails to comply with the requirements of
42 | this constitution.

43 | Sec. 7. Each senator and representative
44 | must be a citizen of the United States, at least
45 | 21 years of age, and an elector of the district
46 | he represents. The removal of his domicile from
47 | the district shall be deemed a vacation of the
48 | office. No person who has been convicted of sub-
49 | version or who has within the preceding 20 years
50 | been convicted of a felony involving a breach
51 | of public trust shall be eligible for either house
52 | of the legislature.

53 | Sec. 8. No person holding any office under the
54 | United States or this state or a political subdivi-
55 | sion thereof, except notaries public and officers
56 | of the armed forces reserve, may be a member of
57 | either house of the legislature.

58 | Sec. 9. No person elected to the legislature
59 | shall receive any civil appointment within this
60 |

1 state from the governor, except notaries public,
2 from the legislature, or from any other state
3 authority, during the term for which he is elected.

4 Sec. 10. No member of the legislature nor any
5 state officer shall be interested directly or in-
6 directly in any contract with the state or any
7 political subdivision thereof which shall cause a
8 substantial conflict of interest. The legislature
9 shall further implement this provision by appro-
10 priate legislation.

11 Sec. 11. Senators and representatives shall be
12 privileged from civil arrest and civil process dur-
13 ing sessions of the legislature and for five days
14 next before the commencement and after the
15 termination thereof. They shall not be ques-
16 tioned in any other place for any speech in either
17 house.

18 Sec. 12. The compensation and expense al-
19 lowances of the members of the legislature shall
20 be determined by law. Changes in compensation
21 or expense allowances shall become effective only
22 when legislators commence their terms of office
23 after a general election.

24 Sec. 13. The legislature shall meet at the seat
25 of government on the second Wednesday in Janu-
26 ary of each year at twelve o'clock noon. Each
27 regular session shall adjourn without day, on a
28 day determined by concurrent resolution, at
29 twelve o'clock noon. Any business, bill or joint
30 resolution pending at the final adjournment of
31 a regular session held in an odd numbered year
32 shall carry over with the same status to the
33 next regular session.

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

41 Sec. 15. There shall be a bi-partisan legisla-
42 tive council consisting of legislators appointed in
43 the manner prescribed by law. The legislature
44 shall appropriate funds for the council's opera-
45 tions and provide for its staff which shall main-
46 tain bill drafting, research and other services
47 for the members of the legislature. The council
48 shall periodically examine and recommend to the
49 legislature revision of the various laws of the
50 state.

51 Sec. 16. Each house, except as otherwise pro-
52 vided in this constitution, shall choose its own
53 officers and determine the rules of its proceedings,
54 but shall not adopt any rule that will prevent a
55 majority of the members elected thereto and
56 serving therein from discharging a committee
57 from the further consideration of any measure.
58 Each house shall be the sole judge of the quali-
59 fications, elections and returns of its members,
60 and may, with the concurrence of two-thirds of

1 all the members elected thereto and serving
2 therein, expel a member. The reasons for such
3 expulsion shall be entered in the journal, with
4 the votes and names of the members voting upon
5 the question. No member shall be expelled a
6 second time for the same cause.

7 Sec. 17. Each house of the legislature may
8 establish the committees necessary for the effi-
9 cient conduct of its business and the legislature
10 may create joint committees. Each committee
11 shall by roll call vote record the vote and name
12 of all action on bills and resolutions taken in
13 the committee. Such vote shall be available for
14 public inspection. Notice of all committee hear-
15 ings and a clear statement of all subjects to be
16 considered at each hearing shall be published in
17 the journal in advance of the hearing.

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

29 Sec. 19. All elections in either house or in
30 joint convention and all votes on appointments
31 submitted to the senate for advice and consent
32 shall be published by vote and name in the journal.

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

35 Sec. 21. Neither house shall, without the con-
36 sent of the other, adjourn for more than two
37 intervening calendar days, nor to any place other
38 than where the legislature may then be in session.

39 Sec. 22. All legislation shall be by bill and
40 may originate in either house.

41 Sec. 23. The style of the laws shall be: The
42 People of the State of Michigan enact.

43 Sec. 24. No law shall embrace more than one
44 object, which shall be expressed in its title. No
45 bill shall be altered or amended on its passage
46 through either house so as to change its original
47 purpose as determined by its total content and
48 not alone by its title.

49 Sec. 25. No law shall be revised, altered or
50 amended by reference to its title only. The section
51 or sections of the act altered or amended shall
52 be re-enacted and published at length.

53 Sec. 26. No bill shall be passed or become a
54 law at any regular session of the legislature until
55 it has been printed or reproduced and in the pos-
56 session of each house for at least five days. Every
57 bill shall be read three times in each house be-
58 fore the final passage thereof. No bill shall be-
59 come a law without the concurrence of a majority
60 of the members elected to and serving in each

house. On the final passage of bills, the votes and names of the members voting thereon shall be entered in the journal.

Sec. 27. No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.

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

Sec. 29. The legislature shall pass no local or special act in any case where a general act can be made applicable, and whether a general act can be made applicable shall be a judicial question. No local or special act shall take effect until approved by two-thirds of the members elected to and serving in each house and by a majority of the electors voting thereon in the district affected. Any act repealing local or special acts shall require only a majority of the members elected to and serving in each house and shall not require submission to the electors of such district.

Sec. 30. The assent of two-thirds of the members elected to and serving in each house of the legislature shall be required for the appropriation of public money or property for local or private purposes.

Sec. 31. The general appropriation bills for the succeeding fiscal period covering items set forth in the budget shall be passed or rejected in either house of the legislature before that house passes any appropriation bill for items not in the budget except bills supplementing appropriations for the current fiscal year's operation. Any bill requiring an appropriation to carry out its purpose shall be considered an appropriation bill. One of the general appropriation bills as passed by the legislature shall contain an itemized statement of estimated revenue by major source in each operating fund for the ensuing fiscal period, the total of which shall not be less than the total of all appropriations made from each fund in the general appropriation bills as passed.

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

Sec. 33. Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law. If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not be-

come law. If he does not approve, and the legislature continues the session at which the bill was passed, he shall return it within such 14-day period with his objections, to the house in which it originated. That house shall enter such objections in full in its journal and reconsider the bill. If two-thirds of the members elected to and serving in that house pass the bill notwithstanding the objections of the governor, it shall be sent with the objections to the other house for reconsideration. The bill shall become law if passed by two-thirds of the members elected to and serving in that house. The vote of each house shall be entered in the journal with the votes and names of the members voting thereon. If any bill is not returned by the governor within such 14-day period, the legislature continuing in session, it shall become law as if he had signed it.

Sec. 34. Any bill passed by the legislature and approved by the governor, except a bill appropriating money, may provide that it will not become law unless approved by a majority of the electors voting thereon.

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

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

Sec. 37. The legislature may by concurrent resolution empower a joint committee of the legislature acting between sessions to suspend until the end of the next regular legislative session any rule or regulation of an administrative agency promulgated when the legislature is not in regular session.

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

Sec. 39. In order to insure continuity of state and local governmental operations in periods of emergency only, resulting from disasters occurring in this state caused by enemy attack on the United States, the legislature may provide by law for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices; and enact other laws necessary and proper for insuring the continuity of governmental operations. Notwithstanding the power conferred by this section, elections shall always

be called as soon as possible to fill any vacancies in elective offices temporarily occupied by operation of any legislation enacted pursuant to the provisions of this section.

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

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

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

Sec. 43. No general law providing for the incorporation of trust companies or corporations for banking purposes, or regulating the business thereof, shall be enacted, amended or repealed except by a vote of two-thirds of the members elected to and serving in each house.

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

Sec. 45. The legislature may provide for indeterminate sentences as punishment for crime and for the detention and release of persons imprisoned or detained under such sentences.

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

Sec. 47. The legislature may authorize the employment of chaplains in state institutions of detention or confinement.

Sec. 48. The legislature may enact laws providing for the resolution of disputes concerning public employees, except those in the state classified civil service.

Sec. 49. The legislature may enact laws relative to the hours and conditions of employment.

Sec. 50. The legislature may provide safety measures and regulate the use of atomic energy and forms of energy developed in the future, having in view the general welfare of the people of this state.

Sec. 51. The public health and general welfare of the people of the state are hereby declared to be matters of primary public concern. The legislature shall pass suitable laws for the protection and promotion of the public health.

Sec. 52. The conservation and development of the natural resources of the state are hereby declared to be of paramount public concern in the interest of the health, safety and general welfare of the people. The legislature shall provide for the protection of the air, water and other

natural resources of the state from pollution, impairment and destruction.

Sec. 53. The legislature by a majority vote of the members elected to and serving in each house, shall appoint an auditor general, who shall be a certified public accountant licensed to practice in this state, to serve for a term of eight years. He shall be ineligible for appointment or election to any other public office in this state from which compensation is derived while serving as auditor general and for two years following the termination of his service. He may be removed for cause at any time by a two-thirds vote of the members elected to and serving in each house. The auditor general shall conduct post audits of financial transactions and accounts of the state and of all branches, departments, offices, boards, commissions, agencies, authorities and institutions of the state established by this constitution or by law, and performance post audits thereof.

The auditor general upon direction by the legislature may employ independent accounting firms or legal counsel and may make investigations pertinent to the conduct of audits. He shall report annually to the legislature and to the governor and at such other times as he deems necessary or as required by the legislature. He shall be assigned no duties other than those specified in this section.

Nothing in this section shall be construed in any way to infringe the responsibility and constitutional authority of the governing boards of the institutions of higher education to be solely responsible for the control and direction of all expenditures from the institutions' funds.

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

Article V

Executive Branch

Sec. 1. The executive power is vested in the governor.

Sec. 2. All executive and administrative offices, agencies and instrumentalities of the executive branch of state government and their respective functions, powers and duties, except for the office of governor and lieutenant governor and the governing bodies of institutions of higher education provided for in this constitution, shall be allocated by law among and within not more than 20 principal departments. They shall be grouped as far as practicable according to major purposes.

Subsequent to the initial allocation, the governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these

changes require the force of law, they shall be set forth in executive orders and submitted to the legislature. Thereafter the legislature shall have 60 calendar days of a regular session, or a full session if of shorter duration, to disapprove each executive order. Unless disapproved in both houses by a resolution concurred in by a majority of the members elected to and serving in each house, each order shall become effective at a date thereafter to be designated by the governor.

Sec. 3. The head of each principal department shall be a single executive unless otherwise provided in this constitution or by law. The single executives heading principal departments shall include a secretary of state, a state treasurer and an attorney general. When a single executive is the head of a principal department, unless elected or appointed as otherwise provided in this constitution, he shall be appointed by the governor by and with the advice and consent of the senate and he shall serve at the pleasure of the governor.

When a board or commission is at the head of a principal department, unless elected or appointed as otherwise provided in this constitution, the members thereof shall be appointed by the governor by and with the advice and consent of the senate. The term of office and procedure for removal of such members shall be as prescribed in this constitution or by law.

Terms of office of any board or commission created or enlarged after the effective date of this constitution shall not exceed four years except as otherwise authorized in this constitution. The terms of office of existing boards and commissions which are longer than four years shall not be further extended except as provided in this constitution.

Sec. 4. Temporary commissions or agencies for special purposes with a life of no more than two years may be established by law and need not be allocated within a principal department.

Sec. 5. At no time shall an examining or licensing board of a profession include less than a majority of members of that profession.

Sec. 6. Appointment by and with the advice and consent of the senate when used in this constitution or laws in effect or hereafter enacted means appointment subject to disapproval by a majority vote of the members elected to and serving in the senate if such action is taken within 60 session days after the date of such appointment. Any appointment not disapproved within such period shall stand confirmed.

Sec. 7. Vacancies in any office, appointment to which requires advice and consent of the senate, shall be filled by the governor by and with the advice and consent of the senate. A person whose appointment has been disapproved by the senate shall not be eligible for an interim appointment

to the same office.

Sec. 8. Each principal department shall be under the supervision of the governor unless otherwise provided by this constitution. The governor shall take care that the laws be faithfully executed. He shall transact all necessary business with the officers of government and may require information in writing from all executive and administrative state officers, elective and appointive, upon any subject relating to the duties of their respective offices.

The governor may initiate court proceedings in the name of the state to enforce compliance with any constitutional or legislative mandate, or to restrain violations of any constitutional or legislative power, duty or right by any officer, department or agency of the state or any of its political subdivisions. This authority shall not be construed to authorize court proceedings against the legislature.

Sec. 9. Single executives heading principal departments and the chief executive officers of principal departments headed by boards or commissions shall keep their offices at the seat of government except as otherwise provided by law, superintend them in person and perform duties prescribed by law.

Sec. 10. The governor shall have power and it shall be his duty to inquire into the condition and administration of any public office and the acts of any public officer, elective or appointive. He may remove or suspend from office for gross neglect of duty or for corrupt conduct in office, or for any other misfeasance or malfeasance therein, any elective or appointive state officer, except legislative or judicial, and shall report the reasons for such removal or suspension to the legislature.

Sec. 11. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an appointed or elected officer, other than a legislative or judicial officer, until he is reinstated or until the vacancy is filled in the manner prescribed by law or this constitution.

Sec. 12. The governor shall be commander-in-chief of the armed forces and may call them out to execute the laws, suppress insurrection and repel invasion.

Sec. 13. The governor shall issue writs of election to fill vacancies in the senate or house of representatives. Any such election shall be held in a manner prescribed by law.

Sec. 14. The governor shall have power to grant reprieves, commutations and pardons after convictions for all offenses, except cases of impeachment, upon such conditions and limitations as he may direct, subject to procedures and regulations prescribed by law. He shall inform the legislature annually of each reprieve, commutation and pardon granted, stating reasons

therefor.

Sec. 15. The governor may convene the legislature on extraordinary occasions.

Sec. 16. The governor may convene the legislature at some other place when the seat of government becomes dangerous from any cause.

Sec. 17. The governor shall communicate by message to the legislature at the beginning of each session and may at other times present to the legislature information as to the affairs of the state and recommend measures he considers necessary or desirable.

Sec. 18. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state. Proposed expenditures from any fund shall not exceed the estimated revenue thereof. On the same date, the governor shall submit to the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills to provide new or additional revenues to meet proposed expenditures. The amount of any surplus created or deficit incurred in any fund during the last preceding fiscal period shall be entered as an item in the budget and in one of the appropriation bills. The governor may submit amendments to appropriation bills to be offered in either house during consideration of the bill by that house, and shall submit any bills to meet deficiencies in current appropriations.

Sec. 19. The governor may disapprove any distinct item or items appropriating moneys in any appropriation bill. The part or parts approved shall become law, and the item or items disapproved shall be void unless re-passed according to the method prescribed for the passage of other bills over the executive veto.

Sec. 20. No appropriation shall be a mandate to spend. The governor, with the approval of the appropriating committees of the house and senate, shall reduce expenditures authorized by appropriations whenever it appears that actual revenues for a fiscal period will fall below the revenue estimates on which appropriations for that period were based. Reductions in expenditures shall be made in accordance with procedures prescribed by law. The governor may not reduce expenditures of the legislative and judicial branches or from funds constitutionally dedicated for specific purposes.

Sec. 21. The governor, lieutenant governor, secretary of state and attorney general shall be elected for four-year terms at the general election in each alternate even-numbered year.

The lieutenant governor, secretary of state and attorney general shall be nominated by party conventions in a manner prescribed by law. In the general election one vote shall be cast jointly

for the candidates for governor and lieutenant governor nominated by the same party.

Vacancies in the office of the secretary of state and attorney general shall be filled by appointment by the governor.

Sec. 22. To be eligible for the office of governor or lieutenant governor a person must have attained the age of 30 years, and have been a registered elector in this state for four years next preceding his election.

Sec. 23. The governor, lieutenant governor, secretary of state and attorney general shall each receive the compensation provided by law in full payment for all services performed and expenses incurred during his term of office. Such compensation shall not be changed during the term of office except as otherwise provided in this constitution.

Sec. 24. An executive residence suitably furnished shall be provided at the seat of government for the use of the governor. He shall receive an allowance for its maintenance as provided by law.

Sec. 25. The lieutenant governor shall be president of the senate, but shall have no vote except in case of equal division. He may perform duties requested of him by the governor, but no power vested in the governor shall be delegated.

Sec. 26. In case of the conviction of the governor on impeachment, his removal from office, his resignation or his death, the lieutenant governor, the elected secretary of state, the elected attorney general and such other persons designated by law shall in that order be governor for the remainder of the governor's term.

In case of the death of the governor-elect, the lieutenant governor-elect, the secretary of state-elect, the attorney general-elect and such other persons designated by law shall become governor in that order at the commencement of the governor-elect's term.

If the governor or the person in line of succession to serve as governor is absent from the state, or suffering under an inability, the powers and duties of the office of governor shall devolve in order of precedence until the absence or inability giving rise to the devolution of powers ceases.

The inability of the governor or person acting as governor shall be determined by a majority of the supreme court on joint request of the president pro tempore of the senate and the speaker of the house of representatives. Such determination shall be final and conclusive. The supreme court shall upon its own initiative determine if and when the inability ceases.

Sec. 27. The legislature shall provide that the salary of any state officer while acting as governor shall be equal to that of the governor.

Sec. 28. There is hereby established a state highway commission, which shall administer the state highway department and have jurisdiction

and control over all state trunkline highways and appurtenant facilities, and such other public works of the state, as provided by law.

The state highway commission shall consist of four members, not more than two of whom shall be members of the same political party. They shall be appointed by the governor by and with the advice and consent of the senate for four-year terms, no two of which shall expire in the same year as provided by law.

The state highway commission shall appoint and may remove a state highway director, who shall be a competent highway engineer and administrator. He shall be the principal executive officer of the state highway department and shall be responsible for executing the policy of the state highway commission.

Sec. 29. There is hereby established a civil rights commission which shall consist of eight persons, not more than four of whom shall be members of the same political party, who shall be appointed by the governor, by and with the advice and consent of the senate, for four-year terms not more than two of which shall expire in the same year. It shall be the duty of the commission in a manner which may be prescribed by law to investigate alleged discrimination against any person because of religion, race, color or national origin in the enjoyment of the civil rights guaranteed by law and by this constitution, and to secure the equal protection of such civil rights without such discrimination. The legislature shall provide an annual appropriation for the effective operation of the commission.

The commission shall have power, in accordance with the provisions of this constitution and of general laws governing administrative agencies, to promulgate rules and regulations for its own procedures, to hold hearings, administer oaths, through court authorization to require the attendance of witnesses and the submission of records, to take testimony, and to issue appropriate orders. The commission shall have other powers provided by law to carry out its purposes. Nothing contained in this section shall be construed to diminish the right of any party to direct and immediate legal or equitable remedies in the courts of this state.

Appeals from final orders of the commission, including cease and desist orders and refusals to issue complaints, shall be tried de novo before the circuit court having jurisdiction provided by law.

Article VI Judicial Branch

Sec. 1. The judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction

known as the circuit court, one probate court, and other courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.

Sec. 2. The supreme court shall consist of seven justices elected at non-partisan elections as provided by law. The term of office shall be eight years and not more than two terms of office shall expire at the same time. Nominations for justices of the supreme court shall be in the manner prescribed by law. Any incumbent justice whose term is to expire may become a candidate for re-election by filing an affidavit of candidacy, in the form and manner prescribed by law, not less than 180 days prior to the expiration of his term.

Sec. 3. One justice of the supreme court shall be selected by the court as its chief justice as provided by rules of the court. He shall perform other duties required by the court. The supreme court shall appoint an administrator of the courts and other assistants of the supreme court as may be necessary to aid in the administration of the courts of this state. The administrator shall perform administrative duties assigned by the court.

Sec. 4. The supreme court shall have general superintending control over all courts; power to issue, hear, and determine prerogative and remedial writs; and appellate jurisdiction as provided by rules of the supreme court. The supreme court shall not have the power to remove a judge.

Sec. 5. The supreme court shall by general rules establish, modify, amend and simplify the practice and procedure in all courts of this state. The distinctions between law and equity proceedings shall, as far as practicable, be abolished. The office of master in chancery is prohibited.

Sec. 6. Decisions of the supreme court, including all decisions on prerogative writs, shall be in writing and shall contain a concise statement of the facts and reasons for each decision and reasons for each denial of leave to appeal. When a judge dissents in whole or in part he shall give in writing the reasons for his dissent.

Sec. 7. The supreme court may appoint, may remove, and shall have general supervision of its staff. It shall have control of the preparation of its budget recommendations and the expenditure of moneys appropriated for any purpose pertaining to the operation of the court or the performance of activities of its staff except that the salaries of the justices shall be established by law. All fees and perquisites collected by the court staff shall be turned over to the state treasury and credited to the general fund.

Sec. 8. The court of appeals shall consist initially of nine judges who shall be nominated and elected at non-partisan elections from districts drawn on county lines and as nearly as possible of equal population, as provided by law. The

supreme court may prescribe by rule that the court of appeals may sit in divisions and for the terms of court and the times and places thereof. Each such division shall consist of not fewer than three judges. The number of judges comprising the court of appeals may be increased, and the districts from which they are elected may be changed by law.

Sec. 9. Judges of the court of appeals shall hold office for a term of six years and until their successors are elected and qualified. The terms of office for the judges in each district shall be arranged by law to provide that not all terms will expire at the same time.

Sec. 10. The jurisdiction of the court of appeals shall be provided by law and the practice and procedure therein shall be prescribed by rules of the supreme court.

Sec. 11. The state shall be divided into judicial circuits along county lines in each of which there shall be elected one or more circuit judges as provided by law. Sessions of the circuit court shall be held at least four times in each year in every county organized for judicial purposes. Each circuit judge shall hold court in the county or counties within the circuit in which he is elected, and in other circuits as may be provided by rules of the supreme court. The number of judges may be changed and circuits may be created, altered and discontinued by law and the number of judges shall be changed and circuits shall be created, altered and discontinued on recommendation of the supreme court to reflect changes in judicial activity. No change in the number of judges or alteration or discontinuance of a circuit shall have the effect of removing a judge from office during his term.

Sec. 12. Circuit judges shall be nominated and elected at non-partisan elections in the circuit in which they reside, and shall hold office for a term of six years and until their successors are elected and qualified. In circuits having more than one circuit judge their terms of office shall be arranged by law to provide that not all terms will expire at the same time.

Sec. 13. The circuit court shall have original jurisdiction in all matters not prohibited by law; appellate jurisdiction from all inferior courts and tribunals except as otherwise provided by law; power to issue, hear and determine prerogative and remedial writs; supervisory and general control over inferior courts and tribunals within their respective jurisdictions in accordance with rules of the supreme court; and jurisdiction of other cases and matters as provided by rules of the supreme court.

Sec. 14. The clerk of each county organized for judicial purposes or other officer performing the duties of such office as provided in a county charter shall be clerk of the circuit court for such

county. The judges of the circuit court may fill a vacancy in an elective office of county clerk or prosecuting attorney within their respective jurisdictions.

Sec. 15. In each county organized for judicial purposes there shall be a probate court. The legislature may create or alter probate court districts of more than one county if approved in each affected county by a majority of the electors voting on the question. The legislature may provide for the combination of the office of probate judge with any judicial office of limited jurisdiction within a county with supplemental salary as provided by law. The jurisdiction, powers and duties of the probate court and of the judges thereof shall be provided by law. They shall have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

Sec. 16. One or more judges of probate as provided by law shall be nominated and elected at non-partisan elections in the counties or the probate districts in which they reside and shall hold office for terms of six years and until their successors are elected and qualified. In counties or districts with more than one judge the terms of office shall be arranged by law to provide that not all terms will expire at the same time.

Sec. 17. No judge or justice of any court of this state shall be paid from the fees of his office nor shall the amount of his salary be measured by fees, other moneys received or the amount of judicial activity of his office.

Sec. 18. Salaries of justices of the supreme court, of the judges of the court of appeals, of the circuit judges within a circuit, and of the probate judges within a county or district, shall be uniform, and may be increased, but shall not be decreased during a term of office except and only to the extent of a general salary reduction in all other branches of government.

Each of the judges of the circuit court shall receive an annual salary as provided by law. In addition to the salary received from the state, each circuit judge may receive from any county in which he regularly holds court an additional salary as determined from time to time by the board of supervisors of the county. In any county where an additional salary is granted, it shall be paid at the same rate to all circuit judges regularly holding court therein.

Sec. 19. The supreme court, the court of appeals, the circuit court, the probate court and other courts designated as such by the legislature shall be courts of record and each shall have a common seal. Justices and judges of courts of record must be persons who are licensed to practice law in this state. No person shall be elected or appointed to a judicial office after reaching the age of 70 years.

1 Sec. 20. Whenever a justice or judge removes
2 his domicile beyond the limits of the territory
3 from which he was elected, he shall have vacated
4 his office.

5 Sec. 21. Any justice or judge of a court of
6 record shall be ineligible to be nominated for
7 or elected to an elective office other than a judicial
8 office during the period of his service and for
9 one year thereafter.

10 Sec. 22. Any elected judge of the court of
11 appeals, circuit court or probate court may be-
12 come a candidate in the primary election for the
13 office of which he is the incumbent by filing an
14 affidavit of candidacy in the form and manner
15 prescribed by law.

16 Sec. 23. A vacancy in the elective office of a
17 judge of any court of record shall be filled at a
18 general or special election as provided by law.
19 The supreme court may authorize persons who
20 have served as judges and who have retired, to
21 perform judicial duties for the limited period of
22 time from the occurrence of the vacancy until
23 the successor is elected and qualified. Such per-
24 sons shall be ineligible for election to fill the
25 vacancy.

26 Sec. 24. There shall be printed upon the ballot
27 under the name of each elected incumbent justice
28 or judge who is a candidate for nomination or
29 election to the same office the designation of
30 that office.

31 Sec. 25. For reasonable cause, which is not
32 sufficient ground for impeachment, the governor
33 shall remove any judge on a concurrent resolution
34 of two-thirds of the members elected to and serv-
35 ing in each house of the legislature. The cause
36 for removal shall be stated at length in the
37 resolution.

38 Sec. 26. The offices of circuit court commis-
39 sioner and justice of the peace are abolished at
40 the expiration of five years from the date this
41 constitution becomes effective or may within this
42 period be abolished by law. Their jurisdiction,
43 compensation and powers within this period shall
44 be as provided by law. Within this five-year period,
45 the legislature shall establish a court or courts
46 of limited jurisdiction with powers and jurisdic-
47 tion defined by law. The location of such court
48 or courts, and the qualifications, tenure, method
49 of election and salary of the judges of such court
50 or courts, and by what governmental units the
51 judges shall be paid, shall be provided by law,
52 subject to the limitations contained in this Article.

53 Statutory courts in existence at the time this
54 constitution becomes effective shall retain their
55 powers and jurisdiction, except as provided by
56 law, until they are abolished by law.

57 Sec. 27. The supreme court, the court of ap-
58 peals, the circuit court, or any justices or judges
59 thereof, shall not exercise any power of appoint-
60 ment to public office except as provided in this

constitution.

1 Sec. 28. All final decisions, findings, rulings
2 and orders of any administrative officer or agency
3 existing under the constitution or by law, which
4 are judicial or quasi-judicial and affect private
5 rights or licenses, shall be subject to direct re-
6 view by the courts as provided by law. This re-
7 view shall include, as a minimum, the determina-
8 tion whether such final decisions, findings, rulings
9 and orders are authorized by law; and, in cases in
10 which a hearing is required, whether the same
11 are supported by competent, material and sub-
12 stantial evidence on the whole record. Findings
13 of fact in workmen's compensation proceedings
14 shall be conclusive in the absence of fraud un-
15 less otherwise provided by law.

16 Sec. 29. Justices of the supreme court, judges
17 of the court of appeals, circuit judges and other
18 judges as provided by law shall be conservators
19 of the peace within their respective jurisdictions.

Article VII

Local Government

1 Sec. 1. Each organized county shall be a body
2 corporate with powers and immunities provided
3 by law.

4 Sec. 2. Any county may frame, adopt, amend
5 or repeal a county charter in a manner and with
6 powers and limitations to be provided by general
7 law, which shall among other things provide for
8 the election of a charter commission. The law
9 may permit the organization of county govern-
10 ment in form different from that set forth in this
11 constitution and shall limit the rate of ad valorem
12 property taxation for county purposes, and re-
13 strict the powers of charter counties to borrow
14 money and contract debts. Each charter county
15 is hereby granted power to levy other taxes for
16 county purposes subject to limitations and pro-
17 hibitions set forth in this constitution or law.
18 Subject to law, a county charter may authorize
19 the county through its regularly constituted
20 authority to adopt resolutions and ordinances re-
21 lating to its concerns.

22 The board of supervisors by a majority vote
23 of its members may, and upon petition of five
24 percent of the electors shall, place upon the ballot
25 the question of electing a commission to frame a
26 charter.

27 No county charter shall be adopted, amended
28 or repealed until approved by a majority of elec-
29 tors voting on the question.

30 Sec. 3. No organized county shall be reduced
31 by the organization of new counties to less than
32 16 townships as surveyed by the United States,
33 unless approved in the manner prescribed by law
34 by a majority of electors voting thereon in each
35 county to be affected.

36 Sec. 4. There shall be elected for four-year
37 terms in each organized county a sheriff, a county

clerk, a county treasurer, a register of deeds and a prosecuting attorney, whose duties and powers shall be provided by law. The board of supervisors in any county may combine the offices of county clerk and register of deeds in one office or separate the same at pleasure.

Sec. 5. The sheriff, county clerk, county treasurer and register of deeds shall hold their principal offices at the county seat.

Sec. 6. The sheriff may be required by law to renew his security periodically and in default of giving such security, his office shall be vacant. The county shall never be responsible for his acts, except that the board of supervisors may protect him against claims by prisoners for unintentional injuries received while in his custody. He shall not hold any other office except in civil defense.

Sec. 7. A board of supervisors shall be established in each organized county consisting of one member from each organized township and such representation from cities as provided by law.

Sec. 8. Boards of supervisors shall have legislative, administrative and such other powers and duties as provided by law.

Sec. 9. Boards of supervisors shall have exclusive power to fix the compensation of county officers not otherwise provided by law.

Sec. 10. A county seat once established shall not be removed until the place to which it is proposed to be moved shall be designated by two-thirds of the members of the board of supervisors and a majority of the electors voting thereon shall have approved the proposed location in the manner prescribed by law.

Sec. 11. No county shall incur any indebtedness which shall increase its total debt beyond 10 percent of its assessed valuation.

Sec. 12. A navigable stream shall not be bridged or dammed without permission granted by the board of supervisors of the county as provided by law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and political subdivisions therein.

Sec. 13. Two or more contiguous counties may combine into a single county if approved in each affected county by a majority of the electors voting on the question.

Sec. 14. The board of supervisors of each organized county may organize and consolidate townships under restrictions and limitations provided by law.

Sec. 15. Any county, when authorized by its board of supervisors shall have the authority to enter or to intervene in any action or certificate proceeding involving the services, charges or rates of any privately owned public utility furnishing services or commodities to rate payers within the county.

Sec. 16. The legislature may provide for the laying out, construction, improvement and maintenance of highways, bridges, culverts and airports by the state and by the counties and townships thereof; and may authorize counties to take charge and control of any highway within their limits for such purposes. The legislature may provide the powers and duties of counties in relation to highways, bridges, culverts and airports; may provide for county road commissioners to be appointed or elected, with powers and duties provided by law. The ad valorem property tax imposed for road purposes by any county shall not exceed in any year one-half of one percent of the assessed valuation for the preceding year.

Sec. 17. Each organized township shall be a body corporate with powers and immunities provided by law.

Sec. 18. In each organized township there shall be elected for terms of not less than two nor more than four years as prescribed by law a supervisor, a clerk, a treasurer, and not to exceed four trustees, whose legislative and administrative powers and duties shall be provided by law.

Sec. 19. No organized township shall grant any public utility franchise which is not subject to revocation at the will of the township, unless the proposition shall first have been approved by a majority of the electors of such township voting thereon at a regular or special election.

Sec. 20. The legislature shall provide by law for the dissolution of township government whenever all the territory of an organized township is included within the boundaries of a village or villages notwithstanding that a village may include territory within another organized township and provide by law for the classification of such village or villages as cities.

Sec. 21. The legislature shall provide by general laws for the incorporation of cities and villages. Such laws shall limit their rate of ad valorem property taxation for municipal purposes, and restrict the powers of cities and villages to borrow money and contract debts. Each city and village is granted power to levy other taxes for public purposes, subject to limitations and prohibitions provided by this constitution or by law.

Sec. 22. Under general laws the electors of each city and village shall have the power and authority to frame, adopt and amend its charter, and to amend an existing charter of the city or village heretofore granted or enacted by the legislature for the government of the city or village. Each such city and village shall have power to adopt resolutions and ordinances relating to its municipal concerns, property and government, subject to the constitution and law. No enumeration of powers granted to cities and villages in this constitution shall limit or restrict the general grant of authority conferred by this section.

1 Sec. 23. Any city or village may acquire, own,
2 establish and maintain, within or without its
3 corporate limits, parks, boulevards, cemeteries,
4 hospitals and all works which involve the public
5 health or safety.

6 Sec. 24. Subject to this constitution, any city
7 or village may acquire, own or operate, within
8 or without its corporate limits, public service
9 facilities for supplying water, light, heat, power,
10 sewage disposal and transportation to the municipi-
11 lity and the inhabitants thereof.

12 Any city or village may sell and deliver heat,
13 power or light without its corporate limits in an
14 amount not exceeding 25 percent of that furnished
15 by it within the corporate limits, except as greater
16 amounts may be permitted by law; may sell and
17 deliver water and provide sewage disposal services
18 outside of its corporate limits in such amount as
19 may be determined by the legislative body of the
20 city or village; and may operate transportation
21 lines outside the municipality within such limits
22 as may be prescribed by law.

23 Sec. 25. No city or village shall acquire any
24 public utility furnishing light, heat or power, or
25 grant any public utility franchise which is not
26 subject to revocation at the will of the city or
27 village, unless the proposition shall first have been
28 approved by three-fifths of the electors voting
29 thereon. No city or village may sell any public
30 utility unless the proposition shall first have been
31 approved by a majority of the electors voting
32 thereon, or a greater number if the charter shall
33 so provide.

34 Sec. 26. Except as otherwise provided in this
35 constitution, no city or village shall have the
36 power to loan its credit for any private purpose
37 or, except as provided by law, for any public pur-
38 pose.

39 Sec. 27. Notwithstanding any other provision
40 of this constitution the legislature may establish
41 in metropolitan areas additional forms of govern-
42 ment or authorities with powers, duties and juris-
43 dictions as the legislature shall provide. Where-
44 ever possible, such additional forms of govern-
45 ment or authorities shall be designed to perform
46 multi-purpose functions rather than a single
47 function.

48 Sec. 28. The legislature by general law shall
49 authorize two or more counties, townships, cities,
50 villages or districts, or any combination thereof
51 among other things to: enter into contractual
52 undertakings or agreements with one another or
53 with the state or with any combination thereof
54 for the joint administration of any of the functions
55 or powers which each would have the power to
56 perform separately; share the costs and responsi-
57 bilities of functions and services with one another
58 or with the state or with any combination thereof
59 which each would have the power to perform
60 separately; transfer functions or responsibilities

1 to one another or any combination thereof upon
2 the consent of each unit involved; cooperate with
3 one another and with state government; lend their
4 credit to one another or any combination thereof
5 as provided by law in connection with any au-
6 thorized publicly owned undertaking.

7 Any other provision of this constitution not-
8 withstanding, an officer or employee of the state
9 or any such unit of government or subdivision
10 or agency thereof, except members of the legis-
11 lature, may serve on or with any governmental
12 body established for the purposes set forth in
13 this section and shall not be required to relin-
14 quish his office or employment by reason of such
15 service.

16 Sec. 29. No person, partnership, association or
17 corporation, public or private, operating a public
18 utility shall have the right to the use of the high-
19 ways, streets, alleys or other public places of
20 any county, township, city or village for wires,
21 poles, pipes, tracks, conduits or other utility
22 facilities, without the consent of the duly con-
23 stituted authority of the county, township, city
24 or village; or to transact local business therein
25 without first obtaining a franchise from the town-
26 ship, city or village. Except as otherwise provided
27 in this constitution the right of all counties, town-
28 ships, cities and villages to the reasonable control
29 of their highways, streets, alleys and public
30 places is hereby reserved to such local units of
31 government.

32 Sec. 30. No franchise or license shall be
33 granted by any township, city or village for a
34 period longer than 30 years.

35 Sec. 31. The legislature shall not vacate or
36 alter any road, street, alley, or public place under
37 the jurisdiction of any county, township, city or
38 village.

39 Sec. 32. Any county, township, city, village,
40 authority or school district empowered by the
41 legislature or by this constitution to prepare bud-
42 gets of estimated expenditures and revenues shall
43 adopt such budgets only after a public hearing
44 in a manner prescribed by law.

45 Sec. 33. Any elected officer of a political sub-
46 division may be removed from office in the manner
47 and for the causes provided by law.

48 Sec. 34. The provisions of this constitution and
49 law concerning counties, townships, cities and vil-
50 lages shall be liberally construed in their favor.
51 Powers granted to counties and townships by this
52 constitution and by law shall include those fairly
53 implied and not prohibited by this constitution.

Article VIII Education

1 Sec. 1. Religion, morality and knowledge being
2 necessary to good government and the happiness
3 of mankind, schools and the means of education
4 shall forever be encouraged.

1 Sec. 2. The legislature shall maintain and sup-
 2 port a system of free public elementary and sec-
 3 ondary schools as defined by law. Every school
 4 district shall provide for the education of its
 5 pupils without discrimination as to religion, creed,
 6 race, color or national origin.

7 Sec. 3. Leadership and general supervision over
 8 all public education, including adult education and
 9 instructional programs in state institutions, except
 10 as to institutions of higher education granting
 11 baccalaureate degrees, is vested in a state board
 12 of education. It shall serve as the general plan-
 13 ning and coordinating body for all public educa-
 14 tion, including higher education, and shall advise
 15 the legislature as to the financial requirements
 16 in connection therewith.

17 The state board of education shall appoint a
 18 superintendent of public instruction whose term
 19 of office shall be determined by the board. He
 20 shall be the chairman of the board without the
 21 right to vote, and shall be responsible for the
 22 execution of its policies. He shall be the principal
 23 executive officer of a state department of educa-
 24 tion which shall have powers and duties provided
 25 by law.

26 The state board of education shall consist of
 27 eight members who shall be nominated by party
 28 conventions and elected at large for terms of
 29 eight years as prescribed by law. The governor
 30 shall fill any vacancy by appointment for the
 31 unexpired term. The governor shall be ex-officio
 32 a member of the state board of education with-
 33 out the right to vote.

34 The power of the boards of institutions of higher
 35 education provided in this constitution to super-
 36 vise their respective institutions and control and
 37 direct the expenditure of the institutions' funds
 38 shall not be limited by this section.

39 Sec. 4. The legislature shall appropriate
 40 moneys to maintain the university of Michigan,
 41 Michigan State University, Wayne State Univer-
 42 sity, Eastern Michigan University, Michigan Col-
 43 lege of Science and Technology, Central Michi-
 44 gan University, Northern Michigan University,
 45 Western Michigan University, Ferris Institute,
 46 Grand Valley State College, by whatever names
 47 such institutions may hereafter be known, and
 48 other institutions of higher education established
 49 by law. The legislature shall be given an annual
 50 accounting of all income and expenditures by each
 51 of these educational institutions. Formal sessions
 52 of governing boards of such institutions shall be
 53 open to the public.

54 Sec. 5. The regents of the University of Michi-
 55 gan and their successors in office shall constitute
 56 a body corporate known as the Regents of the
 57 University of Michigan; the trustees of Michigan
 58 State University and their successors in office shall
 59 constitute a body corporate known as the Board
 60 of Trustees of Michigan State University; the

governors of Wayne State University and their
 successors in office shall constitute a body corpor-
 ate known as the Board of Governors of Wayne
 State University. Each board shall have general
 supervision of its institution and the control and
 direction of all expenditures from the institution's
 funds. Each board shall, as often as necessary,
 elect a president of the institution under its su-
 pervision. He shall be the principal executive of-
 ficer of the institution, be ex-officio a member of
 the board without the right to vote and preside
 at meetings of the board. The board of each in-
 stitution shall consist of eight members who shall
 hold office for terms of eight years and who shall
 be elected as provided by law. The governor shall
 fill board vacancies by appointment. Each ap-
 pointee shall hold office until a successor has been
 nominated and elected as provided by law.

Sec. 6. Other institutions of higher education
 established by law having authority to grant
 baccalaureate degrees shall each be governed by
 a board of control which shall be a body corporate.
 The board shall have general supervision of the
 institution and the control and direction of all
 expenditures from the institution's funds. It shall,
 as often as necessary, elect a president of the in-
 stitution under its supervision. He shall be the
 principal executive officer of the institution and
 be ex-officio a member of the board without the
 right to vote. The board may elect one of its mem-
 bers or may designate the president, to preside at
 board meetings. Each board of control shall con-
 sist of eight members who shall hold office for
 terms of eight years, not more than two of which
 shall expire in the same year, and who shall be
 appointed by the governor by and with the ad-
 vice and consent of the senate. Vacancies shall
 be filled in like manner.

Sec. 7. The legislature shall provide by law
 for the establishment and financial support of
 public community and junior colleges which shall
 be supervised and controlled by locally elected
 boards. The legislature shall provide by law for
 a state board for public community and junior
 colleges which shall advise the state board of
 education concerning general supervision and plan-
 ning for such colleges and requests for annual
 appropriations for their support. The board shall
 consist of eight members who shall hold office
 for terms of eight years, not more than two of
 which shall expire in the same year, and who shall
 be appointed by the state board of education. Va-
 cancies shall be filled in like manner. The super-
 intendent of public instruction shall be ex-officio
 a member of this board without the right to vote.

Sec. 8. Institutions, programs, and services for
 the care, treatment, education or rehabilitation of
 those inhabitants who are physically, mentally, or
 otherwise seriously handicapped shall always be
 fostered and supported.

1 Sec. 9. The legislature shall provide by law for
2 the establishment and support of public libraries
3 which shall be available to all residents of the state
4 under regulations adopted by the governing bodies
5 thereof. All fines assessed and collected in the
6 several counties, cities and townships for any
7 breach of the penal laws shall be exclusively ap-
8 plied to the support of such public libraries, and
9 county law libraries as provided by law.

Article IX

Finance and Taxation

13 Sec. 1. The legislature shall impose taxes suf-
14 ficient with other resources to pay the expenses of
15 state government.

16 Sec. 2. The power of taxation shall never be
17 surrendered, suspended or contracted away.

18 Sec. 3. The legislature shall provide for the
19 uniform general ad valorem taxation of real and
20 tangible personal property not exempt by law. The
21 legislature shall provide for the determination of
22 true cash value of such property; the proportion
23 of true cash value at which such property shall
24 be uniformly assessed, which shall not, after
25 January 1, 1966, exceed 50 percent; and for a sys-
26 tem of equalization of assessments. The legislature
27 may provide for alternative means of taxation of
28 designated real and tangible personal property in
29 lieu of general ad valorem taxation. Every tax
30 other than the general ad valorem property tax
31 shall be uniform upon the class or classes on
32 which it operates.

33 Sec. 4. Property owned and occupied by non-
34 profit religious or educational organizations and
35 used exclusively for religious or educational pur-
36 poses, as defined by law, shall be exempt from
37 real and personal property taxes.

38 Sec. 5. The legislature shall provide for the
39 assessment by the state of the property of those
40 public service businesses assessed by the state
41 at the date this constitution becomes effective, and
42 of other property as designated by the legislature,
43 and for the imposition and collection of taxes
44 thereon. Property assessed by the state shall be
45 assessed at the same proportion of its true
46 cash value as the legislature shall specify for
47 property subject to general ad valorem taxation.
48 The rate of taxation on such property shall be
49 the average rate levied upon other property in this
50 state under the general ad valorem tax law, or,
51 if the legislature provides, the rate of tax applicable
52 to the property of each business enterprise assessed
53 by the state shall be the average rate of ad valorem
54 taxation levied upon other property in all counties
55 in which any of such property is situated.

56 Sec. 6. Except as otherwise provided in this
57 constitution, the total amount of general ad valo-
58 rem taxes imposed upon real and tangible per-
59 sonal property for all purposes in any one year
60 shall not exceed 15 mills on each dollar of the

1 assessed valuation of property as finally equalized.
2 Under procedures provided by law, which shall
3 guarantee the right of initiative, separate tax
4 limitations for any county and for the townships
5 and for school districts therein, the aggregate of
6 which shall not exceed 18 mills on each dollar of
7 such valuation, may be adopted and thereafter
8 altered by the vote of a majority of the qualified
9 electors of such county voting thereon, in lieu
10 of the limitation hereinbefore established. These
11 limitations may be increased to an aggregate of
12 not to exceed 50 mills on each dollar of valuation,
13 for a period of not to exceed 20 years at any one
14 time, if approved by a majority of the electors,
15 qualified under Section 6 of Article II of this
16 constitution, voting on the question.

17 The foregoing limitations shall not apply to
18 taxes imposed for the payment of principal and
19 interest on bonds or other evidences of indebted-
20 ness or for the payment of assessments or con-
21 tract obligations in anticipation of which bonds
22 are issued, which taxes may be imposed without
23 limitation as to rate or amount; or to taxes im-
24 posed for any other purpose by any city, vil-
25 lage, charter county, charter township, charter
26 authority or other authority, the tax limitations
27 of which are provided by charter or by general
28 law.

29 In any school district which extends into two
30 or more counties, property taxes at the highest
31 rate available in the county which contains the
32 greatest part of the area of the district may be
33 imposed and collected for school purposes through-
34 out the district.

35 Sec. 7. No income tax graduated as to rate
36 or base shall be imposed by the state or any of
37 its subdivisions.

38 Sec. 8. The legislature shall not impose a
39 sales tax on retailers at a rate of more than
40 four percent of their gross taxable sales of
41 tangible personal property.

42 Sec. 9. All specific taxes, except general sales
43 and use taxes and regulatory fees, imposed di-
44 rectly or indirectly on fuels sold or used
45 to propel motor vehicles upon highways and on
46 registered motor vehicles shall, after the payment
47 of necessary collection expenses, be used exclusi-
48 vely for highway purposes as defined by law.

49 Sec. 10. One-eighth of all taxes imposed on
50 retailers on taxable sales at retail of tangible
51 personal property shall be used exclusively for
52 assistance to townships, cities and villages, on
53 a population basis as provided by law. In de-
54 termining population the legislature may exclude
55 any portion of the total number of persons who
56 are wards, patients or convicts in any tax sup-
57 ported institution.

58 Sec. 11. There shall be established a state
59 school aid fund which shall be used exclusively
60 for the support of public education and school

employees' retirement systems, as provided by law. One-half of all taxes imposed on retailers on taxable sales at retail of tangible personal property, and other tax revenues provided by law, shall be dedicated to this fund. Payments from this fund shall be made in full on a scheduled basis, as provided by law.

Sec. 12. No evidence of state indebtedness shall be issued except for debts authorized pursuant to this constitution.

Sec. 13. Public bodies corporate shall have power to borrow money and to issue their securities evidencing debt, subject to this constitution and law.

Sec. 14. To meet obligations incurred pursuant to appropriations for any fiscal year, the legislature may by law authorize the state to issue its full faith and credit notes in which case it shall pledge undedicated revenues to be received within the same fiscal year for the repayment thereof. Such indebtedness in any fiscal year shall not exceed 15 percent of undedicated revenues received by the state during the preceding fiscal year and such debts shall be repaid at the time the revenues so pledged are received, but not later than the end of the same fiscal year.

Sec. 15. The state may borrow money for specific purposes in amounts as may be provided by acts of the legislature adopted by a vote of two-thirds of the members elected to and serving in each house, and approved by a majority of the electors voting thereon at any general election. The question submitted to the electors shall state the amount to be borrowed, the specific purpose to which the funds shall be devoted, and the method of repayment.

Sec. 16. The state, in addition to any other borrowing power, may borrow from time to time such amounts as shall be required, pledge its faith and credit and issue its notes or bonds therefor, for the purpose of making loans to school districts as provided in this section.

If the minimum amount which would otherwise be necessary for a school district to levy in any year to pay principal and interest on its qualified bonds, including any necessary allowances for estimated tax delinquencies, exceeds 13 mills on each dollar of its assessed valuation as finally equalized, or such lower millage as the legislature may prescribe, then the school district may elect to borrow all or any part of the excess from the state. In that event the state shall lend the excess amount to the school district for the payment of principal and interest. If for any reason any school district will be or is unable to pay the principal and interest on its qualified bonds when due, then the school district shall borrow and the state shall lend to it an amount sufficient to enable the school district to make the payment.

The term "qualified bonds" means general obli-

gation bonds of school districts issued for capital expenditures, including refunding bonds, issued prior to May 4, 1955, or issued thereafter and qualified as provided by law pursuant to Section 27 or Section 28 of Article X of the Constitution of 1908 or pursuant to this section.

After a school district has received loans from the state, each year thereafter it shall levy for debt service, exclusive of levies for nonqualified bonds, not less than 13 mills or such lower millage as the legislature may prescribe, until the amount loaned has been repaid, and any tax collections therefrom in any year over and above the minimum requirements for principal and interest on qualified bonds shall be used toward the repayment of state loans. In any year when such levy would produce an amount in excess of the requirements and the amount due to the state, the levy may be reduced by the amount of the excess.

Subject to the foregoing provisions, the legislature shall have the power to prescribe and to limit the procedure, terms and conditions for the qualification of bonds, for obtaining and making state loans, and for the repayment of loans.

The power to tax for the payment of principal and interest on bonds hereafter issued which are the general obligations of any school district, including refunding bonds, and for repayment of any state loans made to school districts, shall be without limitation as to rate or amount.

All rights acquired under Sections 27 and 28 of Article X of the Constitution of 1908, by holders of bonds heretofore issued, and all obligations assumed by the state or any school district under these sections, shall remain unimpaired.

Sec. 17. No money shall be paid out of the state treasury except in pursuance of appropriations made by law.

Sec. 18. The credit of the state shall not be granted to, nor in aid of any person, association or corporation, public or private, except as authorized in this constitution.

This section shall not be construed to prohibit the investment of public funds until needed for current requirements or the investment of funds accumulated to provide retirement or pension benefits for public officials and employees, as provided by law.

Sec. 19. The state shall not subscribe to, nor be interested in the stock of any company, association or corporation, except that funds accumulated to provide retirement or pension benefits for public officials and employees may be invested as provided by law; and endowment funds created for charitable or educational purposes may be invested as provided by law governing the investment of funds held in trust by trustees.

Sec. 20. No state money shall be deposited in banks other than those organized under the national or state banking laws. No state money

1 shall be deposited in any bank in excess of 50
2 percent of the capital and surplus of such bank.
3 Any bank receiving deposits of state money shall
4 show the amount of state money so deposited as
5 a separate item in all published statements.

6 Sec. 21. The legislature shall provide by law
7 for the annual accounting for all public moneys,
8 state and local, and may provide by law for interim
9 accounting.

10 The legislature shall provide by law for the
11 maintenance of uniform accounting systems by
12 units of local government and the auditing of
13 county accounts by competent state authority
14 and other units of government as provided by law.

15 Sec. 22. Procedures for the examination and
16 adjustment of claims against the state shall be
17 prescribed by law.

18 Sec. 23. All financial records, accountings,
19 audit reports and other reports of public moneys
20 shall be public records and open to inspection. A
21 statement of all revenues and expenditures of pub-
22 lic moneys shall be published and distributed
23 annually, as provided by law.

24 Sec. 24. The accrued financial benefits of each
25 pension plan and retirement system of the state
26 and its political subdivisions shall be a contractual
27 obligation thereof which shall not be diminished
28 or impaired thereby.

29 Financial benefits arising on account of service
30 rendered in each fiscal year shall be funded during
31 that year and such funding shall not be used for
32 financing unfunded accrued liabilities.

Article X Property

33 Sec. 1. The disabilities of coverture as to prop-
34 erty are abolished. The real and personal estate of
35 every woman acquired before marriage and all
36 real and personal property to which she may after-
37 wards become entitled shall be and remain the
38 estate and property of such woman, and shall not
39 be liable for the debts, obligations or engagements
40 of her husband, and may be dealt with and dis-
41 posed of by her as if she were unmarried. Dower
42 may be relinquished or conveyed as provided by
43 law.

44 Sec. 2. Private property shall not be taken for
45 public use without just compensation therefor
46 being first made or secured in a manner prescribed
47 by law. The amount of compensation shall be
48 determined in proceedings in a court of record.

49 Sec. 3. A homestead in the amount of not less
50 than \$3,500 and personal property of every resi-
51 dent of this state in the amount of not less than
52 \$750, as defined by law, shall be exempt from
53 forced sale on execution or other process of any
54 court. Such exemptions shall not extend to any
55 lien thereon excluded from exemption by law.

56 Sec. 4. Procedures relating to escheats and to
57 the custody and disposition of escheated property

58 shall be prescribed by law.

59 Sec. 5. The legislature shall have general su-
60 pervisory jurisdiction over all state owned lands
61 useful for forest preserves, game areas and recrea-
62 tional purposes; shall require annual reports as
63 to such lands from all departments having super-
64 vision or control thereof; and shall by general law
65 provide for the sale, lease or other disposition of
66 such lands.

67 The legislature by an act adopted by two-thirds
68 of the members elected to and serving in each
69 house may designate any part of such lands as
70 a state land reserve. No lands in the state land
71 reserve may be removed from the reserve, sold,
72 leased or otherwise disposed of except by an act
73 of the legislature.

74 Sec. 6. Aliens who are residents of this state
75 shall enjoy the same rights and privileges in
76 property as citizens of this state.

Article XI

Public Officers and Employment

77 Sec. 1. All officers, legislative, executive and
78 judicial, before entering upon the duties of their
79 respective offices, shall take and subscribe the
80 following oath or affirmation: I do solemnly swear
81 (or affirm) that I will support the Constitution
82 of the United States and the constitution of this
83 state, and that I will faithfully discharge the duties
84 of the office of according to the best of
85 my ability. No other oath, affirmation, or any
86 religious test shall be required as a qualification
87 for any office or public trust.

88 Sec. 2. The terms of office of elective state
89 officers, members of the legislature and justices
90 and judges of courts of record shall begin at twelve
91 o'clock noon on the first day of January next suc-
92 ceeding their election, except as otherwise provided
93 in this constitution. The terms of office of county
94 officers shall begin on the first day of January
95 next succeeding their election, except as otherwise
96 provided by law.

97 Sec. 3. Neither the legislature nor any poli-
98 tical subdivision of this state shall grant or author-
99 ize extra compensation to any public officer, agent
100 or contractor after the service has been rendered
101 or the contract entered into.

102 Sec. 4. No person having custody or control of
103 public moneys shall be a member of the legislature,
104 or be eligible to any office of trust or profit under
105 this state, until he shall have made an accounting,
106 as provided by law, of all sums for which he may
107 be liable.

108 Sec. 5. The classified state civil service shall
109 consist of all positions in the state service except
110 those filled by popular election, heads of principal
111 departments, members of boards and commis-
112 sions, the principal executive officer of boards and
113 commissions heading principal departments, em-
114 ployees of courts of record, employees of the legis-

lature, employees of the state institutions of higher education, all persons in the armed forces of the state, eight exempt positions in the office of the governor, and within each principal department, when requested by the department head, two other exempt positions, one of which shall be policy-making. The civil service commission may exempt three additional positions of a policy-making nature within each principal department.

The civil service commission shall be non-salaried and shall consist of four persons, not more than two of whom shall be members of the same political party, appointed by the governor for terms of eight years, no two of which shall expire in the same year.

The administration of the commission's powers shall be vested in a state personnel director who shall be a member of the classified service and who shall be responsible to and selected by the commission after open competitive examination.

The commission shall classify all positions in the classified service according to their respective duties and responsibilities, fix rates of compensation for all classes of positions, approve or disapprove disbursements for all personal services, determine by competitive examination and performance exclusively on the basis of merit, efficiency and fitness the qualifications of all candidates for positions in the classified service, make rules and regulations covering all personnel transactions, and regulate all conditions of employment in the classified service.

No person shall be appointed to or promoted in the classified service who has not been certified by the commission as qualified for such appointment or promotion. No appointments, promotions, demotions or removals in the classified service shall be made for religious, racial or partisan considerations.

Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year. Within 60 calendar days following such transmission, the legislature may, by a two-thirds vote of the members elected to and serving in each house, reject or reduce increases in rates of compensation authorized by the commission. Any reduction ordered by the legislature shall apply uniformly to all classes of employees affected by the increases and shall not adjust pay differentials already established by the civil service commission. The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases author-

ized by the commission.

The appointing authorities may create or abolish positions for reasons of administrative efficiency without the approval of the commission. Positions shall not be created nor abolished except for reasons of administrative efficiency. Any employee considering himself aggrieved by the abolition of a position shall have a right of appeal to the commission through established grievance procedures.

The civil service commission shall recommend to the governor and to the legislature rates of compensation for all appointed positions within the executive department not a part of the classified service.

To enable the commission to exercise its powers, the legislature shall appropriate to the commission for the ensuing fiscal year a sum not less than one percent of the aggregate payroll of the classified service for the preceding fiscal year, as certified by the commission. Within six months after the conclusion of each fiscal year the commission shall return to the state treasury all moneys unexpended for that fiscal year.

The commission shall furnish reports of expenditures, at least annually, to the governor and the legislature and shall be subject to annual audit as provided by law.

No payment for personal services shall be made or authorized until the provisions of this constitution pertaining to civil service have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

Sec. 6. By ordinance or resolution of its governing body which shall not take effect until approved by a majority of the electors voting thereon, unless otherwise provided by charter, each county, township, city, village, school district and other governmental unit or authority may establish, modify or discontinue a merit system for its employees other than teachers under contract or tenure. The state civil service commission may on request furnish technical services to any such unit on a reimbursable basis.

Sec. 7. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office or for crimes or misdemeanors, but a majority of the members elected and serving shall be necessary to direct an impeachment.

When an impeachment is directed, the house of representatives shall elect three of its members to prosecute the impeachment.

Every impeachment shall be tried by the senate immediately after the final adjournment of the legislature. The senators shall take an oath or affirmation truly and impartially to try and determine the impeachment according to the evi-

1 dence. When the governor or lieutenant governor
2 is tried, the chief justice of the supreme court
3 shall preside.

4 No person shall be convicted without the con-
5 currence of two-thirds of the senators elected and
6 serving. Judgment in case of conviction shall not
7 extend further than removal from office, but the
8 person convicted shall be liable to punishment
9 according to law.

10 No judicial officer shall exercise any of the
11 functions of his office after an impeachment is
12 directed until he is acquitted.

13 Article XII

14 Amendment & Revision

15 Sec. 1. Amendments to this constitution may
16 be proposed in the senate or house of representa-
17 tives. Proposed amendments agreed to by two-
18 thirds of the members elected to and serving in
19 each house on a vote with the names and vote of
20 those voting entered in the respective journals
21 shall be submitted, not less than 60 days there-
22 after, to the electors at the next general election
23 or special election as the legislature shall direct.
24 If a majority of electors voting on a proposed
25 amendment approve the same, it shall become
26 part of the constitution and shall abrogate or
27 amend existing provisions of the constitution at
28 the end of 45 days after the date of the election
29 at which it was approved.

30 Sec. 2. Amendments may be proposed to this
31 constitution by petition of the registered electors
32 of this state. Every petition shall include the full
33 text of the proposed amendment, and be signed by
34 registered electors of the state equal in number to
35 at least 10 percent of the total vote cast for
36 all candidates for governor at the last preceding
37 general election at which a governor was elected.
38 Such petitions shall be filed with the person au-
39 thorized by law to receive the same at least 120
40 days before the election at which the proposed
41 amendment is to be voted upon. Any such petition
42 shall be in the form, and shall be signed and
43 circulated in such manner, as prescribed by law.
44 The person authorized by law to receive such peti-
45 tion shall upon its receipt determine, as provided
46 by law, the validity and sufficiency of the signa-
47 tures on the petition, and make an official an-
48 nouncement thereof at least 60 days prior to the
49 election at which the proposed amendment is to be
50 voted upon.

51 Any amendment proposed by such petition shall
52 be submitted, not less than 120 days after it was
53 filed, to the electors at the next general election.
54 Such proposed amendment, existing provisions of
55 the constitution which would be altered or abro-
56 gated thereby, and the question as it shall appear
57 on the ballot shall be published in full as provided
58 by law. Copies of such publication shall be posted
59 in each polling place and furnished to news media

as provided by law.

60 The ballot to be used in such election shall con-
tain 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 au-
thorized by law, and shall consist of a true and
impartial statement of the purpose of the amend-
ment 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 ap-
proved. 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 elec-
tors 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 mem-
bers. 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 mem-
ber of the same party as the delegate vacating
the office. The convention shall have power to ap-
point 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 pro-
vided by law.

No proposed constitution or amendment adopted
by such convention shall be submitted to the
electors for approval as hereinafter provided un-
less 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 bor-

row money and may pledge its full faith and credit for refunding any bonds issued by the Mackinac Bridge Authority and at the time of refunding the Mackinac Bridge Authority shall be abolished and the operation of the bridge shall be assumed by the state highway department. The legislature may implement this section by law.

Sec. 16. This constitution shall be submitted to the people for their adoption or rejection at the general election to be held on the Tuesday after the first Monday of November, 1962. It shall be the duty of the secretary of state forthwith to give notice of such submission to all other officers required to give or publish any notice in regard to a general election. He shall give notice that this constitution will be duly submitted to the electors at such election. The notice shall be given in the manner required for the election of governor.

Sec. 17. Every registered elector may vote on the adoption of the constitution. The board of election commissioners in each county shall cause to be printed on a ballot separate from the ballot containing the names of the nominees for office, the words: Shall the revised constitution be adopted? () Yes. () No. All votes cast at the election shall be taken, counted, canvassed and returned as provided by law for the election of state officers. If the revised constitution so submitted receives more votes in its favor than were cast against it, it shall be the supreme law of the state on and after the first day of January of the year following its adoption.

Will the delegates please turn in their telephone credit cards to the finance clerk before they leave today?

PRESIDENT NISBET: We are recessed until 2:00 o'clock.

[Whereupon, at 12:00 o'clock noon, the convention recessed; and, at 2:00 o'clock p.m., reconvened.]

The convention will please come to order.

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

PRESIDENT NISBET: The question is on the passage of the complete revision. There is one more amendment. Mr. Chase will read it.

SECRETARY CHASE: Messrs. Walker, Wood and Wilkowski offer the following amendment to the proposed constitution:

1. Amend article IV, section 8 (column 2, line 54) after "office" by inserting a comma and "employment or position"; so the language will read:

No person holding any office, employment or position 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.

MR. VAN DUSEN: Mr. President.

PRESIDENT NISBET: Mr. Van Dusen.

MR. VAN DUSEN: I move to limit debate on this amendment to 5 minutes.

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

The motion prevails. The question is on the amendment.

MR. VAN DUSEN: Now I raise the point of order that Mr. Walker is not present.

PRESIDENT NISBET: Mr. Wood.

MR. WOOD: Mr. President and fellow delegates, without taking a lot of your time this afternoon, we feel it is just as important that federal and state employees, some of them drawing good salaries, be prohibited from holding a seat in the legislature just as much as officeholders in cities or villages or municipalities of other kinds. We also note that some of those people who do hold those seats in the legislature have a high record of absenteeism. We think it's important that these words be added to this section.

PRESIDENT NISBET: The question is on the adoption of the amendment. Mr. Kuhn.

MR. KUHN: Mr. President, this subject came up before our committee on legislative powers. We studied this subject very carefully. We had a tough fight here on the floor to get the language adopted, which we got adopted, which would prohibit township and county officials from serving in the legislature. Now, this goes much beyond what the committee anticipated. We are definitely opposed to this amendment and we do feel that it goes way beyond the intent of the committee.

PRESIDENT NISBET: The question is on the amendment. Mr. Wilkowski.

MR. WILKOWSKI: Mr. President and fellow delegates, I realize that this has been somewhat considered in the committee. But, first of all, let me say that I am not a candidate for the legislature and don't intend to be. Someone has been accusing me that I was going to be a candidate.

Now, if we're going to have a provision here barring officeholders, why not also take the employees? We have so many members in the legislature now who are employed by various municipalities and who also are legislators. How did they get those jobs? Because they were legislators in the first place and they made deals in the legislature to get those jobs. Talk about graft in the legislature, in politics with a \$50 bill — this is the height of it all. They sold their votes to get a job in their municipalities, in their cities or their counties.

Now, if you please, Mr. President, I have a record here made out by Lloyd. It's a statistic on attendance and voting records. The people that hold these jobs in their municipalities come here and are absent 1/3 of the time. They work on their jobs, they're paid over there, and are absent here, not doing their jobs in the legislature. I can show you where some were

absent 118 days in a period of 7 years; and a list of 747 roll calls simply because they wanted to draw pay over there as well as over here. Now, they are compensated; they have good salaried positions from \$6,000 a year to \$12,000 to \$15,000 a year so why should they be holding another job as a legislator?

Now, to my Democratic friends and colleagues, I just want to state that the concept of one man, one vote should apply also to the concept of one man, one political job or political position. (applause) I realize that this is not popular with my Democratic legislators, but I can't understand a man getting \$10,000, \$12,000 a year at a job in a county or city and then coming here and getting another \$7,000. Why not spread that out? The labor leaders say they don't want time and a half. They want more people working. And here we have one man holding 2 jobs. I hope that you will agree with this amendment and that we can give other people the opportunity to run for the legislature.

PRESIDENT NISBET: Mr. Madar.

MR. MADAR: Mr. President, fellow delegates, —

PRESIDENT NISBET: Will the convention please be in order? We have a busy afternoon and want to get through early.

MR. MADAR: Mr. President and fellow delegates, I would like to say this: that being a con con delegate, I would like to assure Mr. Wilkowski or anyone else that I made no deals to get my con con job, even though I was a city employee.

Now, I think this would be a fine thing, but I wonder if we shouldn't go a little further, and I wonder why Mr. Wilkowski didn't enlarge upon this particular amendment. I don't believe that we should hold 2 jobs. I think that's wrong. But then, is it any worse for a city or a governmental employee to be a representative or a senator than it is for an attorney holding a job and doing work for his clients and also being a senator or a representative? Or I might even remind Mr. Wilkowski, who was a state senator and also operated a hardware business, was that any worse? I don't think so. I don't think one is any worse than the other. And I think maybe we'd better stop throwing stones or get out of that glass house.

PRESIDENT NISBET: Mr. Erickson.

MR. ERICKSON: Mr. President, delegates, I just want to compliment Delegate Wilkowski for a very logical presentation. I am sorry we haven't heard from him more often because he put my sentiments very well.

PRESIDENT NISBET: The question is on the amendment. Those in favor will say aye. Opposed, no. The Chair is in doubt. Those in favor will vote aye. Those opposed will vote no. Have you all voted? If so, the secretary will lock the machine and tally the vote.

SECRETARY CHASE: On the adoption of the amendment, the yeas are 73; the nays are 44.

PRESIDENT NISBET: The amendment is adopted. Mr. Downs.

MR. DOWNS: I move reconsideration of the action we just took.

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

MR. DOWNS: I'd like to speak on the motion.

PRESIDENT NISBET: — that reconsideration be taken on the vote just taken. Mr. Downs has the floor.

MR. DOWNS: Mr. President, I think that the sponsors of this made an eloquent plea for individuals not holding 2 jobs. However, I would like to make 2 points that I think are important and serious, and I realize that we all want to get home early after 7 months: the first point is that the legislature is not a full time position. We did not provide pay for that, though I was one of those who supported that the pay be 1/2 of a congressman's, so the person who is in the legislature must of necessity, in most cases, have other sources of income. Now, the question is: where should he get those sources of income? This would mean that he could have them from practically any source other than being in a job in governmental service. This would mean if he were in private employment, if he were an attorney doing private practice, if he were a stockholder with large income from that source,

if he were a businessman or something else, he could. So I think this in that sense is a discriminatory classification. And finally, the key vote and the key decision, to my way of thinking, is that the voters should have the maximum—and I mean maximum—choice of electing whomever they want for the legislature or other elected offices, so long as there is full disclosure; and if the candidate wants to campaign against this other candidate because he is on one governmental payroll or a private payroll or a retiree or not a retiree, that is a function of our democratic process.

My primary objection to this is, it limits the classification of citizens from whom the voters can select their legislators. I urge that just as in the case of our municipal liability that we decided in 5 minutes this morning and reconsidered, that we do take a little more time and reconsider this and see that there are other arguments. I respect the intent of the sponsors of this, but I do think that it's a matter that does warrant more serious consideration. I urge reconsideration. Thank you.

PRESIDENT NISBET: Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, I move to limit debate on the motion for reconsideration to 2 minutes.

PRESIDENT NISBET: The question is on the motion of Mr. Van Dusen that debate be limited to 2 minutes. Those in favor say aye. Opposed, no.

The motion prevails. Mr. Ford.

MR. FORD: I want to take perhaps the first and last opportunity to disagree with Tom Downs, and support Mr. Wilkowski. I disagree with Tom, first, because a mistake was not made a few minutes ago, Tom, when we adopted this language. The mistake was made originally when we put this provision in the constitution to begin with. The discrimination is already in the proposed document in that we say that a man who is willing to serve his community as a councilman for \$200 a year cannot serve in the legislature, but we leave the door open for a man who is drawing a full time pay check from a city to come up here and serve in the legislature. That's the discrimination that this amendment would strike out.

PRESIDENT NISBET: Mr. Wilkowski.

MR. WILKOWSKI: I just want to state that Mr. Ford expressed my sentiments pretty well. I have before me a number of employees—I didn't check on all of them—but we have one here that's getting \$8,897, another one \$10,615 from the city of Detroit. You have the bailiffs, who got appointed after they were legislators, making from \$10,000 to \$15,000 annually and then, instead of devoting all their time during the session, they come here and they register sometimes on a roll call vote and you go all the way down the journal and see that they never voted on any proposition, according to the journals. They are registered as present. How they got registered as present—whether their friends pressed the button or whether they pressed it and then took their car and went back home—I don't know. Now, I think it's high time that, if we're going to have one man, one vote, let's have one man, one political job. (laughter and applause)

PRESIDENT NISBET: Mr. Madar.

MR. MADAR: Mr. President, fellow delegates, I go along with Mr. Wilkowski's thought very nicely. Only as I said on many occasions when I got up here, let's get the record straight. Let's make sure that we do what we ought to do and talk about things correctly. Let's not try to pull any fakery. Let's not be inconsistent. To begin with, if you happen to be an employee of the city of Detroit and you are elected to the legislature—

PRESIDENT NISBET: Time has expired, Mr. Madar. The question is on the motion to reconsider.

MR. MADAR: Mr. President, a preferential motion.

PRESIDENT NISBET: You may state it.

MR. MADAR: I believe that I ought to have as much time to speak on this as someone else.

PRESIDENT NISBET: Will you make your motion, Mr. Madar?

MR. MADAR: I am moving for 2 minutes' extension.

PRESIDENT NISBET: The question is on the motion of Mr. Madar that debate be extended 2 minutes. Those in favor will say aye. Opposed, no.

The motion does not prevail. The question is on the motion to reconsider.

MR. HODGES: Mr. President.

PRESIDENT NISBET: Mr. Hodges.

MR. HODGES: Because of obvious reasons, I will abstain from this vote.

MR. MARSHALL: I abstain also.

MR. DOWNS: I demand the yeas and nays.

PRESIDENT NISBET: The yeas and nays have been demanded on reconsideration. Is that demand supported?

SECRETARY CHASE: Eighteen.

PRESIDENT NISBET: Not a sufficient number up. The question is on the motion to reconsider.

DELEGATES: Division.

PRESIDENT NISBET: Division has been demanded. Is the demand supported? Sufficient number up. Those in favor of reconsideration will vote aye. Those opposed will vote nay. Have you all voted? If so, the secretary will lock the machine and tally the vote. Mr. Tubbs.

MR. TUBBS: Mr. President, I ask the personal privilege of this convention for Mr. Hubbs to give his definition of one man, one vote.

PRESIDENT NISBET: That is not in order at this time, Mr. Tubbs.

SECRETARY CHASE: On the motion to reconsider, the yeas are 42; the nays are 84.

PRESIDENT NISBET: The motion does not prevail. The secretary will read the next amendment.

SECRETARY CHASE: Mr. Kuhn offers the following amendment:

1. Amend article IV, section 7 (column 2, line 50) after "who has" by striking out "within the preceding 20 years".

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

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

The motion prevails. The Chair recognizes Mr. Binkowski.

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

PRESIDENT NISBET: You may state it.

MR. BINKOWSKI: It seems to me that this particular language was placed into the document on second reading and this is, in effect, a motion to strike. It seems to me it is doing just the opposite by amendment. Therefore, I think it's out of order.

PRESIDENT NISBET: Your point is well taken. The amendment is out of order.

MR. KUHN: Mr. President.

PRESIDENT NISBET: Mr. Kuhn.

MR. KUHN: Members of the convention, since we want to keep our document pure and holy, this is something our committee never approved of. It was put in for certain reasons. I think that we should move to suspend the rules and clean this up and make this a true constitutional—

PRESIDENT NISBET: Mr. Kuhn, are you moving to suspend the rules?

MR. KUHN: To suspend the rules, that is correct.

PRESIDENT NISBET: The question is on the motion of Mr. Kuhn that the rules be suspended in order to consider this amendment.

MR. BINKOWSKI: Mr. President, is this debatable?

PRESIDENT NISBET: No, it is not. The question is on the motion of Mr. Kuhn to suspend the rules to take up his amendment. Those in favor will vote aye. Those opposed will vote no.

The motion does not prevail. The secretary will read the next amendment. Mr. Madar.

MR. MADAR: A point of special privilege or convention privilege because all I want to do is get things straight in the record. Because I am a city employee, I believe that this ought to be corrected, because we don't want to let people throughout the state think that these things go on. I feel just a little bit ashamed for my colleague that he would say something like this because if he had checked the records, he would find that when a man is elected to the legislature or the senate, he does

Gadola	Perras	Woolfenden
Goebel	Plank	Yeager

Nays—44

Austin	Greene	Murphy
Baginski	Hart, Miss	Nord
Barthwell	Hatcher, Mrs.	Norris
Binkowski	Hodges	Ostrow
Bledsoe	Hood	Pellow
Bradley	Jones	Perlich
Brown, T. S.	Kelsey	Sablich
Buback	Krolkowski	Snyder
Dade	Leibrand	Stopczynski
Douglas	Lesinski	Suzore
Downs	Liberato	Walker
Elliott, Mrs. Daisy	Madar	Wilkowski
Faxon	Mahinske	Young
Ford	Marshall	Youngblood
Garvin	McAllister	

SECRETARY CHASE: On the passage of the proposed revised constitution, the yeas are 99; the nays are 44.

PRESIDENT NISBET: A majority of the delegates elect having voted therefor, the revised constitution is passed. (applause)

For the revised constitution as passed, except section 8 of article IV, section 28 of article VI, and section 2 of article X, see above, page 3214.

Following is section 8 of article IV as amended and passed:

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 officers of the armed forces reserve, may be a member of either house of the legislature.

Following is section 28 of article VI as amended and passed:

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.

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.

Following is section 2 of article X as amended and passed:

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.

Following is explanation of abstention submitted by Mr. Shanahan:

It is with sincere regret that I find I cannot support the document we are about to present to the people of the state of Michigan to be the supreme law of our state. This conclusion was not one that came easily.

I came here with the firm conviction that I was representing free people for the purpose of preparing a statement of power limitations to government to the end that we would insure living in orderly communities with a minimum of centralization of power of government. My concern has deepened and expanded as the convention has adopted sections that remove segments of government from direct responsibility to the people; has strengthened big government and removed protection for little people; has

frozen in provisions that inevitably will add to and increase the costs of government; has made provision to set class, group, or section against class, group, or section; has denied to county and local peoples the former right, the traditional right, to handle local problems in a manner that has been proved to be quite satisfactory; has transferred many powers from the legislative to the executive and the judicial; has incorporated language that, in my opinion, will inevitably and soon establish a completely socialized welfare state.

To lend my support to the proposed 1962 constitution would be to vote away my freedom. This I cannot do, either for myself or for the people I represent.

Following is explanation of vote submitted by Messrs. Downs, Snyder, Jones, Wilkowski, Stopczynski, Young, Youngblood, Hood, Hodges, Dade, Ford, Bradley, Madar, Binkowski, Garvin, Austin, Baginski, Buback, T. S. Brown, Suzore, Murphy, Faxon, Norris, Nord, Douglas, Greene, Kelsey, Marshall, Liberato, Walker, Mrs. Daisy Elliott, Mrs. Hatcher and Miss Hart:

We have evaluated the proposed document which was presented to us today by the committee on style and drafting against a background of the existing constitution of Michigan and have asked ourselves: is this an improvement over the present constitution? Our answer is, no.

The majority of the voters of Michigan hopefully supported the calling of a constitutional convention in the belief that this convention would improve Michigan's governmental structure. Many citizens who supported the calling of the convention felt that Michigan had an opportunity to obtain at once a fairly apportioned legislature and a sensible, honest and fair tax structure. Hope was also high for a strengthened executive branch and a self executing home rule provision. Most citizens had hoped through this means that our long history of conflict and deadlock between the malapportioned senate and the executive could be resolved. The convention has failed to achieve any one of these objectives.

Some of the more specific reasons for voting no on the document presented to us are outlined below:

1. Legislative apportionment. The major reason for the calling of the convention was general public dissatisfaction with the present method of legislative apportionment. The proposed document perpetuates legislation without fair representation, because the apportionment problem has not been solved. Senate districts which would not be reapportioned until after 1970 could vary in population by more than 4 to 1, the largest being approximately 365,860 and the smallest being 86,430, based on population projections for 1970. House districts could vary by approximately 2 to 1, the largest being 101,120 and the smallest being 53,062, based on 1960 population figures. A minority of the voters will continue to elect a clear majority in both houses of the legislature.

2. Taxation. The taxation provisions of the proposed new document present no improvements over existing tax provisions and in some instances are more restrictive and regressive than those now in effect. Over our vigorous objections, the convention has consistently refused to include the principle of taxation according to ability to pay. The new document encourages the further imposition of taxes on those least able to bear the burden. There can be no question of the necessity of earmarking funds as voted by the people so long as the legislature is not truly representative and fails to raise or appropriate money to meet the needs of all our people.

The proposed document demands that in times of economic crisis the state budget must be cut, even though it will cause serious hardship to millions of citizens in such vital areas as education, health and programs for the needy, both locally and statewide. If there is still a deficit, this must be absorbed in the succeeding year's budget which requires the governor to further reduce essential services regardless of human need. At the precise time

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".

against the secretary of state, by Mr. Van Dusen, chairman, submits the following report:

In accordance with Resolution 96, the committee on action against secretary of state on May 14, 1962, filed with the circuit court for the county of Ingham, a petition for declaration of rights in an action entitled, Stephen S. Nisbet, President of the Michigan Constitutional Convention of 1961-1962 v. James M. Hare, Secretary of State. The relief sought was a declaration that the convention has the right to provide for submission of the proposed new constitution to the electors at the general election to be held November 6, 1962. The summons and petition were served on the secretary of state on the same day.

On May 22, having had no response from the attorney general, petitioner filed a motion for the entry of a decree. On May 25, the secretary of state appeared specially by the attorney general and moved to dismiss the petition on the ground that the case did not present an actual controversy. The trial court heard argument on the attorney general's motion on June 1 and on June 6 rendered an opinion denying the motion to dismiss. An order to that effect was entered on June 11.

Instead of proceeding to file an answer, the attorney general then filed an application to the supreme court for leave to appeal. This application was granted by the supreme court and the attorney general, on July 2, filed a claim of appeal.

The attorney general has not yet filed a brief and he states that he does not intend to do so until after August 7.

It is obvious that no judicial determination of the right of the constitutional convention to require submission of the proposed constitution to the electors on November 6 will be made in time to be useful to the convention. Accordingly, the committee recommends:

1) That section 15 [formerly section 16] of the schedule and temporary provisions of the proposed constitution be amended by striking from the first sentence the words "Tuesday after the first Monday of November, 1962" and inserting "first Monday in April, 1963."

2) That the committee be authorized to discontinue the action entitled, Nisbet v. Hare.

Richard C. Van Dusen, chairman.

MR. VAN DUSEN: Mr. President, I move the adoption of the report.

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

The report is adopted. Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, in compliance with our rules, I think it would now be necessary to take a roll call vote on the amendment to the constitution changing the date.

PRESIDENT NISBET: Mr. Chase will read the amendment.

SECRETARY CHASE: The amendment recommended in the report is as follows:

1. Amend the schedule, section 15 [formerly section 16] (column 2) line 11, after "held on the" by striking out "Tuesday after the first Monday of November, 1962.", and inserting "first Monday in April, 1963."

PRESIDENT NISBET: The secretary will call the roll. Those in favor of the amendment will vote aye as your name is called. Those opposed will vote no.

The roll was called and the delegates voted as follows:

Yeas—141

Allen	Goebel	Page
Andrus, Miss	Gover	Pellow
Anspach	Greene	Perlich
Austin	Gust	Perras
Baginski	Habermehl	Plank
Balcer	Hanna, W. F.	Pollock
Barthwell	Hannah, J. A.	Powell
Batchelor	Hart, Miss	Prettie
Beaman	Haskill	Pugsley
Bentley	Hatch	Radka

Binkowski	Hatcher, Mrs.
Blandford	Heideman
Bledsoe	Higgs
Bonisteel	Hood
Boothby	Howes
Bowens	Hoxie
Bradley	Hubbs
Brake	Hutchinson
Brown, G. E.	Iverson
Brown, T. S.	Jones
Buback	Judd, Mrs.
Butler, Mrs.	Karn
Conklin, Mrs.	Kelsey
Cudlip	Kirk, S.
Cushman, Mrs.	Knirk, B.
Danhof	Koeze, Mrs.
Dehnke	Krolkowski
Dell	Kuhn
DeVries	Lawrence
Donnelly, Miss	Lebrand
Doty, Dean	Leppien
Doty, Donald	Lesinski
Douglas	Liberato
Downs	Madar
Durst	Mahinske
Elliott, A. G.	Martin
Elliott, Mrs. Daisy	McAllister
Erickson	McCauley
Everett	McGowan, Miss
Farnsworth	McLogan
Faxon	Millard
Figy	Mosier
Finch	Murphy
Follo	Nisbet
Ford	Nord
Gadola	Norris
Garvin	Ostrow

Nays—0

SECRETARY CHASE: On the adoption of the amendment, the yeas are 141; the nays are none.

PRESIDENT NISBET: The amendment is adopted. The question now is on the final passage of the constitution as amended this morning. Those who are in favor will answer aye as your names are called. Those opposed will answer nay. The secretary will call the roll.

The roll was called and the delegates voted as follows:

Yeas—98

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

Follo
Gadola
Goebel

Perras
Plank
Pollock

Woolfenden
Yeager

Nays—43

Austin
Baginski
Barthwell
Binkowski
Bledsoe
Bowens
Bradley
Brown, T. S.
Buback
Douglas
Downs
Elliott, Mrs. Daisy
Faxon
Ford
Garvin

Greene
Hart, Miss
Hatcher, Mrs.
Hood
Jones
Kelsey
Krolikowski
Leibrand
Lesinski
Liberato
Madar
Mahinske
McAllister
Murphy

Nord
Norris
Ostrow
Pellow
Perlich
Sablich
Shanahan
Snyder
Stopczynski
Suzore
Walker
Wilkowski
Young
Youngblood

SECRETARY CHASE: On the adoption of the constitution as amended, the yeas are 98; the nays are 43. (applause)
PRESIDENT NISBET: The **constitution** is adopted.

For the constitution as adopted, see below, page 3317.

Because of the hour, it being almost noon, the Chair recognizes Mr. Van Dusen.

MR. VANDUSEN: Mr. President, I move that the convention now stand in recess until 2:00 p.m.

PRESIDENT NISBET: The question is on the motion of Mr. Van Dusen that we recess until 2:00 p.m. Those in favor will say aye. Opposed, no.

The motion prevails. We are recessed until 2:00 o'clock.

[Whereupon, at 11:50 o'clock a.m., the convention recessed; and, at 2:00 o'clock p.m., reconvened.]

Will the delegates please take their seats. The convention will please come to order.

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

PRESIDENT NISBET: I think we should recognize the fact that many of our employees are voluntarily back with us today, meeting with the delegates. I'm sure all of us are very happy to have them here. It brings about a happy result to see them and I think we ought to give them a good hand. (applause) Mr. Chase has an announcement.

SECRETARY CHASE: There are 3 announcements that possibly should have been made before we recessed for lunch.

First, there is mail for all of the delegates in the mail room downstairs.

Just prior to the May 11 adjournment, several of the delegates took out, on loan, sets of convention slides which have not been returned. Missing from our files are 12 complete sets of slides. Since we frequently have call from other delegates for the use of these slides, we would appreciate their return as soon as possible. Ink White, chairman of the committee on public information.

I am sure the delegates recall the lady on the civic center staff who took such good care of keeping the windows clean and the place well slicked up, who had to go to the hospital for a very critical operation. A number of the delegates contributed to a fund to help her over her financial difficulties. I have the following card:

It is very difficult to express my appreciation to all the wonderful people of con. con. Let me say, with my heart, your kindness and generosity will always be remembered.

Sincerely,
Freda Adams.

PRESIDENT NISBET: Since the adjournment on May 11, we have added 2 new associate members to the delegation: Mrs. Charles Follo and Mrs. Gil Wanger.

I asked Charlie if Mrs. Follo was present so that he might present her, but he said she isn't. We are sorry, Charlie, she couldn't be with us.

Mr. Wanger, is your associate delegate present? Would you present her?

[Whereupon, the delegates accorded Mrs. Wanger a standing ovation.]

At the final session before the long recess the president was authorized to name a reunion committee for the constitutional convention. Accordingly, the **president appoints**, as members of the reunion committee: Mr. Erickson, Mrs. Koeze, Messrs. Jones, Bowens, Brake, Mrs. Conklin, Mr. Dean Doty, Mrs. Daisy Elliott, Messrs. Faxon, Kelsey, Kuhn, Powell, Sharpe, Wanger, White and Norris.

Without objection, the appointments are approved. You will notice that most of these delegates are within the area of Lansing, Detroit or Grand Rapids for their ease in getting together when they have to meet. Mr. Claud Erickson is chairman of the committee.

Returning to the order of business, **approval of address to people**. We will take up the **report of the committee on public information**. Mr. White, chairman.

MR. WHITE: Mr. President, under date of June 26, 1962, each delegate was mailed proof copies of the proposed address to the people. Since that time our committee has received numerous suggestions for corrections, additions, deletions and so on. Our committee has met and gone over these suggestions and they have been, for the most part, agreed to. I might say, parenthetically, the address in its present corrected form represents the writing and editing of upwards of 50 of our delegates.

Under date of July 27, 1962, each of you was mailed a 16 page multilith report which outlined in detail some 108 corrections. This communication also carried the recommendation that we be authorized to correct the text of the constitution as it appears in the address to conform with the style and drafting changes adopted at today's session, and to offer comments accordingly, if necessary. All of this material has been delivered again to each delegate's desk today. Additionally, you have a single white multilith sheet from our committee containing brief addenda to this 16 page report.

It seems to me, Mr. President, the delegates have had ample time to consider these matters, and to expedite our final deliberations, I move that the report of the public information committee, with the recommended addenda, be considered read.

PRESIDENT NISBET: Without objection, it is so ordered.

Following is the report as submitted and considered read:

After careful consideration of suggestions from delegates, your committee on public information recommends the adoption of the following changes in the proof copy of the address to the people:

For document incorporating following changes, see below, page 3355. Page numbers in report refer to document pages.

1. Amend page 2, second full paragraph, line 3, after "that one" by striking out "must" and inserting "should"; to improve phraseology.

2. Amend page 2, third full paragraph, line 1, by striking out "Ordered by popular vote, its delegates selected by the people on the basis of one from each senatorial and representative district, the Constitutional Convention of 1961-62 met in Lansing on October 3, 1961.", and inserting "The convention was ordered by popular vote in April of 1961. There were 144 delegates, representing Michigan's 34 State Senatorial districts and 110 State Representative seats. They were elected in statewide voting on September 12, 1961, and convened at Lansing on October 3, 1961."; to improve awkward sentence construction and correct error by indicating "seats" rather than representative "districts."

3. Amend page 2, fifth full paragraph, line 2, after "overlapped" by striking out "each other"; to improve phraseology.

4. Amend page 2, fifth full paragraph, line 6, after

**CONSTITUTION
OF THE
STATE OF MICHIGAN**

**as finally adopted
by the Convention
August 1, 1962**

PREAMBLE

We, the people of the State of Michigan, grateful to Almighty God for the blessings of freedom, and earnestly desiring to secure these blessings undiminished to ourselves and our posterity, do ordain and establish this constitution.

ARTICLE I

Declaration of Rights

Sec. 1. All political power is inherent in the people. Government is instituted for their equal benefit, security and protection.

Sec. 2. No person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color or national origin. The legislature shall implement this section by appropriate legislation.

Sec. 3. The people have the right peaceably to assemble, to consult for the common good, to instruct their representatives and to petition the government for redress of grievances.

Sec. 4. Every person shall be at liberty to worship God according to the dictates of his own conscience. No person shall be compelled to attend, or, against his consent, to contribute to the erection or support of any place of religious worship, or to pay tithes, taxes or other rates for the support of any minister of the gospel or teacher of religion. No money shall be appropriated or drawn from the treasury for the benefit of any religious sect or society, theological or religious seminary; nor shall property belonging to the state be appropriated for any such purpose. The civil and political rights, privileges and capacities of no person shall be diminished or enlarged on account of his religious belief.

Sec. 5. Every person may freely speak, write, express and publish his views on all subjects, being responsible for the abuse of such right; and no law shall be enacted to restrain or abridge the liberty of speech or of the press.

Sec. 6. Every person has a right to keep and bear arms for the defense of himself and the state.

Sec. 7. The military shall in all cases and at all times be in strict subordination to the civil power.

Sec. 8. No soldier shall, in time of peace, be quartered in any house without the consent of the owner or occupant, nor in time of war, except in a manner prescribed by law.

Sec. 9. Neither slavery, nor involuntary servitude unless for the punishment of crime, shall ever be tolerated in this state.

Sec. 10. No bill of attainder, ex post facto law or law impairing the obligation of contract shall be enacted.

Sec. 11. The person, houses, papers and possessions of every person shall be secure from unreasonable searches and seizures. No warrant to search any place or to seize any person or things shall issue without describing them, nor without probable cause, supported by oath or affirmation. The provisions of this section shall not be construed to bar from evidence in any criminal proceeding any narcotic drug, firearm, bomb, explosive or any other dangerous weapon, seized by a peace officer outside the curtilage of any dwelling house in this state.

Sec. 12. The privilege of the writ of habeas corpus shall not be suspended unless in case of rebellion or invasion the public safety may require it.

Sec. 13. A suitor in any court of this state has the right to prosecute or defend his suit, either in his own proper person or by an attorney.

Sec. 14. The right of trial by jury shall remain, but shall be waived in all civil cases unless demanded by one of the parties in the manner prescribed by law. In all civil cases tried by 12 jurors a verdict shall be received when 10 jurors agree.

Sec. 15. No person shall be subject for the same offense to be twice put in jeopardy. All persons shall, before conviction, be bailable by sufficient sureties, except for murder and treason when the proof is evident or the presumption great.

Sec. 16. Excessive bail shall not be required; excessive fines shall not be imposed; cruel or unusual punishment shall not be inflicted; nor shall witnesses be unreasonably detained.

Sec. 17. No person shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property, without due process of law. The right of all individuals, firms, corporations and voluntary associations to fair and just treatment in the course of legislative and executive investigations and hearings shall not be infringed.

Sec. 18. No person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief.

Sec. 19. In all prosecutions for libels the truth may be given in evidence to the jury; and, if it appears to the jury that the matter charged as libelous is true and was published with good motives and for justifiable ends, the accused shall be acquitted.

Sec. 20. In every criminal prosecution, the accused shall have the right to a speedy and public trial by an impartial jury, which may consist of less than 12 jurors in all courts not of record; to be informed of the nature of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to have the assistance of counsel for his defense; to have an appeal as a matter of right; and in courts of record, when the trial court so orders, to have such reasonable assistance as may be necessary to perfect and prosecute an appeal.

Sec. 21. No person shall be imprisoned for debt arising out of or founded on contract, express or implied, except in cases of fraud or breach of trust.

Sec. 22. Treason against the state shall consist only in levying war against it or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless upon the testimony of two witnesses to the same overt act or on confession in open court.

Sec. 23. The enumeration in this constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE II

Elections

Sec. 1. Every citizen of the United States who has attained the age of 21 years, who has resided in this state six months, and who meets the requirements of local residence provided by law, shall be an elector and qualified to vote in any election except as otherwise provided in this constitution. The legislature shall define residence for voting purposes.

Sec. 2. The legislature may by law exclude persons from voting because of mental incompetence or commitment to a jail or penal institution.

Sec. 3. For purposes of voting in the election for president and vice-president of the United States only, the legislature may by law establish lesser residence requirements for citizens who have resided in this state for less than six months and may waive residence requirements for former citizens of this state who have removed herefrom. The legislature shall not permit voting by any person who meets the voting residence requirements of the state to which he has removed.

Sec. 4. The legislature shall enact laws to regulate the time, place and manner of all nominations and elections, except as otherwise provided in this constitution or in the constitution and laws of the United States. The legislature shall enact laws to preserve the purity of elections, to preserve the secrecy of the ballot, to guard against abuses of the elective franchise, and to provide for a system of voter registration and absentee voting. No law shall be enacted which permits a candidate in any partisan primary or partisan election to have a ballot designation except when required for identification of candidates for the same office who have the same or similar surnames.

Sec. 5. Except for special elections to fill vacancies, or as otherwise provided in this constitution, all elections for national, state, county and township offices shall be held on the first Tuesday after the first Monday in November in each even-numbered year or on such other date as members of the congress of the United States are regularly elected.

Sec. 6. Whenever any question is required to be submitted by a political subdivision to the electors for the increase of the ad valorem tax rate limitation imposed by Section 6 of Article IX for a period of more than five years, or for the issue of bonds, only electors in, and who have property assessed for any ad valorem taxes in, any part of the district or territory to be affected by the result of such election or electors who are the lawful husbands or wives of such persons shall be entitled to vote thereon. All electors in the district or territory affected may vote on all other questions.

Sec. 7. A board of state canvassers of four members shall be established by law. No candidate for an office to be canvassed nor any inspector of elections shall be eligible to serve as a member of a board of canvassers. A majority of any board of canvassers shall not be composed of members of the same political party.

Sec. 8. Laws shall be enacted to provide for the recall of all elective officers except judges of courts of record upon petition of electors equal in number to 25 percent of the number of persons voting in the last preceding election for the office of governor in the electoral district of the officer sought to be recalled. The sufficiency of any statement of reasons or grounds procedurally required shall be a political rather than a judicial question.

Sec. 9. The people reserve to themselves the power to propose laws and to enact and reject laws, called the initiative, and the power to approve or reject laws enacted by the legislature, called the referendum. The power of initiative extends only to laws which the legislature may enact under this constitution. The power of referendum does not extend to acts making appropriations for state institutions or to meet deficiencies in state funds and must be invoked in the manner prescribed by law within 90 days following the final adjournment of the legislative session at which the law was enacted. To invoke the initiative or referendum, petitions signed by a number of registered electors, not less than eight percent for initiative and five percent for referendum of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected shall be required.

No law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election.

Any law proposed by initiative petition shall be either enacted or rejected by the legislature without change or amendment within 40 session days from the time such petition is received by the legislature. If any law proposed by such petition shall be enacted by the legislature it shall be subject to referendum, as hereinafter provided.

If the law so proposed is not enacted by the legislature within the 40 days, the state officer authorized by law shall submit such proposed law to the people for approval or rejection at the next general election. The legislature may reject any measure so proposed by initiative petition and propose a different measure upon the same subject by a yea and nay vote upon separate roll calls, and in such event both measures shall be submitted by such state officer to the electors for approval or rejection at the next general election.

Any law submitted to the people by either initiative or referendum petition and approved by a majority of the votes cast thereon at any election shall take effect 10 days after the date of the official declaration of the vote. No law initiated or adopted by the people shall be subject to the veto power of the governor, and no law adopted by the people at the polls under the initiative provisions of this section shall be amended or repealed, except by a vote of the electors unless otherwise provided in the initiative measure or by three-fourths of the members elected to and serving in each house of the legislature. Laws approved by the people under the referendum provision of this section may be amended by the legislature at any subsequent session thereof. If two or more measures approved by the electors at the same election conflict, that receiving the highest affirmative vote shall prevail.

The legislature shall implement the provisions of this section.

ARTICLE III

General Government

Sec. 1. The seat of government shall be at Lansing.

Sec. 2. The powers of government are divided into three branches: legislative, executive and judicial. No person exercising powers of one branch shall exercise powers properly belonging to another branch except as expressly provided in this constitution.

Sec. 3. There shall be a great seal of the State of Michigan and its use shall be provided by law.

Sec. 4. The militia shall be organized, equipped and disciplined as provided by law.

Sec. 5. Subject to provisions of general law, this state or any political subdivision thereof, any governmental authority or any combination thereof may enter into agreements for the performance, financing or execution of their respective functions, with any one or more of the other states, the United States, the Dominion of Canada, or any political subdivision thereof unless otherwise provided in this constitution. Any other provision of this constitution notwithstanding, an officer or employee of the state or of any such unit of government or subdivision or agency thereof may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service. The legislature may impose such restrictions, limitations or conditions on such service as it may deem appropriate.

Sec. 6. The state shall not be a party to, nor be financially interested in, any work of internal improvement, nor engage in carrying on any such work, except for public internal improvements provided by law.

Sec. 7. The common law and the statute laws now in force, not repugnant to this constitution, shall remain in force until they expire by their own limitations, or are changed, amended or repealed.

Sec. 8. Either house of the legislature or the governor may request the opinion of the supreme court on important questions of law upon solemn occasions as to the constitutionality of legislation after it has been enacted into law but before its effective date.

ARTICLE IV

Legislative Branch

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

Sec. 2. The senate shall consist of 38 members to be elected from single member districts at the same election as the governor for four-year terms concurrent with the term of office of the governor.

In districting the state for the purpose of electing senators after the official publication of the total population count of each federal decennial census, each county shall be assigned apportionment factors equal to the sum of its percentage of the state's population as shown by the last regular federal decennial census computed to the nearest one-one hundredth of one percent multiplied by four and its percentage of the state's land area computed to the nearest one-one hundredth of one percent.

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

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

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

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

Sec. 3. The house of representatives shall consist of 110 members elected for two-year terms from single member districts apportioned on a basis of population as provided in this article. The districts shall consist of compact and convenient territory contiguous by land.

Each county which has a population of not less than seven-tenths of one percent of the population of the state shall constitute a separate representative area. Each county having less than seven-tenths of one percent of the population of the state shall be combined with another county or counties to form a representative area of not less than seven-tenths of one percent of the population of the state. Any county which is isolated under the initial allocation as provided in this section shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.

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

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

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

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

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

Sec. 4. In counties having more than one representative or senatorial district, the territory in the same county annexed to or merged with a city between apportionments shall become a part of a contiguous representative or senatorial district in the city with which it is combined, if provided by ordinance of the city. The district or districts with which the territory shall be combined shall be determined by such ordinance certified to the secretary of state. No such change in the boundaries of a representative or senatorial district shall have the effect of removing a legislator from office during his term.

Sec. 5. Island areas are considered to be contiguous by land to the county of which they are a part.

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

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

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

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

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

Each final apportionment and districting plan shall be published as provided by law within 30 days from the date of its adoption and shall become law 60 days after

publication. The secretary of state shall keep a public record of all the proceedings of the commission and shall be responsible for the publication and distribution of each plan.

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

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

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

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

Sec. 9. No person elected to the legislature shall receive any civil appointment within this state from the governor, except notaries public, from the legislature, or from any other state authority, during the term for which he is elected.

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

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

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

Sec. 13. The legislature shall meet at the seat of government on the second Wednesday in January of each year at twelve o'clock noon. Each regular session shall adjourn without day, on a day determined by concurrent resolution, at twelve o'clock noon. Any business, bill or joint resolution pending at the final adjournment of a regular session held in an odd numbered year shall carry over with the same status to the next regular session.

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

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

Sec. 16. Each house, except as otherwise provided in this constitution, shall choose its own officers and determine the rules of its proceedings, but shall not adopt any rule that will prevent a majority of the members elected thereto and serving therein from discharging a committee from the further consideration of any measure. Each house shall be the sole judge of the qualifications, elections and returns of its members, and may, with the concurrence of two-thirds of all the members elected thereto and serving therein, expel a member. The reasons for such expulsion shall be entered in the journal, with the votes and names of the members voting upon the question. No member shall be expelled a second time for the same cause.

Sec. 17. Each house of the legislature may establish the committees necessary for the efficient conduct of its business and the legislature may create joint committees. On all actions on bills and resolutions in each committee, names and votes of members shall be recorded. Such vote shall be available for public inspection. Notice of all committee hearings and a clear statement of all subjects to be considered at each hearing shall be published in the journal in advance of the hearing.

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

Sec. 19. All elections in either house or in joint convention and all votes on appointments submitted to the senate for advice and consent shall be published by vote and name in the journal.

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

Sec. 21. Neither house shall, without the consent of the other, adjourn for more than two intervening calendar days, nor to any place other than where the legislature may then be in session.

Sec. 22. All legislation shall be by bill and may originate in either house.

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

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

Sec. 25. No law shall be revised, altered or amended by reference to its title only. The section or sections of the act altered or amended shall be re-enacted and published at length.

Sec. 26. No bill shall be passed or become a law at any regular session of the legislature until it has been printed or reproduced and in the possession of each house for

at least five days. Every bill shall be read three times in each house before the final passage thereof. No bill shall become a law without the concurrence of a majority of the members elected to and serving in each house. On the final passage of bills, the votes and names of the members voting thereon shall be entered in the journal.

Sec. 27. No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.

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

Sec. 29. The legislature shall pass no local or special act in any case where a general act can be made applicable, and whether a general act can be made applicable shall be a judicial question. No local or special act shall take effect until approved by two-thirds of the members elected to and serving in each house and by a majority of the electors voting thereon in the district affected. Any act repealing local or special acts shall require only a majority of the members elected to and serving in each house and shall not require submission to the electors of such district.

Sec. 30. The assent of two-thirds of the members elected to and serving in each house of the legislature shall be required for the appropriation of public money or property for local or private purposes.

Sec. 31. The general appropriation bills for the succeeding fiscal period covering items set forth in the budget shall be passed or rejected in either house of the legislature before that house passes any appropriation bill for items not in the budget except bills supplementing appropriations for the current fiscal year's operation. Any bill requiring an appropriation to carry out its purpose shall be considered an appropriation bill. One of the general appropriation bills as passed by the legislature shall contain an itemized statement of estimated revenue by major source in each operating fund for the ensuing fiscal period, the total of which shall not be less than the total of all appropriations made from each fund in the general appropriation bills as passed.

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

Sec. 33. Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law. If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves, and the legislature continues the session at which the bill was passed, he shall return it within such 14-day period with his objections, to the house in which it originated. That house shall enter such objections in full in its journal and reconsider the bill. If two-thirds of the members elected to and serving in that house pass the bill notwithstanding the objections of the governor, it shall be sent with the objections to the other house for reconsideration. The bill shall become law if passed by two-thirds of the members elected to and serving in that house. The vote of each house shall be entered in the journal with the votes and names of the members voting thereon. If any bill is not returned by the governor within such 14-day period, the legislature continuing in session, it shall become law as if he had signed it.

Sec. 34. Any bill passed by the legislature and approved by the governor, except a bill appropriating money, may provide that it will not become law unless approved by a majority of the electors voting thereon.

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

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

Sec. 37. The legislature may by concurrent resolution empower a joint committee of the legislature, acting between sessions, to suspend any rule or regulation promulgated by an administrative agency subsequent to the adjournment of the last preceding regular legislative session. Such suspension shall continue no longer than the end of the next regular legislative session.

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

Sec. 39. In order to insure continuity of state and local governmental operations in periods of emergency only, resulting from disasters occurring in this state caused by enemy attack on the United States, the legislature may provide by law for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices; and enact other laws necessary and proper for insuring the continuity of governmental operations. Notwithstanding the power conferred by this section, elections shall always be called as soon as possible to fill any vacancies in elective offices temporarily occupied by operation of any legislation enacted pursuant to the provisions of this section.

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

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

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

Sec. 43. No general law providing for the incorporation of trust companies or corporations for banking purposes, or regulating the business thereof, shall be enacted, amended or repealed except by a vote of two-thirds of the members elected to and serving in each house.

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

Sec. 45. The legislature may provide for indeterminate sentences as punishment for crime and for the detention and release of persons imprisoned or detained under such sentences.

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

Sec. 47. The legislature may authorize the employment of chaplains in state institutions of detention or confinement.

Sec. 48. The legislature may enact laws providing for the resolution of disputes concerning public employees, except those in the state classified civil service.

Sec. 49. The legislature may enact laws relative to the hours and conditions of employment.

Sec. 50. The legislature may provide safety measures and regulate the use of atomic energy and forms of energy developed in the future, having in view the general welfare of the people of this state.

Sec. 51. The public health and general welfare of the people of the state are hereby declared to be matters of primary public concern. The legislature shall pass suitable laws for the protection and promotion of the public health.

Sec. 52. The conservation and development of the natural resources of the state are hereby declared to be of paramount public concern in the interest of the health, safety and general welfare of the people. The legislature shall provide for the protection of the air, water and other natural resources of the state from pollution, impairment and destruction.

Sec. 53. The legislature by a majority vote of the members elected to and serving in each house, shall appoint an auditor general, who shall be a certified public accountant licensed to practice in this state, to serve for a term of eight years. He shall be ineligible for appointment or election to any other public office in this state from which compensation is derived while serving as auditor general and for two years following the termination of his service. He may be removed for cause at any time by a two-thirds vote of the members elected to and serving in each house. The auditor general shall conduct post audits of financial transactions and accounts of the state and of all branches, departments, offices, boards, commissions, agencies, authorities and institutions of the state established by this constitution or by law, and performance post audits thereof.

The auditor general upon direction by the legislature may employ independent accounting firms or legal counsel and may make investigations pertinent to the conduct of audits. He shall report annually to the legislature and to the governor and at such other times as he deems necessary or as required by the legislature. He shall be assigned no duties other than those specified in this section.

Nothing in this section shall be construed in any way to infringe the responsibility and constitutional authority of the governing boards of the institutions of higher education to be solely responsible for the control and direction of all expenditures from the institutions' funds.

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

ARTICLE V

Executive Branch

Sec. 1. The executive power is vested in the governor.

Sec. 2. All executive and administrative offices, agencies and instrumentalities of the executive branch of state government and their respective functions, powers and

duties, except for the office of governor and lieutenant governor and the governing bodies of institutions of higher education provided for in this constitution, shall be allocated by law among and within not more than 20 principal departments. They shall be grouped as far as practicable according to major purposes.

Subsequent to the initial allocation, the governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these changes require the force of law, they shall be set forth in executive orders and submitted to the legislature. Thereafter the legislature shall have 60 calendar days of a regular session, or a full regular session if of shorter duration, to disapprove each executive order. Unless disapproved in both houses by a resolution concurred in by a majority of the members elected to and serving in each house, each order shall become effective at a date thereafter to be designated by the governor.

Sec. 3. The head of each principal department shall be a single executive unless otherwise provided in this constitution or by law. The single executives heading principal departments shall include a secretary of state, a state treasurer and an attorney general. When a single executive is the head of a principal department, unless elected or appointed as otherwise provided in this constitution, he shall be appointed by the governor by and with the advice and consent of the senate and he shall serve at the pleasure of the governor.

When a board or commission is at the head of a principal department, unless elected or appointed as otherwise provided in this constitution, the members thereof shall be appointed by the governor by and with the advice and consent of the senate. The term of office and procedure for removal of such members shall be as prescribed in this constitution or by law.

Terms of office of any board or commission created or enlarged after the effective date of this constitution shall not exceed four years except as otherwise authorized in this constitution. The terms of office of existing boards and commissions which are longer than four years shall not be further extended except as provided in this constitution.

Sec. 4. Temporary commissions or agencies for special purposes with a life of no more than two years may be established by law and need not be allocated within a principal department.

Sec. 5. A majority of the members of an appointed examining or licensing board of a profession shall be members of that profession.

Sec. 6. Appointment by and with the advice and consent of the senate when used in this constitution or laws in effect or hereafter enacted means appointment subject to disapproval by a majority vote of the members elected to and serving in the senate if such action is taken within 60 session days after the date of such appointment. Any appointment not disapproved within such period shall stand confirmed.

Sec. 7. Vacancies in any office, appointment to which requires advice and consent of the senate, shall be filled by the governor by and with the advice and consent of the senate. A person whose appointment has been disapproved by the senate shall not be eligible for an interim appointment to the same office.

Sec. 8. Each principal department shall be under the supervision of the governor unless otherwise provided by this constitution. The governor shall take care that the laws be faithfully executed. He shall transact all necessary business with the officers of

government and may require information in writing from all executive and administrative state officers, elective and appointive, upon any subject relating to the duties of their respective offices.

The governor may initiate court proceedings in the name of the state to enforce compliance with any constitutional or legislative mandate, or to restrain violations of any constitutional or legislative power, duty or right by any officer, department or agency of the state or any of its political subdivisions. This authority shall not be construed to authorize court proceedings against the legislature.

Sec. 9. Single executives heading principal departments and the chief executive officers of principal departments headed by boards or commissions shall keep their offices at the seat of government except as otherwise provided by law, superintend them in person and perform duties prescribed by law.

Sec. 10. The governor shall have power and it shall be his duty to inquire into the condition and administration of any public office and the acts of any public officer, elective or appointive. He may remove or suspend from office for gross neglect of duty or for corrupt conduct in office, or for any other misfeasance or malfeasance therein, any elective or appointive state officer, except legislative or judicial, and shall report the reasons for such removal or suspension to the legislature.

Sec. 11. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an appointed or elected officer, other than a legislative or judicial officer, until he is reinstated or until the vacancy is filled in the manner prescribed by law or this constitution.

Sec. 12. The governor shall be commander-in-chief of the armed forces and may call them out to execute the laws, suppress insurrection and repel invasion.

Sec. 13. The governor shall issue writs of election to fill vacancies in the senate or house of representatives. Any such election shall be held in a manner prescribed by law.

Sec. 14. The governor shall have power to grant reprieves, commutations and pardons after convictions for all offenses, except cases of impeachment, upon such conditions and limitations as he may direct, subject to procedures and regulations prescribed by law. He shall inform the legislature annually of each reprieve, commutation and pardon granted, stating reasons therefor.

Sec. 15. The governor may convene the legislature on extraordinary occasions.

Sec. 16. The governor may convene the legislature at some other place when the seat of government becomes dangerous from any cause.

Sec. 17. The governor shall communicate by message to the legislature at the beginning of each session and may at other times present to the legislature information as to the affairs of the state and recommend measures he considers necessary or desirable.

Sec. 18. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state. Proposed expenditures from any fund shall not exceed the estimated revenue thereof. On the same date, the governor shall submit to the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills to provide new or additional revenues to meet proposed expenditures. The amount of any surplus created or deficit incurred in any fund during the last preceding fiscal period shall be entered as an item in the budget and in one of the appropriation bills. The governor may submit amendments to appropriation bills to be offered in either house during consideration of the bill by that house, and shall submit bills to meet deficiencies in current appropriations.

Sec. 19. The governor may disapprove any distinct item or items appropriating moneys in any appropriation bill. The part or parts approved shall become law, and the item or items disapproved shall be void unless re-passed according to the method prescribed for the passage of other bills over the executive veto.

Sec. 20. No appropriation shall be a mandate to spend. The governor, with the approval of the appropriating committees of the house and senate, shall reduce expenditures authorized by appropriations whenever it appears that actual revenues for a fiscal period will fall below the revenue estimates on which appropriations for that period were based. Reductions in expenditures shall be made in accordance with procedures prescribed by law. The governor may not reduce expenditures of the legislative and judicial branches or from funds constitutionally dedicated for specific purposes.

Sec. 21. The governor, lieutenant governor, secretary of state and attorney general shall be elected for four-year terms at the general election in each alternate even-numbered year.

The lieutenant governor, secretary of state and attorney general shall be nominated by party conventions in a manner prescribed by law. In the general election one vote shall be cast jointly for the candidates for governor and lieutenant governor nominated by the same party.

Vacancies in the office of the secretary of state and attorney general shall be filled by appointment by the governor.

Sec. 22. To be eligible for the office of governor or lieutenant governor a person must have attained the age of 30 years, and have been a registered elector in this state for four years next preceding his election.

Sec. 23. The governor, lieutenant governor, secretary of state and attorney general shall each receive the compensation provided by law in full payment for all services performed and expenses incurred during his term of office. Such compensation shall not be changed during the term of office except as otherwise provided in this constitution.

Sec. 24. An executive residence suitably furnished shall be provided at the seat of government for the use of the governor. He shall receive an allowance for its maintenance as provided by law.

Sec. 25. The lieutenant governor shall be president of the senate, but shall have no vote, unless they be equally divided. He may perform duties requested of him by the governor, but no power vested in the governor shall be delegated.

Sec. 26. In case of the conviction of the governor on impeachment, his removal from office, his resignation or his death, the lieutenant governor, the elected secretary of state, the elected attorney general and such other persons designated by law shall in that order be governor for the remainder of the governor's term.

In case of the death of the governor-elect, the lieutenant governor-elect, the secretary of state-elect, the attorney general-elect and such other persons designated by law shall become governor in that order at the commencement of the governor-elect's term.

If the governor or the person in line of succession to serve as governor is absent from the state, or suffering under an inability, the powers and duties of the office of governor shall devolve in order of precedence until the absence or inability giving rise to the devolution of powers ceases.

The inability of the governor or person acting as governor shall be determined by a majority of the supreme court on joint request of the president pro tempore of the senate and the speaker of the house of representatives. Such determination shall be final

and conclusive. The supreme court shall upon its own initiative determine if and when the inability ceases.

Sec. 27. The legislature shall provide that the salary of any state officer while acting as governor shall be equal to that of the governor.

Sec. 28. There is hereby established a state highway commission, which shall administer the state highway department and have jurisdiction and control over all state trunkline highways and appurtenant facilities, and such other public works of the state, as provided by law.

The state highway commission shall consist of four members, not more than two of whom shall be members of the same political party. They shall be appointed by the governor by and with the advice and consent of the senate for four-year terms, no two of which shall expire in the same year, as provided by law.

The state highway commission shall appoint and may remove a state highway director, who shall be a competent highway engineer and administrator. He shall be the principal executive officer of the state highway department and shall be responsible for executing the policy of the state highway commission.

Sec. 29. There is hereby established a civil rights commission which shall consist of eight persons, not more than four of whom shall be members of the same political party, who shall be appointed by the governor, by and with the advice and consent of the senate, for four-year terms not more than two of which shall expire in the same year. It shall be the duty of the commission in a manner which may be prescribed by law to investigate alleged discrimination against any person because of religion, race, color or national origin in the enjoyment of the civil rights guaranteed by law and by this constitution, and to secure the equal protection of such civil rights without such discrimination. The legislature shall provide an annual appropriation for the effective operation of the commission.

The commission shall have power, in accordance with the provisions of this constitution and of general laws governing administrative agencies, to promulgate rules and regulations for its own procedures, to hold hearings, administer oaths, through court authorization to require the attendance of witnesses and the submission of records, to take testimony, and to issue appropriate orders. The commission shall have other powers provided by law to carry out its purposes. Nothing contained in this section shall be construed to diminish the right of any party to direct and immediate legal or equitable remedies in the courts of this state.

Appeals from final orders of the commission, including cease and desist orders and refusals to issue complaints, shall be tried de novo before the circuit court having jurisdiction provided by law.

ARTICLE VI

Judicial Branch

Sec. 1. The judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court, one probate court, and courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.

Sec. 2. The supreme court shall consist of seven justices elected at non-partisan elections as provided by law. The term of office shall be eight years and not more than

two terms of office shall expire at the same time. Nominations for justices of the supreme court shall be in the manner prescribed by law. Any incumbent justice whose term is to expire may become a candidate for re-election by filing an affidavit of candidacy, in the form and manner prescribed by law, not less than 180 days prior to the expiration of his term.

Sec. 3. One justice of the supreme court shall be selected by the court as its chief justice as provided by rules of the court. He shall perform duties required by the court. The supreme court shall appoint an administrator of the courts and other assistants of the supreme court as may be necessary to aid in the administration of the courts of this state. The administrator shall perform administrative duties assigned by the court.

Sec. 4. The supreme court shall have general superintending control over all courts; power to issue, hear and determine prerogative and remedial writs; and appellate jurisdiction as provided by rules of the supreme court. The supreme court shall not have the power to remove a judge.

Sec. 5. The supreme court shall by general rules establish, modify, amend and simplify the practice and procedure in all courts of this state. The distinctions between law and equity proceedings shall, as far as practicable, be abolished. The office of master in chancery is prohibited.

Sec. 6. Decisions of the supreme court, including all decisions on prerogative writs, shall be in writing and shall contain a concise statement of the facts and reasons for each decision and reasons for each denial of leave to appeal. When a judge dissents in whole or in part he shall give in writing the reasons for his dissent.

Sec. 7. The supreme court may appoint, may remove, and shall have general supervision of its staff. It shall have control of the preparation of its budget recommendations and the expenditure of moneys appropriated for any purpose pertaining to the operation of the court or the performance of activities of its staff except that the salaries of the justices shall be established by law. All fees and perquisites collected by the court staff shall be turned over to the state treasury and credited to the general fund.

Sec. 8. The court of appeals shall consist initially of nine judges who shall be nominated and elected at non-partisan elections from districts drawn on county lines and as nearly as possible of equal population, as provided by law. The supreme court may prescribe by rule that the court of appeals sit in divisions and for the terms of court and the times and places thereof. Each such division shall consist of not fewer than three judges. The number of judges comprising the court of appeals may be increased, and the districts from which they are elected may be changed by law.

Sec. 9. Judges of the court of appeals shall hold office for a term of six years and until their successors are elected and qualified. The terms of office for the judges in each district shall be arranged by law to provide that not all terms will expire at the same time.

Sec. 10. The jurisdiction of the court of appeals shall be provided by law and the practice and procedure therein shall be prescribed by rules of the supreme court.

Sec. 11. The state shall be divided into judicial circuits along county lines in each of which there shall be elected one or more circuit judges as provided by law. Sessions of the circuit court shall be held at least four times in each year in every county organized for judicial purposes. Each circuit judge shall hold court in the county or

counties within the circuit in which he is elected, and in other circuits as may be provided by rules of the supreme court. The number of judges may be changed and circuits may be created, altered and discontinued by law and the number of judges shall be changed and circuits shall be created, altered and discontinued on recommendation of the supreme court to reflect changes in judicial activity. No change in the number of judges or alteration or discontinuance of a circuit shall have the effect of removing a judge from office during his term.

Sec. 12. Circuit judges shall be nominated and elected at non-partisan elections in the circuit in which they reside, and shall hold office for a term of six years and until their successors are elected and qualified. In circuits having more than one circuit judge their terms of office shall be arranged by law to provide that not all terms will expire at the same time.

Sec. 13. The circuit court shall have original jurisdiction in all matters not prohibited by law; appellate jurisdiction from all inferior courts and tribunals except as otherwise provided by law; power to issue, hear and determine prerogative and remedial writs; supervisory and general control over inferior courts and tribunals within their respective jurisdictions in accordance with rules of the supreme court; and jurisdiction of other cases and matters as provided by rules of the supreme court.

Sec. 14. The clerk of each county organized for judicial purposes or other officer performing the duties of such office as provided in a county charter shall be clerk of the circuit court for such county. The judges of the circuit court may fill a vacancy in an elective office of county clerk or prosecuting attorney within their respective jurisdictions.

Sec. 15. In each county organized for judicial purposes there shall be a probate court. The legislature may create or alter probate court districts of more than one county if approved in each affected county by a majority of the electors voting on the question. The legislature may provide for the combination of the office of probate judge with any judicial office of limited jurisdiction within a county with supplemental salary as provided by law. The jurisdiction, powers and duties of the probate court and of the judges thereof shall be provided by law. They shall have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

Sec. 16. One or more judges of probate as provided by law shall be nominated and elected at non-partisan elections in the counties or the probate districts in which they reside and shall hold office for terms of six years and until their successors are elected and qualified. In counties or districts with more than one judge the terms of office shall be arranged by law to provide that not all terms will expire at the same time.

Sec. 17. No judge or justice of any court of this state shall be paid from the fees of his office nor shall the amount of his salary be measured by fees, other moneys received or the amount of judicial activity of his office.

Sec. 18. Salaries of justices of the supreme court, of the judges of the court of appeals, of the circuit judges within a circuit, and of the probate judges within a county or district, shall be uniform, and may be increased but shall not be decreased during a term of office except and only to the extent of a general salary reduction in all other branches of government.

Each of the judges of the circuit court shall receive an annual salary as provided by law. In addition to the salary received from the state, each circuit judge may receive from any county in which he regularly holds court an additional salary as determined

from time to time by the board of supervisors of the county. In any county where an additional salary is granted, it shall be paid at the same rate to all circuit judges regularly holding court therein.

Sec. 19. The supreme court, the court of appeals, the circuit court, the probate court and other courts designated as such by the legislature shall be courts of record and each shall have a common seal. Justices and judges of courts of record must be persons who are licensed to practice law in this state. No person shall be elected or appointed to a judicial office after reaching the age of 70 years.

Sec. 20. Whenever a justice or judge removes his domicile beyond the limits of the territory from which he was elected, he shall have vacated his office.

Sec. 21. Any justice or judge of a court of record shall be ineligible to be nominated for or elected to an elective office other than a judicial office during the period of his service and for one year thereafter.

Sec. 22. Any elected judge of the court of appeals, circuit court or probate court may become a candidate in the primary election for the office of which he is the incumbent by filing an affidavit of candidacy in the form and manner prescribed by law.

Sec. 23. A vacancy in the elective office of a judge of any court of record shall be filled at a general or special election as provided by law. The supreme court may authorize persons who have served as judges and who have retired, to perform judicial duties for the limited period of time from the occurrence of the vacancy until the successor is elected and qualified. Such persons shall be ineligible for election to fill the vacancy.

Sec. 24. There shall be printed upon the ballot under the name of each elected incumbent justice or judge who is a candidate for nomination or election to the same office the designation of that office.

Sec. 25. For reasonable cause, which is not sufficient ground for impeachment, the governor shall remove any judge on a concurrent resolution of two-thirds of the members elected to and serving in each house of the legislature. The cause for removal shall be stated at length in the resolution.

Sec. 26. The offices of circuit court commissioner and justice of the peace are abolished at the expiration of five years from the date this constitution becomes effective or may within this period be abolished by law. Their jurisdiction, compensation and powers within this period shall be as provided by law. Within this five-year period, the legislature shall establish a court or courts of limited jurisdiction with powers and jurisdiction defined by law. The location of such court or courts, and the qualifications, tenure, method of election and salary of the judges of such court or courts, and by what governmental units the judges shall be paid, shall be provided by law, subject to the limitations contained in this article.

Statutory courts in existence at the time this constitution becomes effective shall retain their powers and jurisdiction, except as provided by law, until they are abolished by law.

Sec. 27. The supreme court, the court of appeals, the circuit court, or any justices or judges thereof, shall not exercise any power of appointment to public office except as provided in this constitution.

Sec. 28. All final decisions, findings, rulings and orders of any administrative officer or agency existing under the constitution or by law, which are judicial or quasi-judicial and affect private rights or licenses, shall be subject to direct review by the courts as

provided by law. This review shall include, as a minimum, the determination whether such final decisions, findings, rulings and orders are authorized by law; and, in cases in which a hearing is required, whether the same are supported by competent, material and substantial evidence on the whole record. Findings of fact in workmen's compensation proceedings shall be conclusive in the absence of fraud unless otherwise provided by law.

In the absence of fraud, error of law or the adoption of wrong principles, no appeal may be taken to any court from any final agency provided for the administration of property tax laws from any decision relating to valuation or allocation.

Sec. 29. Justices of the supreme court, judges of the court of appeals, circuit judges and other judges as provided by law shall be conservators of the peace within their respective jurisdictions.

ARTICLE VII

Local Government

Sec. 1. Each organized county shall be a body corporate with powers and immunities provided by law.

Sec. 2. Any county may frame, adopt, amend or repeal a county charter in a manner and with powers and limitations to be provided by general law, which shall among other things provide for the election of a charter commission. The law may permit the organization of county government in form different from that set forth in this constitution and shall limit the rate of ad valorem property taxation for county purposes, and restrict the powers of charter counties to borrow money and contract debts. Each charter county is hereby granted power to levy other taxes for county purposes subject to limitations and prohibitions set forth in this constitution or law. Subject to law, a county charter may authorize the county through its regularly constituted authority to adopt resolutions and ordinances relating to its concerns.

The board of supervisors by a majority vote of its members may, and upon petition of five percent of the electors shall, place upon the ballot the question of electing a commission to frame a charter.

No county charter shall be adopted, amended or repealed until approved by a majority of electors voting on the question.

Sec. 3. No organized county shall be reduced by the organization of new counties to less than 16 townships as surveyed by the United States, unless approved in the manner prescribed by law by a majority of electors voting thereon in each county to be affected.

Sec. 4. There shall be elected for four-year terms in each organized county a sheriff, a county clerk, a county treasurer, a register of deeds and a prosecuting attorney, whose duties and powers shall be provided by law. The board of supervisors in any county may combine the offices of county clerk and register of deeds in one office or separate the same at pleasure.

Sec. 5. The sheriff, county clerk, county treasurer and register of deeds shall hold their principal offices at the county seat.

Sec. 6. The sheriff may be required by law to renew his security periodically and in default of giving such security, his office shall be vacant. The county shall never be responsible for his acts, except that the board of supervisors may protect him against

claims by prisoners for unintentional injuries received while in his custody. He shall not hold any other office except in civil defense.

Sec. 7. A board of supervisors shall be established in each organized county consisting of one member from each organized township and such representation from cities as provided by law.

Sec. 8. Boards of supervisors shall have legislative, administrative and such other powers and duties as provided by law.

Sec. 9. Boards of supervisors shall have exclusive power to fix the compensation of county officers not otherwise provided by law.

Sec. 10. A county seat once established shall not be removed until the place to which it is proposed to be moved shall be designated by two-thirds of the members of the board of supervisors and a majority of the electors voting thereon shall have approved the proposed location in the manner prescribed by law.

Sec. 11. No county shall incur any indebtedness which shall increase its total debt beyond 10 percent of its assessed valuation.

Sec. 12. A navigable stream shall not be bridged or dammed without permission granted by the board of supervisors of the county as provided by law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and political subdivisions therein.

Sec. 13. Two or more contiguous counties may combine into a single county if approved in each affected county by a majority of the electors voting on the question.

Sec. 14. The board of supervisors of each organized county may organize and consolidate townships under restrictions and limitations provided by law.

Sec. 15. Any county, when authorized by its board of supervisors shall have the authority to enter or to intervene in any action or certificate proceeding involving the services, charges or rates of any privately owned public utility furnishing services or commodities to rate payers within the county.

Sec. 16. The legislature may provide for the laying out, construction, improvement and maintenance of highways, bridges, culverts and airports by the state and by the counties and townships thereof; and may authorize counties to take charge and control of any highway within their limits for such purposes. The legislature may provide the powers and duties of counties in relation to highways, bridges, culverts and airports; may provide for county road commissioners to be appointed or elected, with powers and duties provided by law. The ad valorem property tax imposed for road purposes by any county shall not exceed in any year one-half of one percent of the assessed valuation for the preceding year.

Sec. 17. Each organized township shall be a body corporate with powers and immunities provided by law.

Sec. 18. In each organized township there shall be elected for terms of not less than two nor more than four years as prescribed by law a supervisor, a clerk, a treasurer, and not to exceed four trustees, whose legislative and administrative powers and duties shall be provided by law.

Sec. 19. No organized township shall grant any public utility franchise which is not subject to revocation at the will of the township, unless the proposition shall first have been approved by a majority of the electors of such township voting thereon at a regular or special election.

Sec. 20. The legislature shall provide by law for the dissolution of township government whenever all the territory of an organized township is included within the boundaries of a village or villages notwithstanding that a village may include territory within another organized township and provide by law for the classification of such village or villages as cities.

Sec. 21. The legislature shall provide by general laws for the incorporation of cities and villages. Such laws shall limit their rate of ad valorem property taxation for municipal purposes, and restrict the powers of cities and villages to borrow money and contract debts. Each city and village is granted power to levy other taxes for public purposes, subject to limitations and prohibitions provided by this constitution or by law.

Sec. 22. Under general laws the electors of each city and village shall have the power and authority to frame, adopt and amend its charter, and to amend an existing charter of the city or village heretofore granted or enacted by the legislature for the government of the city or village. Each such city and village shall have power to adopt resolutions and ordinances relating to its municipal concerns, property and government, subject to the constitution and law. No enumeration of powers granted to cities and villages in this constitution shall limit or restrict the general grant of authority conferred by this section.

Sec. 23. Any city or village may acquire, own, establish and maintain, within or without its corporate limits, parks, boulevards, cemeteries, hospitals and all works which involve the public health or safety.

Sec. 24. Subject to this constitution, any city or village may acquire, own or operate, within or without its corporate limits, public service facilities for supplying water, light, heat, power, sewage disposal and transportation to the municipality and the inhabitants thereof.

Any city or village may sell and deliver heat, power or light without its corporate limits in an amount not exceeding 25 percent of that furnished by it within the corporate limits, except as greater amounts may be permitted by law; may sell and deliver water and provide sewage disposal services outside of its corporate limits in such amount as may be determined by the legislative body of the city or village; and may operate transportation lines outside the municipality within such limits as may be prescribed by law.

Sec. 25. No city or village shall acquire any public utility furnishing light, heat or power, or grant any public utility franchise which is not subject to revocation at the will of the city or village, unless the proposition shall first have been approved by three-fifths of the electors voting thereon. No city or village may sell any public utility unless the proposition shall first have been approved by a majority of the electors voting thereon, or a greater number if the charter shall so provide.

Sec. 26. Except as otherwise provided in this constitution, no city or village shall have the power to loan its credit for any private purpose or, except as provided by law, for any public purpose.

Sec. 27. Notwithstanding any other provision of this constitution the legislature may establish in metropolitan areas additional forms of government or authorities with powers, duties and jurisdictions as the legislature shall provide. Wherever possible, such additional forms of government or authorities shall be designed to perform multi-purpose functions rather than a single function.

Sec. 28. The legislature by general law shall authorize two or more counties, townships, cities, villages or districts, or any combination thereof among other things to:

enter into contractual undertakings or agreements with one another or with the state or with any combination thereof for the joint administration of any of the functions or powers which each would have the power to perform separately; share the costs and responsibilities of functions and services with one another or with the state or with any combination thereof which each would have the power to perform separately; transfer functions or responsibilities to one another or any combination thereof upon the consent of each unit involved; cooperate with one another and with state government; lend their credit to one another or any combination thereof as provided by law in connection with any authorized publicly owned undertaking.

Any other provision of this constitution notwithstanding, an officer or employee of the state or any such unit of government or subdivision or agency thereof, except members of the legislature, may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service.

Sec. 29. No person, partnership, association or corporation, public or private, operating a public utility shall have the right to the use of the highways, streets, alleys or other public places of any county, township, city or village for wires, poles, pipes, tracks, conduits or other utility facilities, without the consent of the duly constituted authority of the county, township, city or village; or to transact local business therein without first obtaining a franchise from the township, city or village. Except as otherwise provided in this constitution the right of all counties, townships, cities and villages to the reasonable control of their highways, streets, alleys and public places is hereby reserved to such local units of government.

Sec. 30. No franchise or license shall be granted by any township, city or village for a period longer than 30 years.

Sec. 31. The legislature shall not vacate or alter any road, street, alley or public place under the jurisdiction of any county, township, city or village.

Sec. 32. Any county, township, city, village, authority or school district empowered by the legislature or by this constitution to prepare budgets of estimated expenditures and revenues shall adopt such budgets only after a public hearing in a manner prescribed by law.

Sec. 33. Any elected officer of a political subdivision may be removed from office in the manner and for the causes provided by law.

Sec. 34. The provisions of this constitution and law concerning counties, townships, cities and villages shall be liberally construed in their favor. Powers granted to counties and townships by this constitution and by law shall include those fairly implied and not prohibited by this constitution.

ARTICLE VIII

Education

Sec. 1. Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

Sec. 2. The legislature shall maintain and support a system of free public elementary and secondary schools as defined by law. Every school district shall provide for the education of its pupils without discrimination as to religion, creed, race, color or national origin.

Sec. 3. Leadership and general supervision over all public education, including adult education and instructional programs in state institutions, except as to institutions of higher education granting baccalaureate degrees, is vested in a state board of education. It shall serve as the general planning and coordinating body for all public education, including higher education, and shall advise the legislature as to the financial requirements in connection therewith.

The state board of education shall appoint a superintendent of public instruction whose term of office shall be determined by the board. He shall be the chairman of the board without the right to vote, and shall be responsible for the execution of its policies. He shall be the principal executive officer of a state department of education which shall have powers and duties provided by law.

The state board of education shall consist of eight members who shall be nominated by party conventions and elected at large for terms of eight years as prescribed by law. The governor shall fill any vacancy by appointment for the unexpired term. The governor shall be ex-officio a member of the state board of education without the right to vote.

The power of the boards of institutions of higher education provided in this constitution to supervise their respective institutions and control and direct the expenditure of the institutions' funds shall not be limited by this section.

Sec. 4. The legislature shall appropriate moneys to maintain the University of Michigan, Michigan State University, Wayne State University, Eastern Michigan University, Michigan College of Science and Technology, Central Michigan University, Northern Michigan University, Western Michigan University, Ferris Institute, Grand Valley State College, by whatever names such institutions may hereafter be known, and other institutions of higher education established by law. The legislature shall be given an annual accounting of all income and expenditures by each of these educational institutions. Formal sessions of governing boards of such institutions shall be open to the public.

Sec. 5. The regents of the University of Michigan and their successors in office shall constitute a body corporate known as the Regents of the University of Michigan; the trustees of Michigan State University and their successors in office shall constitute a body corporate known as the Board of Trustees of Michigan State University; the governors of Wayne State University and their successors in office shall constitute a body corporate known as the Board of Governors of Wayne State University. Each board shall have general supervision of its institution and the control and direction of all expenditures from the institution's funds. Each board shall, as often as necessary, elect a president of the institution under its supervision. He shall be the principal executive officer of the institution, be ex-officio a member of the board without the right to vote and preside at meetings of the board. The board of each institution shall consist of eight members who shall hold office for terms of eight years and who shall be elected as provided by law. The governor shall fill board vacancies by appointment. Each appointee shall hold office until a successor has been nominated and elected as provided by law.

Sec. 6. Other institutions of higher education established by law having authority to grant baccalaureate degrees shall each be governed by a board of control which shall be a body corporate. The board shall have general supervision of the institution and the control and direction of all expenditures from the institution's funds. It shall, as often as necessary, elect a president of the institution under its supervision.

He shall be the principal executive officer of the institution and be ex-officio a member of the board without the right to vote. The board may elect one of its members or may designate the president, to preside at board meetings. Each board of control shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the governor by and with the advice and consent of the senate. Vacancies shall be filled in like manner.

Sec. 7. The legislature shall provide by law for the establishment and financial support of public community and junior colleges which shall be supervised and controlled by locally elected boards. The legislature shall provide by law for a state board for public community and junior colleges which shall advise the state board of education concerning general supervision and planning for such colleges and requests for annual appropriations for their support. The board shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the state board of education. Vacancies shall be filled in like manner. The superintendent of public instruction shall be ex-officio a member of this board without the right to vote.

Sec. 8. Institutions, programs and services for the care, treatment, education or rehabilitation of those inhabitants who are physically, mentally or otherwise seriously handicapped shall always be fostered and supported.

Sec. 9. The legislature shall provide by law for the establishment and support of public libraries which shall be available to all residents of the state under regulations adopted by the governing bodies thereof. All fines assessed and collected in the several counties, townships and cities for any breach of the penal laws shall be exclusively applied to the support of such public libraries, and county law libraries as provided by law.

ARTICLE IX

Finance and Taxation

Sec. 1. The legislature shall impose taxes sufficient with other resources to pay the expenses of state government.

Sec. 2. The power of taxation shall never be surrendered, suspended or contracted away.

Sec. 3. The legislature shall provide for the uniform general ad valorem taxation of real and tangible personal property not exempt by law. The legislature shall provide for the determination of true cash value of such property; the proportion of true cash value at which such property shall be uniformly assessed, which shall not, after January 1, 1966, exceed 50 percent; and for a system of equalization of assessments. The legislature may provide for alternative means of taxation of designated real and tangible personal property in lieu of general ad valorem taxation. Every tax other than the general ad valorem property tax shall be uniform upon the class or classes on which it operates.

Sec. 4. Property owned and occupied by non-profit religious or educational organizations and used exclusively for religious or educational purposes, as defined by law, shall be exempt from real and personal property taxes.

Sec. 5. The legislature shall provide for the assessment by the state of the property of those public service businesses assessed by the state at the date this constitution becomes effective, and of other property as designated by the legislature,

and for the imposition and collection of taxes thereon. Property assessed by the state shall be assessed at the same proportion of its true cash value as the legislature shall specify for property subject to general ad valorem taxation. The rate of taxation on such property shall be the average rate levied upon other property in this state under the general ad valorem tax law, or, if the legislature provides, the rate of tax applicable to the property of each business enterprise assessed by the state shall be the average rate of ad valorem taxation levied upon other property in all counties in which any of such property is situated.

Sec. 6. Except as otherwise provided in this constitution, the total amount of general ad valorem taxes imposed upon real and tangible personal property for all purposes in any one year shall not exceed 15 mills on each dollar of the assessed valuation of property as finally equalized. Under procedures provided by law, which shall guarantee the right of initiative, separate tax limitations for any county and for the townships and for school districts therein, the aggregate of which shall not exceed 18 mills on each dollar of such valuation, may be adopted and thereafter altered by the vote of a majority of the qualified electors of such county voting thereon, in lieu of the limitation hereinbefore established. These limitations may be increased to an aggregate of not to exceed 50 mills on each dollar of valuation, for a period of not to exceed 20 years at any one time, if approved by a majority of the electors, qualified under Section 6 of Article II of this constitution, voting on the question.

The foregoing limitations shall not apply to taxes imposed for the payment of principal and interest on bonds or other evidences of indebtedness or for the payment of assessments or contract obligations in anticipation of which bonds are issued, which taxes may be imposed without limitation as to rate or amount; or to taxes imposed for any other purpose by any city, village, charter county, charter township, charter authority or other authority, the tax limitations of which are provided by charter or by general law.

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

Sec. 7. No income tax graduated as to rate or base shall be imposed by the state or any of its subdivisions.

Sec. 8. The legislature shall not impose a sales tax on retailers at a rate of more than four percent of their gross taxable sales of tangible personal property.

Sec. 9. All specific taxes, except general sales and use taxes and regulatory fees, imposed directly or indirectly on fuels sold or used to propel motor vehicles upon highways and on registered motor vehicles shall, after the payment of necessary collection expenses, be used exclusively for highway purposes as defined by law.

Sec. 10. One-eighth of all taxes imposed on retailers on taxable sales at retail of tangible personal property shall be used exclusively for assistance to townships, cities and villages, on a population basis as provided by law. In determining population the legislature may exclude any portion of the total number of persons who are wards, patients or convicts in any tax supported institution.

Sec. 11. There shall be established a state school aid fund which shall be used exclusively for aid to school districts, higher education and school employees' retirement systems, as provided by law. One-half of all taxes imposed on retailers on taxable sales at retail of tangible personal property, and other tax revenues provided by law, shall

be dedicated to this fund. Payments from this fund shall be made in full on a scheduled basis, as provided by law.

Sec. 12. No evidence of state indebtedness shall be issued except for debts authorized pursuant to this constitution.

Sec. 13. Public bodies corporate shall have power to borrow money and to issue their securities evidencing debt, subject to this constitution and law.

Sec. 14. To meet obligations incurred pursuant to appropriations for any fiscal year, the legislature may by law authorize the state to issue its full faith and credit notes in which case it shall pledge undedicated revenues to be received within the same fiscal year for the repayment thereof. Such indebtedness in any fiscal year shall not exceed 15 percent of undedicated revenues received by the state during the preceding fiscal year and such debts shall be repaid at the time the revenues so pledged are received, but not later than the end of the same fiscal year.

Sec. 15. The state may borrow money for specific purposes in amounts as may be provided by acts of the legislature adopted by a vote of two-thirds of the members elected to and serving in each house, and approved by a majority of the electors voting thereon at any general election. The question submitted to the electors shall state the amount to be borrowed, the specific purpose to which the funds shall be devoted, and the method of repayment.

Sec. 16. The state, in addition to any other borrowing power, may borrow from time to time such amounts as shall be required, pledge its faith and credit and issue its notes or bonds therefor, for the purpose of making loans to school districts as provided in this section.

If the minimum amount which would otherwise be necessary for a school district to levy in any year to pay principal and interest on its qualified bonds, including any necessary allowances for estimated tax delinquencies, exceeds 13 mills on each dollar of its assessed valuation as finally equalized, or such lower millage as the legislature may prescribe, then the school district may elect to borrow all or any part of the excess from the state. In that event the state shall lend the excess amount to the school district for the payment of principal and interest. If for any reason any school district will be or is unable to pay the principal and interest on its qualified bonds when due, then the school district shall borrow and the state shall lend to it an amount sufficient to enable the school district to make the payment.

The term "qualified bonds" means general obligation bonds of school districts issued for capital expenditures, including refunding bonds, issued prior to May 4, 1955, or issued thereafter and qualified as provided by law pursuant to Section 27 or Section 28 of Article X of the Constitution of 1908 or pursuant to this section.

After a school district has received loans from the state, each year thereafter it shall levy for debt service, exclusive of levies for nonqualified bonds, not less than 13 mills or such lower millage as the legislature may prescribe, until the amount loaned has been repaid, and any tax collections therefrom in any year over and above the minimum requirements for principal and interest on qualified bonds shall be used toward the repayment of state loans. In any year when such levy would produce an amount in excess of the requirements and the amount due to the state, the levy may be reduced by the amount of the excess.

Subject to the foregoing provisions, the legislature shall have the power to prescribe and to limit the procedure, terms and conditions for the qualification of bonds, for obtaining and making state loans, and for the repayment of loans.

The power to tax for the payment of principal and interest on bonds hereafter issued which are the general obligations of any school district, including refunding bonds, and for repayment of any state loans made to school districts, shall be without limitation as to rate or amount.

All rights acquired under Sections 27 and 28 of Article X of the Constitution of 1908, by holders of bonds heretofore issued, and all obligations assumed by the state or any school district under these sections, shall remain unimpaired.

Sec. 17. No money shall be paid out of the state treasury except in pursuance of appropriations made by law.

Sec. 18. The credit of the state shall not be granted to, nor in aid of any person, association or corporation, public or private, except as authorized in this constitution.

This section shall not be construed to prohibit the investment of public funds until needed for current requirements or the investment of funds accumulated to provide retirement or pension benefits for public officials and employees, as provided by law.

Sec. 19. The state shall not subscribe to, nor be interested in the stock of any company, association or corporation, except that funds accumulated to provide retirement or pension benefits for public officials and employees may be invested as provided by law; and endowment funds created for charitable or educational purposes may be invested as provided by law governing the investment of funds held in trust by trustees.

Sec. 20. No state money shall be deposited in banks other than those organized under the national or state banking laws. No state money shall be deposited in any bank in excess of 50 percent of the capital and surplus of such bank. Any bank receiving deposits of state money shall show the amount of state money so deposited as a separate item in all published statements.

Sec. 21. The legislature shall provide by law for the annual accounting for all public moneys, state and local, and may provide by law for interim accounting.

The legislature shall provide by law for the maintenance of uniform accounting systems by units of local government and the auditing of county accounts by competent state authority and other units of government as provided by law.

Sec. 22. Procedures for the examination and adjustment of claims against the state shall be prescribed by law.

Sec. 23. All financial records, accountings, audit reports and other reports of public moneys shall be public records and open to inspection. A statement of all revenues and expenditures of public moneys shall be published and distributed annually, as provided by law.

Sec. 24. The accrued financial benefits of each pension plan and retirement system of the state and its political subdivisions shall be a contractual obligation thereof which shall not be diminished or impaired thereby.

Financial benefits arising on account of service rendered in each fiscal year shall be funded during that year and such funding shall not be used for financing unfunded accrued liabilities.

ARTICLE X

Property

Sec. 1. The disabilities of coverture as to property are abolished. The real and personal estate of every woman acquired before marriage and all real and personal

property to which she may afterwards become entitled shall be and remain the estate and property of such woman, and shall not be liable for the debts, obligations or engagements of her husband, and may be dealt with and disposed of by her as if she were unmarried. Dower may be relinquished or conveyed as provided by law.

Sec. 2. Private property shall not be taken for public use without just compensation therefor being first made or secured in a manner prescribed by law. Compensation shall be determined in proceedings in a court of record.

Sec. 3. A homestead in the amount of not less than \$3,500 and personal property of every resident of this state in the amount of not less than \$750, as defined by law, shall be exempt from forced sale on execution or other process of any court. Such exemptions shall not extend to any lien thereon excluded from exemption by law.

Sec. 4. Procedures relating to escheats and to the custody and disposition of escheated property shall be prescribed by law.

Sec. 5. The legislature shall have general supervisory jurisdiction over all state owned lands useful for forest preserves, game areas and recreational purposes; shall require annual reports as to such lands from all departments having supervision or control thereof; and shall by general law provide for the sale, lease or other disposition of such lands.

The legislature by an act adopted by two-thirds of the members elected to and serving in each house may designate any part of such lands as a state land reserve. No lands in the state land reserve may be removed from the reserve, sold, leased or otherwise disposed of except by an act of the legislature.

Sec. 6. Aliens who are residents of this state shall enjoy the same rights and privileges in property as citizens of this state.

ARTICLE XI

Public Officers and Employment

Sec. 1. All officers, legislative, executive and judicial, before entering upon the duties of their respective offices, shall take and subscribe the following oath or affirmation: I do solemnly swear (or affirm) that I will support the Constitution of the United States and the constitution of this state, and that I will faithfully discharge the duties of the office of according to the best of my ability. No other oath, affirmation, or any religious test shall be required as a qualification for any office or public trust.

Sec. 2. The terms of office of elective state officers, members of the legislature and justices and judges of courts of record shall begin at twelve o'clock noon on the first day of January next succeeding their election, except as otherwise provided in this constitution. The terms of office of county officers shall begin on the first day of January next succeeding their election, except as otherwise provided by law.

Sec. 3. Neither the legislature nor any political subdivision of this state shall grant or authorize extra compensation to any public officer, agent or contractor after the service has been rendered or the contract entered into.

Sec. 4. No person having custody or control of public moneys shall be a member of the legislature, or be eligible to any office of trust or profit under this state, until he shall have made an accounting, as provided by law, of all sums for which he may be liable.

Sec. 5. The classified state civil service shall consist of all positions in the state service except those filled by popular election, heads of principal departments, members of boards and commissions, the principal executive officer of boards and commissions heading principal departments, employees of courts of record, employees of the legislature, employees of the state institutions of higher education, all persons in the armed forces of the state, eight exempt positions in the office of the governor, and within each principal department, when requested by the department head, two other exempt positions, one of which shall be policy-making. The civil service commission may exempt three additional positions of a policy-making nature within each principal department.

The civil service commission shall be non-salaried and shall consist of four persons, not more than two of whom shall be members of the same political party, appointed by the governor for terms of eight years, no two of which shall expire in the same year.

The administration of the commission's powers shall be vested in a state personnel director who shall be a member of the classified service and who shall be responsible to and selected by the commission after open competitive examination.

The commission shall classify all positions in the classified service according to their respective duties and responsibilities, fix rates of compensation for all classes of positions, approve or disapprove disbursements for all personal services, determine by competitive examination and performance exclusively on the basis of merit, efficiency and fitness the qualifications of all candidates for positions in the classified service, make rules and regulations covering all personnel transactions, and regulate all conditions of employment in the classified service.

No person shall be appointed to or promoted in the classified service who has not been certified by the commission as qualified for such appointment or promotion. No appointments, promotions, demotions or removals in the classified service shall be made for religious, racial or partisan considerations.

Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year. Within 60 calendar days following such transmission, the legislature may, by a two-thirds vote of the members elected to and serving in each house, reject or reduce increases in rates of compensation authorized by the commission. Any reduction ordered by the legislature shall apply uniformly to all classes of employees affected by the increases and shall not adjust pay differentials already established by the civil service commission. The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases authorized by the commission.

The appointing authorities may create or abolish positions for reasons of administrative efficiency without the approval of the commission. Positions shall not be created nor abolished except for reasons of administrative efficiency. Any employee considering himself aggrieved by the abolition or creation of a position shall have a right of appeal to the commission through established grievance procedures.

The civil service commission shall recommend to the governor and to the legislature rates of compensation for all appointed positions within the executive department not a part of the classified service.

To enable the commission to exercise its powers, the legislature shall appropriate to the commission for the ensuing fiscal year a sum not less than one percent of the aggregate payroll of the classified service for the preceding fiscal year, as certified by the commission. Within six months after the conclusion of each fiscal year the commission shall return to the state treasury all moneys unexpended for that fiscal year.

The commission shall furnish reports of expenditures, at least annually, to the governor and the legislature and shall be subject to annual audit as provided by law.

No payment for personal services shall be made or authorized until the provisions of this constitution pertaining to civil service have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

Sec. 6. By ordinance or resolution of its governing body which shall not take effect until approved by a majority of the electors voting thereon, unless otherwise provided by charter, each county, township, city, village, school district and other governmental unit or authority may establish, modify or discontinue a merit system for its employees other than teachers under contract or tenure. The state civil service commission may on request furnish technical services to any such unit on a reimbursable basis.

Sec. 7. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office or for crimes or misdemeanors, but a majority of the members elected thereto and serving therein shall be necessary to direct an impeachment.

When an impeachment is directed, the house of representatives shall elect three of its members to prosecute the impeachment.

Every impeachment shall be tried by the senate immediately after the final adjournment of the legislature. The senators shall take an oath or affirmation truly and impartially to try and determine the impeachment according to the evidence. When the governor or lieutenant governor is tried, the chief justice of the supreme court shall preside.

No person shall be convicted without the concurrence of two-thirds of the senators elected and serving. Judgment in case of conviction shall not extend further than removal from office, but the person convicted shall be liable to punishment according to law.

No judicial officer shall exercise any of the functions of his office after an impeachment is directed until he is acquitted.

ARTICLE XII

Amendment and Revision

Sec. 1. Amendments to this constitution may be proposed in the senate or house of representatives. Proposed amendments agreed to by two-thirds of the members elected to and serving in each house on a vote with the names and vote of those voting entered in the respective journals shall be submitted, not less than 60 days thereafter, to the electors at the next general election or special election as the legislature shall direct. If a majority of electors voting on a proposed amendment approve the same, it shall become part of the constitution and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved.

Sec. 2. Amendments may be proposed to this constitution by petition of the registered electors of this state. Every petition shall include the full text of the proposed amendment, and be signed by registered electors of the state equal in number to at least 10 percent of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected. Such petitions shall be filed with the person authorized by law to receive the same at least 120 days before the election at which the proposed amendment is to be voted upon. Any such petition shall be in the form, and shall be signed and circulated in such manner, as prescribed by law. The person authorized by law to receive such petition shall upon its receipt determine, as provided by law, the validity and sufficiency of the signatures on the petition, and make an official announcement thereof at least 60 days prior to the election at which the proposed amendment is to be voted upon.

Any amendment proposed by such petition shall be submitted, not less than 120 days after it was filed, to the electors at the next general election. Such proposed amendment, existing provisions of the constitution which would be altered or abrogated thereby, and the question as it shall appear on the ballot shall be published in full as provided by law. Copies of such publication shall be posted in each polling place and furnished to news media as provided by law.

The ballot to be used in such election shall contain a statement of the purpose of the proposed amendment, expressed in not more than 100 words, exclusive of caption. Such statement of purpose and caption shall be prepared by the person authorized by law, and shall consist of a true and impartial statement of the purpose of the amendment in such language as shall create no prejudice for or against the proposed amendment.

If the proposed amendment is approved by a majority of the electors voting on the question, it shall become part of the constitution, and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved. If two or more amendments approved by the electors at the same election conflict, that amendment receiving the highest affirmative vote shall prevail.

Sec. 3. At the general election to be held in the year 1978, and in each 16th year thereafter and at such times as may be provided by law, the question of a general revision of the constitution shall be submitted to the electors of the state. If a majority of the electors voting on the question decide in favor of a convention for such purpose, at an election to be held not later than six months after the proposal was certified as approved, the electors of each representative district as then organized shall elect one delegate and the electors of each senatorial district as then organized shall elect one delegate at a partisan election. The delegates so elected shall convene at the seat of government on the first Tuesday in October next succeeding such election or at an earlier date if provided by law.

The convention shall choose its own officers, determine the rules of its proceedings and judge the qualifications, elections and returns of its members. To fill a vacancy in the office of any delegate, the governor shall appoint a qualified resident of the same district who shall be a member of the same party as the delegate vacating the office. The convention shall have power to appoint such officers, employees and assistants as it deems necessary and to fix their compensation; to provide for the printing and distribution of its documents, journals and proceedings; to explain and disseminate information about the proposed constitution and to complete the business of

the convention in an orderly manner. Each delegate shall receive for his services compensation provided by law.

No proposed constitution or amendment adopted by such convention shall be submitted to the electors for approval as hereinafter provided unless by the assent of a majority of all the delegates elected to and serving in the convention, with the names and vote of those voting entered in the journal. Any proposed constitution or amendments adopted by such convention shall be submitted to the qualified electors in the manner and at the time provided by such convention not less than 90 days after final adjournment of the convention. Upon the approval of such constitution or amendments by a majority of the qualified electors voting thereon the constitution or amendments shall take effect as provided by the convention.

Schedule and Temporary Provisions

To insure the orderly transition from the constitution of 1908 to this constitution the following schedule and temporary provisions are set forth to be effective for such period as are thereby required.

Sec. 1. The attorney general shall recommend to the legislature as soon as practicable such changes as may be necessary to adapt existing laws to this constitution.

Sec. 2. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights existing on the effective date of this constitution shall continue unaffected except as modified in accordance with the provisions of this constitution.

Sec. 3. Except as otherwise provided in this constitution, all officers filling any office by election or appointment shall continue to exercise their powers and duties until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

No provision of this constitution, or of law or of executive order authorized by this constitution shall shorten the term of any person elected to state office at a statewide election on or prior to the date on which this constitution is submitted to a vote. In the event the duties of any such officers shall not have been abolished or incorporated into one or more of the principal departments at the expiration of his term, such officer shall continue to serve until his duties are so incorporated or abolished.

Sec. 4. All officers elected at the same election that this constitution is submitted to the people for adoption shall take office and complete the term to which they were elected under the 1908 constitution and existing laws and continue to serve until their successors are elected and qualified pursuant to this constitution or law.

Sec. 5. Notwithstanding any other provision in this constitution, the governor, the lieutenant governor, the secretary of state, the attorney general and state senators shall be elected at the general election in 1964 to serve for two-year terms beginning on the first day of January next succeeding their election. The first election of such officers for four-year terms under this constitution shall be held at the general election in 1966.

Sec. 6. Notwithstanding the provisions of this constitution that the supreme court shall consist of seven justices it shall consist of eight justices until the time that a vacancy occurs as a result of death, retirement or resignation of a justice. The first such vacancy shall not be filled.

Sec. 7. Any judge of probate serving on the effective date of this constitution may serve the remainder of the term and be eligible to succeed himself for election

regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

Sec. 8. The provisions of Article VI providing that terms of judicial offices shall not all expire at the same time, shall be implemented by law providing that at the next election for such offices judges shall be elected for terms of varying length, none of which shall be shorter than the regular term provided for the office.

Sec. 9. The members of the state board of education provided for in Section 3 of Article VIII of this constitution shall first be elected at the first general election after the effective date of this constitution for the following terms: two shall be elected for two years, two for four years, two for six years, and two for eight years as prescribed by law.

The state board of education provided for in the constitution of 1908 is abolished at twelve o'clock noon January 1 of the year following the first general election under this constitution and the terms of members thereof shall then expire.

Sec. 10. The provisions of this constitution providing for members of boards of control of institutions of higher education and the state board of public community and junior colleges shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended, and may further provide that the initial terms of office of members may be less than eight years.

Sec. 11. The provisions of this constitution increasing the number of members of the Board of Trustees of Michigan State University and of the Board of Governors of Wayne State University to eight, and of their term of office to eight years, shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended one year, and may further provide that the initial terms of office of the additional members may be less than eight years.

Sec. 12. The initial allocation of departments by law pursuant to Section 2 of Article V of this constitution, shall be completed within two years after the effective date of this constitution. If such allocation shall not have been completed within such period, the governor, within one year thereafter, by executive order, shall make the initial allocation.

Sec. 13. Contractual obligations of the state incurred pursuant to the constitution of 1908 shall continue to be obligations of the state.

For the retirement of notes and bonds issued under Section 26 of Article X of the 1908 constitution, there is hereby appropriated from the general fund each year during their life a sum equal to the amount of principal and interest payments due and payable in each year.

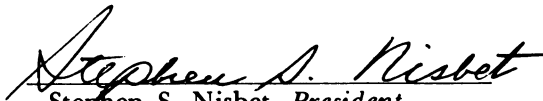
Sec. 14. The legislature by a vote of two-thirds of the members elected to and serving in each house may provide that the state may borrow money and may pledge its full faith and credit for refunding any bonds issued by the Mackinac Bridge Authority and at the time of refunding the Mackinac Bridge Authority shall be abolished and the operation of the bridge shall be assumed by the state highway department. The legislature may implement this section by law.

Sec. 15. This constitution shall be submitted to the people for their adoption or rejection at the general election to be held on the first Monday in April, 1963. It shall be the duty of the secretary of state forthwith to give notice of such submission to all

other officers required to give or publish any notice in regard to a general election. He shall give notice that this constitution will be duly submitted to the electors at such election. The notice shall be given in the manner required for the election of governor.

Sec. 16. Every registered elector may vote on the adoption of the constitution. The board of election commissioners in each county shall cause to be printed on a ballot separate from the ballot containing the names of the nominees for office, the words: Shall the revised constitution be adopted? () Yes. () No. All votes cast at the election shall be taken, counted, canvassed and returned as provided by law for the election of state officers. If the revised constitution so submitted receives more votes in its favor than were cast against it, it shall be the supreme law of the state on and after the first day of January of the year following its adoption.

Adopted by the Constitutional Convention of nineteen hundred sixty-one at Constitution Hall in Lansing on the first day of August, nineteen hundred sixty-two.


Stephen S. Nisbet, *President*


Fred I. Chase, *Secretary*

[ADDRESS TO THE PEOPLE]

***What the Proposed
New State Constitution
Means to You***

- A report to the people of Michigan
by their elected delegates to the
Constitutional Convention of 1961-62.

Lansing, Michigan

August 1, 1962

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.