

# Michigan Constitutional Convention of 1961

## Committee Proposal 46a

# Const 1963, Art 5, § 18

### Relevant Material From the Constitutional Convention Record

Cross-Reference and Indices .....	pp. 3436, 3445, 3465
First Reading .....	pp. 723, 852, 1635-1652, 1672, 1676-1677, 1680, 2619
Second Reading .....	pp. 2767-2769
Draft Constitution (Art 5, § 17) .....	pp. 3047-3075 (p. 3058)
Third Reading, Article-by-Article .....	pp. 3117, 3121-3125, 3206-3208, 3214
Draft Constitution (Art 5, § 18) .....	pp. 3215-3237 (p. 3224)
Third Reading, Full Constitution .....	pp. 3292, 3300-3301
Adopted Constitution (Art 5, § 18) .....	pp. 3319-3353 (p. 3332)
Address to the People .....	p. 3381

### 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

**AUSTIN C. KNAPP**  
Editor  
**LYNN M. NETHAWAY**  
Associate Editor

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

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

\* Created by the committee on style and drafting.

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

Committee Proposal No.	Page	Committee Proposal No.	Page
40: Cont'd.		44: Cont'd.	
Jan. 25, reported by finance and taxation; referred to committee of the whole	696	Apr. 26, reported by style and drafting (Report 108); placed on order of second reading	2851
Feb. 2, read first time; considered, amended, passed by committee of the whole	770-775	May 1, read second time; passed; rereferred to style and drafting	3027-3028
Feb. 2, reported by committee of the whole with 1 amendment; amendment concurred in; referred to style and drafting	778	45. A proposal to guarantee the right of disposition to the owner of real property. Amends article II by adding a new section.	
Mar. 5, reported by style and drafting (Report 25); placed on order of second reading	1430	For text as offered and reasons	2272
Apr. 19, read second time; passed; rereferred to style and drafting	2659	For minority report and reasons	2272
41. A proposal to provide for a 2/3 vote of the legislature for nongovernmental appropriations. Retains article V, section 24.		As referred to style and drafting	2287
For text as offered and reasons	837	Jan. 30, reported by declaration of rights, suffrage and elections; referred to committee of the whole	717
As referred to style and drafting	837	Feb. 7, consideration passed for the day by committee of the whole	850
As reported by style and drafting	2959	Apr. 6, consideration passed for the day by committee of the whole	2212
As rereferred to style and drafting	2959	Apr. 10, read first time; considered, amended, passed by committee of the whole	2272-2282, 2283-2287
Jan. 25, reported by legislative powers; referred to committee of the whole	696	Apr. 10, reported by committee of the whole with 1 amendment; referred, as amended, to style and drafting	2287
Feb. 6, read first time; considered, passed by committee of the whole	837	(Note: The entire content stricken.)	
Feb. 6, reported by committee of the whole without amendment; referred to style and drafting	841	46. A proposal pertaining to the executive budget and item veto. Amends article VI.	
Mar. 5, reported by style and drafting (Report 26); placed on order of second reading	1430	For text as offered and reasons	1635
Apr. 30, read second time; passed; rereferred to style and drafting	2959	For minority report and reasons	1636
42. A proposal to include in the constitution all of sections 1, 2, 3, 4 and 8 of article IX entitled "impeachments and removals from office."		As referred to style and drafting	1680
For text as offered and reasons	837	As reported by style and drafting	2767
As referred to style and drafting	837	As rereferred to style and drafting	2767
As reported by style and drafting	2971	Jan. 31, reported by executive branch; referred to committee of the whole	723
As rereferred to style and drafting	2971	Feb. 7, consideration postponed to Feb. 13 by committee of the whole	852
Jan. 25, reported by legislative powers; referred to committee of the whole	696	Mar. 14, read first time; sections a, b, c, d considered; sections a, b, c passed by committee of the whole	1635-1662
Feb. 6, read first time; considered, passed by committee of the whole	837-841	Mar. 15, section d considered, amended, passed; committee proposal as amended considered, passed by committee of the whole	1666-1672
Feb. 6, reported by committee of the whole without amendment; referred to style and drafting	841	Mar. 15, reported by committee of the whole with 2 amendments; amendments concurred in; referred to style and drafting	1676-1680
Mar. 5, reported by style and drafting (Report 27); placed on order of second reading	1430	Apr. 19, reported by style and drafting (Report 71); placed on order of second reading	2619
Apr. 30, read second time; passed; rereferred to style and drafting	2971-2972	Apr. 24, read second time; passed; rereferred to style and drafting	2767-2769
43. A proposal pertaining to aliens and property rights. Retains article XVI, section 9.		47. A proposal to replace sections 2 and 6 of article XI.	
For text as offered and reasons	845	For text as offered and reasons	1188
As referred to style and drafting	845	For minority report and reasons	1189
As reported by style and drafting	2998	As referred to style and drafting	1232
As rereferred to style and drafting	2998	As reported by style and drafting	2573
Jan. 25, reported by miscellaneous provisions and schedule; referred to committee of the whole	697	As rereferred to style and drafting	2580
Feb. 7, read first time; considered, passed by committee of the whole	845	Jan. 31, reported by education; referred to committee of the whole	723
Feb. 7, reported by committee of the whole without amendment; referred to style and drafting	863	Feb. 7, consideration passed for the day by committee of the whole	852
Mar. 5, reported by style and drafting (Report 28); placed on order of second reading	1430	Feb. 20, read first time; section a considered by committee of the whole	1188-1199
Apr. 30, read second time; passed; rereferred to style and drafting	2998	Feb. 21, sections a, b considered; section a amended, passed; section b passed; committee proposal as amended considered, section a amended, passed by committee of the whole	1206-1230
44. A proposal pertaining to the schedule. Amends sections 1 and 8 of the schedule and adds 2 sections.		Feb. 21, reported by committee of the whole with 3 amendments; amendments concurred in; referred to style and drafting	1230-1232
For text as offered and reasons	846	Mar. 27, reported by style and drafting (Report 50); placed on order of second reading	1891
As referred to style and drafting	866	Apr. 18, read second time; amended, passed; rereferred to style and drafting	2573-2580
As reported by style and drafting	3027	48. A provision pertaining to ineligibility to hold office. A substitute for article VI, sections 14 and 15.	
As rereferred to style and drafting	3027	For text as offered and reasons	1724
Jan. 29, reported by miscellaneous provisions and schedule; referred to committee of the whole	699	As referred to style and drafting	1987
Feb. 7, read first time; considered, passed by committee of the whole	846-850	Jan. 31, reported by executive branch; referred to committee of the whole	723
Feb. 7, reported by committee of the whole without amendment; referred to style and drafting	863	Mar. 19, read first time; considered, postponed by committee of the whole	1724-1730
Feb. 7, reconsidered reference to committee on style and drafting; amended; referred to style and drafting	863-866		



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Article V, Section 16: Cont'd.	
May 8, read third time; passed .....	3117-3125
May 9, referred to committee on style and drafting .....	3210
May 11, reported (as section 16); placed on order of third reading; considered read third time; passed .....	3213-3275
Aug. 1, considered; adopted .....	3291-3301
For text as adopted .....	3332
For text, and comments in address to the people ..	3380
Section 17 (originally section 16). Messages and recommendations to legislature. (Committee Proposal 4)	
May 7, reported (as section 16); placed on order of third reading .....	3045
May 8, read third time; passed .....	3117-3125
May 9, referred to committee on style and drafting .....	3210
May 11, reported (as section 17); placed on order of third reading; considered read third time; passed .....	3213-3275
Aug. 1, considered; adopted .....	3291-3301
For text as adopted .....	3332
For text, and comments in address to the people ..	3380
Section 18 (originally section 17). Budget; general and deficiency appropriation bills. (Committee Proposal 46a)	
May 7, reported (as section 17); placed on order of third reading .....	3045
May 8, read third time; passed .....	3117-3125
May 9, referred to committee on style and drafting .....	3210
May 11, reported (as section 18); placed on order of third reading; considered read third time; passed .....	3213-3275
Aug. 1, considered; adopted .....	3291-3301
For text as adopted .....	3332
For text, and comments in address to the people ..	3381
Section 19 (originally section 18). Disapproval of items in appropriation bills. (Committee Proposal 46c)	
May 7, reported (as section 18); placed on order of third reading .....	3045
May 8, read third time; passed .....	3117-3125
May 9, referred to committee on style and drafting .....	3210
May 11, reported (as section 19); placed on order of third reading; considered read third time; passed .....	3213-3275
Aug. 1, considered; adopted .....	3291-3301
For text as adopted .....	3333
For text, and comments in address to the people ..	3381
Section 20 (originally section 19). Reductions in expenditures. (Committee Proposal 46d)	
May 7, reported (as section 19); placed on order of third reading .....	3045
May 8, read third time; passed .....	3117-3125
May 9, referred to committee on style and drafting .....	3210
May 11, reported (as section 20); placed on order of third reading; considered read third time; passed .....	3213-3275
Aug. 1, considered; adopted .....	3291-3301
For text as adopted .....	3333
For text, and comments in address to the people ..	3381
Section 21 (originally section 20). State elective executive officers; term, election. Lieutenant governor, secretary of state and attorney general, nomination. Secretary of state and attorney general, vacancies in office. (Committee Proposal 71a)	
May 7, reported (as section 20); placed on order of third reading .....	3045
May 8, read third time; passed .....	3117-3125
May 9, referred to committee on style and drafting .....	3210
May 11, reported (as section 21); placed on order of third reading; considered read third time; passed .....	3213-3275
Aug. 1, considered; adopted .....	3291-3301
For text as adopted .....	3333
For text, and comments in address to the people ..	3381
Section 22 (originally section 21). Governor and lieutenant governor, qualifications. (Committee Proposal 17)	
May 7, reported (as section 21); placed on order of third reading .....	3045

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Article V, Section 22: Cont'd.	
May 8, read third time; passed .....	3117-3125
May 9, referred to committee on style and drafting .....	3210
May 11, reported (as section 22); placed on order of third reading; considered read third time; passed .....	3213-3275
Aug. 1, considered; adopted .....	3291-3301
For text as adopted .....	3333
For text, and comments in address to the people ..	3382
Section 23 (originally section 22). State elective executive officers, compensation. (Committee Proposal 75)	
May 7, reported (as section 22); placed on order of third reading .....	3045
May 8, read third time; passed .....	3117-3125
May 9, referred to committee on style and drafting .....	3210
May 11, reported (as section 23); placed on order of third reading; considered read third time; passed .....	3213-3275
Aug. 1, considered; adopted .....	3291-3301
For text as adopted .....	3333
For text, and comments in address to the people ..	3382
Section 24 (originally section 23). Executive residence. (Committee Proposal 77)	
May 7, reported (as section 23); placed on order of third reading .....	3045
May 8, read third time; passed .....	3117-3125
May 9, referred to committee on style and drafting .....	3210
May 11, reported (as section 24); placed on order of third reading; considered read third time; passed .....	3213-3275
Aug. 1, considered; adopted .....	3291-3301
For text as adopted .....	3333
For text, and comments in address to the people ..	3382
Section 25 (originally section 24). Lieutenant governor; president of senate, tie vote, duties. (Committee Proposal 71b)	
May 7, reported (as section 24); placed on order of third reading .....	3045
May 8, read third time; passed .....	3117-3125
May 9, referred to committee on style and drafting .....	3210
May 11, reported (as section 25); placed on order of third reading; considered read third time; passed .....	3213-3275
Aug. 1, considered; adopted .....	3291-3301
For text as adopted .....	3333
For text, and comments in address to the people ..	3382
Section 26 (originally section 25). Succession to governorship. Death of governor-elect. Duration of successor's term as governor. Determination of inability. (Committee Proposals 59, 60)	
May 7, reported (as section 25); placed on order of third reading .....	3045
May 8, read third time; passed .....	3117-3125
May 9, referred to committee on style and drafting .....	3210
May 11, reported (as section 26); placed on order of third reading; considered read third time; passed .....	3213-3275
Aug. 1, considered; adopted .....	3291-3301
For text as adopted .....	3333
For text, and comments in address to the people ..	3382
Section 27 (originally section 26). Salary of successor. (Committee Proposal 72)	
May 7, reported (as section 26); placed on order of third reading .....	3045
May 8, read third time; passed .....	3117-3125
May 9, referred to committee on style and drafting .....	3210
May 11, reported (as section 27); placed on order of third reading; considered read third time; passed .....	3213-3275
Aug. 1, considered; adopted .....	3291-3301
For text as adopted .....	3334
For text, and comments in address to the people ..	3383
Section 28 (originally section 27). State highway commission. Members; number, term. State highway director. (Committee Proposal 71h)	
May 7, reported (as section 27); placed on order of third reading .....	3045

SECRETARY CHASE: The committee on legislative organization will meet in room D immediately after the session.

VICE PRESIDENT ROMNEY: Delegate Gust.

MR. GUST: I move we adjourn.

VICE PRESIDENT ROMNEY: The question is on the mo-

tion of Mr. Gust that we adjourn. Those in favor say aye.

We are adjourned until 2:00 tomorrow afternoon.

[Whereupon, at 2:55 o'clock p.m. the convention adjourned until 2:00 o'clock p.m., Wednesday, January 31, 1962.]

## SIXTY-NINTH DAY

Wednesday, January 31, 1962, 2:00 o'clock p.m.

### PROCEEDINGS

PRESIDENT NISBET: The convention will please come to order.

Our invocation today is to be given by the Reverend Halley B. Oliver of the First Congregational Church of Owosso. Mr. Oliver is Delegate Bentley's pastor. Today he is using the same prayer that he used to open the United States House of Representatives in 1960. Mr. Oliver. Will you please rise.

REVEREND OLIVER: Our gracious heavenly Father, we pause before Thee to seek the blessing of Thy guidance for the work of this day.

May, O Lord, those prayers made by Thy churches and people for this nation and these Thy servants prepare hearts and minds for the working of Thy Holy Spirit.

We so often pray for Thy wisdom, Thy Spirit and Thy love; yet it is too high. We cannot attain unto it. Make us, therefore, aware that we have wisdom from Thee; help us to use it, that we have felt Thy Spirit; grant that we be receptive to it.

We know the conditions of Thy love and that it casteth out fear. May mercy and justice be shown.

Give these Thy servants the understanding that the nation and state honor them and look to their work. May what is done be pleasing in Thy sight. We pray in the name of the Master. Amen.

PRESIDENT NISBET: The roll call will be taken by the secretary. Those present, please vote aye.

SECRETARY CHASE: Has everyone voted? The machine is now locked and the attendance will be recorded.

Mr. President, a quorum of the convention is present.

Prior to the session today, we were in receipt of 2 requests to be excused from today's session: Mr. Walker, because of illness; and Dr. Hannah wishes to be excused from today's session.

PRESIDENT NISBET: Without objection, they will be excused.

SECRETARY CHASE: Absent with leave: Mr. J. A. Hannah, Mr. Romney, Mr. Thomson, Mr. Walker and Mr. Woolfenden.

Absent without leave: Mr. Greene.

PRESIDENT NISBET: Without objection, Mr. Greene is excused.

#### Reports of standing committees.

SECRETARY CHASE: Mr. Bentley, for the committee on education, introduces

Exclusion Report 2025, A report recommending the exclusion of article XI, sections 2 and 6.

Alvin M. Bentley, chairman.

*For Exclusion Report 2025 and the reasons submitted in support thereof, see below under date of February 7.*

PRESIDENT NISBET: Referred to the committee of the whole and placed on the general orders calendar.

SECRETARY CHASE: Mr. Bentley, for the committee on education, also introduces

Exclusion Report 2026, A report recommending the exclusion of article XI, sections 3, 4, 5, 7, 8, 10 and 16.

Alvin M. Bentley, chairman.

*For Exclusion Report 2026 and the reasons submitted in support thereof, see below under date of February 7.*

PRESIDENT NISBET: Referred to the committee of the whole and placed on the general orders calendar.

SECRETARY CHASE: Mr. Martin, for the committee on executive branch, introduces

Committee Proposal 46, A proposal pertaining to the executive budget and item veto. Amends article VI; with the recommendation that it pass.

John B. Martin, chairman.

*For Committee Proposal 46 and the reasons submitted in support thereof, see below under date of March 14.*

PRESIDENT NISBET: Referred to the committee of the whole and placed on the general orders calendar.

SECRETARY CHASE: Mr. Bentley, for the committee on education, introduces

Committee Proposal 47, A proposal to replace sections 2 and 6 of article XI;

with the recommendation that it pass.

Alvin M. Bentley, chairman.

*For Committee Proposal 47 and the reasons submitted in support thereof, see below under date of February 20.*

PRESIDENT NISBET: Referred to the committee of the whole and placed on the general orders calendar.

SECRETARY CHASE: Mr. Martin, for the committee on executive branch, introduces

Committee Proposal 48, A provision pertaining to ineligibility to hold office. A substitute for article VI, sections 14 and 15; with the recommendation that it pass.

John B. Martin, chairman.

*For Committee Proposal 48 and the reasons submitted in support thereof, see below under date of March 19.*

PRESIDENT NISBET: Referred to the committee of the whole and placed on the general orders calendar.

SECRETARY CHASE: Mr. Brake, for the committee on finance and taxation, introduces

Committee Proposal 49, A proposal with reference to the borrowing of money by public corporations and bodies. Amends article VIII by adding a section; with the recommendation that it pass.

D. Hale Brake, chairman.

*For Committee Proposal 49 and the reasons submitted in support thereof, see below under date of February 7.*

PRESIDENT NISBET: Referred to the committee of the whole and placed on the general orders calendar.

SECRETARY CHASE: Mr. Brake, for the committee on finance and taxation, also introduces

**MR. POLLOCK:** This section we also recommend be excluded, because we are covering the first part regarding secrecy in another section of our proposed new article, and the clause regarding township officers was evidently designed to allow township officers to be chosen by viva voce voting, and present legislation requires election of township officers by ballot. In the opinion of the committee, exclusion of this language would not interfere with nomination of township officers by caucus if provided by law as at present.

**CHAIRMAN BENTLEY:** Are there amendments to the exclusion report? If not, it will be passed.

Exclusion Report 2024 is passed and the secretary will read.

**SECRETARY CHASE:** Item 18 on page 2 of the calendar, from the committee on education, by Mr. Bentley, chairman, **Exclusion Report 2025**, A report recommending the exclusion of article XI, sections 2 and 6.

*Following is Exclusion Report 2025 as read by the secretary, and the reasons submitted in support thereof:*

The committee on education recommends that article XI, sections 2 and 6 of the present constitution be excluded from the new constitution.

Mr. Bentley, chairman of the committee on education, submits the following reasons in support of Exclusion Report 2025:

The committee on education believes that sections 2 and 6 of the present constitution should be excluded because of the fact that the committee is preparing entirely new sections to replace them.

**CHAIRMAN BENTLEY:** The Chair would like to recognize the gentleman from Mt. Pleasant, Dr. Anspach, as vice chairman of the committee, to read the reasons for the exclusion report. Page 399, Doctor.

**MR. ANSPACH:** Mr. Chairman and members of the committee, at this particular time when Chairman Bentley called on me, I was a mugwump. I suppose you know the definition of a mugwump. It's an old one. He's a bird that sits on the fence, and his mug's on one side and his wump's on the other. (laughter) So therefore, when he called on me unexpectedly, he got me over on the right side of the fence. (laughter)

The committee on education believes that sections 3, 4, 5, 7, 8, 10 and 16—

**CHAIRMAN BENTLEY:** Excuse me, Doctor. That is the next one. (laughter) Exclusion Report 2025.

**MR. ANSPACH:** I guess I'm still on the wrong side of the fence. Now I'm off for sure. You know, it's a good deal like that old story of a pointer dog I told you the other day. You get set, you finally get booted and get around all right. (laughter)

[The supporting reasons for Exclusion Report 2025 were read by Mr. Anspach. For text, see above.]

Thank you very much. (laughter)

**CHAIRMAN BENTLEY:** Are there amendments to the exclusion report? If not, it will pass.

Exclusion Report 2025 is passed and the secretary will read.

**SECRETARY CHASE:** Item 19 on the calendar, from the committee on education, by Mr. Bentley, chairman, **Exclusion Report 2026**, A report recommending the exclusion of article XI, sections 3, 4, 5, 7, 8, 10 and 16.

*Following is Exclusion Report 2026 as read by the secretary, and the reasons submitted in support thereof:*

The committee on education recommends that article XI, sections 3, 4, 5, 7, 8, 10 and 16 of the present constitution be excluded from the new constitution.

Mr. Bentley, chairman of the committee on education, submits the following reasons in support of Exclusion Report 2026:

The committee on education believes that sections 3, 4, 5, 7, 8, 10 and 16 of the present constitution should be

excluded because of the fact that the committee is preparing entirely new sections to replace them.

**CHAIRMAN BENTLEY:** The gentleman from Mt. Pleasant, Dr. Anspach. The top of page 400. (laughter)

**MR. ANSPACH:** I was right in the first place. I started to read it awhile ago. (laughter)

[The supporting reasons for Exclusion Report 2026 were read by Mr. Anspach. For text, see above.]

**CHAIRMAN BENTLEY:** Thank you very much, Dr. Anspach. Are there amendments to the exclusion report? If not, it will pass.

Exclusion Report 2026 is passed and the secretary will read.

**SECRETARY CHASE:** Item 20 on the calendar, from the committee on executive branch, by Mr. Martin, chairman, **Committee Proposal 46**, A proposal pertaining to the executive budget and item veto. Amends article VI.

**MR. MARTIN:** Mr. Chairman.

**CHAIRMAN BENTLEY:** The gentleman from Grand Rapids, the chairman of the committee, Mr. Martin.

**MR. MARTIN:** Mr. Chairman, I would like to move at this time that this item and the following items be passed for the day and placed at the head of the calendar for discussion on Tuesday, February 13. The items are 20, 22, 32, 35, 36, 45, 46, 47, 48, 49, 57, 58 and going back, item 50, being Committee Proposals 46, 48, 59, 60, 70, 71, 72, 74, 75, 76, 77 and 78 and Exclusion Report 2027. Those items all relate to article VI or related problems affecting the executive branch, and we would like to discuss them in order. I will subsequently move for a slightly different order of consideration there so that we can take them up in a logical order.

**CHAIRMAN BENTLEY:** You have heard the motion of the gentleman from Grand Rapids. Is there discussion on the motion? If not, as many as are in favor will say aye. Those opposed?

The motion prevails, it is so ordered and the secretary will read.

**SECRETARY CHASE:** Item 21, from the committee on education, by Mr. Bentley, chairman, **Committee Proposal 47**.

**CHAIRMAN BENTLEY:** The Chair recognizes the gentleman from Mt. Pleasant, Dr. Anspach.

**MR. ANSPACH:** Mr. Chairman and members of the committee, I can't miss this one because I have a note. This was handed me. I suppose the chairman of the day heard of the absent minded professor who stepped out of his office and discovered he had forgotten a book; turned to go back to the office to get the book; saw a sign on the door that said "Be back at 3:00 o'clock," so he sat down and waited. (laughter) I ask permission of the committee, on behalf of the committee on education, to pass Committee Proposal 47 for the day.

**CHAIRMAN BENTLEY:** Is there objection to the request of the gentleman from Mt. Pleasant?

If not, hearing no objection, it is so ordered and the secretary will read.

**SECRETARY CHASE:** Item 23 on the calendar, from the committee on finance and taxation, by Mr. Brake, chairman, **Committee Proposal 49**, A proposal with reference to the borrowing of money by public corporations and bodies. Amends article VIII by adding a section.

*Following is Committee Proposal 49 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. PUBLIC CORPORATIONS AND PUBLIC BODIES SHALL HAVE POWER TO BORROW MONEY AND TO ISSUE THEIR SECURITIES EVIDENCING DEBT, SUBJECT TO CONSTITUTIONAL AND STATUTORY LIMITATIONS.

Mr. Brake, chairman of the committee on finance and

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

committee on legislative organization, and then to the executive branch in the regular schedule.

I mentioned Monday night, and tried to bring this up yesterday, and the reason that I am introducing this motion is primarily because we haven't yet settled on a legislature, and here we are going to be dealing with problems which will be very pertinent to our considerations on the executive branch. It would seem in a proper, logical order that the legislative organization, once settled, would make possible more expeditious handling of the other committee proposals, and I would therefore urge your consideration of moving to legislative organization proposals so as to alleviate some unnecessary discussion with regard to the executive branch proposals. That is all I care to say on this, Mr. President.

VICE PRESIDENT HUTCHINSON: The question is upon the motion by Mr. Faxon that the agreed orders in committee of the whole be changed, and that the committee of the whole next consider the legislative organization proposals instead of the executive branch proposals as previously ordered. All those in favor of the motion will say aye. Opposed will say no.

The motion does not prevail.

DELEGATES: Division.

VICE PRESIDENT HUTCHINSON: A division is called for. Is the division supported? It is supported. All those in favor of Mr. Faxon's motion will vote aye. Those opposed will vote no. Have you all voted? If so, the secretary will lock the machine and total the vote.

SECRETARY CHASE: The vote on Mr. Faxon's motion to change the order of consideration in committee of the whole, the yeas are 43; the nays are 83.

VICE PRESIDENT HUTCHINSON: The motion does not prevail. Are there any further motions or resolutions?

SECRETARY CHASE: None on file, Mr. President.

VICE PRESIDENT HUTCHINSON: Unfinished business.

SECRETARY CHASE: None.

VICE PRESIDENT HUTCHINSON: Special orders of the day.

SECRETARY CHASE: No special orders.

VICE PRESIDENT HUTCHINSON: **General orders of the day.** The gentleman from Genesee, Mr. Millard.

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

VICE PRESIDENT HUTCHINSON: The question is upon the motion to resolve into committee of the whole. All those in favor will say aye. Opposed will say no.

The motion prevails. The committee will convene and Mr. Millard will preside.

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

CHAIRMAN MILLARD: The committee will be in order. Is there anything on the calendar, Mr. Secretary?

SECRETARY CHASE: Item 1 on the calendar, from the committee on executive branch, by Mr. Martin, chairman, **Committee Proposal 46**, A proposal pertaining to the executive budget and item veto. Amends article VI.

*Following is Committee Proposal 46 as read by the secretary, and the reasons submitted in support thereof:*

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

Sec. a. THE GOVERNOR SHALL SUBMIT TO THE LEGISLATURE, NOT LATER THAN 21 CALENDAR DAYS AFTER THE CONVENING OF EACH REGULAR SESSION, OR AT A TIME FIXED BY LAW, A BUDGET FOR THE ENSUING FISCAL PERIOD SETTING FORTH IN DETAIL ALL PROPOSED EXPENDITURES AND ESTIMATED REVENUE OF THE STATE. PROPOSED EXPENDITURES SHALL NOT EXCEED ESTI-

MATED REVENUE. ON THE SAME DATE, THE GOVERNOR SHALL CAUSE TO BE SUBMITTED TO EACH HOUSE OF THE LEGISLATURE GENERAL APPROPRIATION BILLS TO EMBODY THE PROPOSED EXPENDITURES AND ANY NECESSARY BILL OR BILLS FOR NEW OR ADDITIONAL REVENUES TO MEET PROPOSED EXPENDITURES. THE AMOUNT OF ANY GENERAL FUND SURPLUS CREATED OR DEFICIT INCURRED DURING THE LAST PRECEDING FISCAL PERIOD SHALL BE APPROPRIATELY ENTERED AS AN ITEM IN THE BUDGET AND IN THE APPROPRIATION BILLS. THE GOVERNOR, PRIOR TO FINAL ACTION OF THE LEGISLATURE THEREON, MAY CAUSE TO BE SUBMITTED TO THE LEGISLATURE ANY AMENDMENTS TO THE GENERAL APPROPRIATION BILLS, AND SHALL CAUSE TO BE SUBMITTED ANY BILLS TO MEET DEFICIENCIES IN CURRENT APPROPRIATIONS.

Sec. b. GENERAL APPROPRIATION BILLS FOR THE SUCCEEDING FISCAL PERIOD SHALL BE ACTED UPON BEFORE EITHER HOUSE OF THE LEGISLATURE SHALL PASS ANY OTHER APPROPRIATION BILL, EXCEPT BILLS SUPPLEMENTING APPROPRIATIONS FOR THE CURRENT YEAR'S OPERATION. ANY BILL WHICH WILL REQUIRE AN APPROPRIATION TO CARRY OUT ITS PURPOSE SHALL BE CONSIDERED AN APPROPRIATION BILL. ONE OF THE GENERAL APPROPRIATION BILLS AS ENACTED BY THE LEGISLATURE SHALL CONTAIN AN ITEMIZED STATEMENT OF ESTIMATED REVENUE BY MAJOR SOURCE, THE TOTAL OF WHICH SHALL NOT BE LESS THAN THE TOTAL OF ALL APPROPRIATIONS PROPOSED IN THE GENERAL APPROPRIATION BILLS.

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

Sec. d. NO APPROPRIATION SHALL BE DEEMED A MANDATE TO SPEND. THE GOVERNOR SHALL REDUCE EXPENDITURES OF EXECUTIVE AGENCIES WHENEVER IT APPEARS THAT ACTUAL REVENUES FOR A FISCAL PERIOD WILL FALL BELOW THE REVENUE ESTIMATES ON WHICH APPROPRIATIONS FOR THAT PERIOD WERE BASED, SUCH REDUCTIONS IN EXPENDITURES TO BE MADE IN ACCORDANCE WITH PROCEDURES ESTABLISHED BY LAW. THE GOVERNOR'S POWER TO REDUCE EXPENDITURES SHALL NOT APPLY TO THE LEGISLATIVE AND JUDICIAL BRANCHES OR TO THOSE SERVICES FOR WHICH FUNDS ARE MANDATED BY THIS CONSTITUTION.

Mr. Martin, chairman of the committee on executive branch, submits the following reasons in support of Committee Proposal 46:

The purpose and intent of this proposal are to establish a constitutional executive budget process for the orderly management of the state's fiscal affairs. The executive budget system is common to 41 states, by statutory or constitutional provisions. Michigan has had some features of this type of system by statute since 1919. The responsibility of the executive for formulating, presenting, and eventually administering a periodic budget is recognized as a part of good management in public business. Executive budget provisions similar to those proposed herein are included in 3 of the 4 most recently adopted state constitutions (Missouri, Alaska, Hawaii) and are a key feature of the model state constitution. The 4 sections here proposed are deemed by this committee to embody minimum and basic essentials of an executive budget:

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

- 1) executive preparation and submission of the budget to the legislature;
- 2) embodiment of the executive budget in bill form for legislative consideration;
- 3) legislative action on the appropriation bills and enactment of fiscal policy, subject to executive veto, including the item veto; and
- 4) executive administration of appropriations and expenditures in accordance with legislative directives.

The present constitution does not clearly and completely embody the essential principles of an executive budget system. Provisions in the newer state constitutions, the emphasis on the executive budget in the majority of states, and the thinking among students of governmental finance have combined with the fundamental importance of budgeting in the conduct of responsible government to impel this committee to propose these 4 provisions for inclusion in the state constitution.

Sec. a. The first sentence of the proposal establishes that the governor shall prepare and present to the legislature a budget for the ensuing fiscal period. Twenty-one calendar days, or 3 weeks, give adequate time for preparation, and if sessions are to start as now on the second Wednesday in January, would mean (a) time for reappraisal of forecasts for the new year's conditions and (b) budget submission sometime between January 29 and February 4. This 21 day period also gives time for getting out of the way the normal organizational aspects of the legislature. Budget submission may be changed to "a time fixed by law", if it should appear at some future time that this was desirable, or that a different timing was more appropriate in the case, for example, of a governor elect. It is further required that the budget set forth proposed expenditures and revenue in detail, and that proposed expenditures not exceed estimated revenue, whether from existing or proposed new revenue sources.

To be a true executive budget, the proposed expenditures and estimated revenue must also be presented to the legislature in bill form for legislative action. This is the reason for the requirement that on the same date, bills embodying the budget plan and any proposed new revenues be introduced. Introduction in each house will allow a subsequent joint or concurrent consideration by the appropriate committees of each bill or its component parts, as may be determined by the legislature.

Provision is then made that the surplus created or deficit incurred during the previous fiscal period be included in the budget and appropriation bills for the next year. The words, "appropriately entered as an item" are used to avoid excess language while conveying the meaning that any surplus of the preceding fiscal year shall be a credit to estimated revenues, while any deficit of the preceding fiscal year would be a corresponding initial charge against expenditures.

The next requirement of the section does 2 things: (a) it allows the introduction of executive amendments to general appropriation bills prior to final action of the legislature (final passage by both houses) to cover contingencies such as omissions, oversights or emergency situations that may arise; (b) it requires the executive to cause bills for deficiencies expected to occur in current appropriations to be submitted. The further intent of both provisions is to emphasize initial executive responsibility for all matters relating to budget preparation and submission in bill form for legislative consideration.

Sec. b. The second provision is intended to accomplish 2 major points: (a) to focus legislative attention on the general appropriation bill or bills to the exclusion of any other appropriation bills, except those supplementing appropriations for the current year's operation; (b) to require the legislature (as well as the governor, by section a) to set forth by major item its own best estimates of revenue. The legislature frequently differs from executive revenue estimates. It seems only proper to require that such dif-

ferences as exist be specifically set forth for public understanding and future judgment as to the validity of each.

Sec. c. This provision repeats verbatim the existing provision for the so called item veto, article V, section 37. It is deemed to be an integral part of an executive budget process.

Sec. d. The last provision contains a statement of policy in its first sentence that is in line with commonly accepted thinking in the field of governmental finance. It would also cover situations in which unforeseen efficiencies and economies might become possible. The second sentence requires executive control of expenditures in accordance with statutory directives "whenever it appears that actual revenues for a fiscal period will fall below the revenue estimates on which appropriations for that period were based."

Legislative directives for expenditure reductions in the past few years have not been adopted by the executive office because they were believed to be unconstitutional. The legislature, as the initiator of fiscal policy, should be able constitutionally to direct that expenditure reductions shall be made under specified conditions. This provision would remove any question as to the constitutionality of legislative control over general fiscal policy of the state, and would require current action to minimize impending year end deficits.

The final sentence protects the separation of powers doctrine by preventing executive reduction of expenditures for the coordinate legislative and judicial branches. In actual fact, expenditures for these 2 branches account for less than 1 per cent of the general fund, general purpose spending, the vast bulk of which is in the area of the executive branch. It would also prohibit the governor from making reductions in funds dedicated by the constitution for specific purposes.

*Following is the minority report to Committee Proposal 46 as offered and the reasons submitted in support thereof:*

Mr. Marshall, Miss Hart and Mrs. Daisy Elliott, a minority of the committee on executive branch, submit the following minority report to Committee Proposal 46:

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

Sec. a. THE GOVERNOR SHALL SUBMIT TO THE LEGISLATURE, AT A TIME FIXED BY LAW, A BUDGET FOR THE ENSUING FISCAL PERIOD SETTING FORTH IN DETAIL ALL PROPOSED EXPENDITURES AND ESTIMATED REVENUE OF THE STATE. THE GOVERNOR SHALL ALSO CAUSE TO BE SUBMITTED TO EACH HOUSE OF THE LEGISLATURE GENERAL APPROPRIATION BILLS TO EMBODY THE PROPOSED EXPENDITURES AND ANY NECESSARY BILL OR BILLS FOR NEW OR ADDITIONAL REVENUES TO MEET PROPOSED EXPENDITURES.

Sec. b. Strike all of section b of the committee proposal.

Sec. c. LEAVE AS IS IN THE COMMITTEE PROPOSAL.

Sec. d. Strike all of section d of the committee proposal.

Mr. Marshall, Miss Hart and Mrs. Daisy Elliott, a minority of the committee on executive branch, submit the following reasons in support of the foregoing minority report, which accompanied Committee Proposal 46:

One of the driving forces, if not the primary reason behind Michigan citizens calling a constitutional convention was the need to rid the state's constitution of the administrative detail that is limiting the discretion of the legislature and governor to such an extent that they cannot adjust and meet the needs of a changing society. Thus, it was hoped that steps would be taken to rid the new con-

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

stitution of this detail, but the majority report will constitutionally freeze several matters that might better be left to legislative discretion. The inclusion of statutory items in the proposed constitution is a serious weakness in itself, but the majority report goes farther and in effect destroys the traditional separation of powers doctrine.

Following is a discussion of the majority report by section which points out the several instances of statutory detail in this report, and the clear violation of the long accepted separation of powers doctrine.

Sec. a. There is no need to make reference to a submission date of 21 days after the legislature convenes. It would be better to leave sole responsibility for fixing a submission date to the legislature.

The same criticism can be made of the requirement that the governor submit on the same date, general appropriation bills to embody the proposed expenditures and new or additional revenues to meet proposed expenditures. There is no logical reason to include this requirement, and in fact this could cause procedural problems. Although the budget and revenue programs are developed concurrently, the physical job of readying the budget for the printer, drafting and printing appropriation bills, and writing special messages covering these matters cannot be coordinated so that they all are completed on the same day. Yet it would appear that in order to meet the proposed constitutional requirement this would have to be done. The existing method of the budget, appropriation bills, and revenue programs being submitted over a 1 or 2 week period makes more sense from an administrative point of view.

The requirement that the general fund surplus or deficit of the last preceding fiscal year be the first item of consideration is unsatisfactory in several respects. It apparently assumes that there are no surpluses or deficits in the other funds such as the school aid, aeronautics, trunkline funds, etc., or if there are surpluses or deficits, there is no need to be concerned with them. Secondly, the financing of the deficit or spending of any surplus would always be one year behind, and thus would be less than meaningful. For instance the 1962-63 budget which is currently being considered, can reflect the 1960-61 deficit, but can give no consideration to 1961-62 expenditures and their effect on the deficit. In other words, the previous year end surplus or deficit may have to be drastically modified to have any real significance, but no consideration is given to this necessity. The proposal assumes all the surplus or deficit is consumed or financed in one year. There is no discretion left to the legislature, even though situations could arise that would indicate it is in the public interest to take contrary action. For example, adverse economic conditions might warrant the incurring of a manageable deficit until it could be liquidated under more favorable economic conditions, but under this proposal any increase in state expenditures might have to be financed by additional taxes even though this may adversely affect economic recovery.

Sec. b. Traditionally, the legislature appropriates the remaining salary of a deceased legislator to the widow, but this would be impossible until all general appropriation bills had been acted upon under this proposal. It is difficult to understand what is accomplished by delaying appropriation bills such as the one described above, until general appropriation bills are enacted into law. Certainly such a prohibition does not belong in the constitution.

Throughout all of these proposals the emphasis always seems to be on the fact that revenues fell short of appropriations. Actually the state's current problems arise from the fact that appropriations have been in excess of estimated revenues. The control must be on appropriations. To accomplish what seems to be the goal in section b, there should also be a prohibition against any appropriations, outside action on the governor's budget, either by the legislature alone or in response to a special session call unless each such appropriation is accompanied by its own revenue measure.

Sec. c. The minority agrees to the desirability of including this section in the proposed constitution.

Sec. d. It is this final section that is the most objectionable. Assuming the aforementioned criticisms could be eliminated, the proposal would still be wholly unacceptable because of its sharp departure from the basic concepts of American constitutional government.

The first sentence is wholly unnecessary, and the implication that state administrations, past and present, spend for the sake of spending is contrary to existing evidence, and is, in fact, an insult to their integrity. As a matter of fact, the criticism is often voiced that departments do not spend what is appropriated, but instead lapse large amounts back to the general fund and consequently are not meeting the needs of the state's citizens.

The balance of the section would turn the American system of constitutional government upside down. In the United States traditionally the executive proposes and the legislature disposes, but the majority proposal would eliminate the legislature as an effective partner in this relationship.

Assume for a moment that revenues were in fact falling below original estimates. Should the governor decide whether mental health, welfare, education or corrections appropriations are to be reduced? There is no basis in our American history for assuming the governor is the proper instrumentality for making such decisions. The legislature should make these broad policy decisions, and it cannot be argued that they would not be in session when a decision to reduce appropriations would have to be made. Certainly, the earliest one could expect a pattern evident enough to justify such action as reducing appropriations would be January, and the legislature is in session at that time.

Allowing the governor the discretion of determining whether collections are commensurate with revenue estimates is placing power in the hands of the governor that again is unfounded in our history. Could this authority not be used to eliminate programs and even whole agencies that the governor finds objectionable for political or other reasons? In other words, one of the checks of the American system would be abolished.

Adoption of section d would worsen the present constitution. It is a step backwards. It is destructive of responsibility in government. The authority and the power to make appropriations and to tax are legislative and, inescapably, should be assigned to the legislature. Section 2 of article X of the present constitution recognizes this basic truth. It reads as follows:

Sec. 2. The legislature shall provide by law for an annual tax sufficient with other resources to pay the estimated expenses of the state government, the interest on any state debt and such deficiency as may occur in the resources.

Here, authority and responsibility are joined together. The legislature is directed to provide taxes to finance the estimated expenses (the appropriations) of the government. On the other hand, section d, in its most simple terms, says "let's promote irresponsibility; let's enshrine the virtues of buckpassing." Section d would permit the legislature to make appropriations far above any realistic revenue estimates, knowing full well that revenues would be greatly less than appropriations. Section d has an escape hatch. The legislature can then direct the governor to reduce appropriations so that appropriations and revenues presumably will be in some kind of a balance. In short, the legislature can please the groups and agencies that want and need adequate appropriations and then give the governor the responsibility of reducing these appropriations.

The majority report fallaciously assumes that prohibiting the governor from cutting the appropriations of the legislative and judicial branches maintains the separation of powers doctrine. One of the basic tests of whether



the separation of powers doctrine is being maintained is to take an inventory of the powers exercised by the 3 branches to ascertain if in effect each branch has the powers historically associated with that branch. The majority proposal will severely limit the control over appropriations, which is one of the fundamental powers of any legislative body. In other words, the guarantee that appropriations for the legislative branch will not be cut is only one factor in guaranteeing the traditional separation of powers doctrine, and certainly not the most important one at that. Yet, the majority report assumes that prohibiting the governor from cutting the legislature's own appropriations ipso facto maintains a true separation of powers, and no concern is given to the fact the legislature will be stripped of one of its basic powers.

This last section of the proposal, in addition to the limitations previously discussed, can lead to the worst kind of legislative irresponsibility. One of the well established principles of business and public administration is, authority should be commensurate with responsibility, but this principle is also violated. Presumably the legislature will retain the taxing power, but will they be motivated to use it, even though revenues will not be equal to appropriations, when they can appropriate, knowing full well that it is the governor who will have to make the reductions in appropriations? It does no good requiring the legislature to itemize their sources of revenue, because it is nigh on to impossible to disprove revenue estimates for a fiscal period that will end some 18 months from the time the estimates are made, and that are based to a large extent on economic forecasts. Thus, an irresponsible legislature could further abdicate their responsibility and transfer any adverse political repercussions to the governor by refusing to provide necessary revenue, and leaving to the governor the onus of reducing or eliminating programs.

In summary the proposed section d would upset the American system of the governor proposing and the legislature disposing, undermine the separation of powers doctrine with the concentration of unwarranted power in the hands of the chief executive, and encourage legislative irresponsibility in certain political situations.

**CHAIRMAN MILLARD:** The Chair will recognize the gentleman from Grand Rapids, chairman of the committee on executive branch, Mr. Martin.

**MR. MARTIN:** Mr. Chairman, members of the committee, we are commencing this morning the consideration of the proposals of the committee on executive branch. The first 3 proposals will be as outlined on your final calendar. We will take up the Committee Proposal 46 first, which is the executive budget and item veto proposal, and then we will move to Committee Proposal 78, which is the legislative auditor, auditor general, and then to Committee Proposal 71, which has to do with the powers of the governor and a reorganization of the executive branch.

You will find Committee Proposal 46, if you want to consult your journal, at page 400. In line with the past procedure, we will consider these sections one by one. There is a minority report which deals with each of these sections, and after we have made a presentation on the first section of this, my suggestion is that we then consider the minority report, insofar as it proposes to amend that section. I think that way we will get a better consideration of the proposal if we do it section by section, in that way, instead of the minority amendments as they relate to each section.

The general purpose and intent of this proposal is to establish a constitutional executive budget process for the orderly management of the state's fiscal affairs. The executive budget system is common to about 48 states by either statutory or constitutional provisions, and while we have some features of this system and have had by statute since 1919, it has never been a part of our constitution; but its importance has increased as the financial problems of the state have become

more and more complex and the problems of administration have become more and more complex. For that reason, the committee reached the conclusion that it was important to include the provisions with respect to an executive budget in the constitution. The proposal deals with the responsibility of the executive—that is the governor—for, first, formulating the budget, second, presenting it to the legislature and, finally, carrying out the responsibilities that fall upon the executive as a result of the appropriations made by the 2 houses of the legislature.

Generally speaking, I think it is fair to say that every student of government recognizes the need for good management in public business, and this proposal is designed to effect that kind of close management. I should add that there are executive budget provisions similar to those which are proposed here in 3 of the 4 most recently adopted state constitutions, those of Missouri, Alaska and Hawaii, and these are a key feature of the model state constitution.

Very briefly, the 4 sections which are proposed here embody the minimum essentials of an executive budget, and they are, first, the executive preparation and submission of the budget to the legislature; second, the embodiment of the budget in bill form for legislative consideration because the legislature cannot act on a budget, it has to act on bills; third, the subject of legislative action on those bills, insofar as it has any constitutional bearing, and the use of the executive veto, the item veto which is a part of the present constitution; and, finally, the administration by the governor of appropriations and expenditures in accordance with legislative directives.

The present constitution, as I have said, does not spell these matters out, and the purpose of the proposal is to do just that. The proposal was also submitted for concurrence to the committee on finance and taxation, and generally, with respect to the item veto, was submitted for concurrence to the committee on legislative powers. When we reach the question of the item veto, I want to yield to the chairman of the committee on legislative powers, but at the present time I would like to yield to Mr. Brake for any statement which he may care to make on this general subject.

**CHAIRMAN MILLARD:** The delegate from Stanton, Mr. Brake.

**MR. BRAKE:** Mr. Chairman, ladies and gentlemen of the committee, this proposal with reference to budgeting took a lot of negotiation and a good many changes before all 3 committees were finally satisfied that it was what we want. In the form in which it is presented to the convention and to this committee, I think it is good. We have had the statutory provisions in the past. They have been, quite largely, disregarded perhaps by the legislature, and certainly by a succession of governors. Perhaps with constitutional provisions a little more attention will be paid to the directions. It does require, certainly if they follow the constitution, much more responsibility on the part of the governor and on the part of the legislature.

When a governor recommends expenditures in excess of his estimated income, he must specify how he proposes that the money shall be raised. That is good. He ought to take that responsibility. When the legislature appropriates more than it expects will come in, it has got to say what its estimate of revenue is, and of course the appropriations, and they are required to be balanced. That is good. I think it fixes responsibility on both the governor and the legislature and that should be a very good influence in the matter of state financing. Certainly, if it is followed, it will prevent the passing of the buck back and forth between the legislature and the governor as to who is to blame and who isn't to blame.

The other items, I think, are also good. The item veto is retained, as we have had it in the past. I think you understand that our practice there differs from the constitutional and national practice, where the president might have the power of item veto. I think the governor should have it. It is not used extensively by most governors, but from time to time it has been used. I think it is a very proper item to have in the constitution. The matter of reducing expenditures when the

revenues fail to come up to expectations is placed in here subject to statute. In other words, the legislature shall provide how it shall be used. I think that is very proper. As long as that is there, it does not bring the governor into the legislative field so that he is, in fact, legislating. As a matter of fact, the legislature has been using similar language in the appropriation statutes now for several years.

Taking it all together, I think we have here a very definite improvement in the fiscal management of our state government.

CHAIRMAN MILLARD: Mr. Martin.

MR. MARTIN: Mr. Chairman, I would like to yield now to Mr. Karn to discuss the details of the first section.

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

CHAIRMAN MILLARD: State the point of order, please.

MR. MARSHALL: The point of order is, am I lead to believe that the committee chairman is going to now get into an explanation of the entire majority proposal, or are we going to take up the minority report?

CHAIRMAN MILLARD: As the Chair understands, Mr. Marshall, we are on the first paragraph, section a, at this time, and as the Chair understands it, Mr. Martin has yielded to Mr. Karn to explain that particular section, after which the minority report will come up. Mr. Martin.

MR. MARTIN: Mr. Chairman, may I? I think Mr. Marshall had not come in at the moment when I made my first statement, and he will be handling the minority report. I wanted him to understand that I was proposing to have the minority report discussed section by section as we go along, but in order to do it in orderly fashion we need to have an explanation of what the majority position is on each of these sections.

CHAIRMAN MILLARD: The Chair recognizes Mr. Karn.

MR. KARN: Mr. Chairman, members of the committee, in order that we might have in mind, for discussion purposes, the thoughts and reasoning that was in the minds of the committee members when this was drafted, I would like to read the comments on section a, which are found in the journal on page 401.

[The reasons in support of section a were read by Mr. Karn. For text, see above, page 1636.]

CHAIRMAN MILLARD: Mr. Martin.

MR. MARTIN: Mr. Karn, do you desire to yield to anyone further on that?

MR. KARN: I would like to yield at this time, if I may, to Mr. Rajkovich who will make some comments on section a.

CHAIRMAN MILLARD: The Chair will recognize Delegate Rajkovich.

MR. RAJKOVICH: Mr. Chairman, fellow delegates, Mr. Karn has already pointed out many of the things in section a that we are concerned with. In general I would like to say that over the last 50 years, maybe a little more than that, the states have adopted executive budgets in order to promote efficiency in government and to promote economy in government. That budgetary system has been one of the major government reforms, and in this system is an implicit recognition that the governor has positive responsibilities to perform and that he intends to perform these responsibilities.

The budgeting system that we propose in this section does clarify the responsibilities in government, whether the range of this government shall be wide or whether it shall be narrow. It makes those provisions. Also, we set up in this section very sound budgeting procedures, I believe, which state that the budget should be prepared by the executive and that he shall present this program of work for the fiscal period, whatever that might be. Also, it should include all estimated receipts and expenditures. This means all. This is very important. Not just part of the receipts or expenditures should be included.

Further, we propose that the expenditures should not exceed estimated revenues. This is a must in any good budget; the

2 should balance. We believe that the expenditures should be classified in the budget by various funds involved or specific services to be performed or the nature of things to be purchased. Finally, we believe that the executive should exercise large measure of control over the execution of the budget after it has been approved by the legislature. As a result of the feeling of this, I urge you to support the committee report.

CHAIRMAN MILLARD: Mr. Martin.

MR. MARTIN: Mr. Chairman, if Mr. Marshall wishes to have the minority report introduced now, then we can have that amendment on the first section in front of us.

CHAIRMAN MILLARD: Are you yielding the floor to Mr. Marshall?

MR. MARTIN: Yes.

CHAIRMAN MILLARD: The Chair will recognize the delegate from Detroit, Mr. Marshall. Mr. Marshall, would you like to have your amendment read by the secretary?

MR. MARSHALL: Yes.

SECRETARY CHASE: Pursuant to the minority report of Mr. Marshall, Miss Hart and Mrs. Daisy Elliott,

Mr. Marshall offers the following amendment:

1. Amend page 1, line 6, after "Sec. a.", by striking out the balance of the section and inserting "The governor shall submit to the legislature, at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail all proposed expenditures and estimated revenue of the state. The governor shall also cause to be submitted to each house of the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills for new or additional revenues to meet proposed expenditures."

CHAIRMAN MILLARD: The Chair recognizes Mr. Marshall for discussion of the minority report.

MR. MARSHALL: Mr. Chairman and fellow delegates, in the beginning, I regret the action that was taken this morning on the Faxon motion because many of the issues that we will be discussing in the report of the committee on executive branch, as well as legislative powers and others will be directly related to apportionment. I, for one, have felt all along that that should be brought up as early as possible on the calendar and disposed of, but since the majority has not seen fit to do that, we will move on now to the minority report and cover section a.

Again, we are attempting here to legislate rather than to write the basic law of the state. The majority on the committee has submitted a 2 page proposal that is statutory and legislative in nature, taking away much of the discretion of the legislature and the governor to act in this area. One of the driving forces, if not the primary reason behind Michigan's citizens calling a constitutional convention was the need to rid the state's constitution of the administrative detail that is limiting the discretion of the legislature and governor to such an extent that they cannot adjust and meet the needs of a changing society. Thus it was hoped that steps would be taken to rid the new constitution of this detail, but the majority report will constitutionally freeze several matters that might better be left to legislative discretion.

The inclusion of statutory items in the proposed constitution is a serious weakness in itself; but the majority report, ladies and gentlemen, goes farther, and, in effect, destroys the traditional separation of powers doctrine.

In dealing with section a, there is no need to make reference to a submission date of 21 days after the legislature convenes. It would be far better to leave sole responsibility for fixing a submission date to the legislature. The same criticism can be made of the requirement that the governor submit on the same date general appropriation bills to embody the proposed expenditures and new or additional revenues to meet proposed expenditures. There is simply no logical reason to include this requirement and, in fact, this could cause procedural problems. Although the budget and revenue programs are developed concurrently, the physical job of readying the budget for the printer, drafting and printing appropriation



bills, and writing special messages covering these matters could not be coordinated so that they are all completed on the same day. Yet, it would appear that in order to meet the proposed constitutional requirement, this would have to be done. The existing method of the budget, the appropriation bills and revenue programs being submitted over a 1 or 2 week period makes more sense from an administrative viewpoint.

The requirement that the general fund surplus or deficit of the last preceding fiscal year be the first item of consideration is unsatisfactory in several respects. I do not know at this time whether you are talking about the deficit for the previous year or whether you are talking about the accumulative deficit. It apparently assumes that there are no surpluses or deficits in the other funds, such as school aid, aeronautics, trunkline funds, et cetera, or if there are surpluses or deficits, there is no need to be concerned with them. Secondly, the financing of the deficit or spending of any surplus would always be one year behind, and thus would be less than meaningful.

For instance, the 1962-63 budget, which is currently being considered, can reflect the 1960-61 deficit, but it absolutely can give no consideration to the 1961-62 expenditures and their effect on the deficit. In other words, the previous year's end surplus or deficit may have to be drastically modified to have any real significance. But no consideration is given to this necessity by the majority report. The majority proposal assumes all the surplus or deficit is consumed or financed in one year. There is no discretion whatsoever left to the legislature, even though situations could arise that would indicate it is in the public interest to take contrary action. For example, adverse economic conditions might warrant the incurring of a manageable deficit until it could be liquidated under more favorable economic conditions. But under this proposal or the committee proposal, any increase in state expenditures might have to be financed by additional taxes, even though this may adversely affect economic recovery. I therefore ask the delegates to support the minority report amendment and vote against the majority report.

CHAIRMAN MILLARD: You yield the floor then, Mr. Marshall?

MR. MARSHALL: I am sorry. I intended to yield to Delegate Austin for any remarks he might have, if you will permit me. I am sorry, Mr. Chairman.

CHAIRMAN MILLARD: The Chair will recognize Delegate Austin.

MR. AUSTIN: Thank you, Mr. Chairman and Mr. Marshall. Mr. Chairman and members of the committee, I am certainly inclined to support the minority report amendment because I too am a little worried about the amount of legislative detail that we are writing into our constitution, or attempting to write into our constitution in connection with this executive budget. There are a number of problems that I see here that worry me, and I would just like to ask some questions of the proponents of the majority report, just to illustrate my concern. I am wondering if, through the Chair, I could ask—I suppose I should direct my questions to Mr. Karn.

CHAIRMAN MILLARD: If Mr. Karn wishes to answer.

MR. AUSTIN: Thank you, Mr. Chairman. First of all, Mr. Karn, I am concerned about the language on line 1, "not later than 21 calendar days after the convening of each regular session, or at a time fixed by law." If we are going to permit the legislature to fix a time, why do we need write "21 calendar days" into the constitution? Just to elaborate a little further, let's consider the hypothetical situation that the legislature might decide that 18 days is a better time than 21 calendar days. What would then be the significance of the 21 days written into the constitution?

MR. KARN: The thinking of the committee, Mr. Chairman, and Mr. Austin—and this was based on discussions with some of the legislators—was that the 21 days was an adequate time for the final preparation and clearance of the budget. The

preparation of the budget, of course, starts as early as July before the convening of the legislature in January. The thinking here is that the 3 weeks, approximately, would give the legislature time to get some of their procedural and organizational matters behind them, and with the submission of the budget, then they could devote more time to it, and the 21 days was considered reasonable for this.

The clause, "at a time fixed by law," was inserted here so that if anything unusual might arise in any given year, this date could be changed. For instance, one thing that the committee had in mind was the thought that a governor just elected in the fall might like more time than this to become familiar with the budget and some of the things that were before him, and there he might request, and they might set a new date for such purposes. Normally, however, it was the thinking of the committee that the 21 days would prevail.

MR. AUSTIN: Mr. Chairman, Mr. Karn, we do have legislation now which governs the submitting of the executive budget. Is that not correct?

MR. KARN: Yes. There is nothing too certain about it as far as dates are concerned.

MR. AUSTIN: Mr. Chairman, is there any reason to believe that the legislature would not fix a time if we left the 21 calendar days out of the constitution, to leave it flexible for the legislature to examine this matter from time to time and make the determination based on experience?

MR. KARN: Well, that might be true, Mr. Austin, but let me give you another reason I don't think that should be done: it is history, I believe—and the gentlemen in our committee who have been in the legislature, I think, will support the statement—that unless you have some definite procedure for the filing of the budget, you will find that a good part of it will continue through the session and come up in the last week or two for consideration, when not too much thought can be given to it. The committee thought that the setting of a date certain when the budget should be submitted would mean that it would be in early, and the provision of this section which would implement the consideration of it at an early date, rather than to let it go until the end of the session when other important things were to be considered.

MR. AUSTIN: Further, Mr. Chairman, if the governor should find that 21 days are actually not sufficient under certain circumstances—I am assuming that under normal circumstances 21 days may be all right, but under some circumstances he may find that he needs more time than 21 days. If the legislature does not act, he would then be compelled, under any circumstances, to get the budget in within the 21 days. Is that correct?

MR. KARN: I think that is correct, and I think that the budget would be prepared. They work under a schedule and, generally speaking, the budget is prepared and ready for the governor's perusal of it at the first of the year, in cases where you have a new governor coming in, or a governor that has been in office.

MR. AUSTIN: Mr. Chairman, if I may, I would like to move down a little further to line 10 where we state that, "Proposed expenditures shall not exceed estimated revenue." Is it the intention of the majority proponents or the proponents of the majority point of view that the legislature should, in some way, indicate how these revenues are to be estimated, whose estimates are to be used here? I don't believe that it is clear when we say, "Proposed expenditures shall not exceed estimated revenue," without indicating, in some way, whose estimates. Are these to be the governor's estimates? The estimates coming from the legislature or—I am just not clear as to what is intended here.

CHAIRMAN MILLARD: Are you directing your question to Mr. Karn?

MR. AUSTIN: Yes, I am.

CHAIRMAN MILLARD: Mr. Karn.

MR. KARN: I think that is reasonably clear in the proposal. However, let me say this in the beginning. This statement in here on the subject, that "Proposed expenditures shall

not exceed estimated revenues," is a balanced budget proposal. I think I am safe and fair in saying that we have not operated on what might be truly called a balanced budget proposal. Coming to your—and I think there is general feeling that a balanced budget in a state is just as desirable as a balanced budget in a business today, and most businesses operate on a balanced budget, as Mr. Austin, I believe, realizes. We think that that is a perfectly fair position to take for the state of Michigan.

Coming to your question on the estimate, the estimated expenditures and estimated revenue will appear in the budget and it is made by the budget group. We also have, in this proposal, a statement to the effect that if the legislature finds that in their opinion our estimated revenue will differ from that in the budget, then they must indicate why the difference and designate the major source of revenue which will cause a differential between that and the governor's budget. In the past we have had no definite information of this sort. We have attempted to find some records or history of the past few years on what has happened in the way of estimates, estimated revenues. We know—and I think only a year ago, the legislature had an estimated revenue of some \$6 million or \$7 million less than the governor's budget indicated, but there was no indication as to how the legislature arrived at that estimate. We think that it is important, if an estimate of revenue is changed, that it be indicated how and why they think it should be changed, and that is one of the responsibilities that we assign to the legislature in this proposal.

MR. AUSTIN: Mr. Chairman, one of the reasons I asked that question was just to show how involved the situation can become when we attempt to explain exactly what we mean by requiring that the proposed expenditures shall not exceed estimated revenues. We get into any number of questions as to what, first of all, we mean by "proposed expenditures", and secondly, what we mean by "estimated revenues"; whether the governor can use his own estimates, whether they must be accurate to within some reasonable percentage of the actual income, or whether he should consult with the legislature and agree on some estimated revenue. But, the main point is that it seems as though this matter might be better left to the legislature rather than included in the constitution.

Moving on we get to the matter of the same date. I think the minority argument there is quite sound, about attempting to require the governor to submit these appropriation bills on the same day. Just to illustrate, Mr. Karn, if I may, how simple this could be if we did not attempt to write so much detail into our constitution, on line 10, you say:

On the same date, the governor shall cause to be submitted to each house of the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills for new or additional revenues to meet proposed expenditures.

Then down below on line 17:

The governor, prior to final action of the legislature thereon, may cause to be submitted to the legislature any amendments to the general appropriation bills, and shall cause to be submitted any bills to meet deficiencies in current appropriations.

The whole matter could be handled so much simpler if we just said, "The governor shall cause appropriation bills to be submitted," without specifying a time, because then you would embody or embrace the requirement that he submit, first of all, his appropriation bills, and later on any adjustments that have to be made. But when you begin to spell it out, you may be causing some difficulty when he finds that he can't fit into this pattern, and you have left no freedom for the legislature to make any changes; and this is the problem.

We are attempting here to write into the constitution procedures, and procedures don't always work under all circumstances, and you are providing no flexibility for the legislature to make corrections, if it should be found that these procedures will not work. It just doesn't seem advisable to write procedures into the constitution. Another question, of course, that bothers me, and I would like to direct this—

MR. KARN: Mr. Austin, may I make a comment before you go on, please?

MR. AUSTIN: Certainly.

MR. KARN: Mr. Chairman, if I may, please?

CHAIRMAN MILLARD: Mr. Karn.

MR. KARN: To file the bills on the same date—I would like to comment on that—it is your understanding that in the past the budget has been submitted and then, from time to time and over a period of time the appropriation bills were not submitted to the legislature, but I believe it has been the habit for the bills to be handed to various individual legislators who, in turn, will put them into the mill, and that means that the bills implementing the appropriations are scattered over a period of time, all of which creates delay in the consideration of these bills. We think the committee thought that it was quite important to have the bills accompany the appropriations, and this is not unusual. This is followed in other states. It has been rather effective where it is handled, and you have something certain in the way of a program before you at the beginning of the legislature. If this is not done, it is our opinion that there will be delays as there have been in the past, which we do not believe is in the best interest of the legislature.

The next item that you mention has to do with submitting amendments to the budget. Again, I think you realize, Mr. Austin—and I am quite sure that the delegates do—that when the preparation of a budget is started, let's say, the first of July in a given year, it is completed in January of the second year or early February, there may be, at times, quite serious changes in the budget from its original preparation. There may be things that are urgent that were not considered and included in the budget in the beginning. There are other items that may not be considered as the same necessity as they were considered in the preparation of the budget, so that there must be adjustments made in the budget. This gives the governor the right and the power to make such changes as are deemed necessary, and again, we believe that it is important. There is perhaps quite a bit of verbiage in this proposal, but knowing some of the methods that have been followed, it is the thought of the committee that this should be spelled out in quite a bit of detail in order that it may be implemented.

CHAIRMAN MILLARD: Mr. Austin.

MR. AUSTIN: Well, Mr. Karn, wouldn't it be better to leave it to the legislature to spell out this detail, so that if it is discovered that these procedures won't work, adjustments could be made and new procedures instituted, rather than attempting to do this now in the constitution with no opportunity to change if it should be found unworkable?

MR. KARN: Mr. Chairman and Mr. Austin, the majority of the committee did not agree with your statement.

MR. AUSTIN: Thank you. May I continue, Mr. Chairman?

CHAIRMAN MILLARD: Continue, Mr. Austin.

MR. AUSTIN: Now we move down to line 16. I should read that whole sentence:

The amount of any general fund surplus created or deficit incurred during the last preceding fiscal period shall be appropriately entered as an item in the budget and in the appropriation bills.

The language there at the end of that sentence bothers me considerably, when we say, "and in the appropriation bills." In other words, we are asking that we include in the appropriation bills—am I to understand—an additional appropriation bill for a deficit? If I understand the procedures for appropriating moneys by the legislature, the legislature appropriates expenditures and if these appropriations should happen to exceed the revenues, we will have a deficit. But those items will already have been appropriated. I am just wondering what is meant there about including among the appropriation bills a bill for any deficit.

CHAIRMAN MILLARD: Are you directing a question?

MR. AUSTIN: Yes, I am, to Mr. Karn. I am still addressing my questions to Mr. Karn, Mr. Chairman.

CHAIRMAN MILLARD: Mr. Karn, you may answer.

MR. KARN: Mr. Chairman, Mr. Austin, the situation here

is that—I think I am correct in making this statement—the state of Michigan has not paid too much attention to deficits. As a matter of fact, I think at any particular time it is difficult to find out what our deficit might be, because our accounting is not quite that tight. The committee believed that it is important to do something about the deficit in the state of Michigan and its financing, and at the same time, if you have a surplus in any given fiscal period, that surplus should be dealt with. So our suggestion here is that when you come to the end of a fiscal period and the new budget is being prepared for the new fiscal period ahead, then any deficit that exists at that time will be included in the budget for the coming fiscal period and will be eliminated by raising sufficient funds to pay it off, and if there is any surplus, that also comes into the budget and is revenue that can be used for other purposes.

MR. AUSTIN: Mr. Chairman, Mr. Karn, I do understand including the deficit in the budget, although I don't agree, necessarily, with this procedure. But what I don't understand is why we are requiring, in the constitution, that an appropriation bill be included for the deficit. This is the confusing part of it. The appropriations have already been made. That is the only reason why we have a deficit, because appropriations in the preceding period exceeded revenue, so we have already appropriated the revenue. Why do we now want to include another appropriation bill?

MR. KARN: To raise money to eliminate the deficit.

MR. AUSTIN: I want to confess, Mr. Chairman and Mr. Karn, that that is still a little bit confusing to me. I want to ask another question, again in connection with this same sentence. How is the surplus to be determined? Since we are including the surplus in the constitution, I am just wondering if we should not, at the same time, indicate how it is to be defined. I realize that it is very difficult to define surplus and I would not want the job of defining it, but again it points up the difficulty of attempting to write legislation into the constitution. My question, of course, is: should not the surplus be defined since we are stating that surplus should be included in the budget and also in the appropriation bills?

MR. KARN: Mr. Chairman, Mr. Austin, Mr. Austin is an accountant and I think perhaps he can answer his question better than I can, but as I understand the meaning of surplus, it is the surplus of revenues at the end of a period, in this instance, over the expenditures.

MR. AUSTIN: Accumulated or just for the year?

MR. KARN: Yes, for the year. I am talking about the year only. This deficit and surplus is for this fiscal period only. It is not accumulative.

MR. AUSTIN: Very well. Thank you very much, Mr. Karn. I think that these are perhaps all of the questions—I have some other questions but it seems to me that we do have some detail here that we could get along better without, and it would seem to me that if you will read the draft submitted by the minority, which sets up in general language what we would like to have done here, it would be better to have that in the constitution rather than this detail which I think will lead to a lot of problems. I would certainly suggest that we support the minority amendment on this.

CHAIRMAN MILLARD: The Chair recognizes Mr. Brake.

MR. BRAKE: Mr. Chairman, ladies and gentlemen, there are some things that have been said about which I wish to—

MR. MARSHALL: Mr. Chairman, does Delegate Brake rise to ask a question? I still have the floor. I yielded to Delegate Austin.

CHAIRMAN MILLARD: All right.

MR. MARSHALL: I am sorry, Delegate Brake. At this time, Mr. Chairman, I would like to yield to Delegate Snyder.

CHAIRMAN MILLARD: Delegate Snyder.

MR. SNYDER: Thank you very much, Mr. Chairman and fellow delegates, I want to thank Mr. Austin for laying the foundation for the committee to act upon the minority report amendment. I think it is very obvious that the tone of the questions and answers have developed that we do have here an

area where the matter is not delineated as clearly as it should be, and rather than to resolve the problems as we should be doing at the present time, we are opening up a field of unknowns that will come back to plague us in the future.

I am very much concerned, fellow delegates, by what I feel is the jeopardy which we are putting the separation of powers into by this move. Of course, it is quite academic to all of us that we must maintain the legislature as a separate unit and the executive branch as a separate unit and the judicial, and I hesitate to even mention the word "judicial" this morning after 3 weeks, but I do say this: we do have a definite responsibility here to preserve this separation and when we set up a series of circumstances, as we have in the majority proposal—and the minority will attempt to correct the circumstances—we have a situation here in which the governor must act upon his messages with a pistol at his head. He must act with the full realization that somewhere down the line a magic number of 21 days has been picked out, and at the conclusion of 21 days he must come up with a final proposal. If he does not come up with a final proposal, then he must appear before another branch of government and ask that they, in their wisdom, give him the consideration so that he can have the appropriate extension. I think that this is basically wrong. I do not know how the majority of the committee did come up with the magic number of 21 days, but I submit to you that this will create a very serious problem to the person attempting to come up with an adequate proposal. Of course, the option is given to the governor that he can make subsequent submissions, but I think you are all familiar with legislative procedure, that there are certain times set in which you can no longer put in new appropriations. These then must come as riders to the original bills.

Recently at the convention here we had some discussion on a committee that would handle our post convention work. During the committee on administration meeting, I posed a question of whether or not we had been timely in this submission, and it was pointed out to me that the deadline date had passed. However, the legislature could add onto this bill. It was pointed out to us that the appropriation could be tacked on to a mental health or some other issue of this sort. Again, I submit to you, if we must take additional appropriations and tie them in with other deserving requests, then we are putting both units in jeopardy. For this reason I feel it would be a most unfair restriction to put the 21 day limitation in. Those of us who are active in government back home know this, that budget items are not a year to year item. Any of us who are concerned in the handling of public funds know that in order to utilize these funds at their optimum benefits, we must have long range planning. You do not work from a year to year basis. You work sometimes on capital improvement programs for 10, 15, and even 20 years. This way you can get the optimum use of your money. You can combine sums at a time and use them from year to year in the area where they are needed the greatest.

It is my understanding of the proposal submitted by the majority committee and the errors that the minority will try to remove, that you have an annual accounting, that prior to any action being taken you must dispose of the surpluses of the previous year. This would be wrong. This would take away any inducement that the departments or any other groups would have to combine their money and use them over a 5 year period. To illustrate the point, here we may have a line item on a question of fuel, and if we had a mild winter and did not use the fuel appropriation, fine; we would have a surplus and this surplus would be absorbed. However, the following year we would have a cold year in some of the departments and then we would not have enough money and this would create a situation where we would have to go back and ask for additional money. This I say to you would add immeasurably to the work. Rather than streamline the government as is our obligation at this convention, we would be creating additional work for the legislature and the governor.

I say this, that on the surface this is a very innocuous

looking proposal, but it is new language and it is something that would change entirely the concept that we have at the present time. We have had advanced before us at several times this proposition: if it is going to be new, it is going to be untried and unproven, and if there is area for error in this language, then this should not become a constitutional matter. This is properly a statutory matter, so that the legislature, at their annual sessions, can tailor, correct, and amend the language as the errors become apparent. I would heartily encourage the support of the minority report amendment because I feel that this would accomplish the objectives that the majority report is trying to accomplish, but at the same time does not open up the area of confusion and error that we would have to come back and correct, I am certain, before the 50 year limitation for the constitutional convention is over with. Thank you.

CHAIRMAN MILLARD: Mr. Marshall.

MR. MARSHALL: Mr. Chairman, that concludes the report of the minority, and again, I urge the delegates to give serious consideration to the statutory nature of the majority proposal and also the restrictions and limitations placed therein. We believe that the minority report amendment, which says that the governor shall submit to the legislature at a time fixed by law, leaves it to the discretion of the legislature to fix the time by submitting his budget through this medium; and leaving it to the discretion of the governor and the legislature will work better in the years to come and will be in the best interests of all concerned. Thank you.

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

MR. MARTIN: Mr. Chairman, members of the committee, just a brief comment on 2 or 3 of the things which have been said. It has been said that this is legislation or this is legislative language. The committee feels that this is not too much language to achieve the very real objective which we have. The objective is to get some order and some force into the idea of a budget submitted on time and appropriation bills submitted on time, so that the legislature doesn't lie around here waiting for weeks and weeks for the governor to get his proposed bills in. We see no reasonable chance of harm from the limitations or the deadlines that have been provided. So far as the date of submission of the budget is concerned, the legislature is free to change that if for any reason the 21 days does not prove to be entirely satisfactory.

As far as the surplus and deficit items are concerned, this has nothing to do with the accumulated deficit. The accumulated deficit will be up to the legislature to dispose of, and we hope they will dispose of it. This simply relates to whatever deficit has accumulated in the last preceding fiscal period, and that we want the governor to take a look at and to include in his budget for the next year, so that we don't go on doing what we have been doing in the state of Michigan, and that is accumulating deficits year after year after year. This is the real heart of the objection of the minority. They don't want to have to take a look at this deficit and clean it up by good fiscal responsibility. They want to let it ride along through and worry about it sometime in the future, and this is wrong fiscal procedure. It is the kind of way you shouldn't run a government any more than you should run a business that way, and we believe that this procedure will prevent that.

As far as the question of Mr. Austin's comments about expenditures, that proposed expenditures should not exceed estimated revenue, and his question about the meaning of these terms, we are talking about only the best estimates of the governor and the best estimates of the legislature. We realize those cannot be absolutely precise, but we want to know, we want the people to know what the governor thinks the expenditures are going to be, and we want the people to know what measures for raising revenue he proposes, if he proposes to expend more than he estimates will be taken in. Similarly we want, and it is provided later on, to know what the legislature thinks about those 2 things, so that in the future we can get some estimate as to who is right and who is wrong on some of these guesses, on some of these estimates.

The general purpose of the whole section and of the whole proposal is to get some order into this situation and to get some sense of fiscal responsibility into it so that we can operate as we ought to be operating instead of operating with \$100 million deficit in the state of Michigan. Until we do that, the record of the state of Michigan—its fiscal record—will not be good, and we will suffer from year to year in the high interest cost of bonds, which every municipal corporation and the state of Michigan has to sell. We are trying to get the state back onto a sensible fiscal basis and this is the reason for this whole executive budget proposal.

CHAIRMAN MILLARD: The Chair will recognize the gentleman from Port Huron, Delegate Staiger.

MR. STAIGER: Mr. Chairman, members of the committee, I would just like to take a minute to stress again what I believe the importance of this section is. As a member of the finance and taxation committee, we heard a good deal of testimony on the fiscal problems of the state, the earmarking situation, and many others. We were looking for ways of solving this problem. In some of our minds on the committee—many of them, I might say—this executive budget will go a long ways in that direction.

I would like to read, just for a second, a short section from a booklet we received, *Constitutional Aspects of State Financial Administration*, by Mr. Byrd. He states as follows:

The state of Oklahoma placed budget balancing provisions in its constitution of 1941 that make assiduous use of both control of and appropriations and the execution of the budget. The before and after financial situation of the state shows that drastic action was needed and that the action taken has been effective.

In the 12 years, 1930 through 1941, balanced fiscal operations were achieved in only 2.

That is in 12 years, 2 years they had a balanced budget.

In the other 10 years, deficits aggregated some 60 million, 57.7 million of which was cleared by a series of deficit funding bonds.

Since 1941—

when they again passed the executive budget procedure, —the state has maintained its operations consistently on a balanced budget, a record that certainly cannot be attributed solely to better economic conditions.

Take a look now at the state of Michigan. Starting with 1957, we had an accumulated surplus of \$6 million, '58 we went to a \$21 million deficit; '59, we went to a \$95 million deficit; '60, we went back to a \$64 million accumulated deficit; but this was, as the footnote shows on this chart, the year of the sale of the Veterans' Trust Fund totaling \$40 million. The following year, '61, we were right back up to \$71 million again, and you have read in the papers the estimates for this year, that again there is going to be an additional deficit. I think this clearly indicates that Michigan, too, is ready for some somewhat drastic action in this area. All this does—there is no way of forcing a balanced budget, but this goes a long way to center the responsibility so that the people can see for themselves if we are overestimating our revenues and if so, by whom, and at least they can have the facts before them to make up their minds on where the responsibility should lie for any deficit that is accumulated during any year.

I think that the section, as proposed by the majority, is the section that should be adopted. At one time I had drafted a section for our finance and taxation section, when we had concurrent jurisdiction on this. I personally would have had more of the so called details in it than this. I think, though, that the proposal as submitted by the majority is an excellent step in this direction, and I urge you to support the report.

CHAIRMAN MILLARD: The Chair recognizes the lady from Detroit, Delegate Hart.

MISS HART: Mr. Chairman, I should like to make sure from the chairman of the committee whether or not—obviously, this morning we are going to trust the legislature—we are not going to trust the legislature. This afternoon I am sure that we are all going to be asked to put implicit faith in the

legislature, and it would seem to me that perhaps the committee should have a sign over the seal over here so that the delegates will not be completely confused.

**CHAIRMAN MILLARD:** The Chair recognizes the gentleman from Detroit, Delegate Downs.

**MR. DOWNS:** Mr. Chairman, could I ask, through the Chair, a question of the chairman of the committee?

**CHAIRMAN MILLARD:** If he cares to answer.

**MR. DOWNS:** This, perhaps, is not major, but I would like a little clarification. In the committee proposal on line 11, it refers to the fact that the governor shall cause to be submitted to each house—then on line 19, you have the same phraseology, then on line 18 it says “may cause”. Our present constitution on legislation, article V, section 19—I will just read the one sentence—says, “All legislation by the legislature shall be by bill and may originate in either house of the legislature.” The question I would like to ask the chairman is, would this section, if adopted, the committee proposal, permit a new form of introduction of bills, namely by the governor rather than a member of the legislature?

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

**MR. MARTIN:** Mr. Chairman and Mr. Downs, the answer to that is that it will not permit and is not intended to do so. This is the reason why the words “cause to be submitted” are used. If you will notice in line 6, we provide that, “The governor shall submit to the legislature . . . a budget,” and this, of course, it is his direct responsibility to do. However, to avoid any question about violation of the separation of powers doctrine, bills have to be submitted by members of the legislature. So that we are not proposing that the governor shall become a legislator, in the sense of being able to submit bills as any legislator. He has got to submit those through members of the legislature.

**MR. DOWNS:** This would assume that the governor would have at least one friend in the legislature that would submit the bill he requested.

**MR. MARTIN:** That is right. It assumes he's got one friend. If the governor hasn't got that many, why, he will be in trouble.

**MR. DOWNS:** I see. Well, that answers my question. Thank you. I did think the committee should be clear, when we are making language we often say “may” or “shall”. I assume from the answer there is really no way to enforce it, but it is really a directive to the governor to direct a member of the legislature or request him to do something which could not be forced.

The other comment—and I had not planned to speak on it—was the matter of a deficit and the current one. I had assumed that we had disposed of the discussion, at least, if not the deficit, in the report from the finance and taxation committee, but apparently this has raised its head again. Again I would just like to point out to the committee that looking at the past and even at the future, our convention has not so far raised 1 cent of revenue. We are simply trying to create a framework in which to establish that and establish budgeting.

If my memory is correct, past governors—and of both political parties—have, in their messages, submitted estimates and means to balance income with outgo. Whether or not this should be done on a yearly basis or a long range basis is not before us. I just submit again to the delegates that it is the legislature which finally passes every tax measure and which passes every appropriation measure. I do not like to see the chief executive be made the whipping boy of any deficit. I think we do want a sound fiscal policy. I have favored our principles of short range borrowing, and if necessary, long range borrowing, but I do not think it is a sound approach on the committee floor to intimate that the governor is solely responsible for revenue income and outgo. If we want, really, to place that responsibility solely in the governor's hands—and I am not for it—I say it can be done. We can simply say if at the end of any year there is a deficit, the governor shall

be empowered and required to make a tax provision that will take care of that deficit for the next year, and pin the responsibility clearly on him. I want to make it clear that I do not recommend that, but if delegates keep talking about the responsibility of the governor to balance the budget, well, then, let's give him that responsibility, even though it violates principles of sound government of having this done by legislation. If on the other hand we continue to have tax bills and appropriations the responsibility of the legislature, let's clearly state that that is their constitutional responsibility.

**CHAIRMAN MILLARD:** The Chair will recognize the gentleman from Owosso, Delegate Bentley.

**MR. BENTLEY:** Mr. Chairman, a comparison between the majority and the minority proposals would seem to indicate that there are 5 specific portions of the majority proposal to which the minority is objecting. Those are specifically the setting of the 21 calendar days deadline for the submission of the budget, as contained in line 7; the requirement that expenditures and revenues must balance, in line 10; the requirement in lines 10 and 11, that the appropriation bills have to be submitted on the same date as the budget itself; the rest of the section, beginning at line 14 with the requirement that the amount of a surplus or deficit in the general fund be included as an item in both the budget and the appropriation bills; and, finally, the authorization to the governor to submit amendments to the appropriation bills prior to the final action of the legislature thereon. Those are the specific portions of the majority proposal which the minority would propose to eliminate. Those other portions, Mr. Chairman, have been covered and may be further covered in discussion.

I submit that there is one, I think, rather important point that, as far as I am concerned, represents the essential difference between the majority and the minority positions, and that is the requirement in line 10, that proposed expenditures shall not exceed estimated revenues. I think we have already heard from members of the minority their feelings in this particular matter. They claim that they are not necessarily opposed to a balanced budget, but instead of requiring that this budget be balanced on an annual basis, they are willing to have it balanced over a so called cycle period, or a long term, be it 2 years or 5 years or whatever it may be. This attitude on their part, Mr. Chairman, is borne out by the last sentence of the minority supporting reasons on page 541 of the journal, which state, and I quote:

For example, adverse economic conditions might warrant the incurring of a manageable deficit until it could be liquidated under more favorable economic conditions, but under this proposal any increase in state expenditures might have to be financed by additional taxes even though this may adversely affect economic recovery.

I think, Mr. Chairman and members of the committee, that perhaps this, very simply, is the matter before us in the consideration of this first section.

Do you feel, and I am speaking now collectively to the members of the committee of the whole, do you feel that when we have a deficit, be it manageable or unmanageable—and that, again, might cause some question of definition—that it should thereby be taken care of by increased revenues or increased taxes or are you willing to look 5 or 10 years into the future and say we must balance this over a cycle period? We can accept deficits in certain years; we can hope for surpluses in future years when business conditions are better, and therefore we can live with deficits, we can use our surpluses in the future if they should occur, to make them up. I happen to have been exposed first hand, Mr. Chairman, to that kind of a theory on the national level for some years, the so called theory of balancing a budget over a cycle, and I think we have right here, at the present time, the conflict between the so called cycle theory of balancing the budget and the idea which I personally subscribe to, as a member of the majority of the committee, that whenever and wherever possible budgets should be balanced on an annual basis; if the final result of one fiscal year shows a deficit, we have thereby got to take care of that deficit in the next year and not hope for wishful



and perhaps impossible surpluses in the future to take care of that situation. I think that is the situation before us; and I think of all the parts of the majority proposal to which the minority, perhaps, most strongly objects is this specific requirement in line 10, that proposed expenditures shall not exceed estimated revenue, and that, according to the majority, is to be done on an annual, not on a cycle basis.

CHAIRMAN MILLARD: The Chair recognizes the gentleman from Stanton, Mr. Brake.

MR. BRAKE: Mr. Chairman and ladies and gentlemen, 2 or 3 comments on things that have been said. In the first place, this matter of the 21 days. I think we should keep this in mind, and it is fundamental here. The work upon and the final passage of the appropriation bills determines the length of each legislative session. Everything else can be done within the time that it takes the finance committees to complete their work. It costs money to keep the legislature in session, just the same as it costs money to keep us in session here, so the quicker they get started at it, so much the better for the taxpayers and so much the better for the legislators. If I were drafting this I would have said, on the opening day of the session the budget and the bills should be ready. There is no more reason why the head man in the state cannot be on time than anybody else, with the one exception of a new governor coming in. And, as things look now, that will only be once in 4 years, at the very fastest, and probably much less than that. The governor can just as well be ready at one time as another. The statute has called for 10 days after the session opens. That has been habitually disregarded or regarded only in form and not in substance. This says "21 days or as otherwise fixed by law". The governor has plenty of help. There is no reason why he can't be on time so the legislature can get to work and get its work done.

The matter of separation of powers has been emphasized by Mr. Snyder. That was in this picture under the first drafting of this proposal. That was one of the problems we had to work out among the 3 committees, and it has been completely worked out. The governor's authority stops when the budget and the bills get to the legislature. From there on, it is their responsibility. His influence doesn't stop. We know that. We expect the governor to go on and get his ideas enacted into law, if he can do so, and that is proper. But his legal authority stops when the legislature gets control of the budget and of the bills.

I want to talk to you about what I think is the real problem we are trying to meet here, and as has already been said, the detail we have in this proposal is detail that is required by Michigan experience, and what I am about to say also is based on Michigan experience. We might be confused by trying to fit other state experience into this part of the picture, because we have not had, here in Michigan, the same kind of a picture in this fiscal matter that generally prevails and in recent years we have not had, in Michigan, the same kind of picture that has usually prevailed in Michigan. Ordinarily in all states and in the long range view in Michigan you have a legislature trying to spend and a governor trying to hold them down. That has been reversed for years in Michigan. The thing that has had more to do with the deficit that we are running, and that we regret, than all the earmarking we have been talking about here, for years past, is that the governor makes an estimate of what the revenues are going to be. That is an official estimate.

The legislature, or at least the legislative finance committees, make an estimate of what the revenues are going to be. The governor's estimate has been almost always, almost always higher, and much higher than the legislative estimates. Not only that, but very consistently—I am talking about not the governors of just one party or any one governor—almost consistently, the governor's estimate of income has been higher than experience has carried out. In other words, the estimates have almost always been overestimates. Legislators are human, the same as governors. I am not going to say why the governors overestimate the income. Let's just be charitable and say they see the need, they want money, they estimate high, hoping that the expenditures will be made. All right. The legislators, being human, have all too frequently taken the easy way out.

While they have not thought that the revenues would be as high as the governor has estimated, they have said, "Well, the governor says we are going to have this much money, the pressure is on for the spending, let's spend it," blaming the governor if the thing doesn't hold up. That isn't right. It doesn't work out financially, but that is the kind of thing that has been going on. While their own estimates were lower, they have relied on the higher estimates of the governor, and resulting deficits.

Let me say this, maybe it's got nothing in particular to do with the issue, but nobody comes down to see the legislature saying, "Don't spend money." Everybody comes down to the legislature saying, "Spend, spend, spend." All the time it is more expenditures. They yield to it, relying on the governor's estimate rather than on their own, more conservative estimate. This proposal is going about as far as you can go in language to prevent that kind of thing. The governor will be required to make his statement of revenues just as he has in the past, but also the legislature is required to say, "Our estimate is so much." That they have not done officially. You just found it out, unofficially, in the past. We think this is going to balance things up and get things under control in a much better way.

CHAIRMAN MILLARD: The gentleman from Detroit, Delegate Downs.

MR. DOWNS: Mr. Chairman, I hesitate to make predictions for the next 50 years, particularly when the chairman of our committee on emerging problems is in the Chair, but I would just make 1 or 2. The first is that the tone of this language is that each year the budget shall be balanced. I think that there may be tendencies—the previous speaker to the contrary notwithstanding—when a legislative body in a good year might wish to set aside a surplus for the lean year. I think, psychologically this tends to discourage it. But the prediction I will make, and will make very clearly, is that if in no year the state of Michigan can provide, on a reasonable basis, for a reasonable deficit for conditions beyond its control, that once within the next 50 years there will be some sudden shift in defense production where there is immediately economic hardship in Michigan that is not the cause of labor, management, Democrats, Republicans, but just something shifting in our national economy, and that local communities, whose revenues will go down, will go to the state, and the then governor, whoever he may be, will be approached by local officials and he will wring his hands and say, "Gentlemen, I would like to help you but the constitution precludes it," and the committee seeing him will then ask he join them and they go down to Washington and Washington be asked to solve the problems. If this convention wants to shift more and more of our economic responsibility onto Washington, go ahead and do it, but I for one want to see that the state, so far as possible, meets our problems. When we can't, we work with the federal government to meet them. But I feel this will have a negative impact upon those, on a short range basis, who want to meet state emergency problems.

CHAIRMAN MILLARD: Delegate Austin, you were out. Would you wish to be recognized now?

MR. AUSTIN: Yes, I do, Mr. Chairman. Thank you. I had a long distance call that I had to take. I am sorry that I had to absent myself at that time. Mr. Chairman and members of the committee, I would like to just summarize my own views on this matter, and before doing so, I would like to make a political reference—this is the first I have ever made on this floor and I feel somewhat apologetic in doing so. It just happens that those who have spoken in opposition to the committee position and in favor of the minority position have been Democrats, and I am sincerely hopeful that the members of the committee will not get the impression that this is intended as a political matter. It certainly is not my position. I feel very firmly that what we are discussing here is just a question of whether to include in the constitution legislative detail that may not work.

In regard to the 5 points raised by Mr. Bentley, I would like to make it clear that I am not necessarily in opposition to the

points. It is just a question of whether they ought to be included in the constitution. We haven't necessarily argued the merits of these points. This is something that I think would better be argued on the floor of the legislature, as to whether we should include 21 days in the constitution; it is certainly my feeling that we should not include a figure of 21 days in the constitution. We ought to leave it to the legislature, and especially if the legislature is concerned about when the governor ought to submit his budget. Let the legislature decide when it wants the budget. It has that power in the constitution now, and it ought to retain that power.

I certainly don't see how we can include in the constitution the requirement that expenditures shall not exceed estimated revenue. It is possible that the legislature may, from time to time, decide that it would like to have the revenues equal the expenditures, but there may be occasions when the legislature may be satisfied with a budget that is nearly balanced, because of economic circumstances. I don't mind telling you that it is my feeling that the position on whether the budget should be balanced will be governed somewhat by economic conditions.

Another problem that we have is that we are insisting, in the majority proposal, that the deficit be included as an item of the budget. If the deficit is included—that is, the deficit from a preceding period—in the budget, then would this contribute to the deficit for the current year? Let me be a little more explicit. Let's assume that our expenditures for a given year—I am talking about the general fund now—would be \$650 million, and our revenues are going to be \$700 million. We have a deficit from the preceding year of \$100 million. What we are proposing is that we add the \$100 million to the \$650 million of expenditures, so that total expenditures, presumably, will be \$750 million. The result will be a deficit of \$50 million. Is this to be the definition of deficit or would that year actually have a surplus? I give this example merely to show that to use the term "surplus" and "deficit" without in some way indicating how it is to be defined, we are merely confusing those who will be required to interpret these provisions in the constitution. I certainly feel that we ought to eliminate that reference to a double appropriation. I think I made that very clear when Mr. Karn and I had our little colloquy on the floor.

It is my firm conviction that the language offered in the minority report amendment is just about all that we ought to include in this section a to make it workable, practical. I think if we add any additional language we are merely going to create problems for both the governor and the legislature, and I certainly hope that you will vote in favor of the minority report amendment.

CHAIRMAN MILLARD: Delegate Marshall.

MR. MARSHALL: I had not intended to speak again on this, Mr. Chairman. I want to echo the remarks made by Delegate Austin and at the same time point out that while we are dealing with section a, all of these sections are related one to another, and Mr. Bentley's remarks actually went to a, b, c and d, in effect. No one could quarrel, I guess, with the intent of the remarks made by Delegate Bentley, but I would like to point out a few facts. The majority report, of course, contemplates a balanced budget, but no more than balanced from the present into the future. This would be accomplished, of course, by requiring that the deficit and surplus reported for the previous fiscal year be the first item, respectively, on the appropriations or revenue side of the new year's budget. The fact that this procedure is actually impossible, if interpreted literally, is ignored in the discussion here on the floor. Assuming this is correct, then there can be no gradual liquidation of a deficit or consumption of a surplus over a period of years under the committee proposal.

Taking the fiscal facts as they actually exist, presently the application of the proposal to the budgetary process for the fiscal year 1962-63 would produce the following results: the general fund deficit, at July 1, 1961 was \$71.7 million. This will be augmented by June 30, 1960, because of the gap between revenue and obligations during 1961 and '62, by \$25 million. The amount of revenue in 1962-63 which must be set

aside before making any operating appropriations, in order to be in balance at the beginning of the fiscal year 1962-63, is \$96.7 million. Before proposing any change in revenue or expenditure patterns in 1962-63, we must also anticipate the same gap between revenue and expenditures for 1962-63 as occurred in 1961-62.

There are some activities which produce increased requirements within themselves, without any increase in scope—such as veterans' homestead exemptions, retirement, O.A.S.I.—so use the hypothetical figure of \$10 million. This is the amount of new revenue to be provided, or the measure of the reduction in existing appropriations just to stand still under the proposal. It would require \$131.7 million. Even if the existing accumulated deficit of \$71.7 million is ignored, the appropriation revenue gap going into 1962-63 would be \$60 million, all of which must be covered in the single year 1962-63 under the committee proposal.

If, as has been the case, the legislature ignored the gap and under another proposal required the governor to reduce appropriations to match revenues, his choices are indicated as follows: the total general fund expenditures, from both general purposes and restricted revenues, was \$672.7 million. We have exempted by constitution or pledge to the courts, legislative debt service, \$23.5 million; revenue producing agencies, such as liquor merchandising, regulatory revenue, and any reduction in expenditure which also reduce revenues, \$17.6 million; other priorities, civil service, retirement, workmen's comp and other fringe benefits, \$13.9 million; constitutional grants to primary schools, sales tax to local units, \$112.4 million; federal-state matching grants, vocational education, vocational rehabilitation, health, T.B., crippled children, old age dependents, blind, disabled, conservation, all of these, \$119 million; other statutory grants presently, intangibles, racing, drivers' training, junior colleges, operator and liquor licenses, direct relief, veterans' homestead, agricultural, aeronautics, waterways, highways, schools, et cetera, \$100.1 million; institutions, the University of Michigan, Michigan State University, Wayne, and other educational institutions, \$208.4 million; all other, the administrative costs of all state services including the governor, treasurer, general department of administration, secretary of state, state police and military, \$63.2 million.

Actually, therefore, the governor has only \$63.2 million available to plug a gap of \$60 million. And to do this, he would have to terminate—mind you, to do this, he would have to terminate every state activity in the executive branch except the institutions, obviously he cannot open and close the institutions overnight depending on the productivity of an established revenue base. He cannot—we all should recognize it—cut back in the other areas unless he ignores the constitution or suspends the laws. The further the budget moves into the fiscal year, the less of the \$63.2 million he has left to make any adjustments.

Again, we have spent considerable time on this and I don't want to take any more of your time, ladies and gentlemen, but give serious consideration to the statutory nature of the majority proposal. Give serious consideration to the obvious attempt to write into the constitution a balanced budget—even though it is desirable by all of us—when it won't work under the committee proposal. Give consideration to taking away, as you are, under this proposal, the discretion of the legislature and the governor to work these problems out. Again, I strongly urge you to use your own minds in this one and your own thinking, and ignore the suggestions of the leaders of your caucus. Thank you.

CHAIRMAN MILLARD: The question is on the minority report amendment. Do you desire to have it read? Mr. Faxon.

MR. FAXON: Mr. Chairman, fellow delegates, I have been just, the last hour and a half, going through one constitution after another in an effort to find some reference to this material which is being presented to us today, and I have only gotten as far as the state of Ohio. But in doing so, I have found only one state which spells out any detail on the

submission of a budget in all the detail that we have before us, and that is the state of California which, as many of you know, has one of the longest constitutions of all 50 states, which goes to considerable length in every area of government.

We are here to write a constitution that is going to provide a flexible framework for the future operations of state government. We are not here to write a constitution which is based upon the last 5 years of Michigan's experience. I ask you to take into account the experience of all the other states. All of them, with the exception of a few, leave out of their constitutions details regarding the submission of the budget and the request for future appropriations, and they do this because in the wisdom of these other states and in the wisdom of the whole United States, it has been found that things of this sort change in time, and to fix them into the constitution will date our document more than anything else will in 40, 50 or 60 years. We cannot write a constitution that is based upon a bad picture that may be in Michigan this year, last year, 5 years ago; a bad picture that was not in Michigan 10 or 20 or 30 years ago; a good picture in Michigan that may be 10 or 20 or 30 years hence. This is not a valid means of correcting a situation. As I have heard the arguments advanced, we are attempting to solve the problems which are not constitutional in nature. The problem of balanced budgets and expenditures, as far as this particular area is concerned, has been traditionally left with the legislature in Michigan. I think we ought to feel sufficient confidence in the legislature to leave it to their discretion again. There may be changes made. They may need to change some of these items.

In support of the minority report amendment, it isn't something that the Democrats have just pulled out of thin air. This is something which is totally new in our constitution. We ought to be very careful as to what we spell out. The model state constitution uses similar language, but even less restrictive than this. All we are asking here—and I hope that many of you have not yet determined your position—is that you consider the changing nature of our society, consider how times have changed just within the last 50 years, and realize that our responsibility to posterity is to provide something that they can look to in 50 years and feel confidence in, too. We can't do that when we spell out details, no matter how wise these details may appear in the light of today's world. In the light of today's state, we can't do it either.

A conservative position would be one that would say, tread very lightly on new grounds; and this is something new in the constitution. It has not been in Michigan's constitution of 1908, 1850 or 1835. This is something new. Let's go very easy on it. Let's not provide restrictive details. Let's give a—if we want to give this recognition, give it recognition, but let's not act as the legislature and fix into the constitution something that will not be able to be changed in years to come. I urge you to give your attention to the minority report amendment in the light of these arguments and to vote in favor of it.

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

MR. KARN: Mr. Chairman and members of the committee, just one brief statement. Mr. Marshall had quite a detailed accounting report. I understood, however, that in dealing with the deficit he was taking the entire deficit that would exist at the end of this fiscal year into next year's accounting. However, on line 14 it says, "The amount of any general fund surplus created or deficit incurred during the last preceding fiscal period shall be appropriately entered. . . ." We did give thought at one time to specifying the number of years over which an accumulated and accrued budget could be retired, but we gave that up, and that is in the hands of the legislature. The thing that is to be considered here is only the current fiscal period deficit.

CHAIRMAN MILLARD: The Chair will recognize Delegate Howes.

MR. HOWES: Mr. Chairman, fellow delegates, I rise to support the majority proposal and to oppose the minority report amendment. I believe an overall statement of sound fiscal

policy and procedure should by all means be set forth in our constitution as a definite guideline in the financial operation of our state government. As our individual businesses have definite guidelines as to good business procedure, so our state government should have definite guidelines pertaining to good government procedure. I believe the majority proposal sets these guidelines in clear, concise language, and I urge the delegates to support the majority proposal and to oppose the minority report amendment.

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

MR. MARTIN: Mr. Chairman, I think we have presented the points of view on both sides. I would like to see if we can dispose of this particular matter before the committee rises. If we are ready to vote, I suggest we go forward with that and then we will rise.

CHAIRMAN MILLARD: The question is on the amendment of the minority. Delegate Young.

MR. YOUNG: Mr. Chairman, I would like to address a question, through the Chair, to Delegate Karn, if I may.

CHAIRMAN MILLARD: If he cares to answer.

MR. YOUNG: The provision here calls for the inclusion of the deficit from the preceding fiscal year in the budget for the ensuing fiscal year. I would like to know if the budget is to be presented 21 days after the house convenes or the legislature convenes and that will be presumably in January, and will deal with a fiscal year, in terms of today, '62-63, the only way you can determine the deficit of the preceding fiscal year, which is this fiscal year, would be as of the end of that fiscal year in June. So how can the governor, except on the basis of an estimate, include in his budget an estimate or a definition of the deficit for the current fiscal year when he makes his report in January?

CHAIRMAN MILLARD: Delegate Karn.

MR. KARN: Mr. Chairman and Mr. Young, the fiscal period, of course, starts with July 1, and the next budget to be submitted to the legislature by the governor will be the budget for the fiscal period starting July 1, 1962, and running through June of 1963. It is true that at that time the amount of the deficit would be an estimated item, as are many others, but this can be changed from time to time and could be included in the next budget, I am sure.

MR. YOUNG: And then I am to assume the language should read, "an estimated deficit", since it is obviously impossible to give a defined deficit in advance of a determination?

CHAIRMAN MILLARD: Delegate Karn.

MR. KARN: Well, at a time during the year it might be an estimate, yes, but it certainly could be corrected as time goes on, as other items of expense and revenues are corrected.

MR. YOUNG: Well, brother Chairman, I feel that one of the major weaknesses of the majority report here—and I think that on the whole, although this is new language, that an advance has been made in attempting to set forth an executive budget—but one of the basic weaknesses is the attempt to equate a government operation with a business operation, and I don't think that the government of the state of Michigan is a business. The government of the state of Michigan is not founded for the purpose of making a profit. The government exists, presumably, to render services and to offer governmental functions to the people of Michigan. Those governmental functions are not like a business. In times of low income, the services remain fairly static. We cannot do what the operator of an automobile plant might do. When the income is low he will curtail his operation. He might lay off half of his workers. He might even close down. We certainly cannot close down the operation of the state of Michigan in bad times.

Since we are required to take a deficit from the preceding year into the current year—and I assume that the major reason for this deficit would be a falling off in income—and if we are required, then, to carry a steady amount or fairly steady amount of services into the next year, then we must



assume that at a time when the tax revenue is at its lowest point we will have to increase the tax revenue for the ensuing period. The only alternative to that is to cut expenditures to the level of income. For instance, we are approaching a deficit of \$100 million for this current fiscal year, as I understand it. As I understand it, the general fund totals approximately  $\frac{1}{2}$  billion dollars, or \$500 million. What that means is that 20 per cent of the needed income will not be available if we add this deficit. How are we to make up—assuming we will not raise taxes—for that 20 per cent?

An automobile manufacturer could lay off 20 per cent of his workers. Are we to lay off 20 per cent of the school children or shall we release 20 per cent of the prisoners, or maybe we should curtail 20 per cent of the building of our roads. What I am saying is what might be a practical, sound solution to a business operation might prove to be a highly impractical position for the state of Michigan. So I think that, in our eagerness to specify and to delineate the requirements of an executive budget, we have fallen into the trap of confusing our state budget with a business operation, which it definitely is not.

CHAIRMAN MILLARD: The Chair will recognize the gentleman from Kalamazoo, Delegate Allen.

MR. ALLEN: Mr. Chairman, I have a question directed to Mr. Martin, or perhaps to Mr. Karn.

CHAIRMAN MILLARD: Which one, Mr. Allen?

MR. ALLEN: Mr. Martin.

CHAIRMAN MILLARD: If Mr. Martin cares to answer.

MR. ALLEN: The words "the last preceding fiscal period" in relation to, let's say, a deficit, as I would read those words, I would read them as the last preceding the governor's message. That would be a date certain. In other words, if this constitution were in effect and he gives his message the last part of January, he would have a specific deficit he could refer to. Would that be the preceding July to July? If that is so, it wouldn't be a guess. It wouldn't be last preceding the new budget. Am I correct?

MR. MARTIN: That is correct, Mr. Allen. It would be a fixed and definite figure, because the budget would be being prepared from June on and they would have the deficit as of the end of June to work into the budget for the succeeding period.

MR. ALLEN: So, actually, then, your deficit refers to a year back?

MR. MARTIN: It refers to the last preceding fiscal period in which the deficit has been established, yes.

MR. ALLEN: Yes, Thank you.

CHAIRMAN MILLARD: The Chair recognizes the delegate from Muskegon, Mr. Hanna.

MR. W. F. HANNA: Mr. Chairman, fellow delegates, I was not a member of the taxation committee, but I certainly want to support the majority report from the executive committee, as concerns the executive budget. This language is substantially the language that has been developed over the years by the national municipal league concerning governmental budgeting at city and county levels, and it arose out of the irresponsible financial picture that cities and counties found themselves in during the last depression. If we are to have a responsible legislature, then this type of budget is a must, and history has shown that those cities which have adopted substantially the model cash budget law, and counties that have adopted substantially the model cash budget law, have had good financial stability.

Mr. Young says that thereby you are going to cut down and discharge 20 per cent of the school children or 20 per cent of the prisoners. There are 2 facets to this problem. The first is that your tax structure or system must be so designed to have a maximum stability of revenues. This is your first problem. And our tax structure does not vary in its receipts by 20 per cent. The second problem is that the deficit which has to be incurred is, according to Mr. Martin's answer, and as I read this, the last completed fiscal period, which, by the time the budget is adopted and the taxes are to be levied, some

12 to 18 months in the past. This would not require, as Mr. Marshall implied, a complete funding of the deficit existing at the time of this constitution, but will say to the executive branch and to the legislature, which is equally important, that the financial problems that Michigan has will not be perpetuated ad infinitum, but that we will begin to live as we require cities and counties throughout the country to live, on a basis that your budget must be balanced insofar as possible. In every budget there are some items which can be delayed from one fiscal year to another, and it is those items that history has shown that city managers or mayors or county managers or county administrators are able to delay until the next fiscal year.

We are complicating this to the extent that we retain earmarked funds, because you can't cut in on an earmarked area and use that money someplace else. But to the extent that we avoid earmarking, this gives good financial solvency to the state of Michigan, without any harm to the services rendered by the government because of a temporary recession. All of us know that in studying economics since 1900, in our modern economy, serious curtailment of government revenues from a recession in the economic structure of the state seldom lasts more than one fiscal year.

CHAIRMAN MILLARD: The question is on the minority report amendment. Will you ring the bell. All those in favor of the minority report amendment will say aye. Opposed, no.

DELEGATES: Division.

CHAIRMAN MILLARD: A division is called for. Is there support? Sufficient number is up. Ring the bell. All those in favor of the minority report amendment 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 proposed by the minority, as offered by Mr. Marshall, the yeas are 41; the nays are 82.

CHAIRMAN MILLARD: The minority report amendment is not adopted. The Chair recognizes Mr. Martin.

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

CHAIRMAN MILLARD: Mr. Martin moves that the committee do now rise. All in favor say aye. Opposed, no.

The motion prevails. The committee will rise.

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

VICE PRESIDENT HUTCHINSON: The delegate from Genesee, Mr. Millard.

MR. MILLARD: Mr. President, the committee of the whole has had under consideration Committee Proposal 46, on which the secretary will make a detailed report.

SECRETARY CHASE: Mr. President, the committee of the whole has had under consideration **Committee Proposal 46, A** proposal pertaining to the executive budget and item veto; has considered an amendment thereto; has come to no final resolution thereon. This completes the report of the committee of the whole.

VICE PRESIDENT HUTCHINSON: What is the pleasure of the convention? The Chair recognizes the delegate from Grand Traverse, Mr. Rajkovich.

MR. RAJKOVICH: Mr. President, I move we recess until 2:00 o'clock this afternoon.

VICE PRESIDENT HUTCHINSON: All those in favor of recessing will say aye. Opposed will say no.

The motion prevails and the convention stands in recess until 2:00 o'clock p.m.

[Whereupon, at 11:45 o'clock a.m., the convention recessed; and, at 2:00 o'clock p.m., reconvened.]

The convention will be in order.

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

**VICE PRESIDENT HUTCHINSON:** General orders of the day. The Chair recognizes the delegate from Genesee, Mr. Millard.

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

**VICE PRESIDENT HUTCHINSON:** The question is upon the motion of the delegate from Genesee. All those in favor will say aye. Opposed will say no.

The motion prevails. The committee will convene and Mr. Millard will preside.

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

**CHAIRMAN MILLARD:** The committee will be in order. At the conclusion of the morning session we had voted upon the minority report amendment to section a of **Committee Proposal 46**. Mr. Secretary, are there any amendments to section a?

**SECRETARY CHASE:** Messrs. Faxon and Austin offer the following amendment to section a of Committee Proposal 46:

1. Amend page 1, line 6, after "legislature" by striking out the comma and "not later than 21 calendar days after the convening of each regular session, or"; so that the language will then read:

The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail all proposed expenditures and estimated revenue of the state.

**CHAIRMAN MILLARD:** The Chair will recognize the delegate from Detroit, Mr. Faxon.

**MR. FAXON:** Mr. Chairman and fellow delegates, this morning we discussed the question of whether it was wise to fix into the constitution a definite time for the submitting of the budget. I suggest that you look at this language and see if, in your mind, this giving to the legislature the fixing of the time wouldn't provide the kind of confidence and flexibility which you have permitted in many, many other areas. I don't doubt that it is necessary that some time be allowed, and I am certain that no one disagrees with this idea. The question is simply one of whether it is in the best interests of the state and of the executive budget that a specified time be put into the constitution. In so many other areas, fellow delegates, we have taken out detail like so many days or so many months or such trivia that we had in the old constitution. This is clearly giving to the legislature the right to prescribe whatever time is best and—let's face it—times may change and conditions may change where we need this needed flexibility. I urge you to support this amendment and would at this time yield to Mr. Austin, my cosponsor, for any further comments.

**CHAIRMAN MILLARD:** The Chair will recognize Mr. Austin.

**MR. AUSTIN:** Mr. Chairman, I don't believe it is necessary to belabor this point any further. I think we talked on it at length this morning. I agree with Mr. Faxon. It does not seem necessary to include this language in the constitution, especially since we have at the same time given the legislature the right to fix the date. In fact, it might even lead to some confusion. So I would urge the support of this amendment.

**CHAIRMAN MILLARD:** Mr. Faxon, the floor is yours.

**MR. FAXON:** I have nothing.

**CHAIRMAN MILLARD:** You yield the floor?

**MR. FAXON:** Yes.

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

**MR. MARTIN:** Mr. Chairman, fellow delegates, this is simply a part of the amendment which was offered this morning in the minority report amendment, and I think your reasons for feeling that there ought to be a specific time subject to the right of the legislature to change that time is

desirable in this proposal. I hope that you will defeat the amendment.

**CHAIRMAN MILLARD:** Mr. Marshall.

**MR. MARSHALL:** Mr. Chairman and fellow delegates, I rise to support the amendment. I think that this is a question that should be left flexible and left to the legislature. I don't know whether this afternoon we are trusting the legislature or not. Our distinguished committee chairman says that the legislature can change this. This is true only to the extent that they can change it downward, less than 21 days. If some occasion should arise—and I realize that it has not been too much of a problem at this point—that they needed more than 21 days, it could not be done. Therefore, I urge that you support the amendment.

**CHAIRMAN MILLARD:** Mr. Martin.

**MR. MARTIN:** Mr. Chairman, there is nothing to prevent the legislature from changing in either direction, either up or down.

**CHAIRMAN MILLARD:** The question is on the Faxon amendment. Mr. Faxon.

**MR. FAXON:** Mr. Chairman, this is the very point that I was trying to make. There is nothing to prevent the legislature from changing it, so then why put it in in the first place? This is the whole question. If it says, as you read that statement, "or at a time fixed by law", this means that the legislature can change it, so what possible value is there in inserting into that first sentence a specified time when you say in the same sentence that they can go ahead and change it either way? There is no sense here in trying to clutter up the constitution with matter that can be and would be dealt with by the legislature. The legislature could change it a year after the constitution is adopted. Then what have we left? People will read the constitution and see "21 days," and find out that the statutes say something else. Let's try to keep the constitution a basic document of law and not give that detail.

**CHAIRMAN MILLARD:** The Chair recognizes Mr. Marshall.

**MR. MARSHALL:** I stand corrected on one statement I made. You do have the language, "or at a time fixed by law", but you also say in the beginning, "not later than 21 calendar days after the convening of each regular session". I am not an attorney. I am one of these—I hold like Delegate Barthwell, an L.S.L., Long Suffering Layman, after going through the judiciary—I think you could get into some arguments over whether or not you could go beyond the 21 days. But, again, I think it is language that is unnecessary and there have been several occasions where we clouded the constitution, we loaded it down with articles that are statutory. In other words, if what Delegate Martin says is true, that the legislature can change this date at any time, then it seems to me that if that is the case the minority report amendment would suffice because it says "at a time fixed by law".

**CHAIRMAN MILLARD:** The Chair recognizes Delegate Stevens.

**MR. STEVENS:** Mr. Chairman and members of the committee, I would merely remind the delegates it is common in the United States constitution, to which you so often look for example, to make such a provision and then the phrase, "or as provided by law."

**CHAIRMAN MILLARD:** The question is on the Faxon amendment. Are you ready for the question? All those in favor of the Faxon amendment will say aye. Opposed, no.

**DELEGATES:** Division.

**CHAIRMAN MILLARD:** A division is called for. Is there support? Sufficient number is up. All those in favor of the Faxon and Austin amendment will vote aye and those opposed will vote nay. Have you all voted? If so, the machine will be locked and the secretary will tally the vote.

**SECRETARY CHASE:** On the adoption of the amendment by Messrs. Faxon and Austin, the yeas are 40; the nays are 71.

**CHAIRMAN MILLARD:** The amendment is not adopted. Are there any further amendments?

**SECRETARY CHASE:** Mr. Faxon offers the following amendment:

1. Amend page 1, line 11, after "shall" by striking out "cause to be submitted" and inserting "submit"; and in line 18, after "may" by striking out "cause to be submitted" and inserting "submit"; so that the language in each case will read, page 1, line 11, "The governor shall submit to each house of the legislature general appropriation bills to embody appropriate expenditures," and in line 18, "The governor, prior to final action of the legislature thereon, may submit to the legislature any amendments to the general appropriation bills,".

**CHAIRMAN MILLARD:** The Chair recognizes the author of the amendment, Mr. Faxon.

**MR. FAXON:** Mr. Chairman, fellow delegates, I don't mean to take up much time on this. Some of this was discussed this morning. The question is, how does the governor "cause to submit" something. I am aware of the fact that there is some feeling that there would not be a clear delineation of authority between the governor and the legislature, as far as checks and balances are concerned, in not wanting to have the word "cause" to be there.

In the model state constitution it reads:

The governor shall submit to the legislature, at a time fixed by law, a budget for the next fiscal year setting forth all proposed expenditures and anticipated income of all departments and agencies of the state, as well as the general appropriation bills.

So that they do here say that the governor shall submit a general appropriation bill. We say in the first sentence of the section, "The governor shall submit to the legislature the budget." It is possible—I don't say that this might happen, but it is possible—that the governor may not be able to get somebody to submit, or may not want to have somebody submit his bill, his appropriation bill. Maybe he would rather not have a person take the ball for him. It might be an identification he wouldn't want to have. But, under this provision, he has to cause something to be. This kind of language is very reminiscent of monarchical states where the king causes something to be, and I suggest it might clear it up if we put in "shall", as it is in the California constitution with regard to similar matter.

**CHAIRMAN MILLARD:** The Chair will recognize Judge Dehnke.

**MR. DEHNKE:** In all kindness, Mr. Chairman, I want to point out again to all the delegates, this is a matter of language and this really isn't any reason to take up the time of the committee with something that the committee on style and drafting clearly has jurisdiction of and no doubt will take care of.

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

**MR. MARTIN:** Mr. Chairman, this was considered this morning. It was thoroughly considered in the committee. The word "cause" was put in there deliberately so that we would not involve the governor in introducing bills into the legislature as a legislator. I urge your negative vote on the amendment.

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

The amendment is not adopted. Any further amendments?

**SECRETARY CHASE:** Mr. Austin offers the following amendment:

1. Amend page 1, line 15, after "period" by inserting a comma and "as defined by law,"; so the sentence will then read:

The amount of any general fund surplus created or deficit incurred during the last preceding fiscal period, as defined by law, shall be appropriately entered as an item in the budget and in the appropriation bills.

**CHAIRMAN MILLARD:** The Chair recognizes Mr. Austin.

**MR. AUSTIN:** Mr. Chairman, members of the committee, I don't believe that this is just a language change. I believe it is a substantive change.

I just attended a hearing over at the legislature during the noon hour at which there was a hearing on house bill 508, which seeks to amend the corporation franchise tax bill. The substance of the bill is to change the definition of earned surplus or surplus for the determination of the franchise tax. The item of surplus has been giving practitioners and the corporation and securities commission a great deal of difficulty in arriving at the tax liability of corporations.

This may not seem pertinent, but I merely want to illustrate how difficult it is to define surplus in such a way that it will satisfy all of the people who have to interpret it over a period of years. When the term "surplus" was defined by the public acts of 1921 for corporations it seemed to work well, but there have been developments in the structure of corporations to the point now where the definition at that time no longer is satisfactory, and the legislature at this point is seeking to change it.

What we are seeking to do now is to write into the constitution—not an act—we are seeking to write into the constitution language which would indicate that the amount of surplus has to be included in the budget each year, with no indication as to how the term "surplus" is to be defined. The least we can do is to leave it to the legislature to define surplus from time to time. So I suggest that we include the language, "surplus or deficit as defined by law." That is my argument, Mr. Chairman.

**CHAIRMAN MILLARD:** The Chair recognizes the gentleman from Stanton, Mr. Brake.

**MR. BRAKE:** Mr. Chairman and ladies and gentlemen of the committee, Mr. Austin and I spent hours, many hours, I think, at the beginning of this convention in the finance committee trying to work out a definition of surplus. I think at one time, Mr. Austin, we thought we had accomplished what we were trying to do, but we got the fiscal officers of the state in to review what we had said. They knocked it all to pieces and practically told us that the concept changes from time to time, in accordance with accounting procedures, and what kind of accounting procedures you use, and advised us eventually not to attempt any such thing. Our conclusion was, I believe, that we would not attempt such a thing. Now you are proposing to impose upon the legislature what you and I failed to do in committee on finance and taxation. May I suggest that we leave it to the accounting department of state government to struggle along the best it can as it has in the past.

**CHAIRMAN MILLARD:** The Chair will recognize the gentleman from Kalamazoo, Delegate Allen.

**MR. ALLEN:** Mr. Chairman, Mr. Austin, I think even if there were merit in what you suggest, I am afraid that by the way you word it what you are doing here is defining "fiscal period as defined by law" rather than "surplus as defined by law." In other words, what are you defining by law by putting the comma after "period"? You are defining, as I would interpret it, "fiscal period as defined by law," rather than surplus or "deficit as defined by law."

**MR. AUSTIN:** Mr. Chairman, I am very sorry for not addressing my remarks to you.

**CHAIRMAN MILLARD:** The Chair recognizes you, Mr. Austin.

**MR. AUSTIN:** Thank you. What I had in mind was the definition of surplus created or deficit incurred. I included the language "during the last fiscal period" because I think that that also will have to be included in the definition, because I think there may be some confusion as to what surplus or deficit during the last fiscal period will mean. If you feel, perhaps, that the insertion ought to be after "deficit", that would be all right with me, but all we are interested in doing is defining general fund surplus created or deficit incurred during the last preceding fiscal period. That is what we want to define.

**CHAIRMAN MILLARD:** Mr. Allen.

**MR. ALLEN:** In case your amendment should pass then Mr. Austin, what you are intending is a definition both of surplus, deficit, and fiscal period?

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

MR. HUTCHINSON: Mr. Chairman, I would like to ask Mr. Austin a question.

CHAIRMAN MILLARD: If Mr. Austin cares to answer.

MR. HUTCHINSON: Mr. Austin, now then, suppose that we did not include this phrase "as defined by law" in here. These terms, in order to mean anything, will have to be defined somehow and it stands to reason that they will have to be defined by law. You don't have to say so in here, do you? A surplus and a deficit will be the surplus and the deficit which is reflected by the accounting practices of the state, will it not?

MR. AUSTIN: Mr. Chairman, Mr. Hutchinson, if you want to say "as defined by accounting practices of the state", I think that will be satisfactory. My only point is that there ought to be some indication as to how the definition is to be arrived at, because you may have the legislature using one definition and the governor using another, and there ought to be some way of defining it so that all are using the same definition. This is my only point.

MR. HUTCHINSON: Well, Mr. Chairman, I think I see the point but I don't seem to be as disturbed about it as Mr. Austin, for the reason that it seems so obvious to me that when we talk about a surplus or a deficit in government, those are items which are reflected by the accounting procedures, and the accounting procedures are established by law, and that is the only source of information, really, the governor is going to have, as well as the legislature. Whatever those accounting procedures and practices reflect, that is going to be the surplus or the deficit, and the same information will be given to both of them by an agency which is charged with carrying out accounting practices in accordance with the law.

MR. AUSTIN: Mr. Chairman, could I ask Mr. Hutchinson a question now?

CHAIRMAN MILLARD: If he wants to answer.

MR. AUSTIN: I would like to know, Mr. Hutchinson, if you interpret this language to mean that the definition of surplus at the end of a given year will be arrived at after taking into account the surplus or deficit from the preceding year, or will it apply only to the transactions for the year in question?

MR. HUTCHINSON: Well, offhand, not having made the study of that matter, Mr. Chairman, I wouldn't know. But Mr. Austin and the rest of the members of the committee certainly will be quick to recognize that constitutional words and constitutional phrases have different meanings at different times in history, and how that word might now be interpreted. Maybe, in 25 years, it would be interpreted differently, and each one of them would be constitutional, because there is a certain amount of flexibility in that regard simply because constitutional terms do change in their interpretation. Neither one of them would be violating the constitution. It depends on how you interpret it.

MR. AUSTIN: Mr. Chairman, I don't see any basic disagreement between the belief that I have on this subject and that of Mr. Hutchinson. I think our difference is merely as to whether this constitution should indicate, in some way, how these terms are to be defined, and I submit that I believe that in writing the legislative language into the constitution we should at the same time complete it by simply saying that these terms are to be defined as determined by law.

CHAIRMAN MILLARD: Mr. Martin.

MR. MARTIN: Mr. Chairman, at the end of each fiscal year the department of administration makes a determination as to what the general fund surplus or deficit may be. That is all we are talking about and it seems unnecessary. I don't think that is defined by law now and there is no difficulty about knowing what it is at the end of each year. That is all we are putting in here. It seems to me unnecessary to add this additional provision for a legislative definition of that. I think the committee considered the language and the language is adequate to cover what our object was.

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

MR. NORRIS: Mr. Chairman, I don't pretend any competence in this particular area except that I was somewhat moved by Delegate Hutchinson's observations that the meaning of these technical terms may change in a period of some 25 years, and that is precisely what I believe to be the intent of the amendment, namely to recognize that there would be a changing specificity of meaning during the course of time and therefore the legislative wisdom ought to be invoked with regard to avoiding litigation by defining, by law, these terms.

It is, after all, an axiom of constitutional construction that you would be construing terms that had meaning at the time the constitution was adopted, so that that would be the point of beginning. But it may be, as time goes on with changing accounting concepts, that you may want to depart from the meaning that was extant at the time the constitution was ratified. So it seems to me that there ought to be some flexibility here, especially in these kind of terms, and I would support the flexibility and the kind of approach that the sponsor of the amendment intends here.

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

The amendment is not adopted. Are there any further amendments to section a?

SECRETARY CHASE: We have another amendment, Mr. Chairman, but before that is offered, may the secretary call to the attention of each delegate that there is a corrected page 2 for this proposal and if you do not have one, the corrected page 2 has section c printed in lower case type. If you do not have one, please signal on the board and the pages will bring you one.

Mr. Austin offers the following amendment:

1. Amend page 1, line 16, after "budget" by inserting a period and striking out "and in the appropriation bills."; so that the sentence will read, "The amount of any general fund surplus created or deficit incurred during the last preceding fiscal period shall be appropriately entered as an item in the budget."

CHAIRMAN MILLARD: The Chair will recognize the proposer of the amendment, Mr. Austin.

MR. AUSTIN: Mr. Chairman and members of the committee, I will confess that this is primarily a language matter which might be handled by the committee on style and drafting, and I will not belabor it. I will simply explain, as I did earlier, that this language is, from my point of view, unnecessary and could lead to confusion because it indicates that we are expecting the legislature, or at least the governor, to include appropriation bills for items that have already been appropriated when we add this language "and in the appropriation bills". We are simply inferring that in addition to the appropriation bills for the current year, he must also include a new appropriation bill for the deficit of the preceding year. That deficit, I submit, arose out of the appropriations for the preceding year, so I don't see the necessity for an additional appropriation.

CHAIRMAN MILLARD: Mr. Martin.

MR. MARTIN: Mr. Chairman, the proposal doesn't call for a separate appropriation bill. The sole purpose of including the words "and in the appropriation bills" in addition to the words "in the budget" is so that both the bills and the budget will reflect the fact that we are taking account of a preceding surplus or deficit. There is no specific appropriation required for this item. It simply has to be figured into either the expenditures that are figured or the revenues that are figured, depending upon whether you are dealing with a surplus or a deficit. That is the only reason for having both in there, and they are both necessary if you are to show in the appropriation bills the evidence of what you are proposing in the budget. We think they are necessary and that they should both be there.

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

The amendment is not adopted. Any further amendments?

DELEGATES: Division.

CHAIRMAN MILLARD: A division has been called for. Is there support? There is sufficient number up to have a division. All those in favor of the Austin amendment will vote aye. Those opposed will vote nay. Have you all voted? If so, the machine will be locked and the secretary will tally the vote.

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Austin, the yeas are 34; the nays are 74.

CHAIRMAN MILLARD: The amendment is not adopted. Any further amendments?

SECRETARY CHASE: Mr. Young offers the following amendment to section a:

1. Amend page 1, line 14, after "expenditures.", by striking out "The amount of any general fund surplus created or deficit incurred during the last preceding fiscal period shall be appropriately entered as an item in the budget and in the appropriation bills."

CHAIRMAN MILLARD: The Chair will recognize the sponsor of the amendment, Mr. Young.

MR. YOUNG: Mr. Chairman, I offered this amendment because I don't think it adds anything to section a that is not already covered in various other sentences of section a, in the first place. And, in the second place, it presents a requirement to the governor and/or the legislature that would be impossible to carry out in times of economic crises, and therefore, might place either the governor or the legislature or both in a position of violating the constitution of the state. If the purpose of this language—that is, the carrying over the surplus or the deficit into the next budget—is to insure that no more money will be spent in a given period or a given fiscal year than is raised, well, I submit that that has already been covered. The first sentence requires that the governor shall present a new budget with an estimated revenue of the state and the proposed expenditures shall not exceed this estimated revenue. Then further on, starting in line 17, the final sentence of section a says:

The governor, prior to final action of the legislature thereon, may cause to be submitted to the legislature any amendments to the general appropriation bills, and shall cause to be submitted any bills to meet deficiencies in current appropriations.

So we have here the requirement in the event the budget runs into problems, for the governor to make the request for additional moneys. We have already directed that no more expenditures shall be called for than there are revenues provided for.

When we say that we must carry over a deficit as a part of a budget from one fiscal year to another, we seem to be implying that economic declines will conveniently fit themselves into fiscal year divisions. I don't think we are in a position to make that prediction for the next 50 years. We seem to be saying that in a period of economic decline where the revenues of this state have dropped substantially, and where it will be a great problem in the current year to raise the minimum revenues necessary to meet minimum state services, that over and above this we should place an additional burden of a previous deficit on the back of the legislature for that given period. To me, it would seem to be far more preferable to carry over a surplus, if one existed, from year to year, and thus be in a position to take care of a deficit later on, if one should occur. Or, if a deficit should occur during a period of economic decline when revenues were at a minimum, to pass that deficit on to such succeeding fiscal year as the state shall have the ability to liquidate the debt. It seems to me to do otherwise would be to place our governor and our legislature in a position of potentially violating a constitution which we now seek to write.

CHAIRMAN MILLARD: The question is on the Young amendment. Mr. Martin.

MR. MARTIN: Mr. Chairman, this is another part of the same proposal which we voted on this morning, and the rea-

sons for approving that proposal this morning have not changed. I hope you will defeat the amendment.

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

DELEGATES: Division.

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

SECRETARY CHASE: On the Young amendment, the yeas are 30; nays are 75.

CHAIRMAN MILLARD: The amendment is not adopted. Are there any further amendments to section a?

SECRETARY CHASE: I have none on file, Mr. Chairman.

CHAIRMAN MILLARD: If not, it will pass.

Section a is passed. The secretary will read section b.

SECRETARY CHASE: Section b:

[Section b was read by the secretary. For text, see above, page 1635.]

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

MR. MARTIN: Mr. Chairman, I yield to Mr. Karn for an explanation of the details of this section.

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

MR. KARN: Mr. Chairman, members of the committee, I would like to read for our mutual benefit the comments on section b on page 401 of the journal, if you are interested in following it.

[The supporting reasons for section b were read by Mr. Karn. For text, see above, page 1636.]

I would like to yield to Delegate Stamm, please.

CHAIRMAN MILLARD: Delegate Karn yields to Delegate Stamm.

MR. STAMM: Mr. Chairman and members of the committee, this provision requires that the legislature must act on general appropriation bills for the next fiscal period before they may act on any other appropriation bill. This will focus the attention of the legislature on the operation of state government and possibly will avoid the panic and haste of trying to pass a budget in the closing minutes of the session. An exception is made for bills to supplement current operations, and the only purpose is to focus attention on the major task of each legislative session. Another factor in this provision is that the legislature will be required to set forth their estimates of proposed revenues for use of the public and for the use of the legislature in comparison to what the executive's budget is estimating the revenues will be. This provision will also provide that the revenues must match the proposed spending, and I feel that this is a step in the right direction for orderly financing of state government.

CHAIRMAN MILLARD: Mr. Martin, do you yield the floor?

MR. MARTIN: Yes, we yield the floor, Mr. Chairman.

CHAIRMAN MILLARD: There is a minority report. Will the secretary read it.

SECRETARY CHASE: Pursuant to the minority report of Mr. Marshall, Miss Hart and Mrs. Daisy Elliott,

Mr. Marshall offers the following amendment:

1. Amend page 1, line 21, by striking out all of section b.

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

MR. MARSHALL: First of all, I would like to ask for a point of information, or maybe a parliamentary inquiry, but I still don't understand it. I attempted to ask it this morning. That is that under our rules the minority report is taken up



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

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

CHAIRMAN MILLARD: The Chair will recognize Delegate Karn.

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

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

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

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

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

CHAIRMAN MILLARD: If not, it will pass.

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

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

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

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

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

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

**OR AS REQUIRED BY THE LEGISLATURE TO THE LEGISLATURE AND THE GOVERNOR.**

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

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

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

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

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

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

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

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

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

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

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

CHAIRMAN MILLARD: Chairman Hoxie.

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

CHAIRMAN MILLARD: Mr. Martin.

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

CHAIRMAN MILLARD: The Chair will recognize Delegate Karn.

MR. KARN: I will pass at this time.

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

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

The motion prevails.

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

PRESIDENT NISBET: The Chair recognizes Mr. Millard.

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

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

Following are the amendments:

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

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

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

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

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

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

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

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

The amendment is adopted.

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

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

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

The amendment is adopted.

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

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

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

We are recessed until 2:00 o'clock.

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

The convention will please come to order.

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

PRESIDENT NISBET: The Chair recognizes Mr. Pugsley.

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

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

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

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

little bit too far. (laughter) I don't know what my boss is going to say to me.

We will proceed on the report of the committee of the whole. Mr. Chase.

SECRETARY CHASE: When the convention recessed for lunch, the immediately pending business was the consideration of amendments to **Committee Proposal 46**, A proposal pertaining to the executive budget and item veto. The amendments proposed in committee of the whole had been concurred in.

Mr. Marshall now offers the following amendment:

1. Amend page 1, line 6, after "Sec. a.", by striking out the balance of the section and inserting "The governor shall submit to the legislature, at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail all proposed expenditures and estimated revenue of the state. The governor shall also cause to be submitted to each house of the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills for new or additional revenues to meet proposed expenditures."

PRESIDENT NISBET: The question is on the amendment. Mr. Marshall, do you seek recognition?

MR. MARSHALL: Mr. President and fellow delegates, I gave all the reasons yesterday in debate here on the floor on this amendment. The amendment, of course, is identical with the minority report amendment that was presented yesterday. I offer this amendment in hopes that some of the delegates have had a chance to give some thought to this amendment, to analyze it, to compare it with the majority proposal, to take into consideration the remarks you heard yesterday from both sides on this issue. Make up your minds according to what you honestly believe to be the best plan, what you believe to be in the best interests of the state as a whole.

I could get up and make another 20 minute or half an hour talk on it as I did yesterday, but to do so would be to only repeat those facts that I gave to you yesterday. I do not believe at this time that I could add any more to it. I do hope that you will consider this, that you will give consideration to it and reverse the action that was taken in the committee of the whole. Thank you. I ask for a division, Mr. President.

PRESIDENT NISBET: The question is on the amendment. Mr. Martin.

MR. MARTIN: Mr. President, as Mr. Marshall said, this whole matter was debated at length. I do not think there is any more that either side can say on it, and I hope that the amendment will be defeated.

PRESIDENT NISBET: Mr. Marshall asks for a division — for the yeas and nays. Is there support? A sufficient number up. Mr. Ford.

MR. FORD: I want to ask for a record roll call vote.

PRESIDENT NISBET: That has been ordered, Mr. Ford. Mr. Martin.

MR. MARTIN: Mr. President, this, I understand, is on the approval of this amendment? Am I correct?

PRESIDENT NISBET: The vote is on the amendment as presented by Mr. Marshall.

MR. MARTIN: Those who are in favor will vote yes. Those who are opposed will vote no.

PRESIDENT NISBET: Those who are in favor of the Marshall amendment as presented will vote aye. Those opposed to that amendment will vote no.

MR. MILLARD: Would you clear the board, Mr. President?

PRESIDENT NISBET: Will the delegates please clear the board. Those in favor of Mr. Marshall's amendment will vote aye. Those opposed to it 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—41

Austin	Greene	McGowan, Miss
Baginski	Hart, Miss	Murphy
Balcer	Hatcher, Mrs.	Nord
Barthwell	Hodges	Norris
Brown, T. S.	Hood	Pellow
Buback	Kelsey	Perlich

Cushman, Mrs.  
Dade  
Douglas  
Downs  
Elliott, Mrs. Daisy  
Faxon  
Follo  
Ford

Krolikowski  
Lesinski  
Liberato  
Madar  
Mahinske  
Marshall  
McAllister  
McCauley

Sablich  
Snyder  
Stopczynski  
Suzore  
Walker  
Young  
Youngblood

#### Nays—85

Allen  
Anspach  
Batchelor  
Beam  
Bentley  
Blandford  
Bonisteel  
Boothby  
Brake  
Brown, G. E.  
Butler, Mrs.  
Conklin, Mrs.  
Cudlip  
Danhof  
Davis  
Dehnke  
Dell  
DeVries  
Doty, Dean  
Doty, Donald  
Durst  
Elliott, A. G.  
Erickson  
Everett  
Farnsworth  
Figy  
Finch  
Gadola  
Goebel

Gover  
Habermehl  
Hanna, W. F.  
Hannah, J. A.  
Haskill  
Hatch  
Heideman  
Howes  
Hoxie  
Hubbs  
Hutchinson  
Iverson  
Judd, Mrs.  
Karn  
King  
Kirk, S.  
Knirk, B.  
Koeze, Mrs.  
Kuhn  
Lawrence  
Leibbrand  
Leppien  
Martin  
McLogan  
Millard  
Perras  
Plank  
Pollock

Powell  
Prettie  
Pugsley  
Radka  
Rajkovich  
Richards, J. B.  
Richards, L. W.  
Romney  
Rush  
Seyferth  
Shackleton  
Shaffer  
Shanahan  
Sharpe  
Spitler  
Stafseth  
Staiger  
Stamm  
Sterrett  
Stevens  
Thomson  
Turner  
Van Dusen  
Wanger  
White  
Wood  
Woolfenden  
Yeager

SECRETARY CHASE: On the adoption of the amendment by Mr. Marshall to section a of Committee Proposal 46, the yeas are 41; the nays are 85.

PRESIDENT NISBET: The amendment is not adopted.

SECRETARY CHASE: Mr. Marshall offers the following amendment:

1. Amend page 1, line 21, by striking out all of section b. That is lines 21 through 24 on page 1, and lines 1 through 6 on page 2.

PRESIDENT NISBET: The question is on the amendment. Mr. Marshall, do you care to speak?

MR. MARSHALL: I think that the same statement that applied to the previous amendment would likewise apply to this one. I would only add that throughout all the discussion on this particular topic the emphasis always seems to be on the fact that revenues fall short of appropriations, but actually the state's current problems arise from the fact that appropriations have been in excess of estimated revenues. The control must be on appropriations to accomplish what seems to be the goal in section b. There would also have to be a prohibition against any appropriations outside action on the governor's budget either by the legislature alone or in response to a special session call unless each such appropriation is accompanied by its own revenue measure.

We simply — we in the minority — simply believe that this is an unnecessary provision, that it is preferable that it be deleted in order to have flexibility, and leave it up to the legislature and the executive to operate in this area. And I might add that the minority report, in particular the amendment that was just defeated, pretty closely resembles that that is included in the model constitution. We urge adoption of the amendment.

PRESIDENT NISBET: The question is on the adoption of the amendment. Mr. Martin.

MR. MARTIN: Mr. President, this is the same amendment that we had yesterday. The same reasons for voting no on it are appropriate now as were appropriate yesterday. I don't understand, really, why these amendments are all being re-offered one after another. The minority can get a record vote



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

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

SECRETARY CHASE: No further amendments, Mr. President.

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

*Following is Committee Proposal 46 as amended and referred to the committee on style and drafting:*

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

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

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

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

Sec. d. No appropriation shall be deemed a mandate to spend. The governor, with the approval of the appropriating committees of the house and senate, shall reduce expenditures of any bodies receiving appropriations whenever it appears that actual revenues for a fiscal period will fall below the revenue estimates on which appropriations for that period were based, such reductions in expenditures to be made in accordance with procedures established by law. The governor's power to reduce expenditures shall not apply to the legislative and judicial branches or to those services for which funds are mandated by this constitution.

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

PRESIDENT NISBET: The Chair will recognize Mr. Millard.

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

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

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

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

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

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

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

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

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

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

CHAIRMAN MILLARD: If Mr. Martin desires to answer.

MR. MARTIN: Yes.

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

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

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

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

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

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

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. The promotion and development of health and physical fitness shall always be encouraged.

SECRETARY CHASE: That completes the report of the committee of the whole.

PRESIDENT NISBET: You have announcements?

SECRETARY CHASE: No announcements, Mr. President. We have one request: Mr. Bentley asks to be excused from the latter part of tomorrow's session.

PRESIDENT NISBET: Without objection, the excuse is granted. The Chair recognizes Mr. DeVries.

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

PRESIDENT NISBET: The Chair recognizes Mr. Beaman.

MR. BEAMAN: 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.

[Whereupon, at 11:30 o'clock p.m., the convention adjourned until 9:00 o'clock a.m., Thursday, April 19, 1962.]

## ONE HUNDRED TWENTY-FIFTH DAY

Thursday, April 19, 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, Mr. Downs.

MR. DOWNS: Let us pray. Dear Father, may the spirit of Passover and Easter remind us we are all children of the same God and brothers of the same Father. We pray that our work shall meet the needs and hopes of all the people and of generations yet unborn. At this special season, we ask that the love of Jesus instill our dedication to the words of Micah, "What does the Lord require of thee, but to do justly, and to love mercy, and to walk humbly with thy God." Amen.

PRESIDENT NISBET: The roll call will be taken by the secretary. 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 received the following requests for leave: Mr. Walker, temporarily, from this morning's session; and Mr. Dade, indefinitely, effective today.

PRESIDENT NISBET: Without objection, the requests are granted.

SECRETARY CHASE: Absent with leave: Messrs. Dade, Faxon, Greene, Marshall, Martin, Nord, Ostrow, Pellow, Tubbs and Walker.

Absent without leave: Messrs. Ford, Habermehl, Mrs. Hatcher, Messrs. Murphy, White and Wilkowski.

PRESIDENT NISBET: Without objection, the delegates are excused.

[During the proceedings the following delegates entered the chamber and took their seats: Mrs. Hatcher, Messrs. White, Wilkowski, Habermehl, Murphy and Walker.]

#### Reports of standing committees.

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 69 of that committee, reporting back to the convention **Committee Proposal 2**, A proposal to provide the executive power be vested in the governor;

with the recommendation that the style and form be approved.

William B. Cudlip, chairman.

*For Committee Proposal 2 as reported by the committee on style and drafting, see below under date of April 24.*

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

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 70 of that com-

mittee, reporting back to the convention **Committee Proposal 7**, A proposal to provide that the governor shall issue writs of election to fill vacancies in the legislature;

with the recommendation that the style and form be approved.

William B. Cudlip, chairman.

*For Committee Proposal 7 as reported by the committee on style and drafting, see below under date of April 24.*

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

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 71 of that committee, reporting back to the convention **Committee Proposal 46**, A proposal pertaining to the executive budget and item veto; with the recommendation that the style and form be approved.

William B. Cudlip, chairman.

*For Committee Proposal 46 as reported by the committee on style and drafting, see below under date of April 24.*

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

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 72 of that committee, reporting back to the convention **Substitute Proposal for Committee Proposal 59**, A proposal pertaining to vacancies in the office of governor; and **Committee Proposal 60**, A proposal pertaining to succession to the governorship; with the recommendation that the style and form be approved.

William B. Cudlip, chairman.

*For the Substitute Proposal for Committee Proposals 59 and 60 as reported by the committee on style and drafting, see below under date of April 24.*

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

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 73 of that committee, reporting back to the convention **Committee Proposal 70**, A proposal to revise provisions of section 36 of article V regarding the veto power of the governor;

with the recommendation that the style and form be approved.

William B. Cudlip, chairman.

*For Committee Proposal 70 as reported by the committee on style and drafting, see below under date of April 24.*

PRESIDENT NISBET: Mr. Martin.

MR. MARTIN: Mr. President, there are no changes in substance here. The proposal is as it left the committee of the whole and we urge the approval of the proposal.

PRESIDENT NISBET: The board will be cleared, please. Mr. Yeager.

MR. YEAGER: Mr. President, I'd like to ask Mr. Martin a question while he is on his feet.

PRESIDENT NISBET: If he cares to answer.

MR. YEAGER: Since we have made the highway commissioner subject to the constitution, should that office also be included?

MR. MARTIN: I don't—

PRESIDENT NISBET: The question is on approval of Committee Proposal 75. Those in favor will vote aye. Those opposed will vote nay. Have you all voted? If so, the secretary will lock the machine and record the vote.

*The roll was called and the delegates voted as follows:*

**Yeas — 107**

Allen	Hannah, J. A.	Radka
Anspach	Hart, Miss	Richards, J. B.
Austin	Haskill	Richards, L. W.
Baginski	Hatch	Romney
Balcer	Heideman	Rood
Barthwell	Higgs	Rush
Batchelor	Hoxie	Sablich
Beaman	Hubbs	Seyferth
Bentley	Hutchinson	Shackleton
Blandford	Iverson	Shaffer
Bledsoe	Judd, Mrs.	Shanahan
Bonisteel	Karn	Sharpe
Brake	Kelsey	Snyder
Buback	Kirk, S.	Spitler
Butler, Mrs.	Knirk, B.	Stafseth
Cudlip	Koeze, Mrs.	Staiger
Cushman, Mrs.	Kuhn	Stamm
Danhof	Leibrand	Sterrett
Dehnke	Leppien	Stevens
Doty, Dean	Lesinski	Suzore
Doty, Donald	Mahinske	Thomson
Douglas	Marshall	Tubbs
Downs	Martin	Turner
Durst	McAllister	Tweedie
Elliott, A. G.	McCauley	Upton
Elliott, Mrs. Daisy	McGowan, Miss	Van Dusen
Erickson	McLogan	Walker
Everett	Millard	Wanger
Farnsworth	Mosier	White
Faxon	Nisbet	Wilkowski
Figy	Page	Wood
Finch	Perlich	Woolfenden
Follo	Perras	Yeager
Goebel	Plank	Young
Gover	Powell	Youngblood
Gust	Pugsley	

**Nays — 0**

SECRETARY CHASE: On the passage of Committee Proposal 75, the yeas are 107; nays, 0.

PRESIDENT NISBET: **Committee Proposal 75** is passed and referred to the committee on style and drafting.

*For Committee Proposal 75 as rereferred to the committee on style and drafting, see above, page 2766.*

The secretary will read.

MR. VAN DUSEN: Mr. President.

PRESIDENT NISBET: Mr. Van Dusen.

MR. VAN DUSEN: In the interest of perhaps sounding out the delegates as to schedule, it may be necessary to have a night session this evening but it has occurred to a number of us that if we keep going and move rather quickly through the remainder of the calendar and conclude it by 6:30, perhaps a night session could be avoided. Might I ask for an informal expression of opinion as to whether the delegates would like to remain in session until approximately 6:30 if it appears that we can complete the calendar?

DELEGATES: Yes.

PRESIDENT NISBET: The secretary will read the next proposal.

SECRETARY CHASE: Item 15 on the calendar, **Committee Proposal 46**, A proposal pertaining to the executive budget and item veto. Amends article VI.

MR. MARTIN: Mr. President, If there is no objection, I would move that the proposal be considered read.

PRESIDENT NISBET: Without objection, it is so ordered.

*Following is Committee Proposal 46 as reported by the committee on style and drafting and considered read. (For full text as referred to said committee, see above, page 1680.):*

Sec. a. The governor shall submit to the legislature[, not later than 21 calendar days after the convening of each regular session, or] at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, 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 [cause to be submitted] SUBMIT to [each house of] the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills [for] TO PROVIDE new or additional revenues to meet proposed expenditures. The amount of any [general fund] surplus created or deficit incurred IN ANY FUND during the last preceding fiscal period shall be [appropriately] entered as an item in the budget and in ONE OF the appropriation bills. [The governor, prior to final action of the legislature thereon, may cause to be submitted to the legislature any amendments to the general 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 [cause to be submitted] SUBMIT any bills to meet deficiencies in current appropriations.

Sec. b. THE general appropriation bills for the succeeding fiscal period COVERING ITEMS SET FORTH IN THE BUDGET shall be [acted upon] PASSED OR REJECTED IN [before] either house of the legislature BEFORE THAT HOUSE [shall pass] PASSES any [other] appropriation bill[,] FOR ITEMS NOT IN THE BUDGET except bills supplementing appropriations for the current year's operation. Any bill [which will require] REQUIRING an appropriation to carry out its purpose shall be considered an appropriation bill. One of the general appropriation bills as [enacted] 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 [proposed] MADE FROM EACH FUND in the general appropriation bills AS PASSED.

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

Sec. d. No appropriation shall be deemed a mandate to spend. The governor, with the approval of the appropriating committees of the house and senate, shall reduce expenditures of any bodies receiving appropriations whenever it appears that actual revenues for a fiscal period will fall below the revenue estimates on which appropriations for that period were based[.], [such] Reductions in expenditures SHALL [to] be made in accordance with procedures established by law. The governor's power to reduce expenditures shall not apply to the legislative and

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

judicial branches or to those services for which funds are mandated by this constitution.

PRESIDENT NISBET (continuing): Mr. Martin.

MR. MARTIN: Mr. President, the proposal has some changes in it which the style and drafting committee has made. We have examined these and we find that they carry out the purpose of the original proposal. The proposal was completed in style and drafting. We have no objection. We think, in fact, it is an improvement. So we recommend its adoption.

PRESIDENT NISBET: Is there an amendment?

SECRETARY CHASE: Mr. Marshall and Miss Hart offer the following amendment:

1. Amend page 1, line 5, [section a] after "state.", by striking out the balance of the section; and in line 18, by striking out all of section b; and on page 2, line 13, by striking out all of section d.

PRESIDENT NISBET: Mr. Marshall.

MR. MARSHALL: Mr. President and fellow delegates, I will be as brief as possible. As all of you know, in our debate in committee of the whole I gave about a 5 or 6 page explanation of the minority position at that time in explaining the minority report. So I will not attempt to go through and explain in detail, as I did then, all of the reasons, which would probably be the same reasons for the amendments I am offering now. I only want to point out to the delegates once again that one of the primary reasons behind Michigan citizens' calling a constitutional convention was the need to rid the state's constitution of the administrative detail that has limited the discretion of the legislature and the governor to such an extent that they cannot adjust to meet the needs of a changing society. Thus it was hoped that steps would be taken to rid the new constitution of this detail. But Committee Proposal 46 would constitutionally freeze several matters that might better be left to legislative discretion. The inclusion of statutory items in the constitution is a serious weakness in itself. Committee Proposal 46 goes further and, as I said before, in effect, destroys the traditional separation of powers doctrine. We believe that if the amendments that are offered and that are before you now are adopted, that we will still retain in the constitution the basic fundamental guidelines and that the language would then be sufficient without going in and having all of the statutory language incorporated in the constitution. I urge the adoption of the amendment.

PRESIDENT NISBET: The question is on the adoption of the amendment. Mr. Martin.

MR. MARTIN: Mr. President, if the reasons are the same on the other 2 amendments, I wonder if Mr. Marshall would have them considered as a single amendment. I don't want to urge it but —

MR. MARSHALL: Yes. In order to expedite things, I would be pleased to have all 3 of them considered as one amendment because it is all related.

PRESIDENT NISBET: Mr. Martin, are you through?

MR. MARTIN: Yes. Simply that these are essentially the same amendments which were offered during committee of the whole and we oppose them for the same reason — the majority of the committee, I should say, because the minority did not support the proposal.

PRESIDENT NISBET: Mr. Marshall.

MR. MARSHALL: I am going to ask for the yeas and nays and call for the previous question.

PRESIDENT NISBET: The yeas and nays have been demanded. Is the demand seconded? Sufficient number up.

The previous question has been asked for. Is that demand seconded? It is supported. The question is: shall the previous question be put? Those in favor say aye. Opposed, no.

The previous question is ordered. The question now is on the amendment offered by Mr. Marshall and Miss Hart. The yeas and nays have been demanded. Those in favor of the amendment will vote aye.

A DELEGATE: Can we have it read?

PRESIDENT NISBET: The secretary will read.

SECRETARY CHASE: Mr. Marshall and Miss Hart have offered the following amendment:

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

PRESIDENT NISBET: Those in favor of the amendment will vote aye. Those opposed will vote nay. Have you all voted? If so, the secretary will lock the machine and record the vote.

*The roll was called and the delegates voted as follows:*

#### Yeas—29

Austin	Faxon	McGowan, Miss
Baginski	Follo	Ostrow
Balcer	Garvin	Perlich
Barthwell	Hart, Miss	Sablich
Bradley	Jones	Snyder
Buback	Kelsey	Suzore
Cushman, Mrs.	Lesinski	Walker
Douglas	Mahinske	Young
Downs	Marshall	Youngblood
Elliott, Mrs. Daisy	McCauley	

#### Nays—74

Allen	Gust	Richards, J. B.
Andrus, Miss	Haskill	Richards, L. W.
Anspach	Hatch	Romney
Batchelor	Heideman	Rood
Beaman	Higgs	Rush
Bentley	Hoxie	Seyferth
Blandford	Hubbs	Shackleton
Brake	Iverson	Shanahan
Butler, Mrs.	Judd, Mrs.	Sharpe
Conklin, Mrs.	Karn	Spitler
Cudlip	Kirk, S.	Stafseth
Danhof	Knirk, B.	Staiger
Dehnke	Kuhn	Sterrett
Dell	Leibrand	Thomson
Donnelly, Miss	Leppien	Tubbs
Doty, Dean	Martin	Turner
Doty, Donald	McAllister	Tweedie
Durst	McLogan	Upton
Elliott, A. G.	Millard	Van Dusen
Erickson	Nisbet	Wanger
Farnsworth	Page	White
Figy	Perras	Wood
Finch	Plank	Woolfenden
Goebel	Powell	Yeager
Gover	Prettie	

SECRETARY CHASE: On the amendment offered by Mr. Marshall and Miss Hart, the yeas are 29; the nays, 74.

PRESIDENT NISBET: The amendment is not adopted. The secretary will read the next amendment.

SECRETARY CHASE: Mrs. Cushman offers the following amendment:

1. Amend page 2, line 13, after "Sec. d.", by striking out "No appropriation shall be deemed a mandate to spend."

PRESIDENT NISBET: Mrs. Cushman.

MRS. CUSHMAN: Mr. President and fellow delegates, to my way of thinking, this sentence has no real meaning. It is not constitutional language and it is a gratuitous insult. For those reasons, I suggest that we seriously consider removing this sentence.

PRESIDENT NISBET: The question is on the amendment by Mrs. Cushman. Mr. Marshall.

MR. MARSHALL: Mr. President, I rise to support the Cushman amendment for the reasons that were given in committee of the whole and for the reasons just given now by Mrs. Cushman. I think that the delegates should give serious consideration to adopting the Cushman amendment.

PRESIDENT NISBET: Mr. Martin.

MR. MARTIN: Mr. President, the phrase which the amendment is proposed to strike is a very important statement of policy. We want it clear that appropriations are not mandates to spend. This is not a reflection on any individual or governor or any other person who may have held the office, but it is

an important statement of policy and we'd like to have it approved. We therefore oppose the amendment.

PRESIDENT NISBET: Mrs. Butler.

MRS. BUTLER: Mr. President, Mr. Martin, would this language refer to all departments that have money to spend?

PRESIDENT NISBET: Mr. Martin.

MR. MARTIN: Mrs. Butler, all this means is that if you have money and you don't have the need to spend it, you're not expected to obligate it or otherwise spend it just in order to use up your appropriation. That's all it means.

MRS. BUTLER: I am certainly glad to see it in there, having been associated with 2 departments who hurry up and spend their money so they don't have to turn it back to the general fund.

PRESIDENT NISBET: The question is on the amendment of Mrs. Cushman.

MRS. CUSHMAN: I ask for a division.

PRESIDENT NISBET: A division has been requested. Is it supported? It is supported. Those in favor of Mrs. Cushman's amendment 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 Mrs. Cushman's amendment, the yeas are 34; the nays are 73.

PRESIDENT NISBET: The amendment is not adopted. The board will be cleared. The question is now on Committee Proposal 46. Those in favor of approving Committee Proposal 46—

MR. MARSHALL: Mr. President.

PRESIDENT NISBET: Mr. Marshall.

MR. MARSHALL: I again urge the delegates to vote against the committee proposal and we can come up with a better provision to deal with the budget. Had the Cushman amendment carried, I maybe could have seen a way clear to have supported the proposal even though I am not happy with the committee proposal, but the sentence that Mrs. Cushman asked to be stricken, that no appropriation shall be a mandate to spend, seems to imply that state administrations, past and present, spend for the sake of spending, and is contrary, I might add, to existing evidence and is in fact an insult to their integrity. As a matter of fact, the criticism is often voiced—and there has been proof of this—that departments do not spend what is appropriated, but instead, many of them turn back large sums of money to the general fund and consequently are not meeting the needs of the state's citizens. I oppose the proposal.

PRESIDENT NISBET: All in favor of Committee Proposal 46 will vote aye. Those opposed will vote nay. Have you all voted? If so, the secretary will lock the machine and record the vote.

*The roll was called and the delegates voted as follows:*

#### Yeas—87

Allen	Hatch	Pugsley
Andrus, Miss	Heideman	Radka
Anspach	Higgs	Rajkovich
Barthwell	Howes	Richards, J. B.
Batchelor	Hoxie	Richards, L. W.
Beaman	Hubbs	Romney
Bentley	Hutchinson	Rood
Blandford	Iverson	Rush
Boothby	Judd, Mrs.	Seyferth
Brake	Karn	Shackleton
Butler, Mrs.	Kirk, S.	Shanahan
Conklin, Mrs.	Knirk, B.	Sharpe
Cudlip	Koeze, Mrs.	Spitler
Danhof	Kuhn	Stafseth
Dehnke	Leibrand	Staiger
Dell	Leppien	Stamm
Donnelly, Miss	Martin	Sterrett
Doty, Dean	McAllister	Stevens
Doty, Donald	McCauley	Thomson
Durst	McGowan, Miss	Tubbs
Elliott, A. G.	McLogan	Turner
Erickson	Millard	Tweedie
Farnsworth	Mosier	Upton
Figy	Nisbet	Van Dusen

Finch	Page	Wanger
Goebel	Perras	White
Gover	Plank	Wood
Gust	Powell	Woelfenden
Haskill	Prettie	Yeager

#### Nays—25

Austin	Follo	Ostrow
Baginski	Garvin	Perlich
Balcer	Hart, Miss	Sablich
Buback	Hodges	Snyder
Cushman, Mrs.	Jones	Suzore
Douglas	Kelsey	Walker
Downs	Mahinske	Young
Elliott, Mrs. Daisy	Marshall	Youngblood
Faxon		

SECRETARY CHASE: On the passage of Committee Proposal 46, the yeas are 87; the nays, 25.

PRESIDENT NISBET: Committee Proposal 46 is passed and referred to the committee on style and drafting.

*For Committee Proposal 46 as referred to the committee on style and drafting, see above, page 2767.*

The secretary will read the next proposal.

SECRETARY CHASE: Item 16 on the calendar, **Committee Proposal 70**, A proposal to revise provisions of section 36 of article V regarding the veto power of the governor.

MR. MARTIN: Mr. President.

PRESIDENT NISBET: Mr. Martin.

MR. MARTIN: The proposal is similar to the committee proposal which was sent to style and drafting, with minor changes. If there is no objection, I move that it be considered read.

PRESIDENT NISBET: Without objection, it will be considered read.

*Following is Committee Proposal 70 as reported by the committee on style and drafting and considered read. (For full text as referred to said committee, see above, page 1717.):*

Sec. a. Every bill passed by the legislature shall be presented to the governor before it becomes [a] 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 [a] law. If he does not approve, and the legislature has within that time finally adjourned [its] THE session at which the bill was passed, it shall not become [a] law. If he does not approve, and the legislature continues [its] THE session at which the bill was passed, he shall return it within such 14 day period [, together] with his objections, to the house in which it originated[,], [which] THAT house shall enter [the] SUCH objections [at large upon] IN FULL IN its journal and reconsider [it] THE BILL. If 2/3 of the members elected and serving in that house [agree to] pass the bill notwithstanding the objections of the governor, it shall be sent with the objections to the other house FOR RECONSIDERATION [by which it shall be reconsidered]. THE BILL SHALL BECOME LAW if [approved] PASSED by 2/3 of the members elected and serving in that house [it shall become a law]. 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 [upon] IN the journal. If any bill [be] IS not returned by the governor within such 14 day period, the legislature continuing in session, it shall become [a] law [in like manner] as if he had signed it.

PRESIDENT NISBET (continuing): Mr. Martin.

MR. MARTIN: The committee has no objection to the changes which were proposed here and recommends that the proposal be adopted in the form sent back to us by style and drafting.

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

**PREAMBLE**

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

**PREAMBLE**

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

**ARTICLE I  
DECLARATION OF RIGHTS**

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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
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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
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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

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

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

12 Sec. 17. Each house of the legislature may  
13 establish the committees necessary for the effi-  
14 cient conduct of its business and the legislature  
15 may create joint committees. Each committee  
16 shall [keep a recorded] BY roll call vote RECORD  
17 THE VOTE AND NAME [by yeas and nays] of  
18 all action on bills and resolutions taken in the  
19 committee. Such vote shall be available FOR [to]  
20 public inspection. Notice of all committee hear-  
21 ings and a clear statement of all subjects to be  
22 considered at each hearing shall be published in  
23 the journal in advance of the hearing.

24 Sec. 18. Each house shall keep a journal of  
25 its proceedings, and publish the same unless se-  
26 curity otherwise requires. The [yeas and nays]  
27 RECORD OF THE VOTE AND NAME of the  
28 members of either house VOTING on any question  
29 shall be entered in the journal at the request of  
30 [1/5] ONE-FIFTH of the members present. Any  
31 member of either house may dissent from and  
32 protest against any act, proceeding or resolution  
33 which he deems injurious to any person or the  
34 public, and have the reason for his dissent entered  
35 in the journal.

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

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

45 Sec. 21. Neither house shall, without the con-  
46 sent of the other, adjourn for more than [3] TWO  
47 INTERVENING CALENDAR days, nor to any  
48 place other than where the legislature may then  
49 be in session.

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

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

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

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

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

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

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

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

27 Sec. 29. The legislature shall pass no local  
28 or special act in any case where a general act can  
29 be made applicable, and whether a general act  
30 can be made applicable shall be a judicial question.  
31 No local or special act shall take effect until  
32 approved by TWO-THIRDS [2/3] of the mem-  
33 bers elected to and serving in each house [of the  
34 legislature] and by a majority of the electors vot-  
35 ing thereon in the district [to be] affected. Any  
36 act repealing local or special acts [in effect as of  
37 the effective date of this constitution] shall re-  
38 quire only a majority of the members elected to  
39 and serving in each house and shall not require  
40 submission to the electors of such district.

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

46 Sec. 31. The general appropriation bills for the  
47 succeeding fiscal period covering items set forth  
48 in the budget shall be passed or rejected in either  
49 house of the legislature before that house passes  
50 any appropriation bill for items not in the budget  
51 except bills supplementing appropriations for the  
52 current FISCAL year's operation. Any bill re-  
53 quiring an appropriation to carry out its purpose  
54 shall be considered an appropriation bill. One of  
55 the general appropriation bills as passed by the  
56 legislature shall contain an itemized statement of  
57 estimated revenue by major source in each oper-  
58 ating fund for the ensuing fiscal period, the total  
59 of which shall not be less than the total of all  
60 appropriations made from each fund in the gen-

eral appropriation bills as passed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



sons imprisoned or detained [on] UNDER such sentences.

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

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

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

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

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

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

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

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

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

specified IN THIS SECTION.

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

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

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

## ARTICLE V

### EXECUTIVE BRANCH

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## Article V Executive Branch

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

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

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

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

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

Terms of office of any board or commission

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

YEARS NEXT PRECEDING HIS ELECTION.

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

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

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

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

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

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

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

Sec. 26. The legislature shall provide that the

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

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

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

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

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

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

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

## ARTICLE VI JUDICIAL BRANCH

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### Article VI Judicial Branch

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

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

days prior to the expiration of his term.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

Sec. 28. All final decisions, findings, rulings

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

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

## ARTICLE VII LOCAL GOVERNMENT

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## Article VII

### Local Government

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

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

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

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

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

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

at pleasure.

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

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

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

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

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

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

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

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

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

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

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

Sec. 15. Any county, when authorized by its BOARD OF SUPERVISORS [legislative body] shall have the authority to enter or to intervene in any ACTION [suit] or certificate proceeding involving the services, charges or rates of any privately owned public utility furnishing services or commodities to rate payers within the county.

Sec. 16. The legislature may provide for the laying out, construction, improvement and maintenance of highways, bridges, culverts and airports by the state and by the counties and townships thereof; and may authorize counties to take charge and control of any highway within their limits for such purposes. The legislature may [also prescribe] PROVIDE the powers and duties of counties in relation to highways, bridges, culverts and airports; may provide for county road commissioners to be appointed or elected, with powers and duties [as may be prescribed] PROVIDED by law. The ad valorem property tax IMPOSED for road purposes by any county shall not exceed in any year [1/2] ONE-HALF of one percent of the assessed valuation for the preceding year.

Sec. 17. Each organized township shall be a body corporate with powers and immunities [prescribed] PROVIDED by law [and not inconsistent with this constitution].

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

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

Sec. 20. The legislature shall provide by law for the dissolution of township government whenever all the territory of [a] AN ORGANIZED township is included within the boundaries of a village or villages NOTWITHSTANDING THAT A VILLAGE MAY INCLUDE TERRITORY WITHIN ANOTHER ORGANIZED TOWNSHIP and provide by law for the classification of such village or villages as cities [notwithstanding that a village may include territory within another township].

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

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

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

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

Sec. 24. Subject to this constitution, any city or village may acquire, own[,] and operate, within or without its corporate limits, public service facilities for supplying water, light, heat, power, sewage disposal and transportation to the municipality and the inhabitants thereof.

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

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

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

Sec. 27. Notwithstanding any other provision

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

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

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

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

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

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

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

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

## ARTICLE VIII EDUCATION

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## 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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## 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 &amp; 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.

# ONE HUNDRED THIRTY-FOURTH DAY

Tuesday, May 8, 1962, 9:00 o'clock a.m.

## PROCEEDINGS

**VICE PRESIDENT HUTCHINSON:** The convention will **come to order**. The delegates will please take their seats.

The **invocation** today will be delivered by Dr. Ralph J. Danhof, executive secretary and stated clerk of the Christian Reformed Church. Dr. Danhof is from Grand Rapids and is an uncle of Delegate Robert J. Danhof.

**REVEREND DANHOF:** Let us unite our hearts in prayer. We thank Thee, heavenly Father, that we may call upon Thee. We thank Thee that Thou hast given us a state in which we may live and also exercise the gifts of freedom. We pray that Thou wilt preserve these freedoms for us not only as the state of Michigan but as the United States of America.

We pray, Lord our God, that Thou wilt bless this constitutional convention. Bless these delegates in all of their efforts and grant that they may truly be servants of Thine, for therein lieth our greatness, when we may serve Thee and our fellow men. We beseech Thee that Thou wilt cause Thy favor to rest upon each and every delegate. Use them mightily to promote the cause of justice and freedom for men.

Pardon graciously our sins and favor us as a nation among the nations of the world and cause us to be a good example unto all of them. Pardon all that we do contrary to Thy heavenly will, and may Thy law serve as the guide of true worship; to love Thee above all else and our fellow men as ourselves. In Christ's name we ask it. Amen.

**VICE PRESIDENT HUTCHINSON:** The secretary will take the **roll call**. All those present will vote aye. Have you all voted? The secretary will record the roll.

**SECRETARY CHASE:** Mr. President, 127 delegates; a quorum is present.

Prior to today's session, the secretary received the following requests for leave: Mr. Ford, temporarily, from this morning's session; and Mr. Nisbet, from today's session.

**VICE PRESIDENT HUTCHINSON:** Without objection, the requests are granted.

**SECRETARY CHASE:** Absent with leave: Messrs. Ford, Hood, Liberato and Nisbet.

Absent without leave: Miss Andrus, Mrs. Hatcher, Messrs. Hubbs, Murphy, Norris and Ostrow.

**VICE PRESIDENT HUTCHINSON:** Without objection, the delegates are excused.

[During the proceedings the following delegates entered the chamber and took their seats: Miss Andrus, Mrs. Hatcher, Messrs. Murphy, Hubbs, Ford, Ostrow and Norris.]

Reports of standing committees.

**SECRETARY CHASE:** No committee reports, Mr. President.

**VICE PRESIDENT HUTCHINSON:** Communications from state officers.

**SECRETARY CHASE:** None.

**VICE PRESIDENT HUTCHINSON:** **Motions and resolutions.**

**SECRETARY CHASE:** Messrs. Van Dusen and Cudlip offer **Resolution 97**, A resolution to amend the convention rules to provide for possible amendments to the proposed constitution on the occasion of the sine die adjournment session of the convention.

*Following is Resolution 97 as offered:*

Whereas, When the convention adjourns in May, it will stand adjourned until Wednesday, August 1; and

Whereas, During the intervening period a legal determination may alter the date of submission of the constitution to the people as provided in the schedule; and

Whereas, During said period the committee on style and drafting may discover technical changes which should be made in the new document; now therefore be it

Resolved, That on the occasion of the sine die adjournment session August 1, 1962, amendments to the proposed constitution not affecting its substance may be offered by the committee on style and drafting, and amendments may be offered to the schedule to implement any intervening determination respecting the time of submission of the proposed constitution to the electors, but no other amendment may be offered. No such amendment shall be adopted unless approved by a majority of the delegates elected to and serving in the convention, voting by the yeas and nays.

**VICE PRESIDENT HUTCHINSON:** Referred to the committee on rules and resolutions.

**SECRETARY CHASE:** Mr. Van Dusen offers

**Resolution 98**, A resolution to provide for the time and place of the sine die adjournment session, and for notice thereof.

*Following is Resolution 98 as offered:*

Resolved, That when the convention adjourns today it stand adjourned until Wednesday, August 1, 1962, at 10:00 o'clock a.m., when it shall convene at a place to be designated by the president and the 3 vice presidents of the convention; and be it further

Resolved, That the officers shall determine the place of such August 1, 1962, session and the secretary shall advise each delegate thereof in writing not later than July 16, 1962.

**VICE PRESIDENT HUTCHINSON:** Referred to the committee on rules and resolutions.

**SECRETARY CHASE:** Mr. Van Dusen also offers

**Resolution 99**, A resolution of thanks and appreciation to the citizens research council of Michigan, incorporated.

*Following is Resolution 99 as offered:*

Whereas, The citizens research council has issued a series of excellent research studies on matters relating to the work of this convention and has freely provided research staff and time to convention activities; and

Whereas, These publications and research efforts have been extensively used by committees and by individual delegates as reliable factual sources throughout all phases of the work of this convention; and

Whereas, This research activity by a privately supported organization is deemed by this convention to have been of material aid to its deliberations; now therefore be it

Resolved, That the Michigan Constitutional Convention of 1961 hereby records and expresses its sincere thanks and cordial appreciation to the citizens research council of Michigan for its substantial interest and effort in this momentous public affair; and be it further

Resolved, That a suitably printed copy of this resolution be transmitted to the president of the board of directors of the citizens research council of Michigan, incorporated.

**VICE PRESIDENT HUTCHINSON:** Referred to the committee on rules and resolutions.

**SECRETARY CHASE:** That is all the resolutions on file, Mr. President.

**VICE PRESIDENT HUTCHINSON:** **Third reading.**

**SECRETARY CHASE:** On the third reading calendar this morning, **article V**, the executive branch, of the third reading document.

Faxon	Murphy	Young
Follo	Nord	Youngblood
Ford		
Nays—72		
Andrus, Miss	Hannah, J. A.	Pugsley
Anspach	Haskill	Radka
Batchelor	Hatch	Rajkovich
Beaman	Heideman	Richards, J. B.
Bentley	Higgs	Romney
Blandford	Howes	Rood
Bonisteel	Hubbs	Rush
Brake	Hutchinson	Seyferth
Butler, Mrs.	Iverson	Shackleton
Cudlip	Judd, Mrs.	Shaffer
Danhof	Karn	Sharpe
Dehnke	King	Slader
Dell	Knirk, B.	Staiger
Donnelly, Miss	Koeze, Mrs.	Sterrett
Doty, Dean	Kuhn	Stevens
Durst	Lawrence	Thomson
Elliott, A. G.	Leppien	Tubbs
Everett	Martin	Turner
Farnsworth	McLogan	Tweedie
Figy	Millard	Upton
Gadola	Mosier	Van Dusen
Goebel	Page	Wanger
Gover	Pollock	White
Habermehl	Powell	Woolfenden

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Donald Doty, the yeas are 61; the nays are 72.

VICE PRESIDENT HUTCHINSON: The amendment is not adopted.

SECRETARY CHASE: Mr. Powell offers the following amendment:

1. Amend article V, section 28 (column 2, line 30) after "governor," by inserting "by and"; so the language will then read:

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. . . .

VICE PRESIDENT HUTCHINSON: Is Mr. Powell in the room? Mr. Powell.

MR. POWELL: Mr. President and fellow delegates, I am sure this is not a substantive change. It does not make an iota of difference whether we add these words in there or not, but in our committee on style and drafting we were trying to standardize this phraseology and in this place, apparently, these 2 words were overlooked.

VICE PRESIDENT HUTCHINSON: The question is upon the amendment offered by Mr. Powell. Mr. Martin.

MR. MARTIN: No objection to that, Mr. President, to that change.

VICE PRESIDENT HUTCHINSON: All those in favor will say aye. Opposed will say no.

The amendment is adopted. That is all of the amendments, is it? Are there any further amendments?

SECRETARY CHASE: That is all.

VICE PRESIDENT HUTCHINSON: The question is upon the passage of article V—

MR. MARSHALL: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Marshall.

MR. MARSHALL: Mr. President and fellow delegates, it is with a great deal of reluctance that I feel compelled to have to speak against the adoption of this article and to urge a no vote. This is brought about, of course, by the refusal of the majority of the delegates in this convention to divide the questions where we could separate the rotten apples from the good ones, so we would have an opportunity to vote on those that we were in accord on and to vote against those that we were not in accord on; but, by the fact that this action was taken, many objectionable features are being crammed down the throats of the minority delegates to this convention.

I would like to take up a few words of the very esteemed and world renowned political scientist from Ann Arbor. He made the statement last night that it was incomprehensible—I think

in debate on the floor last night—that it was incomprehensible to him how Delegate Downs or the minority could arrive at a decision to vote no after we had had the deliberative process of give and take in free debate. I want to say to this convention and for the record that precisely what we have not had is free debate in this deliberative body. You heard on the floor here a moment ago by Mr. Brake, Mr. Martin and others, discussion about the compromise, the agreement, the accommodation, the deal—call it what you may—that this was a part of it, and urging the delegates to stick to the deal that was worked out by the majority party. I can say to this convention—

MR. WALKER: Mr. President, a point of order, please.

VICE PRESIDENT HUTCHINSON: State the point.

MR. WALKER: I think it is bad enough that the delegates sell out their principles and convictions with a deal and a compromise, or what have you, but to have the floor of this convention sullied and the record of it sullied by further talk of such a deal is not right. (laughter)

VICE PRESIDENT HUTCHINSON: You may proceed, Mr. Marshall.

MR. MARSHALL: Well, as I was saying when I was so rudely interrupted—call it what you may and, whether you have it in the record or you don't have it in the record, I think the people of the state are aware of what has taken place and I refer to it as an accommodation rather than a deal or an agreement.

There are features in this article that we were in accord on, many of them, the executive reorganization, the term of office for the governor, for the ad board people, the governor and the lieutenant governor running as a team. But on this question of the selection of the ad board, where we have 5 different ways of selecting our state officials as a result of the package deal that was worked out off the floor of this convention, it makes no sense to me whatsoever and I don't know of any precedent anywhere else in the country for this type of a hodgepodge that we have created here. I do not think that the delegates can justify the establishment of this so called highway commission, for one.

As I stated earlier in this convention, I am opposed to any further erosion of our democratic processes and I think the people of this state, the electorate, are intelligent enough to make their own selections at the ballot box when it comes time for selecting those who will serve them in government. I think we are making a grave mistake—a very serious and grave mistake—because there was no great demand on the part of the people of this state prior to the calling of this constitutional convention, or since, to do away with or to take away the right of the people to elect their state highway commissioner and other state officers. I think that this article—and this is why I am speaking against it and urging a no vote—makes a mockery of democracy, and I think if the delegates who are opposed to what was done, in particular as it relates to the highway commission, should vote no on this also, then we would have a chance to correct it and to take the necessary steps to correct these evils.

I can't agree with Dr. Pollock on the statement that he made. If we had had free debate on the floor of this convention on this question then I could go along with him, but I cannot go along with the statement, I cannot go along with what has been done, and the very fact—I know one of the delegates in this convention said to me when I asked him the question: why do we have to buy all of these rotten apples? Why can't we separate those we are in accord on and then debate only on those that are objectionable and those that we have violent disagreement on? I think the statement was that, obviously, the Republican party has come to the conclusion that the only way they can retain control is through the constitution because they don't think the people will accept their philosophy at the polls. Thank you.

VICE PRESIDENT HUTCHINSON: The secretary informs the Chair that there is one additional amendment, which is on the secretary's desk, which the secretary will now report.

SECRETARY CHASE: Mr. Wanger offers the following amendment to article V:

1. Amend article V, section 27 (second column, line 9) after "state" by striking out the comma; so the language will then read, ". . . and such other public works of the state as provided by law."

VICE PRESIDENT HUTCHINSON: Mr. Wanger.

MR. WANGER: Briefly, Mr. President and fellow delegates, this is a technical amendment. It is designed to perfect this last line and to remove that comma which could cause interpretation difficulties later on. It is felt that this is a section where we certainly should make it entirely clear and set it out with the clear intent that the phrase "as provided by law" merely modifies "and such other public works of the state." I yield at this time to Mr. Martin.

VICE PRESIDENT HUTCHINSON: Mr. Martin.

MR. MARTIN: Mr. President, we have no objection to this amendment.

VICE PRESIDENT HUTCHINSON: The question is upon the amendment offered by Mr. Wanger. Mr. Staiger.

MR. STAIGER: I would ask a question of Mr. Wanger, if I could, through the Chair.

VICE PRESIDENT HUTCHINSON: If the gentleman cares to respond.

MR. STAIGER: Mr. Wanger, it seems to me that by leaving that comma in there, "as provided by law" would then modify "state trunkline highways and appurtenant facilities." Now for what reason do you want to just make that modify the last clause? I think we need flexibility in all 3 of these terms.

MR. WANGER: Well, it could be interpreted as going much farther than the words "state trunkline highways and appurtenant facilities." It could be interpreted as modifying the entire paragraph, since the entire paragraph is just one sentence and that is put on at the end. And that, of course, was clearly not the intent at any time. We have no inconvenience arising—even if it would not modify "state trunkline highways and appurtenant facilities"—because of the flexibility which is given here to "such other public works of the state."

MR. STAIGER: Well, it just seems to me that there is no harm done in letting that phrase modify that whole first clause and I would suggest that we leave it that way.

MR. WANGER: You want to have "as provided by law" modify the rest of the sentence; is that correct?

MR. STAIGER: Yes.

MR. WANGER: You would. Well, it would seem to me that that would entirely defeat the intent of the whole section, because that would mean it would not come into effect at all unless it were provided by law. This would mean that the section was not self executing. The whole purpose here is to have it be self executing and, therefore, I strongly urge you to vote for this amendment, to remove this difficulty.

It may be just a comma, but when we are writing a constitution a comma can make the difference between accomplishing what you intend and not accomplishing it, and that has been so interpreted in many cases in the past. So I strongly urge you to vote for this, to make the intent of this convention clear and, frankly, to avoid the interpretation which Delegate Staiger has suggested he would prefer.

MR. STAIGER: Do I still retain the floor, Mr. President?

VICE PRESIDENT HUTCHINSON: Yes.

MR. STAIGER: Well, using Mr. Wanger's interpretation, it would then read, "There is hereby established a state highway commission . . . as provided by law. Then it goes on to explain exactly who would be on the commission. I see no danger in that area. I think it is important to leave some flexibility in these words "all state trunkline highways and appurtenant facilities" and, for that reason, I think that we should leave the comma in there if it will give this interpretation of modifying those terms.

VICE PRESIDENT HUTCHINSON: Mr. William Hanna.

MR. W. F. HANNA: Mr. President and fellow delegates, I would recommend that you defeat the Wanger amendment. We have, for the first time, written into this constitution the term "trunkline highways." Now this is already statutorily defined and we don't know what they are going to say a "trunkline highway" is, and if you adopt the Wanger amendment, we have got to go on in this constitution and define what we mean by a "trunkline highway." We cannot even leave that definition to the state law any more. Then we will have to go into this constitution and define "appurtenant facilities" because if we adopt the Wanger amendment they cannot define that by law. Then

you would limit it to "public works" which would be the only thing that could be provided by law.

I think that the comma should stay so that the legislature can classify and provide and define what are "state trunkline highways," what are "appurtenant facilities" and, certainly, there is no problem; they will not give the state highway department anything that is not either a public work, a highway or appurtenant facility.

VICE PRESIDENT HUTCHINSON: Mrs. Cushman.

MRS. CUSHMAN: No.

VICE PRESIDENT HUTCHINSON: Mr. Stafseth.

MR. STAFSETH: Mr. President and fellow delegates, we have had a lot of discussion about this comma and what it does, but I will say this: that whether the comma, from a grammatical standpoint, should be in or not, in or out as far as the highway people are concerned, where it says "provided by law" as far as the past precedent, the statutes of the state describe where the trunklines are, they describe what a "trunkline" is, and if you leave the ability or this flexibility to define these things for the legislature, that is as it should be.

Now I would think if you took the comma out, it would only modify as to public works. Now, I am not enough of an English student to know that, but it has always been defined that way and for a very good purpose: one of the reasons that they want to specify what state trunklines are is so you don't get into the situation of having practically every road a state trunkline and diluting the whole fund. Actually, about 10 per cent of the roads in Michigan are state trunklines. About half the money is provided for the state trunklines and the reason for that is that 80 per cent of the traffic uses the state trunklines, so that you want to protect against a dilution of the funds for constructing the main arteries in the state.

VICE PRESIDENT HUTCHINSON: Mr. Wanger.

MR. WANGER: Just briefly, the objection as raised to this amendment has merely to do with the words "state trunkline highways and appurtenant facilities." Now it seems to me that there is no danger of a restrictive interpretation here because of the fact that the legislature is, in the next clause, given the right to confer jurisdiction over "such other public works of the state," so there is no difficulty to speak of, in that section, with that problem but there is a big problem if you take the words "as provided by law" and have them modify the entire paragraph. There is a serious problem, the problem that the legislature, because of some interest group's activities over there or because of a great campaign, may decide not to provide for a highway commission at all, whether or not the constitution sets it up, because it is obvious that unless otherwise provided you cannot mandamus the legislature. Now that is the interpretation problem we are getting into and this amendment will clear it up. The other interpretation problem which the amendment would allegedly create is far less serious.

MR. DEHNKE: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Dehnke.

MR. DEHNKE: For the reason stated by Mr. William Hanna, I hope this amendment will not be adopted. I think the comma should stay in to reflect the intent of the convention.

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

The amendment is not adopted. The question now is upon the passage of article V. The Chair will recognize Mr. Stevens.

MR. STEVENS: Mr. President and fellow delegates, I suppose it is a matter of opinion and I will so stipulate. Regarding the remarks of Mr. Marshall, his term "objectionable" and so forth, it occurs to me that, in the opinion of many of us, those things which he thinks are objectionable are both desirable and wise and also good. So it becomes a matter of terminology and opinion. I cannot understand why he thinks that what he considers unnecessary or objectionable is necessarily so considered by everybody else.

VICE PRESIDENT HUTCHINSON: Mr. Sterrett.

MR. STERRETT: Mr. President and delegates, the executive article that we are about to vote on, I feel, is a great improvement over the present constitution, the 1908 constitution. I believe we have put the responsibility where it belongs. We have

properly made the various operations of state government accountable to the governor with the correct type of checks and balances by the legislature. This is definitely an improvement over the 1908 constitution. The only thing any delegate has to do here is to read the present constitution and he can see the improvement for himself.

The objection, mainly, that I have heard about the executive article is the advice and consent of the senate. We have talked about the malapportioned legislature. The committee on legislative organization has taken care of the so called malapportioned legislature, as I see it, and anybody that would go out and campaign against this new document would be completely ridiculous because it is an improvement over the 1908 constitution; and if they did campaign against this document they would not be telling the people the truth and they would not be serving the people in a just manner as a delegate of this constitutional convention.

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, I doubt that further debate is going to be significantly contributive. I would move to limit it to 5 minutes on the article.

MR. DOWNS: May I —

VICE PRESIDENT HUTCHINSON: The Chair has 5 speakers — 6 with Mr. Downs.

MR. DOWNS: May I make a preferential motion —

VICE PRESIDENT HUTCHINSON: Yes.

MR. DOWNS: — that that be 2½ minutes a speaker?

MR. VAN DUSEN: I will accede to Mr. Downs — could you make it 2 minutes? That would make the total 10. (laughter) I would move, Mr. President, to limit debate to 10 minutes, 2 minutes a speaker.

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

VICE PRESIDENT HUTCHINSON: What's the point, Mr. Marshall?

MR. MARSHALL: I object to the official timekeeper and Delegate Downs working out a deal on the floor of this convention. (laughter)

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen moves that debate be limited to 10 minutes upon the article. All those in favor will say aye. Opposed will say no.

The motion prevails. The Chair recognizes Mr. Garry Brown.

MR. G. E. BROWN: Mr. President and members of the convention, I will not take 2 minutes, but in view of Mr. Marshall's remarks — I think that they should be answered, although there are some things on which I might agree with Mr. Marshall — I would say this: that his criticism of accommodations and deals, or whatever you want to call them, and his assumption of a "holier than thou" attitude is rather nauseating, especially in view of the accommodation that was made off the floor on the issue that was before us last evening. Deals, accommodations, what have you, as undesirable as they may be, are better made by delegates to this convention than effected by legislative lobbyists from across the street.

VICE PRESIDENT HUTCHINSON: Mr. Blandford.

MR. BLANDFORD: Mr. President and fellow delegates, Delegate Marshall, in urging a no vote on article V, I feel, wandered far afield from the actual article — which, of course, has been his custom. I urge a yes vote on article V and will wander somewhat afield myself. I think we have seen on the floor of this convention the last 7½ months an old political trick, and that is to accuse the other fellow of something that you are guilty of yourself. We have seen the Democrats, the minority party on this floor, aghast that the Republicans have made a deal. They have been dealing ever since this convention started. All we have to look at is the search and seizure vote and every ballot that we have had and we know where the dealing has been taking place.

I think if the Republicans have been guilty of anything on this floor it is that we have been guilty of restraint. We have listened to the ravings of the Democratic party on practically every item. We have been called the "handmaidens of big business." We have been called "rotten apples." It has been said that we have tried to gag debate — I remember one delegate taking 4 hours to explain his apportionment plan. I remember many hours on

search and seizure. As I say, if the Republicans have been guilty of anything it has been that we have been guilty of restraint.

I realize that the minority party cannot understand the workings of the Republican party. Being dominated by one group, they do not have to work together in order to come up with a good conclusion. We don't operate that way. We have many divergent people in the Republican party of which I am proud and of which I am one of them. I certainly hope that the Republican party stays that way —

MR. BINKOWSKI: Point of order.

MR. BLANDFORD: — that we will never be dominated —

MR. BINKOWSKI: Point of order.

MR. BLANDFORD: — and we will work together to make this a great constitution.

VICE PRESIDENT HUTCHINSON: Mr. Binkowski raises a point of order.

MR. BLANDFORD: Thank you.

VICE PRESIDENT HUTCHINSON: The point comes too late. He is all through talking. (laughter) Judge Shaffer.

MR. SHAFFER: Mr. President, I simply want to ask Mr. Martin a question here, if there isn't a mistake in printing in the last line in section 28 of article V, the last sentence, "Nothing contained in this section shall be construed to diminish the right of any party to direct and immediate legal or equitable remedies. . . ." What does "and" mean in there? Do you mean: comma? "Direct," comma, "immediate legal or equitable remedies?" Or appropriate?

VICE PRESIDENT HUTCHINSON: Mr. Martin.

MR. MARTIN: Mr. Shaffer, I don't know what the author of the amendment had in mind by the "and." I assume that the "and" is simply to make it a little more emphatic that there should be some "direct and immediate" legal remedies. I have been in doubt about the effect of this section from the beginning but I don't think it does any harm to the section.

MR. DEHNKE: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Martin has the floor. Do you want to be recognized in the speaking list?

MR. DEHNKE: Yes.

VICE PRESIDENT HUTCHINSON: Mr. Martin is recognized next.

MR. MARTIN: Mr. President, I don't want to say anything more than that this article V contains, in my judgment, some of the very most important provisions in the new constitution and I don't know what the Democrat minority has in mind in consistently recommending that their members vote no on each of these provisions. I assume they intend to offer some provisions of their own and then if those don't pass, I am not sure whether they are proposing to work against the entire constitution or not. But I don't think that a no vote against this entire article can be interpreted in any other way than that you are opposed to the article as a whole.

I certainly would urge the members of the minority to vote their convictions on this particular article of the constitution because it does contain some of the very important provisions. I hope that the recommendations of the leadership of the minority will not be accepted and that the members of the minority will vote as their conscience and their judgment dictate, and not as their leadership requests them to do.

VICE PRESIDENT HUTCHINSON: Mr. Dehnke. Mr. Dehnke passes. Mr. T. S. Brown.

MR. T. S. BROWN: Mr. President and fellow delegates, I should like to add my little part to what Bill Marshall has already said, except in a different vein.

I do not consider that this article represents either a philosophical orientation of any sort or a compromise between philosophical orientations. As a result of having 4 or 5 different ways of selecting the people who will run the administrative branch of our government, we have no internal consistency and no internal integrity within the executive branch. For this particular reason, regardless of politics — whether you are a Republican or a Democrat, whether you consider that this will be a liberal document or a conservative document or a good, efficient document — there is no internal consistency and, there-



fore, this matter must obviously continue in a halting fashion in the years to come.

If this document were completely liberal or completely conservative and if it would articulate, one part with the other, then I would say it at least represents a certain point of view. But since this does not and since it is not by any stretch of the imagination a compromise, I therefore urge the nonadoption of this particular article.

VICE PRESIDENT HUTCHINSON: Miss Hart.

MISS HART: Mr. President and fellow delegates, Mr. Martin should not be surprised at the position that the minority party is taking on this on the floor today because the minority party took the position very consistently on the executive committee. It should be no surprise to anyone—the press, the league of women voters, the observers and fellow members on that committee—of where we stood on these issues.

There seems to be a notion abroad that every morning the Democrats are given a list: 1, 2, 3; a, b, c, and with a yes and a no after each number. This convention blinded the board in the hope that the minority might be confused. The minority has voted consistently, as it would have done had the board been open, because the minority operates on a philosophy of government and there is very little problem as far as we are concerned as to where we stand on these issues; so let's stop talking about unseen forces and let's get on with the business of finishing what we have to do this week.

We do not object to the majority taking the positions they take. This is their right to represent the people who sent them here. By the same token the minority has the same right: to represent the people that sent it here. So let's stop all of the innuendoes and let's get on with the business of this convention and rid ourselves of nonsense. Let's at least be friends while we disagree.

VICE PRESIDENT HUTCHINSON: Mr. Hodges.

MR. HODGES: Mr. President, I, as a member of the minority, plead guilty to the charge that the Democratic party is dominated by one group: the majority of the people in the state of Michigan who have elected the Democratic party for the past 14 years. After the wheeling and dealing that has been done in this convention, I am safely confident that it will be elected for the next 14 years. (applause)

VICE PRESIDENT HUTCHINSON: Mr. Madar.

MR. MADAR: Mr. President, when I first came up here and before having come up here, I campaigned on promises that I made to those people who I represent. Now, as far as I am concerned, the campaigning for 1962 opened today when Mr. Blandford got up and said what he did.

I don't mind telling you that so far as I am concerned, I was with the Republican party for 34 years and I watched some of its leaders sit there and decide on how they were going to ruin the state of Michigan so that they could defeat Williams. They didn't care what they did to the state: let's kill Williams off no matter what we do to Michigan.

MR. G. E. BROWN: That's not germane to the issue.

VICE PRESIDENT HUTCHINSON: Mr. Downs.

MR. DOWNS: Mr. President and fellow delegates, I shall try to speak on the article very briefly—

VICE PRESIDENT HUTCHINSON: Order, please.

MR. DOWNS: First of all, I rise to urge a no vote on this article for 3 specific reasons: the first is that this builds in a conflict between the chief executive and the senate. The people had high hopes that this convention would change that conflict. From looking at the apportionment problem with advice and consent, I believe there will be 12 to 15 Democrats, 26 to 23 Republicans which, with advice and consent and the sudden death, 60 day concept, builds in a conflict if there is a Democrat governor. If there should, within the 50 years, be a Republican governor, he will find the same conflict with the Republican branch that was found before. Secondly, we have discussed elected versus appointed officials. I have favored elected but have recognized the arguments for the appointed. This change in the ad board provides neither elected nor appointed by the governor. The highway commissioner is selected on a hodgepodge system responsible to everybody and nobody and does not have the advantage of either elected or gubernatorial appoint-

ment. The treasurer is not appointed by the governor without advice and consent but requires that. And thirdly, on the executive budget part, I just wish to point out that the governor in conjunction with the legislature must cut expenditures on unearmarked items—and this would mean education, welfare, social services that are unearmarked—at the very times when the need was greatest, when state revenue went down. I urge a no vote.

VICE PRESIDENT HUTCHINSON: Time for debate has expired. The question is upon the passage of article V, as amended. All those in favor will vote aye. All those opposed will vote no.

MR. YEAGER: Mr. President, I wish to announce my abstention.

VICE PRESIDENT HUTCHINSON: Mr. Yeager abstains. Have you all voted? Miss Donnelly abstains. If so, the secretary will lock the machine and record the vote. Mr. Shanahan abstains.

*The roll was called and the delegates voted as follows:*

Yeas—91

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

Nays—39

Austin	Ford	Nord
Baginski	Hart, Miss	Ostrow
Balcer	Hatcher, Mrs.	Pellow
Binkowski	Hodges	Perlich
Bledsoe	Jones	Sablich
Bradley	Kelsey	Snyder
Brown, T. S.	Krolkowski	Stopczynski
Buback	Lesinski	Suzore
Dade	Madar	Walker
Douglas	Marshall	Wilkowski
Downs	McAllister	Wood
Erickson	McCauley	Young
Faxon	Murphy	Youngblood

SECRETARY CHASE: On the passage of article V, as amended, the yeas are 91; the nays are 39.

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

*For sections 1 through 8 and 10 through 27 of article V as passed, see above, page 3057.*

*Following is section 9 of article V, as amended and passed:*

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 shall report the reasons for such removal or suspension to the legislature.

*Following is section 28 of article V, as amended and passed:*

Sec. 28. 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 of the state having jurisdiction provided by law.

*Following is explanation of vote submitted by Messrs. Austin, Sablich, Bradley, Wilkowski, Downs, Hodges, Madar, Marshall, Walker, Stopczynski, Young, Faxon, Buback, T. S. Brown, Baginski, Binkowski and Miss Hart:*

We voted no on article V, the executive branch, because this builds in the conflict between the governor and the state senate. The executive cannot make a single appointment under this article without the advice and consent of the senate — a senate which does not and can not represent people because of the lack of equitable apportionment. Thus, the governor is restricted and limited and must make decisions on appointments on the basis of confirmability with an actual minority, rather than ability to serve the people of the state.

The present elected highway commissioner has been replaced by a 4 headed bipartisan staggered body, selected with advice and consent, that in turn selects a director. This has neither the advantages of an elected system, nor that of an appointed system directly by the governor. Michigan's present superior highway system can seriously suffer from this unwarranted change.

The state treasurer is no longer elected, but is appointed with advice and consent, and as such will be subject to control in appointment by a majority of the legislators representing a minority of the people of the state. The section dealing on the executive budget (section 19) will practically mandate the governor to reduce expenditures in unearmarked areas if state revenues decline, with the approval of legislative appropriating committees. This too will be a built in conflict between a governor with social responsibilities and a legislative committee that is not truly representative of all the people.

Because highways and local units of government have earmarked funds, whereas schools and social services do not, there will be terrific pressures in a period of economic decline, when tax revenues are least and social needs are the greatest, for the governor to cut expenditures for legisla-

tion, mental health, education, and social services to meet requirements of this section.

We, therefore, voted no on this article.

VICE PRESIDENT HUTCHINSON (continuing): The secretary will read article VI, judicial branch.

SECRETARY CHASE: **Article VI**, judicial branch:

[Article VI, sections 1 through 29, was read by the secretary. For the text, see above, page 3060.]

VICE PRESIDENT HUTCHINSON: Article VI has been read a third time.

SECRETARY CHASE: Mr. Cudlip, on behalf of the committee on style and drafting, requests that the following corrections be made in article VI of the proposed revision of the constitution:

sec-	col-	line	Corrections
2	1	57	After "[except]" delete "that".
2	1	57	Change "ANY" to "Any".
10	1	3	After "[" insert "as".
18	2	38	After "court" insert "[such]".
18	2	38	At end of line, change "an" to "AN".

VICE PRESIDENT HUTCHINSON: Without objection it is so ordered. [Corrections made above.] The secretary will report the amendments.

SECRETARY CHASE: Mr. W. F. Hanna [and Mr. Higgs] offers the following amendment:

1. Amend article VI, section 26 (first column, line 39) after "jurisdiction" by inserting a comma and "compensation"; so the language will read, "Their jurisdiction, compensation and powers within this period shall be as provided by law."

VICE PRESIDENT HUTCHINSON: Mr. Hanna.

MR. W. F. HANNA: Mr. President and fellow delegates, I want to raise a problem which, unfortunately, I did not catch on first or second reading and it was not until we were going over this matter carefully in style and drafting last week that I saw what I believe to be a serious problem and a serious inconsistency, and I bring it to the attention of the convention. We have provided that upon the adoption of this constitution, or the effective date of this constitution, that no judicial officer shall be compensated by fees or anything based upon the volume of his business, but it is said that he must be paid a salary. We now then come to section 26, where we have continued in office these offices of circuit court commissioner and justice of the peace, which are in fact officers that in the main have been compensated by fees of their office and dependent upon the volume of activity.

Now I want to raise 3 problems with this conflict as I see it: first is the practical impossibility, if this constitution goes into effect on January first of a given year. In the townships the fiscal year is from April 1 to April 1, and in counties the fiscal year will have commenced before the effective date of the constitution. There will be no money appropriated; there will be no money out of which you can pay circuit court commissioners a salary or a justice of the peace a salary. Therefore, you are asking these people to serve completely without compensation. Secondly, under the present state law, each township elects 2 justices of the peace. Certainly, you will have to provide in all due process that the 2 justices will receive the same salary. And in many, many, many townships that have 2 justices, one justice maintains an active calendar and open docket and the other has no open calendar, no docket, and is purely an honorary type of office. To set a salary commensurate for these 2 men that is the same immediately penalizes the man who has been doing the work and benefits the man who does not do the work, and so far there is nothing in this constitution that makes a justice of the peace maintain a docket, hold office, or perform any judicial function. Therefore, until this whole matter can be worked out, this man can sit there and draw a salary and not do anything. So that you have a practical fiscal problem in the efforts to do this.

Now, the second problem that I want to raise is breach of contract. We have elsewhere provided in this constitution that you

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

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, 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.

*Following is section 3 of article XII as amended and passed:*

Section 3. At the general election to be held in the year 1978, and in each 16th year thereafter and at such times as may be provided by law, the question of a general revision of the constitution shall be submitted to the electors of the state. If a majority of the electors voting on the question decide in favor of a convention for such purpose, at an election to be held not later than six months after the proposal was certified as approved, the electors of each representative district as then organized shall elect one delegate and the electors of each senatorial district as then organized shall elect one delegate at a partisan election. The delegates so elected shall convene at the seat of government on the first Tuesday in October next succeeding such election or at an earlier date if provided by law.

The convention shall choose its own officers, determine the rules of its proceedings and judge the qualifications, elections and returns of its members. The governor shall appoint a qualified resident of the same district to fill a vacancy in the office of any delegate who shall be a member of the same party as the delegate vacating the office 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 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.

VICE PRESIDENT HUTCHINSON (continuing): Mr. Garry Brown.

MR. G. E. BROWN: Mr. President, at this time, before considering the next article or the next provision of the constitution, I would move to reconsider the vote on article V, which was passed yesterday, dealing with the executive branch.

*For vote on passage of article V, see above, page 3124.*

To be very candid with you, very frank, the purpose of doing this is for one purpose only, and that is to reconsider the vote by which the highway commissioner was made an appointive rather than an elective officer. Two amendments are on the secretary's desk relative to this matter which would make this office the same as the secretary of state and the attorney general relative to election, nominations, vacancies and what have you. It is very simple. It is for that purpose only. I would therefore urge a yes vote on reconsideration of the vote by which the executive article passed yesterday.

VICE PRESIDENT HUTCHINSON: Mr. Downs, on the motion to reconsider.

MR. DOWNS: Mr. President and fellow delegates, I rise in support of the motion on reconsideration. I believe on this motion we are entitled to speak on the merits of the question and what I would more properly call the demerits.

We now have the matter of the highway commissioner, as we know, left up to the legislature and it is an elected one. There was also a dispute, I would say, within the convention as to whether the highway commissioner should be elected or whether he should be appointed by the governor. There were arguments for both. I favored the first. What we ended up with was a monstrosity that has neither the advantages of the elected system nor that of the appointed one. It divides responsibility. Our old friend, advice and consent, enters in through the back door and the present setup that was adopted is one that absolutely refutes the concept of responsibility. I cannot conceive of either a business or government operating effectively under this system. The vote was close. I urge the reconsideration in hopes that we can change what we did on the matter of the highway commissioner. Thank you.

VICE PRESIDENT HUTCHINSON: Mr. Bentley.

MR. BENTLEY: Mr. President, a parliamentary inquiry. Can an article which has been passed on third reading by a majority of all delegates elected and serving in the convention now be reconsidered by a simple majority of those present?

VICE PRESIDENT HUTCHINSON: Yes, it can, Mr. Bentley. It will still take 73 votes to adopt it the second time, but the rules of the convention permit a reconsideration by a majority of the votes cast. Mr. Farnsworth.

MR. FARNSWORTH: Mr. President and members of the convention, it seems hardly necessary to speak at this late hour against a move to reconsider, but I do want to do so.

I would call the convention's attention to the fact that article V, yesterday, at a much more favorable hour than now, passed by a vote of 91 to 35. Now, certainly, the big majority of us thought that we had a very, very satisfactory article. I submit to you, my friends, that the mood that this particular convention is in at this time of night, any time — and here we are on the last day of the convention — is no time to move for a reconsideration on something that we settled with such a decisive vote as we did this. I urge you to vote against reconsideration.

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, might we hear the amendments which Mr. Brown proposes to offer if reconsideration is granted?

VICE PRESIDENT HUTCHINSON: The secretary will read them. They are not before the body at the present time.

SECRETARY CHASE: Mr. Garry Brown has filed the following amendments to article V —

MR. BARTHWELL: I object. I don't see how this is in order.

VICE PRESIDENT HUTCHINSON: What?

MR. BARTHWELL: You ought to have a vote before you read them.

VICE PRESIDENT HUTCHINSON: Objection is heard. The

question is on reconsidering the vote by which the entire executive article was passed. Mr. Martin.

MR. MARTIN: Mr. President, the hall has been full of lobbyists this afternoon and yesterday and this evening and, apparently, those who want to change the action taken on third reading on this article now think that — numbers of the convention not being here — this is a good time to try to reverse the action of the convention taken when a far larger majority of the convention was present. It has been left to the very last stages of the convention, apparently with that thought in mind. I would like to suggest to you that the matter which we have considered several times in thorough debate should have been, once and for all, settled by the action of this convention when this article was passed.

What is proposed is to reverse the action of the convention to go back, not just to a highway commissioner, who is a statutory officer and whose position as a statutory, elected officer could be changed by the legislature if it saw fit, but to go to a constitutional highway commissioner. I submit that that is not what this convention desires. They certainly evidenced it numerous times before, and I think that it is certainly high time that we settle this once and for all by turning down this motion to reconsider, and I certainly urge that you do just exactly that.

VICE PRESIDENT HUTCHINSON: Mr. Marshall. Mr. Van Dusen.

MR. MARSHALL: Mr. President —

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen makes a preferential motion?

MR. VAN DUSEN: Yes. Mr. President, may I ask how many speakers you have?

VICE PRESIDENT HUTCHINSON: Five more at the present time.

MR. VAN DUSEN: I move to limit debate to 10 minutes.

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen moves to limit debate to 10 minutes upon the motion to reconsider. All those in favor will say aye. Opposed will say no.

The motion prevails. The Chair recognizes Mr. Marshall.

MR. MARSHALL: Mr. President and fellow delegates, I will be very brief, because I spoke on the floor of this convention on several occasions on this issue and I have spoken against the creation of this monstrosity that we have created in this so called bipartisan highway commission.

I would urge a yes vote and in answer to Delegate Martin: in his concern for the creation of a constitutional highway commissioner, I don't know why he should be concerned with creating one additional constitutional officer when he has created several in this constitution. Even this 4 man highway commission that is in this package deal will be 4 constitutional officers as opposed to one under the amendment if we create an elected highway commissioner.

Now today we took action and put back the earmarked funds for schools. I see no reason why at this time we should not reconsider this question and give serious thought to leaving the highway department and the highway commission in the hands of the people to determine whether or not the highway commissioner, whoever he may be, is doing a good job in serving the state of Michigan. I urge a yes vote.

VICE PRESIDENT HUTCHINSON: Mr. Garry Brown.

MR. G. E. BROWN: Mr. President and members of the convention, especially Mr. Martin, Mr. Martin here, by innuendo at least, has suggested improper timing or motive and has impugned the same to the sponsor of this motion and the sponsor of the amendment. I would only suggest to Mr. Martin that there has not been another time when this could have been considered by this convention, that today is the last day, of course, for a motion to reconsider what was done yesterday.

It has been suggested here by Mr. Farnsworth that this was passed by a big majority. I would only ask him to reflect upon the vote by which this particular measure passed, which was by a very small margin. I think that the feeling of the delegation has changed. I think it was very close to start with. This was certainly not a mandate by this delegation to do a particular thing. Maybe, because the votes are now present, it is desirable not to reconsider. I would only suggest, also, that in the spirit

of fair play we reconsider to see what is the present feeling of this delegation.

Mr. Martin has also suggested that we have constitutionally established a highway commissioner. This has been done only because of the mechanics of the proposition. It would be very difficult, as all of you know who have studied the executive article, with the language with respect to heads of departments, to do anything but write this into the constitution as a constitutional office. I notice that the great hue and cry about making this a constitutional office and putting this into the constitution was not raised at a time when we were constitutionally earmarking gas and weight taxes. Is this more a constitutional matter? I cannot believe so, and I don't think that Mr. Martin believes so or any other delegate here. The inconsistencies, the illogical approach to the question of earmarking these funds because the people wanted it, the people wanted the purposes defined as they had defined them. I certainly think that they deserve to have the treasurer of this fund selected by them. I would only suggest that the delegates here be given an opportunity, as Mr. Martin has suggested, to finally determine this matter by voting yes to reconsider the vote on the executive article and it will be limited, insofar as this speaker is concerned, to the matter of the highway commissioner. Thank you.

VICE PRESIDENT HUTCHINSON: Mr. John Hannah.

MR. J. A. HANNAH: Mr. President, I move a preferential motion that consideration of the motion now before the house be postponed until Friday.

VICE PRESIDENT HUTCHINSON: Mr. Hannah moves that the motion to reconsider be postponed until Friday. Mr. William Hanna.

MR. W. F. HANNA: Mr. President, I would like to support that motion and urge all parties, in the interest of harmony at this convention, to lay this question over until Friday.

VICE PRESIDENT HUTCHINSON: Mr. Marshall.

MR. MARSHALL: Is the question debatable, Mr. President?

VICE PRESIDENT HUTCHINSON: The motion to postpone is debatable. It is debatable within limits.

MR. MARSHALL: Thank you, Mr. President. I will be very brief. I would urge that we take action now and reconsider. I see no reason why we have to table this till Friday just because certain members of the troops aren't here. Everyone knew that we had a session tonight. Everyone who is an elected delegate here has a responsibility to be here at the sessions. And if we are going to jump up on the floor and move to table or postpone every time that certain people aren't present at this convention, then I deplore this type of action. I urge that we take action at this time and that we not postpone until Friday.

VICE PRESIDENT HUTCHINSON: Mr. Garry Brown, on the motion to postpone.

MR. G. E. BROWN: Mr. President and members of the convention, my motives and my timing are rarely impugned. If Mr. Martin feels that this is an attempt to do something which is improper, which is unfair, which is not the feeling of this delegation, I will be happy to go along with a postponement until Friday but, in doing so, I certainly am not admitting or acknowledging but, rather, denying that there is any improper motive or that there is improper timing, but I think that this delegation — and I have great faith in it — will come to the proper conclusion and it will come to that conclusion either tonight or Friday. And so I will not object to a postponement until Friday.

VICE PRESIDENT HUTCHINSON: Mr. Sterrett.

MR. STERRETT: I would like to move the previous question, Mr. President.

VICE PRESIDENT HUTCHINSON: On the motion to postpone, Mr. Sterrett moves the previous question. Is the demand for the previous question supported? The demand is supported. The question now is: shall the main question be put? All those in favor will say aye. Opposed, no.

The motion prevails and the previous question is ordered. The question is upon the motion of Mr. John Hannah to postpone further consideration upon the motion to reconsider until Friday.

MR. WANGER: Yeas and nays, Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Wanger demands the yeas and nays upon the motion to postpone. Is the demand for the yeas and nays supported?

SECRETARY CHASE: Nineteen.

VICE PRESIDENT HUTCHINSON: Not a sufficient number up. The question remains upon the motion to postpone. The previous question has been ordered. All those in favor —

MR. G. E. BROWN: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Garry Brown.

MR. G. E. BROWN: For the reasons I have previously stated, I wish to abstain.

VICE PRESIDENT HUTCHINSON: Mr. Garry Brown abstains. All those in favor of the motion to postpone will say aye. Opposed will say no.

The motion prevails.

DELEGATES: Division.

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

SECRETARY CHASE: Sufficient number.

VICE PRESIDENT HUTCHINSON: The demand is supported. All those in favor of postponing 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 postpone consideration of the motion to reconsider until Friday, the yeas are 73; the nays are 47.

VICE PRESIDENT HUTCHINSON: The motion prevails. The matter is postponed until Friday.

The secretary will read the schedule.

SECRETARY CHASE: **Schedule and temporary provisions.**

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.

[The schedule, sections 1 through 17, was read by the secretary. For text, see above, page 3073.]

VICE PRESIDENT HUTCHINSON: The schedule has been read a third time.

SECRETARY CHASE: Mr. Cudlip, on behalf of the committee on style and drafting, requests that the following corrections be made in the schedule of the proposed revision of the constitution:

section	column	line	Corrections
5	2	36	After "GOVERNOR," insert "THE".
5	2	37	After "GOVERNOR," insert "THE".
5	2	38	Before "ATTORNEY" insert "THE".
6	2	47	After "IV" insert a comma.

VICE PRESIDENT HUTCHINSON: Without objection, it is so ordered. [Corrections made above.] The secretary will report on amendment.

SECRETARY CHASE: Messrs. Brake, Garry Brown, Dehnke, W. F. Hanna and Rood offer the following amendment:

1. Amend the schedule, section 6 (column 2, line 52) after "census," by inserting "unless the legislature by joint resolution shall give prior effect to said Article IV, Section 2,"; so the language will then read:

Until the apportionment of the senate following the 1970 census, unless the legislature by joint resolution shall give prior effect to said Article IV, Section 2, 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 divided by the apportionment commission into two senatorial districts and Wayne county into eight senatorial districts in accordance with this constitution.

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen.

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

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

The motion prevails. Debate is limited. The Chair recognizes Judge Dehnke.

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

MR. DEHNKE: Mr. President and fellow delegates, this section 6 of the schedule is before you and this amendment proposes an addition of some words to deal with possible contingencies that may arise in the next few years. The amendment is to add after the word "census" as stated in the amendment, the words "and unless otherwise provided by law enacted after the effective date of this constitution, giving immediate effect to said Article IV, Section 2." The proviso is designed to take care of possible contingencies and give the legislature authorization to deal with them. This amendment is presented in the hope that it will serve a useful purpose in that respect.

VICE PRESIDENT HUTCHINSON: Mr. Garry Brown is recognized next. I will recognize you next, Mr. Downs.

MR. G. E. BROWN: I will pass to Mr. Downs.

VICE PRESIDENT HUTCHINSON: Mr. Downs.

MR. DOWNS: Through the Chair, could I ask Judge Dehnke if he could be a little more specific about the contingencies he referred to?

MR. DEHNKE: Well, Mr. President and Mr. Downs, I think all of us have lived long enough that in this life we have to expect contingencies; there will be anticipated and unanticipated contingencies. It is my expectation that this language will be sufficient to meet both kinds. (laughter and applause)

VICE PRESIDENT HUTCHINSON: Mr. Downs, have you concluded?

MR. DOWNS: I am more confused than when the question was asked, but I want to thank Judge Dehnke.

VICE PRESIDENT HUTCHINSON: Mr. Garry Brown.

MR. G. E. BROWN: Mr. President and members of the convention, I would first direct a question to the Chair and ask you how many speakers are on the list.

VICE PRESIDENT HUTCHINSON: None at the moment.

MR. NORD: Mr. President.

MR. G. E. BROWN: I would — I would —

VICE PRESIDENT HUTCHINSON: Mr. Nord seeks recognition. I have one.

MR. G. E. BROWN: I would then yield to Mr. Nord with the right to be restored to the floor.

VICE PRESIDENT HUTCHINSON: Well, does Mr. Nord accept the floor being yielded on that condition?

MR. NORD: I do not.

MR. DEHNKE: Mr. President, may I make a correction in the statement I made before? The amendment reads a little differently from the way I read it a few minutes ago. It is correct on the board. It is, "... unless the legislature by joint resolution shall give prior effect to said Article IV, Section 2."

MR. G. E. BROWN: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Garry Brown.

MR. G. E. BROWN: Since I was entitled to the floor, there is only one thing I would have to say. I would support what Judge Dehnke has said. That is that occasions may suggest what this amendment suggests, or there may be an occasion when it is required. I think that is simple enough. I think that Mr. Downs understands it. I think that Dr. Nord understands it.

I would only suggest to Dr. Nord — when he refuses to accept the floor when it has been yielded to him — that I don't have too much credit to give to, or take much substance from, the argument of those who will not let someone else have at least a chance to answer what they have said.

VICE PRESIDENT HUTCHINSON: Mr. Nord.

MR. NORD: Mr. President, I don't know to whom Mr. Brown is referring, but I suppose it is some delegate or other. But in any event, I would like to answer not Mr. Brown but Judge Dehnke. It appears to me that this amendment suffers from 2 defects. The problem that faces us is a severe problem. The language before us is unconstitutional language. I believe many of us are quite clear in our minds on that point and what we have before us on the wall is too little — that is one defect — and it is too late — that is the other. By "too late" I mean that the time to make this cure is now and not some time between now and 1970. Now.

I suggest, therefore, that if we are going to tackle the problem let us tackle it here, tonight, or on Friday. Let us not turn it over to the legislature. The language before us is extremely objectionable and, while there may not be much on the wall for

**PRESIDENT NISBET: Third reading.**

**SECRETARY CHASE:** Under this order of business, there is on file the motion entered on Wednesday by Mr. Garry Brown to reconsider the vote by which **article V**, as amended, was passed.

*For the vote on the passage of article V, see above, page 3214.*

**PRESIDENT NISBET:** The question is on the motion of Mr. Brown for reconsideration of the vote on article V. The Chair recognizes Mr. Brown.

**MR. G. E. BROWN:** Mr. President, members of the convention, I think that this matter has been discussed fully and completely. The reasons for reconsideration of this article were made clear on Wednesday night for one purpose and one purpose alone: that is to make the state highway commissioner elected, rather than appointed by a highway commission. There was no other purpose for reconsidering this article—at least in my mind there wasn't—and I trust that there will be a vote upon this; that the people will vote their conviction. And I would urge a yes vote.

**PRESIDENT NISBET:** The question is on the motion of Mr. Brown.

**MR. VAN DUSEN:** Mr. President.

**MR. DOWNS:** Mr. President.

**PRESIDENT NISBET:** Mr. Downs.

**MR. DOWNS:** I rise in support of the motion for the reason that this will give us a chance to again support the principle of an elected highway director.

**PRESIDENT NISBET:** Mr. Van Dusen.

**MR. VAN DUSEN:** I move the previous question, Mr. President.

**PRESIDENT NISBET:** The previous question has been demanded. Is that demand seconded? Sufficient number up. The question now is: shall the previous question be put? Those in favor will say aye. Opposed, no.

The previous question is ordered. The question is on the motion of Mr. Brown to reconsider the vote on the passage of article V, as amended. Those in favor will say aye. Those opposed, no.

The motion does not prevail.

**DELEGATES:** Division.

**PRESIDENT NISBET:** A division has been requested. Is the demand seconded?

**MR. G. E. BROWN:** The yeas and nays.

**PRESIDENT NISBET:** The yeas and nays have been demanded. Is that demand seconded? Sufficient number up. Those in favor of the Brown motion to reconsider will vote aye. Those opposed will vote nay. Mr. Walker.

**MR. WALKER:** Could we have it read, Mr. President.

**SECRETARY CHASE:** It is a motion to reconsider the vote by which article V was adopted.

**PRESIDENT NISBET:** This is the question on which we are voting: reconsideration of the vote on article V. 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 record the vote. The question, again, is on the Brown motion to reconsider. Those in favor will vote aye. Those opposed will vote nay. Have you all voted? If so, the secretary will lock the machine and record the vote.

*The roll was called and the delegates voted as follows:*

**Yeas — 55**

Allen	Follo	McCauley
Austin	Ford	McGowan, Miss
Baginski	Garvin	Murphy

Balcer	Greene	Nord
Barthwell	Hart, Miss	Norris
Binkowski	Hatcher, Mrs.	Ostrow
Bledsoe	Hodges	Pellow
Bradley	Hood	Perlich
Brown, G. E.	Hoxie	Sablich
Brown, T. S.	Jones	Snyder
Buback	Kelsey	Stamm
Cushman, Mrs.	Krolikowski	Stopezynski
Dade	Leibrand	Suzore
Doty, Donald	Lesinski	Walker
Douglas	Madar	Wilkowski
Downs	Mahinske	Wood
Elliott, Mrs. Daisy	Marshall	Young
Erickson	McAllister	Youngblood
Faxon		

**Nays — 85**

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

**SECRETARY CHASE:** On the motion to reconsider, the yeas are 55; the nays are 85.

**PRESIDENT NISBET:** The motion to reconsider does not prevail. The secretary will read.

**SECRETARY CHASE:** The president lays before the convention the complete document, the proposed **constitution** of the state of Michigan—

**PRESIDENT NISBET:** The Chair recognizes Mr. Van Dusen.

**MR. VAN DUSEN:** Mr. President, I think we've all heard the proposed new constitution read piece by piece several times. I move that the entire document now be considered read.

**PRESIDENT NISBET:** The question is on the motion of Mr. Van Dusen that the document be considered read. Those in favor will say aye. Opposed, no.

The motion prevails.

*Following is the proposed constitution as reported by the committee on style and drafting and considered read. (To locate text as referred to said committee, see above, page 3210. For statement of changes made by said committee, see below, page 3238):*



# 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 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60

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. Whenever 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.

1 Sec. 2. The legislature shall maintain and sup-  
 2 port a system of free public elementary and sec-  
 3 ondary schools as defined by law. Every school  
 4 district shall provide for the education of its  
 5 pupils without discrimination as to religion, creed,  
 6 race, color or national origin.

7 Sec. 3. Leadership and general supervision over  
 8 all public education, including adult education and  
 9 instructional programs in state institutions, except  
 10 as to institutions of higher education granting  
 11 baccalaureate degrees, is vested in a state board  
 12 of education. It shall serve as the general plan-  
 13 ning and coordinating body for all public educa-  
 14 tion, including higher education, and shall advise  
 15 the legislature as to the financial requirements  
 16 in connection therewith.

17 The state board of education shall appoint a  
 18 superintendent of public instruction whose term  
 19 of office shall be determined by the board. He  
 20 shall be the chairman of the board without the  
 21 right to vote, and shall be responsible for the  
 22 execution of its policies. He shall be the principal  
 23 executive officer of a state department of educa-  
 24 tion which shall have powers and duties provided  
 25 by law.

26 The state board of education shall consist of  
 27 eight members who shall be nominated by party  
 28 conventions and elected at large for terms of  
 29 eight years as prescribed by law. The governor  
 30 shall fill any vacancy by appointment for the  
 31 unexpired term. The governor shall be ex-officio  
 32 a member of the state board of education with-  
 33 out the right to vote.

34 The power of the boards of institutions of higher  
 35 education provided in this constitution to super-  
 36 vise their respective institutions and control and  
 37 direct the expenditure of the institutions' funds  
 38 shall not be limited by this section.

39 Sec. 4. The legislature shall appropriate  
 40 moneys to maintain the university of Michigan,  
 41 Michigan State University, Wayne State Univer-  
 42 sity, Eastern Michigan University, Michigan Col-  
 43 lege of Science and Technology, Central Michi-  
 44 gan University, Northern Michigan University,  
 45 Western Michigan University, Ferris Institute,  
 46 Grand Valley State College, by whatever names  
 47 such institutions may hereafter be known, and  
 48 other institutions of higher education established  
 49 by law. The legislature shall be given an annual  
 50 accounting of all income and expenditures by each  
 51 of these educational institutions. Formal sessions  
 52 of governing boards of such institutions shall be  
 53 open to the public.

54 Sec. 5. The regents of the University of Michi-  
 55 gan and their successors in office shall constitute  
 56 a body corporate known as the Regents of the  
 57 University of Michigan; the trustees of Michigan  
 58 State University and their successors in office shall  
 59 constitute a body corporate known as the Board  
 60 of Trustees of Michigan State University; the

governors of Wayne State University and their  
 successors in office shall constitute a body corpor-  
 ate known as the Board of Governors of Wayne  
 State University. Each board shall have general  
 supervision of its institution and the control and  
 direction of all expenditures from the institution's  
 funds. Each board shall, as often as necessary,  
 elect a president of the institution under its su-  
 pervision. He shall be the principal executive of-  
 ficer of the institution, be ex-officio a member of  
 the board without the right to vote and preside  
 at meetings of the board. The board of each in-  
 stitution shall consist of eight members who shall  
 hold office for terms of eight years and who shall  
 be elected as provided by law. The governor shall  
 fill board vacancies by appointment. Each ap-  
 pointee shall hold office until a successor has been  
 nominated and elected as provided by law.

Sec. 6. Other institutions of higher education  
 established by law having authority to grant  
 baccalaureate degrees shall each be governed by  
 a board of control which shall be a body corporate.  
 The board shall have general supervision of the  
 institution and the control and direction of all  
 expenditures from the institution's funds. It shall,  
 as often as necessary, elect a president of the in-  
 stitution under its supervision. He shall be the  
 principal executive officer of the institution and  
 be ex-officio a member of the board without the  
 right to vote. The board may elect one of its mem-  
 bers or may designate the president, to preside at  
 board meetings. Each board of control shall con-  
 sist of eight members who shall hold office for  
 terms of eight years, not more than two of which  
 shall expire in the same year, and who shall be  
 appointed by the governor by and with the ad-  
 vice and consent of the senate. Vacancies shall  
 be filled in like manner.

Sec. 7. The legislature shall provide by law  
 for the establishment and financial support of  
 public community and junior colleges which shall  
 be supervised and controlled by locally elected  
 boards. The legislature shall provide by law for  
 a state board for public community and junior  
 colleges which shall advise the state board of  
 education concerning general supervision and plan-  
 ning for such colleges and requests for annual  
 appropriations for their support. The board shall  
 consist of eight members who shall hold office  
 for terms of eight years, not more than two of  
 which shall expire in the same year, and who shall  
 be appointed by the state board of education. Va-  
 cancies shall be filled in like manner. The super-  
 intendent of public instruction shall be ex-officio  
 a member of this board without the right to vote.

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

1 Sec. 9. The legislature shall provide by law for  
2 the establishment and support of public libraries  
3 which shall be available to all residents of the state  
4 under regulations adopted by the governing bodies  
5 thereof. All fines assessed and collected in the  
6 several counties, cities and townships for any  
7 breach of the penal laws shall be exclusively ap-  
8 plied to the support of such public libraries, and  
9 county law libraries as provided by law.

## Article IX

### Finance and Taxation

13 Sec. 1. The legislature shall impose taxes suf-  
14 ficient with other resources to pay the expenses of  
15 state government.

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

18 Sec. 3. The legislature shall provide for the  
19 uniform general ad valorem taxation of real and  
20 tangible personal property not exempt by law. The  
21 legislature shall provide for the determination of  
22 true cash value of such property; the proportion  
23 of true cash value at which such property shall  
24 be uniformly assessed, which shall not, after  
25 January 1, 1966, exceed 50 percent; and for a sys-  
26 tem of equalization of assessments. The legislature  
27 may provide for alternative means of taxation of  
28 designated real and tangible personal property in  
29 lieu of general ad valorem taxation. Every tax  
30 other than the general ad valorem property tax  
31 shall be uniform upon the class or classes on  
32 which it operates.

33 Sec. 4. Property owned and occupied by non-  
34 profit religious or educational organizations and  
35 used exclusively for religious or educational pur-  
36 poses, as defined by law, shall be exempt from  
37 real and personal property taxes.

38 Sec. 5. The legislature shall provide for the  
39 assessment by the state of the property of those  
40 public service businesses assessed by the state  
41 at the date this constitution becomes effective, and  
42 of other property as designated by the legislature,  
43 and for the imposition and collection of taxes  
44 thereon. Property assessed by the state shall be  
45 assessed at the same proportion of its true  
46 cash value as the legislature shall specify for  
47 property subject to general ad valorem taxation.  
48 The rate of taxation on such property shall be  
49 the average rate levied upon other property in this  
50 state under the general ad valorem tax law, or,  
51 if the legislature provides, the rate of tax applicable  
52 to the property of each business enterprise assessed  
53 by the state shall be the average rate of ad valorem  
54 taxation levied upon other property in all counties  
55 in which any of such property is situated.

56 Sec. 6. Except as otherwise provided in this  
57 constitution, the total amount of general ad valo-  
58 rem taxes imposed upon real and tangible per-  
59 sonal property for all purposes in any one year  
60 shall not exceed 15 mills on each dollar of the

1 assessed valuation of property as finally equalized.  
2 Under procedures provided by law, which shall  
3 guarantee the right of initiative, separate tax  
4 limitations for any county and for the townships  
5 and for school districts therein, the aggregate of  
6 which shall not exceed 18 mills on each dollar of  
7 such valuation, may be adopted and thereafter  
8 altered by the vote of a majority of the qualified  
9 electors of such county voting thereon, in lieu  
10 of the limitation hereinbefore established. These  
11 limitations may be increased to an aggregate of  
12 not to exceed 50 mills on each dollar of valuation,  
13 for a period of not to exceed 20 years at any one  
14 time, if approved by a majority of the electors,  
15 qualified under Section 6 of Article II of this  
16 constitution, voting on the question.

17 The foregoing limitations shall not apply to  
18 taxes imposed for the payment of principal and  
19 interest on bonds or other evidences of indebted-  
20 ness or for the payment of assessments or con-  
21 tract obligations in anticipation of which bonds  
22 are issued, which taxes may be imposed without  
23 limitation as to rate or amount; or to taxes im-  
24 posed for any other purpose by any city, vil-  
25 lage, charter county, charter township, charter  
26 authority or other authority, the tax limitations  
27 of which are provided by charter or by general  
28 law.

29 In any school district which extends into two  
30 or more counties, property taxes at the highest  
31 rate available in the county which contains the  
32 greatest part of the area of the district may be  
33 imposed and collected for school purposes through-  
34 out the district.

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

38 Sec. 8. The legislature shall not impose a  
39 sales tax on retailers at a rate of more than  
40 four percent of their gross taxable sales of  
41 tangible personal property.

42 Sec. 9. All specific taxes, except general sales  
43 and use taxes and regulatory fees, imposed di-  
44 rectly or indirectly on fuels sold or used  
45 to propel motor vehicles upon highways and on  
46 registered motor vehicles shall, after the payment  
47 of necessary collection expenses, be used exclusi-  
48 vely for highway purposes as defined by law.

49 Sec. 10. One-eighth of all taxes imposed on  
50 retailers on taxable sales at retail of tangible  
51 personal property shall be used exclusively for  
52 assistance to townships, cities and villages, on  
53 a population basis as provided by law. In de-  
54 termining population the legislature may exclude  
55 any portion of the total number of persons who  
56 are wards, patients or convicts in any tax sup-  
57 ported institution.

58 Sec. 11. There shall be established a state  
59 school aid fund which shall be used exclusively  
60 for the support of public education and school



employees' retirement systems, as provided by law. One-half of all taxes imposed on retailers on taxable sales at retail of tangible personal property, and other tax revenues provided by law, shall be dedicated to this fund. Payments from this fund shall be made in full on a scheduled basis, as provided by law.

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

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

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

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

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

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

The term "qualified bonds" means general obli-

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

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

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

The power to tax for the payment of principal and interest on bonds hereafter issued which are the general obligations of any school district, including refunding bonds, and for repayment of any state loans made to school districts, shall be without limitation as to rate or amount.

All rights acquired under Sections 27 and 28 of Article X of the Constitution of 1908, by holders of bonds heretofore issued, and all obligations assumed by the state or any school district under these sections, shall remain unimpaired.

Sec. 17. No money shall be paid out of the state treasury except in pursuance of appropriations made by law.

Sec. 18. The credit of the state shall not be granted to, nor in aid of any person, association or corporation, public or private, except as authorized in this constitution.

This section shall not be construed to prohibit the investment of public funds until needed for current requirements or the investment of funds accumulated to provide retirement or pension benefits for public officials and employees, as provided by law.

Sec. 19. The state shall not subscribe to, nor be interested in the stock of any company, association or corporation, except that funds accumulated to provide retirement or pension benefits for public officials and employees may be invested as provided by law; and endowment funds created for charitable or educational purposes may be invested as provided by law governing the investment of funds held in trust by trustees.

Sec. 20. No state money shall be deposited in banks other than those organized under the national or state banking laws. No state money



1 shall be deposited in any bank in excess of 50  
2 percent of the capital and surplus of such bank.  
3 Any bank receiving deposits of state money shall  
4 show the amount of state money so deposited as  
5 a separate item in all published statements.

6 Sec. 21. The legislature shall provide by law  
7 for the annual accounting for all public moneys,  
8 state and local, and may provide by law for interim  
9 accounting.

10 The legislature shall provide by law for the  
11 maintenance of uniform accounting systems by  
12 units of local government and the auditing of  
13 county accounts by competent state authority  
14 and other units of government as provided by law.

15 Sec. 22. Procedures for the examination and  
16 adjustment of claims against the state shall be  
17 prescribed by law.

18 Sec. 23. All financial records, accountings,  
19 audit reports and other reports of public moneys  
20 shall be public records and open to inspection. A  
21 statement of all revenues and expenditures of pub-  
22 lic moneys shall be published and distributed  
23 annually, as provided by law.

24 Sec. 24. The accrued financial benefits of each  
25 pension plan and retirement system of the state  
26 and its political subdivisions shall be a contractual  
27 obligation thereof which shall not be diminished  
28 or impaired thereby.

29 Financial benefits arising on account of service  
30 rendered in each fiscal year shall be funded during  
31 that year and such funding shall not be used for  
32 financing unfunded accrued liabilities.

#### Article X Property

33 Sec. 1. The disabilities of coverture as to prop-  
34 erty are abolished. The real and personal estate of  
35 every woman acquired before marriage and all  
36 real and personal property to which she may after-  
37 wards become entitled shall be and remain the  
38 estate and property of such woman, and shall not  
39 be liable for the debts, obligations or engagements  
40 of her husband, and may be dealt with and dis-  
41 posed of by her as if she were unmarried. Dower  
42 may be relinquished or conveyed as provided by  
43 law.

44 Sec. 2. Private property shall not be taken for  
45 public use without just compensation therefor  
46 being first made or secured in a manner prescribed  
47 by law. The amount of compensation shall be  
48 determined in proceedings in a court of record.

49 Sec. 3. A homestead in the amount of not less  
50 than \$3,500 and personal property of every resi-  
51 dent of this state in the amount of not less than  
52 \$750, as defined by law, shall be exempt from  
53 forced sale on execution or other process of any  
54 court. Such exemptions shall not extend to any  
55 lien thereon excluded from exemption by law.

56 Sec. 4. Procedures relating to escheats and to  
57 the custody and disposition of escheated property

shall be prescribed by law.

58 Sec. 5. The legislature shall have general su-  
59 pervisory jurisdiction over all state owned lands  
60 useful for forest preserves, game areas and recrea-  
61 tional purposes; shall require annual reports as  
62 to such lands from all departments having super-  
63 vision or control thereof; and shall by general law  
64 provide for the sale, lease or other disposition of  
65 such lands.

66 The legislature by an act adopted by two-thirds  
67 of the members elected to and serving in each  
68 house may designate any part of such lands as  
69 a state land reserve. No lands in the state land  
70 reserve may be removed from the reserve, sold,  
71 leased or otherwise disposed of except by an act  
72 of the legislature.

73 Sec. 6. Aliens who are residents of this state  
74 shall enjoy the same rights and privileges in  
75 property as citizens of this state.

#### Article XI

##### Public Officers and Employment

76 Sec. 1. All officers, legislative, executive and  
77 judicial, before entering upon the duties of their  
78 respective offices, shall take and subscribe the  
79 following oath or affirmation: I do solemnly swear  
80 (or affirm) that I will support the Constitution  
81 of the United States and the constitution of this  
82 state, and that I will faithfully discharge the duties  
83 of the office of ..... according to the best of  
84 my ability. No other oath, affirmation, or any  
85 religious test shall be required as a qualification  
86 for any office or public trust.

87 Sec. 2. The terms of office of elective state  
88 officers, members of the legislature and justices  
89 and judges of courts of record shall begin at twelve  
90 o'clock noon on the first day of January next suc-  
91 ceeding their election, except as otherwise provided  
92 in this constitution. The terms of office of county  
93 officers shall begin on the first day of January  
94 next succeeding their election, except as otherwise  
95 provided by law.

96 Sec. 3. Neither the legislature nor any poli-  
97 tical subdivision of this state shall grant or author-  
98 ize extra compensation to any public officer, agent  
99 or contractor after the service has been rendered  
100 or the contract entered into.

101 Sec. 4. No person having custody or control of  
102 public moneys shall be a member of the legislature,  
103 or be eligible to any office of trust or profit under  
104 this state, until he shall have made an accounting,  
105 as provided by law, of all sums for which he may  
106 be liable.

107 Sec. 5. The classified state civil service shall  
108 consist of all positions in the state service except  
109 those filled by popular election, heads of principal  
110 departments, members of boards and commis-  
111 sions, the principal executive officer of boards and  
112 commissions heading principal departments, em-  
113 ployees of courts of record, employees of the legis-

lature, employees of the state institutions of higher education, all persons in the armed forces of the state, eight exempt positions in the office of the governor, and within each principal department, when requested by the department head, two other exempt positions, one of which shall be policy-making. The civil service commission may exempt three additional positions of a policy-making nature within each principal department.

The civil service commission shall be non-salaried and shall consist of four persons, not more than two of whom shall be members of the same political party, appointed by the governor for terms of eight years, no two of which shall expire in the same year.

The administration of the commission's powers shall be vested in a state personnel director who shall be a member of the classified service and who shall be responsible to and selected by the commission after open competitive examination.

The commission shall classify all positions in the classified service according to their respective duties and responsibilities, fix rates of compensation for all classes of positions, approve or disapprove disbursements for all personal services, determine by competitive examination and performance exclusively on the basis of merit, efficiency and fitness the qualifications of all candidates for positions in the classified service, make rules and regulations covering all personnel transactions, and regulate all conditions of employment in the classified service.

No person shall be appointed to or promoted in the classified service who has not been certified by the commission as qualified for such appointment or promotion. No appointments, promotions, demotions or removals in the classified service shall be made for religious, racial or partisan considerations.

Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year. Within 60 calendar days following such transmission, the legislature may, by a two-thirds vote of the members elected to and serving in each house, reject or reduce increases in rates of compensation authorized by the commission. Any reduction ordered by the legislature shall apply uniformly to all classes of employees affected by the increases and shall not adjust pay differentials already established by the civil service commission. The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases author-

ized by the commission.

The appointing authorities may create or abolish positions for reasons of administrative efficiency without the approval of the commission. Positions shall not be created nor abolished except for reasons of administrative efficiency. Any employee considering himself aggrieved by the abolition of a position shall have a right of appeal to the commission through established grievance procedures.

The civil service commission shall recommend to the governor and to the legislature rates of compensation for all appointed positions within the executive department not a part of the classified service.

To enable the commission to exercise its powers, the legislature shall appropriate to the commission for the ensuing fiscal year a sum not less than one percent of the aggregate payroll of the classified service for the preceding fiscal year, as certified by the commission. Within six months after the conclusion of each fiscal year the commission shall return to the state treasury all moneys unexpended for that fiscal year.

The commission shall furnish reports of expenditures, at least annually, to the governor and the legislature and shall be subject to annual audit as provided by law.

No payment for personal services shall be made or authorized until the provisions of this constitution pertaining to civil service have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

Sec. 6. By ordinance or resolution of its governing body which shall not take effect until approved by a majority of the electors voting thereon, unless otherwise provided by charter, each county, township, city, village, school district and other governmental unit or authority may establish, modify or discontinue a merit system for its employees other than teachers under contract or tenure. The state civil service commission may on request furnish technical services to any such unit on a reimbursable basis.

Sec. 7. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office or for crimes or misdemeanors, but a majority of the members elected and serving shall be necessary to direct an impeachment.

When an impeachment is directed, the house of representatives shall elect three of its members to prosecute the impeachment.

Every impeachment shall be tried by the senate immediately after the final adjournment of the legislature. The senators shall take an oath or affirmation truly and impartially to try and determine the impeachment according to the evi-

1 dence. When the governor or lieutenant governor  
2 is tried, the chief justice of the supreme court  
3 shall preside.

4 No person shall be convicted without the con-  
5 currence of two-thirds of the senators elected and  
6 serving. Judgment in case of conviction shall not  
7 extend further than removal from office, but the  
8 person convicted shall be liable to punishment  
9 according to law.

10 No judicial officer shall exercise any of the  
11 functions of his office after an impeachment is  
12 directed until he is acquitted.

## Article XII

### Amendment & Revision

13 Sec. 1. Amendments to this constitution may  
14 be proposed in the senate or house of representa-  
15 tives. Proposed amendments agreed to by two-  
16 thirds of the members elected to and serving in  
17 each house on a vote with the names and vote of  
18 those voting entered in the respective journals  
19 shall be submitted, not less than 60 days there-  
20 after, to the electors at the next general election  
21 or special election as the legislature shall direct.  
22 If a majority of electors voting on a proposed  
23 amendment approve the same, it shall become  
24 part of the constitution and shall abrogate or  
25 amend existing provisions of the constitution at  
26 the end of 45 days after the date of the election  
27 at which it was approved.

28 Sec. 2. Amendments may be proposed to this  
29 constitution by petition of the registered electors  
30 of this state. Every petition shall include the full  
31 text of the proposed amendment, and be signed by  
32 registered electors of the state equal in number to  
33 at least 10 percent of the total vote cast for  
34 all candidates for governor at the last preceding  
35 general election at which a governor was elected.  
36 Such petitions shall be filed with the person au-  
37 thorized by law to receive the same at least 120  
38 days before the election at which the proposed  
39 amendment is to be voted upon. Any such petition  
40 shall be in the form, and shall be signed and  
41 circulated in such manner, as prescribed by law.  
42 The person authorized by law to receive such peti-  
43 tion shall upon its receipt determine, as provided  
44 by law, the validity and sufficiency of the signa-  
45 tures on the petition, and make an official an-  
46 nouncement thereof at least 60 days prior to the  
47 election at which the proposed amendment is to be  
48 voted upon.

49 Any amendment proposed by such petition shall  
50 be submitted, not less than 120 days after it was  
51 filed, to the electors at the next general election.  
52 Such proposed amendment, existing provisions of  
53 the constitution which would be altered or abro-  
54 gated thereby, and the question as it shall appear  
55 on the ballot shall be published in full as provided  
56 by law. Copies of such publication shall be posted  
57 in each polling place and furnished to news media

as provided by law.

58 The ballot to be used in such election shall con-  
59 tain a statement of the purpose of the proposed  
60 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.

61 If the proposed amendment is approved by a  
62 majority of the electors voting on the question,  
63 it shall become part of the constitution, and  
64 shall abrogate or amend existing provisions of  
65 the constitution at the end of 45 days after  
66 the date of the election at which it was ap-  
67 proved. If two or more amendments approved by  
68 the electors at the same election conflict, that  
69 amendment receiving the highest affirmative vote  
70 shall prevail.

71 Sec. 3. At the general election to be held in  
72 the year 1978, and in each 16th year thereafter  
73 and at such times as may be provided by law, the  
74 question of a general revision of the constitution  
75 shall be submitted to the electors of the state. If  
76 a majority of the electors voting on the question  
77 decide in favor of a convention for such purpose,  
78 at an election to be held not later than six months  
79 after the proposal was certified as approved, the  
80 electors of each representative district as then  
81 organized shall elect one delegate and the elec-  
82 tors of each senatorial district as then organized  
83 shall elect one delegate at a partisan election.  
84 The delegates so elected shall convene at the seat  
85 of government on the first Tuesday in October  
86 next succeeding such election or at an earlier date  
87 if provided by law.

88 The convention shall choose its own officers,  
89 determine the rules of its proceedings and judge  
90 the qualifications, elections and returns of its mem-  
91 bers. The governor shall appoint a qualified  
92 resident of the same district to fill a vacancy  
93 in the office of any delegate who shall be a mem-  
94 ber of the same party as the delegate vacating  
95 the office. The convention shall have power to ap-  
96 point such officers, employees and assistants as  
97 it deems necessary and to fix their compensation;  
98 to provide for the printing and distribution of its  
99 documents, journals and proceedings; to explain  
100 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.

101 No proposed constitution or amendment adopted  
102 by such convention shall be submitted to the  
103 electors for approval as hereinafter provided un-  
104 less by the assent of a majority of all the delegates  
105 elected to and serving in the convention, with the  
106 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.

*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
<b>Bowens</b>	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.

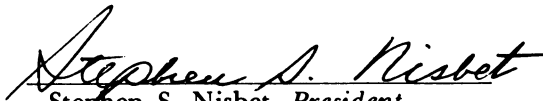
Sec. 15. This constitution shall be submitted to the people for their adoption or rejection at the general election to be held on the first Monday in April, 1963. It shall be the duty of the secretary of state forthwith to give notice of such submission to all



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]

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***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

*present to the legislature information as to the affairs of the state and recommend \* measures he considers necessary or desirable.*

This is a revision of Sec. 5, Article VI, of the present constitution. It retains the practice of requiring the governor to "communicate by message to the legislature at the beginning of each session," but it eliminates a provision that he present a message at the close of his term to the incoming legislature. This latter requirement is a potential source of embarrassment to an outgoing governor.

An outgoing governor may, if he desires, communicate to the legislature through his power to "present to the legislature information as to the affairs of the state, and recommend measures he considers necessary or desirable."

**Same; budget.**

*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.*

This is a new section intended to establish a constitutional executive budget procedure for the orderly management of the state's fiscal affairs.

The governor is required to prepare and present to the legislature, at such time as is fixed by law, a budget for the ensuing period which details all proposed expenditures and estimated revenues of the state. At the same time, the governor is directed to submit to the legislature bills embodying the budget plan and any proposed new revenues. The proposed expenditures are not to exceed estimated revenue, whether from existing or proposed new revenue sources.

Surplus created or deficit incurred during the previous fiscal period must be included in the budget and appropriation bills for the next year. Any surplus is to be a credit to estimated revenues, while any deficit is to be an initial charge against expenditures.

Since Sec. 31, Article IV, of this proposed document gives legislative priority to general appropriation bills, the procedure outlined in this new section is designed to expedite agreement on fiscal matters.

The final sentence of the section allows the governor to introduce amendments to general appropriation bills, prior to passage by both houses, to cover contingencies such as omissions, oversights or emergency situations which may arise. It also requires the governor to submit bills for deficiencies expected to occur in current appropriations.

**Same; disapproval appropriation.**

*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.*

This is a revision of Sec. 37, Article V, of the present constitution continuing the governor's item veto power over appropriation bills.

**Appropriation; no mandate to spend.**

*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.*

This is a new section designed to provide for executive and legislative controls over state expenditures. The first sentence is intended to cover situations in which unforeseen efficiencies and economies might become possible.

The second sentence requires the governor, with the approval of the appropriating committees of the legislature, to reduce expenditures whenever it appears that revenues are not meeting estimates for a fiscal period. It is believed that this sentence removes any question as to the constitutionality of legislative control over general fiscal policy of the state. It would require current action to minimize impending year-end deficits.

The final sentence protects the separation of powers doctrine by preventing executive reduction of expenditures for the co-ordinate legislative and judicial branches of government. It would also prohibit the governor from making reductions in funds dedicated by the constitution for specific purposes.

**State officers; election; term; vacancies.**

*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.*

This is a revision of Sec. 1, Article VI, of the present constitution providing for the election of four major state officers — the governor, lieutenant governor, secretary of state and attorney general. Their terms are to be increased from