Michigan Constitutional Convention of 1961
Committee Proposal 71a
Const 1963, Art 5, § 21

Relevant Material From the Constitutional Convention Record

Cross-Reference and Indices . . . . . pp. 3436, 3448, 3465

First Reading . . . . . pp. 756, 1766-1784, 1787-1814, 1816-1822, 2008-2013, 2075-2076, 2179, 2200-2204, 2208-2212, 2620

Second Reading . . . . . pp. 2737, 2743-2746, 2754-2755

Draft Constitution (Art 5, § 20) . . . . . pp. 3047-3075 (p. 3058)

Third Reading, Article-by-Article . . . . . pp. 3117-3119, 3121-3125

Draft Constitution (Art 5, § 21) . . . . . pp. 3215-3237 (p. 3224)

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

Adopted Constitution (Art 5, § 21) . . . . . pp. 3319-3353 (p. 3333)

Address to the People . . . . . pp. 3381-3382

Overview of the Constitutional Convention Process

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

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

State of Michigan

CONSTITUTIONAL CONVENTION

1961

OFFICIAL RECORD

FRED I. CHASE
Secretary of the Convention

AUSTIN C. KNAPP
Editor

LYNN M. NETHAWAY
Associate Editor

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

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

* Created by the committee on style and drafting.

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

Committee Proposal No. **Page**

65: Cont'd.
Feb. 1, reported by miscellaneous provisions and schedule; referred to committee of the whole 738
Apr. 16, read first time; considered, passed by committee of the whole 2458-2472
Apr. 16, reported by committee of the whole without amendment; referred to style and drafting .. 2472
Apr. 26, reported by style and drafting (Report 113); placed on order of second reading 2852
May 1, read second time; passed; rereferred to style and drafting 3004-3006

66. A proposal relative to amendment and revision. Amends section 4 of article XVII.
For text as offered and reasons 2472
As referred to style and drafting 2472
As reported by style and drafting 3006
As rereferred to style and drafting 3013
Feb. 1, reported by miscellaneous provisions and schedule; referred to committee of the whole 738
Apr. 16, read first time; considered, passed by committee of the whole 2472-2490
Apr. 16, reported by committee of the whole without amendment; referred to style and drafting 2503
Apr. 20, reported by style and drafting (Report 114); placed on order of second reading 2852
May 1, read second time; amended, passed; rereferred to style and drafting 3006-3013

67. A proposal to amend article XIII, sections 1, 2, 3, 4 and 5, pertaining to eminent domain, of the present constitution.
For text as offered and reasons 2580
As referred to style and drafting 2848
As reported by style and drafting 3035
As rereferred to style and drafting 3035
Feb. 2, reported by miscellaneous provisions and schedule; referred to committee of the whole 756
Apr. 18, read first time; considered, amended by committee of the whole 2580-2597, 2598-2602
Apr. 25, considered, amended, passed by committee of the whole 2829-2848
Apr. 25, reported by committee of the whole with 1 amendment; referred, as amended, to style and drafting 2848
Apr. 26, reported by style and drafting (Report 121); placed on order of second reading 2870
Apr. 30, consideration postponed 2997
May 1, read second time; passed; rereferred to style and drafting 3035-3042

68. A proposal pertaining to the schedule. Amends sections 10, 6 and 11 of the schedule.
For text as offered and reasons 2490
As referred to style and drafting 2490
As reported by style and drafting 3031
As rereferred to style and drafting 3035
Feb. 1, reported by miscellaneous provisions and schedule; referred to committee of the whole 738
Apr. 16, read first time; considered, passed by committee of the whole 2490-2492
Apr. 16, reported by committee of the whole without amendment; referred to style and drafting 2503
Apr. 26, reported by style and drafting (Report 115); placed on order of second reading 2852
May 1, read second time; amended, passed; rereferred to style and drafting 3031-3035

69. A proposal pertaining to the boundaries of the state of Michigan. Substitute for article I, section 1.
For text as offered and reasons 2427
For minority report and reasons 2428
As referred to style and drafting 2448
Feb. 1, reported by miscellaneous provisions and schedule; referred to committee of the whole 738
Apr. 13, read first time; considered, amended, passed by committee of the whole 2427-2437
Apr. 13, reported by committee of the whole with 1 amendment; referred, as amended, to style and drafting 2448
(Note: The entire content stricken.)

Committee Proposal No. **Page**

70. A proposal to revise provisions of section 36 of article V regarding the veto power of the governor.
For text as offered and reasons 1717
For minority report and reasons 1718
As referred to style and drafting 1717
As reported by style and drafting 2769
As rereferred to style and drafting 2769
Feb. 1, reported by legislative powers and executive branch; referred to committee of the whole 738
Mar. 19, read first time; considered, passed by committee of the whole 1717-1720
Mar. 19, reported by committee of the whole without amendment; referred to style and drafting 1730
Apr. 19, reported by style and drafting (Report 73); placed on order of second reading 2619
Apr. 24, read second time; passed; rereferred to style and drafting 2769-2770

71. A proposal to provide for the election, term and duties of state officers; allocation of departments, administrative reorganization, appointment and removal of department heads, supervision of departments, appointments to fill vacancies, provisional appointments, and removal or suspension from office by the governor. Amends or replaces article VI, sections 1, 3, 10 and 19, and article IX, sections 5 and 7.
For text as offered and reasons 1766
For minority reports and reasons 1769
As referred to style and drafting 2211
As reported by style and drafting 2743
As rereferred to style and drafting 2743
Feb. 2, reported by executive branch; referred to committee of the whole 756
Mar. 20, read first time; section a considered by committee of the whole 1766-1784
Mar. 21, section a considered, amended by committee of the whole 1787-1814
Mar. 22, sections a, b considered; section a amended, passed by committee of the whole 1816-1844
Mar. 23, section b considered, amended by committee of the whole 1845-1865
Mar. 26, section b considered, amended by committee of the whole 1867-1874, 1875-1889
Mar. 27, sections b, c, d, e, f, g considered; section h offered, adopted; sections b, d, f, g amended, passed; sections c, e passed by committee of the whole 1892-1920
Mar. 28, section i offered, amended by committee of the whole 1921-1950
Mar. 29, consideration postponed by committee of of the whole 1954
Mar. 29, section i considered, amended, adopted, amended, passed; committee proposal as amended considered by committee of the whole 1976-1986, 1988-2006
Mar. 30, considered, passed by committee of the whole 2008
Mar. 30, reported by committee of the whole with 11 amendments; consideration of report postponed to Apr. 3 2009-2013
Apr. 3, report of committee of the whole postponed 2075-2076
Apr. 5, report of committee of the whole considered; amendments 1 through 10 concurred in; amendment 11 (section i) considered 2179-2190
Apr. 6, amendment 11 (section i) considered, substituted, concurred in; amended; referred to style and drafting 2192-2212
Apr. 19, reported by style and drafting (Report 72); placed on order of second reading 2620
Apr. 24, consideration postponed 2737
Apr. 24, read second time; rules suspended, section i made Committee Proposal 71A (see history immediately below); passed; rereferred to style and drafting 2743-2755

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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

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

Nays — 71

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

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

PRESIDENT NISBET: The motion does not prevail.

Reports of standing committees.

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

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

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

Mr. Erickson, for the committee on miscellaneous provisions and schedule, introduced

Committee Proposal 67, A proposal to amend article XIII, sections 1, 2, 3, 4 and 5, pertaining to eminent domain, of the present constitution;
with the recommendation that it pass.

Claud R. Erickson, chairman.

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

Mr. Martin, for the committee on executive branch, introduced

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

John B. Martin, chairman.

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

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

Mr. Martin, for the committee on executive branch, introduced

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

John B. Martin, chairman.

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

Mr. John Hannah, for the committee on legislative organization, introduced

Committee Proposal 79, A proposal pertaining to a commission on legislative apportionment. Replaces article V, section 4; with the recommendation that it pass.

John A. Hannah, chairman.

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

Mr. John Hannah, for the committee on legislative organization, introduced

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

John A. Hannah, chairman.

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

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

Committee Proposal 86, A proposal pertaining to highways and their maintenance. Amends article VIII, sections 26 and 27; with the recommendation that it pass.

Arthur G. Elliott, chairman.

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

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

Committee Proposal 87, A proposal relating to ports and port districts. Retains section 30 of article VIII unchanged;
with the recommendation that it pass.

Arthur G. Elliott, chairman.

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

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

Committee Proposal 88, A proposal pertaining to metropolitan areas. Amends article VIII;
with the recommendation that it pass.

Arthur G. Elliott, chairman.

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

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

Committee Proposal 89, A proposal pertaining to county home rule. Amends article VIII;
with the recommendation that it pass.

Arthur G. Elliott, chairman.

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

has been ordered. Those who are in favor of reconsideration will vote aye. Those who are opposed will vote nay. Have you all voted? If so, the machine will be locked and the secretary will tally the vote.

SECRETARY CHASE: On the motion to reconsider, the yeas are 50; the nays are 59.

CHAIRMAN MILLARD: The motion does not prevail. Are there any further amendments to section a?

SECRETARY CHASE: That is all of the amendments on the desk, Mr. Chairman.

CHAIRMAN MILLARD: Is there any further amendment to the body of Committee Proposal 76? If not, it will pass.

Committee Proposal 76, as amended, is passed. The secretary will read.

SECRETARY CHASE: Item 11 on the calendar, from the committee on executive branch, by Mr. Martin, chairman, **Committee Proposal 71,** A proposal to provide for the election, term and duties of state officers, allocation of departments, administrative reorganization, appointment and removal of department heads, supervision of departments, appointments to fill vacancies, provisional appointments, and removal or suspension from office by the governor. Contains new language and amends or replaces article VI, sections 1, 3, 10 and 19, and article IX, sections 5 and 7.

Following is Committee Proposal 71 as read by the secretary, and the reasons submitted in support thereof:

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

Sec. a. [There shall be elected at each general biennial election a governor, a lieutenant governor, a secretary of state, a state treasurer, a commissioner of the state land office, an auditor general and an attorney general, for the term of 2 years.]

THE GOVERNOR AND THE LIEUTENANT GOVERNOR SHALL BE ELECTED AT THE GENERAL BIENNIAL ELECTION IN 1964 AND IN EACH ALTERNATE EVEN NUMBERED YEAR BEGINNING IN 1966. THEY SHALL, AFTER 1966, SERVE FOR TERMS OF 4 YEARS BEGINNING ON THE FIRST DAY OF JANUARY NEXT SUCCEEDING THEIR ELECTION.

THE LIEUTENANT GOVERNOR SHALL BE NOMINATED BY PARTY CONVENTION IN A MANNER PROVIDED BY LAW. IN THE GENERAL ELECTION THE VOTES CAST FOR A CANDIDATE FOR GOVERNOR SHALL BE CONSIDERED AS CAST ALSO FOR THE CANDIDATE FOR LIEUTENANT GOVERNOR RUNNING JOINTLY WITH HIM. THE CANDIDATE WHOSE NAME APPEARS ON THE BALLOT JOINTLY WITH THAT OF THE SUCCESSFUL CANDIDATE FOR GOVERNOR SHALL BE ELECTED LIEUTENANT GOVERNOR.

Sec. b. The lieutenant governor shall be president of the senate, but shall have no vote EXCEPT IN CASE OF EQUAL DIVISION. HE SHALL PERFORM SUCH ADDITIONAL DUTIES AS MAY BE DELEGATED TO HIM BY THE GOVERNOR.

ALL EXECUTIVE AND ADMINISTRATIVE OFFICES, AGENCIES AND INSTRUMENTALITIES OF THE STATE GOVERNMENT AND THEIR RESPECTIVE FUNCTIONS, POWERS AND DUTIES, EXCEPT FOR THE OFFICES 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, SO AS TO GROUP THEM AS FAR AS PRACTICABLE ACCORDING TO MAJOR PURPOSES. TEMPORARY COMMISSIONS OR AGENCIES FOR SPECIAL PURPOSES AND WITH A LIFE OF NO MORE THAN 2 YEARS MAY BE ESTABLISHED BY LAW AND NEED NOT BE ALLOCATED WITHIN A PRINCIPAL DEPARTMENT.

THE ALLOCATION OF DEPARTMENTS BY LAW PURSUANT TO THIS SECTION SHALL BE COMPLETED WITHIN 2 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 SUCH ALLOCATION.

SUBSEQUENT TO SUCH 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. THE LEGISLATURE SHALL HAVE 60 DAYS OF A REGULAR SESSION, OR A FULL SESSION IF OF SHORTER DURATION, TO DISAPPROVE THESE EXECUTIVE ORDERS. UNLESS DISAPPROVED IN BOTH HOUSES BY A RESOLUTION CONCURRED IN BY A MAJORITY OF THE MEMBERS ELECT OF EACH HOUSE, THESE ORDERS SHALL BECOME EFFECTIVE AT A DATE THEREAFTER TO BE DESIGNATED BY THE GOVERNOR.

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. AT THE CONCLUSION OF THE TERM OF OFFICE OF ALL STATE OFFICERS ELECTED UNDER THE CONSTITUTION OF 1908, AS AMENDED, WHEN A SINGLE EXECUTIVE IS THE HEAD OF A PRINCIPAL DEPARTMENT, HE SHALL BE NOMINATED AND, 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 SHALL BE NOMINATED AND, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE, APPOINTED BY THE GOVERNOR. THE TERM OF OFFICE AND REMOVAL OF SUCH MEMBERS SHALL BE AS PRESCRIBED IN THIS CONSTITUTION OR BY LAW. WHEN A CHIEF EXECUTIVE OFFICER OF A BOARD OR COMMISSION HEADING A PRINCIPAL DEPARTMENT IS APPOINTED BY SUCH BOARD OR COMMISSION AS PRESCRIBED BY LAW, HIS APPOINTMENT SHALL BE SUBJECT TO THE APPROVAL OF THE GOVERNOR EXCEPT AS OTHERWISE PROVIDED IN THIS CONSTITUTION.

Sec. c. [They shall keep their offices at the seat of government, superintend them in person and perform such duties as may be prescribed by law. The office of commissioner of the state land office may be abolished by law.] 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 SUCH DUTIES AS MAY BE PRESCRIBED BY LAW.

Sec. d. EACH PRINCIPAL DEPARTMENT SHALL BE UNDER THE SUPERVISION OF THE GOVERNOR. The governor shall take care that the laws be faithfully executed; shall transact all necessary business with the officers of government; and may require information in writing from all executive and administrative state officers,

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

elective and appointive, upon any subject relating to the duties of their respective offices.

THE GOVERNOR MAY, BY APPROPRIATE COURT ACTION OR PROCEEDING BROUGHT IN THE NAME OF THE STATE, ENFORCE COMPLIANCE WITH ANY CONSTITUTIONAL OR LEGISLATIVE MANDATE, OR 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 ANY ACTION OR PROCEEDING AGAINST THE LEGISLATURE.

Sec. e. [Whenever a vacancy shall occur in any of the state offices, the governor shall fill the same by appointment, by and with the advice and consent of the senate, if in session.]

WHEN THE SENATE IS NOT IN SESSION AND A VACANCY OCCURS IN ANY OFFICE, APPOINTMENT TO WHICH REQUIRES ADVICE AND CONSENT OF THE SENATE, THE GOVERNOR SHALL FILL THE SAME BY APPOINTMENT. SUCH AN INTERIM APPOINTMENT MAY BE DISAPPROVED BY THE SENATE AS WITH OTHER APPOINTMENTS REQUIRING SUCH ADVICE AND CONSENT. A PERSON SO APPOINTED SHALL NOT BE ELIGIBLE FOR ANOTHER INTERIM APPOINTMENT TO SUCH OFFICE IF THE APPOINTMENT SHALL HAVE BEEN DISAPPROVED BY THE SENATE.

Sec. f. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an officer UNDER IMPEACHMENT, until he shall be acquitted or until after the election and qualification of a successor.

Sec. g. The governor shall have power and it shall be his duty, [except at such time as the legislature may be in session,] to examine into the condition and administration of any public office and the acts of any public officer, elective or appointive; to remove OR SUSPEND from office for gross neglect of duty or for corrupt conduct in office, or any other misfeasance or malfeasance therein, any elective or appointive state officer, except legislative or judicial, and report the causes of such removal OR SUSPENSION to the legislature IF IN SESSION OR OTHERWISE at its next session.

APPOINTMENT BY AND WITH THE ADVICE AND CONSENT OF THE SENATE WHEN USED IN THIS CONSTITUTION OR IN STATUTES IN EFFECT OR HEREAFTER ENACTED SHALL MEAN APPOINTMENT SUBJECT TO DISAPPROVAL BY A MAJORITY VOTE OF THE MEMBERS ELECT OF THE SENATE IF SUCH ACTION IS TAKEN WITHIN 60 LEGISLATIVE DAYS AFTER THE DATE OF SUCH APPOINTMENT.

Mr. Martin, chairman of the committee on executive branch, submits the following reasons in support of Committee Proposal 71:

This proposal contains the major recommendations of the committee on executive branch for strengthening and improving the constitutional provisions for the executive branch in Michigan state government. The members of the committee are agreed that significant modifications are needed in the executive article of the constitution. Most of the recommendations in this proposal have the unanimous support of members of the committee.

The committee is unanimous in recommending a 4 year term for governor and lieutenant governor, with the election in even numbered nonpresidential election years. The governor now serves a 4 year term in 35 states. Several states have shifted to a 4 year term in recent years, and all of the states with recently framed or revised constitutions are in this group. In 25 of these states, the governor is not elected at the time of the presidential election. The committee believes that this arrangement as to length of term and time of election is the best combination.

The committee also unanimously approved the nomination of the lieutenant governor by party convention and his running with the governor as part of a team, with votes for the governor to be also cast for the lieutenant governor in the same manner as with the president and vice president of the United States. The committee also favors retaining the lieutenant governor as presiding officer of the senate, and it proposes that he be given a vote to break a tie. Additional duties can be delegated to him by the governor, but are not constitutionally assigned.

The committee considered carefully and extensively the question of election versus appointment of other state officers who are now elected. The recommendation of the committee, based on the majority view of its members, is that executive branch officials other than the governor and lieutenant governor should be appointed rather than elected.

The committee's action is based upon the feeling that the election of these officials does not bring government closer to the people, but on the contrary, divides authority in state government among numerous officials who have no real allegiance or responsibility to the governor and who are necessarily concerned in a major degree with furthering their own political ambitions. The majority on the committee felt that this continuing struggle for power at the top of the state government does not serve the people well and that since the people hold the governor responsible for what happens in state government, he should be permitted to appoint his principal officers subject to review by the senate. In this way the governor is made fully accountable for the actions of the executive branch of government for which the people hold him responsible.

The committee proposal assumes that the committee on legislative powers will submit with the committee on executive branch a joint committee proposal establishing the post of legislative auditor to replace the auditor general, and that the committee on education will recommend that the superintendent of public instruction be made an appointive rather than elective official. The majority of the committee on executive branch supports both of these suggestions.

The proposal suggests new language concerning the allocation of departments, procedure for administrative reorganization, the appointment and removal of department heads, and the supervision of departments by the governor. It incorporates language from sections 1 and 3 of article VI concerning duties of state officers, and the powers of the governor to take care that the laws be faithfully executed and to require information from state officers. It adds a new provision expressly authorizing the governor to resort to the courts in enforcing constitutional or legislative mandates. The proposal also recommends language which would replace section 10 of article VI on vacancies in state office, and sections 5 and 7 of article IX on provisional appointments and on removal and suspension of state officers by the governor.

The objective of the recommendation to place a limit of 20 on the number of principal departments is to reduce the number of agencies under the direct supervision of the governor to manageable proportions, and to bring about a more effective grouping of departments according to major purposes. Eight states now have comparable provisions in their constitutions. The usual constitutional maximum on the number of departments is 20. States with such a limitation include New York, New Jersey, Massachusetts, Hawaii and Alaska. The model state constitution also recommends such a restriction.

The committee proposal excepts from the limitation the offices of governor and lieutenant governor, and the governing bodies of institutions of higher education provided for in the constitution. It also authorizes the creation of temporary commissions or agencies for special purpose

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with a life of not more than 2 years. The committee has unanimously approved the recommendation, and it believes that inclusion in the new constitution of a constitutional maximum on the number of departments as proposed will bring about a much needed administrative reorganization, while providing sufficient flexibility for adjustments to meet future needs. The committee has been impressed by testimony given to it that states of comparable size, such as New York, New Jersey and Missouri, have found such limitations feasible and desirable. Adoption of this provision would retain in the hands of the legislature and the governor considerable discretion as to internal organization within the principal departments. For example, it would not prohibit the creation, for purposes of professional regulation, of professional or quasi professional licensing boards, made up in whole or in part of members of the profession, in a department of professional standards or of licensing such as now exist in several states. Under the proposal, a 2 year period would be provided for statutory allocation of departments. If not done during that time, the governor would have one year in which to make the allocation by executive order.

Another recommendation in the proposal gives constitutional status to the approach to administrative reorganization contained in Michigan public act 125 of 1958. This gives initiative in administrative reorganization to the governor with opportunity for rejection by the legislature of the governor's plans for reorganization. Alaska has included such a provision in its constitution. Several other states have granted such reorganization authority to the governor by statute. This device has been used successfully by the federal government over a period of many years. The committee believes that this procedure offers the best prospect of continuous reappraisal and adjustment of the state's administrative structure, following the initial reallocation of departments.

In choosing among several possible alternatives as to the requirement for legislative rejection of a reorganization plan, the committee favored a provision for rejection by a majority of the members elect of both houses of the legislature. The Michigan statute requires a majority of the members elect in either house to reject. The recommendation of the committee makes legislative disapproval of a proposal for reorganization somewhat more difficult than it now is under the statute, reflecting the view of a sizeable majority of committee members that reorganization plans submitted by the governor should become effective unless both houses of the legislature find them unacceptable and each house registers its disapproval. The governor is in the best position to have knowledge of the structural problems and needs that exist in the executive branch. His recommendations for administrative adjustments should be given considerable weight.

The proposal provides that the head of each principal department shall be a single executive unless otherwise provided by the constitution or by statute. Three officials are given constitutional status as single executives appointed as heads of principal executive departments. These are the secretary of state, the state treasurer and the attorney general.

The legislature would have the choice under the proposed language of providing that principal departments be headed either by a single executive who is appointed or by an appointed board or commission. It would not be possible to provide by statute for an elected department head, as is now the case with the state highway commissioner.

The proposal retains a requirement for senate review of gubernatorial appointments, both for single executives who are department heads and for members of boards or commissions. The committee has accepted the procedure suggested in Delegate Proposal 1716 concerning the nature of senatorial review. Such an appointment would be subject to disapproval by a majority vote of the members elect of the senate, provided the senate acts to disapprove within 60 legislative days after the appointment is submitted to it. If fewer than 60 legislative days remain for consideration after a submission of an appointment, the time available for possible disapproval would be extended into the next regular or special session for the balance of the specified period of 60 legislative or working days. The committee recommends this procedure as providing ample opportunity for the senate to render a negative judgment on gubernatorial appointees. At the same time, it permits the appointment to become effective unless the senate is willing to go on record as rejecting the appointee, and prevents withholding of confirmation simply by failure to act on an appointment.

In setting forth tenure and removal provisions, the proposal distinguishes between departments with single heads appointed by the governor and those headed by boards or commissions. A single executive appointed as the head of a department is to serve at the pleasure of the governor, but terms of office and conditions for removal of board and commission members may be set by law or specified in the constitution itself, as in the case of the civil service commission. When a board or commission at the head of a principal department appoints a chief executive officer as prescribed by law, the appointment must be approved by the governor except as provided elsewhere in this constitution. This recognizes the fact that such an official carries important policymaking responsibilities.

Language has been adapted from section 1 of article VI concerning the obligation of executive officials to superintend their offices in person, and perform duties as prescribed by law.

A provision, similar to that in several other recent state constitutions, states that each principal department shall be under the supervision of the governor. The proposal retains the wording of article VI, section 3, which provides that the governor shall take care that the laws be faithfully executed, and authorizes him to require information in writing from state officers. It adds a provision expressly authorizing the governor to resort to the courts to enforce compliance with any constitutional or legislative mandate, with the proviso that this authority shall not be construed to authorize any action or proceeding against the legislature. This provision is patterned after the Alaska constitution. The Hawaii constitution and the model state constitution contain similar provisions.

The recommendation concerning interim appointments is intended to clarify the power of the governor to make such appointments, and to specify that such an appointment will continue in effect unless disapproved by the senate within 60 legislative days after the beginning of its next session. In the event of disapproval, the same person is not eligible for another interim appointment to the same office.

The section concerning provisional appointments to fill vacancies caused by suspension of officers under impeachment has been transferred from article IX, where it appears as section 5.

The committee recommends retention, with one important change, of the language now in section 7 of article IX concerning the general removal power of the governor, and transfer of this provision to the executive article. The change is that the phrase in the present constitution withholding this power on the part of the governor when the legislature is not in session, has been deleted. This authorization was originally intended as a substitute for the impeachment process during times when the legislature is not in session. The committee has accepted the suggestion in Delegate Proposal 1102 that this authority should be placed in the hands of the governor at all times and should be considered supplemental to the impeachment process rather than a substitute for it. In addition, the proposal gives the governor power to suspend as well as to remove officials for the reasons set forth in the provision. These modifications have required a slight change in the wording

of the last sentence in this section, concerning the governor's duty of reporting to the legislature as to the causes of removal or suspension.

The committee proposal requires that the governor and lieutenant governor be elected in 1964 for a 2 year term and that the first 4 year term will begin after the election in 1966. State officers who are elected under the Constitution of 1908 will fill out the term for which they are elected and will thereafter be subject to appointment by the governor then holding office, with the advice and consent of the senate.

The committee on executive branch urges favorable action on these related provisions, in the expectation that their adoption will greatly strengthen the executive branch and the administrative structure of Michigan state government, while retaining proper and important controls to be exercised by the legislature.

Following is minority report A to Committee Proposal 71 as offered and the reasons submitted in support thereof:

Messrs. Bentley, Hatch, Durst, Shackleton, King, Karn and Gust, a minority of the committee on executive branch, submit the following minority report to Committee Proposal 71:

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

(Immediately following paragraph one ". . . next succeeding their election.")

NO PERSON WHO HAS BEEN ELECTED GOVERNOR FOR 2 FULL SUCCESSIVE TERMS SHALL BE AGAIN ELIGIBLE TO HOLD THAT OFFICE UNTIL ONE FULL TERM HAS INTERVENED.

Messrs. Bentley, Hatch, Durst, Shackleton, King, Karn and Gust, a minority of the committee on executive branch, submit the following reasons in support of the foregoing minority report, which accompanied Committee Proposal 71:

The minority strongly believe that the constitution should set a limit of 2 full successive terms for the governor. In justifying this departure from the present constitution, the undersigned believe that some restriction is justified in view of the fact that the term of office is to be lengthened from 2 to 4 years. Our proposed limitation would permit a governor who has served 2 terms to be elected again after a full term has intervened.

Following is minority report B to Committee Proposal 71 as offered and the reasons submitted in support thereof:

Messrs. Bentley, Hatch, Shackleton, King, Karn, Shaffer and Dean Doty, a minority of the committee on executive branch, submit the following minority report to Committee Proposal 71:

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

(Page 3, line 5)

IN EITHER HOUSE BY A RESOLUTION CONCURRED IN BY A MAJORITY

(To replace, in the committee proposal)

IN BOTH HOUSES BY A RESOLUTION CONCURRED IN BY A MAJORITY

Messrs. Bentley, Hatch, Shackleton, King, Karn, Shaffer and Dean Doty, a minority of the committee on executive branch, submit the following reasons in support of the foregoing minority report, which accompanied Committee Proposal 71:

The minority believe that legislative rejection of a reorganization plan should be permitted by a majority of the members elect in either house. This is in accordance with the present statute, Michigan public act 125 of 1958. Our proposal would still permit administrative reorganization with the governor retaining this initiative and ample opportunity for legislative rejection. But we feel strongly that in view of the fact that this represents a considerable precedent in the constitution (only adopted by one state until now) legislative disapproval of a proposal for reorganization should not be more difficult than it now is under the statute, as under the committee proposal.

Following is minority report C to Committee Proposal 71 as offered and the reasons submitted in support thereof:

Messrs. Marshall, Greene, Kelsey, Perlich, Wilkowski, Miss Hart and Mrs. Daisy Elliott, a minority of the committee on executive branch, submit the following minority report to Committee Proposal 71:

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

Sec. a. THE GOVERNOR, LIEUTENANT GOVERNOR, SECRETARY OF STATE, STATE TREASURER, AUDITOR GENERAL, ATTORNEY GENERAL, HIGHWAY COMMISSIONER, AND SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL BE ELECTED AT THE GENERAL BIENNIAL ELECTION IN 1964 AND IN EACH ALTERNATE EVEN NUMBERED YEAR BEGINNING IN 1966. THEY SHALL, AFTER 1966, SERVE FOR TERMS OF 4 YEARS BEGINNING ON THE FIRST DAY OF JANUARY NEXT SUCCEEDING THEIR ELECTION.

THE LIEUTENANT GOVERNOR SHALL BE NOMINATED BY PARTY CONVENTION IN A MANNER PROVIDED BY LAW. IN THE GENERAL ELECTION THE VOTES CAST FOR A CANDIDATE FOR GOVERNOR SHALL BE CONSIDERED AS CAST ALSO FOR THE CANDIDATE FOR LIEUTENANT GOVERNOR RUNNING JOINTLY WITH HIM. THE CANDIDATE WHOSE NAME APPEARS ON THE BALLOT JOINTLY WITH THAT OF THE SUCCESSFUL CANDIDATE FOR GOVERNOR SHALL BE ELECTED LIEUTENANT GOVERNOR.

Sec. b. The lieutenant governor shall be president of the senate, but shall have no vote EXCEPT IN CASE OF EQUAL DIVISION. HE SHALL PERFORM SUCH ADDITIONAL DUTIES AS MAY BE DELEGATED TO HIM BY THE GOVERNOR.

ALL EXECUTIVE AND ADMINISTRATIVE OFFICES, AGENCIES AND INSTRUMENTALITIES OF THE STATE GOVERNMENT AND THEIR RESPECTIVE FUNCTIONS, POWERS AND DUTIES, EXCEPT AS OTHERWISE PROVIDED BY THIS CONSTITUTION, INCLUDING 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, SO AS TO GROUP THEM AS FAR AS PRACTICABLE ACCORDING TO MAJOR PURPOSES. TEMPORARY COMMISSIONS OR AGENCIES FOR SPECIAL PURPOSES AND WITH A LIFE OF NO MORE THAN 2 YEARS MAY BE ESTABLISHED BY LAW AND NEED NOT BE ALLOCATED WITHIN A PRINCIPAL DEPARTMENT.

THE ALLOCATION OF DEPARTMENTS BY LAW PURSUANT TO THIS SECTION SHALL BE COMPLETED WITHIN 2 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 SUCH ALLOCATION.

SUBSEQUENT TO SUCH 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

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REQUIRE THE FORCE OF LAW, THEY SHALL BE SET FORTH IN EXECUTIVE ORDERS. THE LEGISLATURE SHALL HAVE 60 DAYS OF A REGULAR SESSION, OR A FULL SESSION IF OF SHORTER DURATION, TO DISAPPROVE THESE EXECUTIVE ORDERS. UNLESS DISAPPROVED IN BOTH HOUSES BY A RESOLUTION CONCURRED IN BY A 2/3 MAJORITY OF THE MEMBERS ELECT OF EACH HOUSE, THESE ORDERS SHALL BECOME EFFECTIVE AT A DATE THEREAFTER TO BE DESIGNATED BY THE GOVERNOR.

THE HEAD OF EACH PRINCIPAL DEPARTMENT SHALL BE A SINGLE EXECUTIVE UNLESS OTHERWISE PROVIDED IN THIS CONSTITUTION OR BY LAW.

WHEN A BOARD OR COMMISSION IS AT THE HEAD OF A PRINCIPAL DEPARTMENT, THE MEMBERS THEREOF SHALL BE APPOINTED BY THE GOVERNOR. THE TERM OF OFFICE AND THE REMOVAL OF SUCH MEMBERS SHALL BE AS PRESCRIBED IN THIS CONSTITUTION OR BY LAW. WHEN A CHIEF EXECUTIVE OFFICER OF A BOARD OR COMMISSION HEADING A PRINCIPAL DEPARTMENT IS APPOINTED BY SUCH BOARD OR COMMISSION AS PRESCRIBED BY LAW, HIS APPOINTMENT SHALL BE SUBJECT TO THE APPROVAL OF THE GOVERNOR EXCEPT AS OTHERWISE PROVIDED IN THIS CONSTITUTION.

Sec. c. 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 SUCH DUTIES AS MAY BE PRESCRIBED BY LAW.

Sec. d. EACH PRINCIPAL DEPARTMENT SHALL BE UNDER THE SUPERVISION OF THE GOVERNOR, UNLESS OTHERWISE PROVIDED BY THE CONSTITUTION. The governor shall take care that the laws be faithfully executed; 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, BY APPROPRIATE COURT ACTION OR PROCEEDING BROUGHT IN THE NAME OF THE STATE, ENFORCE COMPLIANCE WITH ANY CONSTITUTIONAL OR LEGISLATIVE MANDATE, OR 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 ANY ACTION OR PROCEEDING AGAINST THE LEGISLATURE.

Sec. e. Whenever a vacancy shall occur in any of the state offices, the governor shall fill the same by appointment.

Sec. f. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an officer, until he shall be acquitted or until after the election and qualification of a successor.

Sec. g. The governor shall have power and it shall be his duty, except at such time as the legislature may be in session, to examine into the condition and administration of any public office and the acts of any public officer, elective or appointive; to remove from office for gross neglect of duty or for corrupt conduct in office, or any other misfeasance or malfeasance therein, any elective or appointive state officer, except legislative or judicial, and report the causes of such removal to the legislature at its next session.

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

Messrs. Marshall, Greene, Kelsey, Perlich, Wilkowski, 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 71:

We believe strongly in the popular election of members of the administrative board. These include the lieutenant governor, secretary of state, highway commissioner, attorney general, state treasurer, auditor general and superintendent of public instruction.

We can point to the historical success of this system. We can point out that it provides for responsible citizen participation in government, and contains safeguards against gubernatorial abuse of the appointive powers.

But few things exist independent of other factors. If the house and senate were apportioned on an equitable population basis—a vote for each person—then there would, of course, be guarantees that the governor would get the sort of administrative board he needed to implement his policies. With the present terminology of advice and consent, we have to refer to that old army saying, "when in doubt—don't." A house and senate antagonistic to the governor can readily block his appointments. We have a formidable list of precedents of such gubernatorial rebuke during the Williams and Swainson administrations as you all well know.

There is no evidence that the public wants this provision for election of their state officials to be changed. Certainly the events which brought the constitutional convention into being—the unjust apportionment of the legislature, the financial crisis, the new problems of metropolitan areas in the face of an immense population explosion—are not related to the election or appointment of state officials.

Therefore, we strongly advocate first, election of a secretary of state by the people. Inasmuch as he bears much responsibility for assuring honesty in elections, we want him to be independently and directly answerable to the people.

We favor election of the highway commissioner, a device which has assured the state a highway system which its citizens can point to with pride. As Commissioner Mackie pointed out in previous testimony, an elected highway commissioner can pinpoint responsibility for highway administration. Under the appointive system the pressure on a governor to "trade roads" for other parts of his program would be enormous. Further, election of a highway commissioner helps promote continuity of policy, so essential to the development of long range highway plans and programs for the state, city and county.

We favor election of the attorney general, the chief law enforcement officer of the state. In a representative government, appointment of the chief law enforcement officer would place him in a position of obligation which would make his duties more difficult. If the attorney general were appointed, he could be subjected to the influences of the appointing authority. Presently, he is able to make an independent legal judgment which might differ from the political decisions of other members of the executive branch.

We also want to emphasize that those offices concerned with handling the people's money—the treasurer and the auditor general—should be directly answerable to the people. The people should have an auditor who is elected by them and directly responsible to them. Michigan's history of dollar honesty in state government, regardless of party in power, has resulted partly from the high character of our citizens and partly from our form of government, with divided constitutional authority among law enforcement officials, financial officials, and other executive officials.

We want a school superintendent elected by the people and accountable to them for the decisions he makes concerning their youngsters. An elected superintendent will have the constitutional status and responsibility to support

the needs of education in meetings of the administrative board and throughout his public activities.

Another reason for opposing the majority report is the veto power by the senate over appointments, a form of "advice and consent". A legislative body that is not truly representative of the electorate is not interested in implementing the powers or assuring the effectiveness of the chief executive. The advice and consent (or veto) concept can only mean that a minority of the people electing a majority of the senators would be able to block the wishes of a governor elected by the majority. Advice and consent forces a governor elected by a majority into an impossible struggle against a form of state government that cannot be representative of the people because of its very structure.

The minority report will result in responsible constitutional government. The governor's power will be sufficiently limited to prevent any undue usurpation of power by him, but at the same time, he will have sufficient flexibility to permit him to carry out his constitutional responsibilities. If power corrupts and absolute power corrupts absolutely, we have found in this report the realistic balance between responsible government and citizen participation.

[Section a was read by the secretary. For text, see above, page 1766.]

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

MR. MARSHALL: Yes. I was on the floor seeking recognition. I wish to make a brief statement and then I have a motion to make. I trust that the delegates take this in the same vein that it is given. On Thursday and Friday of last week, there was much talk on the floor of the convention and in the daily press about an alleged deal that had been consummated between factions within the convention. One of our very esteemed and distinguished delegates saw fit to take the floor and make a half hour or 45 minute speech explaining the alleged deal. Later a press conference was held, at which time the alleged deal was explained to the press, and all of you read that in the daily press. Now, because of the involvement—at least the stories in the press—by the explanation on the floor of this distinguished delegate and colleague of ours and in fairness to him and at the same time in fairness to all of the delegates here, that we might have his advice and counsel as we consider what I believe to be one of the most important issues before this convention, and inasmuch as the article that we are now about to take up is directly involved in the alleged deal, I would at this time, Mr. Chairman, move that we pass over Committee Proposal 71 until Friday morning, until the return of this very distinguished delegate, in order that we might have his advice and counsel in the debate, and I urge its adoption. Thank you.

CHAIRMAN MILLARD: Mr. Martin.

MR. MARTIN: Mr. Chairman, we reached this in the order of business here and it seems to me we are prepared to go ahead on the matter. I see no reason why we shouldn't get it under way right now. It seems to me that all the questions that are likely to need consideration can come up and we will be discussing this for a long time. I am afraid we are going to be discussing it for several days and there will be plenty of time for everybody to be heard.

CHAIRMAN MILLARD: Mr. Marshall.

MR. MARSHALL: I yield to Delegate Ford, Mr. Chairman.

CHAIRMAN MILLARD: Mr. Ford.

MR. FORD: Mr. Chairman, Mr. Martin's concern today with staying with the calendar is certainly not in keeping with what he expressed to us the other day when this was passed over. It was at the head of the calendar and was shoved down here on Thursday. We didn't know why on Friday. Some of us left here thinking we knew why. Some of us left here rather unhappy, thinking that Mr. Martin participated in setting the stage for what was done Thursday night. I think now that Mr. Marshall is raising a valid point here.

As far as the constituents in my area are concerned, they have been informed through the press and other means that a man who is supposedly a leader in this convention has answered this problem for us by bringing together divergent forces and "preventing the radical Democrats from Wayne county from getting together with the Hale Brake Republicans." This being the case, I don't think that we should proceed without having the benefit of his counsel, since he seems to be the man with the principal and most intimate knowledge of the details of what we are going to adopt here and probably we could save a lot of debate if we had the benefit of it at the beginning. I think that the reason for passing now is far more valid than the reasons given last Thursday when we passed over this thing in order to start taking up the ad board one item at a time. I support Mr. Marshall's motion.

CHAIRMAN MILLARD: Mr. Marshall.

MR. MARSHALL: I have nothing further to say. Only that I urge its adoption.

CHAIRMAN MILLARD: Mr. Martin.

MR. MARTIN: I think we are fully ready to take the matter up and all the delegates will have an opportunity to express themselves in due course on this. I would move that the motion be defeated.

CHAIRMAN MILLARD: Mr. Brown, were you seeking recognition?

MR. G. E. BROWN: I'll pass.

CHAIRMAN MILLARD: Mr. Marshall.

MR. MARSHALL: I would just like to point out to our honorable committee chairman that we also were ready to proceed with Committee Proposal 71 the other day when the general orders were changed on us without any advance notice by a motion on the floor coming from the committee chairman. I think that at least we are playing the rules clean and the game according to the rules. I feel that inasmuch as there was considerable publicity, speeches on the floor of this convention, press conferences held, people throughout the state having read these, I think that the delegates to this convention and the people are entitled to have one of the moving parties —at least apparently from the papers—in this alleged deal present when this issue is debated on the floor. I do not believe that my motion to pass over this until Friday morning and proceed with the other orders of business is unreasonable. Thank you.

CHAIRMAN MILLARD: The Chair recognizes Mr. Walker.

MR. WALKER: A question of Mr. Martin through the Chair, please.

CHAIRMAN MILLARD: If Mr. Martin cares to answer.

MR. WALKER: Mr. Martin, only to save the time of this committee, from your insistence that you are ready to go ahead today, are we to interpret that as meaning that a deal has been consummated? If so, we can eliminate any debate and get on with the voting.

MR. MARTIN: Mr. Chairman, Mr. Walker, you are not to put any words in my mouth and you are not to draw any conclusions of that kind or any other kind of that nature. We have reached this in the normal course here. We have delayed it to give people a chance to discuss this matter. Both sides have had an opportunity to review it. And this is the next order of business. I suggest that we go ahead with the order, Mr. Chairman.

CHAIRMAN MILLARD: Do you have anything further on the question, Mr. Walker?

MR. WALKER: I have no further questions of Mr. Martin. May I make one more remark, please, sir?

CHAIRMAN MILLARD: Go right ahead, Mr. Walker.

MR. WALKER: It would appear to me that Mr. Marshall's remarks today and reasons were more cogent than any that we could find for Mr. Martin's the other day. And therefore, I would suggest that we adopt Mr. Marshall's motion.

CHAIRMAN MILLARD: Mr. Stamm.

MR. STAMM: I think this is a very reasonable request. I would like to see this committee grant it with the one condition that they also have Governor Swainson at the session Friday so that he may also speak on this article because I am sure it would be of much interest to both political parties, certainly

to all the delegates in this convention, if he could repeat the testimony which he gave before the committee on executive branch. And I'd like to go along with Mr. Marshall with the extra proviso that we have the governor here also, because he is the one man interested in what is going on in the executive branch. (laughter)

MISS HART: Mr. Chairman.

CHAIRMAN MILLARD: Miss Hart, Mr. Sterrett is next.

MISS HART: I beg your pardon.

CHAIRMAN MILLARD: The Chair will recognize you—

MR. STERRETT: I'll yield to Miss Hart.

CHAIRMAN MILLARD: All right, Miss Hart.

MISS HART: I sincerely hope that Mr. Stamm is sincere in that recommendation and I would certainly hope that we would invite Governor Swainson to appear before this committee on Friday. I think he would gladly come.

CHAIRMAN MILLARD: The question is on the motion to pass Committee Proposal 71 until Friday. Mr. Wanger.

MR. WANGER: Mr. Chairman, the remaining items upon the executive committee calendar, with the exception of Committee Proposal 71, will clearly not take up the time between now and Friday. Therefore, if we pass this, we are going to leave ourselves with either a day or perhaps a little more where we have nothing to do or we will have to go on to the consideration of some other matter. I think either one of these would be wrong because we should consider the work of each committee all at one time insofar as possible. Therefore, I urge you to vote against this motion.

CHAIRMAN MILLARD: The question is on the Marshall motion. Mr. Marshall.

MR. MARSHALL: I would just like to point out to Delegate Wanger that we passed over 2 articles this morning, 2 proposals, which I am sure would take the rest of today and possibly all day tomorrow.

CHAIRMAN MILLARD: The question is on the Marshall motion to pass over until Friday. A division has been called for. Is there sufficient number up? There is. All those who are in favor of the Marshall motion to pass Committee Proposal 71 until Friday will vote aye. Those opposed will vote nay. Have you all voted? If so, the machine will be locked and the secretary will tally the vote.

SECRETARY CHASE: On the motion to postpone consideration of Committee Proposal 71 until Friday, the yeas are 39; the nays are 71.

CHAIRMAN MILLARD: The motion does not prevail.

Section a of Committee Proposal 71 has been read by the secretary. The Chair will recognize the chairman of the committee, Mr. Martin.

MR. MARTIN: Mr. Chairman, members of the committee, the provisions are a little complicated here. I would suggest that for purposes of following the discussion, you not only turn to your copy of Committee Proposal 71 on the green sheet, but to your committee minority report which will be minority report C, I believe, the yellow sheet, since that will be coming up shortly, and that you get from your desk—I hope you still have it—the series of sheets which are printed the length of the paper, which is headed, Comparative Analytical Presentation of the Majority and Minority Reports, Committee Proposal 71 on the executive branch. This in 2 columns compares the 2 reports and in the third column, indicates the differences. If you do not have this series of sheets, we have had some more copies printed and if you will hold up your hands, the pages will distribute them. Or you can put your light on if you want one. Have you all received a copy of that if you didn't have your original distributed copy? Now, I would like to suggest, Mr. Chairman, that we divide section a into 2 parts and that we consider the first paragraph on that which would be, on your green sheet, lines 10 through 19.

CHAIRMAN MILLARD: If there is no objection, that will be done.

MR. MARTIN: That paragraph is separate from the second paragraph which relates to the lieutenant governor. The portion of the section which we are considering, then, simply reads:

[Paragraph 1 of section a was read by Mr. Martin. For text, see above, page 1766.]

That paragraph provides, in effect, for the election of the governor and lieutenant governor for 4 year terms beginning in 1966. The election in 1962 and in 1964 will be for a 2 year term. The 4 year term would not begin until 1966. Now, the committee proposal eliminates from the present wording of the constitution the reference to a secretary of state, state treasurer, commissioner of state land office, an auditor general and an attorney general. It changes the term from 2 years to 4 years.

Very simply, Mr. Chairman, I would like to discuss for just a moment the committee's reasons for making this proposal which eliminates from election certain of the state officers. The reasons behind the committee's action are based upon the studies which have been made in Michigan over numbers of years in the past, particularly the little Hoover commission study, and these studies point out that the power and authority in Michigan at the top of its state government is dispersed and divided and redivided in a manner which classifies us as one of the states having the most completely fractionated government at its head of any state in the union. Not only do we have most of our principal departments headed by boards and commissions, but the top board of all, the administrative board, is so set up that 5 members can override the governor's veto or directives and, as a matter of fact, regularly did so when I was a member of that state administrative board. The people, I think, in general and throughout the state, don't fully understand this situation. In general, I think the people think that the governor has authority to govern and in fact, of course, this is not so. Instead of really orderly government, we have government by a multiple sort of executive, with no clear lines of responsibility at the top and some 7 men who may have no direct allegiance to the governor and no real feeling of loyalty toward him, who have their own political responsibilities and ambitions, and some of whom are considerably more powerful than the governor himself. This seems to the members of the committee who prepared this report to be not organization but disorganization.

One or two words with respect to some of the arguments that are used in this connection. One argument is that appointing these people provides too much power to the governor. The argument is that we don't want a dictator in Michigan. It seemed to me—and I think it seemed to the committee—that this was erecting a straw man; that no governor, whether he has a right to appoint his cabinet or not, is going to be a dictator in Michigan as long as we have a legislature as strong as the present legislature is, particularly if it is strengthed with a legislative auditor general, and as long as we have strong courts, and the legislature holds the pursestrings. As a matter of fact, we have far more power in the federal government in the president, who appoints his cabinet, and no one argues that there is any dictatorship there because of course congress won't permit it any more than the legislature in Michigan would permit it.

Another argument is that government wasn't meant to be efficient; that this is an attempt to impose efficiency on the people. Mr. Theodore Brown the other day said—I made a note of it—that government has in it a gross inefficiency to safeguard the rights of the people; that it wasn't meant to be efficient. I don't think any of us, or at least most of us, accept that proposition, and if we do we probably ought to give up our hopes for democracy, because certainly the state ought to be trying to be efficient if it possibly can.

One other argument is that there ought to be a balance of power in this picture. I think this completely misunderstands the balance of power doctrine or the separation of powers doctrine because while we do want a separation of powers, a balance of powers between the branches—

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

CHAIRMAN MILLARD: All right, Mr. Marshall, what is your point?

MR. MARSHALL: I have raised this question on the floor of this convention time and time and time and time again as

to whether or not where there are minority reports filed, that the committee chairman should proceed debating the issues pro and con on the majority proposal without hearing the minority report.

Now, it's been ruled and explained to me on more than one occasion that the chairman of the committee has a right to present the majority report and explain it, and I have accepted that on more than one occasion, reluctantly. But, I submit that I do not believe—and I think, in all fairness, that the delegates to this convention will agree with me—that the committee chairman does not have the right at the same time he is presenting the majority proposal, to express his own personal opinions and start expressing the opinions of others that have appeared before this committee. And I would ask the Chair to respectfully ask the committee chairman to restrict himself to presenting the majority proposal and explaining it in order that we might get onto the minority report. Thank you. I make that as a point of order, Mr. Chairman.

MR. MARTIN: Mr. Chairman, may I comment on the point before your ruling?

CHAIRMAN MILLARD: Just a moment. Mr. Marshall, the chairman of the committee, in presenting the proposal for the first time on the floor, has a right to present the expression of the committee which passed the proposal.

MR. MARSHALL: In other words, are you ruling, Mr. Chairman, that the chairman of the committee can get up and present the committee proposal and in doing it, submit the viewpoints of the majority of the committee as to why they adopted this report and at the same time go into all of these other statements which I am not going to repeat. I wrote some of them down if you want me to start repeating them. I say that the chairman is going beyond that which he is entitled to under the rules.

CHAIRMAN MILLARD: The Chair thinks that the chairman of the committee has the right to present the proposal of the committee to this committee of the whole in its detail so it will know what the proposal is about and why the committee arrived at that decision.

MR. MARSHALL: Again—and I did this once before—I want to again read rule 33 of the rules as adopted by this convention:

> A majority of the members appointed to a committee shall be necessary to report a proposal out of committee. The report of a minority of at least 3 of the members of any committee shall be received, printed in the same manner as the majority report, and treated as an amendment or substitute offered to or for the report of the committee if offered as such on the floor. All proposals reported by a committee to the convention shall be referred to the committee of the whole.

I call to the attention of the chairman and the secretary that the minority report, as revised, presented by myself, Miss Hart, Mrs. Elliott and others was presented and is so labeled as a substitute for the committee report.

MR. MARTIN: Mr. Chairman.

CHAIRMAN MILLARD: The Chair can't read in here that you get priority until the majority has submitted its proposal.

MR. MARSHALL: If I offer a substitute for the committee proposal, I still don't get priority?

CHAIRMAN MILLARD: The Chair doesn't think you do. You do not, the Chair will rule.

MR. MARSHALL: So you rule I do not?

CHAIRMAN MILLARD: The Chair rules that the committee proposal should be presented first.

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

CHAIRMAN MILLARD: Mr. Pellow.

MR. PELLOW: I would request a ruling as to whether or not an amendment takes precedence over the main body of the proposal. It is my understanding as a member of the rules committee that the original intent of the rules was to allow an amendment to be explained before any main proposal is debated if such an amendment is offered. I also have been advised that minority reports take precedence and, therefore, I assume that Mr. Marshall is offering this minority report as an amendment to the main proposal.

MR. MARSHALL: Mr. Chairman.

CHAIRMAN MILLARD: Wait a minute.

MR. MARSHALL: I am not going to object.

CHAIRMAN MILLARD: The Chair is going to answer Mr. Pellow.

MR. MARSHALL: Alright.

CHAIRMAN MILLARD: There is nothing in here that says that the minority report shall be received on the floor before the committee proposal is received. The Chair is ruling that the committee proposal will be received first.

MR. PELLOW: Well, you still haven't answered my question, Mr. Chairman. I raise a further point of order as to whether or not a minority report, if it is offered as an amendment, shall be received first.

CHAIRMAN MILLARD: You don't vote on an amendment until you have discussed the proposal.

MR. PELLOW: You don't discuss an amendment to a proposal first ?

CHAIRMAN MILLARD: That is the Chair's ruling.

MR. PELLOW: Thank you.

CHAIRMAN MILLARD: Mr. Marshall.

MR. MARSHALL: I agree with you on your ruling on the amendment. I offered the minority report as a substitute for the majority proposal. But I will go one step further with you. I will not quarrel with the right of the committee chairman to make the report and present the majority proposal to this committee. But I am getting sick and tired day in and day out on this convention floor of having decisions—as was done here last week—made off the floor, then have the committee chairman, in effect, serve as president of the convention from way over in the corner someplace. And I call a point of order on this one thing alone. And in presenting the majority proposal to this committee, does any chairman have the right to debate the issue at the same time he is presenting the proposal? That is my only point of order, Mr. Chairman, at this time.

CHAIRMAN MILLARD: Mr. Marshall, if you think the chairman or anybody is getting out of line, you have a right to object. And we'll proceed now.

MR. MARSHALL: I just did. I asked for a point of order.

CHAIRMAN MILLARD: You are asking for me to rule in advance of what Mr. Martin says.

MR. MARSHALL: On what he has already said; not what he is going to say. I'll ask you to rule on—

CHAIRMAN MILLARD: You want it stricken from the record? Is that what you want?

MR. MARSHALL: I want a ruling, Mr. Chairman, and I don't want to take up your time, but my patience is getting awful thin—

CHAIRMAN MILLARD: So is the Chair's.

MR. MARSHALL: —with the type of parliamentary procedure that we have had here. I merely want a ruling of the Chair, that in presenting the majority proposal, does the committee chairman have the right, while he is presenting it to this committee, to at the same time debate the issues without hearing the substitute presented.

CHAIRMAN MILLARD: He has a right to explain the committee proposal to the committee of the whole and he will proceed to do that. If you think he gets out of line, you have the right to raise a point of order.

MR. MARSHALL: Thank you, Mr. Chairman. I think if he gets out of line again, I'll raise a point of order.

CHAIRMAN MILLARD: Mr. Martin.

MR. MARTIN: Mr. Chairman, let me say that we are not trying to take advantage of the minority in any way, shape or manner. We are only trying to proceed in a logical fashion. And it is logical that the committee of the whole know what the majority report is and what the committee's reasons for it were. In due course, we are going to have the minority report and it will be an amendment to the proposal and they will have a chance to present their views fully and we will not interrupt or object or raise difficulties about their presentation. It seems to me this is the only logical fashion in which the delegates can be fully apprised as to what is in both reports. We are not trying to take advantage of them and I want to make that very clear.

I want to continue very briefly here with the thoughts I was expressing, particularly the argument which has been presented which is made that we need a balance of power or a separation of powers within a branch here and that therefore you should divide authority within the executive branch among all of these elected officials. The committee believes that we have a responsibility to do something effective and constructive here; that we should not fractionate our government at the top; that we should not try to divide it up so that no one knows where the authority is, although the people hold the governor responsible for carrying out a program. And it seems to the committee we ought to take whatever steps we can—and we may not be able to go the whole way—but we ought to be able to take whatever steps we can to insure that we do not continue with a completely disintegrated, fractionated, multiple headed, irresponsible government in which there is no real allegiance to the governor and in which each man who is separately elected may proceed to do his best to realize his own political ambitions. We think this is not the way to make government work well and that no other kind of organization could survive with this kind of structure; that it is not the way to run a railroad or a business or a government.

With that, Mr. Chairman, we are ready for the minority to present its portion of the minority report with respect to this paragraph.

CHAIRMAN MILLARD: The Chair will recognize the first gentleman on the minority report, Mr. Marshall, to present his views in regard to the first paragraph of section a as presented in the committee report.

MR. MARSHALL: Mr. Chairman—

MR. BENTLEY: Mr. Chairman, parliamentary inquiry. Has the minority report been read as an amendment?

CHAIRMAN MILLARD: It has not. The secretary will read it.

SECRETARY CHASE: Pursuant to minority report C of Messrs. Marshall, Greene, Kelsey, Perlich, Wilkowski, Miss Hart and Mrs. Daisy Elliott,

Mr. Marshall offers the following amendment:

1. Amend page 1, line 10, after "Sec. a.", by striking out the balance of the first paragraph and inserting "The governor, lieutenant governor, secretary of state, state treasurer, auditor general, attorney general, highway commissioner, and superintendent of public instruction shall be elected at the general biennial election in 1964 and in each alternate even numbered year beginning in 1966. They shall, after 1966, serve for terms of 4 years beginning on the first day of January next succeeding their election.".

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

CHAIRMAN MILLARD: Mr. Bentley.

MR. BENTLEY: Mr. Chairman, I make the point of order against the reference in the amendment to the superintendent of public instruction since that office has already been decided upon by the committee of the whole on first reading.

CHAIRMAN MILLARD: Mr. Marshall.

MR. MARSHALL: We suspected this would be raised and I think the question was asked somewhere along the line in the committee in particular what happened. We are talking about a section here which deals with whether we are going to have elective or appointive state officials. Even though you took action in the committee on education dealing with the superintendent of public instruction, I still believe it belongs in this report and it is in there because we are dealing here with the proposals of the committee on executive branch.

CHAIRMAN MILLARD: You may proceed, Mr. Marshall.

MR. BENTLEY: Is the Chair ruling me out of order?

CHAIRMAN MILLARD: Yes. It is in the minority report and he has a right to discuss it.

MR. MARSHALL: Mr. Chairman, ladies and gentlemen of this committee, we have reached what I consider to be one of the key issues and one of the most crucial points in this convention. In accordance with the rules of the convention, we are taking this opportunity to submit a minority report on Committee Proposal 71 reported by the committee on executive branch. Our distinguished committee chairman, Mr. Martin, has presented to this committee a glowing majority report designed to give this committee the impression that most of the recommendations in this proposal have the unanimous support of members of the committee. If Mr. Martin was speaking of commas and sentence structure, his statement was entirely accurate. If Mr. Martin was speaking of political philosophy, then, ladies and gentlemen, his statement was grossly inaccurate.

The signers of this minority report totally reject the concept of an appointed administrative board as recommended in the majority report. We totally reject the language—and I quote:

> . . . that the election of these officials does not bring government closer to the people, but on the contrary, divides authority in state government among numerous officials who have no real allegiance or responsibility to the governor and who are necessarily concerned in a major degree with furthering their own political ambitions.

We in the minority believe that the election process does bring government closer to the people; that it does work and we as delegates here would be undermining the very principles of our American form of government if we in any way diminished the rights of people to say who shall govern them.

More than a full century ago, a constitutional convention was held in the state of Michigan which determined that the power of government shall be vested in the people; that the people should predominate in the election of the officials in this state. This conformed, of course, with the philosophy of Thomas Jefferson, who said, and I quote:

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

Ironically, this quotation of Jefferson's is a favored one for many people, including many of the delegates to this convention. But its meaning is being distorted and perverted in every sense by the proposal which is being made by the majority in this convention.

Now, my friends, the system of the election of our state administrative officials was considered to be the epitome of impeccability for more than 100 years and bore no criticism until a little more than 12 years ago with the advent of a change in the political complexion of this state. Since 1948, with the election of G. Mennen Williams, and the ensuing consistent election victories at the polls by the Democratic party, with the change of almost a century of domination by Republicans of our state supreme court, our state administrative officials, our educational institutions, and other statewide officials, there have been ever increasing demands for changing the system of election of not only the state administrative board under discussion here, but the membership of the state supreme court as well. We simply cannot separate these issues because many of the same people who desire a change in the selection of the justices of the court want the changes made in the selection of our state administrative board. This also involves the whole question of the democratic process of government wherein one man's vote equals that of another.

It so happens that members of the state administrative board under discussion, as well as those elected to the supreme court, are elected on the basis of one man's vote equaling that of any other man's vote. And there has been a concerted effort by the members of the Republican majority in this convention to change the rules, to change this equality of voting power on the part of the electorate in every area of our state government. Change the rules, my friends, like a group of little boys playing baseball: one side is losing, instead of having 3 strikes, they want 5. The system of election of these state administrative officials was not subjected to criticism until Democrats were elected. Since that time, however, there have been consistent and constant attacks on the system wherein the majority of the people of the state would have a voice in the selection of these state officials. There has been no occasion where the quality and competency, the ability, the integrity of any of the officials elected under this system have been subject to valid criticism. Nor

has there been any valid criticism of the manner in which they have officiated. As a matter of fact, there has been a grudging admission that these officials have served their state and served it well. Nevertheless, the manner in which they have been selected is found by the party organization which has been defeated to be unsatisfactory. In no instance, as an illustration, has the administration of Lynn Bartlett, superintendent of public instruction, been subjected to criticism for the manner in which he has administered that office, or, for that matter, any other state elected official. There has been nothing but praise for James Hare, secretary of state. And no one has been bold enough to even suggest a criticism of our highway commissioner. Under the prevailing basis of selection of our highway commissioner, the state of Michigan has built the best highway system of any state in this nation. Yes, my friends, we have not had any corruption and malfeasance or misfeasance in our highway system. And I refer you to such goings on in some of the other states where you have appointed highway commissioners. I only have to refer you to a recent article in a Detroit newspaper, Parade, a supplement magazine, which documented much of the graft and corruption that is going on in other states under appointed highway commissioners not answerable to the people. It would be highly improbable that Mackie could be defeated in an election, and everyone in this convention obviously recognizes this, due to the fact that he has established such an outstanding record of achievement that it is quite apparent that he would be elected as long as he continued to lead the nation in road building, as he has done in the past 5 years. So the only manner in which John Mackie can be displaced is by changing the rules under which he holds this state administrative post.

Now, I am certain, ladies and gentlemen, that the most courageous exponent of the changing of the rules would not dare to suggest any real criticism of Mackie, just as I am sure that everyone recognizes that the only real basic purpose of changing this rule is not one of concern for a continuation of good roads in Michigan, but can only be inspired by cheap political motivations to displace an outstanding highway builder with a political hack. Listen to this: to replace an outstanding road builder with nothing but a political hack. Avarice and voracious designs, with a greed unprecedented to again feed the patronage hungry Republicans for jobs so that they can again revert to the strips and bits of highway construction which lead absolutely nowhere. In plain words: to hell with highways. The people —

MR. WANGER: Point of order.

MR. MARSHALL: — the hope of patronage and control —

CHAIRMAN MILLARD: Mr. Wanger, what is your point?

MR. MARSHALL: — is more important than good administration.

CHAIRMAN MILLARD: Just a moment. Mr. Wanger, what is your point?

MR. WANGER: The speaker has just used language which is entirely and completely nonparliamentary and out of order in this convention. (laughter)

CHAIRMAN MILLARD: Mr. Marshall, please confine your —

MR. MARSHALL: Yes. In this enlightened day and time, I didn't think "hell" was too bad. But I will apologize to the committee if it is offended. I'll say in plain words, blank.

The hope of patronage and control is more important than good administration. This is the noble purpose of changing the rules. It is unfortunate that it is necessary to reveal these unsavory truths to this committee. It is unfortunate that this kind of gutter politics should have to be injected into the convention, rather than adopting resolutions lauding a system of election of administrative officials who have achievements unparalleled by any other state in this nation. It is extremely regrettable, however, that this convention was obviously denuded of those wholesome objectives and that in its place political avarice reigns supreme. The objectives on the part of the majority is only one of control — changing the rules — a new device. Anything which will put the Republican party, as the handmaidens of big business, back into control of government in the state of Michigan.

In my opinion, this constitutes the despicable objective of relegating the state of Michigan to the ugly situation which it has endured for years now under the politics played by the Republican senators where politics always takes precedence over progress for the state. By the process of violating their oath of office, those senators have achieved outright theft of equality of citizenship from the people of the state. This then again, this proposal, is an outright attempt to wrest from the people their inalienable right to a voice in government. It restricts and contracts these fundamental and basic rights. If this philosophy is carried out to its ultimate conclusion, there is no reason for the people to continue to exercise their franchise in the election of a governor. If the philosophy reflected in the thinking of these people who would disenfranchise the electorate further should be carried to its logical conclusion, we should elect a president of the United States and consign the electorate's privileges to a vote of the president. Let him then appoint our state, county and municipal officials. Naturally, this would be as asinine as the proposal under discussion here. But a deal has been made, and the people will get a card or 2 from the bottom of the deck. The atrocities perpetrated on the people by this convention thus far will be further enhanced, my friends, by the adoption of the committee proposal.

I personally believe that if we continue on the same path that we have been going, I do not believe that this proposal presented by the majority will get the advice and consent of the people. I urge you to support the minority report amendment and help stop any further erosion of the people's democratic rights. Thank you.

CHAIRMAN MILLARD: The Chair will recognize —

MR. MARSHALL: At this time, I'd like to yield to Miss Hart.

CHAIRMAN MILLARD: The Chair will recognize Miss Hart.

MISS HART: Mr. Chairman, fellow delegates, the minority of the executive committee agrees with the majority that Michigan should reorganize the structure of state government. We agree on 4 year terms for state officials. We agree that the governor and lieutenant governor should be elected as a team. We part company on the question of constitutionally elected state officials versus an entire government of appointed department heads. The majority insists upon a so called strong governor, although it also insists upon tying his hands with the advice and consent of an unrepresentative senate. The theory, according to the majority, would establish a one man rule which could operate peacefully, efficiently and responsibly for the benefit of state government. The majority implies that this use of the executive appointment power parallels that of the federal government, but this analogy is misleading and unfair. It is a distortion of the facts, as you well know. Although presidential appointments to the cabinet are indeed subject to senate approval, presidential appointees almost never have been queried by the senate nor have they had to subject themselves to the humiliation of hearings.

The proposal of the majority would — and let's call a spade a spade — give a conservative Republican governor the team he wants, but any other governor, Republican or Democratic, would be subject to the rebuke of a hostile legislature. A strong executive — and this is what we all want — can only be so if he is elected as a team member with a team which he has a large hand in selecting during the process of the party convention.

But who with practical experience has ever said that a democracy is the most efficient, the most economical, or the least controversial form of government? Who says that all officials must see eye to eye, must be "yes" men, must get along? Most skillful practitioners of the democratic arts will readily assert that our system of government is clumsy, timeconsuming, frustrating and cantankerous, as witness the agonies of this convention. But with all of its faults, all of its inefficiencies, and all of its quarrelsome weakness, democracy has proved to be the best insurance man has yet devised to protect his rights and accomplish his purpose of self government. And the system that Democrats and Republicans alike

embrace will endure and grow strong only if every citizen we can attract to the business of government keeps a watchful eye on the road, a strong hand on the reins, and a whip to snap when officialdom grows lax and the public good seems to be forgotten. Can we accomplish this end without strong political parties? And can political parties remain strong with great responsibility for government removed and only routine chores left to do? I think not.

Today in this state, we have 2 great political parties. They are fairly equal in numbers. They are respected as energetic and dedicated to their separate principles. They are busy. There is much to do. They need additional hands to help. They are forced to work day and night to recruit, to interest the uninterested in the business of government. Most of us who have worked for years on this aspect of political activity know the value of good candidates, of elected officials, of the human touch in fact, that attracts the uninitiated to examine the issues in government so important to the welfare of our state. People must be reached at their own level of experience. They must be persuaded to an interest in and understanding of their government. Many of them, when they have attained this background, must learn what they can do to achieve their will in the business of the state.

Michigan is a huge state. It is long and wide and populous. Its 83 counties are diversified in interest and kind. Partnership with the people served in the state is a tremendous challenge to the administration. It is a challenge to the opposition as well. How are people to decide who is to serve them? By reading the newspapers? Few in this convention would want to depend wholly on this source to plead their cause. Television or radio? Only rich men can afford to adopt this method often enough to serve good purpose. And heaven help the candidate or official who replaces Ed Sullivan or Gunsmoke. Then, too, shouldn't the public be afforded the opportunity to ask questions? To talk back?

Are we going to ask 2 men to bear the entire responsibility of taking issues of the party to the people? How thoroughly can they do it? It is an impossible task.

It is disturbing to me to hear delegates to this convention suggest that the people of our state are too disinterested to know their officials, to be aware of opposing candidates or their points of view, to be willing to hear and consider the issues of government described in a campaign. If it were true — and I do not admit it — the shame would then be on political parties, too unimaginative, too smug, too noninclusive to reach out and attract the citizenry to political activity.

Anyone who has ever scheduled political candidates in a campaign knows the eagerness with which local communities welcome men and women who have been selected by the parties and who can bring to them a personal interpretation of what goes on in government. Given a number of candidates for each party, the state may be reasonably covered and people throughout its length and breadth may have personal communication with those seeking to serve them. No greater stimulation can be given to citizen involvement in government than this personal review of campaign issues.

That it is helpful to a governor to have friendly associates, I would agree. If he is strong enough to be a governor, he will have little difficulty in the convention to secure able men and women of his own choosing to join his team. The danger of an administrative board composed of representatives of opposing parties can be settled with the exercise of some ingenuity without taking away the rights of the people to select their officers. I heard my fellow delegate from the tenth legislative district say that no one told him in the campaign that they wanted to vote for judges. Perhaps he didn't ask his constituency. I did as I went up and down the streets in my radio trailer and interviewed our constituency personally. The many citizens with whom I talked made it very plain to me that they not only wanted to vote for their judges, but they also wanted to vote for the executives of the state. The message was very clear.

If education of the people is needed in matters of government — and I'm sure it is — then, let us take the responsibility for educating them. Let us not be contemptuous of the citizenry because it may not be able to name every official within state government at any hour of the day, and then decide that they are hopeless. Let us accept it rather as a challenge to political parties to devise better means of persuading our citizens to participation in government, to interest in programs, and to the business of seeking solutions to the problems we face. I urge the support of the minority report amendment.

CHAIRMAN MILLARD: Mr. Marshall.

MR. MARSHALL: At this time, I'd like to yield to Delegate Daisy Elliott for a brief statement.

CHAIRMAN MILLARD: The Chair will recognize Mrs. Elliott.

MRS. DAISY ELLIOTT: Mr. Chairman and delegates, I would like at this time to take the opportunity to support and urge your consideration of the election of the attorney general. There is considerable difference of opinion about the proper status of the attorney general. The attorney general is involved in more than merely giving legal advice and representing the state in litigation. He performs government functions which clothe the office with special roles of public interest. This office may serve as a watchdog to guard against administrative excesses in the governor's office. To elect the attorney general exemplifies the concept that forms the basis of the philosophy of government that accords the people the indiscriminate right to select, through the media of the direct vote qualified by the personal evaluation of the electors.

It is the inherent right of the people to select, in a government of the people, by the people and for the people. It is the only fair and honest media available. In 42 of our states, the attorney general is elected by the people.

CHAIRMAN MILLARD: Mr. Marshall.

MR. MARSHALL: I yield to Delegate Binkowski, Mr. Chairman.

CHAIRMAN MILLARD: The Chair will recognize Delegate Binkowski.

MR. BINKOWSKI: Mr. Chairman, I would like to yield to Delegate Pellow, if he would desire to speak at this time.

CHAIRMAN MILLARD: The Chair will recognize Delegate Pellow.

MR. PELLOW: Mr. Chairman, ladies and gentlemen of the committee, men are naturally divided into 2 parties, the Republican party that fears and distrusts the people and wishes to draw all powers from them into the hands of the higher classes, and the Democratic party that identifies itself with the people and has confidence in them as the most honest and safe depository of the public interests. I take it to be a necessity of politics and of public business to open them wide to public view; to make them accessible to every force that moves, every opinion that prevails in the thought of the people; to give the people command of their own economic life again, by the writing of a just and democratic constitution.

Appointment of the administrative board would consist too much of private conferences and secret understandings, of the control of legislation by men who were not legislators, but who stood outside and dictated, controlling oftentimes by very questionable means which they would not have dreamed of allowing to become public. This whole process must be forbidden. We must never allow the selection of candidates for the ad board to be controlled by the hands of small groups of men, by the hands of machines working behind closed doors, and leave it to the people to decide to elect their chosen representatives themselves. The very fact that so much in politics is done in the dark, behind closed doors, promotes suspicion. Everybody knows that corruption thrives in secret places and avoids public places. The Democratic party believes it a fair presumption that secrecy means impropriety, so the rich corporations owe it to their reputations to bring their activities and politics out into the open.

This state is aware that the Republicans have certain very definite connections with men who are engaged in business on a large scale. And the suspicion which attaches to the machine itself has begun to attach also to business enterprises just because these connections are known to exist. If these connections were open and avowed, if everybody knew just what

they involved and just what purported use was to be made of them, there would be no difficulty in keeping an eye upon affairs and in controlling them by public opinion, but unfortunately, the whole process of lawmaking in the state of Michigan is a very obscure one. There is no highway of legislation, but there are many byways. Parties are not organized in such a way as are legislators —

MR. PLANK: Point of order, Mr. Chairman. I fail to see what this has to do with the item before us. It seems to me this gentleman is a long way afield.

MR. PELLOW: I will connect it up, Mr. Chairman, with the elective process and the appointive process if I am allowed —

CHAIRMAN MILLARD: With that assurance, you may proceed.

MR. PELLOW: Thank you, Mr. Chairman. The whole process of discussion, if any discussion at all takes place, is private and shut away from the public scrutiny and knowledge. There are so many circles within circles, there are so many indirect and private ways of getting at legislative action that our community is constantly uneasy during the legislative sessions. It is this confusion and obscurity and privacy of the appointive method that gives the vested machine its opportunity. It would therefore be possible for this outside force to nominate members of the administrative board to assume the role of control. The vested interests who desire something done in the way of changing the law under which they were acting or who wish to prevent legislation which seemed to them to threaten their own interests, have known that there was this definite body of interests to resort to, and they have made terms with them.

There are 2 kinds of corruption: the obvious sort, and the crude sort; the sort which is known as direct bribery, and the much subtler, more dangerous sort which consists in corruption of the will. I take it to be a necessity of this constitutional convention to open up all the processes of politics, all the elections that may be had by the various suffrages granted to the people by this constitution and the Constitution of the United States. Incidentally, I understand we also passed the freedom of speech at this very convention. Every opinion that prevails in the thought of the people, to give society command of its own economic life again, not by revolutionary measures, but by steady application of the principle that the people have a right to elect officials to cut all privileges and patronage and private enjoyment and secret advantage out of the legislative and the executive branches.

Every man has a right to live, and this means that he also has the right to vote. We have no actual famine or dearth. Our industrial mechanism can produce enough and to spare. Our government — formal and informal, political and economic — owes to everyone an avenue to possess itself of that portion of that plenty sufficient for his needs through his own work. In our days, these economic truths have become accepted as self evident. We have accepted, so to speak, a second bill of rights under which a new basis of security and prosperity can be established for all, regardless of station, race or creed.

The upper peninsula's own rightful place in the state of Michigan — and at one time the upper peninsula was a proud and glorious part of this state until it was rigged by the eastern millionaires and all the mineral wealth is gone, and now we have a difficult time in attempting to even obtain industrial development of the upper peninsula by this very selection through the so called democratic process. The corporations, which should be carefully restrained creatures of the law and the servants of the people, are fast becoming the people's masters of the upper peninsula. The vested interests have entered into an agreement with the government for free trade, and unfortunately, the masses of our people are burdened beyond any useful public purpose and for the benefit of a favored few, to the injury of a vast majority of our people. This is not equality before the law. The arrogance of this assumption is unconcealed. It appears in the sordid disregard of all but personal interests in the refusal to abate, for the benefit of others, one iota of selfish advantage by appointing officials to perpetuate these advantages through efforts to control legislation and improperly influence the suffrage of our people.

Our people, in spite of misrepresentations — and at this time I would ask the Chair to call this committee to order — I don't mind competing with static, as Mr. Nord has pointed out —

CHAIRMAN MILLARD: If you would confine yourself to the subject, you would get a little more attention. (laughter)

MR. PELLOW: If the Republican party would like to carry their secret caucus on down below, that's all right with me. (laughter)

Now — in spite of misrepresentations and misleading fallacies concerning appointments, our people will not be denied the right to vote.

It would be well here to refer to Franklin Delano Roosevelt's observation with regard to liberalism in America. In 1938 he wrote:

> Generally speaking, in a representative form of government, there are usually 2 general schools of political belief — liberal and conservative. The system of party responsibility in America requires that one of its parties be the liberal party and the other be the conservative party. This has been the division by which the major parties in American history have identified themselves whenever crises have been developed which required definite choice of direction. In Jefferson's day, in Jackson's day, and in Lincoln's and Theodore Roosevelt's and Wilson's day, one group emerged clearly as liberals opposed to the other, the conservatives.
>
> One great difference which has characterized this division has been that the liberal party — no matter what its particular name was at the time — believed in the wisdom and efficacy of the will of the great majority of the people, as distinguished from the judgment of a small minority of either education or wealth. The liberal group has always believed that control by a few — political control or economic control — if exercised for a long period of time, would be destructive of a sound representative democracy. For this reason, for example, it has always advocated the extension of the right of suffrage to as many people as possible, trusting the combined judgment of all the people in political matters rather than the judgment of a small minority.

The Democratic party believes strongly in the popular election of members of the administrative board. These include the lieutenant governor, secretary of state, highway commissioner, attorney general, state treasurer, auditor general and superintendent of public instruction.

At this time, I am quoting from the minority report because most of this constitutional convention has already been decided in secret to the exclusion of the minority, and perhaps you have not even read the minority report. So therefore, I am calling it to your attention just for the record.

[Paragraphs 2, 3, 4, 5 and 6 of the reasons supporting minority report C were read by Mr. Pellow. For text, see above, page 1770.]

Incidentally, I read in the paper the other day where the upper peninsula was blessed finally with another stretch of U.S. 2, completing the last gravel road of U.S. 2 in the upper peninsula. That in itself is indeed an accomplishment.

[Paragraphs 7, 8 and 9 of the reasons supporting minority report C were read by Mr. Pellow. For text, see above, page 1770.]

In closing, ladies and gentlemen of this committee, I am certainly happy to know that the results are a foregone conclusion, that regardless of any debate to be held at this particular session of the constitutional convention, that all these issues are cut and dried, and actually if this convention were honest, it would come in tomorrow with a completed document and save the taxpayers of the state of Michigan at least $144,000. Thank you.

CHAIRMAN MILLARD: Mr. Marshall, are you waiving? Mr. Binkowski.

MR. BINKOWSKI: Mr. Chairman, ladies and gentlemen of the committee, my remarks will be brief at this particular time because as I understand it, a so called compromise or a deal has been made with respect to the office of the attorney general and while I'd like to speak at length on the reasons favoring the continued election of the attorney general, I don't think that it would be worthwhile taking your time. But very briefly, while I was a former assistant attorney general, I think there are those here who are more qualified than I am to speak on the reasons for electing the attorney general. Your chairman is a former attorney general. Of course, we have 2 delegates who are former deputy attorney generals.

Mr. Pellow has already commented that the attorney general is the chief law enforcement officer in the state of Michigan. I think that a great number of people, including the delegates here, perhaps are not aware of the multitude of functions that the office has and the effect it has on state government. I'd like your indulgence to quote 3 brief paragraphs from the General Management of Michigan State Government. It is a staff report regarding the reorganization of state government in November of 1951. This will give you an idea of the breadth of the office of the attorney general. It says:

> The activities of the attorney general's office range over the entire breadth of state government. His scope of interest is as great as that of the governor. The attorney general has an important role in judicial procedures. By the constitution, he is, with one exception, the only attorney permitted to represent the state in court. Also, the attorney general has the power to intervene in any case, public or private, whenever the state's interests are affected and to supercede a county prosecutor in any action in which he deems the prosecutor is not functioning in the best interests of the state.

Parenthetically, I think you have seen an example of this in Wayne county. I don't know who was right, the Wayne county prosecutor or our present attorney general. But I submit to you that by continuing the elective feature of both of these offices, we will give the people the opportunity to decide who was right and who was wrong. Continuing with the quote:

> His activities in the administrative branch of state government are quite varied. Short of the courts, the formal opinions of the attorney general are the most authoritative statements of the meaning of the laws. Statutes direct the attorney general to give his opinion on any questions of law upon the request of any state official.
>
> The attorney general gives opinions to more than just state officers. In the field of opinion writing, the attorney general's office is utilized more by the administrative agencies of the state that are under the direction of the governor than by any other class of governmental units.

I think that this gives you a bird's eye view of the functions of the office of the attorney general. This is by far the most important administrative official. By his decisions, he can stop many of the actions within administrative agencies. Of course, I think we have seen in recent history an attorney general who in some cases has stopped the program of the governor. Yet, he is accountable to the people. I think that the will of the people can best be served by an elected attorney general who is primarily responsible to them.

Now, Mr. Pellow has commented to you, and I think that you are well aware that the governor has to make many decisions. Many of them are political decisions. I don't think that the best interests of the state can be served if the attorney general is appointed so that he must confirm the political decision of the governor. I think that the people of the state of Michigan have a right to the service of an attorney general who can say no, when the law and the interpetation of law demands that he say no. Therefore, I favor the election of an attorney general and if I find out in the course of the proceedings with respect to Committee Proposal 71, that it is the feeling of the group that he should not be elected, I would of course speak at greater length. I would like to turn this back to Mr. Marshall.

CHAIRMAN MILLARD: Mr. Marshall.

MR. MARSHALL: Mr. Chairman, we have several other speakers but I believe that to call on them at this point, would be repetitious on the arguments that we have presented. I think practically all of the points have been covered, so I have talked to the other speakers and they have graciously consented not to make a statement at this time and ask that I try and summarize with a few brief remarks — and I will be very brief because I do not want to repeat myself.

The majority report would have you believe that the elective administrative board system is a conglomerate of conniving public officials plotting to overthrow the chief executive. The majority report would have you believe that the chief executive is a political unit whose power is manipulated by a greedy satellite. I submit that nothing is further from the truth and I would submit further that no one knows this better than our honorable committee chairman. One fact is that in our political system the man running for governor has a personal and firm hand in choosing members of his cabinet, and that goes for both parties. Another fact is that under our present system, elected state officials are responsible to the governor and subject to removal if they abuse their constitutional or legal authority.

The majority report contends that these elected officials are "necessarily concerned in a major degree with furthering their own political ambitions." We in the minority — and we believe that you in the majority — should ask: who says so and where is the proof?

Let us examine the majority report as we proceed in our deliberations on its recommendations to strengthen the chief executive. We are asked to accept the proposition that one way to give this political unit power is to let him appoint his administrative board subject to review by the senate. And I emphasize "subject to review by the senate". Can any delegate or anyone within hearing distance of my voice explain to me or to any other delegate or to the people of this state how you go about strengthening the chief executive by giving a senate veto power over his appointees — a senate that is representative of the minority of the people, a majority in the senate who was elected by a minority of the votes cast? Can anyone convince me how you strengthen the chief executive by giving veto power — a Gromyko type veto, if you please — over the gubernatorial appointees by a malapportioned senate? And I don't think there is much question in anyone's mind when this convention is over that it will still be malapportioned.

So, in closing, I plead with the delegates, even though an alleged deal has been made, to reconsider the alleged deal and give serious consideration to the minority report amendment, help us to leave in the hands of the people of this state the right to elect their administrative officials rather than placing it in the hands of a small group of senators over on "the hill" who hold a Gromyko type veto over gubernatorial appointees. Thank you, Mr. Chairman and fellow delegates.

CHAIRMAN MILLARD: We have heard from the committee on the proposal and we have heard from the proponents of the minority report amendment. We are now open to individual delegates and Mr. Sterrett asked for recognition some time ago.

MR. STERRETT: Mr. Chairman, members of the committee, I am sure that some of our great orators here on the minority report amendment would put Senator Dirksen to shame. I have heard quite a bit of political screaming here. I was not going to speak on this subject, but I can't help it. I'd like to set the record straight.

First, I'd like to point out to Mr. Marshall, I do not believe it was all the Republicans' motivation. I recall some organizations, the league of woman voters, citizens for Michigan, citizens for a sound constitution, junior chamber of commerce. Also, Mr. Marshall, you spoke of political patronage by an appointive ad board. I believe that you voted for passing the civil service section. There are a number of exempt positions in the governor's office; there are a number of exempt positions in each department.

I heard Miss Hart say that when she was campaigning, she

asked about the election of judges. I recall one evening when we were campaigning, I was among a group and she was among the same group and we spoke to some people. I asked the group if they could tell me who their judges were. Not one could. Also Miss Hart mentioned: do you want a "yes" man? Is the U. S. attorney general a "yes" man?

The governor has appointed people to the ad board for quite a while now, in the case of vacancies. If the people have been against this, why haven't they called for a special election to fill those vacancies?

I would like to quote to you from William Graham Sumner:

> The forgotten man is delving away in patient industry, supporting his family, paying his taxes, casting his vote, supporting the church and the school, reading his newspaper, and cheering for the politician of his admiration, but he is the only one for whom there is no provision in the great scramble and the big divide. He works. Generally he prays—but always he pays. Yes, above all, he pays. He keeps production going on. He is strongly patriotic. He gives no trouble. He excites no admiration. He is not in any way a hero nor a problem, nor notorious, nor an object of sentiment, nor a burden, nor the object of a job, nor one over whom sentimental economists and statesmen can parade their fine sentiments. Therefore, he is forgotten.

This is from an essay called The Forgotten Man. Candidate Roosevelt used it in a speech at the depth of the depression in 1932. It elicited a warm response and made his appeal understandable over the nation. Regrettably, a few years later, politics resumed its old habit of specific appeals to many minority groups. The forgotten man was once again forgotten. I would like to point out that in the past year it is very interesting how strongly the minority feels at the moment about electing the state ad board. In the past year, they switched their position completely. Maybe they realize the forgotten man should be looked at again.

Another thing that was mentioned was that we should have government of the people, for the people and by the people. I agree with this. If the people would elect a governor and permit the governor to appoint his administrative board, this would be for the people. It would be by the people because they had elected the governor. And it would also be of the people. By appointing the ad board, the people would still have control over the ad board with the election of the governor. He would then, for the first time, be held responsible and accountable. Thank you.

CHAIRMAN MILLARD: Mr. Martin.

MR. MARTIN: Mr. Chairman, I just want to make a few comments on one or two of the things which have been said by some of the prior speakers, particularly with respect to this argument which both Mr. Marshall and Miss Hart used, that somehow this process of electing people who are unknown to the voters brings these elected officials closer to the people. In that regard—and there have been other studies on it—I think it is interesting to note the paragraph in the little Hoover commission report in which they say—and this is supported by an appendix:

> The voters' lack of knowledge concerning the incumbents in these offices is staggering. Very few voters can even name the statewide elected officials. A study made in one county of voters' knowledge with regard to the elected state officials, discloses that these officials are not well known. Voters interviewed were asked to select from a list of 9 state officers the one they knew most about. In identifying the incumbent of the office chosen as the one they knew most about, 73 per cent of those who chose the secretary of state could not name the incumbent, although he was then campaigning for the governorship. Seventy-five per cent could not name the highway commissioner, 77 per cent could not name the superintendent of public instruction, 81 per cent could not name the attorney general and 96 per cent could not name the treasurer who had been in office the longest of those on the list.

So it is perfectly clear, Mr. Chairman, that the voters are buying a complete pig in a poke when they vote for most of these officials after they have been in office for a period of time, particularly if their office lends itself to advertising and some of these offices do lend themselves to advertising. The secretary of state's office is one and the highway commissioner's office is another. The voters acquire a certain name familiarity with the individuals involved.

Mr. Marshall has devoted himself to a question with regard to the various officers now holding these positions. I don't want to criticize them individually as individuals, but since he has addressed himself to the particular jobholders, saying that no one could possibly criticize Mr. Bartlett and no one could have anything but praise for Mr. Hare, and that no one has questioned the highway commissioner, Mr. Mackie, the only question seems to me there would be this: would it be possible for the governor to fill these positions with people who were more qualified, who had more background in the field in which they were expected to perform? And I think it is fair to say that both in the case of the superintendent of public instruction, and in the case of the highway commissioner, at the time they were elected to office, there is no question whatever but that if we had searched the state or throughout the United States for the best man we could possibly have for these offices for purposes of appointment, we could have found someone who had better qualifications than either of those persons for the jobs to which they were elected.

I think it is rather interesting too that in spite of the vigorous arguments of the minority that all these people should be elected, that the man who had most experience with some of these jobs, particularly with the job of highway commissioner, Governor Williams, who held this office for a long time, longer than some of us would have liked, specifically recommended that the highway commissioner be appointed. Obviously, this was based on a long time judgment, I assume, since he made the recommendation after a Democratic highway commissioner had been elected; he was not deciding it solely on the question of whether there had been a Republican highway commissioner in office while he was governor. I assume he made the decision on the basis of the fact that in his judgment, after many years of experience which he had in the governor's office, it was his conclusion that an appointed highway commissioner would be a better highway commissioner, that he would perform the job better if he would be a more qualified individual, and that he would have background which would entitle him to hold that job and do an expert job in that field. So it seems to me, Mr. Chairman, that the arguments of the minority are in a large measure conditioned by the fact that at the present time, some of the members of their own party hold these offices. I don't question their motives. It is possible that if we were in the reverse position, some of us would be urging this. But this is a short range political argument and it has nothing to do with the broad question, the forward looking question for the next 50 years as to what is desirable to do with respect to election or appointment. The question of who holds these jobs is not important. The question of how you can get the best people to hold them is very important.

Mr. Chairman, I should like at this time to yield to Mr. Gust for a statement.

CHAIRMAN MILLARD: The Chair will recognize the gentleman from Grosse Pointe Farms, Mr. Gust.

MR. GUST: Mr. Chairman and members of the committee of the whole, I am just going to make a few brief remarks as to what transpired in our committee with reference to the drafting of this proposal and specifically the philosophy behind the first paragraph. This proposal has been submitted to the convention by the committee on executive branch with the objective of strengthening the executive branch of Michigan government. The committee's recommendations are based upon the conclusion that the present Michigan constitution needs some significant improvements in the provisions dealing with the executive branch. The committee agrees with the report of the commission on intergovernmental relations appointed by President Eisenhower that "The American system of separation of powers works best when all branches of government are strong, energetic and responsible." The commission concluded

that few states today have an adequate executive branch and that although state constitutions provide in principle for 3 equal branches of government, "most of these constitutions and numerous laws based on them include provisions that tend to undermine this principle." Michigan, like many other states, is restricted in achieving a strong executive branch because of a short term of office, a multiplicity of elected officers, lack of a rational administrative structure, and other features of the present system. The commission on intergovernmental relations found that while "there is no unanimous agreement on a precise pattern of administrative organization applicable to all states, there is substantial agreement on certain arrangements which, if generally applied, would greatly strengthen state administration."

Committee Proposal 71 recommends changes in the executive article which correspond to recommendations of the commission on intergovernmental relations and to changes which have been made by a number of other states in recent revisions of their own constitutions. Support of these recommendations does not imply any hope that there is a magic formula which will solve all the problems of state administration, or that there is any scientific proof that a given set of constitutional provisions will assure more effective operation of the executive branch. Nevertheless, these proposals, taken together, offer our best prospect for accomplishing what the voters of the state expected from us at this convention in working toward modernization of the executive article of our constitution. The committee on executive branch, like most other committees, did not come out with a unanimous recommendation as to exactly what needs to be done. There were a number of divisions in this committee, and on some issues the committee was almost evenly split. Naturally, most attention will be given in the debate on the floor to those issues on which there is the closest division both among members of the committee and among the delegates to the convention as a whole.

In view of this, it is important to emphasize and underline the fact that the executive branch committee was unanimous in submitting some of its most important recommendations. For example, there was no dissent from the recommendation that the term of office of the governor and other elected executive officers should be for 4 years rather than 2. There was full agreement also that the election should take place in nonpresidential election years. The committee also unanimously approved the proposal to nominate the lieutenant governor by party convention and to have him run with the governor in a package arrangement, with votes for the governor to be also cast for the lieutenant governor in the same manner as with the president and vice president of the United States. There is no difference of opinion as to the value of a new constitutional provision which will place a limit of 20 on the number of principal departments and provide a method for accomplishing this within a reasonable period after the constitution goes into effect, either by statutory action or by executive order if the legislature fails to act within a designated time. Likewise, there is no dissent from the recommendation to give constitutional status to the approach to administrative reorganization which has already been adopted in Michigan public act 125 of 1958.

The only difference of opinion within the committee had to do with the requirement for disapproval of administrative reorganization plans proposed by the governor. Some committee members thought it should be more difficult and some thought it should be less difficult for the legislature to reject reorganization plans than is provided in the committee recommendation that a majority of the members elect of both houses of the legislature must be required for rejection.

Now, on these very significant and forward looking major recommendations, as well as on a number of less important matters, the committee on executive branch was able to reach substantial agreement. In contrast to this, the committee was divided on the issue of election versus appointment of executive officials other than the governor and lieutenant governor, and on the closely related question of whether or not there should be senate confirmation of appointments and if so, what form it should take. In all cases, a majority of the members of the committee favored appointment of these officials, although the vote was closer with respect to some of these offices than others.

As we all know, the Michigan constitution now provides for the election of the governor, lieutenant governor, secretary of state, attorney general, state treasurer, auditor general and superintendent of public instruction. A highway commissioner is elected under statutory authority. Michigan elects a larger number of officials than is the case in most other states. Only 9 states elect a larger number than the 8 elected in Michigan. Our own arrangements have not always been the same. The 1835 Michigan constitution provided for the election by the voters of only the governor and lieutenant governor. The secretary of state, attorney general, and auditor general were appointed by the governor with senatorial consent. The state treasurer was appointed by the legislature and the superintendent of public instruction was appointed by the governor with the consent of the legislature in a joint vote. The 1850 constitution provided for direct popular election of a larger number of officials, and this was carried over into the Constitution of 1908. As probably many of you know, in 1850 there was a large, sweeping so called Jacksonian movement in this country and our state was caught up in it, as were a number of others.

The executive branch committee has recommended that only the governor and the lieutenant governor continue to be popularly elected. It has proposed that the auditor general be replaced by a legislative auditor—which is now, by virtue of Mr. Hutchinson's amendment, returned to the title of auditor general—selected by the legislature, and that the superintendent of public instruction also be made an appointive rather than an elective official. The committee proposal gives constitutional status to the secretary of state, state treasurer and attorney general, but they would be appointed by the governor rather than elected, and their appointment would be subject to disapproval by a majority vote of the members elect of the senate if such action is taken within 60 legislative days after the date of appointment. The language of the committee proposal would leave an option to the legislature to have principal departments not mentioned in the constitution headed either by a single executive who is appointed or by an appointed board or commission. It would not permit statutory provision for an elected department head, as is now the case for the highway commisioner.

There are 2 main advantages to be gained by reducing the number of elected officials below the present total of 8. One is that it reduces the number of offices on which the voter must inform himself and exercise a choice and hence contributes to a shorter ballot. There is no necessary correlation between the number of offices filled by popular election and the effectiveness of popular participation in government. We have not found it necessary to elect members of the president's cabinet in order to preserve democratic participation in national government and there is no more reason to think that this is necessary at the state level.

There is plenty of evidence to show that the voter frequently cannot name the incumbents of most of the state elective offices and it is doubtful whether most voters are in a position to judge the relative competence of candidates for specialized offices such as state treasurer or state attorney general. Election statistics show that there is a sharp falling off in the number of voters who cast ballots for minor state offices. If the spring election is eliminated, the problem of "voter fatigue" at the fall election will be even more serious, unless some effort is made to shorten the ballot. A second and more important reason for appointment rather than election is that this would lead toward a more unified executive branch. As set forth in the supporting statement for Committee Proposal 71:

> The committee's action is based upon the feeling that the election of these officials does not bring government closer to the people, but on the contrary, divides authority in state government among numerous officials who have no real allegiance or responsibility to the governor and who

are necessarily concerned in a major degree with furthering their own political ambitions.

Appointment by the governor would permit the people to hold the governor directly responsible. Direct election of a number of executive officials leads to confusion of responsibility and buck passing.

It should also be pointed out that if the objective were to permit the voters to elect directly the most important executive officers, then there is not much logic in having those officials be the ones that have traditionally been popularly elected. In some cases, they are no longer the most important officials in terms of the size of their programs, money expended, or the importance of their work to the public safety and welfare. If we were to attempt to continue to elect at least the same number of officials and to select them so as to reduce the governor's control over the executive branch, then logically, there would be a different list of elected officials than the one we now have.

It must be conceded, of course, that the issue of senate confirmation has a bearing upon whether or not appointment rather than election will actually permit the governor to exercise a more effective choice in filling these offices. If the power of senate confirmation is exercised in a partisan and irresponsible fashion, the governor may have less freedom of choice as a matter of actual practice than when these officials are nominated in party convention and elected by popular vote. The change in the nature of senate confirmation which has been recommended by the committee majority is intended to make it possible for the senate to render a negative judgment on an appointee of the governor, but to make it more difficult than it is at present, and to make it impossible to withhold confirmation simply by failure to act on the appointment.

Opposition to appointment rather than election of these officials often takes the form not of a preference for election over appointment as a general principle, but of exceptions in favor of particular offices. An argument is made in specific terms in favor of continued election of the secretary of state, the state treasurer, the attorney general, or other particular officials. In the executive branch committee, the strongest claims were made on behalf of the attorney general, and the highway commissioner. In the case of the attorney general, it is felt that his position as the chief legal officer in the executive branch calls for an independent status and for his direct selection by the electorate. The claim is made that this office involves more than giving legal advice and representing the state in litigation, since the attorney general must represent the public interest and serves in a watchdog capacity which may bring him into conflict with the governor if that official should abuse his office. On the other hand, those who favor appointment stress that the primary function of the attorney general is to give legal advice to the governor, that his legal opinions are subject to judicial review and scrutiny which provides protection against undue subservience to the governor, and that there are other procedures including the impeachment process for dealing with a governor whose behavior calls for denunciation.

The supporters for continued election of the highway commissioner and for possibly requiring this by constitutional provision, usually rest their case on 2 grounds. First is the importance of the highway function in terms of number of employees, cost of the program, and its susceptibility to political pressures and corruption; and secondly, on the excellent record of performance of the Michigan highway department, which is often attributed to the fact that Michigan has an elected highway commissioner. If the first point is a valid one, it would lead to the conclusion, as has already been pointed out, that in addition to the highway commissioner, the superintendent of public instruction, the head of the Michigan employment security agency, the head of the conservation department, the head of the corrections department, and a number of other major department heads should also be elected. On the second point, little is offered in addition to the twin statements that we have an elected highway commissioner and that we have an excellent highway department. Only one other state has an elected highway commissioner, and that state is Mississippi. It probably would not be claimed that Mississippi's relatively poor record on highways should be attributed to its practice of electing the chief highway official. Likewise, it is hard to claim that no states with appointive highway department heads have managed to provide good highway systems. What needs to be kept in mind here is that there are probably other much more important considerations in explaining whether a state does or does not have an adequate system of highways than the fact of election or appointment of the highway commissioner.

Committee Proposal 71 advocates that only the governor and the lieutenant governor should continue to be elected and a change to appointment rather than election of the other officials is certainly one of the most salient features of this Committee Proposal 71. Let me say this: this proposal started out in our committee to be—and this probably will shock you—a noncontroversial proposal. For political or other reasons, the tide suddenly changed. Much has been made recently on this floor of a so called deal with reference to this proposal. All I can say to the minority party is that all of the testimony in favor of Committee Proposal 71 given on the floor today has been given by the majority party. If any of you want to cut off any deal that you think is already solidified, I can assure you that all you have to do is turn your green light on when this proposal comes up for a vote, and mine will be on with it.

I heard a story that Dr. Anspach told some time ago, and maybe it will relate here because much accusation has been made against Mr. Brake and his "courthouse gang." But the story is that 2 of his young radicals, early in their career, decided that thievery was the only way to promote their best interests. So as young lads, 2 of them went to rob a house in outstate Michigan. One of them acted as a lookout and the other went inside. He spent about an hour or an hour and a half rummaging around and when he came back out, the lookout said, "Did you get any money?" And the fellow that had gone inside said, "Why, no. Don't you know that's D. Hale Brake's house?" The lookout said, "Oh, my God, did you lose any money?" (laughter) Thank you, Mr. Chairman.

CHAIRMAN MILLARD: The Chair will recognize Delegate Hanna.

MR. W. F. HANNA: Mr. Chairman and fellow delegates, some years ago, it was my privilege to be a member of the so called little Hoover commission which studied the administrative departments of the state. At that time, we had good honest differences of opinion concerning the election or appointment of the governor's administrative board. This split both parties at that time very decidedly. But it does perturb me as I listen to Mr. Marshall's speech and some of the others criticizing the committee's report for fear that the audience, and particularly the high school students, will gather that we are criticizing the federal constitution and saying that the federal constitution was designed by men not interested in the people or that the party in power is not interested in the people in that they have not advocated that the president's cabinet be elected by some method. I urge that as we discuss this, we avoid political insinuations and that we confine our discussion to good honest discussion of what is best for the people of Michigan, without criticizing; that we not leave with the audience and with the high school students of this state an implication that the federal constitution for some reason has deceived the people for some 100 years or more.

CHAIRMAN MILLARD: Mr. Martin.

MR. MARTIN: I yield to Mr. Van Dusen for a statement.

CHAIRMAN MILLARD: The Chair will recognize Delegate Van Dusen.

MR. VAN DUSEN: Mr. Chairman and members of the committee, my statement is going to be brief. I have 3 points, the first of which to some degree violates the admonition just given us by Mr. Hanna, but I think it is desirable to call, as Miss Hart earlier said, a spade a spade. Mr. Marshall in his opening remarks made quite a point of the fact that the proposed change from the elective method of selecting administrative board members to the appointive method was motivated by political considerations. I'd like to suggest in the first place, as many

of the speakers have indicated already, this change to an appointive method has been advocated for years by impartial study groups. The commission appointed by Governor Van Wagoner back in 1942, the little Hoover commission, the citizens research council, citizens for Michigan, league of women voters, all have been advocating the appointive method for years. When this convention convened, a substantial number of the delegates of both parties represented here, advocated the appointive method as distinguished from the elective method. As a matter of fact some of the signers of the minority report who now urge election, came here advocating appointment and submitted delegate proposals to that effect.

The only recent change of position with respect to the appointive method or the elective method came within the last few months when the state central committee of the Democratic party met and urged the election of all the administrative board officials. They were followed immediately by the governor, who had testified before the committee favoring appointment, and changed his position to favor election, and were then followed by a very substantial number of the delegates representing the minority party here who signed a statement of principle to that effect. If there has been a change of position for political purposes, I think it is clear where that change has been made.

Now, my second point is this: Miss Hart pointed out in her comments that the governor needs a strong team. And I completely agree with this. When I entered state government as a member of the house of representatives in 1954, nothing could have been farther from the strong team concept than the situation which then prevailed. The governor was a member of one party, the lieutenant governor, the secretary of state, the attorney general, the auditor general, the treasurer, the highway commissioner and the superintendent of public instruction were all members of the opposite party. There was no team concept, there was no cooperation, there was no responsibility which could be focused in the governor's office because he had only to point to the fact that 2 of the members of his administrative board, members of the opposite party, were out seeking the Republican nomination for governor to oppose him in the next election. As a matter of fact, that didn't bother him very much because he spent most of his time running against the Republican highway commissioner—very successfully, I might add—so that if there is to be a team concept, it can only be achieved by giving the governor the right to appoint these key officials.

Now finally, we get to the question of the responsibility of the governor for the conduct of the affairs of the executive branch. Currently, as we can see easily, the administrative board officials about whom we are talking are not responsible to the governor because they are elected directly by the people. I submit, on the basis of my experience campaigning in this state for election to the office of attorney general, that it is very hard to point to any degree of responsibility which these elected officials have to the people because the people simply don't know who they are. Time after time in meetings sponsored by my own party, I was introduced as the candidate for auditor general, or as the candidate for secretary of state, sometimes even as the candidate for state treasurer. The fact of the matter is that if these knowledgeable people, active in political affairs, didn't know the office for which I was running, I am confident that the great majority of the voters who were called upon to assess my qualifications for that office didn't know who I was or what I was running for either. So as a consequence, we have elected officials who are not responsible to the governor. And because they are not known to the people, they are not responsible to the people either. And they are therefore not responsible to anyone. And I think this is a very bad state of affairs and should be corrected.

I will conclude with a very short quotation by a man who has long experience in political affairs, who stated to this convention on January 18 of this year, ". . .I submit that to hold the governor responsible for the sound administration of government, he should have the power to make these key appointments. . . ." I am quoting from a transcript of the argument made by Delegate Tom Downs to this convention on January 18, 1962.

CHAIRMAN MILLARD: The Chair will recognize Delegate Walker.

MR. WALKER: Mr. Chairman, this is all very cute and amusing, but let's get it over with and let's vote.

CHAIRMAN MILLARD: Mr. Marshall is next.

MR. MARSHALL: Well, I don't know who to answer first but I think I'll start off with Mr. Gust, and give him a little publicity since the announcement on Monday. Mr. Gust points out the state of Mississippi and its sordid record in road building as an example of what happens in the only other state that has an elected highway commissioner. I would like to correct Mr. Gust—at least, I think I'm in a position to correct him; I hope that I have the right information; I believe that I do—Mississippi does not have an elected highway director or commissioner. They have a board or commission, similar to the one that came out of the alleged deal the other day, which represents various sections of the state and they in turn appoint the highway director. Now, I would agree, Mr. Gust, before you get your blood pressure up, that they do elect these commissioners—I believe it's 3; I'm not sure—and they are balkanized. They represent sections of the state where all kinds of pressure can be applied to build roads across the pasture when it should be going to New Orleans. And this has not been good under this type of a system where you have a highway commission comprised of 3, 4 or any number that you want to select. And as you point out—and the only correction I want to make is that Michigan is the only state in this union of ours that elects its highway commissioner. I think we are unique in this. We should be proud of it. We are also the only state in this union that has a toll free, limited access highway from one border to the other. I thought that the little comparison should be made and I thought that it should be pointed out—the situation in the state of Mississippi—where you have a highway commission that appoints the director, the director is constantly under pressure from the so called commissioners to do certain things in certain sections of the state.

Now, when we talk about a strong executive—and I think Delegate Gust tried to compare the appointive system of the president of the United States to that on the state level. I may be incorrect, Delegate Gust, but I believe you made the statement that no one has suggested that the president's cabinet be elected. I point out, though, that examining the appointive power at the federal level as opposed to that in Michigan and comparing it with the consent and advice of the senate, it is obvious that the present situation here in Michigan does not aid sound government under the appointive system by rejecting an executive appointment. Now, let's take for an example any appointee of the governor—who is elected by the majority of the people—who might be the best qualified and the most capable man that you could find anywhere in the state, who might have incurred senatorial displeasure, is quite likely to find himself rejected by the senate—and we have a long history of this here in Michigan. While the federal appointees must also rely on senatorial approval, there is never any large group of unconfirmed appointees and never under the federal system do the appointees of the president to his cabinet have to toe the line so as not to incur senatorial displeasure. They must instead act so as not to incur presidential disapproval. It is true that the doctrine of senatorial courtesy does limit the executive somewhat but the approval that must be rendered by the senators of the same state as the appointee acts more as a negative check on the appointive power than a positive one.

I would also like to read a brief statement from a book which we all were presented with on the floor, in which a former governor was eulogized when it was presented. I too happen to think that this man was a great governor. The only knowledge I have of Governor Groesbeck was what I had read and I have read extensively into the background and the record of Governor Groesbeck, how he established the ad board, et cetera, et cetera; and he says—and I quote—"I do not believe in commissions of any kind, judiciary or otherwise. I believe

them to be the last word in inefficiency." This is the clincher, "I am just as strongly opposed to them as I am to bureaucracy made up of irresponsible appointees who owe no allegiance whatsoever directly to the people."

Now, no one has denied the alleged deal yet, and I want to talk about that a moment. We are talking about how we are going to make a strong executive by giving him the authority to appoint all of the state officials and take the right away from the people to have a voice in this matter. Now just who will the governor appoint under the alleged deal? And I sat in on one of the gentleman's press conferences who was involved in this, when he explained it. All that you do under this alleged deal is that you leave the governor the appointment of the treasurer only. You would elect the attorney general and the secretary of state. You would have a bipartisan commission and all of us, I think—I see Mr. Brake looking at me and I am sure that he wants to laugh when we talk about bipartisan commissions—but nevertheless, some bipartisan commission would come along and appoint the highway director. Then we have a board of education who would appoint the superintendent of public instruction. Now, if anybody can convince me that this hodgepodge will strengthen the governor, if you can convince me where the governor is appointing his state ad board, when all you give him the right to appoint is the treasurer—the auditor general is going to be selected by the legislature and, unless we can make progress in apportionment, I assume that the auditor general will be selected by a minority of the people. Now, this is sheer hypocrisy to stand on the floor of this committee and talk about strengthening the governor by taking away the right of the people to a voice at the ballot box over who is going to be their chief law enforcement officer, who is going to insure honest elections, who is going to be the keeper of the till.

Now, let's just explore this. I didn't intend to make another speech, Delegate Van Dusen, so get off the fiddle, but I got up here primarily to answer Delegate Gust and I'd also like to reply briefly to Delegate Martin when he said that because members of the Democratic party now hold the state administrative posts, that some of the delegates are insisting that we continue the elective system rather than to go to the alleged deal. I don't think anyone has a hold on the governor's chair and I think it has been proven over the years here in the state that times change, people's viewpoints change, their thinking changes, even political parties cease to exist—and have—and new ones have been formed. So it is not, Delegate Martin, because the Democrats happen to be serving in these positions now, because I don't know—and you don't either—who will be serving in the next 10 years, 20 years or the next 4 or 5 decades. No one else in this convention can answer. But I am concerned by an attempt to set up a constitutional monarchy in the state of Michigan with 4 or 5 different factions being able to still hold the governor in a stranglehold, and in doing it, hold the progress of the state.

No one can deny the battle that went on when G. Mennen Williams was governor of this state with a malapportioned senate. It was a constant battle, and I would be the first to admit it. But you would have to convince me how you are going to strengthen the governor and have a strong executive by giving the legislature the right to select the auditor general, giving the board of education the right to select the superintendent of public instruction, giving some bipartisan commission—God knows what it will be made of—the right to select a highway commissioner who is going to spend many millions of dollars allocated to the highway department and then have the governor appoint the treasurer. There just simply is no rationale to this. You either believe in appointment of state officials or you believe in the elective system. And I don't believe that you can go halfway by dividing this thing the way that the deal has obviously been cut.

MR. GUST: I'd like to raise a point of order, Mr. Chairman. There is no such deal as Mr. Marshall speaks of before this committee for consideration, that I know of. It is only Committee Proposal 71 and his amendment thereto. There is no 3 headed highway commission or split deal or half appointed or half elected. His are all elected and mine are all appointed.

CHAIRMAN MILLARD: The Chair thinks that's correct, Mr. Marshall.

MR. MARSHALL: I think that is half correct. I know there was a speech made on the floor of the convention the other day by a very distinguished and prominent delegate, explaining what the deal was. I sat in the press conference and heard it explained. Now, the deal hasn't come out yet, but if I don't speak while this report is before this committee, I darn well won't have the chance after this deal has been acted upon. Thank you, Mr. Chairman.

CHAIRMAN MILLARD: Mr. Martin.

MR. MARTIN: I think we've been in session a little over 3 hours and probably long enough. I move the committee do now rise.

MR. DOWNS: Mr. Chairman, may I rise on a point of personal privilege?

CHAIRMAN MILLARD: Mr. Downs, state your point.

MR. DOWNS: Delegate Van Dusen had mentioned a quote from me. I would like to speak very briefly on it so that our record will show that I did answer this today. I do not consider it normally personal privilege since I did not consider it an attack but rather not a complete quotation. Could I ask Mr. Martin if he would delay his motion?

CHAIRMAN MILLARD: If there is no objection, you may do so.

MR. MARTIN: No objection, Mr .Chairman.

MR. DOWNS: It is late in the day and I shall be just as brief as I can. You know, my good friend, Delegate Van Dusen, quoted part of a statement I made earlier. It reminds me a little of the story of the fellow that got on the bus and the bus driver said, "Congratulations." The fellow said, "What for?" The driver said, "I just heard you went to New York, were at the horse races and won $1,000." The fellow said, "Well, that's fine except you didn't get it quite right. It wasn't New York; it was Florida. It wasn't the horse races; it was the dog races. And I didn't win it; I lost it." (laughter)

Now, the quotation referred to is when we were discussing civil service at the committee hearing. From a paragraph and a half up from the part referred to, I quoted Mr. King, who was saying, "Because of an ambiguity in the constitution, the civil service commission classified the chief administrative officers of 9 boards or commissions at the request of these boards or commissions." I was talking about the necessity for changing the constitution so that the head of the statutory agencies would be appointed by the governor and not put under civil service. I said that the governor should be held responsible for the administration of these agencies and he would do that by being given the power to appoint, and I was very critical of the advice and consent concept. In fact, one sentence later on, I said that "the governor would have the responsibility for making that appointment, and that that power of the governor could not be taken away by the legislative branch" of government. And I referred in this to the discussion about these officers—speaking about these 9 boards or commissions that had been put under civil service. I want to make that clear. I believe what the minority report amendment does—and it was certainly my thinking then and is now—is that where the governor is responsible for the administration of an agency, he should have the power to appoint them, but that his power should be limited to the constitutional area that is not inconsistent with the constitutional selection of other areas of government which I hope to go into more at a later date of the convention when we discuss it.

I did want to clear up that my discussion was relating to the civil service commission and I was critical of having civil service take away the power of the governor to appoint the heads of agencies, not about the constitutional officers. Thank you.

MR. KING: Mr. Chairman.

CHAIRMAN MILLARD: For what purposes does the delegate rise?

MR. KING: Mr. Chairman, I would like to speak to a point of personal privilege too. I was delighted to hear that our

good friend, Delgate Marshall is a fan of Alex J. Groesbeck. I too am, and I think had he been here today, he would have perhaps picked up one of these badges that I am wearing. But I don't want to see his thoughts and ideas misconstrued and, for the benefit of Mr. Marshall, who may have not gotten as far as page 258, I would like to quote as follows:

"When the administrative board act was passed," he declared —

we're talking about Groesbeck now —

"a new era in the business administration of Michigan's affairs was ushered in. . . . It was to be expected," Groesbeck explained, "that any such departure in government would engender strong opposition, to say nothing of hatreds and animosities. The protagonists of this opposition have been most sedulous in the broadcasting of inexcusable untruths regarding not only the principles and purposes of the establishment of the board, but of the numerous beneficial results its operation has achieved for the public as well. . . . Instead of being weakened," he warned, "the administrative board should be strengthened." He suggested that could be accomplished through adoption of the short ballot, by which executive posts would be made appointive instead of elective, thus giving the governor a real cabinet.

There is one of the spokesmen that was around —

CHAIRMAN MILLARD: The question is on the motion to rise. All in favor will say aye. All opposed?

The motion prevails.

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

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

MR. MILLARD: Mr. President, the committee of the whole has had under consideration certain 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 76,** A proposal pertaining to the passage of permissive legislation to allow civil divisions of the state to establish local civil service systems and to receive assistance from the state civil service system. The committee of the whole reports this back to the convention with the following amendment:

1. Amend page 1, line 8, after "Sec. a.", by striking out the balance of the section and inserting "Each city, village, township, county, school district and metropolitan government may, by a majority vote of the electors voting thereon, establish, modify or discontinue a merit system for its employees except teachers under contract or tenure. The state civil service commission may furnish technical services on a reimbursable basis to any city, village, township, county, school district or metropolitan government requesting the same.".

The committee recommends the amendment be agreed to and the proposal as thus amended be passed.

VICE PRESIDENT HUTCHINSON: The question is upon concurring in the amendment made by the committee of the whole to Committee Proposal 76. All those in favor will say aye. Opposed will say no.

The amendment is adopted and **Committee Proposal 76,** as amended, is referred to the committee on style and drafting.

Following is Committee Proposal 76 as amended and referred to the committee on style and drafting:

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

Sec. a. Each city, village, township, county, school district and metropolitan government may, by a majority vote of the electors voting thereon, establish, modify or discontinue a merit system for its employees except teachers under contract or tenure. The state civil service commission may furnish technical services on a reimbursable basis to any city, village, township, county, school district or metropolitan government requesting the same.

SECRETARY CHASE: The committee of the whole, Mr. President, has also had under consideration **Committee Proposal 71** relative to the election, term and duties and so forth of state officers and has come to no final resolution thereon. This completes the report of the committee of the whole.

VICE PRESIDENT HUTCHINSON: Announcements.

SECRETARY CHASE: Mr. John Hannah announces a meeting of the committee on legislative organization in room D tomorrow, Wednesday, after the session.

The secretary has the following requests for leave: Mr. Bledsoe requests an excuse for Wednesday to take care of a court matter committed prior to the convention; Mr. Bonisteel requests leave for Wednesday to attend to legal matters; and Mr. Mahinske asks leave from the sessions of March 21, 22 and 23 to appear in court on matters that have been pending over 2 years.

VICE PRESIDENT HUTCHINSON: Without objection, the several requests will be granted. The Chair hears no objection and the requests are granted.

The Chair recognizes the delegate from Oakland, Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, I'd just like to remind the members of the rules committee of a brief meeting immediately following the session in room I.

VICE PRESIDENT HUTCHINSON: Any further announcements?

SECRETARY CHASE: None, Mr. President.

VICE PRESIDENT HUTCHINSON: What is the pleasure of the convention? The Chair recognizes the delegate from Muskegon, Mr. Seyferth.

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

VICE PRESIDENT HUTCHINSON: The question is on the motion to adjourn. All those in favor will say aye. Opposed will say no.

The motion prevails. The convention stands adjourned until tomorrow morning at 9:30 a.m.

[Whereupon, at 5:20 o'clock p.m., the convention adjourned until 9:30 o'clock a.m., Wednesday, March 21, 1962.]

cellaneous provisions still ahead of us, this obviously is unattainable. The committee on rules and resolutions does believe, however, that another 2 weeks, if we apply ourselves diligently, should see us through the work of the committee of the whole and that the deferring of all of the remaining deadlines for that 2 week period is therefore in order at this time. I would move the question.

PRESIDENT NISBET: The question is on the motion of Mr. Van Dusen that the deadlines be deferred for a period of 2 weeks. Those in favor will say aye; opposed, no.

The motion prevails and Resolution 45 is so amended.

Following is Resolution 45 as amended:

A resolution to provide a schedule for completing the work of the convention by April 28, 1962.

Resolved, That:

1. All public hearings by substantive committees shall be completed on or before December 21, 1961, unless otherwise authorized by the convention. This shall not preclude a committee from hearing witnesses invited by the committee.

2. All substantive committee hearings on delegate proposals shall be completed on or before January 5, 1962.

3. All substantive committee proposals and supporting reports shall be submitted to the convention and placed on general orders in accordance with rule 57, paragraph 2, on or before January 31, 1962.

4. The committee of the whole shall complete its consideration of all committee proposals and make its reports in accordance with rule 57, paragraph 4, on or before April 4, 1962.

5. The committee on style and drafting shall complete its consideration of all committee proposals and make its reports in accordance with rule 57, paragraph 5, on or before April 6, 1962.

6. Second reading of all committee proposals shall be completed on or before April 13, 1962.

7. The final report of the committee on style and drafting shall be made in accordance with rule 57, paragraph 8, on or before April 20, 1962.

8. The convention shall finally adjourn on or before April 28, 1962.

Unfinished business.

SECRETARY CHASE: None.

PRESIDENT NISBET: **General orders.** 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.

[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 last night's conclusion we were on the first paragraph of section a of **Committee Proposal 71.** The Chair has 4 delegates on the list to talk but perhaps the secretary should read. We were on the minority report of that paragraph.

For last previous action by the committee of the whole on Committee Proposal 71, see above, page 1766.

SECRETARY CHASE: The minority, by Mr. Marshall, has offered the following amendment:

1. Amend page 1, line 10, after "Sec. a.", by striking out the balance of the first paragraph and inserting "The governor, lieutenant governor, secretary of state, state treasurer, auditor general, attorney general, highway commissioner, and superintendent of public instruction shall be elected at the general biennial election in 1964 and in each alternate even numbered year beginning in 1966. They shall, after 1966, serve for terms of 4 years beginning on the first day of January next succeeding their election.".

CHAIRMAN MILLARD: The Chair will recognize the delegate from Detroit, Mr. Downs. Is he here? If not, the next on the list is Delegate Sterrett.

MR. STERRETT: Mr. Chairman, members of the committee, yesterday some statements were made by Delegate Marshall about how great our highway commissioner was, what a wonderful job he has done. I'd like to point out to the members of the committee that the interstate highway system was not a responsibility of the state highway commissioner, but it was an act of congress. The highway commissioner didn't have anything to do with it. Also, I'd like to point out that the interstate highway system was advocated by the bureau of public roads and the bureau of public roads has an appointed highway director.

Also it was mentioned that Michigan has toll free highways. To me, they are not toll free. I have to pay a gasoline tax. I don't know who Mr. Marshall knows if he doesn't have to pay that.

Also, I would like to say again that I am not aware of any firm deal that has been made by the majority party and as the news broadcast indicated this morning, there was a meeting of a group last night which was not the entire majority party and they are considering their position in this matter and I know nothing about this. Thank you.

CHAIRMAN MILLARD: The Chair will recognize Delegate Gust.

MR. GUST: Mr. Chairman, members of the committee, Mr. Marshall either misspoke or you misunderstood my statement yesterday. For the record I will say that it is my understanding that Missouri elects highway commissioners — in the plural — who in turn select a highway commissioner to head that department. If I indicated otherwise yesterday, I was incorrect.

I would like to say — and you know this — but for the benefit of the delegates on the floor — and I mentioned this yesterday in my talk — that a great deal of give and take was necessary in our committee in order to bring out this proposal. As Mr. Marshall knows, I was the only Republican on the executive branch committee who voted for an elected highway commissioner. I felt very strongly about this but I realized there was a wide divergence of opinion, not only in our committee, but within our party and among the delegates as a body. Certainly, compromise was necessary in order to bring out this proposal and I think, as I indicated, that almost everybody, all the executive branch committee, had to give in one or more instances in order to reach the accord as it is set forth in Committee Proposal 71.

In conclusion, Mr. Marshall, with reference to your remarks directed to me of yesterday, I would be somewhat remiss if I did not confess to you that I have had qualms on many occasions about the abuse of discretion with reference to advice and consent of the senate as it has existed in the state of Michigan over the last decade. I don't propose to superimpose my judgment of those of the elected officials who have served in that branch of the legislature, but as a citizen of the state of Michigan, I am somewhat less than satisfied with their overall performance. However, this does not negate the fact that it is sound government as far as I'm concerned and has some sort of a check or balance on gubernatorial appointments. I can only hope that men of good faith, realizing that they have been given sufficient authority in this field and responsibility, will rise above partisan politics and use it with great care.

CHAIRMAN MILLARD: Judge Leibrand, the gentleman from Bay City.

MR. LEIBRAND: Mr. Chairman, the secretary has just read what I understood to be an amendment to a minority report to Committee Proposal 71. I find in my book here 13 pages of minority report. Might I inquire if what the secretary just read is included in the printed forms that we find here in our books, and if so, which one is it?

SECRETARY CHASE: The amendment just read by the secretary, since we are considering the proposal section by section and paragraph by paragraph in each section, is the

first paragraph of the minority amendment to section 1. It is projected on the wall and the lines on the wall are numbered and the amendments that may be offered to that we will present for consideration by the line numbers indicated as projected on the wall so it may be easier for the delegates to follow.

CHAIRMAN MILLARD: Does that answer your question?

MR. LEIBRAND: Thank you.

CHAIRMAN MILLARD: Delegate Marshall.

MR. MARSHALL: Mr. Chairman and delegates, I am not going to take too much time speaking on the amendment. I would like to thank Delegate Gust for the remarks that he made. I do not want to be put in the position of continuously correcting Delegate Gust, but he again misstated himself when he said Missouri instead of Mississippi. We were talking about the road commission in Mississippi and not Missouri. If he will stand that one correction, that will take care of that one.

In answer to Delegate Sterrett, in regard to his remarks concerning my statements on the highway commissioner of yesterday, I don't think that I have to reiterate the statements I made yesterday on the outstanding job that the present highway commissioner has done. Furthermore, in regard to the interstate system, and the fact that we have a federal director of highways, I would point out to Delegate Sterrett, that when the federal money comes into the state, that it is still the responsibility of the highway commissioner to build the roads and to use the federal funds. This, I think, has been handled rather well.

Now, in urging support of the minority amendment to the majority report, I gave all of the reasons yesterday that could possibly be given and I am not going to bore the delegates any further with any more remarks on my part concerning the amendment that is before you now on the board. I would like, before I sit down, though, to tell the delegates that I hope that we can proceed somewhat more rapidly today than we did yesterday. I would hope that many of you do not see fit to take me on today because I do not feel that I want to become involved in any debate other than answers, but if you are inclined to take me on, I hope you go all out and really take me on so that I have some good excuse to come back. Thank you, Mr. Chairman.

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

MR. MARTIN: Mr. Chairman, unless you have some further names on your list, I think we are ready to proceed.

CHAIRMAN MILLARD: The question is on the minority report amendment. Are there any amendments, Mr. Secretary?

SECRETARY CHASE: Messrs. Brake, Durst and Karn offer the following amendment to the amendment:

1. Amend the amendment, after "secretary of state,", by striking out "state treasurer, auditor general, attorney general, highway commissioner, and superintendent of public instruction" and inserting "and attorney general"; so that the language will then read, "The governor, lieutenant governor, secretary of state, and attorney general shall be elected at the general biennial election in 1964 and in each alternate even numbered year. . . ."

CHAIRMAN MILLARD: The Chair will recognize the proponent of the amendment, Delegate Brake.

MR. BRAKE: Mr. Chairman, ladies and gentlemen of the committee, when it is suggested to the delegates in this convention that we elect the governor, lieutenant governor, a secretary of state and an attorney general, that we appoint the state treasurer, that the superintendent of public instruction be picked by the state board of education, that the auditor general become a legislative auditor, and that the highway department be put in charge of a commission, any novice looking at that program will say immediately: that must be a compromise. Of course, it's a compromise. Personally, I am not frightened nor embarrassed by the word "compromise." Practically every item that goes into this constitution will be a compromise. Some of them were compromises in committee. Some will be compromises on this floor. Some of the compromises are voluntary; some are involuntary. I think I was involved in an involuntary compromise in every item we had before us yesterday. I can't remember winning one. Compromise is the way we govern ourselves. When Robinson Crusoe was alone on the island, there need be no compromise. But the day Friday arrived, 1 of 2 things had to take place: either Friday had to be completely controlled and dominated by Robinson Crusoe or there had to be compromises. A bachelor like Wanger has a broad field in which he can do just as he pleases, (laughter) but just the minute the preacher finishes that speech, 1 of 2 things happen: either there must be compromises or the bride takes over completely. (laughter) In a dictatorship you need not compromise. In a republic like ours you compromise all the time.

Now, this suggests the election of some officers, the appointment of some. Some of the delegates came to this convention — and there were a considerable number of them — thinking that every officer of the so called ad board must be appointed. Some of us came here with the idea that every one of them should be elected, and I was among that group. There were others in between who thought that some should be elected and some should be appointed. I don't know who had the most votes. I think each side thought that it had the most votes. But those are situations in which compromises arise. I perhaps am in a very ironical position as the person who held the elected office of state treasurer longer than any other person in the history of the state, to be standing before you suggesting that the state treasurer be an appointed official. I would prefer that he be an elected official. But there are a lot of people here who thought that the secretary of state and the attorney general should be appointed officials. We had to give or fight it out on the floor. As a result, the suggestion is that the 2 of them be elected; the state treasurer be appointed.

Now, this compromise has not been agreed to by everyone in this convention. I don't know at this time if there are enough people, enough delegates, in agreement on this so that it will stick. That is something I suspect we will find out before tonight. But that's the proposition. In thinking about this matter of election and the matter of concentration of power in the governor's office, centralization of power in the governor's office, for months I have been mulling over in my mind the things that I would like to say in support of electing all these officers. I think it would take 2 hours without even catching my breath. Since some of us have compromised our viewpoints, I am not going to go into that argument at any length at all. I think that the compromise that some of us have agreed to is a fair compromise, a genuine compromise. Both sides have given.

But in the field of centralized power, which I oppose generally, on both the national and state level, there is one quotation that I want to leave with you. I am not always an admirer of Woodrow Wilson, but he said one thing so true and so vital in this government of ours, that every school kid ought to be required to memorize it. I don't think it would hurt some of the delegates to this convention to have to write it on the blackboard a hundred times or so. And what he said was this: "The history of liberty is a history of limitations of governmental power, not the increase of it." Not the granting of more power, not the centralization of power, but limitation on government.

Now, I think there are several things to be noticed in connection with this suggested compromise. One is that it preserves our line of succession, which has been by statute: the governor, the lieutenant governor, the secretary of state, the attorney general, the state treasurer and the auditor general. Of course, it cuts off the last 2, but it still leaves us 4. The committee proposal, as it came to the floor, suggested the governor, lieutenant governor, the president pro tem of the senate and the speaker of the house. Much better, much better to have in that line of succession the secretary of state and the attorney general. In these days of plane crashes and automobile accidents, to have the proper line of succession in case of such an accident is a thing of importance. You will recall that not many years ago the 3 top officers in Oregon — and I was acquainted with the governor, Governor Snell of Oregon — were killed in a plane crash. So this leaves a good line of succession.

In the second place, it preserves as a useful — I shouldn't say that quite that way — it preserves a possibility, at least, of a useful administrative board. An administrative board entirely of appointive officers would have lost its most important function, that of general supervisory control over the administrative branch of state government. This leaves as a possibility, subject to legislative discretion, an administrative board that will have value. With 4 officers directly elected, a superintendent of public instruction not completely subservient to the governor, an auditor general picked by the legislature, so that he is not completely subservient to the governor, and a highway director, if the legislature sees fit to continue it, with one directly appointed officer on the administrative board.

I think that administrative board, with all of its functions, is tremendously important. We had a quotation read here yesterday from Governor Groesbeck on it, and it was in complete accord with Governor Groesbeck's thinking, and at the time he asked the legislature to establish the administrative board, he never intended it to have any power. He intended it as a means of bringing up in daylight what was going on, particularly in the financial side of state government, and to have some advisory power, and those 2 things it has always had. It does bring up in daylight every 2 weeks, twice every month, the principal financial transactions that are taking place in the state government. And it is tremendously important that it do so.

I tried to get Mr. Martin's committee to include the administrative board in the constitution. They would not do so. But the legislature can continue it and continue it with its full usefulness under this suggested compromise. I think that is all that I need to cover. We are coming to some highly important votes. In my judgment, second only to the matter of reapportionment, this is the most important thing we are going to settle in this convention.

Mr. Chairman, I would like to yield to Mr. Durst for a continuance of this discussion.

CHAIRMAN MILLARD: The Chair will recognize Delegate Durst.

MR. DURST: Mr. Chairman, members of the committee, it is rather obvious this is an amendment which is sponsored by one of the originators of the "courthouse gang" and one of the "radicals" of this convention. Mr. Brake has pointed out in this particular issue of appointed or elected state officials, there are strong opinions on both sides. Certainly, there are to be found anywhere just as strong opinions in my own party on both sides.

I want to say that I believe very strongly in the principle of appointed department heads. I'd like to say to Mr. Marshall that this opinion is in no way connected, as far as I am concerned, with any idea of political manipulation to benefit the Republican party. I learned this principle, if I learned it anywhere, at the knee of Dr. Pollock and his colleagues in Ann Arbor some years ago, and I still subscribe to it. The idea of elected department heads, in 1908 or in the days of Jackson, is one which I probably would have supported. The only way of knowing what was going on in our government at that time was to send somebody down to the seat of government to keep an eye on the head rascal. We no longer have this problem. In this day and age, when the members of the press and television can inform us statewide what the officials of our government are doing, it is not necessary for us to divide into a multiple head the administration of our state in order to control it. But as Mr. Brake has pointed out, we are assembled here in convention, 144 delegates strong, without enough votes to support either principle. So what we have before us is clearly a compromise. Now, Mr. Brake has presented to you some ideas which in his opinion justified this particular compromise and make it compatible from his point of view. I would like to present to you some which from my point of view make it somewhat compatible.

First of all, this leaves us with an elected attorney general. I can justify somewhat in this instance departing from the principle of appointed department heads, first of all, because this man, as far as I can see it, does not directly engage himself in the day to day administration of government in the way that some of the other administrative officers of the state do. He is, in a sense, and has been described as a quasi judicial officer, the people's attorney, rendering opinions which may limit the power of the governor or what the governor can do. He is in a sense a watchdog. His opinions stand as a force of law, in effect, until there has been a court decision on the matter. So I can see some justification for electing this man and letting him stand separate and apart from the governor.

Now, on the question of secretary of state, we are probably violating further the principle, for here is strictly an administrative officer, a ministerial officer, with no purpose for electing him except to set up some little independent kingdom apart from the governor. But in some compromises there must be some things that we do not necessarily like and accept. There is one great advantage in this thing, to my mind — this compromise — which makes it palatable and I think desirable to the people in this state, and that is this: we are making a giant step forward in a departure from the past. We have had in this state for years elected state officers. This is something that most people more or less have taken for granted, perhaps without thinking about it, without analyzing it through, but nevertheless, they have accepted it and think they desire to elect these people. Now, I have talked in my own district to many, many farm groups who from a point of first impression, have staunchly believed that all these officials should be elected. And I know from personal experience that by a small matter of discussion and argument with them, to point out to them that they do not know who these people are or what they are doing, that they will gradually accept the principle that they do not necessarily have to elect them in order to have the kind of government they want.

Nevertheless, we are making a giant step forward, and I believe that this compromise is one which the people of the state of Michigan will accept as guaranteeing to them this thing which they desire or seem to desire — the election of some of their state officials — and yet give us in part the efficient type of state government which the state of Michigan needs. So, in my opinion, I think this compromise is a good one and one which we should support, one which retains enough of what is familiar to us to provide us with an orderly transition and will in part — I think sufficiently — give us the kind of orderly government that is necessary for the governor of this state to efficiently administer the state. Thank you.

CHAIRMAN MILLARD: Mr. Brake, do the proponents have anything further to offer?

MR. BRAKE: No, Mr. Chairman.

CHAIRMAN MILLARD: All right. We'll now go to the general debate and the Chair will recognize the gentleman from Detroit, Delegate Madar.

MR. MADAR: Mr. Chairman, fellow delegates, it has been some years since I first walked into the state capitol and walked into the door of the state treasurer and met that serious minded gentleman, D. Hale Brake. He's a different sort of man today. I can understand how he has been able to do such great work for his constituents and this, of course, has only been done through this great change. He has become quite humorous. But I wonder how much humor there is going to be that is going to make the rest of the people throughout the state feel so good in what he is doing. It's all right to say: we compromise. But Mr. Brake has been known not just as a great statesman, but also as a politician, and more so as a politician. And in a politician's dictionary there is no such word as a compromise. It's "deal," d-e-a-l. It's all right to stand up and give a man a pair of pants and try to laugh off the things that hurt and that hurt the people of this state.

So far as I'm concerned, I campaigned on the theory that we ought to have a strong governor and that he should appoint the auditor general, the secretary of state, superintendent of public instruction, the superintendent of highways—I want to omit the auditor general because I thought that he should be appointed by the legislature—but the rest should be appointed by the governor without the advice and consent of the senate—without their advice and consent, not with it.

There were 8 of us elected to this constitutional convention

on just such promises. One other was elected—a senatorial candidate, that is a senatorial district con con delegate. I notice today that he is for advice and consent. Of course, he has to depend on how many votes he is going to get for lieutenant governor in the primary. So he is going to have to go along with the majority party. But I don't believe he is going along with the people of this state. I believe that when we can't give them—when we can't put into our constitution that the governor can appoint them alone, that they ought to be allowed to elect. And it is because you're trying to shove down our throats and the people's throats, the league of women voters' throats, and all the other organizations that have been trying to get good government and a good constitution, it is because you have been doing that that I must go for an elected ad board and oppose—yes, elected, because it won't be appointed by the governor when you say advice and consent, so don't laugh.

You know what you've done over the past few years with advice and consent of the senate. We've had men appointed to commissions who never have been confirmed, and they were good men, good women, but the majority party—the senate—just doesn't want to go along with good government. And that's exactly what is happening here. You're dealing; you're not compromising. You're dealing. You're selling your souls. And that's something I don't think we ought to do.

CHAIRMAN MILLARD: The gentleman from Taylor, Delegate Marshall.

MR. MARSHALL: Mr. Chairman and fellow delegates, I agree with the remarks made by Delegate Brake that we are now facing one of the most, if not the most crucial issue before this convention. I would not place it second to apportionment. I would place it on the same level in importance. I think that Delegate Brake, by offering this amendment, explained the alleged deal that I referred to yesterday. It seems to me that we either favor an appointed ad board or we favor an elected ad board, one or the other. Now, this so called package deal makes absolutely no sense at all. It is completely asinine and I believe in my considered judgment, an insult to the intelligence of the people of the state of Michigan.

Many of the delegates came into this convention talking about a strong executive, giving the chief executive the authority to appoint the state administrative board. As Delegate Brake stated, many of the delegates came to this convention favoring an elected ad board. Out of this package deal that is now being offered to the delegates to this convention, we have neither. In order to try to make the package a little more palatable, I assume that we are going to permit the people to elect the attorney general and the secretary of state. The highway commissioner apparently, from statements made previously, will be appointed by some type of bipartisan board. The superintendent of public instruction, of course, has already been set up to be appointed by the board of education. The auditor general will be appointed by the legislature, and if the deal stands and the delegates in this convention do not upset the deal, the auditor general will, in effect, be appointed by the minority of the people of the state of Michigan under the proposed legislative apportionment plan that has been adopted by the majority of the committee on legislative organization.

I have to admit that I am at this point somewhat frustrated. I am also extremely disappointed at the turn of events. Delegate Brake and others on the floor of this convention have repeatedly talked about a compromise. We've heard the word as it relates to this issue, "compromise," over and over and over again on the floor of this convention. Now, ladies and gentlemen, this simply is not the case, because when you talk about compromise, as I understand it, we talk about reaching an agreement between the 2 opposing viewpoints. I want to say to this convention that the minority party in this convention has not been consulted on the alleged deal. We have not participated in any so called compromise on this issue. A compromise, if any, was worked out among delegates of the majority party off the floor of this convention. A compromise arrived at, if you please, to satisfy, or an attempt to satisfy all of the opposing viewpoints within the majority party. I am of the opinion that it satisfies really no one. I do not believe at this point—nor can I accept—that this alleged deal is going to stand. I had hoped that before we reached second reading and maybe before we get through this proposal, that the deal would start to fall apart, and I hope that it falls apart in the interests of the state of Michigan, the people, the electorate.

Now, Mr. Brake quoted a quotation from Woodrow Wilson. I too have been a great admirer of Woodrow Wilson's; and he stated that possibly it would be good if all of the delegates on the floor of this convention should have to write this quotation on a blackboard 100 times. For those who have talked about compromise and working out a deal, I would like also to make a quotation that would be good if probably all the delegates on the floor of this convention would have to write it on the blackboard 500 times, and I quote from Lowell, "Compromise makes a good umbrella but a poor roof. It is a temporary expedient often wise in party politics, almost sure to be unwise in statesmanship." Maybe while we're writing Mr. Brake's quotation, you ought to jot this one down a few hundred times.

What we need to do here, I think, is not so much to try and realize the ideals at this point, as to idealize the real, and to face up to what the people of this state want. And I do not believe that the people of the state want this type of a hodgepodge setup of selecting their ad board, nor do I believe that they will accept it. I want to very seriously remind you that this does not require the advice and consent of a malapportioned senate. This deal will require the consent and advice of the electorate of the state of Michigan. Yes, I think many of us—and I know we in the minority, and I believe that many of the majority—are sitting here today considering this proposal, particularly the amendment, with a heavy heart. I think we are saddened because this deal was worked out among and between certain leaders within the majority party without even so much as the courtesy of consulting with the minority of this convention.

And in conclusion, and in speaking against the Brake-Durst amendment and asking support for the minority report amendment, I would only say this to this committee: that if this deal is consummated—I want to make this very clear. This is a serious statement that I am about to make and I do this with a lot of consideration—I would say that if this deal is consummated and perpetrated upon the state of Michigan and its electorate, I, for one—and, I believe, most of my colleagues—will have to oppose this constitution. I would remind the delegates that my party, the party that I am a member of, represents a far larger percentage of the people in this state than is reflected at this convention. To forget this—for the delegates to forget this and not be mindful of it—is to sacrifice this convention, to sacrifice this convention in order to solidify the Republican party for the election of 1962. This, my friends, is a tremendous price to pay at the expense of the people of the state of Michigan, and I oppose the amendment.

CHAIRMAN MILLARD: The Chair will recognize Judge Leibrand.

MR. LEIBRAND: Mr. Chairman and delegates, I rise to oppose the Brake-Durst amendment. I cannot condone much of the conduct and many of the statements coming from the minority delegates in this convention over the past few days. On the other hand, I was not sent here to judge the conduct and the morals of my fellow delegates. I've got to keep my eye on the doughnut and not on the hole. (laughter)

I was sent here to try to write a constitution that would be acceptable to the people of the state of Michigan. I believe that the people of the state of Michigan are overwhelmingly in favor of electing their principal state officers. Now, Delegates Martin and Van Dusen have pointed out, or have asserted on the floor of this convention, that people don't know who they are voting for when they are voting for members of the state administrative board. I point out to my fellow delegates that in the election of November 1960 our present governor came out with a majority of 41,000 votes. Our present secretary of state came out with a majority of over 300,000 votes. Apparently there were a quarter of a million people who knew who they were voting for, and I assume there were many more.

I have already gone along with the majority in this conven-

tion on the appointment by the legislature of an auditor general and the appointment by the board of education of a superintendent of public instruction. Further than that I cannot go, at least at this time. I will vote against the Brake-Durst amendment.

CHAIRMAN MILLARD: The delegate from Detroit, Dr. Nord.

MR. NORD: Mr. Chairman—

MR. MADAR: I'd like to rise to a point of special privilege.

CHAIRMAN MILLARD: State it, if you will.

MR. MADAR: I like to get up and debate and I like to point out the things that are going on in debate and regarding the various amendments, proposals. There is one thing I don't like. I don't like the remarks that are made by Delegate Plank. I am not a "g-d" liar, as he claims, as he stated out loud in front of the others. I haven't once veered from the truth here and I've been able to prove—

MR. G. E. BROWN: Point of order.

CHAIRMAN MILLARD: State your point.

MR. MADAR: Wait until I get through. I rose to a point of special privilege. Let me finish, Mr. Brown.

CHAIRMAN MILLARD: Mr. Madar—

MR. MADAR: I had a point of privilege on the floor.

CHAIRMAN MILLARD: What is your point of order? State it, please.

MR. MADAR: That we do not have to listen to this sort of thing while we're sitting here. He ought to be a gentleman. That's one thing he might try to be, even though it's almost impossible for him to do it. (laughter) He doesn't know how to be— (laughter)

CHAIRMAN MILLARD: You are out of order. You are out of order.

MR. DOWNS: Point of parliamentary inquiry. Will the Chair rule as to whether personal privilege applies to what is said on the convention floor and not as to what is said off the convention floor or in private conversation?

CHAIRMAN MILLARD: That is the Chair's understanding, Mr. Downs, and the Chair so rules. Mr. Madar was deliberately out of order.

MR. NORD: Thank you, Mr. Chairman. Mr. Chairman and fellow delegates, I feel that we have had unfortunately rather heated debate on this subject. I don't believe this is the kind of subject that warrants heated debate. Just the reverse. I think this kind of a subject requires, if possible, cool, calm deliberation. I think the reason for that is quite obvious. Members of both parties have frequently alternated their views on this subject. Therefore, it is pretty clear that what we have before us is an issue on which reasonable persons can differ and therefore, reasoning is in order. However, I believe the reason for the hot and heavy debate that we've had is because many people recognize that the convention is at a crucial stage as a result of off convention activities, which we can't ignore at this point.

I don't intend to debate what happened off the floor because I wasn't a party to it. The first thing I would like to say is in connection with the remarks of Delegate Brake as to a compromise. I spoke on this subject a couple of days ago and it was apparently misinterpreted by some people that think that I am opposed to compromise and a lot of people seem to be attacking this particular amendment that is before us on the basis that it is a compromise. I am not opposed to this amendment before us on the basis that it is a compromise. Neither am I against compromise at all. I think it's crucial to the point of view of any liberal. Any liberal is always interested in compromising because he can see 2 sides of an issue and anyone who can see 2 sides of an issue is uncertain whether he has the whole ultimate truth before him on his side. I think compromise, as Mr. Brake has said, is absolutely correct. It is the essence of a republican or democratic form of government, and I don't think there is anything wrong with compromise as such. I would like to point out, however, this: that there is one limit to compromise, and I say we have not passed it at this point. But there is a limit. I just wanted to point it out because we will get to this at a later point. As I see it, in any event, compromises are always in order except when you have a moral issue. If you have a moral issue, I think it's clear you don't compromise. You don't compromise, for example, about how many people you shove into the ovens. You don't do it to any of them. And in a war, again, you don't compromise with the enemy. You don't shoot to wound him. You either shoot to kill him or you don't shoot at all.

As to moral issues, Mr. Chairman, I say there is no room for compromise, and as to issues that are not moral issues, there is room for compromise. And I say further there are very, very, very few issues that are moral issues. There are some, but this isn't one in my opinion. This is not a moral issue. Therefore, compromise is not wrong as such, and I do not object to a compromise in this situation and furthermore, I am not a bit certain that we would not have come to the compromise, no matter how we started out. We certainly did end up with a compromise in the judiciary article and I voted in favor of it—many people did—even though probably none of us thought it was the best solution in the beginning. Therefore, let us not get excited about the fact that it's a compromise. But let us at the same time also consider the fact that there is something about this particular compromise which does put the convention, in my opinion, in jeopardy of degenerating to something less than a deliberative body, and that is the way the compromise has been reached.

As pointed out by Mr. Marshall, in a compromise you take the opposing party and they hash out whatever compromise is indispensable. And it seems to me that there are 2 conditions precedent before you get to a compromise. First of all, you find out whether a compromise is needed. The second thing you do, if you find out that it is needed, is the parties who are opposing each other and who don't seem to wish to give, negotiate the compromise. It seems to me that both of these principles have been overlooked in this particular compromise and it isn't too late for us to reverse the procedure and get back to the compromise in a proper manner.

The first principle—if you want to dignify it by the name of principle—anyway, the first approach, it seems to me, is to find out whether compromise is needed. How do we know that it is needed? I call to the attention of the delegates that in the judiciary article we found out that it was needed. The way we found out that it was needed was that we found that we couldn't adopt any other provision on the floor. It took us a long time to determine whether or not we could reach a solution. When we determined that we could not, then we knew a compromise was indispensable. We have not undergone that procedure in this case as yet and there is no reason why we could not do so.

The second principle—and I use the word "principle" in a loose sense, not a fundamental principle—the second one is this: if there is to be a compromise, it ought to be negotiated by all the parties involved and not just by some of the parties involved. And also I say that when you apply these principles to a deliberative body such as this convention, you will find that what we did in the judiciary article was the correct approach. The first thing we did was to strike out the section which it seemed was not likely to be satisfactory to anybody or to many people, at least. Then we came back with all varieties of approaches, one after the other, and found out whether the various contending forces could succeed on the merits by debating on the floor. When that failed, then we worked out a compromise. Even at that point, I feel that we didn't do it the very best way. Compromises in all cases, it seems to me, should be based on negotiation among the parties. But at least we negotiate it on the floor by debate.

As to the merits of this issue about election versus appointment, it seems to me that it is very difficult to have any strong view as an abstract matter about whether you should want one or the other. And that's the reason why people are wobbling on this issue. I don't believe that it's really a basic issue. I think that reasonable people can think one way on this subject and reasonable people can think the other way and the same person can think one way one time and another way another time.

If you consider this in the abstract, it isn't something that everyone is bound to agree on. For example, it seems to me that an appointment is not automatically bad. It depends on the circumstances. It is neither good nor bad automatically. But in the particular circumstances we have, there are 2 objections which I raise to it. If these were removed I would take a certainly different view. In fact, I believe I would be in favor of appointment if it were not for these 2 objections, which can be removed. The first one that has been referred to is advice and consent of the senate. Appointment by advice and consent of the senate is all right, provided the senate is not malapportioned. And the reason malapportionment of the senate causes trouble is because advice and consent of such a senate prevents the will of the people from being effectuated. If we did not have a malapportioned senate, I would take a different look at the question of appointment and if we did not require advice and consent I would also take a very different look, and I believe we will have that on the floor at some time and I may be in a position to vote for it at that point.

In addition to the malapportioned senate, there is this other factor too, which is related to it, and that is the erosion of the entire principle of majority rule by election, that is, majority rule by direct vote of the people. Now, in this state we have had a considerable amount of expression of the people of their voice in elections. To the extent that the majority rules in those elections, we have democracy in action. To the extent that we don't have that, we minimize democracy in action. Now, many of the elections that we have at this time have to do with the legislature and the legislature does not now and under the majority proposal that is before the committee will not represent the majority rule. And that means that many of the elections that we have will not turn out in accordance with basic principles of democracy under majority rule. That being the case, there is a case to be made for continuing to elect some officers of the state at large because in most cases there you have the people speaking their voice and the majority ruling. Therefore, as to that general question about appointment versus election, my position is by no means fixed one way or the other. It depends largely on what else we do and specifically what we do in the constitution as to apportionment.

What I am suggesting, Mr. Chairman and delegates, at this point is this: that we follow procedure similar to what we did with the judiciary in this respect, that we strike out the majority report whenever it's in order to do so and take up the minority report amendments and amendments of this type or whatever other type we may have, and find out whether—I would say, for example, that we take up the question of whether they should all be elected, whether they should all be appointed. If that fails, take up the question of what we have before us; some are elected and some are appointed. In order to do this, the first thing we would have to do, I assume, is to vote on the amendment before us. We could vote against this amendment, vote it down, with the understanding that it could be reconsidered later if it was necessary to do so. Mr. Chairman, I point this out simply in the hope that we can put the issue back in the proper perspective in this manner, we can put it back into procedure that will be calm and deliberative and see if we can determine the issue on its merits. I will have to vote against the amendment as it now stands.

CHAIRMAN MILLARD: The Chair will recognize the gentleman from Pontiac, Delegate King.

MR. KING: Mr. Chairman and fellow members of the committee, first of all, I would like to state my "going in" position in this matter. I have favored the election of the attorney general and very briefly I'd like to give you my reasons. I feel that the attorney general is not counsel for the governor, but rather counsel for the people. He renders opinions to the executive branch but also to the legislative branch and, unfortunately, now and then he renders opinions to constitutional conventions. He has many functions. He supervises a staff of attorneys at the county level to a degree and he of course writes opinions. Sometimes these opinions are in direct conflict with the decisions of the executive branch. He is really a member of the executive branch and yet he isn't. Perhaps he is almost quasi judicial in his function.

Some years back the attorney general in the state of New York—if memory serves me correctly, at that time I think it was Tom Dewey—indicated to the governor that he might have to make some decisions and expose some corrupt practices and racketeers which perhaps wouldn't meet with the approval of the governor. But he was elected by the people and he had that power, that position, that authority to tell the governor in so many words that he was going to do it anyway, whether the governor liked it or not. I think this is a good situation to have.

With regard to the rest of the administrative board, I personally would like to see them appointed, but unfortunately you can't always have just exactly what you want. Dr. Nord has made a very careful and I think quite accurate analysis of the necessity of compromise, the necessity of negotiation, of getting together and resolving differences. It is seldom indeed that all the truth and all the right and all the angels are on one side.

I can appreciate, from reading this morning's newspapers, that the league of women voters are not satisfied exactly with what appears to be a position that this convention is finding itself in favor of. Of course, I think it's a little bit early yet because I'm not at all sure, even though they appear to be, just what this position is. But the league of women voters is in a unique position and so is the citizens for Michigan, the citizens for constitutional reform. These groups of civic minded people—and my wife is a member of the league of women voters—have the obligation to strive for perfection, for what they believe to be perfection. And sometimes I wish that that were the position that I could take, that I could hold out for exactly what I want on every single issue right down the line. Oh, that would be wonderful. It would be completely irresponsible, but it would be wonderful. But unfortunately my obligation is somewhat different than the obligation of the league of women voters. My obligation is to help write a constitution and as a voice in the wilderness I really can't help write a constitution. I am interested in getting 73 people together on this issue and in that way I am really making a constructive contribution to the writing of this document.

Now let's look at this question: was a deal made? Well, obviously—and I can tell you this from firsthand experience, from the experience of having sat in the Republican meetings—that at no time was there ever, nor is there yet any assurance that 73 people or even anything close to 73 are going to go along with this—are going to go along with the Brake-Durst amendment. I don't know, and I'm just sitting here on pins and needles waiting to find out. But I'll say this: that a majority of the majority party would not necessarily favor this. Now, how could that be? Well, you see what we did, we counted those Democrat votes. We took them into consideration. We were forced into considering those very votes because of a real type of deal which we knew was in the offing which involved some members of one party and most of the members of another party. So those votes were counted. Now, I can't tell you exactly how many. But I suspect that there were about 40 of the 45 of the minority party who would favor the complete election of the ad board, and I don't think that count is any more accurate on the other side of the fence. But these things are all suppositions. They're all considerations. But don't ever think that the vote and the position of every delegate in this room was not considered to the best of the ability of those who were sincerely interested in writing a good document.

Now, there's another group who has this wonderful ability—and I'm not speaking specifically here, but in any such situation as we now find ourselves, there is always another group who can ignore the responsibilities of the position, and that, of course, would be an irresponsible minority. I hope that we don't have such a situation here.

I should like to quote again from President Kennedy's book

written when he was a senator, a Pulitzer prize winner, where he says,

> Some of my colleagues who are criticized today for lack of forthright principles and who are looked upon with scornful eyes as compromising "politicians" are simply engaged in the fine art of conciliating, balancing and interpreting the forces and factions of public opinion and are essential to keeping our nation united and enabling our government to function.

Now, that's a clear statement of what is required by statesmen. You are not a statesman when you just hold out for your position against all the world. And frankly, you're not a statesman when you get up and say, "If I don't have my way, I'm going to go out and campaign against this constitution." Why, that's like a little boy who wants his ball and bat because he can't play his favorite position in left field.

So I repeat: all the votes were considered. Make no mistake about that. We still don't know how this thing is coming out. And I suggest that you vote as you please and sit back and watch where the chips fall. But I, for one, will never find myself in the unbecoming position of apologizing for trying to write the best possible constitution which I think we can possibly write, and as far as I'm concerned, that means being realistic and taking into consideration all of the factors in arriving at a sound conclusion.

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

MR. STERRETT: Mr. Chairman, members of the committee, Mr. Marshall a few moments ago mentioned that he had not been consulted about any compromises. I cannot understand how he can get up before all of us and say that, because I can recall in the committee on executive branch where he said that nothing could be worked out there until the reapportionment problem was settled.

Also, I think if Mr. Madar could find his high principles that he campaigned on, nothing is going to stop him in this convention from making an amendment to the committee proposal to appoint the entire ad board and eliminate the advice and consent of the senate.

Further, Judge Leibrand made the statement that he was in favor of an entire elective ad board and pointed out some election statistics from 1960. However, he did fail to mention that the secretary of state candidate was a very popular nominee for the governor's office in the primary. This could account for the number of votes he had that were over and above a normal election. Further, Judge Leibrand did not go on down the ad board and let us know how scarce the polls reflect the elections for the other members of the ad board.

CHAIRMAN MILLARD: The Chair will recognize the gentleman from St. Joseph, Delegate Upton.

MR. UPTON: It sounds like the "young radicals" are having the floor this morning, brother King and brother Sterrett preceding me. Mr. Chairman and members, I wish to discuss for a few minutes the remarks made by the distinguished delegate from Taylor, and I hope that he is not serious in his remarks about campaigning against our constitutional convention's efforts on one issue and one issue alone. I will go out and work for this constitution, for I feel that much has been done already to make us proud of the work accomplished by the delegates.

Dr. Nord talked very seriously about the need for compromises. I agree with much that he had to say. But I think when we dealt with this problem, we already knew where 45 votes stood, and these votes were not to be changed. There was a difference of opinion among the other 99 delegates, and there was an attempt to come to some agreement as to how we could arrive at a solution that would be acceptable to 73 delegates.

I personally was again not a part of this program and I am not sure in my own mind whether I go along completely with it. But as far as appointing the treasurer is concerned, I feel this is a very important step to take in our state government, for we will know that our financial crises are in the minds of all of us as citizens of Michigan, and our state treasurer must be one who is reporting directly to the chief executive, in my opinion, for the chief executive is the one who is responsible for outlining the budget of our state and determining where the money is going to be allocated — of course, with the advice of our legislature, with the consent of our legislature. So our state treasurer, in my mind, should be appointed. He shouldn't be necessarily a true politician. He should be a man who can deal with the higher finances of the state. And when we spend $1,200,000,000 each year in our state — $5 million every day — we should have a man that is the best qualified in the financial world to take care of our finances for our state.

Therefore, I believe, Mr. Marshall, that there is some sense, perhaps, in appointing the treasurer, and if we have to, elect the other members of the ad board. Therefore, I would suggest that this convention and this committee think very seriously about this amendment and the importance to our future citizens as to how we can best administer our state government. Thank you.

CHAIRMAN MILLARD: The Chair will recognize the gentleman from Grand Rapids, Delegate Tubbs.

MR. TUBBS: Mr. Chairman, I think practically all of the speech that I might have made has been made by others. I was elected to this convention on the Republican ticket and personally I resent having people getting on the floor of the convention and maligning me as a member of a party. We were told yesterday that we are the handmaidens of big business. We are this, that, and the other thing. I would remind the delegates that you do not answer a question by removing the question mark nor by attacking the questioner, and when he brings personalities into his arguments in favor of or against any proposition in this constitution, he is merely showing his own weakness.

We have heard much this morning and yesterday about compromise. It is a word that I do not particularly like. I think, however, that an expression which comes closest to our situation is found in the Federalist Papers and this particular one was written by Hamilton about a century and 3 quarters ago. I hope I can read it well enough from my little notebook so that I can get it verbatim:

> I never expect to see a perfect work from imperfect men. The result of the deliberations of all collective bodies must necessarily be a compound as well of the fears and prejudices as of the good sense and resolution of the individuals of whom they are composed.

I agree with Dr. Nord that we should battle out the sections of this constitution on this floor without reference to personalities. We are here dealing with principles and at this point I would like to assure some of the brethren of the other party that I am a republican in principle, and I spell that word with a small "r". Now, perhaps a lot of people don't know the difference between a republican and a democrat, both of which are spelled with small letters. A democrat is one who thinks he is elected by the people for the purpose of doing what the people want him to do. A republican is one who is elected by the people to do the things he thinks ought to be done. Now, that's the theory on which I came to this convention. And when they talk of our democratic forefathers, I would like to remind these gentlemen that not a single person in the national government was elected by the people except the members of the house of representatives. And it wasn't until within the memory of some of the women in this convention that women were permitted to vote. How long ago did we get this democratic government? Section 4, article IV of the Constitution of the United States guarantees to every state a republican form of government, and that's what I'm here to vote on.

CHAIRMAN MILLARD: The Chair will recognize the delegate from Pleasant Ridge, Mr. Elliott.

MR. A. G. ELLIOTT: Mr. Chairman, ladies and gentlemen of the committee, I think that we have now started to strike a tone that this convention needs in deliberation on this

particular subject and it has just been expressed by the speaker who just finished. I would be hopeful that I can maintain the few short words that I have to say in that vein and that the speakers will try to do likewise because we are here, each and every one of us, to do the very finest job that we have within our capabilities to do for all of the people of Michigan and not for any one segment of the people or any one economic group and so forth.

The only remarks that I have to make in regard to this amendment are along the lines of the importance of what we are talking about. Every detail of this convention is important. But when we single out any 1 item or any 2 items and recite them as being the most important issues that are going to confront the convention, we must recognize that we're doing this within the frame of reference that we ourselves are thinking and that this is not necessarily true for the bulk of the people of Michigan or even for the bulk of the people of this convention. Let's put things, just for a moment then, in their proper perspective. If this convention was to adjourn today, we would have made significant and substantial improvements in every phase of the constitution with which we have dealt in the committee of the whole. We've made improvements in the area of civil rights. We've made substantial improvements through the committee's work on education. Certainly, the improvements in the finance and taxation articles of our constitution are things that we can be proud of. Even though they may not have answered the needs of everyone in this convention, they are significant in their nature. The same thing. I am certain is true for the committee on local government, one which is perhaps a little bit closer to my heart than others.

Now we are engaged in debate on the issues that have come to us from the executive committee and we have tried to narrow down their work to the discussion and to place the emphasis on their work just on the discussion which is before us. And I think that this is doing them an injustice, doing ourselves an injustice and doing the people of the state of Michigan an injustice. Because if we look at what this executive committee has proposed to us as their recommendations for the future of this state in these particular areas, we will find that there have not been minor improvements in the executive branch of government, but there have been some absolutely startling, substantial and exciting improvements either contemplated or already adopted by us in the committee of the whole. In many of these committee reports and the action that we have taken and are about to take, we will find within those actions enough improvements to more than pay for the entire cost of this convention in the first year after the —

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

CHAIRMAN MILLARD: State your point.

MR. MARSHALL: Excuse me, Delegate Elliott. I'm sorry I have to rise to a point of order. I don't believe that Delegate Elliott is speaking on the amendment. I have no objection if he desires to make a speech —

CHAIRMAN MILLARD: Your point is well taken. Mr. Elliott, confine yourself —

MR. A. G. ELLIOTT: Thank you very much.

CHAIRMAN MILLARD: The Chair will take that into consideration as to the rest of the speakers.

MR. A. G. ELLIOTT: If you are able to do that, then what I've said will have had some value. (laughter) May I suggest to Mr. Marshall, inasmuch as he raised the point of order and I will now speak directly to this amendment, the one which amends the minority report amendment, that there has been much talk of compromise which I think is not to the benefit of the convention; that we are really trying here on this convention floor, by debate, to reach an agreement between opposing views; that to do that you must find some middle ground, one which will more properly recognize the points of view of 7,800,000 people, and not anything less than that; and in that operation that you rarely, if ever, achieve what you as an individual feel is the complete answer to any particular problem.

Now, if we were to subscribe to the amendment of the minority, and only to his amendment, I would like to ask you to look at the position that he espouses in the election of these various officers of the executive branch of government. And now I would like to ask you, as delegates in this convention, to review in your mind the statements that have been made by nearly every student of government who has spoken on this subject. And remember that, almost without exception, they have spoken against this amendment. And I am wondering as I stand here what position those units of our society who have been active in the espousal of this convention, such as the league of women voters and all others who have been vitally interested, would say if the position that Mr. Marshall has presented would prevail.

I personally feel that the Durst-Brake amendment is one which will give the members of the minority here — is one which will give to the state of Michigan — a much more effective, efficient executive branch of government, one which will give to the people of the state of Michigan a much more direct control upon government, and it will make its officials much more responsive. And this is what I came here to do and I am very pleased to support the amendment.

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

MR. BALCER: Mr. Chairman, ladies and gentlemen of the committee, I haven't said much but I've been thinking a lot. (laughter) I've got to a point where I have to get up and say at least a few words, and my questions will be directed to Mr. Durst. Mr. Durst, you studied, you told us, and you believe that we have a good appointive system in Michigan, and we should have. I also have studied at the University of Michigan and my views are a little opposite to yours. What would happen if you appointed a governor instead of electing him?

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

MR. DURST: The only answer I can give you, Mr. Balcer, is that Dr. Pollock never suggested we appoint the governor, so I never considered it. (laughter)

MR. BALCER: But if you did, why, you'd go back to a territory and then you'd have to have an enabling act to put Michigan back in the union.

MR. DURST: I will concede that, Mr. Balcer.

MR. BALCER: That's right. All right. Now, why do you object to the people having more power?

MR. DURST: I don't object to the people having more power. I will say this — and I want it made perfectly clear — if I really believed that the people of this state made an honest decision and a capable decision on who were to be the members of this ad board; would at each election consider the qualifications of every candidate and go to the polls with the idea of making a selection as to which man could do the best job, then I would say it was worthwhile. But I am convinced that at least when the people who live in my territory go to the polls, Mr. Balcer, the great majority of them mark one place on the ballot, which is a straight Republican ticket, without any consideration as to the merits or the abilities of the various people that are running for those offices. And to the extent that they do this, they are not exercising any judgment or any concept of democracy as far as the election of these persons are concerned. Now, this isn't so bad. Miss Hart here behind me makes the comment many times that if you're going to appoint these officials, let's appoint our legislators. Many of the people don't know who their legislators are either.

I might say this: that by electing these people you set up a multiple headed executive department, with each one of these multiple heads conflicting with the authority of the governor, therefore making the administration of the executive department of this state less efficient than it would be if they were all appointed by the governor. Now, against this efficiency is the desire of the people to have democracy. As I say, if I really thought the people were getting something out of this process, then I would say that we should elect them and forget it. But, when you come to legislators — maybe they don't know, but you can't let anybody appoint the legislators. This is a matter of separation of powers. The legislature is there as sort of a watchdog. It is another component of government

to the executive branch. I don't think the 2 issues are comparable in any way whatsoever.

MR. BALCER: Mr. Chairman, Mr. Durst, I know that both parties vote straight tickets. Would you say that they come around and hand you out posters that say: vote straight this or vote straight this? Now, who is more ignorant than the other?

MR. DURST: I am not saying here that any party is more ignorant than the other. I said that in my area the Republicans do this. I am convinced that in other areas Democrats do it. Democrats do it in my area too. They're both equally guilty of this sin, if it is one.

MR. BALCER: Mr. Chairman, Mr. Durst, do you insist that the people don't know what they're voting for?

MR. DURST: I believe a great majority of the people don't. Sure, there are people who are vitally interested in this and make an intelligent choice.

MR. BALCER: I give the people of Michigan credit that they know how to vote.

MR. DURST: That's the dispute between us, Mr. Balcer.

MR. BALCER: All right. I haven't anything more but I think that the elective officials should be elected by the people. Then the final thing that I want to mention to the delegates of of the convention is, ladies and gentlemen of the committee, I think we should have less party politics and more Americanism and that's what this convention needs is more Americanism. Thank you. (applause)

CHAIRMAN MILLARD: The Chair will recognize the gentleman from Bloomfield Hills, Delegate Romney.

MR. ROMNEY: Mr. Chairman and fellow delegates, I came to this convention prepared to take final positions based on our deliberations and the overall view of what is in the state's best interests, and I have not changed my viewpoint in this respect one iota. I came to this convention only with "going in" positions. I have undertaken to arrive at my votes on the basis of the committee action and the discussion here on the floor and I expect to continue to do so.

Now, on this particular matter, I have not changed my personal viewpoint. I think it would be better to appoint all the members of the ad board. I think that electing some and appointing others is not as good. I believe that a proper organization of the administrative and executive branch of the state government would call for the election of those who carry the primary responsibility. I believe sound organization requires authority commensurate with responsibility. I have heard Mr. Marshall use that principle in the discussion in past days, as well as others. I think that the dispersion of executive responsibility defeats the proper limitation of governmental power through checks and balances. And we have already indicated our intention to provide in this constitution for the election of the governor, lieutenant governor, and whatever ad board members we elect, as well as the members of the board of education, the members of the legislature and the members of the supreme court. We have thus put in the hands of the people the selection of the principal officers in the 4 branches of government that we are establishing under this state constitution. I think the situation we face under this amendment is perfectly clear.

Mr. Marshall's minority report amendment and Mr. Brake's views, as he expressed them — he indicated that he had not changed his views with respect to the election of all of these officers — makes it clear that a coalition of their supporters would have resulted in the election of all these officials. Now, this is a compromise. Mr. Nord has had a good deal to say about compromise. Unfortunately, Mr. Nord's words do not square with his practice in one particular respect: the key problem of compromise insofar as one of the important areas before this convention was in the apportionment committee, and here Mr. Nord and his Democratic associates had the opportunity to support a minority Republican position that would have provided for a house on a straight population basis. When this matter was before the committee, Mr. Nord and his associates abstained, and that abstention prevented —

CHAIRMAN MILLARD: Mr. Romney, we're not on the legislature —

MR. ROMNEY: We're discussing the question of compromise on this matter and its application in this convention. And it ill behooves those who have failed to support compromises that would improve the work of this convention to criticize those who have. And that's my point in making this point. Now, the heroic all or nothing stand in this convention, without 73 votes, means nothing. And I think that's a very important thing that everyone should keep in mind.

Reference has been made to the league of women voters' position on this matter. I have in my hand a statement of the position of the league of women voters on this matter, as well as others. On the question of the executive branch of government they list 4 items that they say they would like to see written into this constitution. If you score those 4 items, including this one, the indication is that we will write in 80 per cent of what they recommend. If you take all of the recommendations, including the one on this, the score would be 87.9 per cent.

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

CHAIRMAN MILLARD: State your point.

MR. FORD: The question on the floor is the amendment proposed by Mr. Brake and Mr. Durst and the speaker is not talking about and has not yet touched upon this amendment.

CHAIRMAN MILLARD: The speaker will confine himself to the amendment, please.

MR. ROMNEY: It's quite correct that the speaker has made some comments upon statements made by other speakers in the course of the discussion of this amendment but I think it is important that these comments be made to clarify the record of this debate.

Now, as far as I am concerned, I am supporting this amendment. I am supporting this amendment for a very simple reason. I believe that if you face total defeat, it's better to secure partial victory. And this represents a big step forward in improving the organization of the administrative branch of the executive branch of the state government. It does not defeat the checks and balances of government. It increases their effectiveness, and that's why I'm for this amendment.

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

MR. KARN: Anything I'd say would be repetitious.

CHAIRMAN MILLARD: Delegate Faxon.

MR. FAXON: Mr. Chairman, fellow delegates, in viewing the question of appointment versus election, I think we have to keep in mind why we developed this tradition here in the state of Michigan, and then we have to view whether the adoption of this tradition is necessary today to be changed in the light of new considerations and changes in our society.

When our constitution was written — and I now refer to the federal Constitution of 1787 — it did not provide for government by the people because the people who attended that convention did not believe that the people were capable of making sound independent judgments. So that kind of democracy that we know of today started in part back then but it developed in our country over a period of years and it developed through the time that Jefferson was president, and Madison, and Monroe, and it came to some sort of point of understanding during the time that Jackson was the president of the United States. And so when our constitution was rewritten in the year 1850, its provisions dealing with the election rather than the appointment of the administrative heads was essentially in the Jacksonian tradition.

Now, what was this tradition that some of these "young radicals" are attempting to usurp today? A tradition which has in its basic form a trust in the people and a faith in the people, a tradition which did not want to concentrate the total powers of the executive branch of government in a single executive. The people in 1850 knew what they were doing. They did not want a strong governor. The people in 1908 who attended the convention and reaffirmed the position that was taken in 1850 — and by the way, those who attended the convention in 1908 were predominantly those Republicans in this state who wanted to reaffirm a weak executive —

reaffirmed the position of the 1850 constitution. They did not want a strong governor, a strong executive and, furthermore, they reaffirmed their faith in democracy by permitting the people to exercise their elective franchise in the selection of those people who have the various administrative branches of government. It is not a question here of whether these branches of government determine policy or actually run the government. The question that I suggest to you here is whether we have faith in people and whether we have faith in the democracy which this country symbolizes to the entire world.

In 1850 we did not have a very broad educational system. In fact, people didn't even go to high school in those days. And yet we were willing, in 1850, to trust the people to elect their officials. In 1908, education had not yet reached the point that it has today and we were again willing to trust the people. Are we now to give a slap in the face to our educational system? Are we now to take a slap at democracy and the people who have made this possible, by saying that the people today cannot exercise the good judgment that they were able to exercise for the past 100 years in the selection of people to sit on the administrative board? I don't think we can say to the world that Michigan, after having experienced democracy in this form, is now going back to an inefficient administrative setup that was conjured up by students of political science, not by people who have actually been in the exercise of this government over the past years. I suggest to you that the decision we came to in 1850 did not come because we had political scientists advising us on what makes efficient government. I suggest that our fundamental documents were not written by people who were political scientists. They were written by people who were in government and people who were close to the people. Jefferson gave us government for the people. Jackson gave us government by the people. Lincoln gave us government of the people. Now we are facing a decision which really does take away the right of the people to elect the various administrative heads. And it's been said very clearly by one of the proponents of this amendment to which I'm directing my comments, that he doesn't trust the people in his district. He says they vote Republican. Now I don't care whether the people vote one party or another. This isn't a partisan thing as far as I'm concerned. It doesn't matter whether the people vote a straight ticket or a split ticket. It does matter, though, whether we trust the people who sent us here. And I suggest to you that if we are forgetting that the people who sent us here trusted us, we ought not to forget that we should trust them in turn. And I don't feel the same way as that delegate felt, that he couldn't trust the people in his district, because I do trust the people in my district, not because they selected me, but because I think we ought to trust the people—

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

CHAIRMAN MILLARD: State your point.

MR. PLANK: The delegate is not talking on the amendment. If you are going to direct one member of one area to talk on it, then you should direct them all, please.

CHAIRMAN MILLARD: The speaker will confine himself to the Brake amendment.

MR. FAXON: Mr. Chairman, I have just directed my comments to a remark made by one of the proponents.

CHAIRMAN MILLARD: You will confine yourself to the Brake amendment.

MR. FAXON: I am doing that, Mr. Chairman. I am dealing with a point which is elective, and this is the question here. Now, I am going to conclude. I don't think that it demeans this convention to become picayunish in terms of what remarks are made by one delegate or another, and I don't think that a justification for a point should be because it's been done for one, it should be done for the other. I am directing my comments to the amendment because we are concerned here with whether we are going to continue a tradition in this state which has been in existence for 112 years. As a conservative, I am concerned whether we make any radical departures such as is suggested. I think this needs discussion and the fullest kind that we can give it.

I am going to conclude this now by reaffirming the principles that were inherent in the people who wrote up our constitution 100 years ago, who reaffirmed faith in the democracy which we have here, and faith in the educational system to provide for the people of this state a means by which they will learn to know their government, learn to recognize those people who occupy the head positions in that government and learn to make intelligent judgment as to which people should or should not be elected. I think we in Michigan have had a good experience with democratic government, and I think the Republican party in Michigan has affirmed this position over the years, a position of faith and trust in the people to make these decisions. And I think the election of administrative heads of government is a basic concept in our democracy here in this state, is a basic principle in our entire society and is one which would be well worth our consideration before we are going to make any changes in it. I urge the rejection of the amendment and the affirmation of our faith in the democratic process, our faith in the people of this state and our faith in the traditions and conservative principles that this state has been guided by over the past 125 years.

CHAIRMAN MILLARD: The Chair has had some curiosity expressed as to the number of speakers. There are now 14 on the list to be heard. Mr. Martin.

MR. MARTIN: Obviously the flow of oratory is going to go on for quite awhile here. I think we are beginning to get a little hungry and I move that the committee do now rise.

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

The motion prevails.

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

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

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

SECRETARY CHASE: Mr. President, the committee of the whole has had under consideration **Committee Proposal 71,** considered an amendment thereto, has come to no final resolution thereon. This completes the report of the committee of the whole.

VICE PRESIDENT HUTCHINSON: Any announcements? Will the convention please be in order. Will the gallery please respect the decorum of this convention.

SECRETARY CHASE: The secretary would like to request the delegates, as promptly as possible, to turn in the blanks for the furnishing of the necessary biographical material. They were due last Friday and about half of them have been received.

We have a request from Mr. Barthwell to be excused from the afternoon session today because of personal business.

VICE PRESIDENT HUTCHINSON: Without objection, the request is granted.

What is the pleasure of the convention? The Chair recognizes Mr. Shackleton.

MR. SHACKLETON: Mr. President, I move the convention recess until 2:00 p.m.

VICE PRESIDENT HUTCHINSON: The question is upon the motion of the gentleman to recess. All those in favor will say aye. Opposed will say no.

The motion prevails. The convention stands recessed until 2:00 o'clock this afternoon.

[Whereupon, at 11:35 o'clock a.m., the convention recessed; and at 2:00 o'clock p.m., reconvened.]

PRESIDENT NISBET: The convention will please come to order.

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

PRESIDENT NISBET: The Chair recognizes 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. At the close we were debating the Brake amendment to the minority report amendment to **Committee Proposal 71.**

The Chair will now recognize Delegate Stevens.

MR. STEVENS: Mr. Chairman and members of the committee, I might start with a quotation from President Cleveland: "When faced with a fact and not a theory," nothing is easier for me to compromise on than this provision here inasmuch as over the years I've noticed it wouldn't make much difference whether the governor appointed those men directly or whether he decides at the convention who they eventually will be. I think the people of the state of Michigan probably feel much the same way. It's true that there are exceptions, but they're rare. It's true that some of the delegates in this convention happened to be executive elective officers at a time when the governor happened to be of another party. But over the years, most of the time it isn't much of a question whether these men are elected by the people after they have been nominated in a convention controlled by the governor or the candidate for governor or whether you would appoint them directly. But remember that appointing these men directly is not all that you might think it might be. President Jackson had his kitchen cabinet, Theodore Roosevelt had his tennis cabinet, and even Abraham Lincoln had members of the cabinet whom he never would have chosen except for the exigencies of the situation which made it almost necessary for him to do it. So I would support the Brake amendment on the basis that, so far as I am concerned, it doesn't make much difference whichever way you do it. Thank you.

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

MR. FORD: Mr. Chairman, members of the committee, my understanding is that we are now talking specifically about an amendment proposed by Mr. Brake and Mr. Durst, the direct effect of which would be to make a decision at this time that we would not elect on a statewide basis the state treasurer, auditor general and highway commissioner, as well as the superintendent of public instruction. The result would be, as I see it, in adopting this amendment — if the minority report amendment were ultimately adopted — that we would provide for the election of the secretary of state and the attorney general, and I can only assume, since neither of the proponents of the amendment said so this morning, that they had in mind some other method, that is, other than the election on a statewide basis by the people, of selection for the other 4 present state officers.

Mr. Brake, I think unfairly to a certain extent, has been identified as the person responsible for the position we find ourselves in now and have been in ever since last Friday morning. I told Mr. Brake a little while ago that I hope he understood that when I talk of him, I talk of him as a symbol of a point of view here and I hope that we can avoid picking on him constantly. I am sure that with his many years in politics he is not at all upset by the attacks, but I think that we ought to spread some of the responsibility around here so that we can have some identification with the people truly responsible for the posture we're in. Mr. Brake urges on behalf of the amendment that we adopt it for 1 reason, and if any other reason was given by either he or Mr. Durst, it passed me and I missed it. And the 1 reason is that although he, from the sound of his presentation, did not personally approve of the result of his amendment, the amendment is dictated by a compromise and he urges the adoption of the amendment, not because it's the best way to select the administrative board or the best way not to select the administrative board, but because it is a method arrived at pursuant to a compromise.

Since the proponents of the amendment rely so strongly and almost exclusively on the support of their amendment by the magic of the word "compromise", I borrowed from one of my seat mates Webster's Collegiate Dictionary, calling upon 5½ months' experience to be able to find the word "compromise" therein. Webster defines a compromise as "A settlement by arbitration or by consent reached by mutual concessions." I think the word "concession" is very important. Another way of putting it is: "a commital to something derogatory, hazardous —"

MR. GUST: Mr. Chairman, point of order. Does it matter how we got to this present proposal or Brake amendment before us, whether we compromised or picked it out of a hat? It's here for a vote. If Mr. Ford wants to talk to it, let's talk to it so we can get to the voting. I raise this as a point of order, that it's immaterial how we arrived at the Brake amendment to the minority amendment.

CHAIRMAN MILLARD: Mr. Ford, will you confine yourself to the amendment, please.

MR. FORD: Continuing: "a committal to something derogatory, hazardous or objectionable; a prejudicial concession; a surrender, as a compromise of character." This is not my definition of Mr. Brake's words in support of his amendment. This is Mr. Webster's definition.

Now, where is the compromise in this amendment that urges its adoption or persuades us? The principal amendment is that we elect 6 people on a statewide basis. The amendment to it is that we elect 2. Is the compromise in that we elect 4 less than the principal amendment? And if so, what is the consideration for the failure to elect the 4? Neither Mr. Brake nor Mr. Durst told us this morning what the elements of compromise are that take these 4 people out of the elective process. It has been suggested to us by other speakers on the floor this morning that there were a number of considerations involved, apparently to most of us, considerations that lie completely outside of the scope of the executive department and deal with the subject matter of the apportionment of the legislature, the question of the tax structure of the state, and questions involving all of the other major issues that have come before this convention and are yet to come before the convention.

Now, the question that comes to my mind is this: do you start on the assumption that the people should select everyone in their government that they might reasonably be able to select and should only have imposed upon them those appointed people — or people picked by a lottery, or however you do it other than electing them — those people that you determine from experience should be picked in some other manner? Or do you start from the point of view that everybody should be appointed — as it once was in the government that preceded our democracy — and work slowly, one by one, toward adding people to the elective process?

Starting off on the assumption — as the principal amendment does here — that these 6 people should be elected, we're still waiting for someone to tell us why these particular 4 should not be elected, why all 6 of them shouldn't be elected for that matter. If we're not talking about a compromise that incorporates into it considerations other than the proper way to make up an administrative board, and other than the question whether this is going to be an effective administrative board that is going to serve all of the people of the state and strengthen or supplement the powers of the governor, then there doesn't seem to be much point in simply deciding that we'll pick 2 one way and 2 another way and 2 another way so that we may give everybody something in the convention without actually facing up to the responsibility of looking at the offices and voting our own individual conscience on how we think these people should be selected.

I submit that to vote for this amendment solely for the reason urged upon us, that this would accomplish a compromise

between 2 opposite points of view. Without having some sound reason for using a method other than election by the people for the selection of these officers would be ducking the responsibility of every single member of this delegation. We all have individual views on how these people should be selected. Some of us have changed our views since the beginning of the convention, and I think that this is as it should be, or else we have wasted all of our time here for the last 5½ months. If all of us are still voting with the same prejudices that we brought here, without any consideration for other points of view that have been urged on us, then we must reject the compromise, because at no time has anyone at any stage in this constitution — Mrs. Judd or Mr. Karn apparently have something more important than what I have to say; if they want to take the microphone — no one at any time in this convention has presented to us a proposal, either from a delegate proposal or from a committee proposal or from any combination of the 2 that would result in the same situation that the Brake amendment would bring about now. I ask every one of you, in voting on the Brake amendment, to examine for yourselves the real reason why we are urged to do what we are urged to do in the adoption of the amendment at this point and find out whether we are really voting for something that people believe is the right way to do it or whether we are voting for something that is going to produce for someone support from a group that they might not have had before, or some other consideration outside the principal subject matter of this section of the constitution.

CHAIRMAN MILLARD: The Chair will recognize the gentleman from Birmingham, Delegate Van Dusen.

MR. VAN DUSEN: Mr. Chairman, I had intended to pass, but in view of Mr. Ford's remarks, I think perhaps what I have to say may be particularly pertinent at this point. The provisions of the Brake-Durst amendment which I intend to support are not, in my judgment, ideal. I would have preferred to see the entire administrative board appointed by the governor with the advice and consent of the senate. However, that appeared to be unattainable, and one important reason why it appeared to be unattainable was that on February 16 of this year, 45 members of this convention, describing themselves as "We, the delegates of the Democratic party of the Michigan Constitutional Convention of 1961-62, subscribe to a declaration of principles, . . ." one important feature of which was the continued election of all of the members of the administrative board. Consequently, confronted with that prospect, it became necessary for those of us who believed in an appointive administrative board to seek to retain as much of that objective as was possible. And embodied within the Brake-Durst amendment appears to be as much of the appointive administrative board as is attainable in the light of the declaration of principles subscribed to by the Democratic delegates on February 16.

Now, I think that the Brake-Durst amendment embodies some significant improvements in the method of selection of members of the administrative board over the present elective method. I spoke yesterday about the weaknesses of the elective method and I will not repeat those remarks at this point. I would simply point out, however, that the governor can make a far more intelligent selection of a highly qualified man to serve as state treasurer than can the electorate forced to make that choice at a time when they are voting upon not only the governor and lieutenant governor, but many other officials. I firmly believe that the legislature can make a more intelligent selection of the auditor general than can the electorate under our present circumstances. I firmly believe that a board of education can make a more intelligent selection of a highly qualified state superintendent of public instruction than can be made under the present method, and that we will obtain by this means far better men for these posts of important responsibility in our state government than we do by the present method. I further believe, though it is not before us at this point, that a highway commission charged with the responsibility of selecting the best qualified man to operate the highway department can make a better selection of a highway commissioner than can the electorate, very few of whom participate proportionately in the selection as at present.

Therefore, while I fully recognize that the method of selection of these officials embodied in the Brake-Durst amendment is not what I conceive to be the ideal, it is a sufficient improvement over what we have at present and, in my judgment, the best attainable improvement which we can reach at present, so that I propose to support it.

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

MR. MARSHALL: Mr. Chairman and fellow delegates, there were several statements made concerning this amendment on the floor of the convention this morning which I'd like to attempt to answer at this time.

Delegate King, I believe, this morning said that he was interested in coming up with a compromise — is Delegate King on the floor? — that would receive the votes of 73 people in this convention, realizing, of course, that that is the required number that it takes to pass any final proposal in the convention, and he was interested in writing a constitution that would get the required 73 votes. I too am interested in this. But Delegate King did not add to his statement and I got the impression that he wouldn't particularly care what type of a document it was, just so he could get 73 votes for it, whether it was good or bad. I would ask Delegate King at this time whether that was his intent.

CHAIRMAN MILLARD: Mr. King.

MR. KING: Mr. Chairman, Mr. Marshall, it was neither my intent nor was it what I said.

MR. MARSHALL: Then I believe, Delegate King, that you talked about the irresponsible minority. I don't think that this is a charge that can stand. I think there is very definitely a difference of opinion —

MR. A. G. ELLIOTT: Point of order, Mr. Chairman.

CHAIRMAN MILLARD: State your point.

MR. A. G. ELLIOTT: Is Mr. Marshall talking to the amendment or something other than the amendment?

CHAIRMAN MILLARD: Mr. Marshall should confine himself to the amendment.

MR. MARSHALL: For the benefit of the Chair and Mr. Elliott, the door was opened by the remarks that were permitted on the floor and I think that —

CHAIRMAN MILLARD: Mr. Marshall, this morning you raised a point of order that they were not talking to the amendment and the Chair said that hereafter he would hold the people to that. And so the Chair wishes you would confine yourself to the amendment, please.

MR. NORD: Mr. Chairman, may I address a parliamentary inquiry to the Chair?

CHAIRMAN MILLARD: Yes.

MR. NORD: There may be a very simple answer. I wish I knew what the answer is, though. This is the question: when a delegate has the floor and is speaking, under what circumstances can somebody interrupt and raise a point of order? I'm not saying that one person or another has done it, but can you interrupt, or must you wait, or how do you work that?

CHAIRMAN MILLARD: You can raise a point of order at any time, Dr. Nord.

MR. NORD: You can interrupt the speaker?

CHAIRMAN MILLARD: Because that's when the point of order is being raised — on something the speaker is saying.

MR. NORD: May I ask also about a personal privilege? May you interrupt at the same time, or do you wait your turn, or what?

CHAIRMAN MILLARD: If it is a true question of personal privilege as defined in the rules, yes.

MR. NORD: Thank you, Mr. Chairman.

MR. MARSHALL: Well, I will pass over then the statements of Delegate King and talk on the amendment. I might later on desire to take the floor on a point of personal privilege to answer the charge.

Now, obviously, in adopting this amendment, I believe Delegate King referred to changing the rule; that the present method of electing state officials was not proper and that we

now change the rules. He talked about some of us who are supporting the minority amendment and opposing this amendment.

MR. KING: Mr. Chairman, on a point of personal privilege, could I ask Mr. Marshall not to refer to me by name unless he wants to quote me accurately? I said none of those things. I accused no one of being —

CHAIRMAN MILLARD: Address your point of order to the Chair, please.

MR. KING: It's a matter of personal privilege. I do not mind being quoted if the gentleman would care to quote me accurately.

CHAIRMAN MILLARD: All right.

MR. MARSHALL: Can I ask you a question? Delegate King —

CHAIRMAN MILLARD: Just a moment, Mr. Marshall. The secretary will read what personal privilege is, so you will all understand it.

SECRETARY CHASE: This is from section 220 of Mason's Manual:

> Questions which relate to the body or to its members in such a manner as to affect proper functioning of the body are questions of privilege. . . . They relate to the rights and privileges of the body or to any of its members in their official capacity or to the comfort and convenience of the body or its members in the performance of their official duties.
>
> Questions of privilege are of 2 types. They may relate to the privilege of the entire body which are known as questions of privilege of the house and questions of privilege which relate to a member which are known as questions of personal privilege.

Questions of personal privilege.

> Sec. 222. Questions affecting the rights, reputation and conduct of members of the body in their representative capacity are questions of personal privilege. Questions of privilege of a member must relate to a person as a member of the body or relate to charges against his character which would, if true, incapacitate him from membership, and he is not entitled to the floor on a question of personal privilege unless the subject which he proposes to present relates to him in his representative capacity.

MR. BENTLEY: Mr. Chairman, a parliamentary inquiry.

CHAIRMAN MILLARD: Mr. Bentley.

MR. BENTLEY: Mr. Chairman, am I correct in believing that when a member desires the floor on a point of personal privilege, he is first of all required to state the point of personal privilege and await a ruling by the Chair as to whether or not personal privilege is involved before proceeding to speak on it?

CHAIRMAN MILLARD: That is correct. Proceed, Mr. Marshall.

MR. MARSHALL: I'll agree with the ruling of the Chair. I think that Delegate King's point of order was well taken. It probably does relate to his comfort because he doesn't want to hear the remarks. (laughter)

I want to point out that in this amendment — I don't think that this can be emphasized too strongly — that you are not strengthening the executive; you are weakening the executive considerably. In effect, what you are doing, you are establishing a troika, with one part of the ad board controlled by the legislature or some board or commission that is going to be set up, and the governor sitting in the executive office. You have 3 different things here that you are talking about and you are not strengthening the hand of the governor at all. I don't see how you strengthen the hand of the governor by this amendment, by giving him the authority to appoint the treasurer and having the other appointments made by a commission, then having a couple of state officials elected. I don't see how anybody could agree that this is a better system than the election of the state officials and, as I said this morning, we ought to do either one or the other. We ought to elect all the officials or we ought to appoint all of them. I am not in favor of the Brake-Durst amendment. Instead of Brake-Durst, we might refer to this amendment as the "Brake and burst" amendment.

Delegate Romney this morning made a statement on this amendment which I think makes his position rather clear. He was prepared to take final position on this amendment, that he still favored a strong executive; that he had not changed his personal viewpoints in this matter, even in face of the deal. He thought that going part way on this amendment and electing some of them and having others appointed was better than the present system. If I may, and if the delegate cares to answer, I would like to at this time ask a question of the delegate from Bloomfield Hills.

CHAIRMAN MILLARD: He is not on the floor, Mr. Marshall.

MR. MARSHALL: I'll catch him when he flies in and out, and ask him.

Mr. Van Dusen made a statement a moment ago in supporting this amendment, which shocked me somewhat, because if I understood his remarks correctly, they were along the lines that the people could not be trusted in the matter of electing their state officials, or that you could get better state officials by the process of having them appointed by the governor or by some board or commission, and he particularly talked about the highway commissioner — that very few people participated in the election of the highway commissioner and that the vote for the highway commissioner was a very light vote, or something to this effect. I may not have the remarks exactly verbatim as he spoke them. But I would only point out that in the last election I think that people did know — and I use this as an example in opposing this amendment — that the people did know, because the present highway commissioner received the largest vote that has ever been cast for a highway commissioner in this state. I think that if you would check — and I've heard this argument used: that people do not know who they're voting for when they vote for their state officials; that they only vote for the governor, and the rest of the people go along for the ride. I can only cite you the returns of the last election, that I think belies this argument, because the governor of this state was elected by only slightly over 40,000 votes, while the secretary of state received a plurality of better than 177,000. The attorney general's margin was somewhere around between 150,000 and 160,000. So the people did not just go to the polls to vote for a governor and then cast a ballot for the whole ad board. The votes were split. I think that the vote that the secretary of state received demonstrates that they were voting for Jim Hare for secretary of state, and not voting for Jim Hare because they were voting for Governor Swainson. I just can't understand — and I'll have to admit that I'm awfully thick headed — but I cannot understand the rationale or the logic behind this deal that was worked out between certain delegates in this convention. No one has really given a valid reason. And unless some logic is given and set forth to substantiate this deal, I think that the delegates to this convention should vote down the Brake amendment and support the minority report amendment.

Now, if you're talking about really wanting a strong executive, are there 73 delegates in this convention that would consider, if you want a strong executive, the governor appointing his ad board without the consent and advice of the senate? And that was the question that I wanted to ask of Delegate Romney: if he was willing to submit an amendment to permit the governor to appoint his ad board without the consent and advice of the senate. I would think not, because that might tend to split the deal. I urge you to defeat the Brake amendment and to support the minority report amendment in the absence of something better.

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

MR. HODGES: Mr. Chairman, I rise in opposition to the Brake amendment. I realize the debate has been long, but I do not hesitate to rise because we are not merely debating the question of appointive versus elective administrative board, important as that is. We are debating the first part of the package deal. No one here came advocating this type of administrative board which the amendment has. No one here

believes that it's right today. It is being sold as part of a package, and stated it must be supported because it's one part of the package and it hinges upon the rest of the package. I do not intend to make empty charges and meaningless threats. But if this entire deal is consummated, in my humble opinion, this constitution is lost. It is for this reason we make our fight now and here. If the leadership chooses to use our influence, that is, the minority, to the 1/3 that is reflected in our number in this body, rather than our true strength, to treat us as second class cousins —

CHAIRMAN MILLARD: Mr. Hodges, the Chair thinks you're out of order. Would you confine yourself to the amendment, please?

MR. HODGES: I am speaking on the amendment.

CHAIRMAN MILLARD: Please stick to the amendment.

MR. HODGES: Well, Mr. Chairman, I realize I am asking for some latitude, but I think this is necessary. We all know that this is the first part of what has been admitted on this floor to be part of a package. Now, I don't want to relate to the other parts of the package, but it is meaningless for us to stand here talking about one isolated part of it when it accompanies the entire —

CHAIRMAN MILLARD: Mr. Hodges, the Chair rules that you will confine yourself to the amendment.

MR. HODGES: I believe I'm on it — and that if this is passed and we are to be treated, rather than partners, as something less, then this is to be done at the cost of this convention.

I remind you that there are those here who opposed the calling of this convention, and still oppose it. They are the ones that will gain by this deal, by gaining the insurance that if this constitution passes over their objections, they will still be better off than they would expect to be if we came out with a progressive document. We were split into 3 camps when we came in here: those of us who were opposed to the calling of this convention, and opposed to any new constitution; those of us who wanted a constitution at all costs; and those of us who want a constitution if it can become a progressive and meaningful document. And I state that I hope that rather than consummate this deal, those who wanted a constitution at all costs will join with us who wanted a constitution if it was to be a progressive document, vote down this amendment and start trying to build a document that will not go down into defeat.

CHAIRMAN MILLARD: The Chair will recognize Delegate Howes.

MR. HOWES: Mr. Chairman, fellow delegates, I campaigned for this office on a platform of election of state officials and I believe that in the light of information which has been given to us here, and if my people at home had the same information, they would change their minds with me and urge me to support the amendment to the minority report amendment, and I in turn urge you to support it.

CHAIRMAN MILLARD: The Chair will recognize the gentleman from Alpena, Delegate Habermehl.

MR. HABERMEHL: Mr. Chairman, fellow delegates, I am rather tired of hearing constant references on this floor to deals and compromises. It seems to me the duty of each one of us delegates — and I include the members of the minority as well as the majority party — is first of all to view any issue before us with these 2 things in mind: is it in the best interest of good government of the people of the state of Michigan? And secondly — and the order is deliberate — is it according to the wishes of the constituents of the district that we represent?

Seeing where I came from, I suspect all of you will suspect that the people of my district are committed to the idea of elective officers. But what has actually happened here is simply that 2 groups of Republicans, sincerely believing in the principles which they espoused, found a common middle ground that didn't violate any of their principles. The Brake-Durst amendment represents that common ground. I have no difficulty whatsoever in squaring this with the principles that I hold. I can support the amendment wholeheartedly.

I have recognized that certain state officers who have no policymaking powers, who are responsible only for the proper administration of their duties, owe their responsibility probably to the head of the executive department. I recognize that other state officers who may have independent functions and who may have some policymaking powers, owe their responsibility to the electorate of the state. The officers here that would remain elective, I believe, have just such responsibilities that they ought to hold the responsibility to the electorate. Those that would become appointive would owe their responsibility for carrying out administrative duties to the head of their department or departments, or the chief executive. I believe that the people of my district can very readily understand that simple principle. And I believe that the amendment offered here is in the best interests of good government in the state of Michigan. I don't feel that I have to compromise my conscience in the slightest in supporting the Brake-Durst amendment, and I suggest rather strongly that a good many other delegates, if they would view this in the light of these 2 requirements, also would not have to compromise their consciences.

CHAIRMAN MILLARD: The Chair is very happy to recognize the newest member of this convention for his maiden speech, the gentleman from Ingham, Delegate Jones.

MR. JONES: Mr. Chairman and fellow delegates, I would like to state that my views on this matter were arrived at before I had come to this convention as a delegate and were arrived at as a citizen of the state of Michigan.

The thing that disturbs me about the Brake-Durst amendment is that it goes a long way toward removing the people in our state from further involvement in the process of government. Any time that you take away the right of the people to elect responsible officials, as this amendment does in 4 cases, it appears to me that we are asking the people in our state to be less concerned about the affairs of government. As far as I'm concerned, I would rather trust the judgment of the people in this state to elect the auditor general, the attorney general, the secretary of state, the highway commissioner, and the superintendent of public instruction, because, as one of my fellow delegates has pointed out, the people that ran in the last election for these respective offices did not receive the same vote. And I think that this is a reflection of the confidence and the responsibility that the people had in these men.

Further, if there is some magic in this trio arrangement which is suggested by this amendment, I would like to have someone who proposed this amendment explain to me why it is that the 2 certain officials who would be appointed by boards — why they should be these respective offices and not the rest of the offices, and why the officials that would be appointed with the advice and consent of the senate, why shouldn't they all be appointed with the advice and consent of the senate? And thirdly, why should only 2 people be elected? As far as I'm concerned, you can set up experts who are auditors and set up a board of auditors and let them select the auditor and so on down the line.

As far as I'm concerned, we have a responsibility to the people in this state. I will have to go out, if I accept what the constitutional convention does, and try and convince my constituents that this is a good document. At the present time I would feel that I would have a hard time convincing them that this amendment has any merit.

CHAIRMAN MILLARD: The Chair will recognize Delegate Snyder.

MR. SNYDER: Thank you, Mr. Chairman. I rise to speak in opposition to the Durst-Brake amendment. I listened very carefully to the rationale proposed by the proponents of the amendment, and one of the things that they placed great emphasis on was that this was to provide a chain of command so that in any event of a catastrophe, there would be a logical passing on of the duties and powers to those who did survive. I would say that if they wanted to be consistent in their thoughts, they should go the whole way. I feel that the import of the problem is more than providing a chain of command. What we have involved here is a basic principle of government and who controls government and who makes government.

The previous speaker made a good point when he said that government is for the people and by the people. These are not, I feel, his original words but I think that they are words

worth being repeated. And when we take government away from the people, we're taking away responsive government. I am aghast, ladies and gentlemen, at some of the statements made by a previous delegate, and I feel that the statements were made in sincerity. When one of the delegates said that people had little judgment, that people show little thinking, I do not find this to be true. I do not feel that the people had one great stroke of inspiration when they elected democratically the delegates to this convention and after this one initial stroke of inspiration they cease to be people who can think and elect public officials. I feel that people thought and elected public officials before they elected delegates to the constitutional convention.

I'm very proud that I have had in my home candidates who would be excluded by the present proposition. I have had them meet with people in my neighborhood. I have exposed people in my community to government, and I feel that this has generated good government in my community and I think it has served well. I think it's wrong, where there is a criteria of whether we should accept the proposal of the minority or not, to ask: do you know the names of the incumbents? This is almost the same as asking you: do you know the name of your postmaster? Do you know the name of your milkman? If you do not know his name, then you should discontinue. I don't think that this is a criterion. I think that a criterion that we should use is the exposure to these people. And when you bring people into your community, and when you bring people into your home, you expose candidates to the problems of the people. I make it a periodic point to go back and meet with my constituents, as I feel that you all do, and in this way you know their problems and you learn their problems. This gives you the opportunity of meeting them at a grass roots level and knowing of their problems. The exposure that you have is what makes you a good public official. And if you were just to elect a governor, and if you select people, you would be taking away one of the finest controls that we have in government, the right of people to participate in government.

I know that periodically the league of women voters and the various other civic leagues throughout the state make an analysis of the candidates and the people who are carrying the banners for the respective offices. I submit to you that it's wrong to say that they are not qualified, that they do not have the mental ability to evaluate and to judge the candidates that we have before us.

I know there are some elected officials here at the constitutional convention, and I know that their course of action as public officials is dictated a lot by the contacts that they have with the people. Our people know how to put pressures on irresponsible people; and when they are elected, when their stewardship runs out they must run on their record, they must submit their record, and the people can judge. Certainly this is what you cannot do to an appointed official. The appointed official is a buffer; he is an excuse for the lame public official who does by some happenstance get elected. I am an elected public official, and one of the first things that I was forced to do was to forego the luxury of an unlisted telephone. I had to forego this luxury so that I could have a contact with the people, and I think this is a rightful maneuver on the part of the people. People want government officials who are available. They do not want public officials who can hide behind the cloak of others. And we would be doing a grave injustice to the people of the state of Michigan if we would take elected officials and hide them in the guise of an appointed official.

I feel very strongly on this, because last night I spoke to a large group of women who posed this problem. They were very much concerned about this and they said, "Mr. Snyder, one of the things that we have spent a great deal of time on in our meetings is the evaluation, the analysis of a candidate to see whether or not he has the qualifications to serve the people of the state of Michigan, and we have reason to suspect that you 144 delegates in Lansing are going to take away this right from us." And I assured the good ladies that this was not the feeling of the 144 delegates; that we had a cleavage here in which approximately 99 felt one way and 45 felt the other way. But I assured them that this was not the unanimous thinking and I assured these good ladies that I would do what I could to permit them to continue making these objective analyses and the opportunity to judge people. There may be more of you here who feel that we should take away the elected officials. But I assure you, ladies and gentlemen, there are more of those at home who do not feel this way. Thank you.

CHAIRMAN MILLARD: The Chair will recognize one of the proponents of the amendment, Delegate Brake.

MR. BRAKE: Mr. Chairman, ladies and gentlemen of the committee I wish to speak as a matter of privilege. My name has been bandied back and forth here constantly as a symbol, as an individual and, in the thinking of some, perhaps, as if this whole compromise was my idea and my deal. I wish to answer some of the charges that have been made.

CHAIRMAN MILLARD: Without objection, you may proceed. There are no objections.

MR. BRAKE: I think there has been no instance since October 3 when I have made any arguments on this floor on a party basis, except possibly as a matter of jest. I'm not so much concerned about what the delegates have in their minds here on this floor. But we are making a verbatim report. From time to time in the future, students, research people, possibly some others, are going to examine this record. And if that proves to be true, there are going to be questions raised in their minds that I wish to concern myself with.

If any politician should ever take the time to look through that record, I can hear him say: how can there be so many naive people in one body? Some student might come to the conclusion that the Republicans in the convention on this day were stricken dumb, with charge after charge made against them and no answer given. I think as far as the delegates here are concerned, the answer is not necessary, and as to most of the charges that have been made, I will make no answer. I have heard that kind of thing over and over again for 30 years. And if I had tried to answer every charge made, I would have worn myself out long before this.

But there is one thing that I do want to call attention to. Over and over again today we have had the charge presented or the complaint made that here were members of the majority party who got together and decided on a compromise of their diversive viewpoints without consulting the minority. Now, that is just plain naive. I sat in the senate 8 years. During one of those terms the majority was not my party. I never got up on the floor of the senate and cried because the majority decided something without asking me. I didn't expect them to ask me. And when the minority made a decision, we didn't ask the majority what our decision was to be, and they didn't expect us to. Every day in congress the majority decides what the majority is going to do and they don't ask the minority for their opinions on it. And the minority get together and decide what their opinion is going to be and they don't ask the majority. That's the way we run these things. Any inference that there is something improper about that is either not made in good faith, or it's so naive as to be strange in the hands of people with some experience.

We were elected as 99 Republicans and 45 Democrats. We are now 98 and 46. The public expects that the Republican party is going to have to take the responsibility for whatever we do, and whatever we do that isn't good the minority party is going to charge us with every day during the campaign. And I'm not finding fault with it. I expect they will. They have a right to. If the product is not good, it is our fault, because we're in control. I hope that occasionally if there is something good in the constitution we produce, they will be willing to acknowledge that, and certainly I shall as I present this matter to the people to whom I speak. Where we have the cooperation of the minority party in a matter that's good —

MR. GARVIN: Question of privilege, Mr. Chairman.

CHAIRMAN MILLARD: State your point.

MR. GARVIN: I wonder if this is germane to the question. We're not really here for a speech on —

CHAIRMAN MILLARD: Mr. Garvin, Mr. Brake asked to speak on personal privilege. The Chair asked if there was any objection and no person entered an objection. Do you object now?

MR. GARVIN: I object to him going farther than a personal privilege. What he's doing is giving a speech on the various facts —

CHAIRMAN MILLARD: Your point is well taken. The Chair doesn't want any speech from you either. Mr. Brake, there has been an objection so the Chair thinks you can fair close.

MR. BRAKE: Well, let me say I have made points. We are being charged with something improper in that the majority party has made some decision. The majority party is expected to make such a decision and I have no apologies to offer to anyone.

MR. HODGES: Mr. Chairman, would Mr. Brake yield to a question?

MR. BRAKE: Certainly.

MR. HODGES: Mr. Brake, do you feel —

CHAIRMAN MILLARD: We have a lot on the list.

MR. HODGES: This is just one short question.

CHAIRMAN MILLARD: Is this pertinent to his statement here?

MR. HODGES: Yes, I think it is.

CHAIRMAN MILLARD: Does anybody object to this?

MR. PELLOW: I object. (laughter)

CHAIRMAN MILLARD: You're out of order, Mr. Hodges. The Chair will recognize Delegate McAllister.

MR. McALLISTER: Mr. Chairman and fellow delegates, I came to this convention to represent the people of my district. I have not been a party to any compromise. I do not intend to be a trained seal or rubber stamp at any time for anyone or any group. I have not appreciated many of the remarks made by members of the minority group in this convention. This does not cause me to change my viewpoint on the question of electing members of the administrative board. I do not share the views of those who have indicated that the people of our great state do not have an adequate knowledge of or ability to determine who shall be their attorney general, highway commissioner, secretary of state and treasurer.

I am and have been active in politics for 30 years and am presently and have been for many years chairman of my county organization. Before I vote on any matter, I want the views of my people. In this matter I have had their views and the views of many others who I deem well informed on the subject before us. The opinion of these people is that the officers previously mentioned should be elected by the people. In my opinion, the principal beneficiaries of the appointment of the state officials involved will be those who the people would not elect to state office.

If the theory of those who want state offices is followed to its limit, no state officer should be elected, including the governor, and everyone should be appointed by a commission or a group composed of those who admit that they are superior people with knowledge and ability far beyond that of the average voter.

A good illustration of the people's thinking is represented by the elections of 1946 and 1948. In 1946 the Republican who became governor made many promises to the people. He was practically unknown in politics before that date. He was elected by a majority of approximately 380,000 votes, though the elected leaders of the party then were lukewarm to him. He did not fulfill his promises and the platform that he stood on and was defeated 2 years later by the people by a vote of over 180,000. This is proof enough to me that the people know what they are doing, who they are voting for and all about what is going on, and that they don't need guardians to provide for them.

The appointment of state officials either by a commission, the governor or any select group will ruin the 2 party system which has made our government great. The election of a highway commissioner or director by a commission decentralizes responsibility for the expenditure of millions of dollars of our money spent for highway purposes. We have a fine system of highways. Those responsible for the construction and maintenance of them are happy with the election of the highway commissioner. When we have a good system with the head of it responsible to the people, why change? I oppose the Brake-Durst amendment.

CHAIRMAN MILLARD: The Chair will recognize Delegate Hanna.

MR. W. F. HANNA: Mr. Chairman and fellow delegates, the issue is quite clear. The majority and minority parties have agreed that the administrative or executive branch of the government must be narrowed down in the number of departments. The second question, after we have made a decision in the executive branch to reduce the number of the executive departments to 20, or to any given number, is: how do you select those administrative heads? Now, if we were to take one viewpoint on this floor, we certainly would elect all 20 department heads. And if we believe that the principal deputy may succeed, we would elect the principal deputies in the same manner. And I dare say if we were to carry out that philosophy to its end result, and were to elect a governor and a lieutenant governor and 20 department heads, the people would laugh us out of the state of Michigan. And yet, this would be good responsible government to the people, subject to such confusion as might ensue, subject to the fact that we would have to vote on 2 different voting machines because of the length of the ballot. Now, the other alternative obviously is that the governor would appoint all his executive branch. This has worked well within the federal government. I believe it has given us better government at the federal level than we could have if we'd elected the president's cabinet each time congress has seen fit to add an administrative agency to the executive branch.

Our problem then is the problem that I face as a delegate, the problem each delegate faces. Both political parties have been split over this issue from time immemorial. I realized when I ran that while I advocated and said that I would favor an appointive administrative board of all the principal department heads, and that I favored a single department head as the head of each department, whether appointed or elected, that fellow delegates from surrounding territories would not necessarily agree with me, nor would I agree with them. It became, then, a problem for me to vote my conscience and to decide which of these members should be appointed and which should be elected. I had hoped that we could find a bipartisan solution on this floor and deal with each office as it developed.

We have seen by declaration and action that the theory of compromise on this floor too often has been that you will accept in toto the proposal of the minority or you have nothing — or you have a disgraceful proposition. Of the present elective board members, I think in general the public has consistently asked that the superintendent of public instruction be appointed by an elective education board. We have accomplished this. And to defeat the Brake amendment would restore a conflict now in the action we have taken and certainly fly in the face of a proposal that over the years has received tremendous bipartisan support. I therefore think that we should accept at least that part of the Brake amendment which would leave the superintendent of public instruction or the director of state institutions, or whatever name we may call him, to be appointed by an elective state board of education.

Now we come to the other administrative offices. In trying to analyze this as a delegate — and as I think we should — the question is: do these men make policy decisions or are they largely ministerial? As I approach this in my own rationale, of the present elective officers, the officer I would first want appointed would be the treasurer. I say this because history in Michigan and in other states has shown that as we've attempted to elect a treasurer, we have taken from that office his functions and we have created a department of revenue, a department of budget, and the treasurer is not the true head of the department of finance. I therefore, in my own rationale, would first want to appoint the treasurer and hope that within that office we could create an intelligent money saving department of finance. The second most ministerial office, in my opinion, would be the secretary of state. This is not included in Mr. Brake's amendment. But I would have supported any move from the minority or from this floor to make the sec-

retary of state an appointive office. As we work down the line, the highway commissioner — if we retain earmarked funds — and the attorney general would be the most logical men to elect. But we have been faced with a take all or nothing.

Actually we're not really fighting the real issue at this point with the Brake amendment. This has been alluded to. And I think we could have saved a lot of time and work and expense and boredom to the various delegates had we faced to the issue, which is advice and consent of the senate. I think many of the minority and many of the majority face this issue squarely. We recognize in the committee proposal, which is part of this whole proposal, that those members who are appointed would face some restriction or circumspection by the governor as executive, and the senate. The committee dealt with this and attempted to answer this question. They have used the term "advice and consent" —

CHAIRMAN MILLARD: Mr. Hanna, will you please confine yourself to the Brake amendment?

MR. W. F. HANNA: Alright. If we are to elect any or all administrative officials, we quickly remove from them their function and leave them with a hollow shell. I therefore would urge that each delegate take these officers separately and distinctly. And certainly we are making a step, in my humble opinion, in the right direction when we provide and retain — as the Brake amendment does — an auditor general appointed by the legislature, the superintendent of public instruction appointed by the board of education, a treasurer appointed by the governor. And if we may proceed from there to deal with these other officers not on a political basis but on a basis of intelligence and looking 50 years backwards and 50 years to the future in providing good government for the state of Michigan, both political parties will benefit and I believe that we can examine administrative offices not on whether they're attractive political offices, but whether they are primarily ministerial and should be appointed or whether they are primarily policymaking and should be elected.

For the status of the present debate, I urge the approval of the Durst-Brake amendment as a step in the right direction. It is not perfect, but it is a step in the direction which I honestly believe will save dollars and cents to the electorate of the state of Michigan.

CHAIRMAN MILLARD: The Chair will recognize Delegate Sterrett.

MR. STERRETT: Mr. Chairman and members of the committee, I'll try to make this as brief as possible. Speaking on the Brake-Durst amendment, I have been an advocate of the appointive ad board and I have heard others discuss here factors against this amendment because they do not feel that any part of the ad board should be appointed. As I recall, Mr. Hodges made a speech about the election of the entire ad board. He felt that the people knew the candidates, they know who they're voting for. Therefore, Mr. Chairman, through the Chair I'd like to address a question to Mr. Hodges.

CHAIRMAN MILLARD: If Mr. Hodges wants to answer.

MR. STERRETT: Mr. Hodges, would you please tell me who the Republican candidate for secretary of state was in 1958.

MR. HODGES: In '58 it was Mr. Plank and in '60 it was Mr. Krueger.

MR. STERRETT: You're very well versed. Thank you. (laughter)

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

MR. NORRIS: Mr. Chairman and fellow delegates, I am moved by what Mr. Brake stated in support of the position that he has had with regard to the convention and with regard to this amendment. I think there is a question of philosophy involved both in the amendment that is before us and the position which he has expressed. And I am certain all of us are cognizant that we are addressing not only our respective consciences and the conscience of this body, but the conscience of the state. We are also speaking to history.

I think there is a principle with regard to the election of state officers. When we have the people schooled in elections, we have them training themselves in the processes of democracy. If the ultimate safety of the state and the nation rests upon the will of the people, then the will of the people must be expressed by the election process. The people have the constitutional and sovereign duty to make mistakes and to learn as a result of experience. They do this by making choices and by assuming the consequences of those choices. When they make a choice which is bad, they assume the consequence and learn as a result, and then take steps to rectify it at the next opportunity. When you have that kind of choice made repeatedly, the people rise to their responsibility, increase and enhance their wisdom and make the kind of choice which in the last analysis will be the ultimate safety of this nation. The chief distinction between this nation and state and many nations throughout the world is that the ordinary person in the United States makes a choice upon which the ultimate safety of the nation rests and that decision cannot be taken away from him if he is to remain a sovereign person in a self governing society. If that premise is sound, then the more opportunities by which policy and electoral judgment may be expressed in the free marketplace of public opinion, a marketplace which comes to focus every time there is an election, then we have that school for democracy, that school for self government which enriches the nation and makes the government secure and strong. I think this basic principle is an answer to this amendment and I think this basic principle is also an answer to the observation Mr. Brake made before. He indicated the people expect this to be a Republican document; that the people expect the majority to decide without consultation with the minority; that the people expect the convention to be conducted like the state senate. I respectfully disagree. I think the people expect a deliberative body producing a deliberative document that is bipartisan in character. I think the people expect that the 144 delegates here will merge together and out of common consensus will produce a document that represents the sovereign will of the people of the state of Michigan.

I concur wholeheartedly with the observation made by our president, Mr. Nisbet, when he admonished us after one of our debates, that we ought to conduct ourselves in the manner of Madison and Jefferson and Washington at the first constitutional convention. And I submit that then they didn't regard it to be a particularly partisan document or that the majority would be doing it without the minority or that it would be conducted like the senate. I submit that the way they intended that document to emerge was one that represented a consensus of judgment and experience and wisdom and foresight and the kind of principled devotion to the idea that the people shall run their government. And if the people shall run their government, it shall not be done by a majority or by a minority, but it shall be a bipartisan document.

I submit that we have to have 2 principles before us if this convention is going to produce a document that meets the needs of the people for the remaining decades of this century. First, that it must be bipartisan. If it is not bipartisan it will not express in principle that which is necessary to secure ratification. That is an immutable, inscrutable, irrefragable fact that we have to face. Second, that there must be a policy of selective change in this constitution. We cannot change everything. We are proceeding here as if it is a total overhaul of the constitution, and while that may be necessary in terms of appraisal, it need not be necessary in terms of every final decision and, I think, in this particular case we're making a change in which the burden of proof has not been shown to be dispositive. I think the policy of a bipartisan convention, producing a bipartisan document based upon the concept of selective change is one in which we will win concurrence of the majority of the people when the final document is submitted. I don't think, however, that the manner by which we have thus far been proceeding is one that is calculated toward that objective, and I am most apprehensive over the result.

I submit that if we are to proceed with regard to the amendment before us in the spirit by which we are to secure a ratifiable document, then I think we ought to proceed to not regard this as a state senate, or that the people can proceed here as a majority without consulting the minority, or that

the people regard this as a Republican document. On the contrary, it must be regarded as a result of a full, deliberative debate, where the decisions with regard to policy are made on the floor of this chamber, and nowhere else, and where people have the full opportunity not merely to discuss the matter, but to actually decide and choose the matter on this floor.

I do hope that I have contributed somewhat in some measured way to an understanding and made a helpful contribution to this convention, as I've tried to since October 3. But I have certain grave apprehensions as a result of the manner in which this matter and other matters have thus far been arrived at. I do hope that we can perhaps take cognizance of what the people expect us to do, to come up with a document that represents our full and honest consensus deliberatively arrived at, and in no other fashion arrived at, and by doing that we will be acquitting ourselves of our constitutional oath. Thank you, Mr. Chairman.

CHAIRMAN MILLARD: The Chair will recognize Delegate Hodges.

MR. HODGES: Since I have the floor, I guess maybe my own party members can't object to my question. I'd like to ask Mr. Brake a question, if he cares to answer.

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

MR. HODGES: Mr. Chairman, Mr. Brake, this goes somewhat to the remarks Mr. Norris made. Do you feel that the fact that whatever passes this convention must be both voted on by the people, who are at least 50 per cent Democratic in this state, should temper your attitude that all that counts is how many votes you have on this floor?

MR. BRAKE: I have never said that all that counts is how many votes we have on this floor, and never thought that. Of course, all the people have got to vote and as far as possible the constitution should be for the best interests of all the people.

MR. HODGES: Mr. Chairman, Mr. Brake, I didn't mean any derogatory remark by this. I only meant the point that you raised is that the Republicans do have a 2 to 1 majority and therefore it should be incumbent upon them to write this document. My only question being that this does not reflect the elective strength of the Democratic party in this state, and wouldn't it be far better for this document to pass the people if we can arrive at something which we can have a mutual respect for?

MR. BRAKE: Neither did I say that it is the full responsibility of the Republican party to write this document, and nobody else's responsibility. What I said was that there will be times and have been times when the majority party will have to make some decisions.

Mr. Hodges, may I call your attention to the fact that day after day, vote after vote, your party votes en bloc, while the Republicans are divided on issues as they come along. Maybe once in a while there will be one or two of you split off. But there is no record down through the journals of this convention of the Republican party voting en bloc except on very, very few occasions, while your party votes en bloc almost all the time.

MR. HODGES: Mr. Chairman, Mr. Brake, I will continue this colloquy off the floor with Mr. Brake rather than take the time of this committee. (laughter)

CHAIRMAN MILLARD: The Chair will recognize Mr. Faxon.

MR. FAXON: I'd like to ask a question of Delegate Brake through the Chair.

CHAIRMAN MILLARD: If he cares to answer.

MR. FAXON: Delegate Brake, one of the previous speakers made specific reference to the post of the state treasurer. He asked the question: does this man, or do these men make policy decisions, and he answered that the treasurer is the first one, in his opinion, who should be appointed, the inference being that the treasurer is the one person above others that has the least amount of policy decision. Now, my question, as you can already see, is whether you agree with this conclusion; and if you don't agree, that is, with regard to the treasurer not having any policy decisions, what are the reasons which you would care to give in reference to your earlier remarks this morning that you believe the treasurer ought to be an elected official?

MR. BRAKE: I would say, Mr. Faxon, of the state officers that we now elect, that probably the matter of making policy decisions would be about the same with the treasurer, the secretary of state and the auditor general. I would say about the same, and all of them do have policy decisions to make.

MR. FAXON: I have one further question, please, to Delegate Brake, through the Chair. The inference has been made that it is an undesirable situation when members of 2 parties sit together on an administrative board. Now, as a person who was in that position, would you come to the same conclusion?

MR. BRAKE: No. No, I don't think it's bad at all.

MR. FAXON: I just want to make one comment in light of Delegate Brake's remarks: that people have been repeatedly alluding here to the undesirability of having 2 parties represented on an administrative board and I don't see that there has been any evidence presented which really makes this charge by the delegates an accurate one. And I would furthermore submit that many of the references which are made to the fact that we get greater efficiency in a government where the officials are appointed or elected, this too has never been proven out, that where other states have changed from elective to appointive, there is no valid means of making a comparison to show that through an appointive official you get any better administration of that particular department than through an elective official. And I think Delegate Brake's remarks substantiate that position.

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

MR. MARTIN: Mr. Chairman, I have not entered into this debate since I had the opportunity to make a statement yesterday on this whole question. However, there are 1 or 2 comments that I should like to make as long as we appear to be about to the point where this matter can be voted on. First of all I want to say this—and I don't want to use words here just to create controversy—but there have been an awful lot of crocodile tears shed by the second vice chairman of my committee about this amendment. Mr. Marshall said he had a heavy heart and he was saddened at all this that was being done this morning; that the minority hadn't been consulted. As a matter of fact, this wasn't true and isn't true. The minority was consulted regularly in the committee. The minority was asked on numerous occasions whether they had any suggested changes that they wanted to make. The minority took the position squarely and clearly that they would not yield—

CHAIRMAN MILLARD: Mr. Martin.

MR. MARTIN: Yes, sir.

CHAIRMAN MILLARD: Will you confine yourself to the amendment, please.

MR. MARTIN: I will, Mr. Chairman, but so many others have departed from the amendment, I thought I might have the privilege of a slight deviation.

CHAIRMAN MILLARD: The Chair has been trying to keep them in line this afternoon, Mr. Martin. (laughter) Mr. Marshall.

MR. MARSHALL: Would it be all right for him to be out of order if I yielded and let him be out of order? (laughter) I'd like to hear what he has to say. (laughter)

CHAIRMAN MILLARD: Mr. Martin.

MR. MARTIN: Mr. Chairman, I simply want to make a point.

CHAIRMAN MILLARD: If nobody objects, the Chair presumes that he can take it as a matter of personal privilege. Any objection?

MR. MARTIN: Mr. Chairman—

MR. DADE: I object, Mr. Chairman.

CHAIRMAN MILLARD: Father Dade objects.

MR. MARTIN: I'll confine myself to the amendment, Mr. Chairman. The whole point about this amendment is that the minority was consulted on it and that their position was absolutely fixed and adamant and that there was to be no compromise whatsoever. For that reason I can't take the statements that have been made over and over again that they

can't understand why we have tried to reach a consensus on this, and that's exactly what it is. This amendment represents a consensus of a majority of the members of this convention on the best that can be obtained towards achieving a stronger governor.

We started out with 6 elective positions, not counting the governor and lieutenant governor, and we are now—with this amendment, plus the action that has been taken already—we are now arriving at a situation where we will have 2 elective positions other than the governor and lieutenant governor and we will have 4 members of the administrative board who will be appointive in one way or another: the treasurer, the auditor general, who has already been dealt with, the superintendent of public instruction and presumably the highway commissioner. I want to say this: that this is not only a step forward; this is a move squarely in the right direction of strengthening the governor here in the state of Michigan so that he can carry the responsibility for which he is held liable by the people. He does not now have the authority which the members of the public think he has, and this moves in that direction. It doesn't move as far as some of us would like, but it moves squarely in that direction and, therefore, since it is the best that can be obtained, it's good and it's desirable. I want to end by saying, Mr. Chairman, I hope that the members of the minority will not vote on this matter as a bloc, but that they will use the judgment with which they came down here, many of them, which was that these members should be appointed; that they should not be elected. And I want to call the attention to the fact that there was a great change in the convention at the time that the state Democratic central committee changed—

MR. MARSHALL: Point of order.

CHAIRMAN MILLARD: That is out of order, Mr. Martin. Confine yourself to the amendment, please.

MR. MARTIN: I'll go no further than that, Mr. Chairman. But there was a change in this convention and it solidified the position of the minority. (laughter)

MR. MARSHALL: I have to agree, there was a change.

CHAIRMAN MILLARD: You're not next, Mr. Marshall.

MR. MARSHALL: I'm not? I thought I was. (laughter)

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

MR. DOWNS: I'd be glad to yield to the vice chairman of the committee if he wishes to speak now, or be glad to say a few words.

MR. MARSHALL: Do you yield to me? (laughter)

MR. DOWNS: I'll be glad, if it's in order, to yield to the vice chairman of the committee.

CHAIRMAN MILLARD: You're giving up your position, then?

MR. DOWNS: I may still speak on the question?

CHAIRMAN MILLARD: You can go on the list.

MR. DOWNS: Alright.

MR. MARSHALL: He can yield to me, can't he, Mr. Chairman? It has been done. And then he still retains the floor.

CHAIRMAN MILLARD: Not when we're in general debate. The Chair does that when the proposer of a proposal or the proposer of an amendment gets up on the floor. We don't yield—

MR. MARSHALL: It has been done before but I guess today we've got a different rule. Okay.

CHAIRMAN MILLARD: No, not today there is no different rule.

MR. MARSHALL: I am going to be very brief and not speak any further on the amendment other than to say that I oppose the amendment and I think that's very clear. In speaking on the amendment, I would like to answer the statement by our distinguished committee chairman when he contradicted the fact that we had made the statement that we had not been consulted as it pertains to this amendment. The statement has been made—it's true—in the committee, that we were consulted and had our voice in the committee. The statement that was made here—I am speaking against the amendment, and I think it's directly related to the amendment—was that we were not consulted when the deal was consummated to make a change, and I would like to at this time—and it's related to the amendment—ask the committee chairman a question if he cares to answer it.

CHAIRMAN MILLARD: Mr. Martin, Mr. Marshall is addressing a question to you if you want to answer it.

MR. MARSHALL: As I understand, you are speaking in support of the amendment?

MR. MARTIN: You don't have any question about that, do you?

MR. MARSHALL: Well, I have some slight question about it because I want to know—

CHAIRMAN MILLARD: Gentlemen, gentlemen, will you please put your question through the Chair and not have this private argument.

MR. MARSHALL: All right. It's not a private argument. We're friends. (laughter) Through the Chair to Delegate Martin, if he supports the amendment which we were not consulted on, does he also at the same time still support the committee report which came out of his committee?

MR. MARTIN: Mr. Chairman, I am not taking this as a position of the committee. I am taking the position as a personal position.

MR. MARSHALL: Do you support the committee report that you agreed to in the committee?

MR. MARTIN: I support the report of the committee insofar as it's possible to get it adopted but it isn't possible to get it adopted in the form that it came out of the committee.

MR. MARSHALL: This is related to the amendment. The statement was made in contradiction to the statement that I had made that we were not consulted. Now, this is related, because if Mr. Martin supports the amendment, he also supported the committee report that came out of the committee, and I ask the question simply: does he now not support the committee report as he reported it out of the committee?

MR. MARTIN: I thought I made it clear in my answer that as far as this particular portion of the committee proposal is concerned, I am going to support the amendment which has been offered because I believe it's the best that we can get in terms of what the committee sought to get.

MR. MARSHALL: Well, now, we have the amendment here that we're discussing and I don't know how you can arrive at the conclusion that you cannot adopt the committee report, that you have to adopt this amendment when you haven't tried.

CHAIRMAN MILLARD: Is that a question?

MR. MARSHALL: Yes, sir.

CHAIRMAN MILLARD: Can you answer it?

MR. MARTIN: Mr. Chairman, Mr. Marshall, we would be able to adopt the committee report, Mr. Marshall, if the minority would go along with the committee report. What the minority is trying to do is defeat the committee report, and you're leading the minority.

MR. MARSHALL: I don't have anything else to say. John looks kind of tired. I'll let him sit down and rest. I'm opposed to the amendment.

CHAIRMAN MILLARD: Now the Chair will recognize Mr. Downs.

MR. DOWNS: Fellow delegates, if it's in order, I would like to confine my remarks to the amendment before us.

CHAIRMAN MILLARD: The Chair wishes you would. (laughter)

MR. DOWNS: Thank you. I would like, in doing that, to particularly confine my remarks to just what we're doing and whether this strengthens or weakens the governor. What we are doing in the amendment to the minority amendment is setting up what at best could be a Rube Goldberg system of selecting our present elected officials. This does not strengthen the governor. I wish to take these officers one at a time and show specifically how the amendment introduced by the 3 delegates will weaken the power of the governor over what he now has, and will not strengthen his power. It will also weaken the power of the people.

Let's be specific. Under this amendment, the state treasurer would no longer be elected by the people. I assume that he would be appointed—and if some of the other amendments are adopted, and I do have to refer to those by implication—with

some kind of senate advice and consent. Now, the governor will either be of the same party or a different party than the senate. If it is from a different party, the governor will be weakened because of the difficulty in getting a state treasurer to have advice and consent, and I simply cite the record of the last 14 years or so. If the governor is of the same party, this does not mean he would be strengthened, and I shall try to point out why. At the present time the governor—and this is his strength—regardless of the party, is elected on a one man, one vote basis. The state treasurer is elected the same way. And the state treasurer is nominated in a political party convention. I think there has been an impression given, something about the unwholesomeness of political party conventions. It has been my privilege to observe some and have friends tell me about others. And in the election laws of the state of Michigan, the political party is also based on the concept of one man, one vote because the representation of that party is based on the number of people who voted, I believe, for the secretary of state on that particular political party's candidate. So that when the party convention convenes it represents, on a numerical basis, the people of that political party. And when a ticket is chosen, I think it can be said in all candor, not that a governor of either political party has hand picked a running mate but that in the process of making candidate selections the gubernatorial candidates of both parties have been consulted for their wishes to see that there is a representative statewide ticket. And in that process, a running team is developed by both parties that does represent the overall thinking of that party. Now, when that advice and consent is put in the hands of a legislative body that is not based on one man, one vote, we find that the over represented areas of the state have an over representation in deciding who would get advice and consent for that treasurer. So I want to make it clear that even if the governor and the senate are of the same political party, the governor will not have the voice of confirmation from a senate that does not represent people that he has in selecting candidates in a convention that is based on people.

Let us go to the next position. The auditor general is currently selected by nomination from the convention and runs with the governor. At present, the governor of both parties, as a gubernatorial candidate, has something to say about who the auditor general candidate will be. Under this amendment, with what we have done, the governor would have nothing to say about who is auditor general. Now, I am not at this point arguing whether the auditor general should be selected by the legislature or the people. All I am saying is, to those that say the governor is strengthened, please tell me how he is strengthened by saying the legislature shall have the exclusive right to select the auditor general. This I cannot fathom. When the auditor general is nominated in convention, the gubernatorial candidate is at least a delegate to that convention and has at least one vote in helping select the auditor general as a candidate and he has another vote when he votes as a citizen. When the legislature selects that, the governor has no vote in the nomination and he has no vote in the final selection. So this too weakens and does not strengthen the powers of the governor.

Now, the attorney general, I understand, will still be elected, so at least in this respect the power of the governor is holding its own because of his consultation in the convention.

Now, this next, the highway commissioner, how it strengthens the governor to take the highway commissioner out of his appointment and—if our newspaper stories are accurate—to have some other commission select him, is beyond my comprehension. I again say that when a highway commissioner is nominated at a political party convention, the gubernatorial candidate or the governor, if it's at a different time, as a delegate, has at least one vote and some influence. Under this amendment the governor would have less power and not more power.

Now, on the superintendent of public instruction, again I challenge the proponents of this amendment to tell me how and tell the committee here how it strengthens the hand of the governor to say that the superintendent of public instruction will be selected by a board that has been elected by the people and the governor has no choice on that. I'm not saying he should or shouldn't. I'm simply saying he is weakened. Under the present constitution and statute, when the superintendent is nominated at a convention, the governor as a delegate has a vote on who is selected; and when the superintendent runs for public office, the governor has a vote on who to vote for or against for that office.

I just want to sum this up to say that the amendment will result in no more than 2 of the present ad board members nominated and elected or selected in the same manner. It will weaken the power of the governor; it will not strengthen it. And at the same time, incongruous as it may seem, it weakens the power of the people because we have fewer people to vote for.

And I'd just like to make one comment on the matter of campaigning. I am the first one to say that every citizen who votes does not know the name of every person or perhaps know personally every person that he does vote for or against. But I do know that if an elected official does something highly improper, as we have seen done in other states—and fortunately not in our great state—then the people do know about it and can go and very negatively express themselves at the next election if that person is an elected one. There's one other point on the matter of campaigning. It is also true that not every constituent gets personally to know every candidate, whether it is the president or the township official. But in the process of campaigning, I believe the elected officials know more about their constituents than if they are appointed. And anybody who has been on a campaign trail, if nothing else, he learns that this state is a long state and it's a wide state. It's a long way from Ironwood to Sault Ste. Marie and almost as far from Sault Ste. Marie to Lansing. But in the process of campaigning, I think we do something that is very fine in this elective process. The person who may be a very high minded person but does not have that compassion or feeling or ability to go out and mingle and discuss people's problems with them tends to screen himself out of the campaign because he may say it's too far to go from Lansing to the Keweenaw peninsula on a hard campaign.

I, for one, think that we get better state officials when we have people who have been on the campaign trail, who have been in meetings of all kinds, been in luncheon clubs, in evening meetings, been in factories, been in schools, been to all types of organizations, because then the candidate firsthand realizes the complexity of our state, the differences of the people and even more important, the similarity and the human nature and the common denominator and the common wishes of our citizens in this state. So I urge that the amendment be defeated and that we support the minority report amendment because the amendment I am urging us to vote against weakens the power of the governor and weakens the power of the people and weakens effective participation in government. Thank you.

CHAIRMAN MILLARD: Dr. Nord.

MR. NORD: Mr. Chairman, I also would like to speak on the same point as Mr. Downs has suggested, and for a moment I thought he might have covered my point, but he has not quite. The point that I am addressing myself to is whether or not Mr. Martin is correct and the delegates are correct in believing that the amendment before us and amendments of that general type where there will be appointment, whether that will strengthen the governor. I will say this: if it will strengthen the governor, I have a high regard for such a position, as I stated previously on the floor. That is the principal reason why I have considered and still do consider that the appointment has a good possibility, at least under certain conditions. But let's examine the question of whether it does strengthen the governor.

Mr. Downs, of course, has just made certain points about whether or not it strengthens the governor, and I can see the merit of those points. There is one point, however, that it seems to me has not yet been touched upon, and that relates to the question of who the governor is, and not the individual, but whether he is a Democrat or a Republican will make a difference, as I see it, and here is the reason: if you have a Democratic governor, at the present time he has to deal with

his party in a party convention, and of course he has considerable influence if he is either the governor or a candidate for governor. He has a strong position in the convention. That's clear, I think. And therefore, that is one of the possibilities. Now, if the same person on the other hand does not have to deal with the party convention in determining who shall be the people in his cabinet, he still has to deal with the senate. Now we have to consider who is in that senate as compared to who was in his party convention. In his party convention he deals with people of his own party. Now he deals with people in the senate on the basis of advice and consent. We may have the exact reverse situation and we do have it at the present time and we would have it under the proposal on apportionment coupled with this. For example, we can see if we have a Democratic governor, he must get the advice and consent of the Republican senate. He certainly cannot be stronger under those circumstances. It's impossible for him to be stronger. He is weaker. It may be if you have a Republican governor and a Republican dominated senate, that you might have an argument—although Mr. Downs has discussed that point—you might have an argument that the governor is stronger because he can pick his own men. But how can you come to the conclusion that a Democratic governor could possibly be stronger in having to deal with a senate dominated by the opposite party than if he dealt with the convention of his own party? Now, if we had a senate which was not dominated by anybody, any party, or not regularly dominated by any party, we would have a different story. But we have to recognize the facts. The fact is that at the present time and under the majority proposal for the senate we will continue to have a large gap between Republican and Democratic numbers of members and good reason to believe that that will continue for the foreseeable future because of the improper apportionment. Whether you agree that it's proper or improper apportionment perhaps is irrelevant. I think you can see—

MR. W. F. HANNA: Mr. Chairman, I raise an objection.

CHAIRMAN MILLARD: What is your point, Mr. Hanna?

MR. W. F. HANNA: I spoke on the problem of advice and consent. I was challenged on this floor. Mr. Nord is now proceeding on the question of advice and consent, from which I was prohibited from debate. I object to his proceeding along that line.

MR. NORD: May I respond before you rule, Mr. Chairman?

CHAIRMAN MILLARD: What do you want to say, Dr. Nord?

MR. NORD: I would simply like to say that the question I am addressing myself to is whether or not the governor will be strengthened. It seems to me we have to know the answer to that, try to elucidate that.

CHAIRMAN MILLARD: Try to confine yourself to the amendment, Dr. Nord.

MR. NORD: The reason for the amendment, as I understand it, as has been stated on the floor—I believe I can show it in the record—is that this will strengthen the governor. I raise the question whether it will strengthen the governor.

I'd also like to point out I did not interrupt any speaker. I have not interrupted any speaker since the convention started and I don't intend to do so. If Mr. Hanna has a feeling that he has been interrupted by somebody, tit for tat may be all right, but I don't feel I've been a party to that and I wish I may be able to continue. May I, Mr. Chairman?

CHAIRMAN MILLARD: You can talk on the amendment. If your discussion is on the amendment, you're in order.

MR. NORD: You stop me when I depart. I've raised the question whether this strengthens the Democratic governor or whether it strengthens the Republican governor. I say to you that it depends on advice and consent of the senate because if the amendments that are before us are adopted—that is, the minority report amendment and the 2 reports to which it relates, that is to say, the Brake amendment and the minority report amendment and the majority report—if they are adopted as is, then there will be advice and consent. And if there is advice and consent, the question is whether it will strengthen or weaken. I stated that my conclusion is this: that it depends on whether there is a Democratic governor or a Republican governor.

Now, it seems to me that when you are analyzing this question, if you are thinking of a Republican governor, you could come to the conclusion—as many of you may have done—that it strengthens the governor. But if you think about a Democratic governor, I don't see how you can come to that conclusion. I don't believe anyone will say that they do come to that conclusion. You won't come to that conclusion as long as the senate remains in the form presented by Mr. Bill Hanna to the legislative organization committee and to the convention.

Therefore, Mr. Chairman, in conclusion, I would simply say that if you will consider all the possibilities, and not just some of them, if you will consider the 2 different possibilities as to who may be the governor—Democratic or Republican—for the next 50 years, you will see there will be some times when there will be one, some times when there will be the other. But as to the senate, it won't be some times one and some times the other. For the foreseeable future, it will be one direction. And therefore, you could not believe, I think, that you can strengthen the governor unless he is a Republican governor.

I think therefore that you should imagine the situation in the future sometime within the next 50 years during which there is a Democratic governor and a Republican senate. I think it isn't too difficult to imagine that, because you've had it for quite a long time. If it should continue, the governor would be weakened rather than strengthened. Thank you.

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

DELEGATES: Division.

CHAIRMAN MILLARD: A division has been called for. Is there sufficient support? There is support. Mrs. Cushman.

MRS. CUSHMAN: I wish to say that I abstain because I can't go for either the amendment or the amendment to the amendment.

CHAIRMAN MILLARD: It will be recorded. The question is on the Brake amendment to the minority amendment. All those in favor will vote aye and those opposed will vote nay. Have you all voted? If so, the machine will be locked and the secretary will tally the vote.

SECRETARY CHASE: On the adoption of the amendment offered by Messrs. Brake, Durst and Karn, the yeas are 82; the nays are 48.

CHAIRMAN MILLARD: The amendment is adopted. The secretary says he has another amendment.

SECRETARY CHASE: Mr. Hutchinson offers the following amendment to the pending minority amendment:

1. Amend the amendment, second sentence, after "beginning" by inserting "at 12:00 o'clock noon".

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

MR. HUTCHINSON: Mr. Chairman, this amendment would commence the term of the office of governor and the other state officers to be elected at 12:00 o'clock noon on the first day of January. The present language says that they shall commence on the first day of January, which is midnight, December 31, January 1. Traditionally, inauguration takes place at 12:00 o'clock noon on January 1. The federal constitution in the twentieth amendment was amended to provide that the term of the president of the United States should commence a 12:00 o'clock noon. The Constitution of Michigan has for a long time provided that when the legislature meets, it shall meet at 12:00 o'clock noon and when it adjourns without day, that it shall adjourn at 12:00 o'clock noon. It seems as though an affair of the significance of the inauguration and beginning of a new gubernatorial term is of sufficient importance that the change should take place sometime during the daytime, not at midnight, and while I don't know that any emergency on the morning of the first day of January might enter into the picture, it is conceivable during the morning January 1, prior to the time when the new governor was officially installed and so on some action might require his signature and it would be becoming, it seems to me, to have

his term officially commence at noon instead of at midnight.

And I would state another reason which I suppose is of no importance whatsoever, but one reason that impels me to suggest this change is that as we go over to the capitol and look at the portraits of the former governors, you will note a plaque under each portrait and it will give the years that they served, and because of the fact that the term expired at midnight of December 31, January 1, the term—well, for instance, let's take the illustration, the time of Fred W. Green. Fred Green was elected in 1926 and he was reelected in 1928. He served from January 1, 1927 through December 31, 1930; but, of course, he served from 1927 to 1930 and while anybody, by giving thought to it, recognizes that's 4 years, just at first glance it looks like 3 years: 1927 to 1930. It looks like 3 years.

I'd like to see some kind of arrangement here so that you could actually say that the governor was from—well, for instance, for Governor Williams, it could have said from 1949 to 1961, because had he been able to serve during the first 12 hours of 1961, he would have been governor during 1961, and that would reflect a complete period in the same way that the years of the presidential terms are reflected. For those 2 reasons, Mr. Chairman, I offer this amendment. I grant that this is nothing of enormous importance in the work of this convention, but I do think that it would be a good idea to start the term of the governor as of 12:00 o'clock noon.

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

The amendment is adopted. The secretary will read.

SECRETARY CHASE: Messrs. Gust, DeVries and Pollock offer the following amendment:

1. Amend the amendment, first sentence, after "lieutenant governor,", by striking out "secretary of state,"; so the language would then read, "The governor, lieutenant governor and attorney general shall be elected. . . ."

CHAIRMAN MILLARD: The Chair recognizes the delegate from Grosse Pointe Farms, Mr. Gust.

MR. GUST: Mr. Chairman and members of the committee, obviously as a proponent of Committee Proposal 71, I did not feel free to vote for the Brake amendment. But the committee has spoken and the majority has adopted it, and I will abide by it. Now the only question is: can it be improved upon, at least in my mind and in the minds of those who think as I do, about the appointment versus election of certain administrative board members? I honestly believe that the secretary of state is one member of the administrative board whose functions are mainly ministerial and should be appointed rather than elected, and I would like to, if I may, Mr. Chairman, yield the floor to Dr. DeVries to make a more detailed explanation on this.

CHAIRMAN MILLARD: Dr. DeVries.

MR. DeVRIES: Mr. Chairman, members of the committee, as Mr. Gust has pointed out, we introduce this amendment because we feel the secretary of state is purely an administrative officer. He is not a policymaker. Let me see if I can prove this point by giving you a brief resume of some of his duties. He is the keeper of the great seal; he is the chief election officer; he is the keeper of documents, official records and archives; he registers motor vehicles; he licenses officers, chauffeurs, dealers and watercraft; he compiles, publishes and distributes laws, pamphlets and administrative rules; he regulates and supervises building and loan associations; he licenses private detectives and private detective agencies; and so forth.

The point is that because this is primarily an administrative task and he heads a department charged with administrative details, it is our feeling that he should be appointive and responsible to the governor. For this reason I urge that you approve this amendment.

CHAIRMAN MILLARD: Mr. Gust, you are the proponent. You have the floor.

MR. GUST: Mr. Chairman, I think previous debate has pretty well covered this. Dr. Pollock, do you care to say anything on this?

CHAIRMAN MILLARD: The Chair recognizes Dr. Pollock.

MR. POLLOCK: I merely say that I support very strongly this amendment which has been introduced on the floor.

MR. GUST: I'll yield the floor, Mr. Chairman.

CHAIRMAN MILLARD: The Chair will recognize Mr. Marshall.

MR. MARSHALL: Mr. Chairman, I can't see any reason why the state official that is charged with the responsibility of insuring honest elections in the state should not be answerable to the people of this state. I think I am on record now that I favor the election of our state officials.

Because of the maneuvering that is going on on this amendment, I would at this time state my intention to abstain from voting on this amendment and I would hope that those who feel as I do, that the state officials should be elected, would also abstain. Thank you.

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

MR. YEAGER: I simply ask for a division, Mr. Chairman.

CHAIRMAN MILLARD: Delegate Boothby.

MR. BOOTHBY: Mr. Chairman and ladies and gentlemen of the committee, I rise to oppose this amendment and I think it can be opposed on one ground and one ground alone, if nothing else; and that particular ground was mentioned very briefly and very quickly by Mr. DeVries when he went over the duties of the secretary of state. I noticed he went over them very rapidly, but I think this is possibly the point of contention between those that do not want to have the secretary of state an appointed official, and that is that the secretary of state has power to supervise the election machinery in the state—and this does not only apply to the state elections and it does not only apply to local elections, but also applies to the federal elections which are being held in the state. This is quite a responsibility. And I realize that by and large, with some exceptions, we have had honest and clean elections in this state. But I would not like to see any particular official of this state who is the chief political head of this state also have power over the election machinery, because I think it is potentially a very dangerous situation.

I would like to make one comment which would indicate that what I have to say is not completely unfounded from the present situation of today. Not too long ago we had pending in the Supreme Court of the state of Michigan a case entitled Scholle versus Secretary of State. Here we had a situation where an individual was suing the secretary of state of the state of Michigan, and the purpose of the suit was redistricting of the state legislature. Here is a situation where there was considerable pressure that could have been applied to the secretary of state, but instead of the secretary of state giving in to any of these pressures, he stood firm because he was an elected official. He did not have to answer to the governor or to any other official in this state. He was responsible to the people. I think this duty over the election machinery and over the supervision of the elections is a most definite responsibility which we must safeguard against any possible intrusion by a political head, and I would therefore urge the defeat of the amendment which has been proposed at this time.

CHAIRMAN MILLARD: Mr. Brake.

MR. BRAKE: Mr. Chairman, ladies and gentlemen, I can't follow Mr. Gust's reasoning. He felt constrained to go along with the amendment that we just voted on and now he wants to destroy the whole plan. This was an integral part of the compromise by which divergent views were reconciled and an agreement come to. If this is taken out, we're right back to where we were 2 or 3 weeks ago. I trust that you will not vote for this amendment.

CHAIRMAN MILLARD: Delegate Bledsoe.

MR. BLEDSOE: Mr. Chairman, fellow delegates, I thought I could pass through and listen without getting into this controversy. We have recorded in our memory one day of infamy, and that was the day that President Roosevelt referred to when we were attacked physically by a foreign power. And I have just this to say: I didn't accuse the Republican party of this. If we do this today, we're delivering the electorate of our people to the possibility of outrageous election by gangsterism. That's all I have to say.

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

MR. MARTIN: It seems to me that the action on this amendment has to be consistent with the action which we took on the earlier amendment offered by Mr. Durst and Mr. Brake. I therefore plan to oppose this amendment, to vote against it.

CHAIRMAN MILLARD: A division has been called for. Is there sufficient support? Sufficient number. All those who are in favor of the Gust 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 Messrs. Gust, DeVries and Pollock, the yeas are 21; the nays are 80.

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

SECRETARY CHASE: Mr. Faxon offers the following amendment:

1. Amend the amendment, first sentence, after "secretary of state,", by inserting "state treasurer,".

CHAIRMAN MILLARD: The Chair will recognize Mr. Faxon.

MR. FAXON: Mr. Chairman, members of the committee, I intend to be very brief on this because I think the case has been very amply stated by the distinguished delegate, the former state treasurer. When I questioned Delegate Brake with regard to the policymaking decisions of the state treasurer, he said it was equal to those of the other members of the administrative board that we already propose to be elected. I cannot see why after 112 years of electing a state treasurer, with a person who has the responsibility that he has in his office, that we should at this point change that. If there is any office which should be independent of the governor, it certainly should be that of the state treasurer. Certainly, the possibilities of having a governor in cahoots with the state treasurer could lead to many, many strange happenings and I, for one, would urge you to keep in the hands of the people the selection of their treasurer, knowing full well that the people of this state will make independent, individual judgment as to those candidates running for this office and knowing full well that the people of this state have exercised this judgment to a high degree in seeing the kind of people that we have had in this office over the past years. No one can deny the integrity and the sincerity and the ability of those people who have occupied the office of state treasurer. Some sit here today; some sit in the capitol building. We know that this is an important office. It is one that the people have had, the people believe in, the people know about. It is something that I urgently ask you to consider as one that should remain elective.

CHAIRMAN MILLARD: Mr. Martin.

MR. MARTIN: Mr. Chairman, we just voted to remove the state treasurer from the minority amendment. There is an amendment pending on the desk to make him appointive for a 4 year term. I hope, therefore, that Mr. Faxon's amendment will be defeated.

CHAIRMAN MILLARD: The Chair recognizes the Delegate from Detroit, Mr. Balcer.

MR. BALCER: Mr. Chairman, ladies and gentlemen of this committee, I'm in trouble right now. I can't vote for anybody the way it's proposed because we have a succession act and when you're going to jumble them around instead of having a succession act, you're going to have an assumption act. Somebody is going to "assumpt" something that doesn't belong. Now, I wish Mr. Brake or somebody would explain to me the succession act before I vote.

CHAIRMAN MILLARD: Mr. Martin.

MR. MARTIN: Mr. Balcer, the treasurer is in the line of succession. He is pretty well down the line. He can either be left there or he can be removed. If the legislature feels, or the convention desires to change that line of succession, that can be done. In general, people who are in the line of succession are elected officers. So it is possible that the convention might decide not to include him in the line of succession if he is made appointive by the convention.

MR. BALCER: If the governor gets an appointment and the secretary of state gets to be our secretary at Washington and they go down the line, then you will have a governor that would be appointed by a governor. I don't believe in that. He should be an elected official if he's going to be in the succession.

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

DELEGATES: Division.

CHAIRMAN MILLARD: Division has been called for. Is there support? Sufficient number up. All those in favor of the Faxon amendment to the minority 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 amendment offered by Mr. Faxon, the yeas are 35; the nays are 82.

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

SECRETARY CHASE: Messrs. Brake, Durst and Karn offer the following amendment:

1. Amend the amendment, following the first paragraph, by inserting a new paragraph to read as follows:

"The state treasurer shall be appointed by the governor with the advice and consent of the senate for a 4 year term coterminous with the term of the governor.".

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

MR. BRAKE: Mr. Chairman, ladies and gentlemen, we have so many minority reports here that I am confused about lines and so forth. On the report that I've got, that should be line 6. It's at the end of that first paragraph in the minority report. I think the matter has been thoroughly debated and that there is no use in carrying it on any further. We've gone over it and over it and over it. This is a part of the compromise agreement that some of us entered into and it calls for the appointment of the treasurer.

CHAIRMAN MILLARD: The Chair recognizes Mr. Downs.

MR. HODGES: May I ask a question of Mr. Brake if he would yield to a question?

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

MR. BRAKE: Yes, sir.

CHAIRMAN MILLARD: Mr. Hodges, you may proceed.

MR. HODGES: Mr. Brake, you have alluded again to the compromise. Is it your intention just on this particular issue or does this cover the entire facet of what we read in the paper?

MR. BRAKE: I'm not taking a chance of putting an endorsement on anything that you may have read in a paper. I don't know what you saw. (laughter)

MR. HODGES: Mr. Chairman, Mr. Brake, does the compromise go beyond this particular issue we are debating on the floor?

MR. BRAKE: Yes.

MR. HODGES: And it does cover a substantial part of this constitution; is that right?

MR. BRAKE: I would say that there are substantial items involved. (laughter)

MR. HODGES: Thank you, Mr. Brake.

CHAIRMAN MILLARD: Mr. Downs.

MR. DOWNS: I rise in opposition to the amendment. I do not wish to speak on whether or not this is a part of a deal or a compromise, but rather to again bring out the point that this does not strengthen the hand of the governor. By putting in "advice and consent of the senate" this is strengthening the hand of the senate and the senate, so far as we have acted, is not a representative senate, and it weakens the hand of the governor. And I just hope that any delegate who has been claiming this does strengthen the hand of the governor — and I do not put the previous speaker in that category — would explain to us how it does, when in fact it reduces the strength, and I think that should be made clear to the delegates before we vote.

CHAIRMAN MILLARD: Mr. Marshall.

MR. MARSHALL: Mr. Chairman and delegates, I rise to

speak against the amendment. This amendment as offered, of course, may enhance the ego of the governor or would be governor. I don't think that we're here to satisfy the eccentricities of governors or gubernatorial candidates. Therefore, while it might enhance the ego of the governor, I don't think it would enhance the protection of the people, and I oppose the amendment.

CHAIRMAN MILLARD: Mr. Martin.

MR. MARTIN: The amendment is consistent with other amendments which we just recently adopted. I hope it will be approved.

CHAIRMAN MILLARD: The question is on the Brake amendment. Mr. Douglas.

MR. DOUGLAS: Mr. Chairman, fellow delegates, I have a question for Mr. Brake.

CHAIRMAN MILLARD: If Mr. Brake cares to answer it.

MR. DOUGLAS: Mr. Brake, irregardless of the practical policy of confirmation in the legislature, is there anywhere in the constitution anything that would prohibit these appointees from being from without the state of Michigan? Is there anything to provide that they must be a resident or a citizen of Michigan?

MR. BRAKE: You're talking, of course, about the proposed constitution, the new constitution?

MR. DOUGLAS: That is correct. If they're elected, we know they're citizens.

MR BRAKE: I assume that there are others who could answer that better than I; perhaps Mr. Martin. I don't know of anything in the proposed constitution that would forbid it, but I'm not sure that I'm right.

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

MR. MARTIN: Mr. Chairman, I don't think that there is any limitation on who may be appointed to these positions. In fact, it's expected, I assume, that the governor or in the case of a board or a commission which has appointive power, that it will select the ablest person either he or it can find anywhere in the United States. Normally speaking, of course, the selection of state treasurer would be made from persons within the state and I assume most governors will follow that practice. But we're trying to get the most qualified people that we can get to fill jobs of this kind. That's the whole purpose of the appointment process.

CHAIRMAN MILLARD: Mr. Marshall.

MR. MARSHALL: Mr. Chairman, since Mr. Brake admitted that this was a part of the deal and also that — not the deal, the compromise; I know the deal, you're getting tired of listening to that — the compromise goes beyond this vote. I wonder if I might ask a question of one of the delegates through the Chair.

CHAIRMAN MILLARD: If it's on this amendment, yes.

MR. MARSHALL: I think it's on this amendment and I'd like to —

CHAIRMAN MILLARD: Whom do you desire?

MR. MARSHALL: I'd like to direct my question to Delegate Romney through the Chair.

CHAIRMAN MILLARD: Mr. Romney is not a proponent of this amendment.

MR. MARSHALL: He is not a proponent but he was a part of the compromise. He stated so himself here the other day on the floor and I would like to ask —

CHAIRMAN MILLARD: Just a moment.

MR. G. E. BROWN: I rise to a point of order because the compromise is not before us.

CHAIRMAN MILLARD: The Chair thinks the point is well taken.

MR. MARSHALL: I disagree with the point because this is —

CHAIRMAN MILLARD: You can appeal from the Chair.

MR. MARSHALL: Mr. Brake stated a moment ago that this was a part of the compromise.

CHAIRMAN MILLARD: Mr. Romney was not a proponent and he is not taking the floor.

MR. HODGES: Mr. Chairman.

CHAIRMAN MILLARD: You sit down. The Chair is talking to Mr. Marshall now. (laughter)

MR. MARSHALL: Whoa. Back up a minute.

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

CHAIRMAN MILLARD: The Chair is talking to Mr. Marshall now.

MR. MARSHALL: I'll yield to Delegate Hodges for a point of information.

CHAIRMAN MILLARD: All right. Mr. Hodges.

MR. HODGES: My point of information is: are we entitled to know, through a question, what our capacity is at this convention and what it is going to be from this day forward?

CHAIRMAN MILLARD: We are now debating —

MR. HODGES: It goes to the very heart of this debate, Mr. Chairman; it goes to whether we have any meaningful purpose at this convention.

MR. ROMNEY: Mr. Chairman, point of personal privilege.

CHAIRMAN MILLARD: Mr. Romney.

MR. ROMNEY: I'd like to state as a matter of personal privilege that I have no personal objection to answering any question. However, I want to abide by the rules of proper parliamentary procedure. I don't know of any question that Mr. Marshall might ask that I wouldn't be willing to respond to.

CHAIRMAN MILLARD: If Mr. Romney is willing and there is no objection, the Chair will permit you to answer.

MR. MARSHALL: I think we're making a mountain out of a molehill. I want to ask a simple question that's related —

MR. G. E. BROWN: Mr. Chairman.

CHAIRMAN MILLARD: For what purpose does Mr. Brown rise?

MR. G. E. BROWN: I rise in support of the point of order I raised previously. I would also rise to the point of personal privilege and privilege of the convention, and that is that whether or not this compromise is before the house is a question to be decided by the Chair. I am not happy with the compromise and I certainly do not intend to sit here and have it discussed on this floor when we should be discussing an amendment or something that relates to the substance with respect to this constitution.

MR. MARSHALL: Delegate Brown —

CHAIRMAN MILLARD: Just —

MR. G. E. BROWN: I still have the floor, Mr. Chairman. Whether or not Mr. Brake mentioned a compromise or mentioned a deal is not important. Because a point of order was not raised in respect to his speech does not preclude a point of order being raised as to anyone else who may mention that subject.

CHAIRMAN MILLARD: The Chair wants to say this: that we've allowed quite free debate in this committee of the whole and if Mr. Romney has no objection and would like to answer the question, and if there is no objection by anybody, that can be done. State your question.

MR. MARSHALL: I just want to ask Delegate Romney, if he cares to answer: does your vote on this amendment — are you committed to the compromise beyond this vote, and if so, does it cover other major provisions of this constitution?

MR. G. E. BROWN: Same point of order, Mr. Chairman.

CHAIRMAN MILLARD: Mr. Romney does not have to answer.

MR. MARSHALL: He doesn't have to answer, Garry.

MR. G. E. BROWN: I don't think he has a right to if there is objection to raising a question of this nature.

MR. MARSHALL: He said he didn't mind. I would answer his questions.

CHAIRMAN MILLARD: You may answer if you want to, Mr. Romney.

MR. ROMNEY: I'll be very happy to answer it.

MR. MARSHALL: Thank you.

MR. ROMNEY: I'm going to support this amendment because I think under the circumstances prevailing in this convention, it's a sound thing to do in getting a sound document.

I wish Mr. Marshall and his associates were as consistent in

their positions as they might be. I find them flip flopping all around in an effort to create an appearance of things that are not so. The facts are that it was necessary to arrive at some understanding among delegates to keep Mr. Marshall and some of his associates and those joining with him from preventing this convention from putting into the constitution certain improvements that we would not otherwise get. And I am supporting this for the purpose of getting a better document than we could otherwise get.

I am going to do everything I can to get the best possible document out of this constitutional convention, and I am not going to permit anything to keep me from doing that. I have to deal with realities of the varying positions being taken by Mr. Marshall and his associates and the inconsistent positions.

MR. MARSHALL: Mr. Chairman —

CHAIRMAN MILLARD: Your question is answered.

MR. MARSHALL: The question was not answered. I asked was he committed beyond this amendment to the compromise and did it cover other major facets of this constitution. That wasn't answered.

MR. ROMNEY: Mr. Marshall, it does cover other aspects of the constitution and those other aspects are dealt with for the reasons I have cited, for the purpose of keeping you and some of your associates from joining with certain others to produce a constitution that would not be as good as we can obtain as a result of the understandings that have been reached.

MR. MARSHALL: I rise now to a point of personal privilege.

MR. G. E. BROWN: Point of information.

CHAIRMAN MILLARD: Who got up first?

MR. MARSHALL: I rise to a point of personal privilege.

CHAIRMAN MILLARD: Who got up first?

MR. MARSHALL: I got up first. I had it.

CHAIRMAN MILLARD: State your question.

MR. MARSHALL: I want to thank Delegate Romney for answering the question and for also stating that the constitution has been pretty well written at this point and that debate here is useless.

MR. ROMNEY: Mr. Chairman, I want to make a statement of personal privilege.

MR. MARSHALL: Mr. Romney, I'm making —

MR. ROMNEY: Mr. Marshall is making statements —

CHAIRMAN MILLARD: We are trying to get a verbatim record of this and we can't do it when you're all talking at once.

Mr. Romney, you rose to a point of personal privilege?

MR. ROMNEY: Point of personal privilege.

CHAIRMAN MILLARD: State your point, Mr. Marshall.

MR. MARSHALL: My point is, I was making a point of personal privilege. Delegate Romney got up and started talking. I think he's out of order, Mr. Chairman.

MR. ROMNEY: My point of personal privilege Mr. Chairman, was —

CHAIRMAN MILLARD: Mr. Marshall.

MR. MARSHALL: I yield to Delegate Romney.

CHAIRMAN MILLARD: Mr. Romney.

MR. ROMNEY: My point of personal privilege was that Mr. Marshall was putting words into my mouth. I answered his question directly. I did not indicate that the understandings reached dealt with the balance of the constitution and wrapped it up. As a matter of fact, the understandings reached deal with certain limited aspects of a few articles and the vast bulk of the work that we have yet to do is not affected by those understandings. And I think that Mr. Marshall should not add to my answers.

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

CHAIRMAN MILLARD: State your point.

MR. G. E. BROWN: I would like to inquire as to whether or not we have a right to have this committee pursue the substance of the several proposals —

CHAIRMAN MILLARD: That's what the Chair is trying to do.

MR. G. E. BROWN: — or whether they have to be interrupted — whether be it Mr. Romney or Mr. Marshall — by a colloquy between them, or can we proceed with the matters at hand when they are discussing something that has not occurred on the convention floor and is not in the record of this convention and you have matters before this house that relate to things that delegates can vote upon?

CHAIRMAN MILLARD: Your point is well taken. We'll proceed with the amendment.

MR. MARSHALL: Mr. Chairman, now wait just a minute.

CHAIRMAN MILLARD: Don't talk to the Chair like that.

MR. MARSHALL: Look.

CHAIRMAN MILLARD: You just take it easy a moment. If you don't like the Chair's ruling, appeal to the floor.

MR. MARSHALL: I had the floor under a point of personal privilege. I was in the process of speaking, Mr. Chairman. Delegate Romney rose to the microphone and proceeded to speak. I very graciously backed away and yielded and permitted him to speak. Now if you don't want to hear me, go ahead and run the caucus.

CHAIRMAN MILLARD: Just a moment, Mr. Marshall. You had the floor for a point of personal privilege and the Chair thought that you were finished.

MR. MARSHALL: How could I finish when I didn't get started?

CHAIRMAN MILLARD: Yes, you did.

MR. MARSHALL: I don't know where, now.

CHAIRMAN MILLARD: Do you have something you want to say now?

MR. MARSHALL: Yes.

CHAIRMAN MILLARD: Alright, go ahead and say it.

MR. MARSHALL: If it pleases the Chair. If it displeases the Chair, I won't.

CHAIRMAN MILLARD: If it's a point of personal privilege and if it's pertinent.

MR. A. G. ELLIOTT: What is the point?

CHAIRMAN MILLARD: What is the point?

MR. MARSHALL: You'll get the point if you'll listen.

CHAIRMAN MILLARD: Tell the Chair first what the point is.

MR. MARSHALL: I rise to a point of personal privilege. Did Delegate Romney tell you his point?

CHAIRMAN MILLARD: State it.

MR. MARSHALL: I'm stating it. In Delegate Romney's remarks he referred to me, as an individual, and to members of the minority party as flip flopping all over the place; that the compromise was arrived at between himself, Mr. Brake and others in order to prevent the minority in this convention from — and I don't know that I have his exact words — but to prevent the minority of this convention from joining with other forces to write a bad constitution. I think the question — and I would be willing to debate this and I realize I can't debate it under a point of personal privilege — but I think it is clear as to who has flip flopped in this convention.

CHAIRMAN MILLARD: That is not part of the personal privilege. Keep to your own point.

MR. MARSHALL: When an attack, Mr. Chairman, is made upon a delegate, not personally, and statements are made related to the delegate's actions in the convention or on the floor, I believe — and I know a little bit about parliamentary procedure too, Mr. Chairman — that a delegate has a right to rise under a point of personal privilege, and I will also remind this delegation that there have been many, many people that have risen on a point of personal privilege and they did not receive the type of treatment that I am receiving at this moment. Now, you don't bother me with the treatment. I'm trying to be as decent, I'm trying to be —

CHAIRMAN MILLARD: Go ahead on your point of personal privilege.

MR. MARSHALL: Alright. As I was saying when I was so rudely interrupted for about the third time, that I think it's clear as to who has flip flopped in this convention and I think that the compromise indicates who flip flopped. How can anyone get up and charge me, Delegate Romney, of flip flopping when you have not, through your compromises, permitted all of the issues to come to the floor of the convention;

when you have decided it along with others in a private meeting? While I know that you and I have not agreed on all the issues and we don't now agree, I do believe that I have been rather consistent in my position as it relates to the amendment before us and the election versus the appointed officials.

MR. ROMNEY: Mr. Chairman, am I permitted to answer him?

CHAIRMAN MILLARD: Wait a minute. Let him finish.

MR. MARSHALL: I didn't ask him a question.

CHAIRMAN MILLARD: The Chair doesn't want to be accused of interrupting him again.

MR. ROMNEY: I thought he put a question to me and I'd be glad to answer it.

CHAIRMAN MILLARD: Just a minute.

MR. MARSHALL: No, I did not.

CHAIRMAN MILLARD: Are you through?

MR. MARSHALL: I did not put a question. I merely answered a statement. And I resent the charge being leveled of flip flopping all over the place, because I don't think that we have flip flopped. I'll admit that we have been kicked around a bit and if we got flipped and flopped in the kicking then this counts. But I resent the implication of flip flopping.

MR. W. F. HANNA: Mr. Chairman, I have a preferential motion.

CHAIRMAN MILLARD: Mr. Hanna.

MR. W. F. HANNA: I move that the committee do now rise.

CHAIRMAN MILLARD: The question is on the motion —

MR. MARTIN: Mr. Chairman.

CHAIRMAN MILLARD: It's not debatable. All in favor will say aye. Opposed, no. The Chair is in doubt. All of those in favor will vote aye and those opposed will vote nay. Have you all voted? If so, the machine will be locked and the secretary will tally the vote.

SECRETARY CHASE: Mr. Chairman, on the motion that the committee should rise, the yeas are 61; the nays are 68.

CHAIRMAN MILLARD: The motion does not prevail. We will proceed. Mr. Martin.

MR. MARTIN: I had in mind that we move to rise at 5:00 o'clock in the event some of the delegates want to know when I expect to make the motion. If we can get another 20 minutes in, we may be able to dispose of a couple more amendments here.

CHAIRMAN MILLARD: Mr. Bentley.

MR. BENTLEY: Mr. Chairman, I'd like to direct a parliamentary inquiry through the Chair to the secretary. It is my understanding, according to Mason — and I think we've all been guilty in overlooking this — that matters of privilege, and this is whether it is privilege of the convention or personal privilege, are not to be raised in committee of the whole but must be raised in the house. I suggest, if that ruling is correct, that I intend to raise a point of order against any matters of personal privilege in the committee of the whole from now on. It should be reserved for when the convention is in plenary session. I'd like to ask if I'm correct in that interpretation.

CHAIRMAN MILLARD: The secretary will read the section.

SECRETARY CHASE: Section 655 of Mason's Manual: Limitations on Committee of the Whole:

1. The committee of the whole, like other committees, derives its authority solely from the body and is confined strictly to the powers delegated to it.
2. Also, being but a committee, it is limited in other matters.
3. A committee of the whole:
   (a) Cannot order a vote by roll call taken on any matter.
   (b) Cannot entertain any question of priority.
   (c) Cannot entertain any matter of privilege.

and there are 6 or 7 others.

CHAIRMAN MILLARD: Your point is well taken, Mr. Bentley, and it will be observed in the future.

MR. A. G. ELLIOTT: Point of order, Mr. Chairman.

CHAIRMAN MILLARD: State your point.

MR. A. G. ELLIOTT: In committee of the whole, inasmuch as Mr. Marshall made this point, it seems to me that what we're supposed to do is maintain discussion solely upon the substantive matter at hand. All day long, and in previous days, we have deviated from this in varying degrees. Today has been a day when we apparently have been quite far afield, although the Chair has tried to correct that. Am I correct in my assumption that we are to maintain discussion upon the substantive matter?

CHAIRMAN MILLARD: The Chair tried to keep that, Mr. Elliott, and will endeavor to do that. With your help and the rest of the delegates, the Chair will try to keep them on the track.

MR. A. G. ELLIOTT: May I ask you this, sir? Maybe this is a point of parliamentary inquiry; I don't know. If they are not on the track, does a delegate of this convention have the right to ask the Chair to bring them back to order and if the point is well taken, should this not suffice so that we can get on with the business at hand?

CHAIRMAN MILLARD: That's correct.

MR. A. G. ELLIOTT: I would urge the Chair to find a longer gavel so that we can get going.

CHAIRMAN MILLARD: Thank you. The Chair will do its best. We're on the Brake amendment. Mr. Ford.

MR. FORD: Mr. Chairman, point of parliamentary inquiry. Notwithstanding the ruling of the Chair, would a motion, while we are in committee of the whole, to print in the daily journal of this convention the point of personal privilege raised by Mr. Brake — which became very apparent on its face a question of convention privilege — be in order?

CHAIRMAN MILLARD: Not in the committee of the whole.

MR. FORD: Would this motion be in order when we rise?

CHAIRMAN MILLARD: The convention and the president will have to decide that matter.

MR. FORD: I'm not asking how it's going to come out but am I in order to move to include his points of personal privilege made during committee of the whole when we rise and are back in convention?

CHAIRMAN MILLARD: That matter will have to be decided by the president. He'll be in charge of the convention. Your present chairman is not and can't say how he will rule.

MR. FORD: There is very little change going to be made up there in the fellow who is going to be making the parliamentary decisions. If I could have your indulgence, I'd like a ruling now before we rise.

CHAIRMAN MILLARD: The Chair is not going to rule on what President Nisbet will rule in the convention.

We're on the Brake amendment. The Chair has Mr. Downs on the list. Do you wish to talk on that?

MR. DOWNS: I wasn't going to ask which list I'm on, Mr. Chairman, (laughter) but rather was going to confine myself to the amendment before us. I will try to discuss this amendment on its merits, simply on the 4 lines that are before us, with no relationship to any other matter that has been discussed, implied, or printed in the press. And I hope that as I try to do this, the delegates will try with me to consider these 4 lines strictly on their merit, and particularly these 6 words, "advice and consent of the senate." I wish to point out that where we are from a parliamentary viewpoint, if I understand it — and I would appreciate the Chair correcting me if I'm wrong — we had before us a minority report amendment, to which the Brake-Durst amendment was adopted, part of which said that the state treasurer would not be elected. Now the amendment we have before us provides that there will be advice and consent of the senate in appointing the treasurer. There have been comments on the floor that the purpose is to get the best and most capable treasurer there could be. We disposed of whether or not the treasurer should be appointed or elected, so I will not try to reopen that question.

The point I want to make is that when the words "advice and consent of the senate" are put in, the governor must,

in making an appointment, consider not only the ability of the person, but also the conformability. Now, I again say to those that talk about a strong governor, that this amendment weakens the governor; it does not strengthen him. I do not address myself to those delegates that are set on strengthening the legislature in relation to the governor. They've made their point very adequately here. I am addressing myself to those delegates that keep insisting on this myth that this strengthens the governor when it weakens the governor. And the only point that I want to make to the body here is that if this amendment is adopted, it will be not a step forward, a long step or a small step. As far as the power of the governor goes, I believe it will be a step backward because the governor, regardless of which party he is in, will need to make his appointment with the advice and consent of the senate, whereas at the present time, where the nomination is made through the convention, the governor has a voice vote in the convention — and usually a fairly strong voice — and this in my judgment would weaken the governor. And if the delegates wish to weaken the governor, that is certainly the prerogative of the body, but I just wish to emphasize again and again and again that this advice and consent does not strengthen the governor; it weakens him. Thank you.

CHAIRMAN MILLARD: Mr. Faxon.

MR. FAXON: Mr. Chairman, I have a point of order here. I'm trying to get this in the proper order. The minority report amendment which proposes to substitute for the beginning of the executive branch article deals specifically with the elective positions. Now, the mention in the majority proposal of the naming of the state treasurer doesn't occur until page 3, line 12, where there is the first mention of a state treasurer. My point is this, Mr. Chairman: isn't this amendment out of order, considering that it is not pertinent to the main amendment, which is the elective position and it doesn't relate to anything until page 3? It seems to me that the intent of the first paragraph was to deal with elective officials, and that we are now out of order in taking up an appointive position.

CHAIRMAN MILLARD: Mr. Faxon, the Chair thinks your point is well taken because we have stricken the state treasurer out of this first parapraph and it should come in later in some other paragraph, where it can be inserted as an appointive official. The Chair hopes that the proponents will withdraw it and introduce it later.

The proponents withdraw the amendment and will introduce it at a later time. Any further amendments?

SECRETARY CHASE: Not to this paragraph of the minority report amendment. There are none on file, Mr. Chairman.

CHAIRMAN MILLARD: The question now is on the adoption of the minority report amendment, as amended, the first paragraph only. Judge Leibrand.

MR. LEIBRAND: Can it be read, Mr. Chairman?

SECRETARY CHASE: The present amended language of the minority amendment to the first paragraph is as follows:

1. Amend page 1, line 10, after "Sec. a.", by striking out the balance of the first paragraph and inserting "The governor, lieutenant governor, secretary of state, and attorney general shall be elected at the general biennial election in 1964 and in each alternate even numbered year beginning in 1966. They shall, after 1966, serve for terms of 4 years beginning at 12:00 o'clock noon on the first day of January next succeeding their election.".

CHAIRMAN MILLARD: The question is on the adoption of the first paragraph of the minority report amendment, as amended. Mrs. Cushman.

MRS. CUSHMAN: Mr. Chairman and delegates, I rise to speak against the minority report amendment, as amended, and for the original committee proposal. I am among those in the convention, and outside it, who worked for this constitutional convention because we believed that the constitution needed thoroughgoing changes. These changes included a strengthening of the executive of this state, the governor, and also of the legislature. In carrying this out, we believe that the governor should have stronger power in appointing the members of the administrative board, his cabinet. It is ridiculous to allow in the constitution for the possibility of having a governor of one party but administrative board members of a different party. These ad board members are heads of important state departments and are responsible for carrying out the policies of the governor. There is serious reason to believe that these officials would not be interested in seeing that the policies of a governor of the opposing party would be successfully carried out. The ones who would lose under this arrangement are the people of the state of Michigan.

It has been said here that the people ought to elect these officials, and there is something to be said for this point of view. But actually very few of the people of this state know who these officials are. They can learn enough about the governor to make a choice and they would prefer to pick a governor in whom they have confidence and hold him responsible for the executive functions of the state, rather than dividing this executive responsibilitiy among a number of officials who are only responsible to the people through election.

In strengthening the legislative power, we believe in a legislative auditor, such as has already been approved by this convention. The role of the auditor is to act as the watchdog of the people in the expenditure of the state's funds. It is the legislature that has been given the responsibility for appropriating funds, and it is only logical that the auditor should also be responsible to the legislature.

I see no violence to the idea of a stronger executive in having the state superintendent of public instruction appointed by the state board of education. But under the amendment now before us, the governor's appointive power in the administrative board is limited to the treasurer. This in my opinion is inadequate.

When we get to section b, I will express my conviction that the governor's power to appoint should be subject only to a veto by the legislature. I am here to vote my conviction that Michigan needs a stronger chief executive. I hope that others in this convention will do likewise, and will therefore vote against the minority report amendment and for the original committee proposal.

CHAIRMAN MILLARD: The question is on the minority report amendment, paragraph 1 of section a, as amended. All in favor will say aye. Opposed, no. The Chair is in doubt.

DELEGATES: Division.

CHAIRMAN MILLARD: There is a call for division. Is there support? Sufficient number up. The question is on the minority report amendment to paragraph 1 of section a, as amended. All those who are in favor will vote aye and those who are opposed will vote nay. There is a request that the amendment be read. The secretary will read.

SECRETARY CHASE: The amendment now reads:

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

MR. DOWNS: Point of information, Mr. Chairman. The slides that are up, I believe, have the original amendment which is not what the secretary read. I think it would avoid confusion if the slides were taken down because some delegates may think that they are voting on that instead of the amendment that the secretary just read.

CHAIRMAN MILLARD: Is there any question about the amendment that anybody has? Mr. Martin, have you?

MR. MARTIN: Mr. Chairman, the amendment as now amended — with the various amendments we've attached to it — it seems to me should be supported.

CHAIRMAN MILLARD: 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, the yeas are 82; the nays are 35.

CHAIRMAN MILLARD: The minority report amendment to section a, paragraph 1, is adopted. Are there any other amendments to paragraph 1? If not, it will pass. Mr. Bentley.

MR. BENTLEY: I think there is another minority report amendment on the desk.

SECRETARY CHASE: I'm sorry, Mr. Bentley. Pursuant to minority report A of Messrs. Bentley, Hatch, Durst, Shackleton, King, Karn, Gust and Shaffer,

Mr. Bentley offers the following amendment:

1. Amend page 1, following the first paragraph of section a, by inserting a new paragraph to read as follows:

"No person who has been elected governor for 2 full successive terms shall be again eligible to hold that office until one full term has intervened.".

CHAIRMAN MILLARD: Mr. Martin, do you have a preferential motion?

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

CHAIRMAN MILLARD: The question is on the motion of the chairman of the committee that the committee 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 had under consideration certain matters of which the secretary will make a detailed report.

SECRETARY CHASE: Mr. President, the committee of the whole has had under consideration **Committee Proposal 71,** to provide for the election, term and duties of state officers, has adopted an amendment to the first paragraph of section a, has received another amendment to said paragraph, and has come to no final resolution thereon. This completes the report of the committee of the whole, Mr. President.

PRESIDENT NISBET: Announcements.

SECRETARY CHASE: The public information committee will meet immediately after this session this afternoon instead of at 7:30 as previously scheduled. Mr. Ink White, chairman.

The committee on style and drafting will meet at 8:00 o'clock this evening in room K.

May the secretary have the attention of the delegates who stay at the Jack Tar hotel? Your host, Mr. Bill Greer, requests of those who are staying there that he would appreciate it very much if you could check out Friday morning. There is a state high school basketball tournament coming to town and he needs the rooms.

The committee on legislative organization is to meet in room D immediately. Mr. John Hannah, chairman.

Mr. Ostrow asks for leave from the session of Friday.

PRESIDENT NISBET: Without objection, he will be excused. The Chair recognizes Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, an announcement which I think is of interest to all of the delegates: the convention this morning adopted a schedule which looks to an adjournment of this convention on or about April 28. If we adhere to that schedule, fine. If we are unable to adhere to that schedule, the delegates should be readily aware that there is very little leeway between that adjournment date and the date of May 15, which has a certain fiscal significance to all of us. For that reason and because my optimism about the April 28 date expressed this morning has been somewhat tarnished by the performance of the committee of the whole today, I think it's only fair to suggest to the delegates that it may be necessary beginning next week to schedule night sessions. I make the announcement and suggestion at this time in order that the delegates in scheduling their personal affairs for next week will try, if possible, to keep their evenings open and available for the work of this convention.

PRESIDENT NISBET: I think in that connection, members of the convention, I have been asked to make a statement which I am making first of all to myself, and then to you. Many of the delegates have had requests for speaking engagements during the month of April. Up until this time I think we have encouraged our delegates to speak to various groups about the convention. However, April will be a very critical month with the convention because we will, I hope, be in second reading when it is even more necessary that our delegates be in attendance. And if it will be of any help to the delegates in refusing to make speaking dates, by having it said that the president of the convention suggested that you not make them, I hereby suggest to you and to myself that we try not to make speaking engagements during the month of April if it interferes at all with the meetings of the convention. I hope, Mr. Staiger and others who have made this request of me, that this might be helpful to you.

The Chair recognizes Judge Shaffer.

MR. SHAFFER: Mr. President, it is my fervent hope that after a hectic day we might adjourn in peace and harmony. I so move, Mr. President, that we do now adjourn, and with the hope that some of that peace and harmony may flop over until tomorrow morning. (laughter)

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

We are adjourned until 9:30. Thank you, Judge Shaffer.

[Whereupon, at 5:10 o'clock p.m., the convention adjourned until 9:30 o'clock a.m., Thursday, March 22, 1962.]

shall walk out of or cross the constitution hall; nor in such case when a delegate is speaking, shall any delegate entertain private discourses or pass between the speaker and the Chair.

CHAIRMAN MILLARD: The secretary will read.

SECRETARY CHASE: Item 11 on the general orders calendar, from the committee on executive branch, **Committee Proposal 71.** Section a has been read. The first paragraph has been amended.

For last previous action by the committee of the whole on Committee Proposal 71, see above, page 1797.

Pursuant to minority report A, Mr. Bentley offers the following amendment, which was offered last evening before the committee rose:

[The amendment was again read by the secretary. For the text, see above, page 1814.]

CHAIRMAN MILLARD: The Chair recognizes the gentleman from Owosso, Delegate Bentley.

MR. BENTLEY: Mr. Chairman, assorted doctors, poets, et cetera, ladies and gentlemen, this amendment, Mr. Chairman, was discussed at some length in the committee on executive branch, and within that committee was finally defeated on a rather close vote. The following members of the committee on executive branch have joined me as cosponsors of this particular amendment: Mr. Hatch, Mr. Durst, Mr. Shackleton, Mr. King, Mr. Karn, Mr. Gust and Judge Shaffer.

Mr. Chairman, although this amendment is obviously of a controversial nature, I do not believe that it requires extensive debate. It is rather simple in its intent. It merely provides that no individual who has been elected to the office of chief executive of this state may serve more than 2 full successive terms until one full term has intervened thereafter.

I think, Mr. Chairman, it would be helpful to members of the committee to point out briefly that the practice in this respect is followed in many of our other states. Actually there are 23 of the 50 states which contain a similar limitation on the number of terms which the chief executive can serve. In 10 states—primarily in the south, but including states such as Missouri, which has had a fairly new constitution, and Pennsylvania—the governor cannot succeed himself directly; he can only be reelected following the intervention of one or more terms. In the states of Georgia, Kentucky and West Virginia, he is ineligible to serve as governor for 4 years after the completion of the term to which he has been elected. In the state of Delaware, he cannot be reelected for a third term under any circumstances. In the state of Alaska which, as we all know, has had a very recent constitution, he cannot be eligible after 2 full successive terms until one full term has intervened. That is exactly the language which we are proposing here today. In the state of Maine, after he has served 2 consecutive elective 4 year terms, he cannot succeed himself at all. In the state of Maryland, after he has served 2 consecutive popular terms, he cannot succeed himself for the term immediately following. That is basically the language which we have also offered here. In the state of New Jersey, which has also had a recent state constitution—this is rather complicated—if he has been elected for 2 successive terms, including an unexpired term, he is ineligible until the third Tuesday in January of the fourth year following the expiration of the second successive term. (laughter) In the state of New Mexico, he cannot hold any state office for 2 years after he has served 2 consecutive terms. In the state of Indiana, he is ineligible for more than 4 in any period of 8 years. In the state of North Carolina, he is ineligible for more than 4 in any 8 year period unless the office cast on him is that of lieutenant governor or president of the senate. In the state of Ohio, he cannot serve more than 2 successive 4 year terms. And in the state of Oregon, he cannot serve more than 8 in any 12 year period.

Although these provisions are somewhat complicated, I think the basic intent of the majority of them is all the same, Mr. Chairman, and that is that these states which I have named have decided that the office of governor should not be held by any individual for more than 2 successive terms until at least one term has intervened, although some of them are even more restrictive than that.

I think, as I say, the amendment is very simple. It would merely provide that beginning, presumably, in 1966 when, according to the amendment we adopted yesterday, the 4 year term for governor would commence—that is, after the 1966 election—that no individual elected for 2 successive 4 year terms could be eligible for a third 4 year term until at least one term has intervened. The reason, I think, I and my cosponsors feel this way is that because of the extension of the gubernatorial term from the present 2 years to the proposed 4 years, we believe that 8 years is sufficient time for one individual to serve in this high responsible office, and that he should be constitutionally prohibited from running for a third 4 year term until there has been at least, as I say, a single intervention.

I understand, Mr. Chairman, there are members of the committee of the whole who desire to speak on this amendment, and I would therefore be glad to yield the floor, unless at the moment there are direct questions that I would be happy to answer. Otherwise, I will be glad to yield the floor for those delegates who do not wish to ask questions but wish to make further comments of their own in this respect.

CHAIRMAN MILLARD: Do you yield the floor to any person?

MR. BENTLEY: I am yielding the floor, Mr. Chairman, unless there is a question, in which case I will be glad to yield to any individual for the purpose of a question and my answer. If there are no questions, I will yield the floor for any further remarks from any member of the committee of the whole.

CHAIRMAN MILLARD: Did you have a question, Mr. Barthwell?

MR. BARTHWELL: Mr. Chairman, Mr. Bentley, I would just like to know why would you be willing for him to run after a term if he has served 2 complete terms? What would this absence from the office do?

MR. BENTLEY: Mr. Chairman, in reply to my good friend, Mr. Barthwell, I may say that there was some consideration, both in the minds of myself and the cosponsors, as well as in the committee, of making a flat limitation of 2 consecutive terms, but it seemed to us after deliberation that if the individual in question should be an outstanding individual, we should not constitutionally prohibit him from ever again seeking the office of chief executive. We would permit him to return and offer himself again to the people if the people decided that they wanted him, but that we would require a break in the continuity. I myself would have no objection to a flat limitation of two 4 year terms, but the majority of us felt that it would be desirable to permit him to offer himself again to the electorate, but with the requirement that there would have to be a break after the second 4 year term.

MR. BARTHWELL: Thank you.

CHAIRMAN MILLARD: The Chair recognizes Mr. Kelsey for a question.

MR. KELSEY: Mr. Chairman, Mr. Bentley, what distinction do you draw between the governor of the state and, say, a United States senator or a United States congressman in relation to terms that they can serve?

MR. BENTLEY: Mr. Chairman, with reference to the question of my good friend from Warren, I would say that in both the congress and in the legislature, there are those who consider seniority of service as a virtue. That is why those people who are continually reelected to either the senate, the house of representatives or the legislature through the years can accumulate seniority and thereby be in a better position to serve themselves, their constituencies and the people of their particular districts or states as the question may be.

With regard to the office of governor, I would say that I think it is equally desirable to continue a man in office for a

certain period of time, but I would respectfully point out my personal opinion that seniority insofar as serving in the office of governor can cease being a virtue after a certain period of years.

MR. KELSEY: Mr. Chairman, Mr. Bentley, why would it cease being a virtue because it was a different office; for instance, governor or senator or congressman? I don't follow your reasoning here.

MR. BENTLEY: Because, Mr. Kelsey and Mr. Chairman, I think that in the legislative bodies seniority is desirable as long as we retain the committee system and as long — at least in the congress, and I presume to some extent in the legislature — as the chairmanship of committees depends upon those members of those committees who hold the greatest seniority and have the greatest experience. Since the governor is not a member of a legislative body but is an executive, I think the analogy does not apply.

Now, as I say again, I have no wish to prevent a qualified man from being returned to office if the electorate decides that they want him, but I feel that following the practice in the states which I have already outlined, it would be desirable to prevent a continued succession of unbroken terms, and I feel that if his services are so highly desired, he could be returned for a third term providing that you do have this intervention, so if for no other reason than purposes of comparison, the electorate would have a chance to make a choice with someone else.

MR. KELSEY: Mr. Chairman, Mr. Bentley, 2 further questions. You acknowledge that you would allow him to run for 2 terms, serve 8 years, and then he could vacate the office for 4 and then become a candidate again. Can you give me the logic to that reasoning?

MR. BENTLEY: The same logic that is followed, by and large, Mr. Kelsey and Mr. Chairman, in these other 23 states, and that is because of the power and the prestige that the chief executive has, and should hold, as a matter of fact, in his high office, it was felt — and, as I say, this feeling is shared apparently in these other states — that we did not desire to see the individual concerned continue in an unbroken succession of terms. We felt that two 4 year terms would be sufficient for him. If he is qualified, as I would hope anybody holding the office of governor would be, 8 years should be highly sufficient for him to present his program and implement his program for the state.

MR. KELSEY: Mr. Chairman, Mr. Bentley, don't you feel that unless the governor was a rarely exceptional man, a man of very high stature and standard, that during his second term he would be derelict; he would have no incentive to serve the people and the people would be sort of short changed in his second term?

MR. BENTLEY: Mr. Chairman, in reply to the question from my good friend from Warren, I am delighted that he asked that question because it seems to me, Mr. Chairman and fellow members of the committeee of the whole, that if the chief executive would have the ability to serve a second 4 year term with the knowledge that he would not thereby immediately thereafter be a candidate, that he could make an outstanding record in the second 4 year term. He would be able, for example, to devote his entire time to the duties of his office. He would have no thoughts with respect to the following political campaign insofar as reelection was concerned. And furthermore, I can envisage this chief executive, this distinguished person holding this high office would be able to conduct himself throughout those 4 years in the complete absence of any pressure or any considerations of a political nature which might govern him or might influence him if he were intending to be a candidate for a third term.

MR. KELSEY: Mr. Chairman, I have no further questions. Can I retain the floor for a brief statement?

CHAIRMAN MILLARD: The Chair has you down, Mr. Kelsey, as third on the list for debate and will recognize you then.

MR. KELSEY: Thank you kindly, sir.

MR. OSTROW: I have a question.

CHAIRMAN MILLARD: Mr. Ostrow has a question for Mr. Bentley.

MR. OSTROW: Mr. Chairman, Mr. Bentley, we are being constantly reminded that we ought to put the state on a businesslike basis and run it in a businesslike manner. Do you know of any billion dollar corporations who have similar provisions relating to their president or to their chairman of the board?

MR. BENTLEY: Mr. Chairman, in answer to the question from my good friend from Detroit, the answer is, of course, no; but I would point out that I think the points have been made in debate in the past that there are certain differences between the operation of a large industrial corporation and the operations of a state government as complex as the state of Michigan. And in answer to him, although I can find no precedent insofar as business is concerned, I can find ample precedent, which I have already quoted, in the examples taken by many other states, including some of our neighboring sister states and including 3 of the last 4 states to have a constitutional convention.

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

MR. YEAGER: Mr. Chairman, ladies and gentlemen of the committee, before I begin my remarks, I want to apologize for the sound of my voice this morning. Those of us back here on "pneumonia row" are singing that old Maurice Chevalier song "Every Little Breeze Seems to Whisper DeVries" (laughter) or "I've Got The Air Condition Blues."

Ladies and gentlemen of the committee, I rise to support the minority report amendment limiting the term of governor to 2 consecutive terms. This was my original delegate proposal, and even though it was entered some time quite early in the convention — October in fact — I still feel as strongly in support of it today as I did when it was first submitted.

There are several reasons why I believe you should vote for the minority report amendment. First, this would in effect limit the governor to serving 8 years at any one time. I believe 8 years is a very ample time for any governor to enact a program. Eight years is the better part of a decade. We believe in legislative reapportionment every 10 years. Therefore, a new executive approach every 8 years is certainly not unreasonable.

Second, based on the proposals and interest among delegates and testimony from former governors of this state, the governor under this new constitution will have more power, and this is as it should be. He will also have a longer term. But with greater power and a longer term, there should be some practical limit on the duration of this power, since with more power there will be increased control in the hands of a single individual. You will notice I said "practical limit."

Third, at the end of an 8 year period the governor, through the office in which he serves, will have built up the power of incumbency and personality following, and the trend then is for people to vote for personality rather than issues. For instance, you frequently hear a voter say, "I know governor so and so," or "I have shaken hands with governor so and so. He's doing okay in the office. He's a good guy. I don't know the other man who is running. He is new to me. Therefore, I'll vote to retain the governor." This means that he is really deciding on the basis of personality and not on the basis of issue. Personality, particularly well known personality, overshadows most issues. Personality plays a part in any elective process, but it certainly should not be the dominant part. And if personality becomes built up to a point that it completely overshadows issue, the incumbent party can suffer as much or more than the party outside. If you vote yes on the minority report amendment, it means at the end of each 8 years the parties must put up candidates to discuss issues. The power of incumbency and personality are minimized and government then will be decided on issues and, I believe, will be far better off in the long run.

Fourth, I believe a new administration, even of the same party, brings with it a new enthusiasm and a fresh viewpoint which keeps democracy vital. This new enthusiasm and viewpoint is a necessary ingredient in efficient progressive

government. In spite of any learning period that may be involved, I believe people will get more from such a change, and therefore the end of each 8 years seems to me to be a very good benchmark of progress. Any program will have succeeded or failed in this 8 year period.

Now, the argument has often been raised that an executive limited by terms is ineffective in his relations with the legislative branch because they know that he can no longer be effective as a political force. I don't agree with this. I think Eisenhower was more effective in his last 2 years in office than he was in the previous 6. Furthermore, if an executive decides not to run, he will have to announce this fact generally at least a year before his term ends in order to begin to build up a new candidate within the party. Another consideration is the fact that a governor who cannot run for reelection may get courage to do some of the things for the common good that he might not otherwise consider because of pure political reasons.

Let me review with you 4 reasons for supporting the minority report amendment: 1. Eight years is ample time to enact any program; 2. Since the governor will have increased power and longer term, there should be a practical limit upon the duration of this power; 3. I think good government will be better served if the parties must discuss issues rather than personality at least once each 8 years; and, 4. I think we need a new viewpoint and enthusiasm at least once each 8 years. I therefore strongly urge a yes vote on the minority report amendment. Thank you.

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

MR. DOWNS: Mr. Chairman, fellow delegates, I rise to speak against the proposed minority report amendment. I do this for several reasons. The first one is that this amendment would weaken the power of the governor. It would make the governor weaker in this respect: the present constitution adopted in 1908 and no constitution in Michigan's history, to my knowledge, has had an effect of limiting the governor's right to run for reelection.

The second point I would like to make is that if a governor cannot run for a third term, even if he may decide not to run for that third term, he is much more ineffective in his second term for the reason that everybody knows he would not be able to run for the following term. This also weakens his effectiveness, not only because he cannot run for the third term, but because during the second term or half of his 8 year term he would be in a weakened position.

The third point I would like to make is that one of our real unresolved — I almost use the word tragedy — in American government is that men who take years to learn the complex job of government may, when the political winds are such that they are defeated, not only personally lose, but the people lose the value of their experience. I point out, without arguing for or against it, that this convention, I believe just this week or last week, made an amendment to provide that the legislative auditor, now called the auditor, would not be limited by two 8 year terms on the very grounds that the experience gained could be of value. I just hope there is some consistency in these matters.

The main point — and I want to make this one as clear as I can — is that I am even more concerned about the limitation on the people's right to select an official than I am on the limitation on that individual in office. I think there is a tendency to look at this question from the viewpoint of the individual candidate rather than from the viewpoint of the electorate. I believe that the strength of our democratic government in America has grown as the franchise has expanded, and delegates have in the past pointed out on this floor that our history of America has been the expansion of the franchise; that women got to vote within the memory of many of us here; that, in addition to that, the property qualifications were reduced so that we expanded our franchise. With that we expanded the number of people from whom the electorate could select their officials.

This in effect, if adopted, will be telling the people of Michigan: you have the democratic right to go out and vote for anybody you want to for governor, nominate anyone you want to for governor except the man that has satisfied you for 2 terms. I want to repeat this to emphasize it. This is saying to the voters of Michigan: you can go to the polls. You can be active in a primary campaign or a general election. You can nominate anybody you want. You can vote for anybody you want — except the person that has proved for 2 terms that he has satisified your wishes. This is a severe limitation on the right of the people to elect their governor. And I would point out that if this had been in effect, a governor within our memory or within the lives of many of us here would not have been elected for a third term. I am speaking of Governor Groesbeck. In addition to that, Governor Williams would not have been elected for a third or fourth or another term. So those are 2 specific examples where the people of this state wanted to elect the governor for more than 2 terms, and I feel that this amendment, if adopted, while it is a serious limitation on the strength of the governor, is even a more serious limitation on the right of the people to select and reelect and campaign for a person that the people feel has served them well for 2 terms and should serve for another term.

Let's not superimpose our judgment over that of the voters. I am not one that says the voters are always correct, but I do believe that 2 or 3 million people voting will in the long run make more correct decisions than if their choices are limited. So I would urge the defeat of this because it is a limitation on every single voter in this state. Thank you.

CHAIRMAN MILLARD: The Chair will recognize the delegate from Warren, Mr. Kelsey.

MR. KELSEY: Mr. Chairman, delegates, I have detected since the beginning of this convention a sort of industrialization of our constitution or so called automation of our constitution. I don't mean by those remarks that I am against progress in certain fields, but in human relations, dealing with the democratic form of government, I don't feel that we should continue to freeze language into the constitution and try change for the sake of change by quoting numbers of states that have this particular provision so that should be a reason why we should have it, et cetera.

I would like to read section 1 of article II in our present constitution, which has been passed on first reading and will be part of the new document, "All political power is inherent in the people. Government is instituted for their equal benefit, security and protection." "The people" I think are the key words here. I don't think that we should insert any language into the constitution that would restrict the citizens of the state if they have a man in any office, regardless of whether it is a village constable or the governor of the state. If his constituents feel he is doing an adequate and proper job, we should not tell him how long he should stay. Certainly the people should make that choice.

Let me point to the terms of Franklin Roosevelt, to Tom Dewey and, if you please, if it hadn't been for the last federal amendment, President Eisenhower. I think you can't use the argument here that the people don't know who they are voting for. Certainly I think everybody knows who the governor is or has been during a particular campaign.

The high cry has been if a governor tends to stay in office too long, he can build a machine. Let me point to some recent history in Wayne county, and I think if there is any place you can build a machine, the county of Wayne is one of the best places to build it if you are a successful and cunning politician. And I say that the people rose here just in April and decided to make a change and they made it. The machine didn't control in this instance.

Governor Williams was before our committee on executive branch, and I think he put it very pointedly that if you have someone in office who is doing a good job, keep him. And if he is not, throw him out. We have the votes and we have the right and the power through free elections to do that. I, needless to say, am against the amendment and ask that you join me. Thank you.

CHAIRMAN MILLARD: The Chair will recognize the gentleman from Traverse City, Delegate Rajkovich.

MR. RAJKOVICH: Mr. Chairman, fellow delegates, most of my speech has already been given by the preceding speakers in opposition to this amendment, so my statement will be very short and to the point. I have no hesitation in placing my complete trust with the people of the state to elect a governor only when he is competent and to reject his bid for reelection if he has not rendered acceptable service during the current term. If the people wish to elect a man for 1 term, 2 terms or 5 terms, this is their right. This is their privilege. This is their business. And we ought to let them have that prerogative. Why should we as delegates here eliminate from the field of candidates one individual whose qualifications people are best able to judge by the current progress of his government? Thank you.

CHAIRMAN MILLARD: The Chair will recognize the delegate from Detroit, Mr. Ostrow. He is not present. The gentleman from Kalamazoo, Delegate Stamm.

MR. STAMM: Mr. Chairman and members of the committee, I speak in opposition to this amendment. Mr. Bentley indicated that the majority report just squeezed through the committee. There were 21 members in the committee and there are 7 names on his minority report, which, it seems to me, indicates that there was a majority vote in the committee more than just squeezing by.

This amendment indicates another case of fear of the executive, and you may be certain that if this amendment carries, we will make the governor a lame duck for his second term regardless of what the people may indicate here as they speak for their amendment. This amendment also creates a game of musical chairs on the governor's office, and I believe the proposers fear a repetition of FDR and G. Mennen Williams, and these are rare occasions in political history. We should give the power of limitation to the people. It seems to me that this is one time that we could trust the citizens of Michigan to decide limitations, and I believe the amendment should be defeated.

CHAIRMAN MILLARD: The gentleman from Lansing, Delegate Wanger.

MR. WANGER: Mr. Chairman, members of the committee, I support this amendment because I firmly believe that over the long pull it will produce a generally better government than the government over the long pull would be without it, and I believe this would be so principally for the reasons which have already been stated by Delegate Yeager. I would add this to the discussion: of the 34 states in the union whose governors have a 4 year term, 20, or a substantial majority, limit the number of terms which the governor may serve. This is taken from page 7 of the Michigan Constitutional Convention Studies prepared by the constitutional convention preparatory commission.

CHAIRMAN MILLARD: The Chair will recognize the gentleman from Ann Arbor, Professor Pollock.

MR. POLLOCK: Mr. Chairman and members of the committee, I have understood, I hope correctly, that discussion in committee of the whole is to be brief and informal. I have merely this to say: I find no sound public reason behind this minority report amendment. There may be personal reasons or partisan reasons, but I can't find any sound public reasons. I feel also that Michigan very badly needs to have great governors as New York has had great governors, and in New York there has been no limitation, and had there been limitations in New York, that distinquished native son of Michigan, Tom Dewey, would not have been able to serve 3 terms with credit to his state as he did, nor that great democratic Governor Ritchie of Maryland, who I believe served four 4 year terms. As a matter of fact, there is a strong move in Washington now to bring about the repeal of the twenty-second amendment, because people having now applied a limitation to the president's terms feel that the original arguments are no longer applicable.

If you are going to limit the governor, it seems to me you ought to limit the terms of all public officers, especially legislators. I see no reason at all why you should perpetuate a senator in a rotten borough any more than you are afraid to give that power of reelection to a governor. As a matter of fact, the seniority rule and all that goes with it is perhaps the basis of some of our difficulties in the state of Michigan today. I find, therefore, finally that this is an unjustified limitation on the power of the people. I trust the people to elect or to reelect or to defeat their governors and I don't believe in intuiting any arbitrary restrictions such as this is.

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

MR. HUBBS: Mr. Chairman, fellow delegates, I managed to read the morning paper while the debate was going on, all the late con con news, and at the same time make up my mind on this issue, and I am ready to vote. (laughter)

CHAIRMAN MILLARD: The gentleman from Detroit, Dr. Nord.

MR. NORD: Mr. Chairman, I think Mr. Hubbs is premature because he hasn't heard my speech and it might change his mind. (laughter) Some of the points that I had to make have been made. I will simply state them and not argue. The first point I have in mind is that this does not square with the idea of a strong governor. Since that point has been amply discussed, I will just leave it at that position.

The second point I have in mind against the amendment is this: it seems to me rather backwards in philosophy, because it is based on a theory that experience should count against a man instead of in favor of a man. I can understand why you might wish to put qualifications for office. You might say that a man can't be governor unless he has this qualification, or that, or the other. I think that would be a good thing. He should have qualifications to be in office. On the other hand, I can't see the logic to saying that if he does have qualifications, that is why he should be out of office. That is backwards in my opinion. That is going in the wrong direction.

The third point I will also state briefly, since that point has been made by others, and that is that this amendment implies deep distrust of the people. It implies the people will not be able to choose wisely and therefore we should interfere with their choice.

And I would call to the attention of the delegates briefly just this point: that in the present constitution, especially with the amendments that now exist, there has been indicated a great amount of distrust of the legislature, and I believe that is one of the reasons why the convention has been called. I don't think we should add other provisions which show further distrust of other branches of the government. It seems to me that this one currently before us would show distrust of the executive, and would just compound distrust of the legislature with distrust of the executive. Further, it shows distrust of the people. Now, when you have an instrument of government such as our constitution which shows distrust of the legislature, distrust of the executive and distrust of the people, you can see that there isn't much room left over to find out who you can trust. If we can't trust any instrument of government and if we can't trust the people either, then the question arises in my mind: who is it that we are going to trust? The answer, I suppose, is, in God we trust. But on a terrestrial level, we have got to place some faith in God's creature, man, and on man's instrument, popular government. Therefore, it seems to me that we can't refuse to place our faith someplace, and the first place to place it is in the people. Let the people speak and let their government be based on faith and trust as well.

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

MR. HATCH: Mr. Chairman and members of the committee, the statement has been made in opposition to the minority report amendment, of which I am a cosponsor, that the only reason this amendment is sponsored is for personal or partisan reasons. I would submit that there are those who sponsor this amendment, both on the minority report and

on the floor, who have neither personal nor partisan reasons for supporting this position. I would call to the delegates' attention our meeting of December 13 when General Eisenhower appeared before our body and in response to a question by Mr. Binkowski, I believe it was, stated that he favored a limitation of 2 terms on the presidency of the United States, and that he would favor a like limitation with respect to the gubernatorial office.

I don't think this involves the question of whether you are going to have a strong executive or a weak executive. We are not here talking about the powers of the office itself. We are talking here about the person. The office itself by its very nature attracts a great deal of publicity, and where you have a person of average qualifications who may be doing an average job, by virtue of the fact that he is governor and is receiving publicity each and every day in the newspapers, he has a tremendous advantage when he runs for reelection, as opposed to a man who might have extremely better qualifications than the incumbent. Therefore, I heartily support the minority report amendment and would urge the delegates to likewise vote in favor of it.

CHAIRMAN MILLARD: The Chair will recognize the gentleman from Grand Rapids, Delegate Goebel.

MR. GOEBEL: Mr. Chairman and members of the committe, I see little, if any, merit in this particular amendment. My reasons for feeling as I do have been ably presented by other delegates, Delegates Downs, Pollock and others. Essentially, I feel that the governor's opportunity to effectively promote his program during his second term would be reduced considerably if this restriction were put on. Secondly, I feel that the people should have the right to determine for themselves whether or not they want a governor for a third or fourth term, and I therefore urge the defeat of this amendment or proposal.

CHAIRMAN MILLARD: The Chair will recognize the gentleman from Escanaba, Delegate Follo.

MR. FOLLO: Mr. Chairman, I just would like to assure my friends, Mr. Bentley, Mr. Hatch, Mr. Durst, Shackleton, King, Karn and Gust not to be so pessimistic about the future. It seems to me that sooner or later the Republican party will elect a governor, (laughter) and then there will be wishful longing, wishing that you were back when governors could be reelected at least 2 times. So I would urge that you defeat this amendment.

CHAIRMAN MILLARD: The question is on the Bentley amendment to paragraph 1 of section a. Mr. Bentley.

MR. BENTLEY: Mr. Chairman, may I just respond very briefly to a few of the comments that have been made here, and I assure the committee they will be brief. I would like to point out to my good friend from Kalamazoo, Mr. Stamm, that there are 8 cosponsors. Judge Shaffer's name could not be printed on the amendment, but he is a cosponsor of it. And, as I recall, the vote in the committee was even closer than 13 to 8, because I know of at least one other member of the committee that voted for the amendment although he did not wish to be a cosponsor of this particular amendment.

In response to my good friend from Ann Arbor who quoted several examples, including that of Governor Ritchie of Maryland, I do not know when Governor Ritchie served, but I did point out that Maryland has exactly the same constitutional limitation as we are proposing in this amendment.

But, Mr. Chairman, I think perhaps something more fundamental: much has been said in this brief period of debate with regard to the proposed limitation on the right of the people. I would like to point out, Mr. Chairman, to the members of the committee that we have already limited the people's right to choose a chief executive by giving them that choice only every fourth year instead of every second year as they have at the present time. Therefore, we have actually cut the people's right to choose a governor almost in half by giving the governor a 4 year term. And with respect to the mention made continuously about the fact that you are going to turn a man out of office after 2 terms, which to many people might seem unreasonably abbreviated, I think it should also be mentioned that we are proposing that a chief executive be allowed to serve uninterruptedly the equivalent of 4 terms under the 2 year limitation that we have at the present time.

Finally, Mr. Chairman, I can only say since reference has been made to some extent to our recent president, General Eisenhower — and I think Mr. Hatch very appropriately reechoed his own feelings in this respect when he was before us shortly before the end of the year — that I know from personal knowledge that whether the twenty-second amendment had been in operation or not, nothing in this world, I am sure, would have persuaded Mr. Eisenhower to be a candidate for a third term. I have heard him say that personally too many times to have any mistake in that particular respect.

CHAIRMAN MILLARD: The Chair will recognize the Chairman of the Committee, Mr. Martin.

MR. MARTIN: Mr. Chairman, I rise to comment on my vote on this particular amendment, because as chairman of the committee I find myself on this one question, which the committee considered in all the proposals that we have out here, of having supported the position of the minority report amendment which was, however, not adopted in committee.

First of all, I would like to say that though this relates to politics, it is not a political question. It should not be decided on the question of who held office or whether he held office too long or not long enough. Personally, in my campaign for delegate to this convention and in the committee, I supported the proposition that in view of the extended terms which we were giving the governor, two 4 year term possibilities, that it created the possibility, with the means of communication and other devices for getting the governor's position before the people and maintaining his political status, that the failure to limit to 2 terms would enable the governor to build a political machine which would be relatively impossible to defeat, and that a limitation of some sort not less than 8 years was desirable.

I think the delegates have had an opportunity to listen to the arguments on both sides. I think they have been ably presented. On this matter, I find myself obligated to vote for the minority report amendment, but I think that the delegates should consider the arguments on both sides, should not vote on them as a purely political matter but on the basis of their best judgment as to what will advance the cause of good government most.

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

MR. BARTHWELL: Mr. Chairman, fellow delegates, I have listened to Delegate Yeager say that one of the reasons why the governor should only have 2 terms is because by him shaking hands, the public begins to say they know governor so and so. During this convention I have been listening to the argument on the selection of other officers, the ad board and the judiciary, and one of the main points that has been put across in this convention, especially to me, is the fact that the people should know who they are voting for. So now I don't understand why this thing works in one direction in one case and in another case it has got to be applied in a different direction. This to me seemed to add up to a masterful type of gerrymandering in the selection of our officials. If you are supposed to know some of them, and if tenure is good for them and it is not good for the others, I don't get the reasoning behind how you differentiate between which candidate it is good for and which one it is not good for. Therefore, I am opposed to the minority report amendment and would urge the delegates to vote against it.

CHAIRMAN MILLARD: Delegate Kelsey.

MR. KELSEY: Mr. Chairman, members of the committee, I just want to agree with what Delegate Martin has just said, that we don't want to decide this on a political basis. I think of all the witnesses that were before the committee on executive branch on this question, very able people, we didn't ask for political affiliation. I have reference to one, a Dr. Ronan, who is a political scientist and certainly, in my judgment, very able. It would take too long to read his state-

ments into the record, but he could see no reason in limiting the term of the governor. Thank you.

CHAIRMAN MILLARD: The Chair will recognize a vice president of the convention, Delegate Hutchinson.

MR. HUTCHINSON: Mr. Chairman, I think that there has been just one little piece of information that hasn't yet been thrown out on this floor. I rise in support of this amendment, and would invite your attention to the fact, Mr. Chairman and ladies and gentlemen of the committee, that in all of Michigan's history, there has only been one governor that served as long as this constitutional amendment here would permit. Governor Williams was the only governor in Michigan's history that served as long as 8 years. He served 12. But all of the rest of them served only 4 years, with the exceptions of Governor Warner and Governor Groesbeck who each served 6. So I don't think that by adopting this minority report amendment you are unduly restricting the people of Michigan. They have on only one occasion in all their history seen fit to give a man the office for so long as you would, even under this amendment, permit.

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

MR. MADAR: Mr. Chairman, I would just like to ask a question through the Chair of Mr. Martin.

CHAIRMAN MILLARD: If Mr. Martin cares to answer.

MR. MADAR: He mentions the fact that we ought to divorce this particular question from politics. I have been around a good many years and I know he has, in politics, and I was just trying to find out how he was going to divorce an election of the governor from politics. Maybe he can give me this information.

MR. MARTIN: Mr. Chairman, Mr. Madar, I tried to explain that I recognize that this relates to politics but that I thought the decision should not be made on the political question of who had held office. I don't think it should be decided on whether Governor Williams held office for 12 years or whether President Roosevelt held office for that long. I think the considerations are over and beyond whether we liked or whether we didn't like the particular individuals. The question is whether this gives an undue opportunity for a governor who is able to hold office for 8 solid years to build a political machine which will make it next to impossible for anyone on the other side to get his story to the people in an effective way which would permit the people to vote intelligently on whether they wanted a change or not.

MR. MADAR: Well then, apparently what you are saying —

CHAIRMAN MILLARD: Are you commenting or asking a question?

MR. MADAR: I am just commenting now. Then, of course, the only thing that I can get out of this is seeing as how we are just going to think about this politically in thinking about the question, then I feel that he is also saying, too, that when we have good people we ought to keep them just as long as we possibly can and forget about whether they are Republicans or Democrats; and if it has just been the Democrats that have been able to keep them in there for a long time because they are brilliant people, let's forget about the politics and keep them there.

CHAIRMAN MILLARD: The question is on the Bentley amendment to paragraph 1 of section a of Committee Proposal 71. All in favor will say aye.

MR. YEAGER: Division, please.

CHAIRMAN MILLARD: A division has been called for. Is there support? There is a sufficient number up. All those who are in favor of the Bentley amendment to paragraph 1 of section a of Committee Proposal 71 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 of the minority offered by Mr. Bentley to insert a new paragraph following line 19, the yeas are 55; the nays are 72.

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

SECRETARY CHASE: May the secretary suggest that the second paragraph of the minority report amendment offered by Mr. Marshall is identical with the language of the committee proposal.

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

MR. MARTIN: Just to supplement Mr. Chase's comment, the second part of this section is identical. Both of the reports provide for a party nomination of the candidate for lieutenant governor and the designation of the running mate of the winning candidate for governor as the successful candidate for lieutenant governor. The purpose of the change from the present constitution, I think, is quite obvious. It is proposed that the 2 candidates run as a team and that the lieutenant governor be selected in party convention, which would give the nominee for governor some say — not a controlling say — in who would be running with him. It probably would enable the governor not to have somebody on the ticket with him who was completely antagonistic to his program and should improve the possibility of the lieutenant governor, when elected, being helpful to the governor as liaison with the legislature and in carrying out ceremonial duties and matters of that kind. We think that this will be a marked improvement in our present system under which, with a separate primary for the lieutenant governor, it is conducted under circumstances where people are apt to know very little about who they are voting for in that primary. This would be a better system and would, among other things, avoid the situation in which you have a governor of one party and a lieutenant governor of another party, which doesn't seem to make very much or very good sense. So there is no difference between the 2 reports. The committee was unanimous on this part of its proposal.

CHAIRMAN MILLARD: Are there any amendments to paragraph 2 of section a?

SECRETARY CHASE: As the matter presently stands, Mr. Chairman, the minority has offered the amendment to the complete section. I wonder if someone on the part of the minority would be willing to withdraw the proposed amendment to the second paragraph.

CHAIRMAN MILLARD: Mr. Downs.

MR. DOWNS: Mr. Marshall is not here. Miss Hart is getting her glasses. I believe Mrs. Elliott is here who signed the minority report. If I understand it correctly — and could I have the secretary, through the Chair, explain it — this would simply procedurally show that there is agreement between the minority and the majority on this aspect if this were withdrawn; is that correct?

SECRETARY CHASE: That is correct, Mr. Downs.

CHAIRMAN MILLARD: The Chair recognizes Mrs. Elliott.

MRS. DAISY ELLIOTT: Mr. Chairman, then I would withdraw the minority amendment to the section.

CHAIRMAN MILLARD: Without objection, the minority report amendment to paragraph 2 of section a is withdrawn. The secretary will read.

SECRETARY CHASE: Messrs. Brake, Durst and Karn offer the following amendment to paragraph 2 of section a of the original committee proposal now under consideration:

1. Amend page 1, line 20, after "lieutenant governor" by inserting a comma and "secretary of state and attorney general"; so that the language will then read, "The lieutenant governor, secretary of state and attorney general shall be nominated by party convention in a manner provided by law."

CHAIRMAN MILLARD: The Chair will recognize Delegate Brake.

MR. BRAKE: Mr. Chairman, ladies and gentlemen of the committee, let me assure you in the first place that no compromise has anything to do with this amendment. (laughter) It is not the most important thing in the world either. The method of nominating the secretary of state and attorney general is now provided for by statute just as this amendment is here. This method of nominating the lieutenant governor could have been provided for by statute and can still be provided for by statute. I assume that the committee, when it decided that this change ought to be made, also decided that they felt the legislature would probably not make it, and I agree with the committee in both aspects. I think the change

should be made. The lieutenant governor should be nominated at the party convention. And I agree with what I assume is the thinking of the committee that the legislature probably would not make the change. If we are to put this in the constitution, it seems to me we should put in all of the elected officers who are to be nominated — that is, the administrative officers, members of the ad board who are to be nominated at the convention and have the whole statement in one place. I trust this won't start a long line of debate. It is not of prime importance but it seems to me just a matter of convenience in having all 3 of them together.

CHAIRMAN MILLARD: The Chair recognizes Mr. Martin.

MR. MARTIN: Mr. Chairman, Mr. Brake, your understanding as to the view of the committee, I think, is correct. If the secretary of state and the attorney general are to be elected — and that is the status of matters at the present time — I would see no objection to adding their names here since we have specifically provided this with respect to the lieutenant governor.

CHAIRMAN MILLARD: Delegate Powell.

MR. POWELL: Mr. Chairman, members of the committee, I find myself a little bit confused right here. I thought the minority had just withdrawn this particular paragraph, and now we are amending a paragraph that is withdrawn. What happened?

CHAIRMAN MILLARD: Mr. Powell, the committee proposal, paragraph 2, and the minority report, paragraph 2, were the same, so the minority report has been withdrawn and we are now on the committee proposal, paragraph 2.

MR. POWELL: Well, I had understood yesterday that we were proceeding on the whole minority report with the idea of sort of perfecting that, and then it would be considered as to whether or not it was a substitute for the original majority report. Maybe we are taking section by section, comparing back and forth. Is that the idea?

CHAIRMAN MILLARD: Taking paragraph by paragraph, Mr. Powell.

MR. POWELL: Comparing one with the other?

CHAIRMAN MILLARD: That is right. Mr. Young.

MR. YOUNG: Mr. Chairman, I would like to ask a question of Mr. Brake, if I may.

CHAIRMAN MILLARD: Mr. Brake, if you care to answer.

MR. YOUNG: The section as now amended would provide for the method of nomination of the attorney general and the secretary of state. Down further in the section we also provide for the method of election, in team with the governor, the lieutenant governor. No provision is made for the election of secretary of state or attorney general. Now, does that mean this will be left to the legislature, or will they run as a part of that same team, or will they run as individuals? Or what provision, if any, should be made for that?

CHAIRMAN MILLARD: Mr. Brake.

MR. BRAKE: Mr. Chairman, Mr. Young, I assume that the present statute would stand and they would run on the same ticket, but not with their election dependent upon the election of the governor.

MR. YOUNG: Since the constitution sees fit to declare clearly how the lieutenant governor shall be elected, don't you feel that we should extend that reasoning and provide specifically for direction in the method of election of these 2 other officers?

CHAIRMAN MILLARD: Mr. Young, are you directing a question?

MR. YOUNG: Through the Chair, please.

CHAIRMAN MILLARD: Through the Chair, and is this directed to Mr. Brake?

MR. YOUNG: Yes.

CHAIRMAN MILLARD: Mr. Brake.

MR. BRAKE: Mr. Chairman, Mr. Young, I would not think so. That is well established in practice and well established in the statutes. I would see no reason for making a change.

CHAIRMAN MILLARD: The question is on the Brake amendment to paragraph 2 of section a. All in favor will say aye. Opposed, no.

The amendment is adopted. The secretary will read.

SECRETARY CHASE: Mr. Hubbs offers the following amendment:

1. Amend page 1, at the beginning of line 20, by inserting "The governor and"; so the language will then read, "The governor and the lieutenant governor, secretary of state and attorney general shall be nominated by party convention in a manner provided by law."

CHAIRMAN MILLARD: The Chair will recognize Delegate Hubbs.

MR. HUBBS: Mr. Chairman, my fellow delegates, I permitted this amendment to be introduced this morning for only one reason. I want you to be aware of the fact that I think it would be advisable to nominate the governor in party convention. However, I realize that this is likely to be a very controversial subject and I do not feel that it should be placed in that situation at this time. I honestly believe that the motive of this amendment is one that is designed to improve the political situation in Michigan and in the long run will be of great benefit to the people of this state. However, at this time I feel the situation would make it inconceivable that we could gain the kind of bipartisan support that I feel it should have, and I therefore respectfully request that it be withdrawn.

CHAIRMAN MILLARD: The Hubbs amendment to paragraph 2 of section a of Committee Proposal 71 is withdrawn. Are there any further amendments, Mr. Secretary?

SECRETARY CHASE: There are no further amendments to the second paragraph of section a on file.

CHAIRMAN MILLARD: Are there any amendments to the body of section a of Committee Proposal 71, paragraphs 1 and 2? If not, it will pass.

Section a, as amended, is passed. The secretary will read.

SECRETARY CHASE: Section b:

[Section b, paragraph 1, was read by the secretary. For text, see above, page 1766.]

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

MR. MARTIN: Mr. Chairman, this first paragraph of section b simply adds to the authority of the lieutenant governor to the extent of permitting him to break a tie vote. It also specifically provides that he shall perform such additional duties as may be delegated to him by the governor. The purpose of this, of course, is to enable the governor to have a more useful lieutenant governor and this, I think, would enable him to do just that. The problem so far as the lieutenant governor is concerned is that if he serves solely as a presiding officer of the senate, he is not being as useful as many people think he could be, and we are trying to give the lieutenant governor a more responsible job without trying to specify here in the constitution just exactly what those duties should be. So the proviso leaves it to the governor to make use of him for various responsibilities: to work on study commissions, chairing study commissions, handling other matters of that kind, ceremonial matters, acting as liaison with the legislature and various other responsibilities.

CHAIRMAN MILLARD: Delegate Hutchinson.

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

CHAIRMAN MILLARD: Mr. Martin, if you care to answer.

MR. HUTCHINSON: Mr. Martin, the wording of this proposal, sir, says that the lieutenant governor may be given such additional duties as may be delegated to him by the governor. My question is this, sir: would you understand that that language in the constitution might be construed to prevent the legislature from placing any additional responsibilities in the lieutenant governor by law? Specifically I have in mind the state administrative board, which is a statutory agency, and the lieutenant governor sits on the administrative board by reason of a statute. With this language in the constitution, would you think it within the power of the legislature to direct duties upon the lieutenant governor?

MR. MARTIN: Mr. Chairman, Mr. Hutchinson, I think that it would not be possible with this language for the legislature

[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: **Committee Proposal** 71, a proposal to provide for the election, term and duties of state officers, et cetera.

For last previous action by the committee of the whole on Committee Proposal 71, see above, page 1988.

When the committee rose last night there was under consideration an amendment to the body of the proposal by Mr. Wanger:

[The amendment was again read by the secretary. For text, see above, page 2005.]

CHAIRMAN MILLARD: The Chair recognizes Mr. Wanger.

MR. WANGER: Mr. Chairman, with the understanding that the language to which this applies is to be deleted subsequent to this time, I withdraw my amendment.

CHAIRMAN MILLARD: The amendment is withdrawn. Are there any further amendments to the body of Committee Proposal 71?

SECRETARY CHASE: None, Mr. Chairman.

CHAIRMAN MILLARD: If not, it will pass.

Committee Proposal 71, as amended, is passed. Thank heaven. (laughter)

SECRETARY CHASE: **Exclusion Report 2027,** A report recommending the exclusion of article VI, sections 14 and 15; to which a motion to reconsider is pending.

For last previous action by the committee of the whole on Exclusion Report 2027, see above, page 1976]

Yesterday, before the committee of the whole rose, Mr. Wanger moved to reconsider the action of the committee of the whole in passing Exclusion Report 2027 without amendment.

CHAIRMAN MILLARD: The Chair will recognize Mr. Wanger.

MR. WANGER: Mr. Chairman, this exclusion report was adopted by the committee according to its report in the journal because it believed that sections 14 and 15 of article VI had been better covered by Committee Proposal 48. Now, as you know, the convention voted not to pass Committee Proposal 48. And because of the haste of yesterday's activities, it is my very strong conviction that we would do well to give careful consideration to retaining section 14 of article VI of the constitution. This reads as follows:

> Sec. 14. No member of congress nor any person holding office under the United States or this state shall execute the office of governor, except as provided in this constitution.

Now, the most important words of that section are the words "holding office under . . . this state" because this section prevents the governor of the state of Michigan from concurrently holding, say, the office of governor and also being the mayor of a city.

The annotations show that back just before the turn of the century Governor Pingree was elected to the governorship while he was mayor of Detroit. He desired, as far as we can tell from the case, to hold both offices and perform both offices at the same time. The court held in this case, which is in volume 112 of the Michigan Reports, at page 145, that this section prevented him from doing that. I think it is clear that today, in this modern and much more busy governmental age, we should not allow dual officeholding in this regard by the governor of the state.

Now, the second thing which this language I believe prevents the governor from doing is this: it prevents the governor from appointing himself to a state board or commission, because being on those boards or commissions would be an office under the state. If it were not for this language, I think it might be possible that the governor, if he should not find someone that in his opinion was as well qualified in an area as himself, might appoint himself to the civil service commission, or some other of the various boards or commissions of our state. I think that we all agree that in the long run this would not be in the best interests of the state of Michigan, and it should be prevented.

Now, I believe there may also be a third reason for retaining this section. That is this. In discussing the office of the auditor general, we have talked a good deal about the fact that the legislature imposes sometimes the burden of an additional office or additional duty upon this constitutional officer. The long range result of this is that the officer is burdened with too many offices and too many things to do, and has a difficult time doing the primary functions properly. It seems to me that this section is a protection to the governor, in that it prevents the legislature from assigning to the governor any other office under this state, which the legislature, as you know, by a 2/3 vote of both houses at any time could do. I think this is a protection to the governor, particularly in the times in the future when there might unhappily be great controversy between those 2 branches of government. It is for this reason that I ask you to reconsider the vote by which we passed this exclusion report.

The exclusion report also covers, as I understand, section 15, which says:

> Sec. 15. No person elected governor or lieutenant governor shall be eligible to any office or appointment from the legislature, or either house thereof, during the time for which he was elected. All votes for either of them for any such office shall be void.

I think it's quite clear that the primary purpose, perhaps the sole purpose, why this was adopted was because at the time of adoption the state legislatures were burdened with the duty of selecting senators. Today, of course, that is not the law. Therefore, it would seem to me that this section 15 gives little, if any, additional protection over section 14, and can therefore be well deleted from the constitution. Thank you.

CHAIRMAN MILLARD: The question is on the motion to reconsider. Mr. Martin.

MR. MARTIN: Mr. Chairman, the provision which the committee had proposed was eliminated yesterday. That was proposed after consideration of the fact that we were eliminating these 2 sections. But it was felt that even with or without it, it was not necessary to retain these 2 sections in the constitution.

As Mr. Wanger has pointed out, section 15 was designed to deal with the problem of the possible appointment of the governor or lieutenant governor to a senatorship, and this is no longer possible under the present federal law, so there was no question about eliminating section 15.

As far as section 14 is concerned, these were the committee considerations. First, ½ of the states have no such provision in their constitution and have never found it necessary to have such a provision. Secondly, the possibility of the governor holding an office which was clearly incompatible with the office of governor is subject, under common law, to court declaration and to the determination that such other office would be incompatible and could not be held at the same time. It is true that the court at the time of the Pingree case relied on section 14, but it is also true that it did not have to rely on section 14; it could have relied upon the common law in this matter. Third, it is clear that the legislature can legislate on this matter if it finds that it is desirable to express a dual officeholding provision of this kind.

For those reasons the committee thought it was unnecessary to include this section, and for the same reasons I think the committee would feel that it is not necessary to reconsider the action which the convention took yesterday.

CHAIRMAN MILLARD: Mr. Wanger.

MR. WANGER: With regard to the point that the common law covers the situation, I would say first of all that the common law rule of incompatibility is in many cases quite unclear when applied to specific cases. Secondly, of course, that the common law can always be changed by a simple statute passed

by the legislature; of course, by a 2/3 vote, if the governor should happen to veto it.

With regard to the question of the power of the legislature to act in this area, I would suggest that at least with respect to offices created by the constitution itself the legislature would be powerless to prescribe any additional qualifications for the job, and therefore the legislature would not be able to take care of this situation. Inasmuch as this situation includes many boards to which the governor might appoint himself, and since the governor would naturally be politically the most powerful person in the state of Michigan, under practically any circumstances, I think we should follow the good sense of our forefathers who put this into our state constitution, and retain it.

CHAIRMAN MILLARD: The question is on the motion to reconsider Exclusion Report 2027. All in favor of reconsideration will say aye. Opposed, no.

DELEGATES: Division.

CHAIRMAN MILLARD: Division is called for. Is there a sufficient number up? There is a sufficient number. The question is on the motion of Mr. Wanger to reconsider the action which adopted Exclusion Report 2027. All of those in favor of reconsideration will vote aye. Those opposed will vote nay. Have you all voted? If so, the machine will be locked and the secretary will tally the vote.

SECRETARY CHASE: On the motion to reconsider, the yeas are 53; the nays are 57.

CHAIRMAN MILLARD: The motion does not prevail. Is there anything further on your desk in regard to the executive branch proposals?

SECRETARY CHASE: Nothing else, Mr. Chairman.

CHAIRMAN MILLARD: Mr. Martin.

MR. MARTIN: Mr. Chairman, are we through with all matters?

CHAIRMAN MILLARD: We are through with all matters concerning the executive branch which are on the secretary's desk at this time.

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

CHAIRMAN MILLARD: Before the Chair puts the motion, may the Chair express its thanks to the committee of the whole, to the delegates, for their very courteous treatment? (applause) The Chair became cornered 2 or 3 times, and you very obligingly helped the Chair out. The Chair thanks you.

MR. MARTIN: Mr. Chairman, before you depart from the rostrum, I think the applause is evidence of the delegates' feelings, but may I, personally, on behalf of the committee on executive branch, as well as the delegates, express our appreciation for your fairness and impartiality in handling our somewhat complicated problems. Thank you very much. (applause)

CHAIRMAN MILLARD: Thank you, Mr. Martin. Mr. Marshall.

MR. MARSHALL: Mr. Chairman, I just want to echo those remarks. I think that the General has been one of the best sparring mates I have ever had.

CHAIRMAN MILLARD: Thank you. The Chair would also like to say that during the course of one of the hot debates, a very encouraging note was received from Delegate Marshall. It says, "Don't just sit there; worry!" (laughter)

The Chair also wants to express its appreciation to our parliamentarian, who helped me out so courageously at times. With that, the Chair will put the question. The question is on Mr. Martin's motion that the committee 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 had under consideration certain matters on which the secretary will give a detailed report.

SECRETARY CHASE: Mr. President, the committee of the whole has had under consideration **Exclusion Report 2027,** A report recommending the exclusion of article VI, sections 14 and 15 of the constitution. It reports this exclusion report back to the convention with a recommendation that it be adopted.

PRESIDENT NISBET: The question is on the adoption of the exclusion report. Those in favor will say aye. Opposed, no.

Exclusion Report 2027 is adopted, and referred to the committee on style and drafting.

For Exclusion Report 2027 as referred to the committee on style and drafting, see above, page 1730.

SECRETARY CHASE: Mr. President, the committee of the whole has also had under consideration **Committee Proposal 71,** (bf) A proposal to provide for the election, term and duties of state officers; allocation of departments, administrative reorganization, appointment and removal of department heads, supervision of departments, appointments to fill vacancies, provisional appointments, and removal or suspension from office by the governor. It reports this committee proposal back to the convention with several amendments, recommending the amendments be agreed to, and that the proposal as thus amended do pass.

Following are the amendments recommended by the committee of the whole:

[1. Amend page 1, line 10, after "Sec. a.", by striking out lines 15 through 19, and inserting "The governor, lieutenant governor, secretary of state, and attorney general shall be elected at the general biennial election in 1964 and in each alternate even numbered year beginning in 1966. They shall, after 1966, serve for terms of 4 years beginning at 12:00 o'clock noon on the first day of January next succeeding their election.".

2. Amend page 1, line 20, after "lieutenant governor" by inserting a comma and "secretary of state and attorney general".

3. Amend page 2, line 17, after "major purposes" by changing the period to a comma and inserting "but at no time shall an examining or licensing board be composed of or governed by a majority of members of a competitive profession.".

4. Amend page 3, line 13, after "attorney general.", by striking out the balance of the line, all of line 14, and through "amended,", in line 15.

5. Amend page 3, line 15, after "executive" by inserting a comma and "other than an elective official,".

6. Amend page 3, line 20, after "thereof" by inserting a comma and "unless elected or appointed as otherwise provided in this constitution,".

7. Amend page 4, line 6, after "governor" by inserting a comma and "unless otherwise provided by the constitution".

8. Amend page 5, line 5, after "officer" by striking out "under impeachment" and inserting a comma and "other than a judicial officer".

9. Amend page 5, line 24, after "appointment.", by inserting "If not disapproved within such period of time the appointment shall stand confirmed.

No provision of this constitution or of law or executive order authorized herein shall shorten the term of any person elected to state office at a statewide election in or prior to November, 1962. In the event the duties of any of such officers shall not have been 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.".

10. Amend page 5, following section g, by inserting a new section to read as follows:

"Sec. h. 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 by law.

The state highway commission shall consist of 4 members, not more than 2 of whom shall be members of the same political party, appointed by the governor with the advice and consent of the senate for 4 year terms. No 2 members shall have conterminous terms.

The state highway commission shall appoint a state highway director, who shall be a competent highway engineer and administrator. He shall be the chief executive of the state high-

way department and shall be responsible for the execution of policy of the state highway commission.".

11. Amend page 5, following section h, by inserting a new section to read as follows:

"Sec. i. There is hereby created a civil rights commission which shall consist of 4 persons, not more than 2 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 year terms. It shall be the duty of the commission, in a manner which may be prescribed by law, to investigate violations of, and to secure the protection of the civil right to employment, education, housing, public accommodations, and to such other civil rights as provided for by law and the constitution. The legislature shall provide annually sufficient funds for the effective operation of the commission. No member of the commission shall be eligible for election or appointment to public office during the term for which he was appointed nor for 2 years thereafter.

The commission shall have the power to promulgate rules and regulations, hold hearings, administer oaths, require the attendance of witnesses and the submission of records, to take testimony, to issue appropriate orders and such other powers as are necessary to carry out the purposes of this commission, except as otherwise provided by law or this constitution. These provisions shall not be construed to deny, or enable or allow the denial of, any direct and immediate legal or equitable remedy in the courts of this state, to any person affected thereby.".]

MR. IVERSON: Mr. President.

PRESIDENT NISBET: Mr. Iverson.

MR. IVERSON: I move that we recess for ½ hour.

PRESIDENT NISBET: The question is on the motion of Mr. Iverson to recess for ½ hour, to approximately 10:00 o'clock. Those in favor will say aye. Opposed, no.

The motion prevails. We are recessed until 10:00 o'clock.

[Whereupon, at 9:30 o'clock a.m., the convention recessed; and, at 10:00 o'clock a.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. Brake.

MR. BRAKE: Mr. President, ladies and gentlemen of the convention, I move that the consideration of the report of the committee of the whole relative to Committee Proposal 71 be postponed until the afternoon session of next Tuesday.

PRESIDENT NISBET: The question is on the motion of Mr. Brake. Mr. Downs.

MR. DOWNS: Mr. President, may I ask through the Chair a question of the maker of the motion?

PRESIDENT NISBET: You may. Mr. Brake.

MR. DOWNS: For what purpose do you think we should wait until Tuesday to deal with this problem?

MR. BRAKE: Because we have some studying we want to do on it.

MR. DOWNS: Could I ask, Mr. President, if he thinks we did not have adequate discussion on this proposal?

PRESIDENT NISBET: Mr. Brake.

MR. BRAKE: I think we had a great excess of discussion.

MR. DOWNS: That answers my question, Mr. President. I see no reason—if I still have the floor—

PRESIDENT NISBET: You have.

MR. DOWNS: —for postponing discussion. I believe that we had a very long debate. We worked late last night. The matter is still fresh in our minds. We have gone on on this for a long period of time, and I for one would rather see us clear the matter up today, unless some compelling reason can be shown for postponing action.

PRESIDENT NISBET: Mr. Marshall.

MR. MARSHALL: May I ask a question of Delegate Brake?

PRESIDENT NISBET: You may, if he cares to answer.

MR. MARSHALL: Mr. Brake, could you tell me if it's all of the report on Committee Proposal 71, or just portions of it, or just one section of it, that brings about the delay?

MR. BRAKE: All of it.

MR. MARSHALL: Mr. President and delegates, I would have to oppose the postponing of the report on the spur of the moment. I think we have had ample discussion on the entire provision. We have talked about it here for days. I think everybody understands it. It is fresh in our minds.

On more than one occasion here, time and time again, this has happened. When we were debating in committee of the whole the report of the executive branch, the chairman of the committee, I think without talking to any of the other members of the committee, and certainly without talking to the minority, would get up on this floor and shuffle the calendar, maneuver it about, and set sections of it to the end of the calendar when we were prepared to proceed with debate. I don't think this is the way to run the committee. It leaves us, in the minority, in the position of not knowing from one moment to the next where we are going, what we are doing, and what we are doing it for. I resent the continual changing of this calendar, shuffling the proposals around to satisfy the wishes of the majority, without even the consideration of discussing it with the minority.

I think it's highly unfair, and I think any fairminded individual would also resent it. And I would oppose putting Committee Proposal 71 to the end of the calendar, or postponing the report of it until Tuesday; and ask that we proceed with the debate and the votes. I might tell you that I had not intended, in the convention, to give any long winded talks on the amendments that we have before the convention because, as Delegate Brake has pointed out, we have had an excess of discussion. We had not intended to have any long discussion of these now; merely to make a few brief supporting remarks on the amendments, and vote on them. I cannot see any good logical reason for postponing the votes on this particular proposal at this time.

Again, I think it is highly unfair to the minority to continually and constantly shuffle this calendar without even discussing it with the leaders of the minority party in this convention.

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

PRESIDENT NISBET: You may state it.

MR. WOOLFENDEN: I understand this motion to be a motion to lay on the table, and under rule 48 it is not debatable. Can I have a ruling of the Chair, please?

PRESIDENT NISBET: The motion of Mr. Brake is to postpone until Tuesday, a definite time, the report of the committee of the whole relative to Committee Proposal 71. Mr. Hodges.

MR. HODGES: Mr. President, this is the most shocking thing to date at this convention. (laughter) Laugh if you want, but it happens to be true. At least 2/3 of this constitution was dealt away in a deal 2 weeks ago, and now they want to put it in another caucus and deal away that part of it. If we are going to decide this constitution, let us decide it on this floor. We adopted rules so the public could know what is going on, and we have open committee meetings and open sessions here. Instead, what has happened is that every deal is being made off this floor in the caucus of the majority party, and now we are supposed to help them out by another 5 days' delay. What happens if you can't line your troops up then? Do we have another 5 day delay? You said you wanted to adopt a time schedule here to get things done, and now we are asked for a 5 day delay on what we are doing now. I oppose it.

MR. NORD: Mr. President, a point of convention privilege.

PRESIDENT NISBET: Mr. Nord.

MR. NORD: This raises the same question that we had 2 weeks ago on Friday: whether or not we are going to have a convention with all of the delegates in a position to participate in it. We have debated the question that is now about to be postponed. All of the delegates have debated at terrific length.

PRESIDENT NISBET: Mr. Nord, will you state your question of personal privilege?

MR. NORD: The question is simply this: do the delegates determine the issues of this convention by debate on the floor, and then vote, with a record roll call vote, or do some of the delegates debate off the floor?

PRESIDENT NISBET: Mr. Nord, that's not a question of personal privilege.

MR. NORD: I didn't say it was a personal privilege. I said it was a convention privilege.

PRESIDENT NISBET: It is not a convention privilege, either.

MR. NORD: Mr. President, there are 144 delegates, and 144 of us wish to debate these questions and wish to decide them. We don't wish to have them debated off the floor. I assert that it is a convention privilege to debate them on the floor, decide them on the floor, and to vote on the floor; and not to take them off the floor. I therefore say that this particular proposition that is before us vitiates not just one section of the constitution, it vitiates the convention.

MR. IVERSON: Mr. President, I move the previous question.

PRESIDENT NISBET: The demand for the previous question has been made. Is that demand seconded? There is a sufficient number up. The question now is: shall the previous question be put? Those in favor say aye. Those opposed, no.

DELEGATES: Division.

PRESIDENT NISBET: Is the demand for a division vote seconded?

MR. DOWNS: I demand the yeas and the nays, Mr. President.

PRESIDENT NISBET: The yeas and the nays have been demanded. Is the demand for the yeas and nays supported? The demand is supported. Those in favor of putting the previous question will vote aye. Those opposed will vote no.

MR. VAN DUSEN: Mr. President, I have just a point of information, if I might.

PRESIDENT NISBET: Mr. Van Dusen.

MR. VAN DUSEN: It is my understanding that the journal of yesterday's proceedings will not be available until Monday, is that correct?

PRESIDENT NISBET: That is correct. Do you have a question, Mr. Marshall?

MR. MARSHALL: Mr. President, I wanted to make a brief statement, if I'm not out of order.

PRESIDENT NISBET: The vote has been ordered, Mr. Marshall.

MR. MARSHALL: I can't make a statement?

PRESIDENT NISBET: No. The vote is on ordering the previous question. 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—82

Allen	Hanna, W. F.	Prettie
Andrus, Miss	Hannah, J. A.	Pugsley
Anspach	Haskill	Radka
Batchelor	Hatch	Richards, L. W.
Beaman	Heideman	Rood
Bentley	Higgs	Rush
Blandford	Howes	Seyferth
Bonisteel	Hoxie	Shackleton
Boothby	Hubbs	Shaffer
Brake	Hutchinson	Shanahan
Brown, G. E.	Iverson	Sharpe
Butler, Mrs.	Judd, Mrs.	Sleder
Cudlip	Karn	Spitler
Danhof	Kirk, S.	Stafseth
Dehnke	Knirk, B.	Staiger
Dell	Koeze, Mrs.	Sterrett
DeVries	Leibrand	Stevens
Donnelly, Miss	Leppien	Thomson
Doty, Donald	Martin	Tubbs
Durst	McLogan	Turner
Erickson	Millard	Tweedie
Farnsworth	Nisbet	Upton
Figy	Page	Van Dusen
Finch	Perras	Wanger
Gadola	Plank	White
Goebel	Pollock	Woolfenden
Gover	Powell	Yeager
Habermehl		

Nays—46

Austin	Garvin	Mahinske
Balcer	Greene	Marshall
Barthwell	Hart, Miss	McCauley
Binkowski	Hatcher, Mrs.	McGowan, Miss
Bledsoe	Hodges	Murphy
Brown, T. S.	Hood	Nord
Buback	Jones	Rajkovich
Cushman, Mrs.	Kelsey	Snyder
Dade	King	Stopczynski
Douglas	Krolikowski	Suzore
Downs	Kuhn	Walker
Elliott, A. G.	Lawrence	Wilkowski
Elliott, Mrs. Daisy	Lesinski	Wood
Faxon	Liberato	Young
Follo	Madar	Youngblood
Ford		

SECRETARY CHASE: On the vote on ordering the previous question, the yeas are 82; the nays are 46.

PRESIDENT NISBET: The previous question is ordered. The question now is on Mr. Brake's motion.

MR. DOWNS: Mr. President.

PRESIDENT NISBET: Mr. Downs.

MR. DOWNS: I demand the yeas and the nays.

PRESIDENT NISBET: The yeas and nays have been demanded. Is that demand seconded? There is a sufficient number up. The question now is on Mr. Brake's motion that the report of the committee of the whole relative to Committee Proposal 71 be laid over until Tuesday afternoon. Those in favor will vote aye. Those opposed will vote no. Have you all voted? If so, the secretary will lock the machine and record the vote.

MR. DOWNS: A parliamentary inquiry, Mr. President.

PRESIDENT NISBET: May we finish the vote, please.

MR. DOWNS: Mr. President, this is for before the vote is announced. Could I ask the president to ask the secretary to read rule 67.

PRESIDENT NISBET: Mr. Secretary.

SECRETARY CHASE: Rule 67 reads as follows:

> No delegate shall be entitled to abstain from voting in any roll call unless he shall have stated his intention to abstain before the voting starts. He may voluntarily state his reasons for such abstention. Upon any announcement of intention to abstain, the delegate making such announcement, upon request of 5 delegates, may be required to state his reasons.

MR. DOWNS: I notice, Mr. President, that there are some delegates in the building or in the convention hall who have not voted. I believe that they are in violation of this rule, since they did not ask to abstain. Could I make a parliamentary inquiry as to whether those delegates are in violation of the rules of this convention?

PRESIDENT NISBET: The rules say that he shall not be entitled to abstain unless he has stated his intention.

MR. DOWNS: Mr. President, then could I inquire of the Chair the parliamentary means of seeing that those delegates who did not announce their intention of abstaining and have abstained and are in violation of the rules of the convention could get back into compliance with the rules of the convention?

MR. ROMNEY: Mr. President.

PRESIDENT NISBET: Mr. Downs, you may request the votes. Mr. Romney.

MR. ROMNEY: Mr. President, probably Mr. Downs' inquiry relates to the fact that I have abstained from voting. And in the event that that should happen to be the case, I would like to say to Mr. Downs that I have abstained from voting because the particular things that are being voted upon are not things on which there has been sufficient discussion, either on the floor or off the floor, for me to take a position on. Consequently, I have refrained from voting on these motions.

MR. DOWNS: Mr. President.

PRESIDENT NISBET: Mr. Downs.

MR. DOWNS: I'm sorry any delegate implied that I was referring to any particular delegate. (laughter) I mentioned there were several names on the board of delegates who were in the convention hall and had not voted. I believe that be-

cause they did not announce abstaining, they are in violation of rule 67. I call this to the attention of the convention, and ask the president, as a parliamentary inquiry: how can we see that the rules of this convention are carried out?

MR. L. W. RICHARDS: Mr. President.

PRESIDENT NISBET: Mr. Richards.

MR. L. W. RICHARDS: Mr. President, I abstained. I have a reason. I had some other plan that I would prefer to this.

PRESIDENT NISBET: Mr. Downs, the Chair is informed that you can request their vote. However, if they refuse to vote there is no procedure to do anything else about it.

MR. DOWNS: Mr. President, I request the vote of all delegates who are in the convention hall and have not voted on this roll call.

PRESIDENT NISBET: The request of Mr. Downs is that all people in this hall who have not voted are requested to vote.

MR. YEAGER: Mr. President.

PRESIDENT NISBET: Mr. Yeager.

MR. YEAGER: I would like to point out that there has been an implication here that a delegate abstaining must state his reasons. I would simply remind you that it says "he may voluntarily state his reasons for such abstention." It is not a requirement.

PRESIDENT NISBET: Have you all voted? The secretary will announce the vote.

MR. DOWNS: Mr. President, just one final question. Is it the ruling of the Chair that this convention then has no means of requiring a delegate to vote, even though he is in violation of rule 67?

PRESIDENT NISBET: The Chair is so informed, Mr. Downs.

MR. MAHINSKE: Mr. President.

PRESIDENT NISBET: Mr. Mahinske.

MR. MAHINSKE: Mr. President, as I understand the rule, on support of 5 other members, even a delegate who announces his intention to abstain must explain his reason for abstention. He may voluntarily explain it without support, and with support he must explain it.

PRESIDENT NISBET: The Chair thinks the ruling has been made, Mr. Mahinske, that there is no way under the convention rules to force a delegate to cast his vote.

MR. MARSHALL: A parliamentary inquiry, Mr. President.

PRESIDENT NISBET: Mr. Marshall.

MR. MARSHALL: Can a delegate abstain if he hasn't announced his intention prior to the taking of the vote?

PRESIDENT NISBET: As the Chair understands the rule, Mr. Marshall, it is that the delegate, if he has not given his reasons, shall vote. The point is that there's no power to enforce that rule.

MR. MARSHALL: Mr. President, I don't have the rule before me, and I'll have to check it again, but as I understand it a delegate who does not announce his intention to abstain cannot refuse to vote, number 1. And I remember one day on this floor some months ago when I abstained without announcing, and Delegate Van Dusen demanded my vote, and the Chair ruled that I had to cast my vote, and I did. I think Delegate Van Dusen recalls that. And I did the same thing on some other delegate where I demanded his vote where he had not announced his intention to abstain. That's number 1. Now, we just don't want a double standard. We want a ruling that is going to be the ruling of the convention that is going to stand for the duration of the convention.

Number 2, if a delegate abstains, I think on the demand of 5 delegates, under the rules he has to explain his vote. I'm not going to quarrel anymore with the ruling of the Chair. But I want the ruling on both of these points clear, and I want it in the record. Now, may I have the ruling, for the record?

PRESIDENT NISBET: Are you asking for someone's vote now, Mr. Marshall, who has not voted?

MR. MARSHALL: No.

PRESIDENT NISBET: The ruling of the Chair was this: according to rule 67, no delegate shall be entitled to abstain from voting unless he has stated his reasons. The point was this: that the ruling was that the convention has no way to force a vote if the delegate does not want to give that vote. It is the Chair's understanding in this case that the delegate who should have given the vote, or could have given it, did not give it.

MR. MARSHALL: At this time, Mr. President, may I explain my vote on this issue?

PRESIDENT NISBET: Certainly.

DELEGATES: No.

MR. MARSHALL: I believe you did say that I might explain my vote, did you not, Mr. President?

PRESIDENT NISBET: Have you abstained from voting? You have voted, Mr. Marshall, haven't you?

MR. ROMNEY: Mr. President.

PRESIDENT NISBET: Mr. Romney.

MR. WALKER: Point of order.

MR. ROMNEY: Again, I would like to do what I can to facilitate the action of this convention, and—

PRESIDENT NISBET: A point of order was made. Who made that? The Chair didn't get it. Mr. Walker.

MR. WALKER: I wonder if there weren't other delegates up asking for the floor earlier, and I wonder if Mr. Romney is in order in demanding the floor.

MR. MARSHALL: Mr. President, if I can explain my vote, I think it will facilitate things.

PRESIDENT NISBET: Okay, explain it. Let's get it over.

MR. MARSHALL: I spoke against this motion in the first place, and on the vote I voted yes. After sitting down and thinking about it and talking to some of the other delegates, it became obvious to me that there were enough votes to carry this anyway. It's also obvious to me that there's mass confusion among the majority delegates on Committee Proposal 71. Therefore, I would prefer, myself, personally, to give them the 5 days, and this is the reason for switching from talking against it and voting for it. And that's why I wanted to explain it.

As a matter of fact, the question was asked of me by a couple of delegates, one from the majority party, were we seeking publicity, or did we want a sound constitution? And I want to make this emphatically clear to all: that we want as sound a constitution as we can get. But, realizing the voting strength in this convention, and if there is this mass confusion —and it's obvious to me there is mass confusion on this proposal amongst the majority delegates—I do not like these questions being settled off the floor, but I would much prefer to give them the 5 days that were asked for in the motion, and then when they come back to the floor of the convention maybe we can proceed with the rest of the business of the convention. If, after the 5 day delay, they want to come back and negate all that we have done to date, then they would have to assume that responsibility. And that's the reason for my yes vote. And I suggest that we proceed.

MR. DOWNS: Mr. President, I have a motion. I demand the regular order of business, and move that we continue with the business of the day.

The roll was called and the delegates voted as follows:

Yeas—87

Allen	Habermehl	Pollock
Andrus, Miss	Hanna, W. F.	Powell
Anspach	Hannah, J. A.	Prettie
Batchelor	Haskill	Pugsley
Beaman	Hatch	Radka
Bentley	Heideman	Richards, L. W.
Blandford	Higgs	Rood
Bonisteel	Howes	Rush
Boothby	Hoxie	Seyferth
Brake	Hubbs	Shackleton
Brown, G. E.	Hutchinson	Shaffer
Butler, Mrs.	Iverson	Shanahan
Cudlip	Judd, Mrs.	Sharpe
Danhof	Karn	Sleder
Dehnke	Kirk, S.	Spitler
Dell	Knirk, B.	Stafseth
DeVries	Koeze, Mrs.	Staiger

Donnelly, Miss	Kuhn	Sterrett
Doty, Dean	Lawrence	Stevens
Doty, Donald	Leibrand	Thomson
Durst	Leppien	Tubbs
Erickson	Mahinske	Turner
Everett	Marshall	Tweedie
Farnsworth	Martin	Upton
Figy	Millard	Van Dusen
Finch	Nisbet	Wanger
Gadola	Page	White
Goebel	Perras	Woolfenden
Gover	Plank	Yeager

Nays—44

Austin	Ford	McCauley
Balcer	Garvin	McGowan, Miss
Barthwell	Greene	McLogan
Binkowski	Hart, Miss	Murphy
Bledsoe	Hatcher, Mrs.	Nord
Brown, T. S.	Hodges	Rajkovich
Buback	Hood	Snyder
Cushman, Mrs.	Jones	Stopczynski
Dade	Kelsey	Suzore
Douglas	King	Walker
Downs	Krolikowski	Wilkowski
Elliott, A. G.	Lesinski	Wood
Elliott, Mrs. Daisy	Liberato	Young
Faxon	Madar	Youngblood
Follo	McAllister	

PRESIDENT NISBET: The secretary will announce the vote.

SECRETARY CHASE: On the adoption of the motion to postpone consideration of the report of the committee of the whole on Committee Proposal 71, the yeas are 87; the nays are 44.

PRESIDENT NISBET: The report relative to **Committee Proposal 71** is postponed until Tuesday afternoon.

Explanation of vote submitted by Mr. Wanger:

Because of the excited and unwarranted statements made upon the convention floor this morning regarding the question of postponing consideration of the report of the committee of the whole relative to Committee Proposal 71 from today to the early part of next week, and because of the unfortunate impression those statements may have created regarding the convention's work, I desire to explain my vote pursuant to rule 65.

The principal reason for my vote upon this question was that the convention journal of yesterday's unusually long and involved deliberations on section i of the proposal was (due to the lateness of the night session) not available and was not to be available until the first of next week; nor was any other written copy of yesterday's action on section i available. Because of the great importance and complexity of this issue and of yesterday's deliberations, it was completely impossible this morning to vote intelligently upon yesterday's action without having a written copy of that action available.

We are now on the order of—Mr. Mahinske.

MR. MAHINSKE: Mr. President, I have a parliamentary inquiry here. I would like a ruling from the Chair if it is proper to put a vote on a preferential motion to the convention while some other party is on the floor speaking. Now, this happened yesterday when we were speaking under privilege of the house. One of the delegates got up during the time that another delegate was speaking and yelled that he wanted a recess, and the question was put, and the delegate was cut off cold. The same thing has happened this morning. The same thing has happened in the past. I just wonder if it is proper, even though the motion is preferential, to put the question on the motion while someone else is speaking at the time.

PRESIDENT NISBET: Mr. Mahinske, the other day that same matter came up, and at that time the Chair ruled that a delegate speaking on the floor should not be interrupted except for a point of personal privilege or a point of order.

MR. MAHINSKE: My question is: is it proper, even when he is interrupted, to put the question or put the vote to the preferential motion?

PRESIDENT NISBET: Well, the Chair would say he should not be recognized.

MR. MAHINSKE: Thank you.

PRESIDENT NISBET: We are now on the order of **general orders**. The Chair recognizes Mr. Hutchinson.

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

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

The motion prevails. Mr. Hutchinson.

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

CHAIRMAN HUTCHINSON: The committee will be in order. Mr. Marshall.

MR. MARSHALL: Mr. Chairman, may I ask a question? What is the next item on general orders that we are now about to take up?

CHAIRMAN HUTCHINSON: The report of the committee on legislative organization.

MR. MARSHALL: Mr. Chairman, unfortunately, I don't believe that we are prepared at this moment to proceed with this question on legislative organization, because we had expected and spent all of our time yesterday and last night preparing to finish the work on the proposals of the committee on executive branch, and if we are compelled to proceed with it at this moment it puts us at a disadvantage. Of course, we can scurry around and get our presentation prepared, but we had not expected this—this is a spur of the moment thing that was sprung on us—and if there's any way that we could at least postpone this until Monday, or if we could recess until Monday, or recess until the morning and come back, I would greatly appreciate it.

Mr. Chairman, I'm not going to belabor this, but we did a lot of work preparing for the committee on executive branch proposals, and this is kind of an unusual twist that has been taken here where we do what was done this morning, and we certainly are not prepared, I don't think, at this time to proceed on legislative organization. I just wonder if it would be possible to work out something to give us at least ½ day to get our presentation together.

CHAIRMAN HUTCHINSON: Does the gentleman make any motion?

MR. MARSHALL: I would like to move that we postpone the discussion on legislative organization until Monday.

CHAIRMAN HUTCHINSON: The question is upon the motion of Mr. Marshall to postpone consideration and discussion of Committee Proposals 79 and 80 until Monday. Dr. Hannah.

MR. J. A. HANNAH: Mr. Chairman and members of the committee, I should like to say that while it may well be that Mr. Marshall is not prepared, the committee on legislative organization has been continuously prepared to present this subject for at least 6 weeks. We have expected every day for the last week that that day or the next day we would be called upon to present this business.

The members of my committee, including Dr. Nord, the minority vice chairman of our committee, has been aware of the procedure that we propose to follow; and with your permission, sir, I should just like to say that what we intend to do is this. I would like to make the opening statement, and then we will move to Committee Proposal 79, on which there is no minority report. We will do well indeed if we get through this today. Then we will go on to Committee Proposal 80, and begin with the minority report, which Mr. Nord is ready to present, and which in any case we will not get to until Monday or Tuesday.

CHAIRMAN HUTCHINSON: The question is upon Mr. Marshall's motion. Mr. Marshall.

MR. MARSHALL: Mr. Chairman, could I just change the motion? I would agree with Dr. Hannah that we can proceed with Committee Proposal 79, and I would like to amend the

Whereas, my mind has gotten numb from arguments so staunch,

Whereas, I need some food for thought,

Of this I must confess;

I move, Mr. President, that we do now recess. (laughter)

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

We are recessed until 1:30.

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

The convention will please come to order.

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

PRESIDENT NISBET: The Chair recognizes Dr. Hannah.

MR. J. A. HANNAH: Mr. President, I move that further consideration of the report of the committee of the whole relative to **Committee Proposal 71** be postponed until after the convention has completed action on the report of the committee of the whole relative to Committee Proposal 80 and Exclusion Report 2046. That is the motion that I indicated this morning I would make this afternoon.

For last previous action on the report, see above, page 2013.

PRESIDENT NISBET: The question is on that motion of Delegate Hannah. Mr. Hodges.

MR. HODGES: I have a couple of questions I would like to ask Dr. Hannah.

PRESIDENT NISBET: If he cares to answer.

MR. HODGES: What is the reason for this further delay?

MR. J. A. HANNAH: This is no further delay, Mr. Hodges. When we put over 71 last Thursday, and it was put over until a time certain, this afternoon, at that point I raised the question with the president of the convention and others and indicated that it was my hope that when we begin to consider the recommendations of the committee on legislative organization, that we might proceed until the completion, and the reason for my recommendation is just that; the fear that if we now return to 71 that was before the committee of the whole for approximately 2 weeks, and we go through the usual routine of having offered from the floor all of the amendments that were defeated in committee of the whole, we are likely to extend this discussion for a long period. We have just finished listening to a 6 hour presentation by the members of the minority party, and I should very much dislike to arrive at a situation where we have to have large sections of that repeated before we can proceed with our business.

MR. HODGES: Dr. Hannah, if you will recall, this is the very reason that we objected last Thursday to the putting over of this section in the first place. I would like to ask one further question: will the time used for this delay be used to further water down the Austin amendment that has had substantial bipartisan support and, I think, had 78 votes at its last count?

PRESIDENT NISBET: Dr. Hannah.

MR. J. A. HANNAH: Mr. President, Mr. Hodges, of course I am not in a position to answer that. Mr. Hodges knows full well what my feelings and convictions are with reference to this matter of civil rights, and anything that would result in the coming up with a proposal that was meaningless would be thoroughly distasteful to me and I would not be a party to it.

MR. HODGES: Well, Dr. Hannah, I fully appreciate your concern in this field and I don't think anyone can question it. My only concern, though, as a delegate, is that this time that you request would be used to further water down this amendment. If I can be given this assurance through yourself or through the majority party that this is not the purpose and that this time extension will not be used to further emasculate the Austin amendment, then I, for one, will go along with this request. If, though, I am to be voting on a request which would in effect allow for the emasculation of what I feel was a fine civil rights provision, which did have substantial support and 78 votes last Thursday, and which could have been settled in 10 minutes after we had gotten done but it was the desire of the majority party to caucus on this thing further—if I can be given this assurance, I will go along. If not, I don't see how I, in good conscience, nor members of my party, can go along with this request.

PRESIDENT NISBET: Dr. Hannah.

MR. IVERSON: Mr. President, I move the previous question.

MR. J. A. HANNAH: Mr. President, I would like to give Mr. Hodges assurance, if it is in order, that I do not believe that what Mr. Hodges predicts might happen will happen. This is certainly not the motive that causes me to make this motion, and I give him that assurance with conviction.

PRESIDENT NISBET: The previous question has been demanded. Is that demand seconded? A sufficient number up. The question now is—

MR. MAHINSKE: Point of order, Mr. President. This is a prime example of what I directed to the Chair the other day. As I recall, Mr. Iverson right now was not recognized. He did exactly what I pointed out—

A DELEGATE: Mr. President, I think he is out of order.

PRESIDENT NISBET: Mr. Mahinske, when the Chair—

MR. MAHINSKE: I don't know that a point of order can be out of order. I would like a ruling on that.

PRESIDENT NISBET: Mr. Mahinske, when Mr. Iverson rose and addressed himself to the point, he was not recognized. The Chair had already recognized Dr. Hannah. Dr. Hannah completed his statement. Then the Chair recognized Mr. Iverson.

MR. MAHINSKE: Did Mr. Hannah have the floor? Had he yielded the floor at that time?

PRESIDENT NISBET: He didn't need the floor. He had completed his statement.

MR. MAHINSKE: This is your ruling?

PRESIDENT NISBET: That is right. The question now is: shall the previous question be put? Those in favor will say aye. Opposed, no.

The motion prevails. The question now is on the motion of Dr. Hannah.

DELEGATES: Division.

PRESIDENT NISBET: A division—

MR. VAN DUSEN: The question was: shall the previous question be put?

PRESIDENT NISBET: A division has been demanded. Is that demand seconded? A sufficient number up. Those in favor—

MR. MADAR: Mr. President, I would like to request the yeas and nays.

PRESIDENT NISBET: The yeas and nays have been demanded. Is that demand seconded? Not a sufficient number up.

Mr. Brown.

MR. T. S. BROWN: Mr. President, I have a parliamentary inquiry. Is it possible at this time to entertain a motion to divide the question?

PRESIDENT NISBET: The only question, Mr. Brown, is: shall the previous question be put? The Chair doesn't know how you are going to divide that one. (laughter)

MR. T. S. BROWN: All right. I will make that motion in a minute, then.

PRESIDENT NISBET: The question is: shall the previous question be put? Those in favor of the putting of the previous question will vote aye. Those opposed will vote nay. Have you all voted? If so, the secretary will lock the machine and tally the vote.

SECRETARY CHASE: On the vote on ordering the previous question, the yeas are 82; the nays are 30.

PRESIDENT NISBET: The motion prevails, the previous question is ordered. The question now is on the motion of Dr. Hannah—

MR. MARSHALL: Mr. President.

PRESIDENT NISBET: Just a minute. The question now is on the motion of Dr. Hannah that consideration of the report of the committee of the whole relative to Committee Proposal

71 be postponed until the completion of legislative organization. Mr. Brown is recognized.

MR. T. S. BROWN: Mr. President, is a motion to divide the question now in order?

PRESIDENT NISBET: What can you divide, Mr. Brown?

MR. T. S. BROWN: I would like to move that that portion of the report on 71 concerning the civil rights commission be separated and voted on separately.

PRESIDENT NISBET: That is not in order, Mr. Brown. Mr. Marshall.

MR. MARSHALL: Mr. President, I wish to announce my intention to abstain from voting on this question, and I would like at this time to have the privilege of explaining my abstention.

PRESIDENT NISBET: You may.

MR. MARSHALL: As vice chairman of the committee on executive branch, the rules have been changed on several occasions postponing, tabling, delaying proposals that were before the convention without consulting with the minority vice chairman on the committee.

I think that the display here a moment ago of Mr. Iverson's is evidence of the contempt with which the majority holds the opinions of the minority, the obvious attempt to move the previous question in order to avoid hearing the position or the opinions of the minority. This was tabled. Another reason that I am abstaining is that to my knowledge, this is the only committee—and I am talking about the committee on executive branch—that had proceeded throughout all of its debate and deliberations in the committee of the whole and was ready to rise and to proceed in the convention to dispose of the committee on executive branch; because of some obvious problems within the majority, this was tabled until today. Now we are going to have a further postponement of the discussion.

I am the one that argued in the beginning that we should have taken apportionment up early in the convention and disposed of it, as so many of the other issues were directly related to that of apportionment. I do resent—and I cannot vote on this—the move that was made a moment ago on the part of the leader of the Republican caucus to not hear the minority viewpoint. Of course, this has been evident throughout the convention that this has been the case, and I could not in good conscience vote on this issue because I am not in accord with it. I do not think that the majority has been fair. On occasions here the rules have been changed from time to time as it suits the fancy of the leaders of the Republican caucus. I am not so sure that it wouldn't be wise if we might recess for 2 weeks, let the Republican caucus decide what the constitution is going to be, and call us back to vote on it.

PRESIDENT NISBET: The question is on the motion of Dr. Hannah to postpone consideration of the report of the committee of the whole regarding Committee Proposal 71. Those in favor will vote aye. Those opposed, no.

The motion prevails. The report of the committee of the whole on **Committee Proposal 71** is postponed until after the report on Committee Proposal 80 and Exclusion Report 2046 by the committee of the whole.

The Chair recognizes Mr. Hutchinson.

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

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

The motion prevails. Mr. Hutchinson.

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

CHAIRMAN HUTCHINSON: The committee will be in order. The Chair recognizes the chairman of the committee on legislative organizaiton. Dr. Hannah, on **Committee Proposal 80.**

MR. J. A. HANNAH: Mr. Chairman, it is my understanding that we now have before us for consideration the minority plan that has been presented at some length, and before I urge the committee not approve the minority report amendment, I should like the privilege of calling upon the vice chairman of the committee on legislative organization, Judge Dehnke, to make some comments with reference to the supreme court decision of last week that has already been referred to several times as we were considering this matter.

MR. PELLOW: Parliamentary inquiry, Mr. Chairman.

CHAIRMAN HUTCHINSON: Mr. Pellow.

MR. PELLOW: The question that I have to ask is this: is it not proper now to ask questions of the minority rather than yield to the vice chairman?

CHAIRMAN HUTCHINSON: The parliamentary situation as the Chair understands it is that the question is upon the minority report amendment. Dr. Hannah, the Chair understands, has completed his statement and he has suggested that Judge Dehnke be next recognized, and the Chair is prepared to recognize Judge Dehnke. After Judge Dehnke completes his debate—and this is the debate upon the minority report amendment—the Chair will then recognize Mr. Blandford. The Chair will then recognize Mr. Yeager, and then anyone else who desires recognition. But that is the list as it now stands. It is not the Chair's understanding that Dr. Hannah is assuming to control the floor. Is that correct, Dr. Hannah?

MR. J. A. HANNAH: That is correct. I would like the opportunity at some stage, and I do not care whether it is before the gentlemen you have mentioned; it may be desirable to put me on the list next. I have some comments to make with reference to the minority report amendment, but it makes no particular difference when I do it.

MR. DOWNS: Parliamentary inquiry, Mr. Chairman.

CHAIRMAN HUTCHINSON: Mr. Downs.

MR. DOWNS: I certainly look forward to hearing Judge Dehnke's comments on the case that is before us. I take it from your ruling then that any of us who wish to make comments on his comments would get in the order and it might mean there had been several speakers intervening, and it is not the intent then to have the discussion confined to the subject matter of Judge Dehnke's comments? I am just asking for information.

CHAIRMAN HUTCHINSON: You are correct, Mr. Downs. There is no intent to confine the discussion to one phase. The question before the committee is the adoption of the minority report amendment, so anything having to do with the minority report amendment would be in order. The Chair recognizes Judge Dehnke.

MR. DEHNKE: Mr. Chairman and fellow delegates, if anyone is apprehensive that I intend to use the entire afternoon reviewing some 150 pages of judicial opinion, I would like to disabuse him now. This is one of those opinions which I think can be summarized for our present purposes in very short order. The question that we are all interested in is: what did the court hold and what did it not hold?

I refer first to page 11 of the controlling opinion written by Justice Brennan, in which he makes this summary of what he holds:

> In light of the district court's treatment of the case, we hold today only (a) that the court possessed jurisdiction of the subject matter; (b) that a justiciable cause of action is stated upon which appellants would be entitled to appropriate relief; and (c) because appellees raise the issue before this court, that the appellants have standing to challenge the Tennessee apportionment statutes.

The rest of his 50 pages of opinion are devoted to a discussion of earlier cases and to explain that they do not stand in the way of this finding that the court makes.

I proceed next to the opinion of Mr. Justice Douglas, who on page 4 of his opinion uses this language:

> There is a third barrier to a state's freedom in prescribing qualifications of voters and that is the equal protection clause of the fourteenth amendment, the provision invoked here. And so the question is, may a state weight the vote of one county or one district more heavily than it weights the vote in another?
>
> The traditional test under the equal protection clause has been whether a state has made "an invidious dis-

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 or more representatives shall be divided into single member representative districts as follows:

(1) The ratio of representation for each representative district shall be determined by dividing the population of the representative area by the number of seats to which it is entitled. Each district within each area shall contain not less than 75 per cent nor more than 125 per cent of that area's ratio of representation.

(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. c. In counties having more than one representative or senatorial district, the territory annexed or merged to a municipality shall become a part of the contiguous representative or senatorial district of the municipality with which it is combined, upon the effective date of the annexation or merger: Provided however, The foregoing shall not apply to any annexation or merger across county lines.

No legislator shall be deemed to have vacated his office by virtue of the above section.

SECRETARY CHASE: Mr. President, the committee of the whole has also had under consideration **Exclusion Report 2046,** A report recommending the exclusion of article V, sections 2, 3 and 4; reports this back to the convention without amendment with a recommendation that it do pass.

PRESIDENT NISBET: The report of the committee of the whole is accepted and **Exclusion Report 2046** is referred to the committee on style and drafting.

For Exclusion Report 2046 as referred to the committee on style and drafting, see above, page 2178.

SECRETARY CHASE: That completes the report of the committee of the whole, Mr. President.

PRESIDENT NISBET: **Unfinished business.**

SECRETARY CHASE: Under the postponement order of April 3, the report of the committee of the whole relative to **Committee Proposal 71,** A proposal to provide for the election, term and duties of state officers, allocation of departments, administrative reorganization, appointment and removal of department heads, supervision of departments, appointments to fill vacancies, provisional appointments, and removal or suspension from office by the governor. The committee proposal was reported from the committee of the whole with several amendments with the recommendation that the amendments be adopted and the proposal, as thus amended, do pass. The report was postponed until the conclusion of the reports on the committee on legislative organization from the committee of the whole.

For last previous action on the report, see above, page 2075.

PRESIDENT NISBET: The question is on concurring in the amendments adopted by the committee of the whole. The secretary will read.

SECRETARY CHASE: Amendment 1.

[The amendment was read by the secretary. For text, see above, page 2009.]

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

The amendment is adopted. The secretary will read.

SECRETARY CHASE: Amendment 2:

[The amendment was read by the secretary. For text, see above, page 2009.]

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

The amendment is adopted.

SECRETARY CHASE: Amendment 3:

[The amendment was read by the secretary. For text, see above, page 2009.]

PRESIDENT NISBET: The question is upon concurring in the amendment. The Chair recognizes Mr. Wanger.

MR. WANGER: Mr. President, I move that the convention do not concur in this amendment.

PRESIDENT NISBET: Mr. Wanger, those who are opposed to the amendment will vote no. Those who are in favor will vote aye.

MR. WANGER: Mr. President, speaking to this amendment — which was adopted, as I recall, by a narrow majority of the committee during a prolonged session — in examining this language, which is on page 844 of your journal, you can see that it is primarily legislative in nature. It was supported by people who, by their own admission, were concerned with one particular profession and I suggest did not make a sufficiently detailed analysis or case even on the basis of that profession alone for including such a restriction in our constitution.

As the business of the people of the state of Michigan becomes more specialized in this modern age and as the number of recognized professions in the state becomes larger, it is going to become increasingly more important to give the legislature complete latitude with regard to the subject of licensing those professions which it is determined by policy of the state should be licensed. I suggest that putting such a provision into the constitution will impede the legislature in effectively or most effectively carrying out that policy, and, therefore, I urge you not to support this particular amendment.

PRESIDENT NISBET: The question is upon concurring in the amendment. Those in favor will vote aye. Opposed will vote no. The Chair is in doubt. Mr. Stevens.

MR. STEVENS: May I have the amendment read again, please?

PRESIDENT NISBET: The convention will be in order. The secretary will read the amendment.

SECRETARY CHASE: This is amendment 3.

[The amendment was again read by the secretary. For text, see above, page 2009.]

PRESIDENT NISBET: Those in favor of the amendment will vote aye. Those opposed will vote no.

MR. KUHN: Mr. President, in order to save time I demand the yeas and nays.

PRESIDENT NISBET: The yeas and nays have been demanded. Is that demand seconded? A sufficient number up. The yeas and nays have been demanded. 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 — 78

Allen	Finch	McAllister
Andrus, Miss	Follo	Murphy
Austin	Ford	Nisbet
Balcer	Goebel	Page
Barthwell	Gover	Perlich
Batchelor	Greene	Powell
Beaman	Hanna, W. F.	Prettie
Bentley	Hannah, J. A.	Pugsley
Blandford	Hart, Miss	Radka

By these details we impose rigidity where the requirements of the future demand flexibility. The convention should not do the work of the legislature for it.

PRESIDENT NISBET: Mr. Greene.

MR. GREENE: Mr. President, I desire to make such a written explanation.

Following is the explanation of abstention submitted by Mr. Greene:

I see here demonstrated a weakness very prevalent, I regret to say, in many delegates in this convention. The lack of intestinal fortitude to stand by the courage of their convictions is shown so vividly by this convention, which voted overwhelmingly in favor of the original civil rights commission proposal. I see here, not an attempt to have mind meet mind in a real effort on a total delegate level to adjust our differences. I see here but the effects of a coercive effort to have mind submit to mind on another level. And I commend the 34 with conviction opposing the original proposal standing steadfast and for their ability to persuade regardless of the method used, the less courageous to change their original position on the issue.

Here we see the success of a compromise on a moral situation, but made, in my opinion, on the definition quoted by Mr. King recently; the definition of compromise that says, "A committal to something objectionable; a prejudicial concession, a surrender as a compromise of character, right or principle."

I am at a loss to understand the unfounded fears that seem to consume especially those who, by incidence of place of abode, will probably never be threatened by or exposed to the overly blown up potential of contamination, or subjected to some arbitrary attitude that may prevail in a civil rights commission. Therefore I can only conclude that the fears are insincere, and the use of such fear producing psychosis intimates its use is but a medium of arm twisting to achieve some other insidious, selfishly cherished objective.

So by virtue of my repugnance to all that seems to be happening in a chipping away method of emasculation, I refuse to join those courageless individuals either who compromise or remain in steadfast opposition. Therefore, I abstained from voting with maledictions.

Following is explanation of vote submitted by Mrs. Daisy Elliott:

As one of the sponsors of the Austin, et al, amendment, I would like to explain my reasons for supporting the Van Dusen, et al, substitute. I am sure that my reasons stated here on the floor of this convention will help to substantiate my strong feelings on this issue.

Because the legislature has not accepted its responsibility in the area of civil rights, there can certainly be no denial of the fact that the Van Dusen substitute has taken a giant step forward in the area of civil rights.

In view of the bipartisan consideration of the efforts of Miss Hart and myself in the committee on executive branch to report this issue out of committee as a committee amendment for delegates' discussion on the floor and considering the bipartisan spirit that remained during the long discussions held here, including the added intents of Chairmen Martin and Bentley in their supporting statements on this issue, I feel that their efforts shown here and substantive matter in the Van Dusen, et al, substitute amendment merit my support and that of any member of my party.

Following is explanation of vote submitted by Mr. Yeager:

I ask the privilege of explaining my vote of no on the question of the establishment of a civil rights commission in the constitution. At the very outset let me say that, in my judgment, the establishment of such a commission is not properly a constitutional question but legislative. It has been refused enactment by the legislature even though it has been introduced each year for the past 5 years. This constitutional commission is an attempt to bypass the legislature. The commission will have most extraordinary powers. It takes on the aspect of "thought police" such as contained in the Orwell book, 1984 (big brother is watching you). It will be possible to place an individual in criminal jeopardy by a telephone call by lodging a complaint of alleged discrimination if the legislative bill is any indication. Contrary to the usual presumption that any citizen is innocent until proven guilty, in a complaint before such a commission the burden of proof rests with the citizen.

The amendment to establish such a commission was introduced through committee action without any public hearing, without any publicity, at a meeting of the committee held after such meetings had been officially discontinued by the convention. I believe the establishment of this commission is not the way to attack the problem of discrimination. I earlier supported an amendment which took the position of finding methods through education and investigation. This commission approach uses force. I do not believe the solution to this problem is force. I believe that this problem cannot be solved by a legislative approach alone. The solution must ultimately come from within people through education, understanding and effort by minorities to work from within themselves. I believe this amendment to be motivated more by politics than by sincere desire to solve the problem.

For all of these reasons I must vote no on this provision.

Following is explanation of vote submitted by Messrs. Young and Binkowski:

We voted yes on the Van Dusen substitute civil rights commission, notwithstanding the fact that, in our opinion, it falls far short of what is needed. As cosponsors of the so called Austin amendment, the record will show the Van Dusen substitute is not what we wanted and is not what we have fought for on the floor and in the committee rooms of this convention. It is regretfully, however, as far as a reluctant majority, insistent on embroiling civil rights in the partisan horsetrading of political deals, have been willing to go.

As delegates to this convention, we feel a deep responsibility to fight, on each and every issue, for what, in our opinion, is the maximum that can be won in the best interests of our constituents and the people of Michigan.

Our affirmative vote on any specific issue can in no way be construed as an endorsement of a document which we are in the process of writing. In all candor, we must declare that if we had to make an overall judgment of this constitution at this point, we would without hesitation recommend an emphatic "vote no."

PRESIDENT NISBET: The question is now on concurring in amendment 11 recommended by the committee of the whole, section i, as now substituted by the amendment just adopted. Those in favor will say aye. Opposed, no.

The amendment, as substituted, is adopted. The secretary will read.

SECRETARY CHASE: Miss Hart, Mr. Marshall and Mr. Downs now offer the following amendment to the body of Committee Proposal 71:

1. Amend page 1, line 2, after "secretary of state" by inserting a comma and "state treasurer, auditor general, highway commissioner, superintendent of public instruction"; so that the language will read:

The governor, lieutenant governor, secretary of state, state treasurer, auditor general, highway commissioner, superintendent of public instruction, and attorney general shall be elected at the general biennial election in 1964 and in each alternate even numbered year beginning in 1966.

PRESIDENT NISBET: The question is on the amendment offered by Miss Hart, Mr. Marshall and Mr. Downs. The Chair recognizes Mr. Marshall.

MR. MARSHALL: Mr. President and fellow delegates, I will be very brief in my remarks as I made all of the points that could possibly be made on this subject in committee of the whole. This is an amendment that would continue to give to the electorate the right to vote on the state officials that would serve them in their state government. We in the minority, and those of us who offered the amendment, believe that the elective process brings government closer to the people. We believe that it works in the best interests of all the people. We believe that the delegates in this convention will be undermining the very principles of our American form of government if we in any way diminish the people's right to say who shall govern them.

We feel that the majority proposal is a hodgepodge that was worked out when the deal was arrived at by the majority caucus to throw a bone to the various dissident factions in order to bring unity within the majority caucus. To have a system where you continue 2 elective officials, the attorney general and the secretary of state; to give the governor the right to appoint one, the state treasurer; to have the superintendent of public instruction elected by a board of education; to have the auditor selected by the legislature; and to have the highway commissioner—and this is the most ridiculous of all—selected by a so called bipartisan highway commission; there just doesn't seem to me to be any rhyme or reason to the majority proposal.

It is obvious, by looking at the hodgepodge, that it was a deal, and a deal worked out to satisfy or an attempt to satisfy all of the dissidents within the majority caucus. I don't believe, personally, that the electorate of this state will be deceived or misled, nor do I believe that they will fall for this type of political chicanery disguised in the form of good government. I urge the delegates to give serious consideration to the amendment now before you, and that we do not take away from the electorate of this state their inherent right to a voice, at the ballot box, over who shall govern them in the state offices.

Much was said about Governor Williams' remarks about the highway commissioner in particular, that he should be appointed. I would only want to take this opportunity to point out that he was not talking about some highway commission that would be established, and at the same time, in his remarks before the committee, he raised the question of apportionment, and I think he was talking in terms of a highway commissioner being appointed by the governor with the advice and consent of a senate that was truly representative of the people. The only person who appeared before the committee on the executive branch who had served both as governor of this state and highway commissioner as well—and I am speaking of former Governor Van Wagoner—went into detail to point out what you would get into under an appointive system where pressure would be on the governor constantly to trade highways for something else. Here was an individual who had served his state both as highway commissioner and as governor, advocating and recommending that we continue the elective system.

I say that to change, and to change to this type of hodgepodge that was created here, that the burden of proof should be upon those who demand the change, and there have not been any logical, sensible reasons given as to why this convention should adopt the type of proposal that has been brought forth on the floor of this convention by the majority. I urge you again, in conclusion, because I do not want to infringe upon your time and patience and repeat what I said in committee of the whole, but I urge you to give serious consideration and adopt the amendment. Let the people continue to voice, at the ballot box, who they want to serve them in the state positions. Thank you.

PRESIDENT NISBET: The question is on the amendment.

MR. MARSHALL: And I demand the yeas and nays.

PRESIDENT NISBET: The yeas and nays have been demanded. Is that demand seconded?

MR. LEIBRAND: Mr. President, may the question be divided so that we may vote on these officers separately?

PRESIDENT NISBET: The Chair rules that it can be divided, and we can vote on each of them separately. The yeas and nays have been demanded, and it will be ordered. It will be a record roll call vote. Mr. Martin.

MR. MARTIN: Mr. President, members of the convention, the arguments which Mr. Marshall just recited were all recited in detail before our committee on executive branch. They have all been gone over at great length here on the floor. I think the convention is well aware of the fact that the action taken was the result of discussion among the majority of the delegates, and that they were satisfied with the action taken by the committee. For that reason, I urge that you oppose the amendments as they are voted upon under the ruling of the Chair which divides the question; that you vote no on each of these proposed amendments.

PRESIDENT NISBET: The Chair recognizes Mrs. Cushman.

MRS. CUSHMAN: I would like to announce my intention to abstain from some of these votes, in view of the fact that neither of the alternatives provided is satisfactory.

PRESIDENT NISBET: Thank you. Mr. Brake.

MR. BRAKE: Mr. President, ladies and gentlemen, I am confused as to how we are doing this. We are going to vote on these officers separately, and as to all of them we have already made a decision. We are going to vote whether or not we will elect the secretary of state. What we are going to do is say yes, we are going to do what we have done. And the same thing with the attorney general. We have voted to have the board of education—

PRESIDENT NISBET: May the amendment be clarified.

SECRETARY CHASE: The language to be inserted does not affect the office of governor, lieutenant governor, secretary of state and attorney general. It is to insert the following officers: state treasurer, auditor general, highway commissioner, superintendent of public instruction. Judge Leibrand has demanded a division on those 4 offices, to be voted upon each one separately.

The question now is on the following amendment:

1. Amend page 1, line 2, after "secretary of state" by inserting a comma and "state treasurer".

MR. BRAKE: All right, let's look at those. Superintendent of public instruction; we have already put into the constitution, as far as first reading is concerned, the method of picking the superintendent of public instruction. Ought we not now to be amending that place in the proposal instead of putting 2 different provisions in the same proposal?

MR. DOWNS: Point of order.

PRESIDENT NISBET: Mr. Brake, if this should be adopted, we would have to change that section a little later. Mr. Downs.

MR. DOWNS: My point of order is whether Delegate Brake was trying to debate the issue or was raising a point of order. Your ruling clarifies that. Thank you.

PRESIDENT NISBET: The question is now on the question of the state treasurer. The yeas and nays have been demanded. Those in favor—Mr. Downs.

MR. DOWNS: Mr. President, I wish to speak in favor of the amendment as divided.

PRESIDENT NISBET: You may proceed.

MR. DOWNS: The amendment, as it is divided, would call for the election of the state treasurer. There has been much discussion in this convention whether the people should elect the officers or whether the governor should appoint them. I wish to point out that this would provide for the election of the treasurer. What it replaces is the provision that the governor would appoint the treasurer with the advice and consent of the senate.

I want to make it clear that the amendment both strengthens the people's right in the vote, and if we have the same method of convention nomination, it strengthens the governor's right to help, through the convention process, select the treasurer. The advice and consent concept, as the majority proposal now stands, and what we have before us, would weaken the governor's power and weaken the power of the people. I plead with those who want a strong governor and a responsible governor, and with those who want the people's rights guaranteed, to support this because the amendment strengthens both the governor's power, as compared to the majority proposal, and the people's power of election.

PRESIDENT NISBET: The question is upon the amendment as it applies to the state treasurer. Those in favor of the amendment will vote aye. Those opposed will vote nay. The question is on the amendment offered by Miss Hart, Mr. Marshall and Mr. Downs, as it applies to the state treasurer. Those in favor of the amendment will vote aye. Those opposed will vote no. Have you all voted? If so, the secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas—40

Austin	Hart, Miss	McAllister
Balcer	Hatcher, Mrs.	McGowan, Miss
Binkowski	Hodges	Murphy
Bledsoe	Hood	Nord
Buback	Hoxie	Perras
Dade	Jones	Snyder
Douglas	Kelsey	Stopczynski
Downs	Leibrand	Suzore
Elliott, Mrs. Daisy	Lesinski	Walker
Erickson	Liberato	Wilkowski
Faxon	Madar	Wood
Ford	Mahinske	Young
Garvin	Marshall	Youngblood
Greene		

Nays—77

Allen	Habermehl	Prettie
Andrus, Miss	Hannah, J. A.	Pugsley
Anspach	Haskill	Radka
Batchelor	Hatch	Richards, J. B.
Beaman	Higgs	Romney
Bonisteel	Howes	Rood
Brake	Hubbs	Rush
Brown, G. E.	Hutchinson	Seyferth
Cudlip	Iverson	Shackleton
Cushman, Mrs.	Judd, Mrs.	Shaffer
Danhof	Karn	Sharpe
Dehnke	King	Sleder
Donnelly, Miss	Kirk, S.	Spitler
Doty, Dean	Knirk, B.	Stafseth
Doty, Donald	Koeze, Mrs.	Staiger
Durst	Kuhn	Sterrett
Elliott, A. G.	Lawrence	Thomson
Everett	Leppien	Tubbs
Farnsworth	Martin	Turner
Figy	McCauley	Upton
Finch	McLogan	Van Dusen
Follo	Nisbet	Wanger
Gadola	Page	White
Goebel	Plank	Woolfenden
Gover	Pollock	Yeager
Gust	Powell	

SECRETARY CHASE: On the question of inserting the state treasurer, the yeas are 40; the nays are 77.

PRESIDENT NISBET: The amendment is not adopted.

The question now is on the following amendment:

1. Amend page 1, line 2, after "secretary of state" by inserting a comma and "auditor general".

Those in favor of the amendment as it applies to the auditor general 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—35

Austin	Hart, Miss	McGowan, Miss
Balcer	Hatcher, Mrs.	Murphy
Binkowski	Hodges	Nord
Bledsoe	Hood	Snyder
Buback	Jones	Stopczynski
Dade	Kelsey	Suzore
Douglas	Lesinski	Walker
Downs	Liberato	Wilkowski
Elliott, Mrs. Daisy	Madar	Wood
Faxon	Mahinske	Young
Ford	Marshall	Youngblood
Garvin	McAllister	

Nays—81

Allen	Hannah, J. A.	Powell
Andrus, Miss	Haskill	Prettie
Anspach	Hatch	Pugsley
Batchelor	Higgs	Radka
Beaman	Howes	Richards, J. B.
Bonisteel	Hoxie	Romney
Brake	Hubbs	Rood
Brown, G. E.	Hutchinson	Rush
Cudlip	Iverson	Seyferth
Danhof	Judd, Mrs.	Shackleton
Dehnke	Karn	Shaffer
Donnelly, Miss	King	Shanahan
Doty, Dean	Kirk, S.	Sharpe
Doty, Donald	Knirk, B.	Sleder
Durst	Koeze, Mrs.	Spitler
Elliott, A. G.	Kuhn	Stafseth
Erickson	Lawrence	Staiger
Everett	Leibrand	Sterrett
Farnsworth	Leppien	Thomson
Figy	Martin	Tubbs
Finch	McCauley	Turner
Follo	McLogan	Upton
Gadola	Nisbet	Van Dusen
Goebel	Page	Wanger
Gover	Perras	White
Gust	Plank	Woolfenden
Habermehl	Pollock	Yeager

SECRETARY CHASE: On the amendment to insert the office of auditor general, the yeas are 35; the nays are 81.

PRESIDENT NISBET: The amendment is not adopted.

The question now is on the following amendment:

1. Amend page 1, line 2, after "secretary of state" by inserting a comma and "highway commissioner".

Mr. Martin.

MR. MARTIN: Mr. President, a point of order. I believe we voted on this specific question in committee of the whole. Are we in order in again voting on this same question?

PRESIDENT NISBET: The point of order of Mr. Martin is well taken. This was voted on and decided by amendment 8 concurred in by the convention yesterday afternoon. It is not in order at the present time in its present form.

MR. MARSHALL: Point of order, Mr. President, if I may. We voted, as I understood, on creating a highway commission. We did not vote on whether or not we are going to elect a highway commissioner, and I would like for the Chair to reconsider the decision. What we voted on was a commission. The amendment says that we will elect a highway commissioner.

PRESIDENT NISBET: Your point of order is well taken, Mr. Marshall. The Chair was in error. Mr. Martin.

MR. MARTIN: Mr. President, I should like to move the previous question.

PRESIDENT NISBET: Is the demand seconded? Sufficient number up.

MR. MARSHALL: Point of order. As a matter of clarification, Mr. President, is it permissible to move the previous question in the middle of a division? I am not sure on parliamentary procedure, and I am getting a good lesson.

MR. DOWNS: Point of order, Mr. President. Does not the offerer of the amendment get to speak on it regardless of the previous question?

PRESIDENT NISBET: No, he does not, Mr. Downs. The previous question has not been ordered at the present time. The Chair's ruling was that we can vote on this in the convention. The question now is on the election of the highway commissioner in this amendment. That is what is before us. The previous question has been demanded.

MR. MARSHALL: Mr. President, I don't question your ruling in regard to the fact that even though you are the mover of the amendment that you cannot speak after the previous question has been ordered. If the previous question has not been ordered, it is my understanding that the mover of the amendment or the person submitting the amendment can speak twice. The question that I raise is, is it proper to move the previous question in the middle of a division?

PRESIDENT NISBET: Mr. Marshall, the Chair will rule that since the division provides for consideration of 4 substantive propositions, a motion for the previous question on any of them, separately or collectively, is in order.

Your point with reference to speaking is well taken as one that was upheld the other day. You are permitted, under the rules, to make your statement, and then the question will be on ordering the previous question. You may make your statement.

Mr. Martin.

MR. MARTIN: Mr. President, point of order. Do I understand the ruling to be that Mr. Marshall and everybody else who wants to speak on this will be permitted to speak?

PRESIDENT NISBET: They will not. Mr. Marshall had the floor, Mr. Martin, and he can complete his statement. Then the question will be put as to whether the previous question shall be put.

MR. MARTIN: Mr. President, I wish to have my motion with respect to the previous question cover this item and the next item as well.

PRESIDENT NISBET: That will be taken care of at the proper time. Mr. Marshall has the floor.

MR. MARSHALL: Would I be in order, since I spoke once, to yield and let someone else speak? Well, I was trying to do the delegates a favor, was all. Would you rather hear someone else or me?

PRESIDENT NISBET: The convention will be in order during this little predicament. Mr. Marshall, you have the floor and you can yield the floor to one person.

MR. MARSHALL: Mr. President, I am not going to yield to Madar. I will yield to Delegate Hoxie.

PRESIDENT NISBET: The Chair recognizes Mr. Hoxie.

MR. HOXIE: Mr. President and fellow delegates, thank you, Mr. Marshall, this comes as a surprise.

Once in a while it is well to remind yourself of your commitments to your people. I have before me a copy of the Gratiot County Herald, Con Con Delegates Answer Herald Questions. It so happens that in this particular edition, as well as the Alma Record and the St. Louis Leader Press, each of the aspiring delegates was asked certain specific questions as to his position on the question of our elected state officials. It so happens that I had 3 primary opponents. It so happens that because of my answers the people of Gratiot county elected me to this office. Among my commitments to the people of Gratiot county, as well as the district board of supervisors that met, in which all of the delegates were there, some of them sitting in this convention, we were again asked the question regarding our position on retaining the election of our state officials. As far as I am concerned, I made a commitment to retain the election of our state officials with the exception of the auditor general and the superintendent of public instruction.

On the vote to retain the election of the state treasurer, I voted aye. I complied with my commitment to the people. On the election of the auditor general, I voted no. On the election of the highway commissioner, I intend to again fulfill my commitment to my people and vote to elect the highway commissioner, and I think each of us should remember those commitments that we made to the people back home and not be influenced by any other consideration, and that, I think, is the responsibility that we owe to our constituents.

PRESIDENT NISBET: The demand for the previous question was seconded. The previous question is demanded on the amendment for the highway commissioner and superintendent of public instruction. Mr. Mahinske.

MR. MAHINSKE: Point of order, Mr. President. This happened once before and the ruling of the Chair was, once the question is divided each division of the question becomes a separate amendment. Now, the superintendent of public instruction is not before us as a separate amendment at this point and I don't know how the previous question could be ordered on it before it is before us.

PRESIDENT NISBET: The previous question, Mr. Mahinske, can be ordered on the series as requested.

MR. MAHINSKE: Would this still cut the proponents of the amendment off from their speaking time that they are permitted to have?

PRESIDEINT NISBET: That is correct. Mr. Iverson.

MR. IVERSON: Point of order, My recollection is yesterday we did vote on this question of highway commissioner by an amendment striking out the creation of a highway commission, which, had it passed, would have automatically provided for the election of the highway commissioner by statute. I submit that we have voted on this question yesterday.

PRESIDENT NISBET: Mr. Iverson, the Chair has ruled that that vote yesterday was on the question of the highway commission. This is on the highway commissioner.

The previous question has been demanded. The question now is: shall the previous question be put? Those in favor will say aye. Those opposed no.

The motion prevails. The question now is on the election of the highway—Mr. Habermehl.

MR. HABERMEHL: Point of order, Mr. President. I think if you will refer to yesterday's journal, at the end of section h, as adopted by the committee of the whole, the last paragraph says:

> The state highway commission shall appoint a state highway director, who shall be a competent highway engineer and administrator. He shall be the chief executive of the state highway department and shall be responsible for the execution of policy of the state highway commission.

I believe that this question—

PRESIDENT NISBET: Your statement is correct, Mr. Habermehl, but this amendment is for the election of a highway commissioner.

The question is on the election of highway commissioner. Those in favor will vote aye. Those opposed will vote nay.

MR. DOWNS: A point of information: the yeas and nays have been demanded?

PRESIDENT NISBET: The yeas and nays have been demanded. The question is on the amendment on electing the highway commissioner. 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—46

Balcer	Hatcher, Mrs.	Nord
Binkowski	Hodges	Perras
Bledsoe	Hood	Plank
Brown, G. E.	Hoxie	Prettie
Buback	Jones	Shanahan
Dade	Kelsey	Snyder
Douglas	Leibrand	Spitler
Downs	Lesinski	Stafseth
Elliott, Mrs. Daisy	Liberato	Stopczynski
Erickson	Madar	Suzore
Faxon	Mahinske	Walker
Ford	Marshall	Wilkowski
Garvin	McAllister	Wood
Greene	McGowan, Miss	Young
Gust	Murphy	Youngblood
Hart, Miss		

Nays—69

Allen	Habermehl	Powell
Andrus, Miss	Hanna, W. F.	Pugsley
Anspach	Hannah, J. A.	Radka
Batchelor	Haskill	Richards, J. B.
Beaman	Hatch	Romney
Blandford	Howes	Rood
Bonisteel	Hubbs	Rush
Brake	Iverson	Seyferth
Cudlip	Judd, Mrs.	Shackleton
Danhof	Karn	Shaffer
Dehnke	King	Sharpe
Dell	Kirk, S.	Sleder
Donnelly, Miss	Knirk, B.	Staiger
Doty, Dean	Koeze, Mrs.	Sterrett
Durst	Kuhn	Thomson
Elliott, A. G.	Lawrence	Tubbs
Everett	Leppien	Turner
Farnsworth	Martin	Upton
Figy	McCauley	Van Dusen
Finch	McLogan	Wanger
Gadola	Nisbet	White
Goebel	Page	Woolfenden
Gover	Pollock	Yeager

SECRETARY CHASE: On the amendment to insert for the election of the highway commissioner, the yeas are 46; the nays are 69.

PRESIDENT NISBET: The amendment is not adopted.

The question now is on the following amendment:

1. Amend page 1, line 2, after "secretary of state" by inserting a comma and "superintendent of public instruction".

The previous question has been ordered. Those in favor of the amendment as it applies to the superintendent of public instruction 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—33

Austin	Hart, Miss	McAllister
Balcer	Hatcher, Mrs.	Murphy
Binkowski	Hodges	Nord
Bledsoe	Hood	Plank
Buback	Jones	Snyder
Douglas	Kelsey	Stopczynski
Downs	Lesinski	Suzore
Elliott, Mrs. Daisy	Liberato	Walker
Ford	Madar	Wilkowski
Greene	Mahinske	Wood
Garvin	Marshall	Youngblood

Nays—80

Allen	Gover	Powell
Andrus, Miss	Gust	Prettie
Anspach	Habermehl	Pugsley
Batchelor	Hanna, W. F.	Radka
Beaman	Hannah, J. A.	Richards, J. B.
Blandford	Haskill	Romney
Bonisteel	Hatch	Rood
Brake	Howes	Rush
Brown, G. E.	Hubbs	Seyferth
Cudlip	Iverson	Shackleton
Cushman, Mrs.	Judd, Mrs.	Shaffer
Danhof	Karn	Shanahan
Dehnke	King	Sharpe
Dell	Kirk, S.	Spitler
Donnelly, Miss	Knirk, B.	Stafseth
Doty, Dean	Koeze, Mrs.	Staiger
Doty, Donald	Kuhn	Sterrett
Durst	Lawrence	Thomson
Elliott, A. G.	Leibrand	Tubbs
Erickson	Leppien	Turner
Everett	Martin	Upton
Farnsworth	McCauley	Van Dusen
Figy	McLogan	Wanger
Finch	Nisbet	White
Follo	Page	Woolfenden
Gadola	Perras	Yeager
Goebel	Pollock	

SECRETARY CHASE: On the adoption of the amendment to insert the office of the superintendent of public instruction, the yeas are 33; the nays are 80.

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

SECRETARY CHASE: Messrs. Follo, King, Stamm and Sterrett offer the following amendment:

1. Amend page 3, line 17, after "consent of the" by striking out "senate" and inserting "house of representatives"; so the language will then read:

When a single executive, other than an elective official, is the head of a principal department, he shall be nominated and, by and with the advice and consent of the house of representatives, appointed by the governor and he shall serve at the pleasure of the governor.

PRESIDENT NISBET: The question is on the amendment offered by Mr. Follo and others. The Chair recognizes Mr. Follo.

MR. FOLLO: Mr. President, you caught me unawares. I didn't realize this was coming up so soon. The delegates may remember what I said the last time about this. I thought that in view of the way in which the senate has delayed and sometimes abused the privilege—at least it seems to some of us that they have abused the privilege of the consent—and since the house is closer to what we feel is representative of the people as a whole, closer to being chosen by population, or closer to that ideal, we feel it would be better to have consent in the house rather than in the senate. I don't think I need to say any more about it than that. Perhaps Mr. King, or Mr. Stamm or Mr. Sterrett wish to add to my comments.

PRESIDENT NISBET: Mr. Martin.

MR. MARTIN: Mr. President, this was offered before. It was defeated in committee of the whole. I hope that you will vote no on it.

PRESIDENT NISBET: Mr. Marshall.

MR. MARSHALL: I would just like to support the Follo-Sterrett amendment.

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

MR. STERRETT: I would just like to mention, Mr. President, that I still support this amendment, without just saying nothing. I hope that it is approved by the convention.

PRESIDENT NISBET: The question is on the adoption of the amendment. Those in favor will say aye. Those opposed, no.

A DELEGATE: Division.

PRESIDENT NISBET: A division has been demanded. Is that demand seconded?

MR. MARSHALL: I demand 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 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—44

Austin	Ford	Murphy
Balcer	Garvin	Nord
Binkowski	Hart, Miss	Perras
Bledsoe	Hodges	Pollock
Buback	Hood	Romney
Conklin, Mrs.	Jones	Snyder
Cushman, Mrs.	Kelsey	Staiger
Dade	King	Sterrett
Douglas	Lesinski	Stopczynski
Downs	Liberato	Suzore
Elliott, Mrs. Daisy	Madar	Walker
Erickson	Mahinske	Wilkowski
Everett	Marshall	Young
Faxon	McGowan, Miss	Youngblood
Follo	McLogan	

PRESIDENT NISBET: The first 2 parts of your amendment are in order. The third part is not in order. Would you please proceed on the other 2?

MR. HODGES: Mr. President and fellow delegates, I came here with the conviction that the state administrative board officials—the treasurer, the secretary of state, the highway commissioner and so on—should be elected by the people, and that gave authority to the governor, through the party convention, to select his body and do the kind of job that we think should be done. However, there have been many arguments made and many groups dedicated to the appointment of the state ad board.

I did not personally agree with this, but it seems to me if I have to choose between an elected ad board and the type of Rube Goldberg situation that we have at the present time, that I would prefer an appointive ad board which would give authority to the governor, which would make it plain that he is the sole executive, and therefore, I submit that those of you who came here committed to an all appointive ad board can join with those of us who, in our hearts, do not feel that this is the best situation, but at least it is an improvement over that which has been offered thus far.

PRESIDENT NISBET: Mr. Gust.

MR. GUST: May I ask a question of Delegate Hodges?

PRESIDENT NISBET: If Mr. Hodges cares to answer.

MR. GUST: I have been looking at your proposed amendments, Mr. Hodges, and although I see what you have done with reference to the language concerning advice and consent of the senate, I am at a loss to know how inclusion of both of your amendments would result in an all appointive administrative board, as you stated in your argument.

MR. HODGES: Mr. Gust, I will have to check it. If, mechanically, I have somewhat slipped, I apologize. My purpose and my intent for this series of amendments is to make an all appointive ad board without advice and consent.

MR. GUST: I thought that was your intention, and I would like you to know that as a proponent of the original Committee Proposal 71, although again I am uneasy with the company I may have, I am going to support you on it, but I can't do it if you think these 2 amendments will do it, because I don't think they will.

MR. HODGES: I don't know if you are right, Mr. Gust. I don't want to delay the floor debate by trying to correct it on the floor. Is it something that can very easily be corrected? I would be glad to—

MR. GUST: Unfortunately, I don't think it can easily be corrected, if the Chair please, because I think you are going to have to make a series of amendments throughout the proposal, because in the form that it came out of committee of the whole, I think that it would need several other amendments other than these.

MR. HODGES: Well, Mr. President, Mr. Gust, I am somewhat at a loss at this point. It was somewhat my estimation that these 2 amendments, plus the one that was called temporarily out of order, that this would give us an all appointive ad board. Now, I will go on that assumption unless you point out somewhere where there is something missing, and I will stand corrected, and I will be happy to make any other change that is necessary to arrive at the desired result.

MR. GUST: Mr. President, Mr. Hodges, just to start off with, the first thing which confused me—and I was trying to do this while conferring with Dr. Pollock, and looking at some notes in front of me, but let me ask you the first inquiry: it looks to me like you have abolished the office of governor, to start off with, in your amendment. That may be an improvement, I don't know. (laughter)

MR. HODGES: Mr. President, I see what has been done, I think. This may improve it. I think there was a change from what I sent up to what was typed out. I wonder, would this help, if I withdrew the first part of the amendment and change it to amend page 1, line 10, after "governor," by inserting "and the," and after "lieutenant governor" by striking out "secretary of state, and attorney general?"

MR. GUST: That would appear to be getting "on the road to Mandalay."

MR. HODGES: I would move that revision.

PRESIDENT NISBET: Mr. Hodges revises his amendment. Mr. Chase.

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

1. Amend page 1, line 10, after "governor" by inserting "and the" and after "lieutenant governor" by striking out "secretary of state, and attorney general"; and on page 3, line 16, by striking out "he shall be nominated and, by and with the advice and consent of the senate,".

PRESIDENT NISBET: The Chair recognizes Mr. McCauley.

MR. McCAULEY: Mr. President and fellow delegates, I would just like to speak briefly on this. It has been my feeling during this convention, and I think if you would look at the votes on these various proposals, I was not in favor of an elected ad board, as proposed by the majority of the minority group, nor was I in favor of the method whereby the majority of the committee reported this out.

It has been my feeling for a long time that, actually, state problems are closely akin to what we in city work have experienced. I felt in order to have a strong chief executive, you certainly should have a strong team with you. I can see no need or no necessity for having a check and balance, and that is what it amounts to, when you have some of these people elected in the executive branch of government. I am in favor of a strong governor. I am in favor of him appointing his team without the advice and consent of any body. I think there are sufficient safeguards in this field whereby the judicial article covered it. If there is misfeasance or malfeasance in office, I think that the people that are responsible for those acts certainly can be turned out of office.

I would like to point to the governor's Citizens Advisory Committee Report, which reads as follows:

> The committee recommends that the other administrative officials, other than the governor and lieutenant governor, who are presently chosen by election, be selected by other means. In the case of the secretary of state, attorney general, state treasurer, superintendent of public instruction, highway commissioner, and all other department heads, the committee favors appointment by the governor, without the consent of the senate, and service at the governor's pleasure.

I think that this appointing power vested in the governor will give us a strong executive, and give us somebody that can give us suitable leadership in the state of Michigan. The minute you cut into his powers, you are actually cutting into the people's rights, because you have nobody that is directly responsible for a strong, efficient executive organization in the state of Michigan.

PRESIDENT NISBET: The Chair recognizes Mr. Ford.

MR. FORD: Mr. President, I should like the Chair to admonish the delegates to examine rule 22, and adhere to it, if they can. For the second time I heard a delegate refer to the method that this convention has arrived at for the selection of an ad board as a Rube Goldberg type of contraption. Now, as a person who followed Rube Goldberg, during his lifetime, as an avid reader, I submit that he was famous for devising the most unwieldy and totally unacceptable—from all principles of physics—machines, but he had one thing that our plan doesn't have, and he had this consistently, and it was a characteristic of all Rube Goldberg machines; they worked. They didn't work well, but they worked. We have no assurance that the plan for the ad board proposed by this convention at this point, is going to work and, in behalf of Rube Goldberg, I caution the delegates to leave him out of it. He would not accept responsibility for the mess we are making out of the ad board.

PRESIDENT NISBET: The question is on the amendment of Mr. Hodges. The secretary will read.

SECRETARY CHASE: Mr. Hodges' amendment, as revised:

[The amendment was again read by the secretary. For text, see above, page 2208.]

PRESIDENT NISBET: Mr. Martin.

MR. MARTIN: The majority of the committee opposes this amendment. We hope you will vote no on it.

PRESIDENT NISBET: The question is on the amendment. Those in favor will vote aye. Those opposed, no.

The amendment is not adopted.

A DELEGATE: Division.

PRESIDENT NISBET: Division has been demanded. Is that demand seconded?

MR. HODGES: I request the yeas and nays.

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

MR. McLOGAN: Mr. President, am I allowed to speak on this?

PRESIDENT NISBET: Yes, you may, Mr. McLogan.

MR. McLOGAN: This is a position, this amendment shown here on the board, which a considerable number of delegates once espoused, some with and some without advice and consent of the senate. A very honest effort was made to achieve bipartisan support for this on which we feel very strongly. I believe, however, that the amendment is now politically motivated, and at this late date, despite my previous feelings in the matter, I am unable to support it.

PRESIDENT NISBET: Those in favor of the amendment will vote aye. Those opposed will vote nay. We are voting on the amendment offered by Mr. Hodges. Those in favor will vote aye. Those opposed will vote nay. Mr. King.

MR. KING: Mr. President, I wish to abstain and state my reasons after the vote is announced.

MR. ROMNEY: Mr. President, I would like to be able to file in writing a statement for my vote.

PRESIDENT NISBET: You may do that.

MR. HODGES: Mr. President, I hesitate to rise again when the vote is being taken but, as the sponsor of this amendment, because of Mr. McLogan's remarks, I think maybe some clarification on my point should be made.

PRESIDENT NISBET: You are out of order. The vote has been started, Mr. Hodges. Have you all voted? If so, the secretary will lock the machine and the vote will be recorded.

MR. MARSHALL: Mr. President, I rise to a point of privilege of the convention.

PRESIDENT NISBET: Without objection—

MR. MARSHALL: On this amendment that was offered with my name on it, I want to make it clear to the convention that my name was not supposed to be on the amendment. I just had a few words with Delegate Romney, wherein my motives were questioned on this amendment. And for the record, and there are at least 2 or 3 people that can substantiate this, when Delegates Hodges first talked to me about this amendment, I told him that I did not care—he had it typed up and had my name on it—to cosponsor the amendment, that I favored the election of the state officials. I am still unalterably opposed—I am still unalterably in favor of the election of the state officials.

I did say to Delegate Hodges and to Delegate McCauley and others, that if I failed and could not succeed in retaining the elected officials, that if I could not succeed in that, in the absence of that, I felt appointment by the governor without the advice and consent of the senate would be preferred over the system that the committee proposal adopted. I would, under no circumstances—and I also told Delegate Hodges and others—support the appointment of the officials, if the advice and consent of the senate was left in. I think it is unfortunate that my name remained on the amendment. I think it is also unfortunate that Delegate Romney and I had the words that we had, but I want it for the record and I want it for Delegate Romney, that I did not cosponsor this amendment that is before the floor.

In closing, let me say again that I still favor, and have favored the election of the state officials. I would prefer this, though, in the absence of being able to elect them. But I did not cosponsor this, and therefore I can probably see where Delegate Romney arrived at his charges, but I want it clear that I was not a cosponsor of this amendment, and Delegate Hodges can so verify it.

PRESIDENT NISBET: Mr. Marshall, your name will be taken from the amendment. [Correction made above, page 2207.] Mr. Higgs.

MR. HIGGS: I have no objection to the statement that Mr. Marshall made, except I would not want it entered in the record as a privilege of the convention.

The roll was called and the delegates voted as follows:

Yeas—29

Brown, G. E.	Gust	Murphy
Conklin, Mrs.	Hodges	Nord
Cushman, Mrs.	Kelsey	Pollock
Douglas	Kuhn	Sterrett
Durst	Lesinski	Stopczynski
Elliott, Mrs. Daisy	Liberato	Suzore
Follo	Mahinske	Walker
Ford	Marshall	Young
Garvin	McCauley	Youngblood
Greene	McGowan, Miss	

Nays—81

Allen	Hart, Miss	Plank
Andrus, Miss	Haskill	Powell
Anspach	Hatch	Prettie
Balcer	Hatcher, Mrs.	Pugsley
Batchelor	Higgs	Radka
Beaman	Hood	Romney
Blandford	Howes	Rood
Bonisteel	Hoxie	Rush
Buback	Hubbs	Seyferth
Danhof	Hutchinson	Shackleton
Dehnke	Iverson	Shaffer
Dell	Jones	Shanahan
Donnelly, Miss	Judd, Mrs.	Sharpe
Doty, Donald	Karn	Sleder
Downs	Kirk, S.	Snyder
Elliott, A. G.	Knirk, B.	Spitler
Erickson	Koeze, Mrs.	Stafseth
Everett	Lawrence	Staiger
Farnsworth	Leibrand	Tubbs
Figy	Leppien	Turner
Finch	Madar	Upton
Gadola	Martin	Van Dusen
Goebel	McAllister	Wanger
Gover	McLogan	White
Habermehl	Nisbet	Wilkowski
Hanna, W. F.	Page	Wood
Hannah, J. A.	Perras	Woolfenden

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Hodges, the yeas are 29; the nays are 81.

PRESIDENT NISBET: The amendment is not adopted. Mr. King.

MR. KING: Mr. President, I abstained from the last vote with the understanding that I would have an opportunity to explain my reasons for abstention at this time, and in order to conserve the taxpayer's money and the size of the verbatim record, for those historians interested, I would refer for a reason as to why I am abstaining to the remarks of the distinguished delegate from Genesee, Mr. McLogan, which can be found just a few words back. Thank you.

Following is explanation of vote submitted by Mr. Marshall:

In explaining my yes vote on the Hodges amendment, I accept the explanation of Delegate Hodges in explaining the support of his amendment to have the state administrative board appointed by the governor, without advice and consent of the state senate.

Following is explanation of vote submitted by Mr. Hodges:

I take this opportunity to explain my submission and support of my amendment to have the state administrative board appointed by the governor without advice and consent of the state senate.

It has long been, and still remains my position, that our present system of electing our state administrative board in a statewide election is vastly superior to their appointment by the governor. In my opinion, the election of these officials brings them closer to the citizens whom they serve.

It has also been my observation from years of political participation that the governor has a strong voice in who is to be selected at party conventions to run with him on the statewide ticket.

The history of the present elective system has proven with few exceptions to be beneficial and satisfactory to the people of the state.

However, when given the choice between an all appointive ad board without advice and consent of the state senate, and the abortive method of allowing for 5 separate ways of selecting 8 administrative board officials, I find that reason, clarity, and consistency dictate the former.

I would be derelict in my duty in not opposing this part of the Republican caucus "package deal" which no delegate publicly advocated before this convention convened and which no delegate has yet admitted is the best way to select state administrative officials.

I offered this amendment when it was patently clear that there was no longer any opportunity to save the people's franchise in the election of the members of the state ad board.

It is for this reason and no other, that I offered this amendment in good faith and in all sincerity.

Following is explanation of vote submitted by Mr. Romney:

This is the explanation of my no vote on the Hodges amendment to the executive article during this morning's session.

I voted against the amendment for the reasons stated by Delegate McLogan. The amendment, in my opinion, represented the use of political subterfuge.

PRESIDENT NISBET: Are there other amendments? Mr. Wanger.

MR. WANGER: Mr. President, I believe that I have an amendment on the secretary's desk. If the copy which I gave is not clear, I have additional copies.

PRESIDENT NISBET: Will you bring the amendment up, please, Mr. Wanger?

SECRETARY CHASE: Mr. Wanger offers the following amendment to the body of the proposal:

1. Amend section i, at the end of the first paragraph, by inserting "The members of the commission shall not be eligible for election to public office during the term for which they were appointed nor for one year thereafter.".

PRESIDENT NISBET: The Chair recognizes Mr. Wanger.

MR. MARTIN: Point of order, Mr. President. I believe this question was taken care of when we voted on section i this morning, wasn't it? Specifically, didn't Mr. Van Dusen's amendment specifically eliminate that from the Austin amendment?

PRESIDENT NISBET: Mr. Wanger.

MR. WANGER: Speaking to the point, I can assure the delegate that the wording of this amendment is different from the wording of the amendment previously acted upon.

MR. PERRAS: Mr. President, I move the previous question.

MR. WANGER: Mr. President, I have the floor, and I don't believe anyone can make a motion unless they have the floor.

MR. KUHN: Parliamentary inquiry, Mr. President.

PRESIDENT NISBET: You may state it.

MR. KUHN: My recollection, Mr. President, is that Mr. Van Dusen, some time ago, moved the previous question to section i and all amendments thereto. Now, if that is correct, no subsequent amendments can even be offered at this time. They had to be offered before he made that motion, and if they were offered, there can be no talk at this time.

MR. WANGER: Mr. President, speaking to the additional point of order raised by Mr. Kuhn, the motion for the previous question, first of all, was made to the substitute, but if it did not, if it included section i, nevertheless, that was at a time when we were considering only that section. Now we have gone to a different stage of the proceedings and are considering, in addition thereto, amendments to the body of the whole proposal.

PRESIDENT NISBET: The Chair will rule that the operation of the previous question has been exhausted by the adoption of the substitute for section i. The Wanger amendment is to the body of the proposal and is therefore in order. Mr. Wanger, you may present your amendment.

MR. WANGER: Thank you, Mr. President.

MR. MARTIN: Mr. President, it seems to me that this is exactly the same amendment which Mr. Wanger has offered once before. It was put in and then it was taken out and he is now offering it again.

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

MR. MARTIN: I raise a point of order on that.

PRESIDENT NISBET: The ruling is that the amendment is enough different in form to be considered. Mr. Wanger, you may proceed.

MR. WANGER: Thank you. Mr. President and members of the convention, I will pause briefly so that we can take care of some typing up at the podium.

PRESIDENT NISBET: You may proceed.

MR. WANGER: I wish to present briefly the reasons for this amendment. As you know, this amendment is somewhat similar to the amendment which was adopted last Thursday to section i. This convention, then in committee of the whole, adopted that by a vote of 61 to 55, and it passed. However, when the substitute was presented by Mr. Van Dusen, et al, today, that sentence was omitted. During debate, no reason whatsoever was given for the omission of that sentence, although every other change was given some consideration. It is a substantive change in the provision, the section i, Mr. Van Dusen's statement to the contrary notwithstanding.

I believe it is important that this sentence be included in section i. You will notice it is different from the original amendment which was presented in committee of the whole, providing that members of the commission shall not be eligible for election to public office, whereas the previous amendment included appointment to public office as well, and also that the term for which they were appointed is now 1 year instead of 2 years.

We must face the facts, ladies and gentlemen of the convention, that we are dealing with an area, that of civil rights and the civil rights commission, which, in addition to being a great problem of social justice, is also an area of great political sensitivity; probably the most sensitive issue politically in modern times, in our state and in our nation. Therefore, I think we must realize that the political facts of life are that the temptation is, and indeed has been, very great to use this issue for political or partisan ends, or even occasionally, regardless of the ends of justice in a given case.

If we go to the part of our constitution providing for the courts, we find that in article VII, section 9, that circuit judges shall be ineligible to any other than a judicial office during the term for which they are elected, and for one year thereafter. That provision was thought wise by the founding fathers of 1908 for circuit judges. It was taken almost verbatim from the Constitution of 1850 of this state, and was discussed on the floor of the convention and inserted. When we acted on Committee Proposal 96, we included substantially the same provision, but we, as a convention, and as a committee, enlarged it to include all judges or justices of courts of record. Now, I submit to you that in this area the commission, a constitutional commission which we are creating, will not only be the judge of these issues and matters which come before it,

but as all other commissions are, they will be prosecuting attorney and jury as well. How much more necessary, then, would it be to have such a provision attached to the constitutional provision for this commission?

I notice that among the proponents of the substitute we adopted today is the chairman of the committee on legislative organization, and I call his attention to and remind all the other delegates of the fact that in Committee Proposal 79, on page 2, lines 3 through 9, we provided extensive language with respect to the members of the commission not being eligible for election to the legislature until 2 years shall have elapsed after the apportionment in which they have participated. This area is not nearly as sensitive as the issues with which this commission deals, and yet we provided a similar limitation there.

I would further bring to the attention of the convention, Mr. President, the fact which has not been discussed but which should be considered and that is this: that unless such a limitation is put into the constitution, it cannot later be added by an act of the legislature.

With commissions in the area of civil rights or any other area, which commissions are created by the legislature, the legislature always has the power to add such a provision in case it was felt that the commission or any members thereof might be using their power for ends other than the ends of justice in the individual case. However, in the constitution we cannot, except by constitutional amendment, put such a limitation on this commission. Therefore, I earnestly ask you to affirm the action which, by fair majority, you took previously on this issue, to adopt this amendment as a safeguard against the political temptations which are admittedly so powerful and so prevalent in this area. This amendment would in no way weaken the power or the functions of the commission and it will add, I believe, public confidence in the work of the commission, insofar as words can do so.

We know that politics will not be kept out of anything in our lives in which people are interested and, of course, that applies to this, but there are occasions when words can help to keep politics out of an area where politics should not enter. These are such words. I urge you to vote in favor of this amendment for the reasons which I have given.

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

MR. WANGER: I ask for the yeas and nays.

PRESIDENT NISBET: The yeas and nays have been demanded. Is that demand seconded?

MR. MARTIN: Mr. President, the subject of the amendment has already been rejected once. I urge you to vote no on the amendment.

PRESIDENT NISBET: Not a sufficient number. Those in favor will say aye. Those opposed will say no.

The amendment is not adopted. Any further amendments?

SECRETARY CHASE: None, Mr. President.

PRESIDENT NISBET: **Committee Proposal 71,** as amended, is referred to the committee on style and drafting.

Following is Committee Proposal 71 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, lieutenant governor, secretary of state, and attorney general shall be elected at the general biennial election in 1964 and in each alternate even numbered year beginning in 1966. They shall, after 1966, 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 convention in a manner provided by law. In the general election the votes cast for a candidate for governor shall be considered as cast also for the candidate for lieutenant governor running jointly with him. The candidate whose name appears on the ballot jointly with that of the successful candidate for governor shall be elected lieutenant governor.

Sec. b. The lieutenant governor shall be president of the senate, but shall have no vote except in case of equal division. He shall perform such additional duties as may be delegated to him by the governor.

All executive and administrative offices, agencies and instrumentalities of the state government and their respective functions, powers and duties, except for the offices 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, so as to group them as far as practicable according to major purposes, but at no time shall an examining or licensing board be composed of or governed by a majority of members of a competitive profession. Temporary commissions or agencies for special purposes and with a life of no more than 2 years may be established by law and need not be allocated within a principal department.

The allocation of departments by law pursuant to this section shall be completed within 2 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 such allocation.

Subsequent to such 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. The legislature shall have 60 days of a regular session, or a full session if of shorter duration, to disapprove these executive orders. Unless disapproved in both houses by a resolution concurred in by a majority of the members elect of each house, these orders shall become effective at a date thereafter to be designated by the governor.

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, he shall be nominated and, 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, shall be nominated and, by and with the advice and consent of the senate, appointed by the governor. The term of office and removal of such members shall be as prescribed in this constitution or by law.

No member of any board or commission created or enlarged after adoption of this constitution shall have a term longer than 4 years. The terms of members of existing boards and commissions, other than as provided in this constitution, which are greater than 4 years shall not be further extended.

Sec. c. 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 such duties as may be prescribed by law.

Sec. d. Each principal department shall be under the supervision of the governor, unless otherwise provided by the constitution. The governor shall take care that the laws be faithfully executed; 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, by appropriate court action or proceeding brought in the name of the state, enforce compliance with any constitutional or legislative mandate, or 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 any action or proceeding against the legislature.

Sec. e. When the senate is not in session and a vacancy occurs in any office, appointment to which requires advice and consent of the senate, the governor shall fill the same by appointment. Such an interim appointment may be disapproved by the senate as with other appointments requiring such advice and consent. A person so appointed shall not be eligible for another interim appointment to such office if the appointment shall have been disapproved by the senate.

Sec. f. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an officer, other than a judicial officer, until he shall be acquitted or until after the election and qualification of a successor.

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

Appointment by and with the advice and consent of the senate when used in this constitution or in statutes in effect or hereafter enacted shall mean appointment subject to disapproval by a majority vote of the members elect of the senate if such action is taken within 60 legislative days after the date of such appointment. If not disapproved within such period of time the appointment shall stand confirmed.

No provision of this constitution or of law or executive order authorized herein shall shorten the term of any person elected to state office at a statewide election in or prior to November, 1962. In the event the duties of any of such officers shall not have been 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.

Sec. h. 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 by law.

The state highway commission shall consist of 4 members, not more than 2 of whom shall be members of the same political party, appointed by the governor with the advice and consent of the senate for 4 year terms. No 2 members shall have conterminous terms.

The state highway commission shall appoint a state highway director, who shall be a competent highway engineer and administrator. He shall be the chief executive of the state highway department and shall be responsible for the execution of policy of the state highway commission.

Sec. i. There is hereby created a civil rights commission which shall consist of 8 persons, not more than 4 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 year terms not more than 2 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, 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 such other powers as may be 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.

PRESIDENT NISBET (continuing): A few announcements.

SECRETARY CHASE: Mr. Danhof requests a short meeting of the committee on judicial branch directly after this morning's session in room B.

I have the following requests for leave: Mr. Douglas requests to be excused from the afternoon session; Mrs. Cushman requests to be excused from most of the afternoon session to keep a doctor's appointment; Mr. Suzore wishes to be excused from the session of Monday and the session of Tuesday morning; and Dr. Nord wishes to be excused from the session of next Monday because of a business commitment.

PRESIDENT NISBET: Without objection, the excuses are granted. Mr. White.

MR. WHITE: Mr. President, I move this convention recess until 1:30 this afternoon.

PRESIDENT NISBET: The question is on the motion of Mr. White to recess. All those in favor will say aye. Opposed, no.

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

[Whereupon, at 12:00 o'clock noon, the convention recessed; and, at 1:30 o'clock p.m., reconvened.]

The convention will please come to order.

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

PRESIDENT NISBET: The Chair recognizes Mr. Martin.

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

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

The motion prevails. Mr. Martin.

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

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

SECRETARY CHASE: Item 1, from the committee on declaration of rights, suffrage and elections, by Mr. Pollock, chairman, **Committee Proposal 45,** A proposal to guarantee the right of disposition to the owner of real property. Amends article II by adding a new section.

For text of Committee Proposal 45 and the reasons submitted in support thereof, see below, page 2272.

CHAIRMAN MARTIN: Professor Pollock.

MR. POLLOCK: Mr. Chairman, due to the absence of the vice chairman, Harold Stevens, may I ask that this pass until Monday?

CHAIRMAN MARTIN: Without objection, it will be passed. Committee Proposal 45 is passed for the day. Mr. Downs.

MR. DOWNS: Mr. Chairman, just a parliamentary inquiry: I would just like us to be consistent. If we pass because one delegate is not here, I want to ask a ruling from the

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

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

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

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

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 75 of that committee, reporting back to the convention **Committee Proposal 72,** A proposal to provide for compensation of acting governor;
with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

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

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

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

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

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

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 77 of that committee, reporting back to the convention **Committee Proposal 75,** A proposal to provide for compensation of state officers;
with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

For Committee Proposal 75 as reported by the committee on style and drafting, see below under date of April 24.

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

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 78 of that committee, reporting back to the convention **Committee Proposal 76,** A proposal pertaining to the passage of permissive legislation to allow civil divisions of the state to establish local civil service systems and to receive assistance from the state civil service system;
with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

For Committee Proposal 76 as reported by the committee on style and drafting, see below under date of April 25.

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

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 79 of that committee, reporting back to the convention **Committee Proposal 77,** A proposal to provide a suitable residence for the governor and to authorize an allowance for maintenance;
with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

For Committee Proposal 77 as reported by the committee on style and drafting, see below under date of April 24.

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

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 80 of that committee, reporting back to the convention **Committee Proposal 78,** A proposal to provide for the office of legislative auditor general;
with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

For Committee Proposal 78 as reported by the committee on style and drafting, see below under date of April 24.

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

SECRETARY CHASE: That is all of the standing committee reports, Mr. President.

PRESIDENT NISBET: Communications.

SECRETARY CHASE: None.

PRESIDENT NISBET: It is always a marvel to me how the human body and brain can rebound so rapidly. When I went home last night it made me think of the fellow playing golf who had had a rather bad day. He was hooking or he was slicing, and finally on the thirteenth hole he missed his putt. He broke the putter over his knee, threw the ball into the lake and sat down on the green rather frustrated, saying, "I've got to give it up, I've got to give it up," and the caddy said, "Give up what, golf?" The fellow says, "No, the ministry." (laughter)

Before anything else happens here I wish you a happy Easter when we leave here, if we do. Today we have taxation. We hope we can get it through early in time for you all to get home, because I know you want to, but I am sure you realize we must keep on schedule. We have asked style and drafting now to do 2 weeks work in 4 days. In talking to Mr. Brake, I know his committee is in good shape today, and I hope we will keep our debating sharp and intensify our work to do the best job we can.

The Chair recognizes Mr. Brake on second reading.

MR. BRAKE: Mr. President, ladies and gentlemen of the convention, I wish to move for a change in the order in which the proposals from finance and taxation will be presented; namely, that we start with Committee Proposal 6, then 23, then 56, then 38, then 39, and otherwise follow the order that is already on your calendar. I make this motion for one reason, and for one reason only, and it is connected with what the president just said. Tomorrow is Good Friday. I understand from information here and there around the convention that there will be delegates leaving possibly before we get through. These are the 3 issues most likely to be controversial, and my purpose in making the motion is that we handle those while a maximum number of delegates are present. I have no other motive whatsoever in asking for the change in order. These cover the 15 mill limitation, the weight and gas state taxes and antidiversion, and the sales tax, and I want to get those off, if it's possible, before noon, while everyone is present.

PRESIDENT NISBET: The question is on the motion of Mr. Brake.

MR. DURST: Mr. Chairman, could Mr. Brake give us those again and give us the number that appears on the second reading calendar, rather than the committee proposal number?

MR. BRAKE: The numbers on the calendar, those are the numbers that I gave you. We start with Committee Proposal 6 and 23 as the calendar now is; then 56, that is the 15 mill limitation; then 38, that is the highway money; then 39, the sales tax.

of this state. The administrator shall perform administrative duties assigned by the court.

Sec. c. 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. d. 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. e. 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. f. 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 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.

PRESIDENT NISBET (continuing): Mr. Binkowski.

MR. BINKOWSKI: Mr. President, may I ask a question of Mr. Danhof so he can clarify the record regarding a proposal? Mr. Danhof, I believe you and several members of the convention have received letters from a judge of the common pleas court of Detroit with respect to a possible increase of their salaries. We know that the common pleas court in Detroit is a statutory court and no mention was made of it, although the proposed constitution specifically mentions the justices of the supreme court, judges of the court of appeals, circuit court judges, and probate judges. I wonder if, for the record, this can be clarified.

PRESIDENT NISBET: Mr. Danhof.

MR. DANHOF: Mr. Binkowski, in answer to your question, section g of Committee Proposal 96 covers the constitutional courts. If you will recall, during the debate on the miscellaneous section we removed a prohibition against the increase of salary of public officers. Therefore, the common pleas court, the recorders court and municipal court judges who previously were barred because of a general prohibition within the constitution, being statutory courts, there is nothing now to prohibit the legislature from enacting the identical provision for those statutory courts that we have enacted for the constitutional courts. I see no prohibition against allowing for the increase of salaries during the term of the judges of these statutory courts.

PRESIDENT NISBET: Announcements.

SECRETARY CHASE: All delegates are asked to check their mailboxes before they go to lunch.

The committee on style and drafting will meet in room G during the noon recess. Mr. Cudlip, chairman.

The committee on emerging problems will have a short meeting — emphasis "short meeting" — this noon in room H immediately upon taking the recess.

The committee on declaration of rights, suffrage and elections will meet in room F today at 8:00 o'clock p.m.

The committee on legislative powers will meet in room H Thursday at 8:00 o'clock a.m. T. Jefferson Hoxie, chairman.

PRESIDENT NISBET: The Chair recognizes Mr. Bledsoe.

MR. BLEDSOE: Mr. President, I move that the convention recess until 1:30.

PRESIDENT NISBET: The question is on the motion of Mr. Bledsoe. Those in favor will say aye. Opposed, nay.

We are recessed until 1:30 o'clock.

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

The convention will please come to order.

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

We have the following requests for leave: Mr. William Hanna asks to be excused from the first part of the afternoon session today; and Mr. Garry Brown requests to be excused from this afternoon's session and the sessions of Wednesday, Thursday and Friday, April 25, 26 and 27, due to the trial of a lawsuit previously adjourned to these dates at a time when it appeared that the convention would adjourn by April 15.

PRESIDENT NISBET: Without objection, the requests are granted.

Second reading on executive branch proposals. The secretary will read.

SECRETARY CHASE: Item 1 on the calendar, **Committee Proposal 71** —

MR. MARTIN: Mr. President.

PRESIDENT NISBET: Mr. Martin.

MR. MARTIN: Mr. President, several delegates have requested a little additional time to prepare some material on this on both sides of the house. I'd like to move at this time that Committee Proposal 71 be placed right after item 10 on our calendar, which will bring it up just a little later.

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

The motion prevails. The secretary will read the next proposal.

SECRETARY CHASE: Item 2 on the calendar, **Committee Proposal 2,** A proposal to provide the executive power be vested in the governor. Amends article VI, section 2.

Following is Committee Proposal 2 as reported by the committee on style and drafting and read by the secretary. (For full text as referred to said committee, see above, page 336.):

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

PRESIDENT NISBET: Mr. Martin.

MR. MARTIN: The language of the section has been unchanged by the style and drafting committee, Mr. President, and it is exactly in the form which it was when it left the floor. We have nothing to add to that.

PRESIDENT NISBET: The question is on the adoption of Committee Proposal 2. Any amendments?

SECRETARY CHASE: None.

PRESIDENT NISBET: This is a record roll call vote. Those in favor of approval of Committee Proposal 2 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—112

Allen	Garvin	Perlich
Anspach	Goebel	Perras
Austin	Gover	Plank
Baginski	Gust	Pollock
Balcer	Habermehl	Powell
Barthwell	Hannah, J. A.	Prettie
Batchelor	Hart, Miss	Pugsley
Beaman	Haskill	Radka
Bentley	Hatch	Rajkovich
Blandford	Heideman	Richards, J. B.
Bonisteel	Higgs	Richards, L. W.
Bradley	Hodges	Romney
Brake	Howes	Rood
Buback	Hubbs	Rush
Butler, Mrs.	Hutchinson	Sablich
Cudlip	Iverson	Shackleton
Cushman, Mrs.	Jones	Sharpe
Danhof	Judd, Mrs.	Sleder
Dehnke	Karn	Snyder
Dell	Kelsey	Spitler
DeVries	Kirk, S.	Stafseth
Donnelly, Miss	Koeze, Mrs.	Staiger
Doty, Dean	Krolikowski	Stamm

Cudlip	Knirk, B.	Sleder
Danhof	Koeze, Mrs.	Snyder
Dehnke	Krolikowski	Spitler
Dell	Kuhn	Stafseth
DeVries	Lawrence	Staiger
Donnelly, Miss	Leibrand	Stamm
Doty, Dean	Leppien	Stevens
Doty, Donald	Lesinski	Suzore
Douglas	Mahinske	Thomson
Downs	Marshall	Tubbs
Durst	Martin	Turner
Elliott, A. G.	McAllister	Tweedie
Elliott, Mrs. Daisy	McGowan, Miss	Upton
Erickson	McLogan	Van Dusen
Everett	Millard	Walker
Farnsworth	Mosier	Wanger
Faxon	Murphy	White
Figy	Nisbet	Wilkowski
Finch	Norris	Wood
Follo	Ostrow	Woolfenden
Ford	Page	Yeager
Gadola	Perlich	Young
Garvin	Perras	Youngblood
Goebel	Plank	

Nays—5

Binkowski	Hodges	Kelsey
Cushman, Mrs.	Jones	

SECRETARY CHASE: On the passage of Committee Proposal 17, the yeas are 116; the nays, 5.

PRESIDENT NISBET: **Committee Proposal 17,** as amended, is passed and referred to the committee on style and drafting.

Following is Committee Proposal 17 as amended and rereferred to the committee on style and drafting:

Sec. a. No person shall be eligible for the office of governor or lieutenant governor who shall not 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.

The secretary will read the next proposal.

SECRETARY CHASE: Item 1 on the calendar, which was to follow item 10, **Committee Proposal 71,** A proposal to provide for the election, term and duties of state officers; allocation of departments, administrative reorganization, appointment and removal of department heads, supervision of departments, appointments to fill vacancies, provisional appointments, and removal or suspension from office by the governor. Amends or replaces article VI, sections 1, 3, 10 and 19, and article IX, sections 5 and 7.

MR. MARTIN: Mr. President.

PRESIDENT NISBET: Mr. Martin.

MR. MARTIN: If it is in order, I move that the matter be considered read.

PRESIDENT NISBET: Is there objection? If not, it will be considered read.

Following is Committee Proposal 71 as reported by the committee on style and drafting and considered read. (For full text as referred to said committee, see above, page 2211.):

Sec. a. The governor, lieutenant governor, secretary of state[,] and attorney general shall be elected at the general [biennial] election [in 1964 and] in each alternate even numbered year [beginning in 1966]. They shall[, after 1966,] serve for terms of 4 years beginning at 12:00 o'clock noon on the first day of January next succeeding their election.

NOTWITHSTANDING ANY OTHER PROVISION IN THIS CONSTITUTION, THE GOVERNOR, LIEUTENANT GOVERNOR, SECRETARY OF STATE AND ATTORNEY GENERAL SHALL BE ELECTED AT THE GENERAL ELECTION IN 1964 TO SERVE FOR 2 YEAR TERMS BEGINNING ON THE FIRST DAY OF JANUARY NEXT SUCCEEDING THEIR ELECTION. THE FIRST 4 YEAR ELECTION UNDER THIS CONSTITUTION SHALL BE HELD AT THE GENERAL ELECTION IN 1966.*

The lieutenant governor, secretary of state and attorney general shall be nominated by party conventionS in a manner [provided] PRESCRIBED by law. In the general election ONE VOTE SHALL BE CAST JOINTLY FOR THE CANDIDATES [the votes cast for a candidate] for governor AND LIEUTENANT GOVERNOR NOMINATED BY THE SAME PARTY. [shall be considered as cast also for the candidate for lieutenant governor running jointly with him. The candidate whose name appears on the ballot jointly with that of the successful candidate for governor shall be elected lieutenant governor.]

Sec. b. The lieutenant governor shall be president of the senate, but shall have no vote except in case of equal division. He shall perform [such] additional duties as [may be delegated to] REQUESTED OF him by the governor.

All executive and administrative offices, agencies and instrumentalities of the state government and their respective functions, powers and duties, except for the office[s] 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[,]. [so as to] THEY SHALL BE [group] GROUPED [them] as far as practicable according to major purposes[,]. [but] At no time shall an examining or licensing board OF A PROFESSION be composed of [or governed by] LESS THAN a majority of members of [a] THAT [competitive] profession. Temporary commissions or agencies for special purposes [and] with a life of no more than 2 years may be established by law and need not be allocated within a principal department.

The INITIAL allocation of departments by law pursuant to this section shall be completed within [2] 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 [such] THE INITIAL allocation.*

Subsequent to THE INITIAL [such] 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. The legislature shall have 60 days of a regular session, or a full session if of shorter duration, to disapprove these executive orders. Unless disapproved in both houses by a resolution concurred in by a majority of the members [elect of] ELECTED TO AND SERVING IN each house, these orders shall become effective at a date thereafter to be designated by the governor.

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, he shall be nominated and, 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, shall be nominated and, 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 [No member] of any board or com-

*This paragraph proposed to be moved to schedule and temporary provisions.

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

mission created or enlarged after adoption of this constitution shall [have a term longer than] NOT EXCEED 4 years EXCEPT AS OTHERWISE AUTHORIZED IN THIS CONSTITUTION. The terms of [members] OFFICE of existing boards and commissions, [other than as provided in this constitution,] which are greater than 4 years shall not be further extended EXCEPT AS PROVIDED IN THIS CONSTITUTION.

Sec. c. 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 [such] duties [as may be] prescribed by law.

Sec. d. Each principal department shall be under the supervision of the governor, unless otherwise provided by [the] 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[, by appropriate] INITIATE court [action or proceeding] PROCEEDINGS [brought] 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 [any action or proceeding] COURT PROCEEDINGS against the legislature.

Sec. e. When the senate is not in session, [and] THE GOVERNOR SHALL FILL a vacancy [occurs] in any office, appointment to which requires advice and consent of the senate[, the governor shall fill the same] by appointment[.] WHICH [such an interim appointment] may be disapproved by the senate [as with] IN THE MANNER PROVIDED FOR other appointments requiring such advice and consent. A person WHO HAS BEEN DISAPPROVED BY THE SENATE [so appointed] shall not be eligible for another interim appointment to [such] THE SAME office [if the appointment shall have been disapproved by the senate].

Sec. f. 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 officer, until he [shall be] IS acquitted or, IF CONVICTED, UNTIL THE VACANCY IS FILLED IN THE MANNER PRESCRIBED BY LAW OR THIS CONSTITUTION FOR SUCH OFFICE [until after the election and qualification of a successor].

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

Appointment by and with the advice and consent of the senate when used in this constitution or in statutes in effect or hereafter enacted [shall] meanS appointment subject to disapproval by a majority vote of the members [elect of] ELECTED TO AND SERVING IN the senate if such action is taken within 60 legislative days after the date of such appointment. If THE APPOINTMENT IS not disapproved within such period of time the appointment shall stand confirmed.

No provision of this constitution, [or] of law or OF executive order authorized BY THIS CONSTITUTION [herein] shall shorten the term of any person elected to state office at a statewide election in or prior to November, 1962. In the event the duties of any of such officers shall not have been 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.*

Sec. h. 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 by law.

The state highway commission shall consist of 4 members, not more than 2 of whom shall be members of the same political party[,]. THEY SHALL BE appointed by the governor with the advice and consent of the senate for 4 year terms[.], no 2 OF WHICH [members] shall EXPIRE [have conterminous terms] IN THE SAME YEAR.

The state highway commission shall appoint a state highway director, who shall be a competent highway engineer and administrator. He shall be the chief executive of the state highway department and shall be responsible for [the execution] EXECUTING THE [of] policy of the state highway commission.

Sec. i. There is hereby ESTABLISHED [created] a civil rights commission which shall consist of 8 persons, not more than 4 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 year terms not more than 2 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, 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 [such] other powers [as may be] 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.

MR. MARTIN: Mr. President, the committee on style and drafting has considered this proposal at some length and they have made a number of changes in it. The committee is satisfied with those changes and we recommend the adoption of the proposal as revised by style and drafting.

PRESIDENT NISBET: Mr. Chase, is there an amendment?

SECRETARY CHASE: Mr. Hubbs offers the following amendment to Committee Proposal 71:

1. Amend page 1, at the beginning of line 12, [section a, paragraph 3] by inserting "The governor and"; so the language will read:

> The governor and the lieutenant governor, secretary of state and attorney general shall be nominated by party conventions in a manner prescribed by law.

PRESIDENT NISBET: The Chair recognizes Mr. Hubbs.

MR. HUBBS: Mr. President and members of the convention, I won't take very much of your time because I've been talking to a good many of you and I find that there seems to be a small amount of support for this proposition. I would like to make a point, however, because the chief argument against it seems to be that the public isn't ready for this

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*This paragraph proposed to be moved to schedule and temporary provisions.

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

kind of a change. I personally believe that the people who say this have misgauged public opinion and that, if properly educated in this regard, the public will buy this thing. It may also be said that the constitution is not the place to provide for methods of nomination. I can only say that there are many things that will be included in our new constitution that, from a standpoint of constitutional purism, should not be included. The constitution should be designed to preserve our fundamental freedom, and it is necessary, I think you will agree, to include those things which by nature are such that it is unlikely that it will be changed by the public or legislative action.

People in masses by nature are status quo. They tend to accept what exists to the point of chaos and destruction. I am sure that if people in general can be properly informed of the advantages of party nomination, they will enthusiastically support and accept this method.

I would like to outline briefly some of the disadvantages of statewide primaries, which I object to. I maintain that well financed political organizations or pressure groups can dictate the candidates who will ultimately be presented to the people, thus subverting the choice of the people. In other words, the people will actually not have a choice by the action of the statewide primary. The tremendous expense of the statewide primary limits severely the number of candidates avaliable for public choice. They are limited to the candidates who can personally afford the campaign or finance it, or to the people who can secure the financing of pressure groups or political organizations not necessarily dedicated to serving the people. The expense of the primary election is borne by the government. In this day of high expense as far as government is concerned, I think the taxpayers would look with favor upon something that would reduce the potential expense of government and let the political party carry this expense where it should rightly be borne.

It has been said that the fundamental freedom of this nation has been preserved by a strong 2 party system. It is very evident today that statewide primaries eliminate the basic reason for the existence of political parties. Continued elimination of the reasons for the existence of political parties will eventually result in a dictatorial form of government, I believe; one in which the people have no voice.

Some of the advantages, I believe, of the elimination of statewide primaries and the nomination of the governor at party conventions are as follows: the elimination of the expense to the taxpayers of supporting a basically party function; reduction of the expense to a candidate will result in a wider choice at a party convention. People will by our traditional representative system, have a choice of candidates; parties will be strengthened to better serve the people they are designed to serve. The tremendous apathy that exists today toward politics, I believe, will be replaced by a new interest and people will feel that they have a chance to express themselves; and a genuine reform group could operate effectively at a state convention, whereas a genuine reform group would find it extremely difficult to operate in a statewide primary unless it was extremely well organized and well financed. And I submit that very few genuine reform movements come and survive at this level.

I want to ask support for this amendment. I think it should be done on a bipartisan basis. I think there are a great many things to recommend it. If the people of this state were properly informed as to the advantage of nomination at party conventions, they would enthusiastically adopt this method. Thank you very much.

PRESIDENT NISBETT: The convention will be in order. The Chair recognizes Mr. Marshall.

MR. MARSHALL: Mr. President and fellow delegates, I would simply rise to oppose the amendment before the body at this time. This was discussed. I don't know that it was discussed in the committee itself, but it has been discussed with various people in the convention, various delegates, and I would be opposed to the amendment offered by Delegate Hubbs.

PRESIDENT NISBET: Mrs. Koeze.

MRS. KOEZE: Mr. President, members of the constitutional convention, I am a little bit shocked that the people here aren't a little more attentive to what Mr. Hubbs and Mr. Marshall had to say about this. I have long been a proponent of this sort of an amendment. I believe it is one that we could do something with. I am a little bit surprised that this convention doesn't reach up a little further than it has and I am also a little bit disappointed that we haven't done that; that we have taken the path of status quo rather than to go forward and have some vision toward the future.

I would like to read into the journal at this time a memorandum that I had from Mr. Shapiro of New York state, who is the counsel to the temporary state commission on the revision and simplification of the New York state constitution. New York state has had this in its constitution since the 1920s and Mr. Shapiro writes:

> The convention method of candidate selection has wide public acceptance in New York state. The best and basic argument for its use is the cost feature. Primaries are extremely costly—in contested primaries, the expenses often equal the cost of an election campaign.
>
> Even without primaries, the cost of running for public office oftentimes discourages good men who cannot afford to bear this expense. By adding to the cost factor, we are fast approaching the period when only the rich will be able to run for office.
>
> At the same time the convention method is an appropriate form of representative democracy. The voters are able to cast their ballots for delegates to a convention. Slates of delegates can offer themselves to the voters whenever hotly contested issues or conflicting personalities are involved. The convention cost is substantially less than that of a primary.

I want to suggest to you delegates here that to one that works as close to party politics as I do, the cost of good men getting into a race is getting almost prohibitive and I urge you to give this another thought. Now, you may think that you want to stay the way you are in this convention in regard to this. But I think this is really far reaching and I think that if you're any kind of a salesman at all, you could go home and sell your people this kind of an amendment. Thank you.

PRESIDENT NISBET: The Chair recognizes Mr. Martin.

MR. MARTIN: Mr. President, the matter has been considered on numerous occasions by a number of delegates, and it has some merit. There are some reasons why it would be advantageous to nominate the governor in party convention. But I think most of us who have thought about the matter feel that this is not a problem that we can present at this time since the legislature has the opportunity to change this if it wishes and that to change at this time might create the impression on the public that we were trying to take away from them their right to nominate a governor, and would lead to antagonism toward the whole constitution. For that reason we did not propose it in the committee and do not support the amendment at this time. We are opposed to the amendment.

PRESIDENT NISBETT: Mr. Tubbs.

MR. TUBBS: Mr. President, for once I would like to have the name of Tubbs associated with Hubbs. I am in favor of the amendment. I appreciate the remarks of my countymate, Mrs. Koeze. As far as the chairman's remarks are concerned, I will say that I was a member of the public just prior to this convention and I do not share the feeling that the people would consider that we're taking anything away from them.

PRESIDENT NISBET: Mr. Sterrett.

MR. STERRETT: Mr. President and delegates, I'd like to support Mr. Hubbs' amendment. I feel that this is a very good method of nominating a candidate for governor. It is done for the president of the United States and I feel that if it is good enough for the United States, it's good enough for the state of Michigan. I'd like to add to Mrs. Koeze's remarks, where she says now only the rich can run for office, but also when pressure groups with a considerable amount of money back a candidate, it is almost impossible for anybody else to win.

PRESIDENT NISBET: The question is on the amendment offered by Mr. Hubbs.

MR. SHANAHAN: Mr. President, I request the yeas and nays.

PRESIDENT NISBET: The yeas and nays have been requested. Is the demand supported? Sufficient number up. Those in favor of the Hubbs 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 — 39

Beaman	Hubbs	Richards, J. B.
Blandford	Hutchinson	Rood
Boothby	Karn	Seyferth
Bradley	Knirk, B.	Shackleton
Butler, Mrs.	Koeze, Mrs.	Shanahan
Cudlip	Leppien	Stafseth
DeVries	Millard	Staiger
Doty, Dean	Mosier	Sterrett
Finch	Nisbet	Thomson
Follo	Perlich	Tubbs
Gover	Perras	Turner
Habermehl	Plank	Woolfenden
Haskill	Pollock	Youngblood

Nays — 78

Andrus, Miss	Goebel	Page
Anspach	Gust	Powell
Austin	Hannah, J. A.	Prettie
Baginski	Hart, Miss	Pugsley
Balcer	Hatch	Radka
Bentley	Hatcher, Mrs.	Rajkovich
Binkowski	Heideman	Richards, L. W.
Bledsoe	Hodges	Romney
Bonisteel	Hood	Rush
Brake	Howes	Sablich
Buback	Hoxie	Sharpe
Cushman, Mrs.	Iverson	Sleder
Danhof	Jones	Snyder
Dehnke	Judd, Mrs.	Spitler
Dell	Kelsey	Stamm
Douglas	Kirk, S.	Stevens
Downs	Kuhn	Suzore
Durst	Lawrence	Tweedie
Elliott, A. G.	Lesinski	Upton
Erickson	Mahinske	Van Dusen
Everett	Marshall	Wanger
Farnsworth	Martin	White
Faxon	McAllister	Wilkowski
Figy	McLogan	Wood
Ford	Murphy	Yeager
Gadola	Ostrow	Young

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Hubbs, the yeas are 39; the nays are 78.

PRESIDENT NISBET: The amendment is not adopted. Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, I have a suggestion which I believe may expedite our consideration of Committee Proposal 71. As I believe all of the delegates are aware, this proposal deals mainly with the organization of the executive branch, but also it includes as a final section, section i, a provision relating to the creation of a civil rights commission. Now, recalling the parliamentary problems which we incurred last night over the question of separating matters which some delegates felt were dissimilar, I think that it might be well for us to consider at this point the way we can avoid a duplication of the loss of time which we incurred last night. Therefore, I have discussed with Messrs. Downs, Marshall, Miss Hart, Mr. Iverson, Mr. Brake, Mr. Martin, Mr. Bentley, Mr. Burton Richards, and others, the desirability of a separate vote on the civil rights issue. For that reason, Mr. President, I would move at this time that the rules be suspended and that we vote separately on section i of Committee Proposal 71 and on the balance of Committee Proposal 71.

MR. MARSHALL: Mr. President.

PRESIDENT NISBET: Mr. Van Dusen, would you come up here a minute. Mr. Marshall.

MR. MARSHALL: Mr. President, I'd like to rise to support the motion of Delegate Van Dusen and at the same time point out to the delegates in the convention that it is not my intent to offer any amendments to the committee proposal. I feel that all the amendments that I could have offered were offered in committee of the whole. We had the recorded roll call votes on them. Everything that could have been said was said in committee of the whole. And anything that I would say now, or any amendments that I would offer to this proposal would merely be a repetition of what I submitted and spoke on on first reading. So, realizing and recognizing the pressure that is on the delegates for time, and the terrific schedule that we are keeping, it is not my intent to offer any amendments to the committee proposal. However, I do feel that there were some mistakes made on the first reading. I think there are mistakes in this proposal and if any amendments are offered to better this proposal, or to correct some of the mistakes that were made on first reading, then I would be happy to support them. But I myself do not intend to offer any. This information is just for the benefit of the delegates.

PRESIDENT NISBET: Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, Mr. Chase has suggested the desirability of incorporating in my motion the fact that hereafter section i of Committee Proposal 71 would be considered a separate proposal, to be known as Committee Proposal 71A. For that purpose I move the suspension of the rules at this time.

PRESIDENT NISBET: The question is on the motion of Mr. Van Dusen at this time. Those in favor will say aye. Opposed, no.

The motion prevails. The secretary will read the next—

MR. FORD: Mr. President.

PRESIDENT NISBET: The secretary informs me that the vote shall be by division. Those who are in favor of Mr. Van Dusen's motion will vote aye. Those opposed—

MR. FORD: Mr. President.

PRESIDENT NISBET: Just a minute, Mr. Ford. You'll be recognized.

MR. FORD: I'd like to ask a question before we vote, if I may.

PRESIDENT NISBET: You're going to get a chance. I want to state the question first so the delegates will understand it. The question is on the motion of Mr. Van Dusen. Those in favor of that motion will vote aye. Those opposed will vote nay. The Chair recognizes Mr. Ford.

MR. FORD: I would like to ask, through the Chair, of Mr. Van Dusen if he would have any objection while he is suspending the rules to permitting us to vote on all of these sections in a seriatim manner inasmuch as we are now dealing with 4 different ways of picking the members of the administrative board.

PRESIDENT NISBET: Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, Mr. Ford, I would object strenuously to that. The reason for my motion is because of the dissimilarity in character of section i from the balance of the proposal. The discussions which I have had with Mr. Downs, Miss Hart, Mr. Marshall, Mr. Iverson, Mr. Brake, Mr. Martin, Mr. Bentley, Mr. Burton Richards, and others, have contemplated only the separation which is embodied in my motion. I would object to any other separation.

PRESIDENT NISBET: Mr. Marshall.

MR. MARSHALL: Mr. President, I hate to take exception with my distinguished township attorney. I would have liked to had it divided section by section, just as Delegate Ford stated it. I was fearful of that and did not feel it could be done. Therefore, I support Delegate Van Dusen in separating just the civil rights commission section. This is what we asked for and Delegate Van Dusen agreed he would make this motion. And I state that information for the benefit of the delegates.

PRESIDENT NISBET: Those in favor of the motion will vote aye. Those opposed will vote no. Have you all voted? If so, the secretary will lock the machine and tally the vote.

SECRETARY CHASE: On the motion of Mr. Van Dusen to suspend the rules and make section i of Committee Proposal 71 a separate proposal to be known as Committee Proposal 71A, the yeas are 111; the nays are 9.

PRESIDENT NISBET: The motion prevails.

MR. YEAGER: Mr. President, parliamentary inquiry: where will 71A be taken up on the calendar?

of both houses in a reorganization plan when, in order to provide funds and appropriate for any agency that might be created under a reorganization plan, both houses must concur in the appropriation. I urge the convention to support this amendment.

PRESIDENT NISBET: Mr. Martin.

MR. MARTIN: Mr. President, this is precisely the same provision which was considered in committee of the whole, and it was fully debated there. The reasons pro and con were given. This would make it possible for one house to turn down a reorganization plan, and that is relatively easy to obtain. So it would mean, in effect, that very few reorganization plans would ever go through. This is the situation as it now is. Practically no reorganization plans have gone through and the specific reason for that is just that it's too easy to turn them down. We feel that if you're going to have a provision for executive reorganization, there ought to be some reasonable chance for survival of such plans. That's why the committee took the position that it did and why we hope that you will vote against this amendment and for the committee proposal.

PRESIDENT NISBET: Dr. Pollock.

MR. POLLOCK: Mr. President, as Mr. Martin, the chairman of the committee, has said, this was thoroughly discussed once before in committee of the whole and defeated. I think Mr. Hutchinson approaches this as he seems to approach a good many other matters: from the point of view of his legislative experience. We're not now legislators; we're convention delegates. We have to look at this from the point of view of the operation of the whole state government of Michigan. Experience shows that the system that Mr. Hutchinson has proposed does not work in Michigan. We've had just brief experience with it, but it does not work.

So far as the Washington experience is concerned, congress, too, has been very jealous of its powers and it's whittled away and whittled away at the reorganization law until now it's extremely difficult for the president to get through necessary reorganizations. I think what is true in Washington is even more true at the state level. And as I say, I think it pretty much depends on whether you think that reorganization matters can best be proposed by the governor or whether you have to wait for the legislature to do it. I hope you don't believe the latter, because the whole experience of administrative reorganization demonstrates very clearly that it's the negligence, the lack of action on the part of the legislature, and finally the veto by the legislature which has kept Michigan in the administrative mess it is now in. This was a key provision put in by the committee after careful deliberation and it was supported by the committee of the whole. I hope you will not accept the amendment.

PRESIDENT NISBET: Mr. Marshall.

MR. MARSHALL: Very briefly, as a member of the committee, I agree with the remarks made by the committee chairman and I urge the defeat of the amendment.

PRESIDENT NISBET: The question is on the adoption of the amendment offered by Mr. Hutchinson. Mr. Chase will read the amendment.

SECRETARY CHASE: Mr. Hutchinson's amendment:

[The amendment was again read by the secretary. For text, see above, page 2753.]

PRESIDENT NISBET: Those in favor of the Hutchinson amendment will say aye; opposed, no.

The amendment is not adopted. The next amendment.

SECRETARY CHASE: Messrs. Wood, Faxon and Erickson offer the following amendment:

1. Amend page 3, line 4, [section b, paragraph 5] after "treasurer" by inserting a comma and "a highway commissioner".

MR. WOOD: Mr. President.

PRESIDENT NISBET: Mr. Wood.

MR. WOOD: We'll withdraw that amendment at this time.

PRESIDENT NISBET: Without objection, the amendment is withdrawn.

SECRETARY CHASE: Messrs. Wood, Faxon and Erickson offer the following amendment:

1. Amend page 1, line 12, [section a, paragraph 3] after "secretary of state" by inserting a comma and "highway commissioner".

PRESIDENT NISBET: Mr. Wood.

MR. WOOD: I don't know where we got 2 of them. We'll withdraw both of them.

PRESIDENT NISBET: Without objection, the amendment is withdrawn. Any further amendments?

SECRETARY CHASE: That's the last of the amendments on the desk, Mr. President.

PRESIDENT NISBET: If not, the question is on the adoption of Committee Proposal 71, with the exclusion of section i. Those in favor of the adoption of Committee Proposal 71 will vote aye. Those opposed will vote nay. Mr. Downs.

MR. DOWNS: I wish to urge a no vote on 71. This proposal, with advice and consent, does not strengthen the hand of the governor.

PRESIDENT NISBET: Mr. Downs, the vote has been called. I'm sorry.

MR. MARSHALL: Point of inquiry. We are voting on the entire Committee Proposal 71 now?

PRESIDENT NISBET: Except for section i, which has become 71A, Mr. Marshall.

MR. MARSHALL: We are voting on the entire article. Does it take 73 votes to pass it?

PRESIDENT NISBET: That is correct.

MR. MARSHALL: Thank you.

PRESIDENT NISBET: The question is on Committee Proposal 71, excluding section i. 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 — 79

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

Nays — 44

Austin	Ford	Norris
Balcer	Garvin	Ostrow
Barthwell	Hart, Miss	Perlich
Binkowski	Hatcher, Mrs.	Perras
Bledsoe	Hodges	Sablich
Boothby	Hood	Shanahan
Bradley	Hoxie	Snyder
Buback	Hubbs	Stafseth
Douglas	Hutchinson	Suzore
Downs	Jones	Walker
Elliott, Mrs. Daisy	Lesinski	Wilkowski
Erickson	Mahinske	Wood

Faxon	Marshall	Yeager
Finch	McAllister	Young
Follo	Murphy	

SECRETARY CHASE: On the passage of Committee Proposal 71, the yeas are 79; the nays are 44.

PRESIDENT NISBET: **Committee Proposal 71** is passed.

Following is explanation of vote submitted by Mr. Hubbs:

I have chosen to vote no on Committee Proposal 71 in order to express my disapproval of the convention's attitude toward nomination of the governor in party conventions. I do not feel that the convention gave sufficient attention to this point of view of the serious problems of candidate expense and taxpayer expense caused by the statewide primary election system. The strengthening of political parties and the wider choice of candidates that would result is a benefit to the people of this state that should have been given more careful consideration.

Following is explanation of vote submitted by Delegates Marshall, Jones, Young, Daisy Elliott, Buback, Barthwell, Austin, Douglas and Hart:

We voted no on Committee Proposal 71.

This proposal reduces the voter's right to elect his governmental officials. It also weakens the responsibility and authority of the governor.

The present system of electing a highway commissioner that has proven so successful in building roads for Michigan's citizens, is replaced with a hydraheaded monster, consisting of 4 commissioners selected by advice and consent of the senate. This system does not have the advantage of letting the people elect their highway commissioner, nor even the alleged advantage of having the governor appoint the highway commissioner direct. It dilutes responsibility and authority so that nobody is responsible when roads are not built, and the citizens have no place to turn when they feel the highway program is not run properly.

The present system of electing state ad board members is replaced with one that permits the governor to appoint the state treasurer, but this power for the governor is destroyed by requiring the advice and consent of a senate that does not represent people equally.

The governor's power to appoint heads of departments is vitiated by the requirement that these appointees receive advice and consent of the senate. A "sudden death" provision is established which requires the senate to accept or reject the appointee within 60 legislative days. The senate that does not represent people is then compelled to pass judgment upon the governor's appointees and thereby weakens his power.

This provision is not an improvement on the 1908 constitution, but is a definite step backwards because it weakens government. We have come to this convention hoping that we would strengthen the people's right to participate in government, and its responsible, executive branch. Instead, this proposal weakens the executive and weakens the people's voice in government. We, therefore, voted no on this proposal.

PRESIDENT NISBET (continuing): It is referred to the committee on style and drafting.

For Committee Proposal 71 (excluding section i) as rereferred to the committee on style and drafting, see above, page 2743.

We will now take up Committee Proposal 71A and Mr. Chase will read.

SECRETARY CHASE: **Committee Proposal 71A,** A proposal to provide for a civil rights commission.

Following is Committee Proposal 71A (section i of Committee Proposal 71) as reported by the committee on style and drafting and read by the secretary. (For full text as referred to said committee, see section i of Committee Proposal 71 above, page 2211):

Sec. a. There is hereby ESTABLISHED [created] a civil rights commission which shall consist of 8 persons, not more than 4 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 year terms not more than 2 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, 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 [such] other powers [as may be] 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.

PRESIDENT NISBET: Mr. Martin.

MR. MARTIN: Mr. President, this is almost exactly the proposal which left the committee of the whole with a change of one or two words which are not changes in substance. So the committee recommends the adoption of this proposal in its present form.

PRESIDENT NISBET: There are 7 amendments. The secretary will read.

SECRETARY CHASE: Mrs. Cushman offers the following amendment:

1. Amend page 1, line 7, [paragraph 1] after "year.", by striking out the balance of the line, all of lines 8 through 11 and through "discrimination.", in line 12, and inserting "It shall be the duty of the commission in a manner which may be prescribed by law to investigate alleged discrimination against any person's enjoyment of civil rights guaranteed by this constitution or by law because of race, religion, color or national origin; to investigate alleged denials of such civil rights; and to secure the equal protection of the law so as to prevent denial of the enjoyment of civil rights and discrimination in the exercise of such rights.".

PRESIDENT NISBET: Mrs. Cushman.

MRS. CUSHMAN: Mr. President and fellow delegates, the intent of my amendment is to make a more clear parallel between this language and the language of Committee Proposal 26, which is the declaration of rights section governing civil and political rights and providing for the equal protection of the laws. There were some changes and this actually is one of the versions that the committee on style and drafting did consider. It is the version that I thought was the best because it was most clearly parallel to Committee Proposal 26. It would seem to me that it was important to mention, for example, not only this discrimination but also the possibility of a denial of the enjoyment of civil and political rights, and I, therefore, put that in. Now, there is, of course, one distinction here and we mention in 26, "race, religion, sex or national origin." In here we've got "race, religion, color or national origin." I am quite happy, as a result of the study I have been doing and the help I've been getting from various people, to leave "sex" to one side. I think that whereas there is some discrimination, that it is far better handled on the basis of statute than it is in the constitution because of many other problems that you'd raise. And for that reason I kept to

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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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
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Article II
Elections

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

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

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

removed [t]herefrom. The legislature [may provide the manner of voting by such persons but] shall not permit voting by any [such] person who meets the voting residence requirements of the state to which he has removed.

Sec. 4. The legislature shall enact laws to regulate the time, place [,] and manner of all nominations and elections, except as otherwise provided in this constitution or in the constitution and laws of the United States. The legislature shall enact laws to preserve the purity of elections, to preserve the secrecy of the ballot, to guard against abuses of the elective franchise, and to provide for a system of voter registration and absentee voting. No law shall be enacted which permits a candidate in any partisan primary or partisan election to have a ballot designation except when required for identification of [persons who are] candidates for the same office WHO [and] have the same or similar surnames.

Sec. 5. Except for special elections to fill vacancies, OR AS OTHERWISE PROVIDED IN THIS CONSTITUTION, all elections for national, state, county and township offices shall be held on the first Tuesday after the first Monday in November in each even-numbered year[,] or on such other date as MEMBERS OF THE CONGRESS OF THE UNITED STATES ARE REGULARLY ELECTED [may hereafter be provided by the Constitution of the United States or by congress for election of members thereof].

Sec. 6. Whenever any question is REQUIRED TO BE submitted BY A POLITICAL SUBDIVISION to [a vote of] the electors which involves THE INCREASE OF ANY AD VALOREM TAX RATE LIMITATION FOR A PERIOD OF MORE THAN FIVE YEARS, the direct expenditure of public money, OR the issue of bonds, [or the increase of any ad valorem tax rate for a period of more than 5 years,] only [persons having the qualifications of] electors in, and who have property assessed for any ad valorem taxes in, any part of the district or territory to be affected by the result of such election or the lawful husbands or wives of such persons shall be entitled to vote thereon. All ELECTORS IN THE DISTRICT OR TERRITORY AFFECTED [persons having the qualifications of electors] may vote on all other questions. [involving an increase in any ad valorem tax rate and on borrowing by this state.]

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

Sec. 8. Laws shall be enacted to provide for the recall of all elective officers except judges of courts of record upon petition of electors equal in number to 25 percent of the number of persons voting [at] IN the last preceding election for the office of governor in the electoral district of the officer sought to be recalled. THE SUFFICIENCY OF any statement of reasons or grounds procedurally required shall be [deemed to pose] a political rather than a judicial question.

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

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

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

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

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

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

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

The legislature shall implement the provisions of this section.

ARTICLE III
GENERAL GOVERNMENT

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

Article III
General Government

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

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

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

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

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

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

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

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

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

ARTICLE IV
LEGISLATIVE BRANCH

Sec.		Com. Proposal
1.	Legislative Power, where vested	118a
2.	Senate, Number, Term, Districts	80a
3.	Representatives, Number, Term, Districts	80b
4.	Legislative Districts, merger	80c
5.	Island Areas	
6.	Legislative Apportionment Commission	79a
7.	Legislators, qualifications, removal	32a
8.	Ineligibility of certain persons for office	112a
9.	Legislators, ineligibility for certain appointments	120a
10.	Conflict of interest	115a
11.	Legislators, privileges	33a
12.	Legislators, compensation	28a
13.	Legislature, time of convening	116a
14.	Senate and House, quorums	34a
15.	Legislative Council	102c
16.	Legislature, powers, rules	102a
17.	Legislature, committees	102b
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19. Legislature, elections, recorded vote . 117a
20. Legislature, open public meetings ... 103a
21. Legislature, consent to adjourn 103a
22. Bills 35a
23. Style of laws 29a
24. Laws, object and title
First sentence 121a
Last sentence 105a
25. Laws, revision 121a
26. Bills, requirements for passage
First sentence 105a
Remainder 104a
27. Acts, immediate effect 121a
28. Bills, subjects at special session 105a
29. Local or special acts, referendum 119a
30. Appropriations for local purposes ... 41a
31. General appropriations, priority 46b
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33. Bills passed, approval and veto by governor 70a
34. Referendum on certain bills 113a
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36. Revision of laws, compilation 108a
37. Administrative rules, suspension 123a
38. Filling vacancies 122a
39. Continuity of government 122a
40. Liquor Control Commission 27a
41. Lotteries 100a
42. Ports and port districts 87a
43. Banking and trust company laws 5a
44. Jury in civil cases 99a
45. Indeterminate sentences 106a
46. Prohibition against death penalty 20a
47. Chaplains 111a
48. Resolution of public disputes 109a
49. Regulation of employment 110a
50. Atomic energy 127a
51. Public Health 126a
52. Natural resources 125a
53. Auditor General 78a

Article IV
Legislative Branch

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 25. No law shall be revised, altered or amended by reference to its title only. The section or sections of the act altered or amended shall be re-enacted and published at length.

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

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

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

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

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

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

eral appropriation bills as passed.

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

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

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

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

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

Sec. 37. The legislature may by concurrent resolution empower a joint committee of the legislature acting [in the interim] between sessions to suspend until the end of the next regular legislative session any rule or regulation [promulgated by] OF an administrative agency PROMULGATED when the legislature is not in regular session.

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

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

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

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

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

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

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

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

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

sons imprisoned or detained [on] UNDER such sentences.

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE V

EXECUTIVE BRANCH

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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 [devolvement] of powers ceases.

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

Sec. 26. The legislature shall provide that the salary of any state officer WHILE ACTING AS [performing the duties of] governor [is] SHALL BE equal to that of the governor.

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

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

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

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

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

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

ARTICLE VI
JUDICIAL BRANCH

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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] PRESCRIBED by rules of the supreme court.

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

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

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

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

Sec. 15. In each county organized for judicial purposes[,] there shall be a probate court. The legislature may [combine one or more counties into] CREATE OR ALTER probate COURT districts OF MORE THAN ONE COUNTY [upon the approval by a majority of the voters of each county voting separately on the question,] IF APPROVED IN EACH AFFECTED COUNTY BY A MAJORITY OF THE ELECTORS VOTING ON THE QUESTION. [or combine] THE LEGISLATURE MAY PROVIDE FOR THE COMBINATION OF the office of probate judge with any judicial office of limited jurisdiction [in any] WITHIN A county with supplemental salary as provided by law. The jurisdiction, powers and duties of the probate court[s] and of the judges thereof shall be [prescribed] PROVIDED by law. They shall [also] have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 28. All final decisions, findings, rulings and orders of any administrative officer or [body] AGENCY existing under the constitution or by law, which are judicial or quasi-judicial and affect private rights [,] or licenses, shall be subject to direct review by the courts as [shall be] provided by law. This review shall include, as a minimum, the determination whether such final decisions, findings, rulings and orders are authorized by law[,]; and, in cases in which a hearing is required, whether the same are supported by competent, material[,] and substantial evidence on the whole record[:]. [Provided however, that the] Findings of fact [of the] IN workmen's compensation [commission] PROCEEDINGS shall be conclusive in the absence of fraud unless otherwise provided by law.

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

ARTICLE VII
LOCAL GOVERNMENT

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Article VII
Local Government

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 15. Any county, when authorized by its BOARD OF SUPERVISORS [legislative body] shall have the authority to enter or to intervene in any ACTION [suit] or certificate proceeding involving the services, charges or rates of any privately owned public utility furnishing services or commodities to rate payers within the county.

Sec. 16. The legislature may provide for the laying out, construction, improvement and maintenance of highways, bridges, culverts and airports by the state and by the counties and townships thereof; and may authorize counties to take charge and control of any highway within their limits for such purposes. The legislature may [also prescribe] PROVIDE the powers and duties of counties in relation to highways, bridges, culverts and airports; may provide for county road commissioners to be appointed or elected, with powers and duties [as may be prescribed] PROVIDED by law. The ad valorem property tax IMPOSED for road purposes by any county shall not exceed in any year [1/2] ONE-HALF of one percent of the assessed valuation for the preceding year.

Sec. 17. Each organized township shall be a body corporate with powers and immunities [prescribed] PROVIDED by law [and not inconsistent with this constitution].

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

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

Sec. 20. The legislature shall provide by law for the dissolution of township government whenever all the territory of [a] AN ORGANIZED township is included within the boundaries of a village or villages NOTWITHSTANDING THAT A VILLAGE MAY INCLUDE TERRITORY WITHIN ANOTHER ORGANIZED TOWNSHIP and provide by law for the classification of such village or villages as cities [notwithstanding that a village may include territory within another township].

Sec. 21. The legislature shall provide by general laws for the incorporation of cities and villages[;] . [such general laws] SUCH LAWS shall limit their rate of [general] AD VALOREM property taxation for municipal purposes, and restrict [their] THE powers of CITIES AND VILLAGES TO borrow[ing] money and contract[ing] debts. Each city and village is granted power to levy other taxes for public purposes, subject to limitations and prohibitions provided by this constitution or by law.

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

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

Sec. 24. Subject to this constitution, any city or village may acquire, own[,] and operate, within or without its corporate limits, public service facilities for supplying water, light, heat, power, sewage disposal and transportation to the municipality and the inhabitants thereof.

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

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

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

Sec. 27. Notwithstanding any other provision

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

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

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

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

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

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

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

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

ARTICLE VIII
EDUCATION

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

Article VIII
Education

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

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

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

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

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

have powers and duties provided by law.

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

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

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

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

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

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

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

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

ARTICLE IX
FINANCE & TAXATION

Sec.		Com. Proposal
1.	Tax for State Expenses	50a
2.	No Surrender of Tax Power	54a
3.	Uniform Rule of Taxation	51a
4.	Non Profit Corporation	51a
5.	Assessment, rate of	52a
6.	Limits on Ad Valorem Taxes	56a
7.	No graduated tax	51a
8.	Sales Tax limit	39a
9.	Gasoline and Motor Vehicle Taxes, Use, Exceptions	38a
10.	Sales Taxes, Distribution of	39a
11.	School Aid Fund	39b
12.	Evidence of Indebtedness	23a
13.	Public Bodies, Borrowing of	49a
14.	State Pledge Full Faith and Credit	23b
15.	Additional Borrowing	23b
16.	School Bonds	23d
17.	Payments from Treasury	37b
18.	Prohibition on Credit to Private Concerns	23c
19.	Stock, Interest of State in	37d
20.	State Depositories	37a
21.	Annual Accounting of Public Moneys	37c, 78a
22.	Adjustment of Claims	74a
23.	Financial Records; open and public	37c–1
24.	Pensions, State Obligations	40a

Article IX
Finance and Taxation

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The power to tax for the payment of principal

and interest on bonds hereafter issued which are the general obligations of any school district, including refunding bonds, and for repayment of any state loans made to school districts, shall be without limitation as to rate or amount.

All rights acquired under Sections 27 and 28, Article X of the Constitution of 1908, by holders of bonds heretofore issued, and all obligations assumed by the state or any school district under these sections, shall remain unimpaired.

Sec. 17. No money shall be paid out of the state treasury except in pursuance of appropriations made by law.

Sec. 18. The credit of the state shall not be granted to, nor in aid of any person, association or corporation, public or private, except as authorized in this constitution.

This section shall not be construed to prohibit the investment of public funds until needed for current requirements [or the investment of public employee retirement system funds], as [may be] provided by law.

Sec. 19. The state shall not subscribe to, nor be interested in the stock of any company, association or corporation[,] . [except that] Funds accumulated to provide retirement or pension benefits for public officials and employees may be invested as provided by law[;] . [and except that] Endowment funds created for charitable or educational purposes may be invested as provided by law governing the investment of funds held in trust by trustees.

Sec. 20. No state money shall be deposited in banks other than those organized under the national or state banking laws. No state money shall be deposited in any bank in excess of 50 percent of the capital and surplus of such bank. Any bank receiving deposits of state money shall show the amount of state money so deposited as a separate item in all published statements.

Sec. 21. The legislature shall provide by law for the annual accounting for all public moneys, state and local, and may [also] provide by law for interim accounting.

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

Sec. 22. PROCEDURES FOR THE EXAMINATION AND ADJUSTMENT OF CLAIMS AGAINST THE STATE SHALL BE PRESCRIBED BY LAW.

Sec. 23. All financial records, accountings, audit reports and other reports of public moneys shall be public records and open to inspection. A statement of all revenues and expenditures of public moneys shall be published and distributed annually, as [prescribed] PROVIDED by law.

Sec. 24. The accrued financial benefits of each pension plan and retirement system of the state and its political subdivisions shall be a contractual obligation thereof which shall not be diminished or impaired thereby.

Financial benefits arising on account of service rendered in each fiscal year shall be funded during that year and such funding shall not be [usable] USED for financing unfunded accrued liabilities.

ARTICLE X
PROPERTY

Sec.		Com. Proposal
1.	Married Women	63a
2.	Eminent Domain	67a
3.	Homestead Exemption	12a
4.	Escheats	74a
5.	State Lands	129a
6.	Alien Rights	43a

Article X
Property

Sec. 1. The real and personal estate of every woman, acquired before marriage, and all property to which she may afterwards become entitled by gift, grant, inheritance or devise, shall be and remain the estate and property of such woman, and shall not be liable for the debts, obligations or engagements of her husband, and may be devised or bequeathed by her as if she were unmarried.

Sec. 2. Private property shall not be taken for public use without just compensation therefor being first made or secured in a manner prescribed by law.

Sec. 3. A homestead in the amount of not less than $3,500[.00] and personal property of every resident of this state in the amount of not less than $750[.00], as defined by law, shall be exempt from forced sale on execution or other process of any court. Such exemptions shall not extend to any lien thereon excluded FROM EXEMPTION by law.

Sec. 4. Procedures [for the examination and adjustment of claims against the state and procedures] relating to escheats and to the custody and disposition of escheated property shall be prescribed by law.

Sec. 5. The legislature shall have general supervisory jurisdiction over all state owned lands useful for forest preserves, game areas and recreational purposes; shall require annual reports as to such lands from all departments having supervision or control thereof; and shall by general law provide for the sale, lease[,] or other disposition of such lands.

The legislature BY AN ACT ADOPTED [by a resolution concurred in] by TWO-THIRDS [2/3]

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

of the members elected to and serving in each house may [from time to time declare] DESIGNATE any part of such lands AS [to be] a state land reserve. [and may remove lands from such classification.] No lands in the state land reserve may be REMOVED FROM THE RESERVE, sold, leased or otherwise disposed of except by an act of the legislature.

Sec. 6. Aliens who are residents of this state shall enjoy the same rights and privileges in property as citizens of this state.

ARTICLE XI
PUBLIC OFFICERS AND EMPLOYMENT

Sec.		Com. Proposal
1.	Oath of Office	25a
2.	Terms of Office	61a
3.	Extra Compensation	62a
4.	Custodian of Funds, Accounting	55a
5.	Classified Civil Service, creation	22a
6.	Civil Service Commission	22a
7.	Commission to make rules and fix compensation	22a
8.	Increases in Compensation	22a
9.	May abolish positions	22a
10.	Commission to recommend increases to governor and legislature	22a
11.	Commission to receive appropriations	22a
12.	Violations of Civil Service Article	22a
13.	Civil Service, Local Government, county	76a, 81m
14.	Impeachment	42a, 42b, 42c, 42d
15.	Removal of Elected Officers	42e

Article XI
Public Officers and Employment

Sec. 1. [Members of the legislature and] All officers, LEGISLATIVE, executive and judicial, [shall,] before [they enter] ENTERING upon the duties of their respective offices, SHALL take and subscribe the following oath or affirmation: ["]I do solemnly swear (or affirm) that I will support the Constitution of the United States and the constitution of this state, and that I will faithfully discharge the duties of the office of ..... according to the best of my ability.["] No other oath, affirmation, or any religious test shall be required as a qualification for any office or public trust.

Sec. 2. The terms of office of elective state officers, members of the legislature[,] and JUSTICES AND judges of courts of record shall begin at [12:00] TWELVE o'clock noon on the first day of January next succeeding their election, except as otherwise provided in this constitution. The terms of office of county officers shall begin on the first day of January next succeeding their election, except as otherwise provided by law.

Sec. 3. Neither the legislature nor any political subdivision of this state shall grant or authorize extra compensation to any public officer, agent or contractor after the service has been rendered or the contract entered into.

Sec. 4. No person having custody or control of public moneys shall [have a seat in] BE A MEMBER OF the legislature, [n]or be eligible to any office of trust or profit under this state, until he shall have made an accounting, as provided by law, of all sums for which he may be liable.

Sec. 5. The classified state civil service shall consist of all positions in the state service except those filled by popular election, heads of principal departments, members of boards and commissions, the [chief] PRINCIPAL executive officer of boards and commissions heading principal departments, employees of courts of record, employees of the legislature, employees of the state institutions of higher education, all persons in the armed forces of the state, [8] EIGHT exempt positions in the office of the governor, and within each principal department, when requested by the department head, [2] TWO other exempt positions, one of which shall be policy-making. The civil service commission may exempt [3] THREE additional positions of a policy-making nature within each principal department.

Sec. 6. The civil service commission shall be non-salaried and shall consist of [4] FOUR persons, not more than [2] TWO of whom shall be members of the same political party, appointed by the governor for TERMS OF [8] EIGHT yearS, [overlapping terms.] NO TWO OF WHICH SHALL EXPIRE IN THE SAME YEAR.

The administration of the commission's powers shall be vested in a state personnel director who shall be a member of the classified service and who shall be responsible to and selected by the commission after open competitive examination.

Sec. 7. The commission shall classify all positions in the classified service according to their respective duties and responsibilities, fix rates of compensation for all classes of positions, approve or disapprove disbursements for all personal services, determine by competitive examination and performance exclusively on the basis of merit, efficiency and fitness the qualifications of all candidates for positions in the classified service, make rules and regulations covering all personnel transactions, and regulate all conditions of employment in the classified service.

No person shall be appointed to or promoted in the classified service who has not been certified BY THE COMMISSION as qualified for such appointment or promotion [by the commission]. No appointments, promotions, demotions or removals in the classified service shall be made for

partisan, racial or religious considerations.

Sec. 8. Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. Within 60 calendar days following such transmission, the legislature may, by a [2/3] TWO-THIRDS vote of the members elected to and serving in each house, reject, reduce, or modify increases in rates of compensation authorized by the commission[:]. [Provided however,] The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases authorized by the commission. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year.

Sec. 9. The appointing authorities may create or abolish positions for reasons of administrative efficiency without the approval of the commission. Positions shall not be created nor abolished except for reasons of administrative efficiency. Any employee considering himself aggrieved by the abolition of a position shall have a right of appeal to the commission through established grievance procedures.

Sec. 10. The civil service commission shall recommend to the governor and to the legislature rates of compensation for all appointed positions within the executive department not a part of the classified service.

Sec. 11. To enable the commission to exercise its powers, the legislature shall appropriate to the commission for the ensuing fiscal year a sum not less than one percent of the aggregate payroll of the classified service for the preceding fiscal year, as certified by the commission. Within [6] SIX months after the conclusion of each fiscal year the commission shall return to the state treasury all [funds] MONEYS unexpended for that fiscal year.

The commission shall furnish reports of expenditures, at least annually, to the governor and the legislature and shall be subject to annual audit as provided by law.

Sec. 12. No payment for personal services shall be made or authorized until the provisions of this [article] CONSTITUTION PERTAINING TO CIVIL SERVICE have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

Sec. 13. BY ORDINANCE OR RESOLUTION WHICH SHALL NOT TAKE EFFECT UNTIL APPROVED BY A MAJORITY OF THE ELECTORS VOTING THEREON, each city, village, township, county, school district[,] and other governmental unit[s] or authorit[ies]Y [performing the same or similar functions] may[, by ordinance or resolution of the governing body which ordinance or resolution shall not take effect until approved by a majority of the electors voting thereon,] establish, modify or discontinue a merit system for its employees other than teachers under contract or tenure. The state civil service commission may on request furnish technical services [to them] TO ANY SUCH UNIT on a reimbursable basis.

[The board of supervisors of any county with a population of 1,000,000 or more shall have the power by ordinance to establish a merit system for county employment. The ordinance or any amendments thereto shall not take effect until approved by a majority of the electors voting thereon.]

Sec. 14. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office or for crimes or misdemeanors, but a majority of the members elected and serving shall be necessary to direct an impeachment.

When an impeachment is directed, the house of representatives shall elect [3] THREE of its members to prosecute the impeachment.

Every impeachment shall be tried by the senate immediately after the final adjournment of the legislature. The senators shall take an oath or affirmation truly and impartially to try and determine the impeachment according to the evidence. When the governor or lieutenant governor is tried, the chief justice of the supreme court shall preside.

No person shall be convicted without the concurrence of [2/3] TWO-THIRDS of the senators elected and serving. Judgment in case of conviction shall not extend further than removal from office, but the person convicted shall be liable to punishment according to law.

No judicial officer shall exercise ANY OF THE FUNCTIONS OF his office after an impeachment is directed until he is acquitted.

Sec. 15. Any elected officer of a political subdivision may be removed from office in the manner and for the causes [prescribed] PROVIDED by law.

ARTICLE XII
AMENDMENT & REVISION

Sec.		Com. Proposal
1.	By Legislature	64a
2.	By Petition of Electors	65a
3.	Constitutional Convention	66a

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

Article XII
Amendment & Revision

Sec. 1. Amendments to this constitution may be proposed in the senate or house of representatives. Proposed amendments agreed to by [2/3] TWO-THIRDS of the members elected to and serving in each house on a [yea and nay] vote WITH THE NAMES AND VOTE OF THOSE VOTING entered in the respective journals shall be submitted, not less than 60 days thereafter, to the electors at the next general election or special election as the legislature shall direct. If a majority of electors voting on [such] a proposed amendment approve [such amendment,] THE SAME, it shall become part of the constitution and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved.

Sec. 2. Amendments may be proposed to this constitution by petition of the registered electors of this state. Every petition shall include the full text of the proposed amendment, and be signed by registered electors of the state equal in number to at least 10 percent of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected, or 300,000 registered electors, whichever is less. Such petitions shall be filed with the person authorized by law to receive the same at least 120 days before the election at which the proposed amendment is to be voted upon. Any such petition shall be in the form, and shall be signed and circulated in such manner, as prescribed by law. The person authorized by law to receive such petition[,] shall[,] upon its receipt[,] determine, as provided by law, the validity and sufficiency of the signatures on the petition, and make an official announcement thereof at least 60 days prior to the election at which the proposed amendment is to be voted upon.

Any amendment proposed by such petition shall be submitted, not less than 120 days after it was filed, to the electors at the next GENERAL election. [at which any state officer is to be elected.] Such proposed amendment, existing provisions of the constitution which would be altered or abrogated thereby, and the question as it shall appear on the ballot [used in such election] shall be published in full as provided by law. Copies of such publication shall be posted in each polling place and furnished to news media as provided by law.

The ballot to be used in such election shall contain a statement of the purpose of the proposed amendment, expressed in not more than 100 words, exclusive of caption. Such statement of purpose and caption shall be prepared by the person authorized by law, and shall consist of a true and impartial statement of the purpose of the amendment in such language as shall create no prejudice for or against the proposed amendment.

If the proposed amendment is approved by a majority of the electors voting on the question, the proposed amendment shall become part of the constitution, and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved. IF TWO OR MORE AMENDMENTS APPROVED BY THE ELECTORS AT THE SAME ELECTION CONFLICT, THAT AMENDMENT RECEIVING THE HIGHEST AFFIRMATIVE VOTE SHALL PREVAIL.

Sec. 3. At the general election to be held in the year 1978, and in each 16th year thereafter and at such times as may be provided by law, the question of a general revision of the constitution shall be submitted to the electors of the state. If a majority of the electors voting on the question decide in favor of a convention for such purpose, at an election to be held not later than [4] FOUR months after the proposal was certified as approved, the electors of each [house of] representative[s] district as then organized shall elect one delegate and the electors of each senatorial district as then organized shall elect one delegate. The delegates so elected shall convene at the SEAT OF GOVERNMENT [capital city] on the first Tuesday in October next succeeding such election or at an earlier date if provided by law.

The convention shall choose its own officers, determine the rules of its proceedings and judge the qualifications, elections and returns of its members. The governor shall appoint a qualified resident of the same district to fill a vacancy in the office of any delegate. [If the legislature shall determine that delegates shall be elected on a partisan basis, the governor shall appoint a qualified resident of the same district and of the same party.] WHO SHALL BE A MEMBER OF THE SAME PARTY AS THE DELEGATE VACATING THE OFFICE IF THE LEGISLATURE PROVIDES FOR PARTISAN ELECTION OF DELEGATES. The convention shall have power to appoint such officers, employees and assistants as it deems necessary and to fix their compensation; to provide for the printing and distribution of its documents, journals and proceedings; to explain and disseminate information about the proposed constitution and to complete the business of the convention in an orderly manner. Each delegate shall receive for his services compensation provided by law.

No proposed constitution or amendment adopted by such convention shall be submitted to the electors for approval as hereinafter provided unless by the assent of a majority of all the delegates elected to and serving in the convention, WITH THE NAMES AND VOTE OF THOSE VOTING [the yeas and nays being] entered in the journal. Any proposed constitution or amendments adopted

by such convention shall be submitted to the qualified electors in the manner and at the time provided by such convention not less than 90 days after final adjournment of the convention. Upon the approval of such constitution or amendments by a majority of the qualified electors voting thereon the constitution or amendments shall take effect as provided by the convention.

SCHEDULE AND TEMPORARY PROVISIONS

Sec.		Com. Proposal
1.	Attorney general to recommend necessary laws	44d
2.	Writs, actions, claims, etc. remain effective	44b
3.	Officers continue their duties	44c and 71g
4.	Terms of officers elected November, 1962	68b
5.	Terms of governor, etc. elected 1964. When 4 year terms begin	80 and 71a
6.	Senate Apportionment	80
7.	Supreme Court, reduction to seven justices	91a
8.	Judges of Probate, eligible for re-election	96f
9.	Overlapping terms for judiciary	96j
10.	State Board of Education	47a
11.	Boards of Control	98c
12.	Educational Boards	
13.	Initial allocation	71b
14.	Contractual obligations remain in force	6a
15.	Mackinac Bridge refunding	23b
16.	Constitution submitted to people, when	68a
17.	Constitution submitted to people, manner	68c

TO INSURE THE ORDERLY TRANSITION FROM THE CONSTITUTION OF 1908 TO THIS CONSTITUTION THE FOLLOWING SCHEDULE IS SET FORTH TO BE EFFECTIVE FOR SUCH PERIOD AS ITS PROVISIONS REQUIRE.

Sec. 1. The attorney general [of the state] shall recommend to the legislature AS SOON AS PRACTICABLE [at the commencement of the next session] such changes AS MAY BE NECESSARY [in existing laws as may be deemed necessary] to adapt EXISTING LAWS [the same] to this constitution.

Sec. 2. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights [of individuals, partnerships, bodies corporate, and of this state or any subdivision or agency thereof] existing on the effective date [hereof] OF THIS CONSTITUTION shall continue unaffected except as modified in accordance with the provisions of this constitution.

Sec. 3. Except as otherwise provided in this constitution, all officers filling any office by election or appointment shall continue to exercise THEIR POWERS AND [the] duties [thereof, according to their respective commissions or appointments,] until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

No provision of this constitution, or of law or of executive order authorized by this constitution shall shorten the term of any person elected to state office at a statewide election ON [in] or prior to THE DATE ON WHICH THIS CONSTITUTION IS SUBMITTED TO A VOTE. [November, 1962.] In the event the duties of any [of] such officers shall not have been ABOLISHED OR incorporated into one or more of the principal departments at the expiration of his term, such officer shall continue to serve until his duties are so incorporated OR ABOLISHED.

Sec. 4. All officers elected [on the Tuesday after the first Monday of November, 1962] AT THE SAME ELECTION THAT THIS CONSTITUTION IS SUBMITTED TO THE PEOPLE FOR ADOPTION [under the 1908 Constitution as amended and existing laws] shall take office [on and after the first day of January, 1963,] and complete the term to which they were elected UNDER THE 1908 CONSTITUTION AND EXISTING LAWS AND CONTINUE TO SERVE UNTIL THEIR SUCCESSORS ARE ELECTED AND QUALIFIED PURSUANT TO THIS CONSTITUTION OR LAW.

Sec. 5. Notwithstanding any other provision in this constitution, the governor, THE lieutenant governor, THE secretary of state [and], THE attorney general, AND state senators shall be elected at the general election in 1964 to serve for [2] TWO year terms beginning on the first day of January next succeeding their election. The first [4 year] election OF SUCH OFFICERS FOR FOUR-YEAR TERMS under this constitution shall be held at the general election in 1966.

Sec. 6. The state shall be districted for the purpose of electing senators in accordance with the provisions of [Committee Proposal 80, section a,] ARTICLE IV, SECTION 2 after the official publication of the total population count of the 1970 decennial federal census. Until the [re]apportionment of the senate following the 1970 census, the senatorial districts under the 1908 constitution[, as amended,] shall remain intact except that upon the adoption of this constitution each of the counties of Kent, Genesee, Macomb and Oakland shall be divided by the apportionment commission into [2] TWO senatorial districts and Wayne county into [8] EIGHT senatorial districts in accordance with this constitution.

Sec. 7. [A vacancy hereafter created as the result of the death, retirement or resignation of one incumbent justice shall not be filled.]

NOTWITHSTANDING THE PROVISIONS OF THIS CONSTITUTION THAT THE SUPREME COURT SHALL CONSIST OF SEVEN JUSTICES IT SHALL CONSIST OF EIGHT JUSTICES UNTIL THE TIME THAT A VACANCY OCCURS AS A RESULT OF DEATH, RETIREMENT OR RESIGNATION OF A JUSTICE. THE FIRST SUCH VACANCY SHALL NOT BE FILLED.

Sec. 8. Any [supreme court justice, circuit judge,] judge of probate serving [at] ON the [time this constitution becomes] effective DATE OF THIS CONSTITUTION may serve the remainder of the term and be eligible TO SUCCEED HIMSELF for election [to his present office] regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

Sec. 9. The provisions of [this] Article VI providing that terms of JUDICIAL offices shall not all expire at the same time, shall be implemented BY LAW PROVIDING THAT at the next election for such offices [by legislation providing for elections] JUDGES SHALL BE ELECTED for terms of varying length, none of which shall be shorter than the [basic] REGULAR term provided for the office.

Sec. 10. THE MEMBERS OF THE STATE BOARD OF EDUCATION PROVIDED FOR IN ARTICLE VIII SECTION 3 SHALL FIRST BE ELECTED AT THE FIRST GENERAL ELECTION AFTER THE EFFECTIVE DATE OF THIS CONSTITUTION FOR THE FOLLOWING TERMS: TWO SHALL BE ELECTED FOR TWO YEARS, TWO FOR FOUR YEARS, TWO FOR SIX YEARS, AND TWO FOR EIGHT YEARS AS PRESCRIBED BY LAW.

THE STATE BOARD OF EDUCATION PROVIDED FOR IN THE CONSTITUTION OF 1908 IS ABOLISHED AT TWELVE O'CLOCK NOON JANUARY 1 OF THE YEAR FOLLOWING THE FIRST GENERAL ELECTION UNDER THIS CONSTITUTION AND THE TERMS OF MEMBERS THEREOF SHALL THEN EXPIRE.

Sec. 11. THE PROVISIONS OF THIS CONSTITUTION PROVIDING FOR MEMBERS OF BOARDS OF CONTROL OF INSTITUTIONS OF HIGHER EDUCATION AND THE STATE BOARD OF PUBLIC COMMUNITY AND JUNIOR COLLEGES SHALL BE IMPLEMENTED BY LAW. THE LAW MAY PROVIDE THAT THE TERM OF EACH MEMBER IN OFFICE ON THE DATE OF THE VOTE ON THIS CONSTITUTION MAY BE EXTENDED, AND MAY FURTHER PROVIDE THAT THE INITIAL TERMS OF OFFICE OF MEMBERS MAY BE LESS THAN EIGHT YEARS.

Sec. 12. THE PROVISIONS OF THIS CONSTITUTION INCREASING THE NUMBER OF MEMBERS OF THE BOARD OF TRUSTEES OF MICHIGAN STATE UNIVERSITY AND OF THE BOARD OF GOVERNORS OF WAYNE STATE UNIVERSITY TO EIGHT, AND OF THEIR TERMS OF OFFICE TO EIGHT YEARS, SHALL BE IMPLEMENTED BY LAW. THE LAW MAY PROVIDE THAT THE TERM OF EACH MEMBER IN OFFICE ON THE DATE OF THE VOTE ON THIS CONSTITUTION MAY BE EXTENDED ONE YEAR, AND MAY FURTHER PROVIDE THAT THE INITIAL TERMS OF OFFICE OF THE ADDITIONAL MEMBERS MAY BE LESS THAN EIGHT YEARS.

Sec. 13. The initial allocation of departments by law pursuant to Article V, Section 2 shall be completed within two years after the effective date of this constitution. If such allocation shall not have been completed within such period, the governor, within one year thereafter, by executive order, shall make the initial allocation.

Sec. 14. Contractual obligations of the state incurred pursuant to the constitution of 1908 [as amended] shall continue to be obligations of the state.

For the retirement of [such] notes and bonds [as may have been] issued under Section 26 of Article X of the 1908 constitution, there is hereby appropriated from the general fund each year during their life a sum equal to the amount of principal and interest payments due and payable in each [such] year.

Sec. 15. [Provided however, That] The legislature [is authorized to provide by general law adopted] by a vote of [2/3] TWO-THIRDS of the members elected to and serving in each house MAY PROVIDE THAT THE STATE MAY [for the] borrow[ing of] money AND MAY PLEDGE ITS FULL FAITH AND CREDIT for [the] refunding [of] any bonds issued by the Mackinac Bridge Authority[,]AND at [which] THE time OF REFUNDING the Mackinac Bridge Authority [Act] shall be [repealed] ABOLISHED and the operation of the bridge SHALL be assumed by the state highway department. THE LEGISLATURE MAY IMPLEMENT THIS SECTION BY LAW.

Sec. 16. This constitution shall be submitted to the people for their adoption or rejection at the general election to be held on the Tuesday after the first Monday of November, 1962. It shall be the duty of the secretary of state forthwith to give notice of such submission to all other officers required to give or publish any notice in regard to A GENERAL [such] election. He shall give notice that this constitution will be duly submitted to the electors at such election. The notice shall be given in the manner required for the election of governor.

Sec. 17. Every registered elector may vote

on the adoption of the constitution. The board of election commissioners in each county shall cause to be printed on a ballot separate from the ballot containing the names of the nominees for office, the words: ["] Shall the revised constitution be adopted? ( ) Yes. ( ) No. ["] All votes cast at THE [this] election shall be taken, counted, canvassed and returned as provided by law for the election of state officers. [Should] IF the revised constitution so submitted receiveS more votes in its favor than were cast against it, it shall be the supreme law of the state on and after the first day of January OF THE YEAR FOLLOWING ITS ADOPTION [,1963, except as otherwise provided in this constitution].

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

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.

[Article V, sections 1 through 28, was read by the secretary. For text, see above, page 3057.]

VICE PRESIDENT HUTCHINSON: The article 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 V of the proposed revision of the constitution:

section	column	line	Corrections
3	1	47	After "senate [" change period to a comma.
7	2	40	After "governor" insert "[,]".
25	1	24	After "vest" insert a comma.
25	1	29	After "[" insert a comma before "who]".
25	1	33	After "IN" strike out "THE".
25	1	35	After "ELECT,", insert "THE".
25	1	36	After the first "ELECT,", insert "THE".
25	1	38–9	After "SHALL" strike out "IN THAT ORDER BECOME GOVERNOR" and insert "BECOME GOVERNOR IN THAT ORDER".

VICE PRESIDENT HUTCHINSON: Without objection, it is so ordered. [Corrections made above.] The secretary has an amendment on the desk, which he will read.

SECRETARY CHASE: Mrs. Cushman offers the following amendment:

1. Amend article V, section 9 (column 1, line 14) after "and" by inserting "shall"; so, beginning at line 10, the language will read:

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.

VICE PRESIDENT HUTCHINSON: Mrs. Cushman.

MRS. CUSHMAN: Mr. President and fellow delegates, this, I believe, is in the nature of a perfecting amendment. I checked with Mr. Martin and he had no objection to it.

We noticed that up in line 10 it says, "He may remove," and I do believe the intent was, if he did remove, that he should report the reasons for the removal and if we do not put in the "shall" here, then that report goes back to "may;" so you would say that he may remove and he may report. I think the intent of the convention was that if he does remove he shall report the reasons for such removal.

VICE PRESIDENT HUTCHINSON: All in favor of the amendment will say aye. Opposed will say no.

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

SECRETARY CHASE: Mr. Higgs offers the following amendment:

1. Amend article V, section 28 (second column, following line 57) by adding a new paragraph to read as follows:

"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.".

VICE PRESIDENT HUTCHINSON: Mr. Higgs.

MR. HIGGS: Mr. President and fellow delegates, this particular sentence is proposed to be added to the civil rights commission article but in no way is to be substituted for or to change the wording of the provision as it is now approved by this convention.

The background of this particular sentence is actually a digest of MSA section 17.458 (8), a part of the Michigan state fair employment practices act. What is involved here is to provide an orderly method or an orderly procedure for appealing from orders of the commission. I think, in view of the experience that the state has had — which to my understanding has been satisfactory and approved by the people working with this commission — that this practice has been satisfactory and that this, in effect, will give greater significance and meaning to this particular article.

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

Now, of course, in view of the fact that we are actually writing into the constitution a commission, I think it is most significant that we pay as much attention to details as possible, and this is what led me to read and examine the Michigan fair employment practices act. This involves about 8 pages of statutory detail. I think that, actually, the commission that we have provided for in the constitution is as fairly complete as possible in constitutional language. There is a great deal that must be involved by way of implementation by the legislature. I would like, however, to give further direction and significance to this particular method of procedure, inasmuch as I think we have not provided or shown the way.

So that you will all understand just what is meant by the words in this sentence, this actually is a digest of about 3 or 4 times the language that appears in the section cited. The words "de novo," of course, mean a new trial. It means that a person who is really aggrieved has the opportunity to re-present his evidence before a court of law. However, this appeal procedure involves an appeal from the final order of the commission.

I think that, actually, according to my information, there are many matters that come before these commissions that do not involve a great deal by way of money. They do not involve a great deal by way of case or controversy in the ordinary sense, and probably the bulk of matters that will come before this commission will be handled by the commission satisfactorily to all parties. Now, in those instances where a party feels aggrieved, I think that his opportunity should be in the courts of the state.

It was my understanding that — before I offered this amendment I had made an effort to communicate as broadly as possible with interested persons in this convention and it seemed to me that there is substantial support here for this procedure, for these words, for this provision. I would like to yield the floor to those interested persons who would like to speak upon it.

VICE PRESIDENT HUTCHINSON: Mr. Garvin.

MR. GARVIN: Mr. President and delegates, of course you know I have been interested in this particular section, section 28. I was somewhat concerned and still am about the last sentence in that section. However, it seems that over the 2 readings — and this is the third reading — the delegation is determined to keep it in.

In line with that, I believe that the amendment of Delegate Higgs is rather in line with the general intent to give the person aggrieved, whether he be plaintiff or defendant, the right to have a new trial before a court. "De novo" means "anew," which means that they shall try the case from the beginning, before the circuit court. I can have no objection to that addition to this particular section and I will not oppose it.

VICE PRESIDENT HUTCHINSON: The question is upon the amendment. Mr. Martin.

MR. MARTIN: Mr. President, Mr. Higgs' amendment has had a good deal of discussion. Mr. Garvin and a good many others have looked at it. It seems to be a reasonable addition and it does provide the same provisions, precisely, as the fair employment practices act on this matter. It requires a trial de novo on any matter that is appealed to the courts. I think it is probably a desirable amendment and I think the committee would favor it.

VICE PRESIDENT HUTCHINSON: The question is upon the amendment. Mr. Barthwell.

MR. BARTHWELL: Mr. President and fellow delegates, this puts the nonlawyer in a pretty bad position here. These big words "de novo" and all this stuff is kind of confusing. I have been trying to find out exactly what the lawyers are talking about, but to me this seems like a desirable amendment so I want to urge the delegates to vote yes for the amendment, please.

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

The amendment is adopted.

SECRETARY CHASE: Mr. Martin offers the following amendment:

1. Amend article V, section 20, (column 2, line 54) after "governor" by changing the period to a comma and inserting "with the advice and consent of the senate and from the same

political party as the former incumbent of said office."; so that the language will read:

Vacancies in the office of the secretary of state and attorney general shall be filled by appointment by the governor, with the advice and consent of the senate and from the same political party as the former incumbent of said office.

VICE PRESIDENT HUTCHINSON: Mr. Martin.

MR. MARTIN: Mr. President, this addition is simply to make the provision which has been inserted by the committee on style and drafting consistent with the rest of the document. The provision for advice and consent appears throughout the executive branch article and it seems certainly desirable that if a vacancy in a position of this kind is to be filled that it come from the same political party. I hope the convention will adopt the amendment.

VICE PRESIDENT HUTCHINSON: Mr. Marshall.

MR. MARSHALL: Mr. President and fellow delegates, I am at a loss to understand why Delegate Martin offers this amendment at this late date. It has always been, under our present constitution and previous constitutions, that where a vacancy existed in one of the elected ad board positions that the governor had the right to appoint. He has had this sole right and it has worked well in this state. Now Delegate Martin comes along and the big objection that I have is that now he wants to tack the advice and consent angle of a malapportioned senate onto the governor's appointees to fill vacancies.

I would urge the delegates to vote against the Martin amendment. There is no sensible and logical reason for this amendment. This is another attempt that has been made throughout this convention to put malapportionment into every phase of our constitution and I vigorously object to this type of amendment at this late stage in this constitution.

VICE PRESIDENT HUTCHINSON: Mr. Stevens.

MR. STEVENS: Mr. President and delegates, Mr. Marshall has convinced me when I was somewhat in doubt that I should support the Martin amendment, so I do so support it.

VICE PRESIDENT HUTCHINSON: Mr. William Hanna.

MR. W. F. HANNA: Mr. President and fellow delegates, notwithstanding the malapportioned senate, Mr. Marshall, I will oppose the Martin amendment and I will do it for this reason: if we assume that the senators are of one party and the governor is of another, you then have the party in power in the senate running the party's business of the other political party.

These men were originally nominated at party conventions. To now have the politicians in the senate dictating the party machinery instead of the duly elected delegates, whether of the same party or of a different political party, is giving the senate entirely too much power. You have gone beyond "by and with consent of the senate;" you have required them to be of the same political party as the incumbent, and if there is any opportunity, then, for the senate to supersede the orderly political party machinery of this state of either political party, you have given it to them, and I think this is highly objectionable.

Now, secondly, it is true, if you examine this, that advice and consent is introduced into this filling of vacancies for the first time. It is not consistent with the rest of the constitution. You have not seen fit to do it in other places and I think that the governor has a right to fill his own vacancy from his own party for the balance of his term.

I hereby oppose the amendment as giving the senate power way beyond "advice and consent of the senate" by giving them the power to dictate to either or both political parties the name and politics of the incumbent. This certainly is a prerogative of the governor.

VICE PRESIDENT HUTCHINSON: Mr. Martin.

MR. MARTIN: I would only say this: that it does not seem right — certainly is not right — that the governor should be able to switch the political complexion, for example, of the secretary of state's office or the attorney general's office simply by virtue of a coincidence, the coincidence of death or resignation or some event of that kind. The people have spoken on these 2 offices and that, I presume, is why they were made elective. The people having spoken and having decided that they should be chosen from a particular political party, certainly it is sound and wise that the people's views ought to be respected in the filling of an appointment to that particular spot.

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

The amendment is not adopted.

DELEGATES: Division.

VICE PRESIDENT HUTCHINSON: Division has been called for. Is the demand supported? It is supported. All those in favor of Mr. Martin's amendment will vote aye. Those opposed will vote no.

MR. DOWNS: Yeas and nays, Mr. President.

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

The roll was called and the delegates voted as follows:

Yeas—46

Anspach	Hutchinson	Romney
Boothby	Iverson	Rood
Brake	Karn	Rush
Dehnke	Kirk, S.	Shackleton
Dell	Knirk, B.	Shaffer
Durst	Koeze, Mrs.	Shanahan
Elliott, A. G.	Martin	Sharpe
Figy	McAllister	Sleder
Finch	McLogan	Stafseth
Goebel	Plank	Stevens
Habermehl	Powell	Thomson
Haskill	Prettie	Tubbs
Hatch	Pugsley	Turner
Howes	Radka	Tweedie
Hoxie	Richards, J. B.	Upton
Hubbs		

Nays—78

Allen	Everett	Murphy
Andrus, Miss	Farnsworth	Nord
Austin	Follo	Page
Baginski	Gadola	Pellow
Barthwell	Garvin	Perlich
Batchelor	Gover	Perras
Beaman	Greene	Rajkovich
Bentley	Hanna, W. F.	Richards, L. W.
Binkowski	Hannah, J. A.	Seyferth
Blandford	Hart, Miss	Snyder
Bledsoe	Heideman	Spitler
Bradley	Jones	Staiger
Brown, T. S.	Judd, Mrs.	Stamm
Buback	Kelsey	Sterrett
Butler, Mrs.	King	Stopczynski
Conklin, Mrs.	Kuhn	Suzore
Cudlip	Leibrand	Van Dusen
Cushman, Mrs.	Leppien	Walker
Dade	Lesinski	Wanger
Danhof	Madar	White
Donnelly, Miss	Mahinske	Wilkowski
Doty, Donald	Marshall	Wood
Douglas	McCauley	Woolfenden
Downs	McGowan, Miss	Yeager
Elliott, Mrs. Daisy	Millard	Young
Erickson	Mosier	Youngblood

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Martin, the yeas are 46; the nays are 78.

VICE PRESIDENT HUTCHINSON: The amendment is not adopted.

SECRETARY CHASE: Mr. Donald Doty offers the following amendment:

1. Amend article V, section 27 (column 2, line 5) after "highway" by striking out "commission" and inserting "department"; and after "shall" by striking out "administer the state highway department and"; and by striking out all of lines 11 through 20 and through "who" in line 21, and inserting "A state highway commissioner shall be elected for a four-year term and"; so the language will then read; beginning at line 4:

There is hereby established a state highway department,

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	Sleder
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 legistive 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 raesons: 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 appointment. 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
Beaman	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.	Krolikowski	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 legislation, 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:

section	column	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

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

PREAMBLE

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

Article I

Declaration of Rights

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

Sec. 2. No person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color or national origin. The legislature shall implement this section by appropriate legislation.

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

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

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

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

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

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

Sec. 9. Neither slavery, nor involuntary servitude unless for the punishment of crime, shall ever be tolerated in this state.

Sec. 10. No bill of attainder, ex post facto law or law impairing the obligation of contract shall be enacted.

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

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

Sec. 13. A suitor in any court of this state has the right to prosecute or defend his suit,

either in his own proper person or by an attorney.

Sec. 14. The right of trial by jury shall remain, but shall be waived in all civil cases unless demanded by one of the parties in the manner prescribed by law. In all civil cases tried by 12 jurors a verdict shall be received when 10 jurors agree.

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

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

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

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

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

Sec. 20. In every criminal prosecution, the accused shall have the right to a speedy and public trial by an impartial jury, which may consist of less than 12 jurors in all courts not of record; to be informed of the nature of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to have the assistance of counsel for his defense; to have an appeal as a matter of right; and in courts of record, when the trial court so orders, to have such reasonable assistance as may be necessary to perfect and prosecute an appeal.

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

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

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

Article II
Elections

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

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

Sec. 3. For purposes of voting in the election for president and vice-president of the United States only, the legislature may by law establish lesser residence requirements for citizens who have resided in this state for less than six months and may waive residence requirements for former citizens of this state who have removed herefrom. The legislature shall not permit voting by any person who meets the voting residence requirements of the state to which he has removed.

Sec. 4. The legislature shall enact laws to regulate the time, place and manner of all nominations and elections, except as otherwise provided in this constitution or in the constitution and laws of the United States. The legislature shall enact laws to preserve the purity of elections, to preserve the secrecy of the ballot, to guard against abuses of the elective franchise, and to provide for a system of voter registration and absentee voting. No law shall be enacted which permits a candidate in any partisan primary or partisan election to have a ballot designation except when required for identification of candidates for the same office who have the same or similar surnames.

Sec. 5. Except for special elections to fill vacancies, or as otherwise provided in this constitution, all elections for national, state, county and township offices shall be held on the first Tuesday after the first Monday in November in each even-numbered year or on such other date as members of the congress of the United States are regularly elected.

Sec. 6. Whenever any question is required to be submitted by a political subdivision to the electors which involves the increase of any ad valorem tax rate limitation for a period of more than five years, or the issue of bonds, only electors in, and who have property assessed for any ad valorem taxes in, any part of the district or territory to be affected by the result of such election or electors who are the lawful husbands or wives of such persons shall be entitled to vote thereon. All electors in the district or territory affected may vote on all other questions.

Sec. 7. A board of state canvassers of four

members shall be established by law. No candidate for an office to be canvassed nor any inspector of elections shall be eligible to serve as a member of a board of canvassers. A majority of any board of canvassers shall not be composed of members of the same political party.

Sec. 8. Laws shall be enacted to provide for the recall of all elective officers except judges of courts of record upon petition of electors equal in number to 25 percent of the number of persons voting in the last preceding election for the office of governor in the electoral district of the officer sought to be recalled. The sufficiency of any statement of reasons or grounds procedurally required shall be a political rather than a judicial question.

Sec. 9. The people reserve to themselves the power to propose laws and to enact and reject laws, called the initiative, and the power to approve or reject laws enacted by the legislature, called the referendum. The power of initiative extends only to laws which the legislature may enact under this constitution. The power of referendum does not extend to acts making appropriations for state institutions or to meet deficiencies in state funds and must be invoked in the manner prescribed by law within 90 days following the final adjournment of the legislative session at which the law was enacted. To invoke the initiative or referendum, petitions signed by a number of registered electors, not less than eight percent for initiative and five percent for referendum of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected shall be required.

No law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election.

Any law proposed by initiative petition shall be either enacted or rejected by the legislature without change or amendment within 40 session days from the time such petition is received by the legislature. If any law proposed by such petition shall be enacted by the legislature it shall be subject to referendum, as hereinafter provided.

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

Any law submitted to the people by either initiative or referendum petition and approved by a majority of the votes cast thereon at any election shall take effect 10 days after the date of the official declaration of the vote. No law initiated or adopted by the people shall be subject to the veto power of the governor, and no law adopted by the people at the polls under the initiative provisions of this section shall be amended or repealed, except by a vote of the electors or three-fourths of the members elected to and serving in each house of the legislature. Laws approved by the people under the referendum provision of this section may be amended by the legislature at any subsequent session thereof. If two or more measures approved by the electors at the same election conflict, that receiving the highest affirmative vote shall prevail.

The legislature shall implement the provisions of this section.

Article III
General Government

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

Sec. 2. The powers of government are divided into three branches: legislative, executive and judicial. No person exercising powers of one branch shall exercise powers properly belonging to another branch except as expressly provided in this constitution.

Sec. 3. There shall be a great seal of the State of Michigan and its use shall be provided by law.

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

Sec. 5. Subject to provisions of general law, this state or any political subdivision, any governmental authority or any combination thereof may enter into agreements for the performance, financing or execution of their respective functions, with any one or more of the other states, the United States, the Dominion of Canada, or any political subdivision thereof unless otherwise provided in this constitution. Any other provision of this constitution notwithstanding, an officer or employee of the state or of any such unit of government or subdivision or agency thereof may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service. The legislature may impose such restrictions, limitations or conditions on such service as it may deem appropriate.

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

Sec. 7. The common law and the statute laws now in force, not repugnant to this consti-

tution, shall remain in force until they expire by their own limitations, or are changed, amended or repealed.

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

Article IV
Legislative Branch

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

Sec. 2. The senate shall consist of 38 members to be elected from single member districts at the same election as the governor for four-year terms concurrent with the term of office of the governor.

In districting the state for the purpose of electing senators after the official publication of the total population count of each federal decennial census, each county shall be assigned an apportionment factor equal to the sum of its percentage of the state's population as shown by the last regular federal decennial census computed to the nearest one-one hundredth of one percent multiplied by four and its percentage of the state's land area computed to the nearest one-one hundredth of one percent.

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

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

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

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

Sec. 3. The house of representatives shall consist of 110 members elected for two-year terms from single member districts apportioned on a basis of population as provided in this article. The districts shall consist of compact and convenient territory contiguous by land.

Each county which has a population of not less than seven-tenths of one percent of the population of the state shall constitute a separate representative area. Each county having less than seven-tenths of one percent of the population of the state shall be combined with another county or counties to form a representative area of not less than seven-tenths of one percent of the population of the state. Any county which is isolated under the initial allocation as provided in this section shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.

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

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

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

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

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

Sec. 4. In counties having more than one representative or senatorial district, the territory in the same county annexed to or merged with a city between apportionments shall become a part of a contiguous representative or senatorial dis-

trict in the city with which it is combined, if provided by ordinance of the city. The district or districts with which the territory shall be combined shall be determined by such ordinance certified to the secretary of state. No such change in the boundaries of a representative or senatorial district shall have the effect of removing a legislator from office during his term.

Sec. 5. Island areas are considered to be contiguous by land to the county of which they are a part.

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

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

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

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

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

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

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

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

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

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

Sec. 9. No person elected to the legislature shall receive any civil appointment within this

state from the governor, except notaries public, from the legislature, or from any other state authority, during the term for which he is elected.

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

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

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

Sec. 13. The legislature shall meet at the seat of government on the second Wednesday in January of each year at twelve o'clock noon. Each regular session shall adjourn without day, on a day determined by concurrent resolution, at twelve o'clock noon. Any business, bill or joint resolution pending at the final adjournment of a regular session held in an odd numbered year shall carry over with the same status to the next regular session.

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

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

Sec. 16. Each house, except as otherwise provided in this constitution, shall choose its own officers and determine the rules of its proceedings, but shall not adopt any rule that will prevent a majority of the members elected thereto and serving therein from discharging a committee from the further consideration of any measure. Each house shall be the sole judge of the qualifications, elections and returns of its members, and may, with the concurrence of two-thirds of all the members elected thereto and serving therein, expel a member. The reasons for such expulsion shall be entered in the journal, with the votes and names of the members voting upon the question. No member shall be expelled a second time for the same cause.

Sec. 17. Each house of the legislature may establish the committees necessary for the efficient conduct of its business and the legislature may create joint committees. Each committee shall by roll call vote record the vote and name of all action on bills and resolutions taken in the committee. Such vote shall be available for public inspection. Notice of all committee hearings and a clear statement of all subjects to be considered at each hearing shall be published in the journal in advance of the hearing.

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

Sec. 19. All elections in either house or in joint convention and all votes on appointments submitted to the senate for advice and consent shall be published by vote and name in the journal.

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

Sec. 21. Neither house shall, without the consent of the other, adjourn for more than two intervening calendar days, nor to any place other than where the legislature may then be in session.

Sec. 22. All legislation shall be by bill and may originate in either house.

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

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

Sec. 25. No law shall be revised, altered or amended by reference to its title only. The section or sections of the act altered or amended shall be re-enacted and published at length.

Sec. 26. No bill shall be passed or become a law at any regular session of the legislature until it has been printed or reproduced and in the possession of each house for at least five days. Every bill shall be read three times in each house before the final passage thereof. No bill shall become a law without the concurrence of a majority of the members elected to and serving in each

house. On the final passage of bills, the votes and names of the members voting thereon shall be entered in the journal.

Sec. 27. No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.

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

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

Sec. 30. The assent of two-thirds of the members elected to and serving in each house of the legislature shall be required for the appropriation of public money or property for local or private purposes.

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

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

Sec. 33. Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law. If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he does not approve, and the legislature continues the session at which the bill was passed, he shall return it within such 14-day period with his objections, to the house in which it originated. That house shall enter such objections in full in its journal and reconsider the bill. If two-thirds of the members elected to and serving in that house pass the bill notwithstanding the objections of the governor, it shall be sent with the objections to the other house for reconsideration. The bill shall become law if passed by two-thirds of the members elected to and serving in that house. The vote of each house shall be entered in the journal with the votes and names of the members voting thereon. If any bill is not returned by the governor within such 14-day period, the legislature continuing in session, it shall become law as if he had signed it.

Sec. 34. Any bill passed by the legislature and approved by the governor, except a bill appropriating money, may provide that it will not become law unless approved by a majority of the electors voting thereon.

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

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

Sec. 37. The legislature may by concurrent resolution empower a joint committee of the legislature acting between sessions to suspend until the end of the next regular legislative session any rule or regulation of an administrative agency promulgated when the legislature is not in regular session.

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

Sec. 39. In order to insure continuity of state and local governmental operations in periods of emergency only, resulting from disasters occurring in this state caused by enemy attack on the United States, the legislature may provide by law for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices; and enact other laws necessary and proper for insuring the continuity of governmental operations. Notwithstanding the power conferred by this section, elections shall always

be called as soon as possible to fill any vacancies in elective offices temporarily occupied by operation of any legislation enacted pursuant to the provisions of this section.

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

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

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

Sec. 43. No general law providing for the incorporation of trust companies or corporations for banking purposes, or regulating the business thereof, shall be enacted, amended or repealed except by a vote of two-thirds of the members elected to and serving in each house.

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

Sec. 45. The legislature may provide for indeterminate sentences as punishment for crime and for the detention and release of persons imprisoned or detained under such sentences.

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

Sec. 47. The legislature may authorize the employment of chaplains in state institutions of detention or confinement.

Sec. 48. The legislature may enact laws providing for the resolution of disputes concerning public employees, except those in the state classified civil service.

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

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

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

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

Sec. 53. The legislature by a majority vote of the members elected to and serving in each house, shall appoint an auditor general, who shall be a certified public accountant licensed to practice in this state, to serve for a term of eight years. He shall be ineligible for appointment or election to any other public office in this state from which compensation is derived while serving as auditor general and for two years following the termination of his service. He may be removed for cause at any time by a two-thirds vote of the members elected to and serving in each house. The auditor general shall conduct post audits of financial transactions and accounts of the state and of all branches, departments, offices, boards, commissions, agencies, authorities and institutions of the state established by this constitution or by law, and performance post audits thereof.

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

Nothing in this section shall be construed in any way to infringe the responsibility and constitutional authority of the governing boards of the institutions of higher education to be solely responsible for the control and direction of all expenditures from the institutions' funds.

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

Article V
Executive Branch

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

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

Subsequent to the initial allocation, the governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these

changes require the force of law, they shall be set forth in executive orders and submitted to the legislature. Thereafter the legislature shall have 60 calendar days of a regular session, or a full session if of shorter duration, to disapprove each executive order. Unless disapproved in both houses by a resolution concurred in by a majority of the members elected to and serving in each house, each order shall become effective at a date thereafter to be designated by the governor.

Sec. 3. The head of each principal department shall be a single executive unless otherwise provided in this constitution or by law. The single executives heading principal departments shall include a secretary of state, a state treasurer and an attorney general. When a single executive is the head of a principal department, unless elected or appointed as otherwise provided in this constitution, he shall be appointed by the governor by and with the advice and consent of the senate and he shall serve at the pleasure of the governor.

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

Terms of office of any board or commission created or enlarged after the effective date of this constitution shall not exceed four years except as otherwise authorized in this constitution. The terms of office of existing boards and commissions which are longer than four years shall not be further extended except as provided in this constitution.

Sec. 4. Temporary commissions or agencies for special purposes with a life of no more than two years may be established by law and need not be allocated within a principal department.

Sec. 5. At no time shall an examining or licensing board of a profession include less than a majority of members of that profession.

Sec. 6. Appointment by and with the advice and consent of the senate when used in this constitution or laws in effect or hereafter enacted means appointment subject to disapproval by a majority vote of the members elected to and serving in the senate if such action is taken within 60 session days after the date of such appointment. Any appointment not disapproved within such period shall stand confirmed.

Sec. 7. Vacancies in any office, appointment to which requires advice and consent of the senate, shall be filled by the governor by and with the advice and consent of the senate. A person whose appointment has been disapproved by the senate shall not be eligible for an interim appointment to the same office.

Sec. 8. Each principal department shall be under the supervision of the governor unless otherwise provided by this constitution. The governor shall take care that the laws be faithfully executed. He shall transact all necessary business with the officers of government and may require information in writing from all executive and administrative state officers, elective and appointive, upon any subject relating to the duties of their respective offices.

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

Sec. 9. Single executives heading principal departments and the chief executive officers of principal departments headed by boards or commissions shall keep their offices at the seat of government except as otherwise provided by law, superintend them in person and perform duties prescribed by law.

Sec. 10. The governor shall have power and it shall be his duty to inquire into the condition and administration of any public office and the acts of any public officer, elective or appointive. He may remove or suspend from office for gross neglect of duty or for corrupt conduct in office, or for any other misfeasance or malfeasance therein, any elective or appointive state officer, except legislative or judicial, and shall report the reasons for such removal or suspension to the legislature.

Sec. 11. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an appointed or elected officer, other than a legislative or judicial officer, until he is reinstated or until the vacancy is filled in the manner prescribed by law or this constitution.

Sec. 12. The governor shall be commander-in-chief of the armed forces and may call them out to execute the laws, suppress insurrection and repel invasion.

Sec. 13. The governor shall issue writs of election to fill vacancies in the senate or house of representatives. Any such election shall be held in a manner prescribed by law.

Sec. 14. The governor shall have power to grant reprieves, commutations and pardons after convictions for all offenses, except cases of impeachment, upon such conditions and limitations as he may direct, subject to procedures and regulations prescribed by law. He shall inform the legislature annually of each reprieve, commutation and pardon granted, stating reasons

therefor.

Sec. 15. The governor may convene the legislature on extraordinary occasions.

Sec. 16. The governor may convene the legislature at some other place when the seat of government becomes dangerous from any cause.

Sec. 17. The governor shall communicate by message to the legislature at the beginning of each session and may at other times present to the legislature information as to the affairs of the state and recommend measures he considers necessary or desirable.

Sec. 18. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state. Proposed expenditures from any fund shall not exceed the estimated revenue thereof. On the same date, the governor shall submit to the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills to provide new or additional revenues to meet proposed expenditures. The amount of any surplus created or deficit incurred in any fund during the last preceding fiscal period shall be entered as an item in the budget and in one of the appropriation bills. The governor may submit amendments to appropriation bills to be offered in either house during consideration of the bill by that house, and shall submit any bills to meet deficiencies in current appropriations.

Sec. 19. The governor may disapprove any distinct item or items appropriating moneys in any appropriation bill. The part or parts approved shall become law, and the item or items disapproved shall be void unless re-passed according to the method prescribed for the passage of other bills over the executive veto.

Sec. 20. No appropriation shall be a mandate to spend. The governor, with the approval of the appropriating committees of the house and senate, shall reduce expenditures authorized by appropriations whenever it appears that actual revenues for a fiscal period will fall below the revenue estimates on which appropriations for that period were based. Reductions in expenditures shall be made in accordance with procedures prescribed by law. The governor may not reduce expenditures of the legislative and judicial branches or from funds constitutionally dedicated for specific purposes.

Sec. 21. The governor, lieutenant governor, secretary of state and attorney general shall be elected for four-year terms at the general election in each alternate even-numbered year.

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

Vacancies in the office of the secretary of state and attorney general shall be filled by appointment by the governor.

Sec. 22. To be eligible for the office of governor or lieutenant governor a person must have attained the age of 30 years, and have been a registered elector in this state for four years next preceding his election.

Sec. 23. The governor, lieutenant governor, secretary of state and attorney general shall each receive the compensation provided by law in full payment for all services performed and expenses incurred during his term of office. Such compensation shall not be changed during the term of office except as otherwise provided in this constitution.

Sec. 24. An executive residence suitably furnished shall be provided at the seat of government for the use of the governor. He shall receive an allowance for its maintenance as provided by law.

Sec. 25. The lieutenant governor shall be president of the senate, but shall have no vote except in case of equal division. He may perform duties requested of him by the governor, but no power vested in the governor shall be delegated.

Sec. 26. In case of the conviction of the governor on impeachment, his removal from office, his resignation or his death, the lieutenant governor, the elected secretary of state, the elected attorney general and such other persons designated by law shall in that order be governor for the remainder of the governor's term.

In case of the death of the governor-elect, the lieutenant governor-elect, the secretary of state-elect, the attorney general-elect and such other persons designated by law shall become governor in that order at the commencement of the governor-elect's term.

If the governor or the person in line of succession to serve as governor is absent from the state, or suffering under an inability, the powers and duties of the office of governor shall devolve in order of precedence until the absence or inability giving rise to the devolution of powers ceases.

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

Sec. 27. The legislature shall provide that the salary of any state officer while acting as governor shall be equal to that of the governor.

Sec. 28. There is hereby established a state highway commission, which shall administer the state highway department and have jurisdiction

and control over all state trunkline highways and appurtenant facilities, and such other public works of the state, as provided by law.

The state highway commission shall consist of four members, not more than two of whom shall be members of the same political party. They shall be appointed by the governor by and with the advice and consent of the senate for four-year terms, no two of which shall expire in the same year as provided by law.

The state highway commission shall appoint and may remove a state highway director, who shall be a competent highway engineer and administrator. He shall be the principal executive officer of the state highway department and shall be responsible for executing the policy of the state highway commission.

Sec. 29. There is hereby established a civil rights commission which shall consist of eight persons, not more than four of whom shall be members of the same political party, who shall be appointed by the governor, by and with the advice and consent of the senate, for four-year terms not more than two of which shall expire in the same year. It shall be the duty of the commission in a manner which may be prescribed by law to investigate alleged discrimination against any person because of religion, race, color or national origin in the enjoyment of the civil rights guaranteed by law and by this constitution, and to secure the equal protection of such civil rights without such discrimination. The legislature shall provide an annual appropriation for the effective operation of the commission.

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

Appeals from final orders of the commission, including cease and desist orders and refusals to issue complaints, shall be tried de novo before the circuit court having jurisdiction provided by law.

Article VI
Judicial Branch

Sec. 1. The judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court, one probate court, and other courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.

Sec. 2. The supreme court shall consist of seven justices elected at non-partisan elections as provided by law. The term of office shall be eight years and not more than two terms of office shall expire at the same time. Nominations for justices of the supreme court shall be in the manner prescribed by law. Any incumbent justice whose term is to expire may become a candidate for re-election by filing an affidavit of candidacy, in the form and manner prescribed by law, not less than 180 days prior to the expiration of his term.

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

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

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

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

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

Sec. 8. The court of appeals shall consist initially of nine judges who shall be nominated and elected at non-partisan elections from districts drawn on county lines and as nearly as possible of equal population, as provided by law. The

supreme court may prescribe by rule that the court of appeals may sit in divisions and for the terms of court and the times and places thereof. Each such division shall consist of not fewer than three judges. The number of judges comprising the court of appeals may be increased, and the districts from which they are elected may be changed by law.

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

Sec. 10. The jurisdiction of the court of appeals shall be provided by law and the practice and procedure therein shall be prescribed by rules of the supreme court.

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

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

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

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

Sec. 15. In each county organized for judicial purposes there shall be a probate court. The legislature may create or alter probate court districts of more than one county if approved in each affected county by a majority of the electors voting on the question. The legislature may provide for the combination of the office of probate judge with any judicial office of limited jurisdiction within a county with supplemental salary as provided by law. The jurisdiction, powers and duties of the probate court and of the judges thereof shall be provided by law. They shall have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

Sec. 16. One or more judges of probate as provided by law shall be nominated and elected at non-partisan elections in the counties or the probate districts in which they reside and shall hold office for terms of six years and until their successors are elected and qualified. In counties or districts with more than one judge the terms of office shall be arranged by law to provide that not all terms will expire at the same time.

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

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

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

Sec. 19. The supreme court, the court of appeals, the circuit court, the probate court and other courts designated as such by the legislature shall be courts of record and each shall have a common seal. Justices and judges of courts of record must be persons who are licensed to practice law in this state. No person shall be elected or appointed to a judicial office after reaching the age of 70 years.

Sec. 20. Whenever a justice or judge removes his domicile beyond the limits of the territory from which he was elected, he shall have vacated his office.

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

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

Sec. 23. A vacancy in the elective office of a judge of any court of record shall be filled at a general or special election as provided by law. The supreme court may authorize persons who have served as judges and who have retired, to perform judicial duties for the limited period of time from the occurrence of the vacancy until the successor is elected and qualified. Such persons shall be ineligible for election to fill the vacancy.

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

Sec. 25. For reasonable cause, which is not sufficient ground for impeachment, the governor shall remove any judge on a concurrent resolution of two-thirds of the members elected to and serving in each house of the legislature. The cause for removal shall be stated at length in the resolution.

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

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

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

Sec. 28. All final decisions, findings, rulings and orders of any administrative officer or agency existing under the constitution or by law, which are judicial or quasi-judicial and affect private rights or licenses, shall be subject to direct review by the courts as provided by law. This review shall include, as a minimum, the determination whether such final decisions, findings, rulings and orders are authorized by law; and, in cases in which a hearing is required, whether the same are supported by competent, material and substantial evidence on the whole record. Findings of fact in workmen's compensation proceedings shall be conclusive in the absence of fraud unless otherwise provided by law.

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

Article VII
Local Government

Sec. 1. Each organized county shall be a body corporate with powers and immunities provided by law.

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

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

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

Sec. 3. No organized county shall be reduced by the organization of new counties to less than 16 townships as surveyed by the United States, unless approved in the manner prescribed by law by a majority of electors voting thereon in each county to be affected.

Sec. 4. There shall be elected for four-year terms in each organized county a sheriff, a county

clerk, a county treasurer, a register of deeds and a prosecuting attorney, whose duties and powers shall be provided by law. The board of supervisors in any county may combine the offices of county clerk and register of deeds in one office or separate the same at pleasure.

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

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

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

Sec. 8. Boards of supervisors shall have legislative, administrative and such other powers and duties as provided by law.

Sec. 9. Boards of supervisors shall have exclusive power to fix the compensation of county officers not otherwise provided by law.

Sec. 10. A county seat once established shall not be removed until the place to which it is proposed to be moved shall be designated by two-thirds of the members of the board of supervisors and a majority of the electors voting thereon shall have approved the proposed location in the manner prescribed by law.

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

Sec. 12. A navigable stream shall not be bridged or dammed without permission granted by the board of supervisors of the county as provided by law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and political subdivisions therein.

Sec. 13. Two or more contiguous counties may combine into a single county if approved in each affected county by a majority of the electors voting on the question.

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

Sec. 15. Any county, when authorized by its board of supervisors shall have the authority to enter or to intervene in any action or certificate proceeding involving the services, charges or rates of any privately owned public utility furnishing services or commodities to rate payers within the county.

Sec. 16. The legislature may provide for the laying out, construction, improvement and maintenance of highways, bridges, culverts and airports by the state and by the counties and townships thereof; and may authorize counties to take charge and control of any highway within their limits for such purposes. The legislature may provide the powers and duties of counties in relation to highways, bridges, culverts and airports; may provide for county road commissioners to be appointed or elected, with powers and duties provided by law. The ad valorem property tax imposed for road purposes by any county shall not exceed in any year one-half of one percent of the assessed valuation for the preceding year.

Sec. 17. Each organized township shall be a body corporate with powers and immunities provided by law.

Sec. 18. In each organized township there shall be elected for terms of not less than two nor more than four years as prescribed by law a supervisor, a clerk, a treasurer, and not to exceed four trustees, whose legislative and administrative powers and duties shall be provided by law.

Sec. 19. No organized township shall grant any public utility franchise which is not subject to revocation at the will of the township, unless the proposition shall first have been approved by a majority of the electors of such township voting thereon at a regular or special election.

Sec. 20. The legislature shall provide by law for the dissolution of township government whenever all the territory of an organized township is included within the boundaries of a village or villages notwithstanding that a village may include territory within another organized township and provide by law for the classification of such village or villages as cities.

Sec. 21. The legislature shall provide by general laws for the incorporation of cities and villages. Such laws shall limit their rate of ad valorem property taxation for municipal purposes, and restrict the powers of cities and villages to borrow money and contract debts. Each city and village is granted power to levy other taxes for public purposes, subject to limitations and prohibitions provided by this constitution or by law.

Sec. 22. Under general laws the electors of each city and village shall have the power and authority to frame, adopt and amend its charter, and to amend an existing charter of the city or village heretofore granted or enacted by the legislature for the government of the city or village. Each such city and village shall have power to adopt resolutions and ordinances relating to its municipal concerns, property and government, subject to the constitution and law. No enumeration of powers granted to cities and villages in this constitution shall limit or restrict the general grant of authority conferred by this section.

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

Sec. 24. Subject to this constitution, any city or village may acquire, own or operate, within or without its corporate limits, public service facilities for supplying water, light, heat, power, sewage disposal and transportation to the municipality and the inhabitants thereof.

Any city or village may sell and deliver heat, power or light without its corporate limits in an amount not exceeding 25 percent of that furnished by it within the corporate limits, except as greater amounts may be permitted by law; may sell and deliver water and provide sewage disposal services outside of its corporate limits in such amount as may be determined by the legislative body of the city or village; and may operate transportation lines outside the municipality within such limits as may be prescribed by law.

Sec. 25. No city or village shall acquire any public utility furnishing light, heat or power, or grant any public utility franchise which is not subject to revocation at the will of the city or village, unless the proposition shall first have been approved by three-fifths of the electors voting thereon. No city or village may sell any public utility unless the proposition shall first have been approved by a majority of the electors voting thereon, or a greater number if the charter shall so provide.

Sec. 26. Except as otherwise provided in this constitution, no city or village shall have the power to loan its credit for any private purpose or, except as provided by law, for any public purpose.

Sec. 27. Notwithstanding any other provision of this constitution the legislature may establish in metropolitan areas additional forms of government or authorities with powers, duties and jurisdictions as the legislature shall provide. Wherever possible, such additional forms of government or authorities shall be designed to perform multi-purpose functions rather than a single function.

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

Any other provision of this constitution notwithstanding, an officer or employee of the state or any such unit of government or subdivision or agency thereof, except members of the legislature, may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service.

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

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

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

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

Sec. 33. Any elected officer of a political subdivision may be removed from office in the manner and for the causes provided by law.

Sec. 34. The provisions of this constitution and law concerning counties, townships, cities and villages shall be liberally construed in their favor. Powers granted to counties and townships by this constitution and by law shall include those fairly implied and not prohibited by this constitution.

Article VIII
Education

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

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

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

The state board of education shall appoint a superintendent of public instruction whose term of office shall be determined by the board. He shall be the chairman of the board without the right to vote, and shall be responsible for the execution of its policies. He shall be the principal executive officer of a state department of education which shall have powers and duties provided by law.

The state board of education shall consist of eight members who shall be nominated by party conventions and elected at large for terms of eight years as prescribed by law. The governor shall fill any vacancy by appointment for the unexpired term. The governor shall be ex-officio a member of the state board of education without the right to vote.

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

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

Sec. 5. The regents of the University of Michigan and their successors in office shall constitute a body corporate known as the Regents of the University of Michigan; the trustees of Michigan State University and their successors in office shall constitute a body corporate known as the Board of Trustees of Michigan State University; the governors of Wayne State University and their successors in office shall constitute a body corporate known as the Board of Governors of Wayne State University. Each board shall have general supervision of its institution and the control and direction of all expenditures from the institution's funds. Each board shall, as often as necessary, elect a president of the institution under its supervision. He shall be the principal executive officer of the institution, be ex-officio a member of the board without the right to vote and preside at meetings of the board. The board of each institution shall consist of eight members who shall hold office for terms of eight years and who shall be elected as provided by law. The governor shall fill board vacancies by appointment. Each appointee shall hold office until a successor has been nominated and elected as provided by law.

Sec. 6. Other institutions of higher education established by law having authority to grant baccalaureate degrees shall each be governed by a board of control which shall be a body corporate. The board shall have general supervision of the institution and the control and direction of all expenditures from the institution's funds. It shall, as often as necessary, elect a president of the institution under its supervision. He shall be the principal executive officer of the institution and be ex-officio a member of the board without the right to vote. The board may elect one of its members or may designate the president, to preside at board meetings. Each board of control shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the governor by and with the advice and consent of the senate. Vacancies shall be filled in like manner.

Sec. 7. The legislature shall provide by law for the establishment and financial support of public community and junior colleges which shall be supervised and controlled by locally elected boards. The legislature shall provide by law for a state board for public community and junior colleges which shall advise the state board of education concerning general supervision and planning for such colleges and requests for annual appropriations for their support. The board shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the state board of education. Vacancies shall be filled in like manner. The superintendent of public instruction shall be ex-officio a member of this board without the right to vote.

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

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

Article IX
Finance and Taxation

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

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

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

Sec. 4. Property owned and occupied by nonprofit religious or educational organizations and used exclusively for religious or educational purposes, as defined by law, shall be exempt from real and personal property taxes.

Sec. 5. The legislature shall provide for the assessment by the state of the property of those public service businesses assessed by the state at the date this constitution becomes effective, and of other property as designated by the legislature, and for the imposition and collection of taxes thereon. Property assessed by the state shall be assessed at the same proportion of its true cash value as the legislature shall specify for property subject to general ad valorem taxation. The rate of taxation on such property shall be the average rate levied upon other property in this state under the general ad valorem tax law, or, if the legislature provides, the rate of tax applicable to the property of each business enterprise assessed by the state shall be the average rate of ad valorem taxation levied upon other property in all counties in which any of such property is situated.

Sec. 6. Except as otherwise provided in this constitution, the total amount of general ad valorem taxes imposed upon real and tangible personal property for all purposes in any one year shall not exceed 15 mills on each dollar of the assessed valuation of property as finally equalized. Under procedures provided by law, which shall guarantee the right of initiative, separate tax limitations for any county and for the townships and for school districts therein, the aggregate of which shall not exceed 18 mills on each dollar of such valuation, may be adopted and thereafter altered by the vote of a majority of the qualified electors of such county voting thereon, in lieu of the limitation hereinbefore established. These limitations may be increased to an aggregate of not to exceed 50 mills on each dollar of valuation, for a period of not to exceed 20 years at any one time, if approved by a majority of the electors, qualified under Section 6 of Article II of this constitution, voting on the question.

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

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

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

Sec. 8. The legislature shall not impose a sales tax on retailers at a rate of more than four percent of their gross taxable sales of tangible personal property.

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

Sec. 10. One-eighth of all taxes imposed on retailers on taxable sales at retail of tangible personal property shall be used exclusively for assistance to townships, cities and villages, on a population basis as provided by law. In determining population the legislature may exclude any portion of the total number of persons who are wards, patients or convicts in any tax supported institution.

Sec. 11. There shall be established a state school aid fund which shall be used exclusively for the support of public education and school

employees' retirement systems, as provided by law. One-half of all taxes imposed on retailers on taxable sales at retail of tangible personal property, and other tax revenues provided by law, shall be dedicated to this fund. Payments from this fund shall be made in full on a scheduled basis, as provided by law.

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

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

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

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

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

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

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

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

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

The power to tax for the payment of principal and interest on bonds hereafter issued which are the general obligations of any school district, including refunding bonds, and for repayment of any state loans made to school districts, shall be without limitation as to rate or amount.

All rights acquired under Sections 27 and 28 of Article X of the Constitution of 1908, by holders of bonds heretofore issued, and all obligations assumed by the state or any school district under these sections, shall remain unimpaired.

Sec. 17. No money shall be paid out of the state treasury except in pursuance of appropriations made by law.

Sec. 18. The credit of the state shall not be granted to, nor in aid of any person, association or corporation, public or private, except as authorized in this constitution.

This section shall not be construed to prohibit the investment of public funds until needed for current requirements or the investment of funds accumulated to provide retirement or pension benefits for public officials and employees, as provided by law.

Sec. 19. The state shall not subscribe to, nor be interested in the stock of any company, association or corporation, except that funds accumulated to provide retirement or pension benefits for public officials and employees may be invested as provided by law; and endowment funds created for charitable or educational purposes may be invested as provided by law governing the investment of funds held in trust by trustees.

Sec. 20. No state money shall be deposited in banks other than those organized under the national or state banking laws. No state money

shall be deposited in any bank in excess of 50 percent of the capital and surplus of such bank. Any bank receiving deposits of state money shall show the amount of state money so deposited as a separate item in all published statements.

Sec. 21. The legislature shall provide by law for the annual accounting for all public moneys, state and local, and may provide by law for interim accounting.

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

Sec. 22. Procedures for the examination and adjustment of claims against the state shall be prescribed by law.

Sec. 23. All financial records, accountings, audit reports and other reports of public moneys shall be public records and open to inspection. A statement of all revenues and expenditures of public moneys shall be published and distributed annually, as provided by law.

Sec. 24. The accrued financial benefits of each pension plan and retirement system of the state and its political subdivisions shall be a contractual obligation thereof which shall not be diminished or impaired thereby.

Financial benefits arising on account of service rendered in each fiscal year shall be funded during that year and such funding shall not be used for financing unfunded accrued liabilities.

Article X
Property

Sec. 1. The disabilities of coverture as to property are abolished. The real and personal estate of every woman acquired before marriage and all real and personal property to which she may afterwards become entitled shall be and remain the estate and property of such woman, and shall not be liable for the debts, obligations or engagements of her husband, and may be dealt with and disposed of by her as if she were unmarried. Dower may be relinquished or conveyed as provided by law.

Sec. 2. Private property shall not be taken for public use without just compensation therefor being first made or secured in a manner prescribed by law. The amount of compensation shall be determined in proceedings in a court of record.

Sec. 3. A homestead in the amount of not less than $3,500 and personal property of every resident of this state in the amount of not less than $750, as defined by law, shall be exempt from forced sale on execution or other process of any court. Such exemptions shall not extend to any lien thereon excluded from exemption by law.

Sec. 4. Procedures relating to escheats and to the custody and disposition of escheated property shall be prescribed by law.

Sec. 5. The legislature shall have general supervisory jurisdiction over all state owned lands useful for forest preserves, game areas and recreational purposes; shall require annual reports as to such lands from all departments having supervision or control thereof; and shall by general law provide for the sale, lease or other disposition of such lands.

The legislature by an act adopted by two-thirds of the members elected to and serving in each house may designate any part of such lands as a state land reserve. No lands in the state land reserve may be removed from the reserve, sold, leased or otherwise disposed of except by an act of the legislature.

Sec. 6. Aliens who are residents of this state shall enjoy the same rights and privileges in property as citizens of this state.

Article XI
Public Officers and Employment

Sec. 1. All officers, legislative, executive and judicial, before entering upon the duties of their respective offices, shall take and subscribe the following oath or affirmation: I do solemnly swear (or affirm) that I will support the Constitution of the United States and the constitution of this state, and that I will faithfully discharge the duties of the office of ..... according to the best of my ability. No other oath, affirmation, or any religious test shall be required as a qualification for any office or public trust.

Sec. 2. The terms of office of elective state officers, members of the legislature and justices and judges of courts of record shall begin at twelve o'clock noon on the first day of January next succeeding their election, except as otherwise provided in this constitution. The terms of office of county officers shall begin on the first day of January next succeeding their election, except as otherwise provided by law.

Sec. 3. Neither the legislature nor any political subdivision of this state shall grant or authorize extra compensation to any public officer, agent or contractor after the service has been rendered or the contract entered into.

Sec. 4. No person having custody or control of public moneys shall be a member of the legislature, or be eligible to any office of trust or profit under this state, until he shall have made an accounting, as provided by law, of all sums for which he may be liable.

Sec. 5. The classified state civil service shall consist of all positions in the state service except those filled by popular election, heads of principal departments, members of boards and commissions, the principal executive officer of boards and commissions heading principal departments, employees of courts of record, employees of the legis-

lature, employees of the state institutions of higher education, all persons in the armed forces of the state, eight exempt positions in the office of the governor, and within each principal department, when requested by the department head, two other exempt positions, one of which shall be policy-making. The civil service commission may exempt three additional positions of a policy-making nature within each principal department.

The civil service commission shall be non-salaried and shall consist of four persons, not more than two of whom shall be members of the same political party, appointed by the governor for terms of eight years, no two of which shall expire in the same year.

The administration of the commission's powers shall be vested in a state personnel director who shall be a member of the classified service and who shall be responsible to and selected by the commission after open competitive examination.

The commission shall classify all positions in the classified service according to their respective duties and responsibilities, fix rates of compensation for all classes of positions, approve or disapprove disbursments for all personal services, determine by competitive examination and performance exclusively on the basis of merit, efficiency and fitness the qualifications of all candidates for positions in the classified service, make rules and regulations covering all personnel transactions, and regulate all conditions of employment in the classified service.

No person shall be appointed to or promoted in the classified service who has not been certified by the commission as qualified for such appointment or promotion. No appointments, promotions, demotions or removals in the classified service shall be made for religious, racial or partisan considerations.

Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year. Within 60 calendar days following such transmission, the legislature may, by a two-thirds vote of the members elected to and serving in each house, reject or reduce increases in rates of compensation authorized by the commission. Any reduction ordered by the legislature shall apply uniformly to all classes of employees affected by the increases and shall not adjust pay differentials already established by the civil service commission. The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases authorized by the commission.

The appointing authorities may create or abolish positions for reasons of administrative efficiency without the approval of the commission. Positions shall not be created nor abolished except for reasons of administrative efficiency. Any employee considering himself aggrieved by the abolition of a position shall have a right of appeal to the commission through established grievance procedures.

The civil service commission shall recommend to the governor and to the legislature rates of compensation for all appointed positions within the executive department not a part of the classified service.

To enable the commission to exercise its powers, the legislature shall appropriate to the commission for the ensuing fiscal year a sum not less than one percent of the aggregate payroll of the classified service for the preceding fiscal year, as certified by the commission. Within six months after the conclusion of each fiscal year the commission shall return to the state treasury all moneys unexpended for that fiscal year.

The commission shall furnish reports of expenditures, at least annually, to the governor and the legislature and shall be subject to annual audit as provided by law.

No payment for personal services shall be made or authorized until the provisions of this constitution pertaining to civil service have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

Sec. 6. By ordinance or resolution of its governing body which shall not take effect until approved by a majority of the electors voting thereon, unless otherwise provided by charter, each county, township, city, village, school district and other governmental unit or authority may establish, modify or discontinue a merit system for its employees other than teachers under contract or tenure. The state civil service commission may on request furnish technical services to any such unit on a reimbursable basis.

Sec. 7. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office or for crimes or misdemeanors, but a majority of the members elected and serving shall be necessary to direct an impeachment.

When an impeachment is directed, the house of representatives shall elect three of its members to prosecute the impeachment.

Every impeachment shall be tried by the senate immediately after the final adjournment of the legislature. The senators shall take an oath or affirmation truly and impartially to try and determine the impeachment according to the evi-

dence. When the governor or lieutenant governor is tried, the chief justice of the supreme court shall preside.

No person shall be convicted without the concurrence of two-thirds of the senators elected and serving. Judgment in case of conviction shall not extend further than removal from office, but the person convicted shall be liable to punishment according to law.

No judicial officer shall exercise any of the functions of his office after an impeachment is directed until he is acquitted.

Article XII
Amendment & Revision

Sec. 1. Amendments to this constitution may be proposed in the senate or house of representatives. Proposed amendments agreed to by two-thirds of the members elected to and serving in each house on a vote with the names and vote of those voting entered in the respective journals shall be submitted, not less than 60 days thereafter, to the electors at the next general election or special election as the legislature shall direct. If a majority of electors voting on a proposed amendment approve the same, it shall become part of the constitution and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved.

Sec. 2. Amendments may be proposed to this constitution by petition of the registered electors of this state. Every petition shall include the full text of the proposed amendment, and be signed by registered electors of the state equal in number to at least 10 percent of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected. Such petitions shall be filed with the person authorized by law to receive the same at least 120 days before the election at which the proposed amendment is to be voted upon. Any such petition shall be in the form, and shall be signed and circulated in such manner, as prescribed by law. The person authorized by law to receive such petition shall upon its receipt determine, as provided by law, the validity and sufficiency of the signatures on the petition, and make an official announcement thereof at least 60 days prior to the election at which the proposed amendment is to be voted upon.

Any amendment proposed by such petition shall be submitted, not less than 120 days after it was filed, to the electors at the next general election. Such proposed amendment, existing provisions of the constitution which would be altered or abrogated thereby, and the question as it shall appear on the ballot shall be published in full as provided by law. Copies of such publication shall be posted in each polling place and furnished to news media as provided by law.

The ballot to be used in such election shall contain a statement of the purpose of the proposed amendment, expressed in not more than 100 words, exclusive of caption. Such statement of purpose and caption shall be prepared by the person authorized by law, and shall consist of a true and impartial statement of the purpose of the amendment in such language as shall create no prejudice for or against the proposed amendment.

If the proposed amendment is approved by a majority of the electors voting on the question, it shall become part of the constitution, and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved. If two or more amendments approved by the electors at the same election conflict, that amendment receiving the highest affirmative vote shall prevail.

Sec. 3. At the general election to be held in the year 1978, and in each 16th year thereafter and at such times as may be provided by law, the question of a general revision of the constitution shall be submitted to the electors of the state. If a majority of the electors voting on the question decide in favor of a convention for such purpose, at an election to be held not later than six months after the proposal was certified as approved, the electors of each representative district as then organized shall elect one delegate and the electors of each senatorial district as then organized shall elect one delegate at a partisan election. The delegates so elected shall convene at the seat of government on the first Tuesday in October next succeeding such election or at an earlier date if provided by law.

The convention shall choose its own officers, determine the rules of its proceedings and judge the qualifications, elections and returns of its members. The governor shall appoint a qualified resident of the same district to fill a vacancy in the office of any delegate who shall be a member of the same party as the delegate vacating the office. The convention shall have power to appoint such officers, employees and assistants as it deems necessary and to fix their compensation; to provide for the printing and distribution of its documents, journals and proceedings; to explain and disseminate information about the proposed constitution and to complete the business of the convention in an orderly manner. Each delegate shall receive for his services compensation provided by law.

No proposed constitution or amendment adopted by such convention shall be submitted to the electors for approval as hereinafter provided unless by the assent of a majority of all the delegates elected to and serving in the convention, with the names and vote of those voting entered in the

journal. Any proposed constitution or amendments adopted by such convention shall be submitted to the qualified electors in the manner and at the time provided by such convention not less than 90 days after final adjournment of the convention. Upon the approval of such constitution or amendments by a majority of the qualified electors voting thereon the constitution or amendments shall take effect as provided by the convention.

Schedule and Temporary Provisions

To insure the orderly transition from the constitution of 1908 to this constitution the following schedule and temporary provisions are set forth to be effective for such period as are thereby required.

Sec. 1. The attorney general shall recommend to the legislature as soon as practicable such changes as may be necessary to adapt existing laws to this constitution.

Sec. 2. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights existing on the effective date of this constitution shall continue unaffected except as modified in accordance with the provisions of this constitution.

Sec. 3. Except as otherwise provided in this constitution, all officers filling any office by election or appointment shall continue to exercise their powers and duties until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

No provision of this constitution, or of law or of executive order authorized by this constitution shall shorten the term of any person elected to state office at a statewide election on or prior to the date on which this constitution is submitted to a vote. In the event the duties of any such officers shall not have been abolished or incorporated into one or more of the principal departments at the expiration of his term, such officer shall continue to serve until his duties are so incorporated or abolished.

Sec. 4. All officers elected at the same election that this constitution is submitted to the people for adoption shall take office and complete the term to which they were elected under the 1908 constitution and existing laws and continue to serve until their successors are elected and qualified pursuant to this constitution or law.

Sec. 5. Notwithstanding any other provision in this constitution, the governor, the lieutenant governor, the secretary of state, the attorney general, and state senators shall be elected at the general election in 1964 to serve for two year terms beginning on the first day of January next succeeding their election. The first election of such officers for four-year terms under this constitution shall be held at the general election in 1966.

Sec. 6. The state shall be districted for the purpose of electing senators in accordance with the provisions of Section 2 of Article IV of this constitution, after the official publication of the total population count of the 1970 decennial federal census. Until the apportionment of the senate following the 1970 census, the senatorial districts under the 1908 constitution shall remain intact except that upon the adoption of this constitution each of the counties of Kent, Genesee, Macomb and Oakland shall be divide by the apportionment commission into two senatorial districts and Wayne county into eight senatorial districts in accordance with this constitution. The legislature may give prior effect to Section 2 of Article IV of this constitution, which action shall not be subject to veto by the governor.

Sec. 7. Notwithstanding the provisions of this constitution that the supreme court shall consist of seven justices it shall consist of eight justices until the time that a vacancy occurs as a result of death, retirement or resignation of a justice. The first such vacancy shall not be filled.

Sec. 8. Any judge of probate serving on the effective date of this constitution may serve the remainder of the term and be eligible to succeed himself for election regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

Sec. 9. The provisions of Article VI providing that terms of judicial offices shall not all expire at the same time, shall be implemented by law providing that at the next election for such offices judges shall be elected for terms of varying length, none of which shall be shorter than the regular term provided for the office.

Sec. 10. The members of the state board of education provided for in Section 3 of Article VIII of this constitution shall first be elected at the first general election after the effective date of this constitution for the following terms: two shall be elected for two years, two for four years, two for six years, and two for eight years as prescribed by law.

The State Board of Education provided for in the constitution of 1908 is abolished at twelve o'clock noon January 1 of the year following the first general election under this constitution and the terms of members thereof shall then expire.

Sec. 11. The provisions of this constitution providing for members of boards of control of institutions of higher education and the State Board of Public Community and Junior Colleges shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be

extended, and may further provide that the initial terms of office of members may be less than eight years.

Sec. 12. The provisions of this constitution increasing the number of members of the Board of Trustees of Michigan State University and of the Board of Governors of Wayne State University to eight, and of their term of office to eight years, shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended one year, and may further provide that the initial terms of office of the additional members may be less than eight years.

Sec. 13. The initial allocation of departments by law pursuant to Section 2 of Article V of this constitution, shall be completed within two years after the effective date of this constitution. If such allocation shall not have been completed within such period, the governor, within one year thereafter, by executive order, shall make the initial allocation.

Sec. 14. Contractual obligations of the state incurred pursuant to the constitution of 1908 shall continue to be obligations of the state.

For the retirement of notes and bonds issued under Section 26 of Article X of the 1908 constitution, there is hereby appropriated from the general fund each year during their life a sum equal to the amount of principal and interest payments due and payable in each year.

Sec. 15. The legislature by a vote of two-thirds of the members elected to and serving in each house may provide that the state may borrow money and may pledge its full faith and credit for refunding any bonds issued by the Mackinac Bridge Authority and at the time of refunding the Mackinac Bridge Authority shall be abolished and the operation of the bridge shall be assumed by the state highway department. The legislature may implement this section by law.

Sec. 16. This constitution shall be submitted to the people for their adoption or rejection at the general election to be held on the Tuesday after the first Monday of November, 1962. It shall be the duty of the secretary of state forthwith to give notice of such submission to all other officers required to give or publish any notice in regard to a general election. He shall give notice that this constitution will be duly submitted to the electors at such election. The notice shall be given in the manner required for the election of governor.

Sec. 17. Every registered elector may vote on the adoption of the constitution. The board of election commissioners in each county shall cause to be printed on a ballot separate from the ballot containing the names of the nominees for office, the words: Shall the revised constitution be adopted? ( ) Yes. ( ) No. All votes cast at the election shall be taken, counted, canvassed and returned as provided by law for the election of state officers. If the revised constitution so submitted receives more votes in its favor than were cast against it, it shall be the supreme law of the state on and after the first day of January of the year following its adoption.

against the secretary of state, by Mr. Van Dusen, chairman, submits the following report:

In accordance with Resolution 96, the committee on action against secretary of state on May 14, 1962, filed with the circuit court for the county of Ingham, a petition for declaration of rights in an action entitled, Stephen S. Nisbet, President of the Michigan Constitutional Convention of 1961-1962 v. James M. Hare, Secretary of State. The relief sought was a declaration that the convention has the right to provide for submission of the proposed new constitution to the electors at the general election to be held November 6, 1962. The summons and petition were served on the secretary of state on the same day.

On May 22, having had no response from the attorney general, petitioner filed a motion for the entry of a decree. On May 25, the secretary of state appeared specially by the attorney general and moved to dismiss the petition on the ground that the case did not present an actual controversy. The trial court heard argument on the attorney general's motion on June 1 and on June 6 rendered an opinion denying the motion to dismiss. An order to that effect was entered on June 11.

Instead of proceeding to file an answer, the attorney general then filed an application to the supreme court for leave to appeal. This application was granted by the supreme court and the attorney general, on July 2, filed a claim of appeal.

The attorney general has not yet filed a brief and he states that he does not intend to do so until after August 7.

It is obvious that no judicial determination of the right of the constitutional convention to require submission of the proposed constitution to the electors on November 6 will be made in time to be useful to the convention. Accordingly, the committee recommends:

1) That section 15 [formerly section 16] of the schedule and temporary provisions of the proposed constitution be amended by striking from the first sentence the words "Tuesday after the first Monday of November, 1962" and inserting "first Monday in April, 1963."

2) That the committee be authorized to discontinue the action entitled, Nisbet v. Hare.

Richard C. Van Dusen, chairman.

MR. VAN DUSEN: Mr. President, I move the adoption of the report.

PRESIDENT NISBET: The question is on the motion of Mr. Van Dusen that the report be adopted. Those in favor will say aye. Opposed, no.

The report is adopted. Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, in compliance with our rules, I think it would now be necessary to take a roll call vote on the amendment to the constitution changing the date.

PRESIDENT NISBET: Mr. Chase will read the amendment.

SECRETARY CHASE: The amendment recommended in the report is as follows:

1. Amend the schedule, section 15 [formerly section 16] (column 2) line 11, after "held on the" by striking out "Tuesday after the first Monday of November, 1962.", and inserting "first Monday in April, 1963.".

PRESIDENT NISBET: The secretary will call the roll. Those in favor of the amendment will vote aye as your name is called. Those opposed will vote no.

The roll was called and the delegates voted as follows:

Yeas—141

Allen	Goebel	Page
Andrus, Miss	Gover	Pellow
Anspach	Greene	Perlich
Austin	Gust	Perras
Baginski	Habermehl	Plank
Balcer	Hanna, W. F.	Pollock
Barthwell	Hannah, J. A.	Powell
Batchelor	Hart, Miss	Prettie
Beaman	Haskill	Pugsley
Bentley	Hatch	Radka
Binkowski	Hatcher, Mrs.	Rajkovich
Blandford	Heideman	Richards, J. B.
Bledsoe	Higgs	Richards, L. W.
Bonisteel	Hood	Romney
Boothby	Howes	Rood
Bowens	Hoxie	Rush
Bradley	Hubbs	Sablich
Brake	Hutchinson	Seyferth
Brown, G. E.	Iverson	Shackleton
Brown, T. S.	Jones	Shaffer
Buback	Judd, Mrs.	Shanahan
Butler, Mrs.	Karn	Sharpe
Conklin, Mrs.	Kelsey	Sleder
Cudlip	Kirk, S.	Snyder
Cushman, Mrs.	Knirk, B.	Spitler
Danhof	Koeze, Mrs.	Stafseth
Dehnke	Krolikowski	Staiger
Dell	Kuhn	Stamm
DeVries	Lawrence	Sterrett
Donnelly, Miss	Leibrand	Stevens
Doty, Dean	Leppien	Stopczynski
Doty, Donald	Lesinski	Suzore
Douglas	Liberato	Thomson
Downs	Madar	Tubbs
Durst	Mahinske	Turner
Elliott, A. G.	Martin	Tweedie
Elliott, Mrs. Daisy	McAllister	Upton
Erickson	McCauley	Van Dusen
Everett	McGowan, Miss	Walker
Farnsworth	McLogan	Wanger
Faxon	Millard	White
Figy	Mosier	Wilkowski
Finch	Murphy	Wood
Follo	Nisbet	Woolfenden
Ford	Nord	Yeager
Gadola	Norris	Young
Garvin	Ostrow	Youngblood

Nays—0

SECRETARY CHASE: On the adoption of the amendment, the yeas are 141; the nays are none.

PRESIDENT NISBET: The amendment is adopted. The question now is on the **final passage of the constitution as amended** this morning. Those who are in favor will answer aye as your names are called. Those opposed will answer nay. The secretary will call the roll.

The roll was called and the delegates voted as follows:

Yeas—98

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

Follo	Perras	Woolfenden
Gadola	Plank	Yeager
Goebel	Pollock	

Nays—43

Austin	Greene	Nord
Baginski	Hart, Miss	Norris
Barthwell	Hatcher, Mrs.	Ostrow
Binkowski	Hood	Pellow
Bledsoe	Jones	Perlich
Bowens	Kelsey	Sablich
Bradley	Krolikowski	Shanahan
Brown, T. S.	Leibrand	Snyder
Buback	Lesinski	Stopczynski
Douglas	Liberato	Suzore
Downs	Madar	Walker
Elliott, Mrs. Daisy	Mahinske	Wilkowski
Faxon	McAllister	Young
Ford	Murphy	Youngblood
Garvin		

SECRETARY CHASE: On the adoption of the constitution as amended, the yeas are 98; the nays are 43. (applause)

PRESIDENT NISBET: The **constitution** is adopted.

For the constitution as adopted, see below, page 3317.

Because of the hour, it being almost noon, the Chair recognizes Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, I move that the convention now stand in recess until 2:00 p.m.

PRESIDENT NISBET: The question is on the motion of Mr. Van Dusen that we recess until 2:00 p.m. Those in favor will say aye. Opposed, no.

The motion prevails. We are recessed until 2:00 o'clock.

[Whereupon, at 11:50 o'clock a.m., the convention recessed; and, at 2:00 o'clock p.m., reconvened.]

Will the delegates please take their seats. The convention will please come to order.

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

PRESIDENT NISBET: I think we should recognize the fact that many of our employees are voluntarily back with us today, meeting with the delegates. I'm sure all of us are very happy to have them here. It brings about a happy result to see them and I think we ought to give them a good hand. (applause) Mr. Chase has an announcement.

SECRETARY CHASE: There are 3 announcements that possibly should have been made before we recessed for lunch.

First, there is mail for all of the delegates in the mail room downstairs.

Just prior to the May 11 adjournment, several of the delegates took out, on loan, sets of convention slides which have not been returned. Missing from our files are 12 complete sets of slides. Since we frequently have call from other delegates for the use of these slides, we would appreciate their return as soon as possible. Ink White, chairman of the committee on public information.

I am sure the delegates recall the lady on the civic center staff who took such good care of keeping the windows clean and the place well slicked up, who had to go to the hospital for a very critical operation. A number of the delegates contributed to a fund to help her over her financial difficulties. I have the following card:

> It is very difficult to express my appreciation to all the wonderful people of con con. Let me say, with my heart, your kindness and generosity will always be remembered.
>
> Sincerely,
> Freda Adams.

PRESIDENT NISBET: Since the adjournment on May 11, we have added 2 new associate members to the delegation: Mrs. Charles Follo and Mrs. Gil Wanger.

I asked Charlie if Mrs. Follo was present so that he might present her, but he said she isn't. We are sorry, Charlie, she couldn't be with us.

Mr. Wanger, is your associate delegate present? Would you present her?

[Whereupon, the delegates accorded Mrs. Wanger a standing ovation.]

At the final session before the long recess the president was authorized to name a reunion committee for the constitutional convention. Accordingly, the **president appoints,** as members of the reunion committee: Mr. Erickson, Mrs. Koeze, Messrs. Jones, Bowens, Brake, Mrs. Conklin, Mr. Dean Doty, Mrs. Daisy Elliott, Messrs. Faxon, Kelsey, Kuhn, Powell, Sharpe, Wanger, White and Norris.

Without objection, the appointments are approved. You will notice that most of these delegates are within the area of Lansing, Detroit or Grand Rapids for their ease in getting together when they have to meet. Mr. Claud Erickson is chairman of the committee.

Returning to the order of business, **approval of address to people.** We will take up the **report of the committee on public information.** Mr. White, chairman.

MR. WHITE: Mr. President, under date of June 26, 1962, each delegate was mailed proof copies of the proposed address to the people. Since that time our committee has received numerous suggestions for corrections, additions, deletions and so on. Our committee has met and gone over these suggestions and they have been, for the most part, agreed to. I might say, parenthetically, the address in its present corrected form represents the writing and editing of upwards of 50 of our delegates.

Under date of July 27, 1962, each of you was mailed a 16 page multilith report which outlined in detail some 108 corrections. This communication also carried the recommendation that we be authorized to correct the text of the constitution as it appears in the address to conform with the style and drafting changes adopted at today's session, and to offer comments accordingly, if necessary. All of this material has been delivered again to each delegate's desk today. Additionally, you have a single white multilith sheet from our committee containing brief addenda to this 16 page report.

It seems to me, Mr. President, the delegates have had ample time to consider these matters, and to expedite our final deliberations, I move that the report of the public information committee, with the recommended addenda, be considered read.

PRESIDENT NISBET: Without objection, it is so ordered.

Following is the report as submitted and considered read:

After careful consideration of suggestions from delegates, your committee on public information recommends the adoption of the following changes in the proof copy of the address to the people:

For document incorporating following changes, see below, page 3355. Page numbers in report refer to document pages.

1. Amend page 2, second full paragraph, line 3, after "that one" by striking out "must" and inserting "should"; to improve phraseology.

2. Amend page 2, third full paragraph, line 1, by striking out "Ordered by popular vote, its delegates selected by the people on the basis of one from each senatorial and representative district, the Constitutional Convention of 1961-62 met in Lansing on October 3, 1961.", and inserting "The convention was ordered by popular vote in April of 1961. There were 144 delegates, representing Michigan's 34 State Senatorial districts and 110 State Representative seats. They were elected in statewide voting on September 12, 1961, and convened at Lansing on October 3, 1961."; to improve awkward sentence construction and correct error by indicating "seats" rather than representative "districts."

3. Amend page 2, fifth full paragraph, line 2, after "overlapped" by striking out "each other"; to improve phraseology.

4. Amend page 2, fifth full paragraph, line 6, after

CONSTITUTION
OF THE
STATE OF MICHIGAN

as finally adopted
by the Convention
August 1, 1962

PREAMBLE

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

ARTICLE I

Declaration of Rights

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

Sec. 2. No person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color or national origin. The legislature shall implement this section by appropriate legislation.

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

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

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

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

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

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

Sec. 9. Neither slavery, nor involuntary servitude unless for the punishment of crime, shall ever be tolerated in this state.

Sec. 10. No bill of attainder, ex post facto law or law impairing the obligation of contract shall be enacted.

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

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

Sec. 13. A suitor in any court of this state has the right to prosecute or defend his suit, either in his own proper person or by an attorney.

Sec. 14. The right of trial by jury shall remain, but shall be waived in all civil cases unless demanded by one of the parties in the manner prescribed by law. In all civil cases tried by 12 jurors a verdict shall be received when 10 jurors agree.

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

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

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

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

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

Sec. 20. In every criminal prosecution, the accused shall have the right to a speedy and public trial by an impartial jury, which may consist of less than 12 jurors in all courts not of record; to be informed of the nature of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to have the assistance of counsel for his defense; to have an appeal as a matter of right; and in courts of record, when the trial court so orders, to have such reasonable assistance as may be necessary to perfect and prosecute an appeal.

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

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

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

ARTICLE II

Elections

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

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

Sec. 3. For purposes of voting in the election for president and vice-president of the United States only, the legislature may by law establish lesser residence requirements for citizens who have resided in this state for less than six months and may waive residence requirements for former citizens of this state who have removed herefrom. The legislature shall not permit voting by any person who meets the voting residence requirements of the state to which he has removed.

Sec. 4. The legislature shall enact laws to regulate the time, place and manner of all nominations and elections, except as otherwise provided in this constitution or in the constitution and laws of the United States. The legislature shall enact laws to preserve the purity of elections, to preserve the secrecy of the ballot, to guard against abuses of the elective franchise, and to provide for a system of voter registration and absentee voting. No law shall be enacted which permits a candidate in any partisan primary or partisan election to have a ballot designation except when required for identification of candidates for the same office who have the same or similar surnames.

Sec. 5. Except for special elections to fill vacancies, or as otherwise provided in this constitution, all elections for national, state, county and township offices shall be held on the first Tuesday after the first Monday in November in each even-numbered year or on such other date as members of the congress of the United States are regularly elected.

Sec. 6. Whenever any question is required to be submitted by a political subdivision to the electors for the increase of the ad valorem tax rate limitation imposed by Section 6 of Article IX for a period of more than five years, or for the issue of bonds, only electors in, and who have property assessed for any ad valorem taxes in, any part of the district or territory to be affected by the result of such election or electors who are the lawful husbands or wives of such persons shall be entitled to vote thereon. All electors in the district or territory affected may vote on all other questions.

Sec. 7. A board of state canvassers of four members shall be established by law. No candidate for an office to be canvassed nor any inspector of elections shall be eligible to serve as a member of a board of canvassers. A majority of any board of canvassers shall not be composed of members of the same political party.

Sec. 8. Laws shall be enacted to provide for the recall of all elective officers except judges of courts of record upon petition of electors equal in number to 25 percent of the number of persons voting in the last preceding election for the office of governor in the electoral district of the officer sought to be recalled. The sufficiency of any statement of reasons or grounds procedurally required shall be a political rather than a judicial question.

Sec. 9. The people reserve to themselves the power to propose laws and to enact and reject laws, called the initiative, and the power to approve or reject laws enacted by the legislature, called the referendum. The power of initiative extends only to laws which the legislature may enact under this constitution. The power of referendum does not extend to acts making appropriations for state institutions or to meet deficiencies in state funds and must be invoked in the manner prescribed by law within 90 days following the final adjournment of the legislative session at which the law was enacted. To invoke the initiative or referendum, petitions signed by a number of registered electors, not less than eight percent for initiative and five percent for referendum of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected shall be required.

No law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election.

Any law proposed by initiative petition shall be either enacted or rejected by the legislature without change or amendment within 40 session days from the time such petition is received by the legislature. If any law proposed by such petition shall be enacted by the legislature it shall be subject to referendum, as hereinafter provided.

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

Any law submitted to the people by either initiative or referendum petition and approved by a majority of the votes cast thereon at any election shall take effect 10 days after the date of the official declaration of the vote. No law initiated or adopted by the people shall be subject to the veto power of the governor, and no law adopted by the people at the polls under the initiative provisions of this section shall be amended or repealed, except by a vote of the electors unless otherwise provided in the initiative measure or by three-fourths of the members elected to and serving in each house of the legislature. Laws approved by the people under the referendum provision of this section may be amended by the legislature at any subsequent session thereof. If two or more measures approved by the electors at the same election conflict, that receiving the highest affirmative vote shall prevail.

The legislature shall implement the provisions of this section.

ARTICLE III

General Government

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

Sec. 2. The powers of government are divided into three branches: legislative, executive and judicial. No person exercising powers of one branch shall exercise powers properly belonging to another branch except as expressly provided in this constitution.

Sec. 3. There shall be a great seal of the State of Michigan and its use shall be provided by law.

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

Sec. 5. Subject to provisions of general law, this state or any political subdivision thereof, any governmental authority or any combination thereof may enter into agreements for the performance, financing or execution of their respective functions, with any one or more of the other states, the United States, the Dominion of Canada, or any political subdivision thereof unless otherwise provided in this constitution. Any other provision of this constitution notwithstanding, an officer or employee of the state or of any such unit of government or subdivision or agency thereof may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service. The legislature may impose such restrictions, limitations or conditions on such service as it may deem appropriate.

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

Sec. 7. The common law and the statute laws now in force, not repugnant to this constitution, shall remain in force until they expire by their own limitations, or are changed, amended or repealed.

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

ARTICLE IV

Legislative Branch

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

Sec. 2. The senate shall consist of 38 members to be elected from single member districts at the same election as the governor for four-year terms concurrent with the term of office of the governor.

In districting the state for the purpose of electing senators after the official publication of the total population count of each federal decennial census, each county shall be assigned apportionment factors equal to the sum of its percentage of the state's population as shown by the last regular federal decennial census computed to the nearest one-one hundredth of one percent multiplied by four and its percentage of the state's land area computed to the nearest one-one hundredth of one percent.

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

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

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

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

Sec. 3. The house of representatives shall consist of 110 members elected for two-year terms from single member districts apportioned on a basis of population as provided in this article. The districts shall consist of compact and convenient territory contiguous by land.

Each county which has a population of not less than seven-tenths of one percent of the population of the state shall constitute a separate representative area. Each county having less than seven-tenths of one percent of the population of the state shall be combined with another county or counties to form a representative area of not less than seven-tenths of one percent of the population of the state. Any county which is isolated under the initial allocation as provided in this section shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.

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

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

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

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

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

Sec. 4. In counties having more than one representative or senatorial district, the territory in the same county annexed to or merged with a city between apportionments shall become a part of a contiguous representative or senatorial district in the city with which it is combined, if provided by ordinance of the city. The district or districts with which the territory shall be combined shall be determined by such ordinance certified to the secretary of state. No such change in the boundaries of a representative or senatorial district shall have the effect of removing a legislator from office during his term.

Sec. 5. Island areas are considered to be contiguous by land to the county of which they are a part.

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

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

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

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

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

Each final apportionment and districting plan shall be published as provided by law within 30 days from the date of its adoption and shall become law 60 days after

publication. The secretary of state shall keep a public record of all the proceedings of the commission and shall be responsible for the publication and distribution of each plan.

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

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

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

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

Sec. 9. No person elected to the legislature shall receive any civil appointment within this state from the governor, except notaries public, from the legislature, or from any other state authority, during the term for which he is elected.

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

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

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

Sec. 13. The legislature shall meet at the seat of government on the second Wednesday in January of each year at twelve o'clock noon. Each regular session shall adjourn without day, on a day determined by concurrent resolution, at twelve o'clock noon. Any business, bill or joint resolution pending at the final adjournment of a regular session held in an odd numbered year shall carry over with the same status to the next regular session.

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

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

Sec. 16. Each house, except as otherwise provided in this constitution, shall choose its own officers and determine the rules of its proceedings, but shall not adopt any rule that will prevent a majority of the members elected thereto and serving therein from discharging a committee from the further consideration of any measure. Each house shall be the sole judge of the qualifications, elections and returns of its members, and may, with the concurrence of two-thirds of all the members elected thereto and serving therein, expel a member. The reasons for such expulsion shall be entered in the journal, with the votes and names of the members voting upon the question. No member shall be expelled a second time for the same cause.

Sec. 17. Each house of the legislature may establish the committees necessary for the efficient conduct of its business and the legislature may create joint committees. On all actions on bills and resolutions in each committee, names and votes of members shall be recorded. Such vote shall be available for public inspection. Notice of all committee hearings and a clear statement of all subjects to be considered at each hearing shall be published in the journal in advance of the hearing.

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

Sec. 19. All elections in either house or in joint convention and all votes on appointments submitted to the senate for advice and consent shall be published by vote and name in the journal.

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

Sec. 21. Neither house shall, without the consent of the other, adjourn for more than two intervening calendar days, nor to any place other than where the legislature may then be in session.

Sec. 22. All legislation shall be by bill and may originate in either house.

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

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

Sec. 25. No law shall be revised, altered or amended by reference to its title only. The section or sections of the act altered or amended shall be re-enacted and published at length.

Sec. 26. No bill shall be passed or become a law at any regular session of the legislature until it has been printed or reproduced and in the possession of each house for

at least five days. Every bill shall be read three times in each house before the final passage thereof. No bill shall become a law without the concurrence of a majority of the members elected to and serving in each house. On the final passage of bills, the votes and names of the members voting thereon shall be entered in the journal.

Sec. 27. No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.

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

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

Sec. 30. The assent of two-thirds of the members elected to and serving in each house of the legislature shall be required for the appropriation of public money or property for local or private purposes.

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

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

Sec. 33. Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law. If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves, and the legislature continues the session at which the bill was passed, he shall return it within such 14-day period with his objections, to the house in which it originated. That house shall enter such objections in full in its journal and reconsider the bill. If two-thirds of the members elected to and serving in that house pass the bill notwithstanding the objections of the governor, it shall be sent with the objections to the other house for reconsideration. The bill shall become law if passed by two-thirds of the members elected to and serving in that house. The vote of each house shall be entered in the journal with the votes and names of the members voting thereon. If any bill is not returned by the governor within such 14-day period, the legislature continuing in session, it shall become law as if he had signed it.

Sec. 34. Any bill passed by the legislature and approved by the governor, except a bill appropriating money, may provide that it will not become law unless approved by a majority of the electors voting thereon.

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

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

Sec. 37. The legislature may by concurrent resolution empower a joint committee of the legislature, acting between sessions, to suspend any rule or regulation promulgated by an administrative agency subsequent to the adjournment of the last preceding regular legislative session. Such suspension shall continue no longer than the end of the next regular legislative session.

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

Sec. 39. In order to insure continuity of state and local governmental operations in periods of emergency only, resulting from disasters occurring in this state caused by enemy attack on the United States, the legislature may provide by law for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices; and enact other laws necessary and proper for insuring the continuity of governmental operations. Notwithstanding the power conferred by this section, elections shall always be called as soon as possible to fill any vacancies in elective offices temporarily occupied by operation of any legislation enacted pursuant to the provisions of this section.

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

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

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

Sec. 43. No general law providing for the incorporation of trust companies or corporations for banking purposes, or regulating the business thereof, shall be enacted, amended or repealed except by a vote of two-thirds of the members elected to and serving in each house.

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

Sec. 45. The legislature may provide for indeterminate sentences as punishment for crime and for the detention and release of persons imprisoned or detained under such sentences.

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

Sec. 47. The legislature may authorize the employment of chaplains in state institutions of detention or confinement.

Sec. 48. The legislature may enact laws providing for the resolution of disputes concerning public employees, except those in the state classified civil service.

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

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

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

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

Sec. 53. The legislature by a majority vote of the members elected to and serving in each house, shall appoint an auditor general, who shall be a certified public accountant licensed to practice in this state, to serve for a term of eight years. He shall be ineligible for appointment or election to any other public office in this state from which compensation is derived while serving as auditor general and for two years following the termination of his service. He may be removed for cause at any time by a two-thirds vote of the members elected to and serving in each house. The auditor general shall conduct post audits of financial transactions and accounts of the state and of all branches, departments, offices, boards, commissions, agencies, authorities and institutions of the state established by this constitution or by law, and performance post audits thereof.

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

Nothing in this section shall be construed in any way to infringe the responsibility and constitutional authority of the governing boards of the institutions of higher education to be solely responsible for the control and direction of all expenditures from the institutions' funds.

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

ARTICLE V
Executive Branch

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

Sec. 2. All executive and administrative offices, agencies and instrumentalities of the executive branch of state government and their respective functions, powers and

duties, except for the office of governor and lieutenant governor and the governing bodies of institutions of higher education provided for in this constitution, shall be allocated by law among and within not more than 20 principal departments. They shall be grouped as far as practicable according to major purposes.

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

Sec. 3. The head of each principal department shall be a single executive unless otherwise provided in this constitution or by law. The single executives heading principal departments shall include a secretary of state, a state treasurer and an attorney general. When a single executive is the head of a principal department, unless elected or appointed as otherwise provided in this constitution, he shall be appointed by the governor by and with the advice and consent of the senate and he shall serve at the pleasure of the governor.

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

Terms of office of any board or commission created or enlarged after the effective date of this constitution shall not exceed four years except as otherwise authorized in this constitution. The terms of office of existing boards and commissions which are longer than four years shall not be further extended except as provided in this constitution.

Sec. 4. Temporary commissions or agencies for special purposes with a life of no more than two years may be established by law and need not be allocated within a principal department.

Sec. 5. A majority of the members of an appointed examining or licensing board of a profession shall be members of that profession.

Sec. 6. Appointment by and with the advice and consent of the senate when used in this constitution or laws in effect or hereafter enacted means appointment subject to disapproval by a majority vote of the members elected to and serving in the senate if such action is taken within 60 session days after the date of such appointment. Any appointment not disapproved within such period shall stand confirmed.

Sec. 7. Vacancies in any office, appointment to which requires advice and consent of the senate, shall be filled by the governor by and with the advice and consent of the senate. A person whose appointment has been disapproved by the senate shall not be eligible for an interim appointment to the same office.

Sec. 8. Each principal department shall be under the supervision of the governor unless otherwise provided by this constitution. The governor shall take care that the laws be faithfully executed. He shall transact all necessary business with the officers of

government and may require information in writing from all executive and administrative state officers, elective and appointive, upon any subject relating to the duties of their respective offices.

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

Sec. 9. Single executives heading principal departments and the chief executive officers of principal departments headed by boards or commissions shall keep their offices at the seat of government except as otherwise provided by law, superintend them in person and perform duties prescribed by law.

Sec. 10. The governor shall have power and it shall be his duty to inquire into the condition and administration of any public office and the acts of any public officer, elective or appointive. He may remove or suspend from office for gross neglect of duty or for corrupt conduct in office, or for any other misfeasance or malfeasance therein, any elective or appointive state officer, except legislative or judicial, and shall report the reasons for such removal or suspension to the legislature.

Sec. 11. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an appointed or elected officer, other than a legislative or judicial officer, until he is reinstated or until the vacancy is filled in the manner prescribed by law or this constitution.

Sec. 12. The governor shall be commander-in-chief of the armed forces and may call them out to execute the laws, suppress insurrection and repel invasion.

Sec. 13. The governor shall issue writs of election to fill vacancies in the senate or house of representatives. Any such election shall be held in a manner prescribed by law.

Sec. 14. The governor shall have power to grant reprieves, commutations and pardons after convictions for all offenses, except cases of impeachment, upon such conditions and limitations as he may direct, subject to procedures and regulations prescribed by law. He shall inform the legislature annually of each reprieve, commutation and pardon granted, stating reasons therefor.

Sec. 15. The governor may convene the legislature on extraordinary occasions.

Sec. 16. The governor may convene the legislature at some other place when the seat of government becomes dangerous from any cause.

Sec. 17. The governor shall communicate by message to the legislature at the beginning of each session and may at other times present to the legislature information as to the affairs of the state and recommend measures he considers necessary or desirable.

Sec. 18. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state. Proposed expenditures from any fund shall not exceed the estimated revenue thereof. On the same date, the governor shall submit to the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills to provide new or additional revenues to meet proposed expenditures. The amount of any surplus created or deficit incurred in any fund during the last preceding fiscal period shall be entered as an item in the budget and in one of the appropriation bills. The governor may submit amendments to appropriation bills to be offered in either house during consideration of the bill by that house, and shall submit bills to meet deficiencies in current appropriations.

Sec. 19. The governor may disapprove any distinct item or items appropriating moneys in any appropriation bill. The part or parts approved shall become law, and the item or items disapproved shall be void unless re-passed according to the method prescribed for the passage of other bills over the executive veto.

Sec. 20. No appropriation shall be a mandate to spend. The governor, with the approval of the appropriating committees of the house and senate, shall reduce expenditures authorized by appropriations whenever it appears that actual revenues for a fiscal period will fall below the revenue estimates on which appropriations for that period were based. Reductions in expenditures shall be made in accordance with procedures prescribed by law. The governor may not reduce expenditures of the legislative and judicial branches or from funds constitutionally dedicated for specific purposes.

Sec. 21. The governor, lieutenant governor, secretary of state and attorney general shall be elected for four-year terms at the general election in each alternate even-numbered year.

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

Vacancies in the office of the secretary of state and attorney general shall be filled by appointment by the governor.

Sec. 22. To be eligible for the office of governor or lieutenant governor a person must have attained the age of 30 years, and have been a registered elector in this state for four years next preceding his election.

Sec. 23. The governor, lieutenant governor, secretary of state and attorney general shall each receive the compensation provided by law in full payment for all services performed and expenses incurred during his term of office. Such compensation shall not be changed during the term of office except as otherwise provided in this constitution.

Sec. 24. An executive residence suitably furnished shall be provided at the seat of government for the use of the governor. He shall receive an allowance for its maintenance as provided by law.

Sec. 25. The lieutenant governor shall be president of the senate, but shall have no vote, unless they be equally divided. He may perform duties requested of him by the governor, but no power vested in the governor shall be delegated.

Sec. 26. In case of the conviction of the governor on impeachment, his removal from office, his resignation or his death, the lieutenant governor, the elected secretary of state, the elected attorney general and such other persons designated by law shall in that order be governor for the remainder of the governor's term.

In case of the death of the governor-elect, the lieutenant governor-elect, the secretary of state-elect, the attorney general-elect and such other persons designated by law shall become governor in that order at the commencement of the governor-elect's term.

If the governor or the person in line of succession to serve as governor is absent from the state, or suffering under an inability, the powers and duties of the office of governor shall devolve in order of precedence until the absence or inability giving rise to the devolution of powers ceases.

The inability of the governor or person acting as governor shall be determined by a majority of the supreme court on joint request of the president pro tempore of the senate and the speaker of the house of representatives. Such determination shall be final

and conclusive. The supreme court shall upon its own initiative determine if and when the inability ceases.

Sec. 27. The legislature shall provide that the salary of any state officer while acting as governor shall be equal to that of the governor.

Sec. 28. There is hereby established a state highway commission, which shall administer the state highway department and have jurisdiction and control over all state trunkline highways and appurtenant facilities, and such other public works of the state, as provided by law.

The state highway commission shall consist of four members, not more than two of whom shall be members of the same political party. They shall be appointed by the governor by and with the advice and consent of the senate for four-year terms, no two of which shall expire in the same year, as provided by law.

The state highway commission shall appoint and may remove a state highway director, who shall be a competent highway engineer and administrator. He shall be the principal executive officer of the state highway department and shall be responsible for executing the policy of the state highway commission.

Sec. 29. There is hereby established a civil rights commission which shall consist of eight persons, not more than four of whom shall be members of the same political party, who shall be appointed by the governor, by and with the advice and consent of the senate, for four-year terms not more than two of which shall expire in the same year. It shall be the duty of the commission in a manner which may be prescribed by law to investigate alleged discrimination against any person because of religion, race, color or national origin in the enjoyment of the civil rights guaranteed by law and by this constitution, and to secure the equal protection of such civil rights without such discrimination. The legislature shall provide an annual appropriation for the effective operation of the commission.

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

Appeals from final orders of the commission, including cease and desist orders and refusals to issue complaints, shall be tried de novo before the circuit court having jurisdiction provided by law.

ARTICLE VI

Judicial Branch

Sec. 1. The judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court, one probate court, and courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.

Sec. 2. The supreme court shall consist of seven justices elected at non-partisan elections as provided by law. The term of office shall be eight years and not more than

two terms of office shall expire at the same time. Nominations for justices of the supreme court shall be in the manner prescribed by law. Any incumbent justice whose term is to expire may become a candidate for re-election by filing an affidavit of candidacy, in the form and manner prescribed by law, not less than 180 days prior to the expiration of his term.

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

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

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

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

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

Sec. 8. The court of appeals shall consist initially of nine judges who shall be nominated and elected at non-partisan elections from districts drawn on county lines and as nearly as possible of equal population, as provided by law. The supreme court may prescribe by rule that the court of appeals sit in divisions and for the terms of court and the times and places thereof. Each such division shall consist of not fewer than three judges. The number of judges comprising the court of appeals may be increased, and the districts from which they are elected may be changed by law.

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

Sec. 10. The jurisdiction of the court of appeals shall be provided by law and the practice and procedure therein shall be prescribed by rules of the supreme court.

Sec. 11. The state shall be divided into judicial circuits along county lines in each of which there shall be elected one or more circuit judges as provided by law. Sessions of the circuit court shall be held at least four times in each year in every county organized for judicial purposes. Each circuit judge shall hold court in the county or

counties within the circuit in which he is elected, and in other circuits as may be provided by rules of the supreme court. The number of judges may be changed and circuits may be created, altered and discontinued by law and the number of judges shall be changed and circuits shall be created, altered and discontinued on recommendation of the supreme court to reflect changes in judicial activity. No change in the number of judges or alteration or discontinuance of a circuit shall have the effect of removing a judge from office during his term.

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

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

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

Sec. 15. In each county organized for judicial purposes there shall be a probate court. The legislature may create or alter probate court districts of more than one county if approved in each affected county by a majority of the electors voting on the question. The legislature may provide for the combination of the office of probate judge with any judicial office of limited jurisdiction within a county with supplemental salary as provided by law. The jurisdiction, powers and duties of the probate court and of the judges thereof shall be provided by law. They shall have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

Sec. 16. One or more judges of probate as provided by law shall be nominated and elected at non-partisan elections in the counties or the probate districts in which they reside and shall hold office for terms of six years and until their successors are elected and qualified. In counties or districts with more than one judge the terms of office shall be arranged by law to provide that not all terms will expire at the same time.

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

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

Each of the judges of the circuit court shall receive an annual salary as provided by law. In addition to the salary received from the state, each circuit judge may receive from any county in which he regularly holds court an additional salary as determined

from time to time by the board of supervisors of the county. In any county where an additional salary is granted, it shall be paid at the same rate to all circuit judges regularly holding court therein.

Sec. 19. The supreme court, the court of appeals, the circuit court, the probate court and other courts designated as such by the legislature shall be courts of record and each shall have a common seal. Justices and judges of courts of record must be persons who are licensed to practice law in this state. No person shall be elected or appointed to a judicial office after reaching the age of 70 years.

Sec. 20. Whenever a justice or judge removes his domicile beyond the limits of the territory from which he was elected, he shall have vacated his office.

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

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

Sec. 23. A vacancy in the elective office of a judge of any court of record shall be filled at a general or special election as provided by law. The supreme court may authorize persons who have served as judges and who have retired, to perform judicial duties for the limited period of time from the occurrence of the vacancy until the successor is elected and qualified. Such persons shall be ineligible for election to fill the vacancy.

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

Sec. 25. For reasonable cause, which is not sufficient ground for impeachment, the governor shall remove any judge on a concurrent resolution of two-thirds of the members elected to and serving in each house of the legislature. The cause for removal shall be stated at length in the resolution.

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

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

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

Sec. 28. All final decisions, findings, rulings and orders of any administrative officer or agency existing under the constitution or by law, which are judicial or quasi-judicial and affect private rights or licenses, shall be subject to direct review by the courts as

provided by law. This review shall include, as a minimum, the determination whether such final decisions, findings, rulings and orders are authorized by law; and, in cases in which a hearing is required, whether the same are supported by competent, material and substantial evidence on the whole record. Findings of fact in workmen's compensation proceedings shall be conclusive in the absence of fraud unless otherwise provided by law.

In the absence of fraud, error of law or the adoption of wrong principles, no appeal may be taken to any court from any final agency provided for the administration of property tax laws from any decision relating to valuation or allocation.

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

ARTICLE VII

Local Government

Sec. 1. Each organized county shall be a body corporate with powers and immunities provided by law.

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

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

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

Sec. 3. No organized county shall be reduced by the organization of new counties to less than 16 townships as surveyed by the United States, unless approved in the manner prescribed by law by a majority of electors voting thereon in each county to be affected.

Sec. 4. There shall be elected for four-year terms in each organized county a sheriff, a county clerk, a county treasurer, a register of deeds and a prosecuting attorney, whose duties and powers shall be provided by law. The board of supervisors in any county may combine the offices of county clerk and register of deeds in one office or separate the same at pleasure.

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

Sec. 6. The sheriff may be required by law to renew his security periodically and in default of giving such security, his office shall be vacant. The county shall never be responsible for his acts, except that the board of supervisors may protect him against

claims by prisoners for unintentional injuries received while in his custody. He shall not hold any other office except in civil defense.

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

Sec. 8. Boards of supervisors shall have legislative, administrative and such other powers and duties as provided by law.

Sec. 9. Boards of supervisors shall have exclusive power to fix the compensation of county officers not otherwise provided by law.

Sec. 10. A county seat once established shall not be removed until the place to which it is proposed to be moved shall be designated by two-thirds of the members of the board of supervisors and a majority of the electors voting thereon shall have approved the proposed location in the manner prescribed by law.

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

Sec. 12. A navigable stream shall not be bridged or dammed without permission granted by the board of supervisors of the county as provided by law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and political subdivisions therein.

Sec. 13. Two or more contiguous counties may combine into a single county if approved in each affected county by a majority of the electors voting on the question.

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

Sec. 15. Any county, when authorized by its board of supervisors shall have the authority to enter or to intervene in any action or certificate proceeding involving the services, charges or rates of any privately owned public utility furnishing services or commodities to rate payers within the county.

Sec. 16. The legislature may provide for the laying out, construction, improvement and maintenance of highways, bridges, culverts and airports by the state and by the counties and townships thereof; and may authorize counties to take charge and control of any highway within their limits for such purposes. The legislature may provide the powers and duties of counties in relation to highways, bridges, culverts and airports; may provide for county road commissioners to be appointed or elected, with powers and duties provided by law. The ad valorem property tax imposed for road purposes by any county shall not exceed in any year one-half of one percent of the assessed valuation for the preceding year.

Sec. 17. Each organized township shall be a body corporate with powers and immunities provided by law.

Sec. 18. In each organized township there shall be elected for terms of not less than two nor more than four years as prescribed by law a supervisor, a clerk, a treasurer, and not to exceed four trustees, whose legislative and administrative powers and duties shall be provided by law.

Sec. 19. No organized township shall grant any public utility franchise which is not subject to revocation at the will of the township, unless the proposition shall first have been approved by a majority of the electors of such township voting thereon at a regular or special election.

Sec. 20. The legislature shall provide by law for the dissolution of township government whenever all the territory of an organized township is included within the boundaries of a village or villages notwithstanding that a village may include territory within another organized township and provide by law for the classification of such village or villages as cities.

Sec. 21. The legislature shall provide by general laws for the incorporation of cities and villages. Such laws shall limit their rate of ad valorem property taxation for municipal purposes, and restrict the powers of cities and villages to borrow money and contract debts. Each city and village is granted power to levy other taxes for public purposes, subject to limitations and prohibitions provided by this constitution or by law.

Sec. 22. Under general laws the electors of each city and village shall have the power and authority to frame, adopt and amend its charter, and to amend an existing charter of the city or village heretofore granted or enacted by the legislature for the government of the city or village. Each such city and village shall have power to adopt resolutions and ordinances relating to its municipal concerns, property and government, subject to the constitution and law. No enumeration of powers granted to cities and villages in this constitution shall limit or restrict the general grant of authority conferred by this section.

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

Sec. 24. Subject to this constitution, any city or village may acquire, own or operate, within or without its corporate limits, public service facilities for supplying water, light, heat, power, sewage disposal and transportation to the municipality and the inhabitants thereof.

Any city or village may sell and deliver heat, power or light without its corporate limits in an amount not exceeding 25 percent of that furnished by it within the corporate limits, except as greater amounts may be permitted by law; may sell and deliver water and provide sewage disposal services outside of its corporate limits in such amount as may be determined by the legislative body of the city or village; and may operate transportation lines outside the municipality within such limits as may be prescribed by law.

Sec. 25. No city or village shall acquire any public utility furnishing light, heat or power, or grant any public utility franchise which is not subject to revocation at the will of the city or village, unless the proposition shall first have been approved by three-fifths of the electors voting thereon. No city or village may sell any public utility unless the proposition shall first have been approved by a majority of the electors voting thereon, or a greater number if the charter shall so provide.

Sec. 26. Except as otherwise provided in this constitution, no city or village shall have the power to loan its credit for any private purpose or, except as provided by law, for any public purpose.

Sec. 27. Notwithstanding any other provision of this constitution the legislature may establish in metropolitan areas additional forms of government or authorities with powers, duties and jurisdictions as the legislature shall provide. Wherever possible, such additional forms of government or authorities shall be designed to perform multi-purpose functions rather than a single function.

Sec. 28. The legislature by general law shall authorize two or more counties, townships, cities, villages or districts, or any combination thereof among other things to:

enter into contractual undertakings or agreements with one another or with the state or with any combination thereof for the joint administration of any of the functions or powers which each would have the power to perform separately; share the costs and responsibilities of functions and services with one another or with the state or with any combination thereof which each would have the power to perform separately; transfer functions or responsibilities to one another or any combination thereof upon the consent of each unit involved; cooperate with one another and with state government; lend their credit to one another or any combination thereof as provided by law in connection with any authorized publicly owned undertaking.

Any other provision of this constitution notwithstanding, an officer or employee of the state or any such unit of government or subdivision or agency thereof, except members of the legislature, may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service.

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

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

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

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

Sec. 33. Any elected officer of a political subdivision may be removed from office in the manner and for the causes provided by law.

Sec. 34. The provisions of this constitution and law concerning counties, townships, cities and villages shall be liberally construed in their favor. Powers granted to counties and townships by this constitution and by law shall include those fairly implied and not prohibited by this constitution.

ARTICLE VIII

Education

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

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

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

The state board of education shall appoint a superintendent of public instruction whose term of office shall be determined by the board. He shall be the chairman of the board without the right to vote, and shall be responsible for the execution of its policies. He shall be the principal executive officer of a state department of education which shall have powers and duties provided by law.

The state board of education shall consist of eight members who shall be nominated by party conventions and elected at large for terms of eight years as prescribed by law. The governor shall fill any vacancy by appointment for the unexpired term. The governor shall be ex-officio a member of the state board of education without the right to vote.

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

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

Sec. 5. The regents of the University of Michigan and their successors in office shall constitute a body corporate known as the Regents of the University of Michigan; the trustees of Michigan State University and their successors in office shall constitute a body corporate known as the Board of Trustees of Michigan State University; the governors of Wayne State University and their successors in office shall constitute a body corporate known as the Board of Governors of Wayne State University. Each board shall have general supervision of its institution and the control and direction of all expenditures from the institution's funds. Each board shall, as often as necessary, elect a president of the institution under its supervision. He shall be the principal executive officer of the institution, be ex-officio a member of the board without the right to vote and preside at meetings of the board. The board of each institution shall consist of eight members who shall hold office for terms of eight years and who shall be elected as provided by law. The governor shall fill board vacancies by appointment. Each appointee shall hold office until a successor has been nominated and elected as provided by law.

Sec. 6. Other institutions of higher education established by law having authority to grant baccalaureate degrees shall each be governed by a board of control which shall be a body corporate. The board shall have general supervision of the institution and the control and direction of all expenditures from the institution's funds. It shall, as often as necessary, elect a president of the institution under its supervision.

He shall be the principal executive officer of the institution and be ex-officio a member of the board without the right to vote. The board may elect one of its members or may designate the president, to preside at board meetings. Each board of control shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the governor by and with the advice and consent of the senate. Vacancies shall be filled in like manner.

Sec. 7. The legislature shall provide by law for the establishment and financial support of public community and junior colleges which shall be supervised and controlled by locally elected boards. The legislature shall provide by law for a state board for public community and junior colleges which shall advise the state board of education concerning general supervision and planning for such colleges and requests for annual appropriations for their support. The board shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the state board of education. Vacancies shall be filled in like manner. The superintendent of public instruction shall be ex-officio a member of this board without the right to vote.

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

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

ARTICLE IX

Finance and Taxation

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

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

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

Sec. 4. Property owned and occupied by non-profit religious or educational organizations and used exclusively for religious or educational purposes, as defined by law, shall be exempt from real and personal property taxes.

Sec. 5. The legislature shall provide for the assessment by the state of the property of those public service businesses assessed by the state at the date this constitution becomes effective, and of other property as designated by the legislature,

and for the imposition and collection of taxes thereon. Property assessed by the state shall be assessed at the same proportion of its true cash value as the legislature shall specify for property subject to general ad valorem taxation. The rate of taxation on such property shall be the average rate levied upon other property in this state under the general ad valorem tax law, or, if the legislature provides, the rate of tax applicable to the property of each business enterprise assessed by the state shall be the average rate of ad valorem taxation levied upon other property in all counties in which any of such property is situated.

Sec. 6. Except as otherwise provided in this constitution, the total amount of general ad valorem taxes imposed upon real and tangible personal property for all purposes in any one year shall not exceed 15 mills on each dollar of the assessed valuation of property as finally equalized. Under procedures provided by law, which shall guarantee the right of initiative, separate tax limitations for any county and for the townships and for school districts therein, the aggregate of which shall not exceed 18 mills on each dollar of such valuation, may be adopted and thereafter altered by the vote of a majority of the qualified electors of such county voting thereon, in lieu of the limitation hereinbefore established. These limitations may be increased to an aggregate of not to exceed 50 mills on each dollar of valuation, for a period of not to exceed 20 years at any one time, if approved by a majority of the electors, qualified under Section 6 of Article II of this constitution, voting on the question.

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

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

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

Sec. 8. The legislature shall not impose a sales tax on retailers at a rate of more than four percent of their gross taxable sales of tangible personal property.

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

Sec. 10. One-eighth of all taxes imposed on retailers on taxable sales at retail of tangible personal property shall be used exclusively for assistance to townships, cities and villages, on a population basis as provided by law. In determining population the legislature may exclude any portion of the total number of persons who are wards, patients or convicts in any tax supported institution.

Sec. 11. There shall be established a state school aid fund which shall be used exclusively for aid to school districts, higher education and school employees' retirement systems, as provided by law. One-half of all taxes imposed on retailers on taxable sales at retail of tangible personal property, and other tax revenues provided by law, shall

be dedicated to this fund. Payments from this fund shall be made in full on a scheduled basis, as provided by law.

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

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

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

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

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

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

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

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

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

The power to tax for the payment of principal and interest on bonds hereafter issued which are the general obligations of any school district, including refunding bonds, and for repayment of any state loans made to school districts, shall be without limitation as to rate or amount.

All rights acquired under Sections 27 and 28 of Article X of the Constitution of 1908, by holders of bonds heretofore issued, and all obligations assumed by the state or any school district under these sections, shall remain unimpaired.

Sec. 17. No money shall be paid out of the state treasury except in pursuance of appropriations made by law.

Sec. 18. The credit of the state shall not be granted to, nor in aid of any person, association or corporation, public or private, except as authorized in this constitution.

This section shall not be construed to prohibit the investment of public funds until needed for current requirements or the investment of funds accumulated to provide retirement or pension benefits for public officials and employees, as provided by law.

Sec. 19. The state shall not subscribe to, nor be interested in the stock of any company, association or corporation, except that funds accumulated to provide retirement or pension benefits for public officials and employees may be invested as provided by law; and endowment funds created for charitable or educational purposes may be invested as provided by law governing the investment of funds held in trust by trustees.

Sec. 20. No state money shall be deposited in banks other than those organized under the national or state banking laws. No state money shall be deposited in any bank in excess of 50 percent of the capital and surplus of such bank. Any bank receiving deposits of state money shall show the amount of state money so deposited as a separate item in all published statements.

Sec. 21. The legislature shall provide by law for the annual accounting for all public moneys, state and local, and may provide by law for interim accounting.

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

Sec. 22. Procedures for the examination and adjustment of claims against the state shall be prescribed by law.

Sec. 23. All financial records, accountings, audit reports and other reports of public moneys shall be public records and open to inspection. A statement of all revenues and expenditures of public moneys shall be published and distributed annually, as provided by law.

Sec. 24. The accrued financial benefits of each pension plan and retirement system of the state and its political subdivisions shall be a contractual obligation thereof which shall not be diminished or impaired thereby.

Financial benefits arising on account of service rendered in each fiscal year shall be funded during that year and such funding shall not be used for financing unfunded accrued liabilities.

ARTICLE X
Property

Sec. 1. The disabilities of coverture as to property are abolished. The real and personal estate of every woman acquired before marriage and all real and personal

property to which she may afterwards become entitled shall be and remain the estate and property of such woman, and shall not be liable for the debts, obligations or engagements of her husband, and may be dealt with and disposed of by her as if she were unmarried. Dower may be relinquished or conveyed as provided by law.

Sec. 2. Private property shall not be taken for public use without just compensation therefor being first made or secured in a manner prescribed by law. Compensation shall be determined in proceedings in a court of record.

Sec. 3. A homestead in the amount of not less than $3,500 and personal property of every resident of this state in the amount of not less than $750, as defined by law, shall be exempt from forced sale on execution or other process of any court. Such exemptions shall not extend to any lien thereon excluded from exemption by law.

Sec. 4. Procedures relating to escheats and to the custody and disposition of escheated property shall be prescribed by law.

Sec. 5. The legislature shall have general supervisory jurisdiction over all state owned lands useful for forest preserves, game areas and recreational purposes; shall require annual reports as to such lands from all departments having supervision or control thereof; and shall by general law provide for the sale, lease or other disposition of such lands.

The legislature by an act adopted by two-thirds of the members elected to and serving in each house may designate any part of such lands as a state land reserve. No lands in the state land reserve may be removed from the reserve, sold, leased or otherwise disposed of except by an act of the legislature.

Sec. 6. Aliens who are residents of this state shall enjoy the same rights and privileges in property as citizens of this state.

ARTICLE XI

Public Officers and Employment

Sec. 1. All officers, legislative, executive and judicial, before entering upon the duties of their respective offices, shall take and subscribe the following oath or affirmation: I do solemnly swear (or affirm) that I will support the Constitution of the United States and the constitution of this state, and that I will faithfully discharge the duties of the office of ..... according to the best of my ability. No other oath, affirmation, or any religious test shall be required as a qualification for any office or public trust.

Sec. 2. The terms of office of elective state officers, members of the legislature and justices and judges of courts of record shall begin at twelve o'clock noon on the first day of January next succeeding their election, except as otherwise provided in this constitution. The terms of office of county officers shall begin on the first day of January next succeeding their election, except as otherwise provided by law.

Sec. 3. Neither the legislature nor any political subdivision of this state shall grant or authorize extra compensation to any public officer, agent or contractor after the service has been rendered or the contract entered into.

Sec. 4. No person having custody or control of public moneys shall be a member of the legislature, or be eligible to any office of trust or profit under this state, until he shall have made an accounting, as provided by law, of all sums for which he may be liable.

Sec. 5. The classified state civil service shall consist of all positions in the state service except those filled by popular election, heads of principal departments, members of boards and commissions, the principal executive officer of boards and commissions heading principal departments, employees of courts of record, employees of the legislature, employees of the state institutions of higher education, all persons in the armed forces of the state, eight exempt positions in the office of the governor, and within each principal department, when requested by the department head, two other exempt positions, one of which shall be policy-making. The civil service commission may exempt three additional positions of a policy-making nature within each principal department.

The civil service commission shall be non-salaried and shall consist of four persons, not more than two of whom shall be members of the same political party, appointed by the governor for terms of eight years, no two of which shall expire in the same year.

The administration of the commission's powers shall be vested in a state personnel director who shall be a member of the classified service and who shall be responsible to and selected by the commission after open competitive examination.

The commission shall classify all positions in the classified service according to their respective duties and responsibilities, fix rates of compensation for all classes of positions, approve or disapprove disbursements for all personal services, determine by competitive examination and performance exclusively on the basis of merit, efficiency and fitness the qualifications of all candidates for positions in the classified service, make rules and regulations covering all personnel transactions, and regulate all conditions of employment in the classified service.

No person shall be appointed to or promoted in the classified service who has not been certified by the commission as qualified for such appointment or promotion. No appointments, promotions, demotions or removals in the classified service shall be made for religious, racial or partisan considerations.

Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year. Within 60 calendar days following such transmission, the legislature may, by a two-thirds vote of the members elected to and serving in each house, reject or reduce increases in rates of compensation authorized by the commission. Any reduction ordered by the legislature shall apply uniformly to all classes of employees affected by the increases and shall not adjust pay differentials already established by the civil service commission. The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases authorized by the commission.

The appointing authorities may create or abolish positions for reasons of administrative efficiency without the approval of the commission. Positions shall not be created nor abolished except for reasons of administrative efficiency. Any employee considering himself aggrieved by the abolition or creation of a position shall have a right of appeal to the commission through established grievance procedures.

The civil service commission shall recommend to the governor and to the legislature rates of compensation for all appointed positions within the executive department not a part of the classified service.

To enable the commission to exercise its powers, the legislature shall appropriate to the commission for the ensuing fiscal year a sum not less than one percent of the aggregate payroll of the classified service for the preceding fiscal year, as certified by the commission. Within six months after the conclusion of each fiscal year the commission shall return to the state treasury all moneys unexpended for that fiscal year.

The commission shall furnish reports of expenditures, at least annually, to the governor and the legislature and shall be subject to annual audit as provided by law.

No payment for personal services shall be made or authorized until the provisions of this constitution pertaining to civil service have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

Sec. 6. By ordinance or resolution of its governing body which shall not take effect until approved by a majority of the electors voting thereon, unless otherwise provided by charter, each county, township, city, village, school district and other governmental unit or authority may establish, modify or discontinue a merit system for its employees other than teachers under contract or tenure. The state civil service commission may on request furnish technical services to any such unit on a reimbursable basis.

Sec. 7. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office or for crimes or misdemeanors, but a majority of the members elected thereto and serving therein shall be necessary to direct an impeachment.

When an impeachment is directed, the house of representatives shall elect three of its members to prosecute the impeachment.

Every impeachment shall be tried by the senate immediately after the final adjournment of the legislature. The senators shall take an oath or affirmation truly and impartially to try and determine the impeachment according to the evidence. When the governor or lieutenant governor is tried, the chief justice of the supreme court shall preside.

No person shall be convicted without the concurrence of two-thirds of the senators elected and serving. Judgment in case of conviction shall not extend further than removal from office, but the person convicted shall be liable to punishment according to law.

No judicial officer shall exercise any of the functions of his office after an impeachment is directed until he is acquitted.

ARTICLE XII

Amendment and Revision

Sec. 1. Amendments to this constitution may be proposed in the senate or house of representatives. Proposed amendments agreed to by two-thirds of the members elected to and serving in each house on a vote with the names and vote of those voting entered in the respective journals shall be submitted, not less than 60 days thereafter, to the electors at the next general election or special election as the legislature shall direct. If a majority of electors voting on a proposed amendment approve the same, it shall become part of the constitution and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved.

Sec. 2. Amendments may be proposed to this constitution by petition of the registered electors of this state. Every petition shall include the full text of the proposed amendment, and be signed by registered electors of the state equal in number to at least 10 percent of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected. Such petitions shall be filed with the person authorized by law to receive the same at least 120 days before the election at which the proposed amendment is to be voted upon. Any such petition shall be in the form, and shall be signed and circulated in such manner, as prescribed by law. The person authorized by law to receive such petition shall upon its receipt determine, as provided by law, the validity and sufficiency of the signatures on the petition, and make an official announcement thereof at least 60 days prior to the election at which the proposed amendment is to be voted upon.

Any amendment proposed by such petition shall be submitted, not less than 120 days after it was filed, to the electors at the next general election. Such proposed amendment, existing provisions of the constitution which would be altered or abrogated thereby, and the question as it shall appear on the ballot shall be published in full as provided by law. Copies of such publication shall be posted in each polling place and furnished to news media as provided by law.

The ballot to be used in such election shall contain a statement of the purpose of the proposed amendment, expressed in not more than 100 words, exclusive of caption. Such statement of purpose and caption shall be prepared by the person authorized by law, and shall consist of a true and impartial statement of the purpose of the amendment in such language as shall create no prejudice for or against the proposed amendment.

If the proposed amendment is approved by a majority of the electors voting on the question, it shall become part of the constitution, and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved. If two or more amendments approved by the electors at the same election conflict, that amendment receiving the highest affirmative vote shall prevail.

Sec. 3. At the general election to be held in the year 1978, and in each 16th year thereafter and at such times as may be provided by law, the question of a general revision of the constitution shall be submitted to the electors of the state. If a majority of the electors voting on the question decide in favor of a convention for such purpose, at an election to be held not later than six months after the proposal was certified as approved, the electors of each representative district as then organized shall elect one delegate and the electors of each senatorial district as then organized shall elect one delegate at a partisan election. The delegates so elected shall convene at the seat of government on the first Tuesday in October next succeeding such election or at an earlier date if provided by law.

The convention shall choose its own officers, determine the rules of its proceedings and judge the qualifications, elections and returns of its members. To fill a vacancy in the office of any delegate, the governor shall appoint a qualified resident of the same district who shall be a member of the same party as the delegate vacating the office. The convention shall have power to appoint such officers, employees and assistants as it deems necessary and to fix their compensation; to provide for the printing and distribution of its documents, journals and proceedings; to explain and disseminate information about the proposed constitution and to complete the business of

the convention in an orderly manner. Each delegate shall receive for his services compensation provided by law.

No proposed constitution or amendment adopted by such convention shall be submitted to the electors for approval as hereinafter provided unless by the assent of a majority of all the delegates elected to and serving in the convention, with the names and vote of those voting entered in the journal. Any proposed constitution or amendments adopted by such convention shall be submitted to the qualified electors in the manner and at the time provided by such convention not less than 90 days after final adjournment of the convention. Upon the approval of such constitution or amendments by a majority of the qualified electors voting thereon the constitution or amendments shall take effect as provided by the convention.

Schedule and Temporary Provisions

To insure the orderly transition from the constitution of 1908 to this constitution the following schedule and temporary provisions are set forth to be effective for such period as are thereby required.

Sec. 1. The attorney general shall recommend to the legislature as soon as practicable such changes as may be necessary to adapt existing laws to this constitution.

Sec. 2. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights existing on the effective date of this constitution shall continue unaffected except as modified in accordance with the provisions of this constitution.

Sec. 3. Except as otherwise provided in this constitution, all officers filling any office by election or appointment shall continue to exercise their powers and duties until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

No provision of this constitution, or of law or of executive order authorized by this constitution shall shorten the term of any person elected to state office at a statewide election on or prior to the date on which this constitution is submitted to a vote. In the event the duties of any such officers shall not have been abolished or incorporated into one or more of the principal departments at the expiration of his term, such officer shall continue to serve until his duties are so incorporated or abolished.

Sec. 4. All officers elected at the same election that this constitution is submitted to the people for adoption shall take office and complete the term to which they were elected under the 1908 constitution and existing laws and continue to serve until their successors are elected and qualified pursuant to this constitution or law.

Sec. 5. Notwithstanding any other provision in this constitution, the governor, the lieutenant governor, the secretary of state, the attorney general and state senators shall be elected at the general election in 1964 to serve for two-year terms beginning on the first day of January next succeeding their election. The first election of such officers for four-year terms under this constitution shall be held at the general election in 1966.

Sec. 6. Notwithstanding the provisions of this constitution that the supreme court shall consist of seven justices it shall consist of eight justices until the time that a vacancy occurs as a result of death, retirement or resignation of a justice. The first such vacancy shall not be filled.

Sec. 7. Any judge of probate serving on the effective date of this constitution may serve the remainder of the term and be eligible to succeed himself for election

regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

Sec. 8. The provisions of Article VI providing that terms of judicial offices shall not all expire at the same time, shall be implemented by law providing that at the next election for such offices judges shall be elected for terms of varying length, none of which shall be shorter than the regular term provided for the office.

Sec. 9. The members of the state board of education provided for in Section 3 of Article VIII of this constitution shall first be elected at the first general election after the effective date of this constitution for the following terms: two shall be elected for two years, two for four years, two for six years, and two for eight years as prescribed by law.

The state board of education provided for in the constitution of 1908 is abolished at twelve o'clock noon January 1 of the year following the first general election under this constitution and the terms of members thereof shall then expire.

Sec. 10. The provisions of this constitution providing for members of boards of control of institutions of higher education and the state board of public community and junior colleges shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended, and may further provide that the initial terms of office of members may be less than eight years.

Sec. 11. The provisions of this constitution increasing the number of members of the Board of Trustees of Michigan State University and of the Board of Governors of Wayne State University to eight, and of their term of office to eight years, shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended one year, and may further provide that the initial terms of office of the additional members may be less than eight years.

Sec. 12. The initial allocation of departments by law pursuant to Section 2 of Article V of this constitution, shall be completed within two years after the effective date of this constitution. If such allocation shall not have been completed within such period, the governor, within one year thereafter, by executive order, shall make the initial allocation.

Sec. 13. Contractual obligations of the state incurred pursuant to the constitution of 1908 shall continue to be obligations of the state.

For the retirement of notes and bonds issued under Section 26 of Article X of the 1908 constitution, there is hereby appropriated from the general fund each year during their life a sum equal to the amount of principal and interest payments due and payable in each year.

Sec. 14. The legislature by a vote of two-thirds of the members elected to and serving in each house may provide that the state may borrow money and may pledge its full faith and credit for refunding any bonds issued by the Mackinac Bridge Authority and at the time of refunding the Mackinac Bridge Authority shall be abolished and the operation of the bridge shall be assumed by the state highway department. The legislature may implement this section by law.

Sec. 15. This constitution shall be submitted to the people for their adoption or rejection at the general election to be held on the first Monday in April, 1963. It shall be the duty of the secretary of state forthwith to give notice of such submission to all

other officers required to give or publish any notice in regard to a general election. He shall give notice that this constitution will be duly submitted to the electors at such election. The notice shall be given in the manner required for the election of governor.

Sec. 16. Every registered elector may vote on the adoption of the constitution. The board of election commissioners in each county shall cause to be printed on a ballot separate from the ballot containing the names of the nominees for office, the words: Shall the revised constitution be adopted? ( ) Yes. ( ) No. All votes cast at the election shall be taken, counted, canvassed and returned as provided by law for the election of state officers. If the revised constitution so submitted receives more votes in its favor than were cast against it, it shall be the supreme law of the state on and after the first day of January of the year following its adoption.

Adopted by the Constitutional Convention of nineteen hundred sixty-one at Constitution Hall in Lansing on the first day of August, nineteen hundred sixty-two.

Stephen S. Nisbet

Stephen S. Nisbet, *President*

Fred I. Chase

Fred I. Chase, *Secretary*

[ADDRESS TO THE PEOPLE]

What the Proposed New State Constitution Means to You

- **A report to the people of Michigan by their elected delegates to the Constitutional Convention of 1961-62.**

Lansing, Michigan

August 1, 1962

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

the present two years to four years, effective with those taking office on January 1, 1967, and they are to be chosen at elections in alternate even-numbered years (not to conflict with national Presidential elections).

To provide for orderly transition in the establishment of the longer terms, the four major state officers named will be elected for two-year terms in the 1964 general election. The first four-year election under this constitution will be in 1966. (See Schedule and Temporary Provisions.)

Candidates for governor will continue to be nominated in such manner as determined by the legislature. Candidates for lieutenant governor, secretary of state and attorney general shall be nominated by party conventions, as prescribed by law.

The section provides that the nominees for governor and lieutenant governor of each party run as a team, with votes for the governor to be also cast for the lieutenant governor in the same manner as with the president and vice president of the United States.

Eligibility for office.

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.

This is a revision of Sec. 13, Article VI, of the present constitution. The age requirement of 30 years is retained for eligibility to the office of governor or lieutenant governor. Present requirements that a person shall have "been 5 years a citizen of the United States and a resident of this state 2 years" have been changed to a person who has "been a registered elector in this state for four years next preceding his election."

The "registered elector" requirement is regarded as sufficient to take care of the citizenship and residence provisions in the present constitution.

State officer compensation.

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.*

This is a revision of Sec. 21, Article VI, of the present constitution to include the lieutenant governor and to eliminate the auditor general and state treasurer, who become appointive officials. The words "except as otherwise provided in this constitution" are added at the end of the section to eliminate any possible conflict with the provision which requires payment of the same compensation as the governor receives to those state officers who may succeed to his powers and duties.

Executive residence.

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.

This is a new section reflecting the convention's belief that a suitable residence for the governor, properly furnished and with an adequate maintenance allowance, should be provided. Of the 50 states, 41 now provide a residence for the governor. All details of construction and related matters are left to the determination of the legislature.

Lieutenant governor; duties.

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.*

This is a revision of Sec. 19, Article VI, of the present constitution. A significant change is the provision that the lieutenant governor, in his capacity as president of the senate, may vote in case of equal division. The lieutenant governor is also directed to "perform duties requested of him by the governor." The section specifies, however, that "no power vested in the governor shall be delegated."

Succession to governorship.

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.

This is a revision of Secs. 16 and 17, Article VI, of the present constitution. It brings the matter of line of succession to vacancy in the office of governor