

# Michigan Constitutional Convention of 1961

## Committee Proposal 71h

### Const 1963, Art 5, § 28

#### Relevant Material From the Constitutional Convention Record

Cross-Reference and Indices	pp. 3436, 3448, 3465-3466
First Reading	pp. 756, 1766-1771, 1905-1920, 2008-2013, 2075-2076, 2179-2182, 2206-2207, 2211-2212, 2620
Second Reading	pp. 2737, 2743-2744, 2747-2755
Draft Constitution (Art 5, § 27)	pp. 3047-3075 (p. 3059)
Third Reading, Article-by-Article	pp. 3119-3125, 3206-3208, 3214
Draft Constitution (Art 5, § 28)	pp. 3215-3237 (pp. 3224-3225)
Third Reading, Full Constitution	pp. 3292, 3300-3301
Adopted Constitution (Art 5, § 28)	pp. 3319-3353 (p. 3334)
Address to the People	p. 3383

#### Overview of the Constitutional Convention Process

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

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

**State of Michigan**  
**CONSTITUTIONAL CONVENTION**  
**1961 - 1962**  
**OFFICIAL RECORD**



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

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

\* Created by the committee on style and drafting.

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

Committee Proposal No.	Page	Committee Proposal No.	Page
65: Cont'd.		70.	
Feb. 1, reported by miscellaneous provisions and schedule; referred to committee of the whole	738	A proposal to revise provisions of section 36 of article V regarding the veto power of the governor.	
Apr. 16, read first time; considered, passed by committee of the whole	2458-2472	For text as offered and reasons	1717
Apr. 16, reported by committee of the whole without amendment; referred to style and drafting	2472	For minority report and reasons	1718
Apr. 26, reported by style and drafting (Report 113); placed on order of second reading	2852	As referred to style and drafting	1717
May 1, read second time; passed; rereferred to style and drafting	3004-3006	As reported by style and drafting	2769
		As rereferred to style and drafting	2769
66. A proposal relative to amendment and revision. Amends section 4 of article XVII.		Feb. 1, reported by legislative powers and executive branch; referred to committee of the whole	738
For text as offered and reasons	2472	Mar. 19, read first time; considered, passed by committee of the whole	1717-1720
As referred to style and drafting	2472	Mar. 19, reported by committee of the whole without amendment; referred to style and drafting	1730
As reported by style and drafting	3006	Apr. 19, reported by style and drafting (Report 73); placed on order of second reading	2619
As rereferred to style and drafting	3013	Apr. 24, read second time; passed; rereferred to style and drafting	2769-2770
Feb. 1, reported by miscellaneous provisions and schedule; referred to committee of the whole	738	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.	
Apr. 16, read first time; considered, passed by committee of the whole	2472-2490	For text as offered and reasons	1766
Apr. 16, reported by committee of the whole without amendment; referred to style and drafting	2503	For minority reports and reasons	1769
Apr. 20, reported by style and drafting (Report 114); placed on order of second reading	2852	As referred to style and drafting	2211
May 1, read second time; amended, passed; rereferred to style and drafting	3006-3013	As reported by style and drafting	2743
		As rereferred to style and drafting	2743
67. A proposal to amend article XIII, sections 1, 2, 3, 4 and 5, pertaining to eminent domain, of the present constitution.		Feb. 2, reported by executive branch; referred to committee of the whole	756
For text as offered and reasons	2580	Mar. 20, read first time; section a considered by committee of the whole	1766-1784
As referred to style and drafting	2848	Mar. 21, section a considered, amended by committee of the whole	1787-1814
As reported by style and drafting	3035	Mar. 22, sections a, b considered; section a amended, passed by committee of the whole	1816-1844
As rereferred to style and drafting	3035	Mar. 23, section b considered, amended by committee of the whole	1845-1865
Feb. 2, reported by miscellaneous provisions and schedule; referred to committee of the whole	756	Mar. 26, section b considered, amended by committee of the whole	1867-1874, 1875-1889
Apr. 18, read first time; considered, amended by committee of the whole	2580-2597, 2598-2602	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
Apr. 25, considered, amended, passed by committee of the whole	2829-2848	Mar. 28, section i offered, amended by committee of the whole	1921-1950
Apr. 25, reported by committee of the whole with 1 amendment; referred, as amended, to style and drafting	2848	Mar. 29, consideration postponed by committee of the whole	1954
Apr. 26, reported by style and drafting (Report 121); placed on order of second reading	2870	Mar. 29, section i considered, amended, adopted, amended, passed; committee proposal as amended considered by committee of the whole	1976-1986, 1988-2006
Apr. 30, consideration postponed	2997	Mar. 30, considered, passed by committee of the whole	2008
May 1, read second time; passed; rereferred to style and drafting	3035-3042	Mar. 30, reported by committee of the whole with 11 amendments; consideration of report postponed to Apr. 3	2009-2013
68. A proposal pertaining to the schedule. Amends sections 10, 6 and 11 of the schedule.		Apr. 3, report of committee of the whole postponed	2075-2076
For text as offered and reasons	2490	Apr. 5, report of committee of the whole considered; amendments 1 through 10 concurred in; amendment 11 (section i) considered	2179-2190
As referred to style and drafting	2490	Apr. 6, amendment 11 (section i) considered, substituted, concurred in; amended; referred to style and drafting	2192-2212
As reported by style and drafting	3031	Apr. 19, reported by style and drafting (Report 72); placed on order of second reading	2620
As rereferred to style and drafting	3035	Apr. 24, consideration postponed	2737
Feb. 1, reported by miscellaneous provisions and schedule; referred to committee of the whole	738	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
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.)			



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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

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Article V, Section 28: Cont'd.		Article VI: Cont'd.	
May 8, read third time; passed	3117-3125	Section 5. Court rules; distinctions between law and equity; master in chancery. (Committee Proposal 91d)	
May 9, referred to committee on style and drafting	3210	May 7, reported; placed on order of third reading	3045
May 11, reported (as section 28); placed on order of third reading; considered read third time; passed	3213-3275	May 8, read third time; passed	3125-3140
Aug. 1, considered; adopted	3291-3301	May 9, referred to committee on style and drafting	3210
For text as adopted	3334	May 11, reported; placed on order of third reading; considered read third time; passed	3213-3275
For text, and comments in address to the people	3383	Aug. 1, considered; adopted	3291-3301
Section 29 (originally section 28). Civil rights commission; members, term, duties, appropriation. Rules and regulations; hearings, orders. Appeals. (Committee Proposal 71i-71A)		For text as adopted	3335
May 7, reported (as section 28); placed on order of third reading	3045	For text, and comments in address to the people	3385
May 8, read third time; amended; passed	3117-3125	Section 6. Decisions and dissents; writing, contents. (Committee Proposal 91e)	
May 9, referred to committee on style and drafting	3210	May 7, reported; placed on order of third reading	3045
May 11, reported (as section 29); placed on order of third reading; considered read third time; passed	3213-3275	May 8, read third time; passed	3125-3140
Aug. 1, considered; adopted	3291-3301	May 9, referred to committee on style and drafting	3210
For text as adopted	3334	May 11, reported; placed on order of third reading; considered read third time; passed	3213-3275
For text, and comments in address to the people	3383	Aug. 1, considered; adopted	3291-3301
ARTICLE VI. Judicial branch. (Committee Proposals 90, 91a, b, c, d, e, f, 92a, b, c, 93a, b, c, d, 94a, b, 95 and 96a, a <sup>1</sup> , b, c, d, e, g, h, i, l, n, o)		For text as adopted	3335
May 7, reported; placed on order of third reading	3045	For text, and comments in address to the people	3385
May 8, read third time; sections 8 and 26 amended; passed	3125-3140	Section 7. Staff; budget; salaries of justices; fees. (Committee Proposal 91f)	
May 9, referred to committee on style and drafting	3210	May 7, reported; placed on order of third reading	3045
May 11, reported; placed on order of third reading; considered read third time; section 28 amended; passed	3213-3275	May 8, read third time; passed	3125-3140
Aug. 1, considered; adopted	3291-3301	May 9, referred to committee on style and drafting	3210
For text as adopted	3334-3338	May 11, reported; placed on order of third reading; considered read third time; passed	3213-3275
For text, and comments in address to the people	3384-3389	Aug. 1, considered; adopted	3291-3301
Section 1. Judicial power in court of justice; divisions. (Committee Proposal 90)		For text as adopted	3335
May 7, reported; placed on order of third reading	3045	For text, and comments in address to the people	3385
May 8, read third time; passed	3125-3140	Section 8. Court of appeals; election of judges, divisions. (Committee Proposal 92a)	
May 9, referred to committee on style and drafting	3210	May 7, reported; placed on order of third reading	3045
May 11, reported; placed on order of third reading; considered read third time; passed	3213-3275	May 8, read third time; amended; passed	3125-3140
Aug. 1, considered; adopted	3291-3301	May 9, referred to committee on style and drafting	3210
For text as adopted	3334	May 11, reported; placed on order of third reading; considered read third time; passed	3213-3275
For text, and comments in address to the people	3384	Aug. 1, considered; adopted	3291-3301
Section 2. Justices of the supreme court; number, term, nomination, election. (Committee Proposal 91a)		For text as adopted	3335
May 7, reported; placed on order of third reading	3045	For text, and comments in address to the people	3386
May 8, read third time; passed	3125-3140	Section 9. Judges of court of appeals, terms. (Committee Proposal 92b)	
May 9, referred to committee on style and drafting	3210	May 7, reported; placed on order of third reading	3045
May 11, reported; placed on order of third reading; considered read third time; passed	3213-3275	May 8, read third time; passed	3125-3140
Aug. 1, considered; adopted	3291-3301	May 9, referred to committee on style and drafting	3210
For text as adopted	3334	May 11, reported; placed on order of third reading; considered read third time; passed	3213-3275
For text, and comments in address to the people	3384	Aug. 1, considered; adopted	3291-3301
Section 3. Chief justice; court administrator; other assistants. (Committee Proposal 91b)		For text as adopted	3335
May 7, reported; placed on order of third reading	3045	For text, and comments in address to the people	3386
May 8, read third time; passed	3125-3140	Section 10. Jurisdiction, practice and procedure of court of appeals. (Committee Proposal 92c)	
May 9, referred to committee on style and drafting	3210	May 7, reported; placed on order of third reading	3045
May 11, reported; placed on order of third reading; considered read third time; passed	3213-3275	May 8, read third time; passed	3125-3140
Aug. 1, considered; adopted	3291-3301	May 9, referred to committee on style and drafting	3210
For text as adopted	3335	May 11, reported; placed on order of third reading; considered read third time; passed	3213-3275
For text, and comments in address to the people	3385	Aug. 1, considered; adopted	3291-3301
Section 4. General superintending control over courts; writs; appellate jurisdiction. (Committee Proposal 91c)		For text as adopted	3335
May 7, reported; placed on order of third reading	3045	For text, and comments in address to the people	3386
May 8, read third time; passed	3125-3140	Section 11. Circuit courts; judicial circuits, sessions, number of judges. (Committee Proposal 93a)	
May 9, referred to committee on style and drafting	3210	May 7, reported; placed on order of third reading	3045
May 11, reported; placed on order of third reading; considered read third time; passed	3213-3275	May 8, read third time; passed	3125-3140
Aug. 1, considered; adopted	3291-3301	May 9, referred to committee on style and drafting	3210
For text as adopted	3335	May 11, reported; placed on order of third reading; considered read third time; passed	3213-3275
For text, and comments in address to the people	3385	Aug. 1, considered; adopted	3291-3301
		For text as adopted	3335
		For text, and comments in address to the people	3386
		Section 12. Circuit judges; nomination, election, term. (Committee Proposal 93b)	
		May 7, reported; placed on order of third reading	3045
		May 8, read third time; passed	3125-3140
		May 9, referred to committee on style and drafting	3210
		May 11, reported; placed on order of third reading; considered read third time; passed	3213-3275

Dehnke	Krolkowski	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,

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

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

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

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.

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

CHAIRMAN MILLARD: The amendment is not adopted. Are there any further amendments on the desk?

SECRETARY CHASE: None on file to this section, Mr. Chairman.

CHAIRMAN MILLARD: If there are no further amendments to section g, it will pass.

Section g is passed, as amended. The secretary will read.

SECRETARY CHASE: Messrs. Figy, Karn, Knirk, Shackleton, Sharpe and Tubbs offer the following amendment:

1. Amend page 5, following section g, by inserting a new section h 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 consecutive 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."

CHAIRMAN MILLARD: The Chair will recognize the first proponent of this amendment known as a new section h, Mr. Figy.

MR. FIGY: Mr. Chairman, fellow delegates, the state highway department must be responsive to public control in order that it may best serve the interests of the people of the state. But the substantive nature of the work involves the exercise of professional knowledge and technical skills. In determining the organization of the state highway department, we must seek to balance these 2 aspects of its functioning.

The amendment submitted provides for a 4 member bipartisan commission serving staggered terms and appointed by the governor with the advice and consent of the senate. Such a commission, representing a variety of viewpoints, chosen by the governor, will be made up of persons responsive to the public interest.

The amendment submitted provides that the administrative head of the department shall be a director appointed by the highway commission and that he must be a competent highway engineer and administrator. The operation of a highway department of the magnitude of that of the state of Michigan requires that the director have certain very definite qualifications in a very high degree. The design, construction and maintenance of highways and the direction of the complex organization necessary to implement these functions, is a job that can only be properly exercised by a man who has acquired an extensive background in this area of work.

The method of organizing a department which is being proposed has been employed by the state of Michigan in many other areas. At the present time the state departments of aeronautics, agriculture, civil service, conservation, corrections, libraries, mental health and social welfare are all headed by a board or commission which is appointed by the governor with the advice and consent of the senate and which in turn appoints its administrative head. It should be noted that this list includes departments performing extensive and vital functions in the government of the state. These departments also share with the highway department the need for using special professional skills which makes a director with an extensive background in a particular area of work so desirable. Nor is this method of organization unknown to state highway departments. The administrative head of the state highway department is appointed by a highway commission in Arkansas, Delaware, Louisiana, Nevada, Oklahoma, South Carolina, Texas, Utah and Wyoming.

Examples of governmental departments headed by an administrator appointed by a board or commission specifically concerned with setting the policies of that department are too

numerous to list. This is widely recognized as an organizational framework which permits the professional and technical work of a department to progress without undue pressure and interference, while at the same time subjecting it to the legitimate control of a publicly responsible body. It is with these ends and the need to achieve them in our state highway department in mind, that this amendment is submitted.

There is much other precedent for this type of organization other than what I have mentioned. As you know, in all of our counties in the state of Michigan they have a county highway commission, and the highway commission is authorized to hire the engineer or the executive officer.

In my experience in agriculture—which is somewhat different, I will admit, than it is in highways—it was my pleasure to work with all of the state departments of agriculture in the whole United States at one time or another, and one of them that stands out I think, is our sister state of Wisconsin, where they have such a provision as this. They did have and the director of the department apparently was not doing the best job in the interest of the board or commission, as they are called so he was relieved of his duties. It was not necessary for them to continue him until his elective term ran out, until he might run again for election, and might get elected to the position; but he was relieved of his duties and a young man in the department, in the opinion of the commission anyway, was very capable of carrying on the responsibilities. He was made the head of the department, and in my work with him for several years I think he did a splendid job, much better than the previous director, who was also a good friend of mine.

Now, I don't want to belabor this thing much longer. I think we have brought out the points on it. It has been discussed by different people. I think you know what the amendment is, and without taking more of your time right now I would yield to Delegate Karn for some remarks.

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

MR. KARN: Mr. Chairman, members of the committee, I rise to speak in favor of the amendment which Delegate Figy has just presented to you.

A 4 man commission representing both political parties and with a delegated responsibility for the control and jurisdiction over all of our state trunkline highways, in my opinion, at least, through the years would select a director perhaps with excellent qualifications, perhaps better qualifications than would be selected by either political party in a convention. In addition to this, appointment of a director would eliminate the rather considerable time and expense required for electing the director of the highway department.

This certainly is an important job. It needs the complete attention and effort of the director; and one who finds that periodically he must stand for election and campaign throughout the state is using time that could better be used if he is not selected in this manner. It seems to me also that the appointment of a director by the commission rather than by election, or appointment by the governor, would tend to remove politics from a very important department.

Now we have heard it said and there are those who believe that a director of a department such as this is farther away from politics if elected than appointed. It is difficult for me to agree with that type of thinking. However, it may be possible at times. But it does seem to me that with a 4 man commission in there with the responsibility and with the director free to devote his entire time and attention to the job at hand, I do believe personally that he would be removed farther from politics than is true today. I recommend the adoption of the amendment.

CHAIRMAN MILLARD: Mr. Figy.

MR. FIGY: I would like to yield at this time to Delegate Knirk.

CHAIRMAN MILLARD: The Chair will recognize Delegate Knirk.

MR. KNIRK: Mr. Chairman and delegates, I wish to add a few comments to the comments of Delegates Figy and Karn. I was somewhat undecided in this particular position, whether or not they should be elected or appointed by this particular

commission as we recommend here, but I have to confess that because of experiences that I have had here in the convention hall since—a week ago it will be tomorrow, which is Wednesday, and last Thursday and then over the weekend—experiences that I have had in this regard convinced me definitely that a commission would be much better than what we now have, because of the experience of people that represent suppliers of road materials, or contractors and, I understand, others that have been in the hall, but this happened to me personally, to try to, if I might say, twist my arm and insist that I vote for the election of the highway commissioner. Over the weekend I had a supplier contact me and try to prove how wrong I was. In both cases I let the gentlemen know that because of their particular conduct and their insistence that this office be an elective office, I felt that they very definitely convinced me that there might be more to what we have than meets the eye. And I am referring to the fact that I believe that a commission, much like a board of education in a local school district, or a board, whether it be statewide or on an area basis, certainly can add tremendously to the knowledge of the executive officer of a commission. I believe that in our own counties all of us are proud of the highway commissions that we have and the fine work that they have done with the limited funds that they have had at their disposal, and I think that this can also apply on the state level, and I think that if there have been any undue, shall we say, contributions to certain campaigns in the past by these suppliers, perhaps we might build roads more cheaply if they didn't have to contribute, and therefore I am absolutely in agreement that this particular office should be filled by appointment by this commission, and I certainly hope that all of the delegates here will see fit to support this amendment. Thank you.

CHAIRMAN MILLARD: Mr. Figy.

MR. FIGY: Mr. Chairman, I would like at this time to yield to Delegate Shackleton.

CHAIRMAN MILLARD: The Chair recognizes the gentleman from Saginaw, Mr. Shackleton.

MR. SHACKLETON: Mr. Chairman, Mr. Figy, members of the committee, this department is one of the largest principal departments in the state, spending upwards of \$350 million a year. That is a tremendous amount of money to leave, really, up to one individual to administer.

In the present highway commissioner's testimony before the committee on executive branch, he stated that he was not responsible to the governor. He certainly can't be responsible to 144 members of the legislature because 144 members certainly could not devote the time or lend any particular amount of direction. He stated he was responsible to the people, to the individuals, because he was elected by them. It was brought out in the committee testimony, however, that in one of the counties in the southern part of the state where there was an official delegation consisting of the county, the principal city in that county and the planning board, it took a long time before they could get a hearing or an audience with the commissioner, and then it only lasted about 15 minutes.

I have spent about 13 years on the planning board for the city of Saginaw; we have had the same experience there. Appointments made and in the last minute canceled. That was true of the present commissioner and also with the previous commissioner, and I have never heard of the time when an individual could get an audience with the commissioner if he were trying to represent himself and not a group. So what actually happens belies, apparently, the statement that he is responsible to the people.

He testified—the present commissioner—that under the present highway system he derives his administrative authority from the legislature and policy authority directly from the people. Now obviously 7 million people can't very well have too much influence jointly or collectively with the present commissioner, and I submit that if counties and cities of substantial size, and planning boards which have been authorized by the legislature to take care of primary and secondary road planning, can't get hearings or be heard or get their stories over to the highway commissioner, he is not being responsive, at least, to the people or deriving his authority from the people

because he happens to be elected. I highly concur in this amendment.

CHAIRMAN MILLARD: Mr. Figy.

MR. FIGY: Mr. Chairman, I would like to yield at this time to Delegate Sharpe.

CHAIRMAN MILLARD: The Chair will recognize Delegate Sharpe.

MR. SHARPE: Mr. Chairman, Mr. Figy, fellow delegates, I cannot add anything that would aid in the passage of this amendment on this section that hasn't already been said, and I know it; so I am going to sit down, and I would like to solicit the aid of some of our good delegates not to be too repetitious and not to carry this on all afternoon. We all know what it is about, and we all have heard about it before. It is not new, and I would like to see us either pass it or defeat it.

CHAIRMAN MILLARD: Mr. Figy.

MR. FIGY: Mr. Chairman, we have arranged these people who had their names on this amendment in alphabetical order and, I assure you, with no less respect than we had for the rest of them, I call on Delegate Tubbs.

CHAIRMAN MILLARD: Delegate Tubbs.

MR. TUBBS: Mr. Chairman, Mr. Figy and delegates, I can simply second the things that have been said by the other sponsors of this amendment. We can look at business if we want another example of how this system works. I don't believe the 200,000 or so stockholders of General Motors Corporation could elect a general manager or general superintendent, not only of the company, but of any single plant in that company. You have to have a small board of directors who will pick a man for his ability and not expect him to have to go out and spend his money campaigning in a political campaign. I am for this amendment 100 per cent, and I hope it is adopted.

CHAIRMAN MILLARD: Mr. Figy.

MR. FIGY: Mr. Chairman, I think these men have covered the subject very well, although at this time I would like to yield to Delegate Martin.

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

MR. MARTIN: Mr. Chairman, if I might comment very briefly on this amendment, it substitutes, as you know, a commission with an appointed highway commissioner instead of an elected highway commissioner. I think the great virtue of the amendment is that it will enable us to get the best man in the country to run our highway department. This is not possible under the present system of selection by nomination, by party nomination and election. The very fact that a party nomination and election is required limits the possible choice of a highway commissioner to a relatively few persons. Since it is desirable and necessary to get somebody of high professional qualifications, this choice is even more limited.

I have had some experience with trying to find candidates for highway commissioners in a political convention. It can be very difficult, and when all is said and done you may not be satisfied that you have the best person after all. But the use of a commission provides the possibility of appointment by the governor of the commission—good citizen representation—and then it provides the possibility of that commission, as I say, getting the very best man in the country to do the technical job, and this is a combination which I think would be of great benefit to the people and which we could certainly profit by here in the state of Michigan. For that reason I hope that the amendment will be approved.

CHAIRMAN MILLARD: Mr. Figy.

MR. FIGY: Mr. Chairman, knowing that we will be subject to cross examination, I would like to state at this time we rest our case. We yield the floor.

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

MR. ERICKSON: Well, I find it necessary to rise in opposition to this amendment. This convention gathered in Lansing here last October with a mandate from the people to write a constitution that would provide the framework for resolving crucial issues facing the state of Michigan. Without discussing the merits of our present system which has accidentally

or deliberately given Michigan one of the finest networks of highways in the nation, we are told that an appointive state highway commissioner would be more responsive to the governor and the people and thus would strengthen the governor's hand. With this decision and philosophy I disagree completely.

For nearly 50 years the state highway commissioner has been a statutory officer rather than a constitutional officer. For nearly 50 years the Michigan legislature has had the power to make the office of the state highway commissioner appointive instead of elective. For nearly 50 years there has been no change and no public clamor for a change. Why? It is because this system has worked and has worked well. It has successfully met the test of time. Why change when we have no complaints against the results of our present system? The advocates of change do not claim that their plan would give us better roads. The state highway commissioner now spends more than \$200 million a year taken directly from the public for a single purpose—construction and maintenance of highways and streets which are so important to Michigan's economy. The public is vitally concerned in the matter of good roads and should have a direct voice in who is going to provide these roads.

I am well aware that Michigan is the only state electing a highway commissioner, but that is not a persuasive reason to make a change, particularly when our present system works so satisfactorily. I am extremely dubious about giving a governor or commission full control over the highway department, over the spending of these millions of dollars, and over the decision as to which roads should be built and which roads should not be built. This is simply too much power, too much concentration of power and too much temptation for political deals.

I am well aware of the argument that the highway commissioner is now in politics, and what would be the difference. I think there is a great deal of difference because now the highway commissioner is directly responsible to the people, and the people can get at him directly if they don't like the way he operates. They do not have to upset a whole administration which might otherwise be approved by the voters simply to register a protest against a highway program.

There are those who argue we must strengthen the hand of the governor. I ask why. Under our present structure of state government we have had both strong governors and weak governors. The difference was in the men and not in the system. Will the advocates of change argue that the governor rather than the highway commissioner should have authority over spending the \$200 million a year? Whose money is it, the governor's or the people's? For half a century the people of Michigan and most of their governors have been content to hold the highway commissioner responsible for spending the people's road money. They have one of the best highway systems in the nation today to show for it, and they have achieved that accomplishment without the scandals which have tainted highway commissioners and administrations in other states. I think it is far better that the man responsible for spending so much money and responsible for administering the highway program on which our Michigan economy depends so heavily should be constantly mindful that he must answer to all the people of Michigan—at the ballot box—rather than feel he owes an obligation to a commission or a governor.

All of us here are elected delegates. We feel our obligation to the people who elected us, and we feel it deeply. In the discharge of our duties we can exercise conscientious judgment as the elected agents of the people. We are not political appointees of the governor or a commission. The highway commissioner should not be a political servant of a commission or a governor either.

I am a Republican and have been all my life, but I also respect the views of competent public officials, regardless of party affiliation. I am impressed that the only man in Michigan's history who has held both the office of governor and the office of highway commissioner had this to say to the executive committee of this convention and I quote:

Let us not forget for one moment that governors are only human beings. They have to bend with the pressures and I remind you those pressures are great whether you be

Democrat or Republican. An appointive state highway commissioner would be a captive of the executive office or a commission, with neither complete freedom to build roads as he determined it, nor the complete courage to say "no" to the man who made his paycheck possible.

Today, Michigan state highway commissioners can operate with independence, knowing that if they don't satisfy the majority of the people, they will be replaced by another commissioner. If the commissioner isn't doing the job, the chief executive has the power to remove him from office. The legislature is in firm control of the state highway department budget and the gasoline tax rate.

End of quote.

Let this convention always remember that what we propose here is not for today, tomorrow or 5 years, but for generations. This constitution, if approved by the voters, will live long after we have answered the last roll call. Let us not betray the people who sent us here by putting partisanship above the best interests of the state. And if the people who pay the highway bills don't like or trust the man who is spending their money, they can get themselves a new highway commissioner. What better check and balance system can this convention devise? I sincerely urge the defeat of this amendment and leave with the legislature the authority to make this an appointive or elective office as presently obtains.

CHAIRMAN MILLARD: The gentleman from Detroit, Delegate Hodges.

MR. HODGES: Mr. Chairman, Mr. Sharpe just stated that much of what could be said on this has already been said and that for that reason we might get on to a vote. He might have added that since this is part of the deal, and we all know what the results are going to be when the vote is taken, we might as well get on with it. But I point out to you delegates that this is perhaps the most obnoxious feature of this deal. The brightest star, perhaps, in Michigan government today and over the past years has been the Michigan state highway department because, far from the experience in many other states, it has been free of scandal and has today given Michigan the number one road program in the United States.

I would say to those that classify themselves as conservatives, use the test that they so often ask us to take in proposing something new. First, prove the need for a change; then show us what that change is; and then compare that change with what we have, to see if it is better or not. I would submit that under the experience of Michigan this does not meet any one of those 3 tests. That the elective process has worked well in Michigan can be shown by the results of the elections we have had for highway commissioners. For years we had a commissioner who believed in the bits and snatches theory of road building in the state of Michigan. The people proved by their votes that they did not believe in this theory. They voted for someone pledged to build highways and not roads around someone's barn, to give the citizens of Michigan the number one highway system in the United States; and because he kept that pledge with the people who voted for him, there is now an effort in this convention to remove him from office.

I submit again, if we are going to capriciously let our political ideas enter into this convention, we are dooming this constitution. The people are well satisfied, and everyone here admits that we have the finest road program in the United States. Even those who have felt they have had to vilify the state of Michigan and make slanderous charges about its economy and its government have never once turned the spotlight upon the state highway commission and said it was not doing the job or the commissioner was not doing the job he was elected to do. And the only result that can be taken from a vote to eliminate his office is one of political expediency and one to put some more glue on the deal that has been made.

CHAIRMAN MILLARD: The Chair will recognize the gentleman from Wyandotte, Mr. McCauley.

MR. McCAULEY: Mr. Chairman and members of the committee, I would like to preface my remarks by stating that the remarks in debate by myself are my own and are not necessarily the opinions of the 2 major networks herein involved. (laughter) There has been considerable controversy on the

question of electing or appointing a state highway commissioner. Now we are confronted with a new plan, a 4 member bipartisan state highway commission appointed by the governor with the advice and consent of the senate. Thus our highway director would be under the direction of a combination of Democrats, Republicans; a governor and the Michigan state senate. How such a hydraheaded creature could survive with such progenitors and how such a system could improve Michigan's highway system is something for the sponsors of this amendment to explain to this convention.

I think the time has come for us to look realistically at the state highway department, honestly and without political rancor. Only twice in the last half century has any governor sought to make the office of state highway commissioner appointive. On both occasions the legislature responded with an emphatic and resounding "no." And let me submit that on both occasions the chief executive and the legislative majority were of the same political faith.

The fact is that the office of state highway commissioner is closer to the people today than any other elected office in Michigan. The office of state highway commissioner is under direct control of the legislature and the legislature can change the system any time it sees fit. That the legislature has not chosen to do so reflects favorably the kind of administration and performance the long line of elected highway commissioners has given the state and its taxpayers. That the people of this state have raised no public demand for a change is another stamp of approval on Michigan's highway system.

Some members of this convention look askance at the idea that Michigan is the only state in the nation to elect its highway commissioner. All other commissioners are by direct appointment of the governor or boards and commissions. But let us not forget that the Michigan system is unique in another area. It has been free of scandal and corruption in contrast to the many experiences that some of our sister states have experienced.

Just for a moment let's examine the bipartisan commission amendment before this committee today. What are its strengths? What are its weaknesses? First, the commission amendment removes the highway department further from the governor and much further from the people. An incoming governor would be saddled with holdover appointees. The bipartisan commission would have split authority. The choice of a highway director would become a political pawn with the people having to upset not 1, but 2 political parties to change their highway administration. Is this strengthening the governor's hand? Is this strengthening our highway program which every man and woman in this hall will admit is one of the best in the nation?

The sponsors of this amendment say it is not unknown for state highway departments to have various departments such as I am advocating today. They cite Arkansas, Delaware, Louisiana, Nevada and various other states as being unique in this field. Let's look at the record of these states and compare it to Michigan's record under an elected highway commissioner. The federal bureau of roads issued this report for the last quarter of 1961, listing the progress of each state in the federal interstate program. At the end of 1961, Arkansas had built 40 miles of interstate road; Delaware, 6/10 of 1 mile; Louisiana, 45 miles, and so on. What has Michigan built? It has built 379 miles. Michigan was exceeded only by the state of Texas, which built 705 miles.

Let us examine for a moment Michigan's record and those of the same states in regard to the number of miles rebuilt or relocated on the state trunkline systems. Arkansas, 721 miles; Delaware, 20 miles, et cetera, et cetera. Michigan's performance was 1,128. Here again, Michigan was exceeded only by Texas with 1,400 miles. We can honestly ask ourselves: is Michigan's system less efficient than the other states or more efficient than most?

The sponsors of this amendment argue that a commission will be responsive to the public interest. I submit that the elected highway commissioner or one appointed without advice and consent is the best protection for the people and the public interest in the state of Michigan. If the people don't like him

or his policies, they can vote him out of office. How can the people ever get to a 4 man commission? Ladies and gentlemen, I think the answer is obvious.

We have heard endless discussion on this floor about compromise. Here is an opportunity for honest compromise, based on fact, performance, legislative and voter approval. Let each delegate ask himself, "How many people in Michigan have asked for in the past or are demanding now a change in the concept of administering of our highway department? Where is the evidence that a change will improve our highway system over the next 50 years?"

I am against this official being blanketed into the constitution as a constitutional officer, and I feel equally strong about the commission form that we are attempting to blanket him under. I say leave it to the legislature and thus insure flexibility for this very important office for which the people of Michigan will be the ultimate chief beneficiary. Thank you.

CHAIRMAN MILLARD: The Chair will recognize the gentleman from Ann Arbor, Dr. Pollock.

MR. POLLOCK: Mr. Chairman and members of the committee, I also arise to oppose this amendment for a number of reasons, some of which have been mentioned and others have not. I recognize, of course, in the first place that this is not a committee proposal. Therefore it can't be expected, I suppose, to be consonant with the thinking of the committee on organization and administration. The committee looked at the total administrative structure of the state of Michigan and came up with what, in my opinion, was a first class, high class proposal. The committee of the whole made some change in this recommendation. Now the committee of the whole is making a change in its own recommendation. It seems to me to be frankly an improvisation of a very objectionable sort, and I have heard no arguments here to convince me that it is better than the present system we have. I am not here to defend that present system, because I went with the committee in recommending the appointment of heads of all departments rather than their election, but I see no reason to jump from a system which at least is working very satisfactorily to one which might be quite the reverse.

I think in the first place that individual substantive departments should not be frozen in the constitution, with the possible exception of education, and I am not too sure how this is going to work. At the present time the highway department is based on a statute. The statute can be changed. As Mr. Erickson and others have said, it hasn't been changed. If the highway department ceases to be a part of the state government of Michigan and should go its own way without regard to the governor and the legislature, if that is even thinkable, the remedy lies with the legislature and would not require constitutional amendment. I think in the second place this amendment definitely impairs the control of the governor, and certainly the record of other states that has been cited here is not very encouraging. I think also, in the third place—as I said the other day—only in exceptional cases is it justifiable to use a commission as the head of a department. I always like to quote the expression of General Goethals, who built the Panama canal, when he said he had long experience with boards and he knew that they were long and narrow and wooden. Certainly they do not give the type of dynamic up to date administrative leadership which one can expect from a single head.

Then too, it is always interesting that those who complain about high taxes and want economy are the first ones to create new jobs. Here are 4 new jobs, 5 people, in other words, instead of 1.

Certainly I think, therefore, that the complaints that one hears about the highway department as we have it now do not justify going this far in adopting what seems to me to be a cumbersome improvisation. I don't believe in maintaining separate political or administrative empires in our state government, and I would not disturb what is good for something of unproved value.

CHAIRMAN MILLARD: Delegate Jones.

MR. JONES: Mr. Chairman, fellow delegates, in rising to oppose this amendment I should like to refute 2 of the arguments advanced by proponents of this amendment. I gathered



in the comments of one of these gentlemen that he would rather trust the judgment of this bipartisan commission than he would the 1200 or 1300 delegates of each of the party conventions. I don't know how the Republican party conventions operate, but I know in the Democratic party convention all delegates have a right to confront any of the state ad board candidates as to their qualifications and background and experience and their philosophy as far as the conduct of the office is concerned. As far as I am concerned, a comment of this type is disparaging the kind of delegates that we are sending to the state conventions, and I personally would rather trust the judgment of 1200 or 1300 people than 4 bipartisan commission members.

Secondly, there was some point made, and I believe Mr. Martin made this, that the commission would go out and seek a very highly technically qualified person for this office, and as I see it in the last paragraph it says that he shall be the director of the state highway department, and I view this as primarily an administrative job, not a technical job. I submit that on this basis the last argument is fallacious. Thank you.

CHAIRMAN MILLARD: Mr. Ford.

MR. FORD: I would like to ask Mr. Figy some questions through the Chair, if I might.

CHAIRMAN MILLARD: If Mr. Figy wants to answer.

MR. FORD: Mr. Figy, first of all, going to the specifics, could you define for us the meaning of the 2 words "highway engineer?" Is there a degree or a license or something else that defines a highway engineer as used by you in the third paragraph?

MR. FIGY: I think I would like to ask Delegate Stafseth to answer this. He is a highway engineer and probably could give you the best definition of a highway engineer.

CHAIRMAN MILLARD: Do you accept Delegate Stafseth?

MR. FORD: Well, if Mr. Stafseth wrote it I suppose he knows what it is.

CHAIRMAN MILLARD: All right, the Chair will recognize Delegate Stafseth.

MR. STAFSETH: I wouldn't admit I wrote it. I might say that a competent highway engineer under the statute of the state of Michigan—under the present highway act it calls for a competent highway engineer and under the registration act for engineers the definition of competent highway engineer is one that is registered under the state.

MR. FORD: Does this get us into—Mr. Figy or Mr. Stafseth—

CHAIRMAN MILLARD: Through the Chair, and indicate which one you want.

MR. FORD: Whoever wants to answer.

CHAIRMAN MILLARD: Which one do you want?

MR. FORD: Mr. Figy.

CHAIRMAN MILLARD: Mr. Figy.

MR. FORD: Mr. Figy, do I understand, then, that in light of what happened with the present highway commissioner when he was elected that he would not qualify under this language?

MR. FIGY: Not to my knowledge. In fact, I don't know the man, even. I don't know what his qualifications are, and nobody has said a word to me about his qualifications. I would think it would be perfectly proper that if the commission were set up and wanted to retain the present engineer or present commissioner, it could very well do so. This has been done in many other departments.

MR. FORD: Mr. Figy, you are aware, aren't you, that there is a considerable difference of opinion in this state; there are 2 particular groups, for example, who license engineers and that by one set of standards the present highway commissioner was found to be qualified and by another one he wasn't, and that there was a lawsuit involving this?

MR. FIGY: I don't know that myself, no.

MR. FORD: Could I ask, then, Mr. Chairman, Mr. Stafseth, who apparently knows the most about this particular term?

CHAIRMAN MILLARD: If Mr. Stafseth desires to answer.

MR. FORD: If he is familiar with the issue that was raised in this regard, and whether as a matter of fact this language would preclude the present occupant of the position of highway commissioner from continuing to occupy it?

MR. STAFSETH: I can't answer that question. I think that Mr. Boothby, as I understand it, had something to do with the case that you are referring to and could probably answer the question. I just gave you what the statute said. As far as the outcome of the case as it was handled, I don't know anything about that.

MR. FORD: Well, Mr. Chairman, I would like to ask any one of the sponsors of this if they can tell us what "competent highway engineer" means in specific terms so we can tell whether or not the present incumbent in that office would be able to hold it with this language in the constitution. I think this is important when we vote on this.

CHAIRMAN MILLARD: Designate someone to answer the question, Mr. Ford.

MR. FORD: Mr. Karn?

CHAIRMAN MILLARD: Mr. Karn.

MR. KARN: Mr. Chairman, Mr. Ford, I am sure I can't answer the question. There would be details set up that would cover the qualifications for a man in this particular job. I don't think it is in order to put all of the detailed qualifications in the constitution. You have got a commission of 4 whose duty it would be, and I would think that they would be the ones responsible for setting the pattern of qualifications of the man that they are looking for.

I have not a single thing against the present highway commissioner. He may be a very competent individual, and he might qualify under this particular suggestion. I must say, however, that as far as the planning, the advanced planning that has gone into the road building in the last 3 or 4 years, it is my understanding, and I believe I am right, that the majority of that was done before the present highway commissioner arrived on the job. But at the same time, he might qualify and be a very competent man for this job.

MR. FORD: Mr. Chairman, in view of Mr. Karn's either reluctance or inability to answer the question—he made a fine speech—I would like to ask Mr. Knirk if he could define for me and enable me to make a decision on voting on this what a competent highway engineer means in this language.

CHAIRMAN MILLARD: If he cares to answer.

MR. KNIRK: Perhaps I might get an opportunity to say a few words here. I cannot answer his question directly.

MR. FORD: Well, all I want, Mr. Knirk, is a definition. You put a qualification in your amendment here that this person who is appointed shall be a competent highway engineer.

CHAIRMAN MILLARD: Mr. Ford, the Chair will handle—Mr. Knirk will answer the question.

MR. KNIRK: Mr. Chairman, I said that I would not attempt as a layman to give the qualifications for a competent highway engineer, in answer to Mr. Ford's question.

MR. FORD: Mr. Chairman, I would like to ask Mr. Shackleton, as one of the sponsors, if he could define what he means by a competent highway engineer.

CHAIRMAN MILLARD: If he cares to answer.

MR. SHACKLETON: Mr. Chairman, Mr. Ford, I don't think that has any bearing on the amendment at all. The question has not been brought up with any other commission—civil service, and that is a commission; they hire a director; and it hasn't been brought up with the board of education as to the qualifications. This amendment doesn't bear on the qualifications of the present incumbent in the office, and of course there is no other incumbent under consideration. I don't see how it has any bearing on the amendment.

MR. FORD: Mr. Chairman, to Mr. Shackleton; in all due respect, Mr. Shackleton, I call attention to your amendment here, and it is your amendment which places the qualification on the man. It doesn't say they will appoint a highway commissioner; it says that they will appoint a highway commissioner, and then it says that he shall have this qualification: he shall be a competent highway engineer. Now, since some of us have never heard of a degree as a highway engineer or a license as a highway engineer, we would like to know what a highway engineer is.

MR. SHACKLETON: That would be up to the commission to decide. They would be setting the policies and the standards,

just as the civil service commission decides who a competent personnel director would be.

CHAIRMAN MILLARD: Does that answer your question?

MR. FORD: I still don't have a definition of a competent highway engineer. Mr. Sharpe, Mr. Chairman—

CHAIRMAN MILLARD: Are you addressing the question to Mr. Sharpe?

MR. FORD: The same question, Mr. Chairman.

MR. SHARPE: I assume it is the same question, Mr. Chairman. Mr. Ford, you know very well this language is taken out of the statute. You also know very well that the court has never ruled as to what a competent lawyer is, a competent doctor nor a competent engineer.

MR. FORD: Nor have I ever seen in the statute the words "highway engineer" defined, nor by court, Mr. Sharpe. But I am asking you as one of the authors if you can tell me what you mean when you say that this fellow will be a highway engineer as contrasted, for example, with a chemical engineer or civil engineer or mechanical engineer or any of the recognized forms of engineering degrees with which we are all familiar.

Mr. Chairman, excuse me for bypassing the Chair with my question. Maybe I haven't made it clear, Mr. Chairman. My question really is: is this some sort of a specialty in the engineering field that the rest of us haven't heard about, or is this a term that will have to be defined by somebody else, and should be left out of here?

CHAIRMAN MILLARD: Who is the question directed to?

MR. FORD: Mr. Sharpe, since he was the last one.

CHAIRMAN MILLARD: Mr. Sharpe, do you desire to answer? Mr. Sharpe does not desire to answer.

Mr. Boothby has asked if you would yield.

MR. FORD: No.

CHAIRMAN MILLARD: Proceed, Mr. Ford. Let's get on with it.

MR. FORD: I would like to ask Mr. Figy another question, if I might.

CHAIRMAN MILLARD: If Mr. Figy cares to answer.

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

CHAIRMAN MILLARD: Judge Dehnke, state your point.

MR. DEHNKE: This is the very thing that I have seen coming up the road since we started the practice of one delegate asking questions of another. The good purpose of that proceeding is to clarify things, to bring out information. Now we have seen it degenerate into a system of cross examination. The questions being asked are not for the purpose of receiving enlightenment, but all raise issues that ought to be covered in argument instead of dialogue between delegates.

MR. FORD: Mr. Chairman, a point of order. I understood I was interrupted for a point of order. I ask that the delegate state his point.

MR. DEHNKE: That is the point of order, that this method of asking questions ought not to be considered within the rules.

CHAIRMAN MILLARD: The Chair thinks your point is well taken. Mr. Ford, you will ask your question and not try cross examination.

MR. FORD: Well, I am sorry that Judge Dehnke had to put it on this level, but I think the one thing the questions did demonstrate is that the people who purport to be the authors of this thing don't appear to know too much about the contents of what they signed their names to. They are apparently either unwilling or unable to give me or anyone else here a definition of the terms they put into this.

I want to disagree with Bob Hodges when he said there is no point in debating this on the floor because there are 2 things, Bob, that you have overlooked; one of them you didn't have an opportunity to observe. The first one is the number of conscientious delegates who have risen to oppose this method of selecting the highway commissioner, something unexpected to many of us. The second one was that when we left here Friday there was a persistent rumor about the chambers—

CHAIRMAN MILLARD: We don't care about rumors.

MR. FORD: —to the effect that the method announced in the newspapers for the selection of the highway commissioner was going to be changed and that we were going to swap him

now for the secretary of state. So we take some bit of courage from that and some hope that probably this will have some effect on the voters.

But I call the delegates' attention to the fact that you are going to have here appointed a man who has specific language attached to him with respect to his qualifications, language that none of the authors are willing to define for you; you are asked to put a qualification on the office but not understand what that qualification means, and up until this point no one reading in the future the proceedings of this convention will be able to tell from anything that has been said on this floor what we meant when we said that he shall be a competent highway engineer.

There is another thing that you might observe, and that is that there is no term of office provided for this appointed highway engineer, which means he might be serving at the whim and caprice of this 4 man commission. It also means that they might contract with this man for a period of time considerably longer than the unexpired portion of the terms of any one or more of the commissioners then in office, and this should present some serious questions to our minds. If we get a bad highway commissioner under this system, how long are we stuck with him, and if we get a good highway commissioner, how do we protect him from the instantaneous threat of discharge every time he makes a policy decision that meets with the displeasure of the dominant members of this partisan—and you will notice that the 2 principal parties are involved here—of this partisan commission appointed by a partisan elected governor?

There isn't any question at all about the total inability of this provision to remove the highway commissioner from politics—if, in fact, this is a good thing—and up until this time no one has presented a single sound reason why a completely statutory office, an office that has been statutory up until now—and this is a question I would like to ask, Mr. Chairman, if it is in order: why are we taking an office that until now has been purely statutory and making it a constitutional office and then changing the method of selecting him all at the same time? Why don't we leave this to the legislature as it was? If I am in order, I would like to ask this question of the sponsors of the amendment.

CHAIRMAN MILLARD: Who do you designate?

MR. FORD: Mr. Figy. I am not picking on you, Charlie. You are just the first on the list.

MR. FIGY: I am sure of that. (laughter)

CHAIRMAN MILLARD: Mr. Figy, if he cares to answer.

MR. FIGY: Now he asks why. The reference has been made to deals here. I want to assure you that as far as I am concerned, there is no deal or compromise involved. I had this idea of this type of setup long before I ever came to this convention. So I deny that there is any deal involved. The reason for this method is because, as I told you in my statement, there is much precedent for it and I think it has been proved in many other cases that it works.

Now, I will answer a couple of your questions, if I can. One of them is, you might enter into a contract with this man for a long term of years, even beyond the term of the board members. I assure you that I don't know whether it will be for a long term or not, but in many of the other departments—conservation, agriculture and many of these others I've referred to—the executive officer serves at the will of the board. They may remove him tomorrow if he doesn't do the job, and they may let him run continuously until they decide to take him out.

I would like to say this to Mr. Ford. If he wants a better definition of what a competent engineer is, I would be willing, if the other sponsors of this amendment would be, to let you write the definition or, in other words—

CHAIRMAN MILLARD: The Chair thinks that is out of order, Mr. Figy.

MR. FIGY: I'll take that back. Mr. Chairman, I have one other point. I mean to say, if there is a question about the definition I would be willing to have inserted into it that the same requirements for the office could be written in here as exist now for the elective office.

CHAIRMAN MILLARD: Does that answer your question?

MR. FORD: Yes. Thank you.

CHAIRMAN MILLARD: The Chair recognizes Delegate Plank.

MR. PLANK: Listening to all these remarks about qualifications, I would like to submit to you that even I could build highways with an unlimited budget. If our commissioner today is doing us a favor, I ask you, is he doing us a favor? Through his action we taxpayers are now in debt over \$600 million for our highways. You could almost buy the state for that. I think something should be done to get him out of politics, make him responsible. I submit to you that today our highway commissioner is in the upper peninsula using his political system to build even a greater empire. Coincidentally, the senatorial election for the upper peninsula is next Monday.

CHAIRMAN MILLARD: The Chair recognizes Dr. Nord.

MR. NORD: Mr. Chairman, if I am not mistaken, every engineer in the convention has already discussed this point, and I believe I am the last of the bunch to do so. My doctor's degree is in engineering and I have been teaching the professional engineers—or all the applicants for it—the ins and outs of the professional engineering laws; so I am very interested in some of the dialogue about what a highway engineer is, and so on. But I would like to preface my remarks with a question, Mr. Chairman, and I hope no one will get angry if I ask the question of Mr. Figy because, as was said, his name is first.

CHAIRMAN MILLARD: If Mr. Figy cares to answer.

MR. NORD: Mr. Figy, would you please tell me what is meant by conterminous terms? I have heard of contemptible and contradictory and a few others like that, but I have never heard of conterminous.

MR. FIGY: There are probably more learned men in this convention than I am, but I think people here looked the word up, and coterminous and conterminous in one dictionary says they are the same, and in another place conterminous means "with the same ending." So we say no 2 terms shall be conterminous, meaning no 2 terms shall expire at the same time.

MR. NORD: Thank you, Mr. Figy. I assume that it means what I understand coterminous to mean.

Now, Mr. Chairman and delegates, one of the main features I noticed in reading this last paragraph of this amendment is this: we have a bipartisan commission set up, and as I see it, they have the duty to appoint the highway commissioner. The bipartisan commission, 2 of one party and 2 of another party, as I gather, and this brings up reminiscences of the apportionment committee—that is, the legislative organization committee which created a bipartisan commission as well—and I would like to call to the attention of the delegates that when we did that we didn't stop at the point we have here. The first thing that occurred to us when we had finished creating this commission was, what happens if they can't agree? Since there are 2 of each party there is always the possibility, in fact it seems to me an extremely great likelihood, they won't agree. If that should happen, something must be done to determine what the result will be, and in the apportionment committee we labored for a long time, a great deal of time, to consider the various alternatives; and we finally came up with one in which, as far as I can recall, everyone was agreed. But, I will ask a rhetorical question and hope no one feels it is directed at him. What happens in this commission if the highway commissioners—the board of highway commissioners—what happens if they cannot agree? That is to be anticipated. If they cannot agree, who will be the highway commissioner? It seems to me you haven't faced up to that problem, and somebody has got to face up to that before we go ahead and make such a setup as this.

I don't say it could not be done. For example, in the apportionment commission we said we'll let the Michigan supreme court say what should be done about it. That would be the solution. Another solution was suggested, which was not adopted, that it go to the people on a ballot. Some solution might be worked out here. Possibly let the governor decide. I don't know. But as far as I can make out, there is something missing. It is not functional as it now stands.

As to the question that was raised by Mr. Ford as to the meaning of a highway engineer, I would like to testify, if I

may. As I say, I've taught all the engineers who were taking the engineers' registration exam for quite a few years as to the registered professional engineer statute and what it means, and I can testify with first hand knowledge that there is no such thing in that statute as a highway engineer. All there is, in fact, is a professional engineer. That is the only thing that is defined. There are no categories whatever. I don't know whether that settles your mind on the subject but in fact, in any event, there are no categories of engineers other than professional engineers. However, certificates are granted in certain branches of engineering. If you take the exam in a certain branch you will get a certificate which says chemical engineer or civil engineer or electrical or mechanical. But there are no categories as far as—there are no categories for highway engineers as such. They are not recognized as a distinct branch of engineering.

I can also testify that that is normally the case in schools. I have taught engineering for quite a long time as well at Wayne University, and there is no such a thing as a degree in highway engineering, although there were courses in it, and what it generally meant was somebody who was a civil engineer who practiced that particular branch of civil engineering. As a result, it seems to me that the term highway engineer could be improved, and possibly it could be changed to simply a professional engineer or a professional engineer having experience in highways. I don't think this is a stupendous problem. It could be worked out, but I don't believe it is quite right as yet.

One of the answers given to the question about whether or not the words "highway engineer" are definite or not, I think, was an incorrect answer. Mr. Sharpe told us that there was no such thing defined anywhere as a competent lawyer or a competent doctor. I believe we should not be misled by that. That is not so; quite the contrary. No one is permitted to practice law unless he is adjudged by the state board of bar examiners to be competent to practice law, and therefore everyone who has passed the bar exam or has been admitted to practice in the state is a competent lawyer by definition. The same thing with a doctor and many other professions as well; so therefore in this particular case I believe what probably is meant here is that a professional engineer is required and possibly in addition that he has had substantial experience in highways or some such form.

In any event, Mr. Chairman, I personally do not approve of the amendment for many reasons that have already been stated, and I won't go into any of them, but I do point out to the proponents that if this amendment passes or if you wish to have it passed, I believe you should make changes. One, you should certainly add some provision saying what happens if there is disagreement. You should not allow a deadlock. Two, it would be a good idea to change the definition or the words "competent highway engineer" and make it a little more specific.

CHAIRMAN MILLARD: Mr. Marshall.

MR. MARSHALL: Mr. Chairman, fellow delegates, this is without a doubt the most asinine amendment that has been presented to this committee to date. I have heard other delegates—

MR. WANGER: Point of order.

CHAIRMAN MILLARD: Would you state your point?

MR. WANGER: Mr. Chairman, the word "asinine" as used by the delegate is entirely impertinent to the question under discussion. It goes into the motivations behind the people who are offering this amendment and is entirely unparliamentary.

CHAIRMAN MILLARD: The delegate maybe can use a better word.

MR. MARSHALL: Mr. Chairman, I will try to use a better word, but I would think it would be just as pertinent as reference to the election in the senatorial district in the U.P., and no one was ruled out of order. Maybe I will use "spenurious." (laughter) For the lack of a better word, then, I will say it is the most spenurious amendment I have seen come before this committee to date.

But seriously, I have to very strongly oppose this amendment. Some of the delegates here on the floor deny that this was part of the deal that was worked out among certain delegates of the majority party. On the contrary, I think 1 of the delegates, at



least, and possibly 2, in explaining the deal, explained this as a part of it.

It seems to me that this is another attempt to further create malapportionment in every branch of our government. Presently the highway commissioner is elected on a basis of one man, one vote; one man's vote equating that of another. You have read much in the last day or two in the daily press about this problem of malapportionment and denial of rights under the federal constitution. Yet you are advocating the appointment of a commissioner that would require the advice and consent of a malapportioned senate, and one that would obviously be malapportioned when it comes out of this convention if the committee's majority report has its way. Therefore we are, in effect, saying that a minority of the people will now have veto power over the highway commission which you are establishing, where under the present system all of the people have a vote on who would serve them as their highway commissioner and direct the highway department. This is a hodge podge to say the least.

Today here in Michigan the highway department happens to be in disrepute with a majority of the delegates at this constitutional convention, but I have heard no good reasons from any of the delegates here for changing the rules. Obviously some of you look upon it as an obstacle to the cause of good government, but I have heard no proof. Is it considered a thorn to the executive branch of the government? I think not. And if you take the view of many of the delegates—and I have heard this expressed: Michigan is in a financial jam because the legislature could not use the highway money, paid in by motorists for the exclusive use of highways, administered by an elected highway commissioner, and I might add, tax money paid in by the motorist over and above other taxes he pays. I don't think the people who supported and promoted the calling of a constitutional convention had in mind this type of a proposition. The things that I think they were primarily interested in were those of finance and taxation, apportionment, and others, and some flexibility in metropolitan areas to be able to solve their problems under a true home rule provision. The constitutional convention and we delegates assembled here have already put a stranglehold on the state highway department by actions that we have taken heretofore—and I will deal with those later on—and now you threaten to make a shambles out of the road building program.

Let me give you some facts and one fact above all that stands out in the 5 months of this convention. In dealing with the question of the highway commissioner and the highway department every official act of this convention thus far has weakened the state highway department and its program; a program which affects every man, woman and child in this state. And this is just another step toward further weakening the highway program. The concept of earmarking highway funds for highway purposes only, written into the present constitution by the voters of this state in 1938, has already been seriously weakened and I sincerely believe that this amendment here would further weaken our highway program.

As tentatively approved by the convention already the earmarking provision now permits the legislature—I am talking about the one we have already adopted—to define highway purposes. This means that the legislature would have exclusive authority to decide how motorists' money will be spent. It means, for example, the legislature may decide to use highway funds for state police patrols or driver training in high school.

CHAIRMAN MILLARD: For what purpose does the gentleman rise, Mr. Wanger?

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

CHAIRMAN MILLARD: State your point.

MR. WANGER: The point is this: the speaker is not speaking to the question here before us, and, furthermore, he is violating Mason's rules which govern our proceedings, section 121, paragraph 5, which says:

A member in debate is not permitted to reflect upon a prior determination of the house unless it is his purpose to conclude with a motion to repeal or modify or rescind the action to which he has referred.

CHAIRMAN MILLARD: The Chair hopes the delegate will keep on the subject.

MR. MARSHALL: I can't separate the 2, Delegate Wanger, because the action taken on that score fits in with this one, and the 2 of them, in my considered judgment, would completely and totally wreck the highway program of this state. That is my opinion, and I have a right, I think. I don't know; maybe I don't have any rights any more. If I don't, tell me.

CHAIRMAN MILLARD: Proceed, Mr. Marshall, and try to confine yourself to the issue, if you will.

MR. MARSHALL: Well, I could go on and use many other examples to make the point that I am trying to make, but since Delegate Wanger objects so much, I will not bore him with any other facts. But I think the facts are known to the delegates here, and I think they are known to the people of Michigan. Good roads are too important and too vital to our whole economy and to its people to leave anything to chance. The future of our highways, of our present construction program and of our city street systems must be protected. I think that the present practice that has been in effect has worked and has proven that it works, and here we are going to throw something to chance for reasons best known to those who worked it out in the compromise and who offered the amendment here on the floor. The only sure way I can see of protecting our highway program and the future of our highway system is to provide for earmarking gas and weight taxes for highways without any loopholes as defined by law, and to continue to have a highway commissioner to administer these funds and to administer the program, responsible to and answerable to the people of the state of Michigan.

The amendment, as I view it along with what has previously been adopted—and I have to tie the 2 together—would mean the virtual end to future freeway construction in Michigan. That the federal bureau of roads considers Michigan's present system one of the best in the nation has obviously made little or no difference thus far with the majority of the delegates in this convention.

The Michigan constitution now guarantees that money from special taxes on highway users will be used only to build and maintain highways. This separation of highway use of revenues along with an elected highway commissioner to administer them is essential for sound highway planning and programming. Therefore the people, having reserved the highway taxes for a separate and specific use, should have these taxes administered by a separate official and not some board or commission that is created and has been untried. Under the present system that we now have the highway commissioner derives administrative authority from the legislature which created the position and policy authority directly from the people. This has proved to be a good system. Nothing will be gained by changing it.

The only man who has been both highway commissioner and governor of this state, testifying before the committee on executive branch—and I happen to be a member of that committee—testified that the pressure on a governor to trade roads for other parts of his program would be enormous under the appointive system. Legislative log rolling to the detriment of sound highway planning is not unusual where the highway director is appointed, and there is a long sordid record of this in other states if we have to get into the facts on this one. The highway commissioner would be under great pressure from time to time to make exceptions in the highway program; to cut back the program in one part of the state to accommodate pressure for more roads in another part. This again is where the malapportionment would come in. It is a far easier matter for a commissioner to decide highway priorities strictly on statewide needs than it would be for him to be whipsawed by a commission and a governor to yield on roads to gain something else. The present system enables a highway commissioner who wants to do the job to do it without fear or favor. And the present system guarantees the people a direct accountability for the use of their separate highway funds.

We know for a fact that a majority vote in 83 counties in 1938 demonstrated that the people want their highway money kept separate, and I believe they want their highway commissioner separately elected as well. That is what Commissioner

Mackie recommended when he appeared before our committee. His views were apparently ignored because today this committee is considering an amendment to make the state highway commissioner an appointee of a bipartisan commission which Ray Courage, political writer for the Detroit Free Press, described in an article as ridiculous.

I have attempted to the best of my ability—and I have to confess that I am limited—to point out to the delegates in this convention and to anyone who is willing to listen to reason and to study the facts actually what is happening here in this convention as it pertains to this amendment now before us.

Why is the state highway department all of a sudden being pushed around? Who is doing the pushing and for what reasons? Part of the answer has appeared in the newspapers during recent days. Let me bring you up to date on part of the rest of the story. It seems to have all started 4 months ago when Commissioner Mackie appeared before the executive committee of the convention to give his views on executive reorganization. I hope that you don't try to rule me out of order on this because I think this is pertinent, what I am now going to point out, which would demonstrate what brought about, I think, this amendment. He was immediately met with a barrage of questions on how much campaign contributions he had received, where the money came from, and how it was spent. No other state official who appeared before that committee or after was treated so shabbily, nor were similar questions raised to any other state official.

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

CHAIRMAN MILLARD: State your point.

MR. MARTIN: I question whether the speaker is dealing with this amendment at this point. Mr. Mackie did appear before our committee. He was questioned, and the substance of the committee's action is in the action that—

CHAIRMAN MILLARD: What is your direct point?

MR. MARTIN: My direct point is that the speaker is entirely off the point in discussing some of the questions that might have been asked of Mr. Mackie when he appeared before the committee.

MR. MARSHALL: Okay, I will accept that.

CHAIRMAN MILLARD: Will you confine yourself to the issue, Mr. Marshall?

MR. MARSHALL: In dealing with this amendment, there are delegates in this convention who came here dedicated to continuing to elect the state highway commissioner, I think, because they felt that it was a good system, that it has worked, and that it has proved that it has worked. As a matter of fact, at least one delegate in this convention defended the concept of keeping Michigan's highway commissioner elected before the committee. Yet this same delegate, as I understand it, today is a part of the move to make this office appointive. I wonder why. Is it because the delegate has suddenly changed his mind about the elected highway commissioner, or is it because some delegate now envisions an appointment if there should be a change in administration?

MR. PLANK: Point of order, Mr. Chairman. I don't see what that has to do with the subject before us.

CHAIRMAN MILLARD: Will the delegate please confine himself to the issue?

MR. MARSHALL: I am sorry if this is not pertinent. I thought that some of the events leading up to this amendment were pertinent and should be pointed out as to the sudden change in the convention. I will try, however, Mr. Chairman, to the best of my ability to accede to your wishes.

CHAIRMAN MILLARD: The Chair wishes you would, Mr. Marshall.

MR. MARSHALL: Now you have read and heard much about the so called package deal devised by a few Republican delegates to wrap up the constitutional convention. The Detroit Free Press article described the maneuver in the March 16 issue, and I quote: "The deal is a series of trades and compromises involving finance and taxation provisions, legislative apportionment and makeup of the state administration board."

MR. WANGER: Point of order.

CHAIRMAN MILLARD: Mr. Wanger, state your point.

MR. WANGER: I object to the reading of this paper. I

don't believe that reading a paper before the committee is proper, and particularly a paper of this type which refers not to this question—by paper, of course, I do not mean newspaper; I mean any type of written instrument that someone is reading from.

CHAIRMAN MILLARD: Again Mr. Marshall, will you try and keep your remarks on the amendment and not on a newspaper?

MR. PELLOW: Mr. Chairman, parliamentary inquiry as to whether or not the motives behind a particular amendment may be inquired into, or is the debate to be confined to saying election in every other sentence?

CHAIRMAN MILLARD: The Chair thinks that it has been quite liberal, Mr. Pellow, and would just ask Mr. Marshall to please—

MR. MARSHALL: Mr. Chairman, I will try. All I am trying to do is point out some of the facts that have lead up to this, and in doing it—and I have tried awfully hard to accede to your wishes to be in order, and if you think I have been out of order, Delegate Wanger, you should read what I scratched out. (laughter)

CHAIRMAN MILLARD: For what purpose does the delegate rise?

MR. ERICKSON: I would like to make a motion here under rule 61 that the delegate that has the floor be given unanimous consent to read.

CHAIRMAN MILLARD: To read what, anything he wants?

MR. ERICKSON: The paper that is referred to in rule 61.

A DELEGATE: Support.

CHAIRMAN MILLARD: It has been moved and supported that unanimous consent be given to this delegate to read anything he wants. That is what you meant, wasn't it?

MR. ERICKSON: I have reference to rule 61 only; just the specific paper that he wants to read now, and that is not debatable.

CHAIRMAN MILLARD: "When the reading of a paper is called for—"

MR. MARSHALL: Mr. Chairman, I don't want to see this turned into—

CHAIRMAN MILLARD: Just a minute. The Chair wants to read 61 so everyone will know what we are talking about:

When the reading of a paper is called for and an objection is raised to such reading, the convention by a majority vote of delegates present and voting shall determine without debate whether or not the paper shall be read.

The question is whether or not Mr. Marshall will be allowed to read the paper. All in favor will say aye. Opposed, no.

The motion prevails and Mr. Marshall may proceed to read his paper.

MR. MARSHALL: Thank you very kindly, Mr. Chairman and delegates. I am laboring with great restraint, and it is somewhat difficult. I did want to say this a moment ago, that I hope this has not turned into a show. I am very serious about this, and I am deadly serious. I think this is one of the most important issues that will be before this convention, and it is one that I want all of the delegates to face and to vote on with an open mind, and not becloud the issue because someone jumps up, when I try to be a good boy, and objects.

As I was saying, a Detroit Free Press article described the maneuver in the March 16 issue, and I quote:

The deal is a series of trades and compromises involving finance and taxation provisions, legislative apportionment and makeup of the state administrative board.

I emphasize "makeup of the state administrative board."

It was worked out in 3 days of secret caucuses, hallway huddles and conversations over the breakfast table. If the deal works as expected, Michigan's 5 month old constitutional convention is all over except the shouting.

I hope that that is not true. I hope that there will be enough delegates who will consider the seriousness of this issue before us to realize what we are doing when we establish this so called bipartisan commission, and I am sure that many of the

delegates in this convention know what I mean when I say the so called bipartisan commission. If this is true, and if this is a part of the package that was worked out, then maybe I am wasting my time and your time in discussing it any further on the convention floor. But I have been told that some of the Republican delegates here are also unhappy, and particularly as it relates to this given amendment before us. There are only 46 Democrats of the 144 delegates, so it is obvious that we are powerless to do anything about it. Michigan's highway program was dealt out of the deal. It didn't even have a seat at the table when the state's economic future was being compromised.

Now this convention came into being because the majority that voted for it basically wanted fiscal and legislative reform and more flexibility for metropolitan areas to solve problems of an exploded population. There is no evidence before this convention, nor was there any evidence prior to this convention that anyone has brought forth that I have seen or at least no one has presented it, that the people expected or wanted this convention to interfere with the outstanding highway program of this state and its administration. I don't think the voters of Michigan will accept political chicanery disguised as good government, nor will they tolerate deals, Democrat or Republican—and I want to make this bipartisan—that would sabotage the highway program of this state.

Michigan's good roads combination of earmarked funds, separately administered by an independently elected highway commissioner, my friends, has worked in this state, and it has worked well. This combination has brought Michigan from 101 miles of freeway in 1957 to 802 miles of freeway in 1962. This combination has likewise made Michigan the nation's number one road building state. It is a combination that has served this state well for nearly a quarter of a century. There is nothing to be gained by changing the present system.

The office of highway commissioner is closest to the people. It was created by the legislature more than 50 years ago and has been retained ever since because it works. And any time that it stops working, the legislature can act swiftly without a constitutional convention experimenting with this type of amendment before us. The Michigan state highway department is charged with the responsibility for building highways that will last for generations. This convention here also has the same obligation in writing a constitution for Michigan. There is no room for short term petty or personal considerations in building Michigan's future.

In closing, I have one other paper that I would like to read, and that is a resolution that was adopted by the Michigan engineering society in a meeting that they held at the Cranbrook Academy in Bloomfield Hills on Saturday, March 24, "Whereas, the Michigan constitutional convention is now revising the present Michigan constitution; and whereas, the language of article X, section 22 of the present constitution—" and this deals with earmarked funds, as well, Mr. Chairman. If you are going to rule me out of order, say so now. It goes on into why, and maybe rather than to bore you with the reading of it, if anyone wishes to see it, if you don't have a copy, I will show it to you. But the meat of it is—the crux of it is that the Michigan engineering society strongly urges and unanimously went on record that Michigan continue its present system of earmarking the gasoline and weight taxes for highway purposes and continue to elect a highway commissioner, responsible to the people to administer this highway department.

Therefore I cannot too strongly urge that you vote down the amendment before us. Because, take a look: in the second paragraph that you see before you, where it requires the advice and consent of the senate over the commission—even if the commission was a good idea in the first place, which I personally do not believe it is—let's assume it was—do you see what this would do with it? It would place a minority in control of the highway department. You saw what happened today in the senate on a couple of matters that were before the senate today. So I urge you to defeat the amendment, and let's continue the highway system that we have in this state that is second to none in the nation. Thank you.

**CHAIRMAN MILLARD:** The Chair will recognize Delegate Boothby.

**MR. BOOTHBY:** Mr. Chairman and ladies and gentlemen of the committee, I would like to make a few remarks concerning the definition of what a competent highway engineer is. The reason for my remarks is that I understand that while I was out of the room—and now it has been about 30 minutes or so ago—there was a suggestion that I might be able to help clarify this, since at one time I was engaged in serving a law firm that had something to do with this particular question. The statute from which I believe this wording is taken from is Michigan Statutes Annotated 9.202. This statute reads, referring to highway commissioners:

The chief officer of said department shall be denominated as the state highway commissioner. He shall be a competent highway engineer experienced in the administration of highway affairs and shall be a citizen of this state.

So the statute which now provides for a highway commissioner defines the qualifications of the highway commissioner as being a competent highway engineer experienced in the administration of highway affairs and shall be a citizen of this state. This comes very close to the wording which is used in the amendment which describes it as being a competent highway engineer.

Now, the question then is, what is a competent highway engineer? There was an attorney general's opinion many, many years ago which indicated that a competent highway engineer would have to be a professional engineer. However, at the time that our present highway commissioner was nominated at the party convention, there was at that time a rather quick, off the cuff decision given by the attorney general that a competent highway engineer did not require him to be a registered or professional engineer; it merely indicated that it gave to the people of the state the question of deciding whether he was a competent engineer or not. So it left to the people of the state to decide whether he was a competent highway engineer. A suit was filed in the Michigan supreme court, and this suit was based upon the contention of the Michigan society of professional engineers that a competent highway engineer required that the highway commissioner be a registered professional engineer, and the reason for it was that this statute which I have just referred to was considered imprimatur to the provisions dealing with architects, engineers and surveyors, and particularly with those sections starting with Michigan Statutes Annotated 18.84, subsection 1, and this section reads:

In order to safeguard life, health and property, any person practicing or offering to practice the profession of architecture, profession of engineering or of land surveying, shall hereafter be required to submit evidence that he is qualified so to practice and shall be registered as hereinafter provided; and it shall be unlawful for any person to practice or to offer to practice the profession of architecture, the profession of engineering or of land surveying, in this state, or to use in connection with his name or otherwise assume, use or advertise any title or description tending to convey the impression that he is an architect, a professional engineer, or a land surveyor, unless such person has been duly registered or exempted under the provisions of this act.

And then further in Michigan Statutes Annotated 18.84, subsection 18:

Upon this law becoming effective, it shall be unlawful for this state, or for any of its political subdivisions, or any county, city, town, township, village or school district to engage in the construction of any public work involving architecture or professional engineering, unless the plans and specifications and estimates have been prepared by, and the construction executed under the direct supervision of, a registered architect or a registered professional engineer. . . .

So it was the position of the society of professional engineers that in order to be able to have a direct supervision of public works, as the highway commissioner does, he would have to be a registered professional engineer as required by this section.

A suit, as I say, was filed in the Michigan supreme court to have the Democratic nominee's name removed from the ballot. The supreme court declined to decide this matter, stating that the electorate had not yet made a decision. And then immediately after the election of this particular individual another suit was filed in the Michigan supreme court, and at that time they said it was too late because the people had decided that this person was a competent engineer within the wording of the statute. They declined to rule on the interpretation. Now it would lead me to believe, therefore, that the words "competent highway engineer" might be rather ambiguous since we couldn't get the supreme court to make a decision, and there has been no decision by the Michigan supreme court as to what a competent highway engineer is.

I would like to, however, direct your attention to another statute which is in this same general section dealing with architects, engineers and surveyors. That is Michigan Statutes Annotated 18.84, subsection 2, where they define what a professional engineer is, and they say:

The term "professional engineer" as used in this act shall mean a person who, by reason of his knowledge of mathematics, the physical sciences, and the principles of engineering, acquired by professional education and practical experience, is qualified to engage in engineering practice as hereinafter defined.

The practice of professional engineering within the meaning and intent of this act includes any professional service, such as consultation, investigation, evaluation, planning, design, or responsible supervision of construction in connection with any public or private utilities, structures, buildings, machines, equipment, processes, works, or projects . . . when such professional service requires the application of engineering principles and data, except as herein after defined.

and then, skipping down 2 paragraphs:

No person shall publicly use the term "architect", "professional engineer" or "land surveyor" in connection with his name unless such person is registered under the terms of this act.

The term "board" as used in this act shall mean the state board of registration for architects, professional engineers, and land surveyors, provided for by this act.

My only suggestion is that we might have a more definite definition if we used the words "professional engineer" rather than "competent highway engineer" because competent highway engineer apparently up to this point has no definite and certain legal meaning. The words "professional engineer" have, however, by statute a very definite and certain meaning, and I would suggest that some consideration be given to the exchange of "professional engineer" for "competent highway engineer."

CHAIRMAN MILLARD: Delegate Karn.

MR. KARN: Mr. Chairman, I asked for recognition only to read the definition of a highway commissioner which Mr. Boothby has just read—Mr. Ford wasn't in here at the time, I don't believe—and it says, "He shall be a competent highway engineer experienced in the administration of highway affairs and shall be a citizen of this state." This is from Michigan Statutes Annotated, volume 7, 1958. All I can say about the qualifications is this: apparently the electors in the last election had a clear understanding of the definition of qualifications.

CHAIRMAN MILLARD: The Chair recognizes Delegate Tubbs.

MR. TUBBS: May I ask the Chair how many others are to be recognized?

CHAIRMAN MILLARD: Two.

MR. TUBBS: I will pass.

CHAIRMAN MILLARD: Delegate Shackleton.

MR. SHACKLETON: Mr. Chairman, fellow delegates, it has come up before and may come up again, so I thought it might be of interest to the delegates and to Dr. Nord that according to the Michigan Manual—and I wouldn't guarantee I have all of them, but I counted 24 commissions or bureaus that have an even number of members, ranging from the universities,

the various schools, the board of nursing, Mackinac bridge authority, civil service commission, board of canvassers, and so on, 24 of them have even numbers, and I don't think we have heard too much trouble about getting into deadlocks.

CHAIRMAN MILLARD: The Chair recognizes Delegate Wood.

MR. WOOD: Mr. Chairman, I believe you have a substitute amendment on the desk.

CHAIRMAN MILLARD: The secretary will read.

SECRETARY CHASE: Messrs. Erickson, Wood, Faxon, McAllister and Leibrand offer the following amendment to the amendment:

1. Amend the amendment, after "Sec. h.", by striking out the balance of the section and inserting "There shall be a state highway department with such powers and duties as prescribed by law to be administered by a highway commissioner who shall be nominated by party convention and elected as prescribed by law."

CHAIRMAN MILLARD: Delegate Wood.

MR. WOOD: Mr. Chairman, fellow delegates, I feel very strongly on this subject. I feel that a branch of our state government as important as the highway department, in the spending of enormous sums of state and federal moneys and entrusted with the building of roads in every section of this state, should be in a position of answering to the people of this state and not be placed into the position of having to satisfy the political ambitions of the governor or any political party.

I think we have heard it pointed out, but I want to reiterate that Michigan ranks number one in the United States, the 50 states, as to our highway system and that is not only of recent date; under the previous administration we also ranked number one. It would seem to me that that is enough to recommend the present system of electing our highway commissioner. Much has been made of the fact that Michigan is the only state that elects a state highway commissioner. Well, maybe we are, but I think our rating in the states in the United States justifies that election.

We have a trend throughout the world towards centralization of government, and we here in the United States point to the rest of the world and say we don't like their forms of government. At the same time we are trying to centralize our government both nationally and in the state of Michigan. I don't think that is a good system either.

The commission being proposed by the original amendment would not in any way remove the state highway department from politics. It would, by adding 4 men as a commission, increase this department's participation in politics. I served 8 years as chairman of a county road commission, and I don't want anyone to think that we didn't do a good job in our county during those 8 years. I think it was recognized that we had the best administration since the department had been set up. But I don't want you, either, to think that it was the most efficient administration. We found a man in each corner of the county who wanted a piece of road here and another one wanted one there. We were never able to build a road straight across the county. You will find the same condition with the state administration board.

It has been stated here in this convention in the past month that tourism or tourists were a big source of income in the state of Michigan. That same business depends on the excellence of our highway system.

I urge you to support this amendment, and I think as you examine the facts you cannot help but agree that our present system is better than any system that has been offered in the United States.

CHAIRMAN MILLARD: Mr. Wood, do you want to yield to any of the proponents with you on the amendment?

MR. WOOD: I yield to Mr. Faxon.

CHAIRMAN MILLARD: The Chair recognizes Mr. Faxon.

MR. FAXON: Mr. Chairman, fellow delegates, I think it has been said very clearly that the people of this state did not call this convention because they were dissatisfied with the present arrangement of the highway department, and I don't

think there is anything I can add to what has been said on that subject.

The language which you are being asked to consider now is essentially the language which is in the statutes of the state dealing with the highway commissioner. It provides, though, if—to those of you concerned with putting this into the constitution, let's keep it the way it has been, the way it has worked well in Michigan and the way that the Michigan experience has shown to be a successful one. This is what the legislature has done. This is what the people and their representatives have chosen to do. This is a system that has worked, and this is a system that will continue to work.

In view of that, change at this time certainly doesn't seem imminent or necessary. This amendment is less language. It leaves to the legislature detail which belongs to the legislature. It states the department—it states the commissioner as a person who is an integral part of the overall executive administration of the state and as a person who is able to administer that office. I urge you to leave this language as it is here in this amendment so that the legislature can make the necessary requirements with regard to the powers and duties of the highway commissioner.

One other point that has been overlooked by some of the delegates: they have been saying that this is going to make the highway commissioner—that is, this amendment is going to take care of it, but the proponents of the other one were saying it was going to take the highway commissioner out of politics. Under the original amendment the highway commissioner would be selected by a commission, but he would have to have the approval of the governor, and I suggest that if this is the case the people of the state want the office of the highway commissioner elective. If it's going to be in the constitution, let's keep it the way it has been, the way it has worked and the way that we can go forth together with a united feeling that the highway department should stay as it has been. I now would like to yield to another cosponsor, Delegate McAllister.

CHAIRMAN MILLARD: Mr. Wood? Mr. McAllister.

MR. McALLISTER: Mr. Chairman, fellow delegates, I believe that we should have an elected highway commissioner. No point has been seriously advanced that supports the commission form of electing a highway commissioner. The proposition is an experiment. The Michigan highway department has been doing a splendid job on the elected highway commissioner basis. We have splendid highways throughout the state. As far as I know, we only have 2 toll bridges, the one going to Canada and the one going across the Straits of Mackinac. In other words, our highways are toll free.

The county highway departments and all those who are connected with highways in any way that I have had any contact with heartily endorse the present method of selecting a highway commissioner. The original amendment is one more that takes government away from the people. The people throughout the state, in my opinion, want to elect their officials. The plan would give us 4 more officials, who will appoint a highway commissioner. In other words, a select commission of 4 will appoint a highway commissioner for approximately 8 million people. The commission is supposed to consist of 2 Democrats and 2 Republicans, but it is sometimes possible to appoint people who call themselves Democrats who think like Republicans, and vice versa. So it is most likely that the commission will be a group favorable to the governor. If the group does actually consist of 2 Republicans and 2 Democrats, it would appear that we will have a commission that will be a standoff; a 4 man commission with 2 Democrats in favor of one individual and 2 Republicans in favor of another. So that the commission will have difficulty in deciding on a highway director or commissioner, and if there is a stalemate, no highway director or commissioner is likely to be appointed.

The commissioner and the commission are likely to build highways with preference to the areas from which they come. This setup can be what we commonly call a buck passing group. They can pass the responsibility from one to another. The highway commissioner has to meet the public and explain his

conduct to them and convince them that he has done a good job or is going to do one. The commission and director can be criticized by the public, but this group can ignore the public's criticism.

The committee has already proposals to consolidate existing agencies into 20 departments. Yet the original amendment creates a new one. The people will be asked to approve the constitution and vote in favor of this provision which takes their control of the highway department away from them. Do we as delegates of the people believe that the people will make a mark on a ballot which deprives them of the right they have had for over half a century? If the theory of that amendment is sound, we should have had a commission appointed to prepare this constitution. If we vote for that amendment we are saying to the people, in effect, that they made a mistake in electing us, as in our opinion the best form of government is the commission form and not the form whereby the people elect their officials. We will say that 8 million people are incapable of electing the officers who run our state government. I, for one, do not wish to declare 8 million people aren't fit to elect the officials of this state.

Those supporting the original amendment have cited Arkansas as one of the states that has an appointed highway commissioner under their plan. I was in Arkansas about 3 years ago, and on a Sunday afternoon we took a drive out of Hot Springs on a designated state highway. It became worse and worse until we finally arrived at the end of the trail and found a bridge tied to a tree across a large river. My passengers walked across the bridge, and I was elected to drive. (laughter) Fortunately we got across. The rest of the group joined me on the other side. The car and I had made it already. We then traveled for an hour through woods, moving many trees off the highway or trail. Next we hit a huge hidden hole in the road and finally arrived at an unbridged river or large creek. The tracks led to the river or creek and the sign said: go slow. We followed instructions. The car stopped in the middle of the river and water poured into the floor of the car. I stepped on the starter, the car started and we reached land well soaked but safe. In view of this, I recommend that Arkansas be chalked off the list and that the commission form of electing the highway commissioner go along with it. (laughter) I yield to Mr. Leibbrand.

CHAIRMAN MILLARD: Mr. Wood? Judge Leibbrand.

MR. LEIBRAND: Mr. Chairman, delegates to the convention, I rise briefly to speak in support of the Erickson-Wood amendment which provides for the retention of an elected highway commissioner. By the same token, I wish to express myself as unalterably opposed to the Figy amendment. If the delegates of this convention had the final power to determine whether the highway commissioner should be elected or appointed, I frankly am not sure how I would vote. But as we all know, we do not have that final power. The final power to make the decision is vested in the voters of the state of Michigan, and in my opinion the people of the state of Michigan have already, have long since made that decision. I believe from observation and contacts that the people on the whole overwhelmingly are favorable to the present type of administration and the present operation of their highway system. I think that public opinion overwhelmingly favors the elective system. If this convention tries to buck that sentiment, I believe we will be jeopardizing the acceptance of the entire new constitution. I am not willing to take that chance. Accordingly, I will vote to make the highway commissioner a constitutional official and an elected official. Once again I support the Erickson-Wood amendment, and I yield to Delegate Erickson.

CHAIRMAN MILLARD: Mr. Wood, you are in charge of yielding.

MR. WOOD: I yield to Mr. Erickson.

CHAIRMAN MILLARD: Mr. Erickson.

MR. ERICKSON: Just a final short statement. At the beginning of this convention we heard considerable about government by stalemate. I am fearful if we adopt the first amendment that we are going to have administration by stalemate.



There seems to be a sentiment in the convention that this office of highway commissioner should be written into the constitution, and I think this amendment is the best way that it can be accomplished.

CHAIRMAN MILLARD: Mr. Wood? Delegate Stevens.

MR. STEVENS: Mr. Chairman, members of the committee, Mr. Wood said he would yield for a quick question. I want to know why in this it is provided that the commissioner would be nominated by a party convention. We never put those things in the constitution before. We provide for the election of the governor; we provide for the election of the superintendent of public instruction under the present constitution. We don't say anything about how they will be nominated. Is that desirable?

MR. WOOD: I don't see anything wrong with it, and I believe it is in the constitution with regard to some of the judicial officers.

MR. STEVENS: It is in the case of the supreme court, but that is another situation.

CHAIRMAN MILLARD: Is that a question?

MR. STEVENS: The question is, aside from the supreme court which is a peculiar situation, the constitution at the present time makes no provision for how a person will be nominated, and I wonder if there is some reason for putting it in not only here but in any other place?

CHAIRMAN MILLARD: We are confined to this particular amendment, Mr. Stevens. Do you want to answer the question, Mr. Wood?

MR. WOOD: As far as I am concerned, it can be left out. I haven't discussed this with my colleagues on the amendment, but I see no reason that we couldn't leave it out.

CHAIRMAN MILLARD: Is that all you have, Mr. Wood?

MR. WOOD: Yes. I yield the floor.

CHAIRMAN MILLARD: Dr. Nord, you raised your hand a long time ago. The Chair will recognize you. This is on the Wood amendment?

MR. NORD: Yes. Mr. Chairman, the issue before us now, as I see it, is this: whether we adopt this amendment presently before us which in essence maintains the present system of operating the highway department or whether we go to the alternative which is the underlying amendment. I would like to address myself to the question of which of the 2 is better. Without going into detail, I think that the case in favor of the existing system has been made very well, and I don't think there is any point in amplifying that. The present system has worked well, and the question I wish to address myself to is whether the alternative, the underlying amendment which is the other possibility for us, is better. It may be said that Mr. McAllister has already sunk the highway commission form by his discussion of what has happened with it elsewhere. And I too made some remarks earlier as to what might happen, and I would like to amplify those remarks simply to show the difference between the 2 possibilities. If we have a bipartisan commission, which is the alternative to the amendment before us, I pointed out that that commission might deadlock, and it was remarked by Mr. Shackleton that he didn't think it was likely to deadlock because there are many boards, 24, I think he said, which have an even number of members. I would like to reply to that statement of Mr. Shackleton.

There may be many boards which have an even number of members. I don't believe, unless I am corrected, there are many boards which have an even number of members which are partisan boards. That is the issue I raise. When you have a bipartisan board, 2 parties, and an even number, then you are inviting a deadlock. You can't avoid the possibility that there will be a deadlock. I would like to emphasize that beyond what I said before. I said that there might be a deadlock; there would be a deadlock, most likely, as to the selection of a highway commissioner, but there might be deadlocks of other sorts, as well, not only on the selection of a highway commissioner but on the policy decisions. It might be, for example, a question of whether or not to build a road in a certain place, and the Democrats might say let's build it over here and the Republicans say let's build it over there. In that case I wonder how this question is to be decided? It has been suggested to

me by one of the delegates that he thinks the only way to decide it is that there will be a compromise and they will build both roads. It seems to me that is the correct answer. That is probably what would happen. They can't do that as to selecting a highway commissioner. As far as I know, they can only select 1 rather than 2. But we cannot expect solutions to problems under the underlying amendment as we have had under the system proposed by this amendment. We can only expect instead of a highway program a dead end.

I would like to point out one further thing which slipped my mind when I was on the floor earlier on the underlying amendment: when you attempt to solve this problem of the deadlock, you get into great difficulty. You may think at the moment that this problem of deadlock is something which can be handled later, and therefore you may not be concerned. But let me assure you that that is not so. These deadlock problems are extremely difficult to handle. For example, I suggested when I was on the floor that maybe somebody will work one out such as having the governor decide. When there is a deadlock the governor decides or some other person decides. Suppose the governor is to decide; what is the result? As we found in the apportionment committee, or legislative organization committee, in discussing this type of a subject we found whenever you provide a solution for a deadlock you have a tendency to create the deadlock because of that solution. So that if you have 2 Democrats and 2 Republicans, and a governor, let us say, that is a Democrat, then you can have fears which I think are justified, that Democrats might wish to have a deadlock so that the Democratic governor will settle it. Similarly, if there is a governor who is a Republican, the Republican members would wish to have a deadlock so the Republican governor could settle it. And we found that it is extremely difficult to find a solution which breaks the deadlock which doesn't in itself make the deadlock. And it seems to me that before you can accept the underlying amendment as contrasted to the present system, such as is before us at the moment, you must know the solution to that problem. You must have some solution. I have not heard a word on the floor as to what is going to be that solution, and I certainly hope that no one will blindly enter this cul de sac or dead end thinking that he is on a highway. You are not on a highway unless you have a solution to the problem. For that reason, as well as for others that have already been stated, it seems to me the better system is the present system. We should stay on that. That has built roads, and let's keep away from dead ends.

CHAIRMAN MILLARD: Delegate McCauley.

MR. McCAULEY: Mr. Chairman, I oppose this amendment as well as the original amendment. I think this is legislative in nature. It has worked for 50 years under the control of the legislature, and I think they should have the flexibility that might be necessary to make the change in the next 50 years.

CHAIRMAN MILLARD: The gentleman from Quincy, Mr. Knirk.

MR. KNIRK: Chairman Millard, delegates, there has been very interesting discussion here this afternoon, and I certainly wish to add these following comments: I am very definitely opposed to the present amendment before the delegates here at this time. I was interested in hearing Delegate McAllister in his story of Arkansas, but I thought you folks might also be interested in not going to Arkansas but staying within Michigan. Just a short time ago I had the privilege of having my wife and 2 sons with me in the upper peninsula. We found a very beautiful highway which we assumed was going to Grand Marais. It was not marked on the map. We started on this highway, traveled a magnificent road structure, only to find out after about 30 minutes of travel that we ended up in an old abandoned logging camp, and it was absolutely that's it. That is the end. We had to turn around and come back. I am not so sure whether we could have prevented that by a commission or not. However, we do know that down in my part of the state some of our main trunklines following spring—and again, incidentally, you might come down there today and find the same thing prevailing—we go from chuckhole to chuckhole and it is not exactly a pleasant trip, either.

I would like to submit for your consideration, because we have

mentioned the tremendous roadbuilding program in our state in the past 4 years, that I wonder how many people have considered the cost of maintaining these highways in the very near future. We all know that for a 6 or 8 year period for the bulk of these new roads, the cost of maintaining them is very limited. However, unless further revenue, expanded revenue, is brought forth, I am told by some of the people that are in our state government today that we will have a very, very difficult time to maintain these roads and in fact, the thought came to me over the weekend that regardless of whether the highway commissioner be appointed or elected, he is going to face a period in which it will be most difficult to build additional freeways.

I would like to—I see the distinguished Delegate Pollock is not with us at this time, but I was certainly hoping to concur with him that I am against setting up separate empires in the state government. I think this also might be included in civil service. This commission that is recommended by the amendment certainly, because of its very nature, would be much more responsible to the people of the state of Michigan and would also at the same time have the added advantage, as I think of it, as a board of directors to management. I think it has been brought out on the floor before that certainly a board of directors or a body of people who can give counsel and advice to the executive official is certain to give the state a better highway system than one person who has admitted before the committee, according to Delegate Shackleton, I believe it was, that he was not responsible to the governor; that he was purely responsible to the 3 million people who are voters.

I think that we must, on considering the problem before us, consider the record that has been established in the past 4 years, and this alluded to 90 per cent federal funds, and I don't know exactly what per cent, but a very high per cent of the balance, the 10 per cent, to a deficit financing program, and I do not subscribe in any way, shape or form to that form of financing our problems. I certainly hope that the delegates here this afternoon, if we ever get a chance to vote on this particular amendment, will turn it down and again return to the amendment of which I happen to have the privilege of being a cosponsor. Thank you.

CHAIRMAN MILLARD: The Chair recognizes Delegate Higgs.

MR. HIGGS: Mr. Chairman, I would like to ask several questions of any one of the sponsors of this amendment.

CHAIRMAN MILLARD: Name who you want.

MR. HIGGS: Well, I will take Mr. Erickson, since he is first.

CHAIRMAN MILLARD: If Mr. Erickson cares to answer.

MR. HIGGS: Mr. Wood? Mr. Erickson suggests Mr. Wood.

CHAIRMAN MILLARD: Mr. Wood, if he cares to answer.

MR. HIGGS: Mr. Chairman, Mr. Wood, assuming a vacancy in the office of state highway commissioner, would it be true under this particular amendment that the people of Michigan would be limited in their selection of a highway commissioner to a resident of the state of Michigan?

MR. WOOD: I think they would. I would think they should, also.

MR. HIGGS: The second question would be: do you conceive of the office of state highway commissioner as principally an office requiring the services of an engineer or a person with technical training, or do you conceive of the function of this office as a policy or a partisan type of function?

MR. WOOD: I think this office is purely administrative, and it is beside the point whether he is a technical engineer.

MR. HIGGS: Thank you. Well, Mr. Chairman and members of the committee, I feel compelled to oppose this, then, first of all, for the limitation that in seeking a qualified person who, as Mr. Wood has told us, should be an administrative person rather than a policymaking type of person, we should be free to find this man wherever he might be in the United States in whatever state he might reside. Certainly, if we were going to hire a coach for the Detroit Lions we wouldn't want to be limited in this particular way. We might find the most capable, competent person available to fill that coaching position in any state in the United States, and under this amendment we

would be absolutely limited if it happened to be at the particular time that the most highly qualified, capable person was a resident in Oregon. We would have no way of bringing him to Michigan to fill this most important and significant position.

Going to one further point, I would not hesitate or be fearful of the electorate or the voters of the state of Michigan in any regard in this matter of appointment. I feel that the people of Michigan, the electorate, are informed and enlightened and having these particular facts before them would not hesitate in one respect to accept an appointment either by a commission or by the governor, or any particular form. I would oppose this particular provision as too restrictive.

CHAIRMAN MILLARD: Delegate Tubbs.

MR. TUBBS: Mr. Chairman, Dr. Nord has asked some questions about the even division of this politically minded commission. I point out to him and the other lawyers of this body that they can find in Michigan Statutes Annotated 28.2141, act 232 of the public acts of 1953—now, I suspect that even 144 nonpartisan delegates, as well as all the newspaper people here, and the people in the gallery, could take judicial notice of the fact that in 1953 we had a partisan governor—this act sets up a commission of 6 people, not more than 3 of whom shall be appointed from any political party. They shall be appointed by the governor by and with the advice and consent of the senate. And what do they do? They appoint a director of corrections, and they run the department of corrections. That is one of the 25 or 30 boards of similar nature in this state.

I suspect, without knowing too much about it except that I have had considerable dealings with the state highway department for the last 30 years, that if a state highway commissioner should leave the state of Michigan tomorrow, the highway department would be run by many thousand public servants who couldn't be fired except for cause and after a hearing and that probably he is simply administering a lot of people who do the actual work. And if we have a commissioner who is skilled—you can call it highway engineering, if you wish, Mr. Ford—Delegate Ford.

Excuse me, Mr. Chairman. I was sorry that Delegate Ford went down the list and forgot that there was a "T" at the end of the list because I was going to give him a quotation: "Fools can ask questions that wise men hesitate to answer."

CHAIRMAN MILLARD: Delegate Faxon.

MR. FAXON: Mr. Chairman, fellow delegates, I would just like to answer this charge that people have made, and I am going to appeal to those people who want the legislature to have flexibility. The first sentence—it is all one sentence, but the first part of this amendment gives the legislature as much flexibility as it already has and would have without it. This doesn't act as a deterrent nor does it act as a straitjacket as far as the legislature has its duties in prescribing the powers and functions of a state department or highway. This is really the most flexible language you could put together as far as letting the legislature have that flexibility. This doesn't take away anything from the legislature.

The question that we are attempting to get to here is whether the highway commissioner is better selected through the election of the people of the state or through the selection by means of a commission appointed by the governor, with the advice and consent of the senate. It has been said that a commission is more responsive to the people of Michigan. I suggest to you there is nothing more responsive than being an elected official, and you cannot by any means justify the idea that a person selected or appointed by a single individual is going to be more responsive to the people than if he were elected.

In this case we have had the experience, and it has been a good experience, of an elective official at the head of the highway department. There is no evidence that you can bring forth that could say that a commission is going to give any more responsive or responsible administration over a highway department than an elected official over that same department. There isn't such evidence available. There have been no comparative studies made with regard to one selection over the other to make this determination, and so in lieu of this and in

view of this, I think we are in a position to reaffirm the decision made by the legislature, a decision that has been repeatedly confirmed by the legislature, that this process has been the best; a decision which the people of this state have indicated no displeasure with. Reaffirm this by voting yes on this amendment.

CHAIRMAN MILLARD: Mr. Martin.

MR. MARTIN: Mr. Chairman, I only want to say that it seems to me the most objectionable part of this is that it freezes into the constitution an elected official and essentially deprives the legislature of any say over the question of whether he shall continue to be elective or not. The only reason for putting the highway commissioner into the constitution—it would be better if we could leave it out, but the reason for putting it in is, it seems doubtful whether the legislature will take the necessary action to do that. We believe that such a commission should be established and that the only way to assure that is to put it into the constitution. But the present amendment does an unnecessary thing in moving the highway commissioner into the constitution as a permanently elected official. The amendment which this seeks to amend, of course, would be completely stricken out by this amendment, and that amendment, the amendment which this seeks to amend, represents, I believe, the best view of the majority of those who have considered this question. It represents one portion of the compromise which we have discussed at various times, and I think it is important that the delegates understand this in voting on this amendment and in voting, as I hope they will, to turn this amendment down.

CHAIRMAN MILLARD: Mr. Marshall.

MR. MARSHALL: What my distinguished committee chairman just got through saying was that if you agree with him, it ought to be in the constitution, and if you disagree with him, it ought to be statutory, and I have listened to that throughout the convention. I personally favor the present system, leaving it up to the legislature, not creating any more constitutional officials than we presently have. Of course, under the original amendment you would create 5 additional constitutional officers; under this one you would only create 1. In the absence of something better, I would support this amendment offered by Delegates Wood, Faxon and others. I think it does retain the elected highway commissioner, does keep him responsible to the people, and does not in any way disturb the present system.

I get a little sick and weary of—I guess I have been guilty at times, myself—statutory versus constitutional, but I think we will all agree, Delegate Martin, that what you said was, if we agree with you it ought to be constitutional; if we disagree, it ought to be statutory.

CHAIRMAN MILLARD: The question is on the Wood amendment. Mr. Wood.

MR. WOOD: Mr. Chairman, fellow delegates, Mr. Higgs differentiates between administrative and policymaking. I took administrative to mean he was also a policymaker, and he definitely would be.

I might comment on what Mr. Knirk said. In one statement, his first statement, he said the roads are not good enough, that he jumps from chuckhole to chuckhole, and in the next statement he worries that we have too many roads and that we wouldn't be able to maintain them. I don't know that either one is pertinent to this amendment.

I agree with what Mr. Marshall says about Mr. Martin: he wants to put his program in the constitution and we want to put ours in. Ours is much less dangerous in the constitution than his.

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

DELEGATES: Division.

CHAIRMAN MILLARD: Division has been called for. Is there support? Sufficient number up. The question is on the Wood amendment. All those in favor will vote aye. Those opposed will vote nay. Delegate Bledsoe asks to have the amendment read, so the secretary will read.

SECRETARY CHASE: Messrs. Wood, Erickson, Faxon, McAllister and Leibrand offer the following amendment:

[The amendment was again read by the secretary. For text, see above, page 1915.]

CHAIRMAN MILLARD: 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 Messrs. Wood and others to the amendment of Messrs. Figy, et al, the yeas are 47; the nays are 77.

CHAIRMAN MILLARD: The amendment is not adopted. The question now is upon the Figy amendment, which is a new section h. Mr. Faxon.

MR. FAXON: Mr. Chairman, there has been one argument which is advanced here that I think is most reprehensible, and of which I would wish to have you further consider the ramifications, and that is, namely, that we are making this change because the legislature won't make this change, and the legislature is not going to do it, so let's do it here now. I don't think this is a fair judgment to be made. It has been made. I don't think it should stand without some word, at least from someone, in defense of the fact that the legislature hasn't changed it. I think that a group of people who are elected on a regular basis are capable of making judgments here, and if they have seen fit not to make these changes, I don't think that for our one shot deal we ought to be tampering with institutions which have been in existence for so long and that have proven out to be well.

The second thing I was disturbed by was the fact that some people who spoke against the amendment to this amendment, who were for the amendment that is now before us, referred to this as the best view of the majority of those who considered this subject, and I would wish to consider that too, and I don't believe that I was considered in this, and I am sure there are many others who weren't. I would feel it is necessary for us, if we believe in leaving statutory details out of the constitution, to vote no on the amendment because this is a great deal more statutory and binding than the other amendment offered, and I would urge "no".

CHAIRMAN MILLARD: The question is on the Figy amendment. Mr. Marshall.

MR. MARSHALL: Mr. Chairman, I again want to plead with the delegates to consider voting this amendment down. If it is voted down we will continue with the present system that we have: it will be left up to the legislature. If it ceases to work at any time, the legislature can change it. But writing this into the constitution to me is a very, very, very unwise move on the part of this convention. It is obviously completely ignoring the job that has been done under the present system. It is a Jesse James approach to the people's rights. The only difference is that Jesse James had a gun.

CHAIRMAN MILLARD: Dr. Nord.

MR. NORD: Mr. Chairman, I want to make only one remark. This amendment sets forth a bipartisan commission, and I suppose we all think that a bipartisan approach is a good thing. But I call your attention that this amendment does not have bipartisan support, and it is rather an anomaly that an amendment which is entirely or substantially supported entirely by one party is put forth in the form of a bipartisan amendment. I think there is something peculiar about this situation; I leave it to your judgment to determine what. The amendment is not good on the merits, and as I say, there is something fishy about the way it is being presented.

CHAIRMAN MILLARD: The question is on the Figy amendment.

DELEGATES: Division.

CHAIRMAN MILLARD: Division is called for. Is there support? There is sufficient number. All in favor of the Figy 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. Figy and others, the yeas are 68; the nays are 54.



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

SECRETARY CHASE: None on file, Mr. Chairman.

CHAIRMAN MILLARD: If not, it will pass.

Section h, as amended, is passed. Mr. Martin.

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

CHAIRMAN MILLARD: The question is on the motion of Mr. Martin 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, Vice President Hutchinson resumed the Chair.]

VICE PRESIDENT HUTCHINSON: The Chair recognizes Mr. Millard.

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

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

VICE PRESIDENT HUTCHINSON: Are there announcements?

SECRETARY CHASE: The following announcement has been requested to be made: Mr. Greer of the Jack Tar hotel wishes to express to the delegates his sincere appreciation for their cooperation in helping him accommodate the visitors of last weekend.

The committee on style and drafting will meet this evening at 8:00 o'clock in room K.

The committee on legislative organization will meet in room D immediately following adjournment today. John Hannah, chairman.

The committee on administration will meet at 1:30 tomorrow afternoon. Mr. DeVries, chairman.

VICE PRESIDENT HUTCHINSON: The Chair recognizes Mr. Stamm.

MR. STAMM: Mr. President and fellow delegates, this is a lovely spring day. There are about 2 hours of sunshine left, and I move we adjourn to enjoy the sunshine.

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

We are adjourned until 9:30 a.m., Wednesday.

[Whereupon, at 5:00 o'clock p.m., the convention adjourned until 9:30 o'clock a.m., Wednesday, March 28, 1962.]

## ONE HUNDRED NINTH DAY

Wednesday, March 28, 1962, 9:30 o'clock a.m.

### PROCEEDINGS

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

Our **invocation** this morning comes through the courtesy of Dr. DeVries and is given by the Reverend Clarence Boomsma of the Calvin Christian Reformed Church, Grand Rapids. Will you please rise.

REVEREND BOOMSMA: Almighty God, who art the giver of all good gifts, we thank Thee for the common testimony of Thy goodness in the generosity with which our daily wants are met. For restful sleep, for food to eat and health to do our work, we give Thee thanks.

Thou, who alone giveth wisdom and understanding, guide, we pray, the minds of all to whom Thou hast committed the responsibility of government and leadership in our nation, and in all the nations of the earth, that peace and justice and love may prevail. Strengthen in us the sense of duty in our political life. Deliver us from the love of power and from motives of personal gain that tempt us to sacrifice truth and justice. Forbid that we should lose truth in propaganda, justice in favoritism, fairness in prejudice, loyalty in selfishness, and patriotism in partisanship. Grant us to serve Thee, and the people we serve, with honesty of purpose and uprightness of life. Fill us with Thy divine passion to lift up the weak, to sweep away oppression and wrong, and to give to every man the opportunity of a full life that may be lived to Thy glory and to the service of mankind.

O God, before whose presence we ever stand in judgment, make us mindful of Thy righteous demands for our thoughts, our words, and our deeds. In this awareness may we make all our decisions and choices. Also in this convention may we be as men who must give account before Thee. Forgive us our failures and our omissions, our wrongs and our sins, and enable us to forgive those who have sinned against us. Now may our deepest truth be in Thee, the Lord of nations, and the King of kings, through Jesus Christ our Lord. Amen.

PRESIDENT NISBET: The roll call will be taken by the

secretary. Those present vote aye. Have you all recorded your presence? If so, the secretary will lock the machine and take the roll.

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

PRESIDENT NISBET: Will the convention please be in order.

SECRETARY CHASE: Prior to today's session, the secretary received the following requests for leave: Mr. Gadola, from part of the morning session to appear before a legislative committee; Messrs. Haskill and Stamm, from the morning session; and Mr. Habermehl, from today's session.

PRESIDENT NISBET: Without objection, the requests are granted.

SECRETARY CHASE: Absent with leave: Messrs. Habermehl, Haskill, Mosier, Norris and Stamm.

Absent without leave: Mrs. Conklin, Messrs. Lundgren and Wilkowski.

PRESIDENT NISBET: Without objection, the delegates are excused.

[During the proceedings the following delegates entered the chamber and took their seats: Mrs. Conklin, Messrs. Lundgren, Wilkowski, Norris, Habermehl, Haskill and Stamm.]

Mr. Romney.

MR. ROMNEY: Mr. President, I take pleasure in notifying the delegates that I was in Dowagiac last night and called at the home of Judge Mosier and he answered the door. He is in a steel brace corset but seemed to be coming along fine, and I think will be rejoining us soon. (applause)

PRESIDENT NISBET: Thank you, Mr. Romney.

I might say this is the best attendance we have had in a long while. Maybe we will get a lot done today.

The Chair recognizes Mr. Danhof.

MR. DANHOF: Mr. President and members of the con-

[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, 1/2 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 consecutive 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
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Balcer	Greene
Barthwell	Hart, Miss
Binkowski	Hatcher, Mrs.
Bledsoe	Hodges
Brown, T. S.	Hood
Buback	Jones
Cushman, Mrs.	Kelsey
Dade	King
Douglas	Krolkowski
Downs	Kuhn
Elliott, A. G.	Lawrence
Elliott, Mrs. Daisy	Lesinski
Faxon	Liberato
Follo	Madar
Ford	

Marshall
McCauley
McGowan, Miss
Murphy
Nord
Rajkovich
Snyder
Stopczynski
Suzore
Walker
Wilkowski
Wood
Young
Youngblood

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	Leibbrand	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	Krolkowski	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 organization, 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

Bledsoe	Haskill	Romney
Bonisteel	Hatcher, Mrs.	Rush
Boothby	Hood	Shackleton
Brake	Howes	Shaffer
Buback	Hoxie	Shanahan
Conklin, Mrs.	Hubbs	Sharpe
Dade	Hutchinson	Snyder
Dell	Iverson	Stafseth
Donnelly, Miss	Jones	Sterrett
Doty, Dean	Kelsey	Stopczynski
Doty, Donald	King	Suzore
Douglas	Kirk, S.	Thomson
Downs	Leibbrand	Walker
Elliott, Mrs. Daisy	Leppien	White
Farnsworth	Lesinski	Wilkowski
Faxon	Madar	Young
Figy	Marshall	Youngblood

## Nays — 44

Binkowski	Judd, Mrs.	Sablich
Cudlip	Karn	Seyferth
Cushman, Mrs.	Kuhn	Sloder
Danhof	Lawrence	Spitler
Dehnke	Martin	Staiger
Durst	McCauley	Stamm
Elliott, A. G.	McGowan, Miss	Stevens
Erickson	McLogan	Tubbs
Everett	Millard	Turner
Gust	Norris	Tweedie
Habermehl	Perras	Upton
Hatch	Plank	Van Dusen
Heideman	Pollock	Wanger
Higgs	Rajkovich	Yeager
Hodges	Richards, J. B.	

SECRETARY CHASE: On the question of concurring in the committee amendment to page 2, line 17, the yeas are 78; the nays are 44.

PRESIDENT NISBET: The amendment is adopted. The secretary will read the next amendment.

SECRETARY CHASE: Amendment 4:

[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 vote aye. Opposed, no.

The amendment is adopted.

SECRETARY CHASE: Amendment 5:

[The amendment was read by the secretary. For text, see above, page 2009.]

PRESIDENT NISBET: The question is on the amendment. Those in favor will vote aye. Those opposed, no.

The amendment is adopted.

SECRETARY CHASE: Amendment 6:

[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 vote aye. Opposed, no.

The amendment is adopted.

SECRETARY CHASE: Amendment 7:

[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 vote aye. Those opposed, no.

The amendment is adopted.

SECRETARY CHASE: And amendment 8:

[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 vote aye. Those opposed, no.

The amendment is adopted.

SECRETARY CHASE: Amendment 9:

[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 vote aye. Opposed, no.

The amendment is adopted.

SECRETARY CHASE: Amendment 10:

[The amendment was read by the secretary. For text, see above, page 2009.]

PRESIDENT NISBET: The question is on concurring in the amendment. The Chair recognizes Mr. Faxon.

MR. FAXON: Mr. President, I would like to call for the yeas and nays, a record roll call vote.

PRESIDENT NISBET: Is the demand seconded? Sufficient number up. Mr. Downs.

MR. DOWNS: Is it in order to speak on the proposed amendment at this point?

PRESIDENT NISBET: It is.

MR. DOWNS: Mr. President, I urge that we do not concur in the amendment. This would create a constitutional highway commission which would dilute responsibility. In the committee of the whole I believe I was unusually silent on this question and would very briefly like to state the objections.

At the present time we have a highway system that has proved to be better than satisfactory, as far as the users of the highways are concerned. The legislature can change this now, if there is sufficient desire for this. The proposal we have before us would create another commission. It does not mean the governor would have the responsibility of appointing the highway commission. It would dilute the authority.

I say to those who favor an elected highway commissioner — of which I am one — this does not meet the standard of election. And to those who favor the governor appointing the highway commissioner, I say that this does not meet their demands because the governor would not appoint the highway commissioner, but rather a 4 man board and there would be a constant question as to who was the administrator, who had charge of policy, and whether deciding where a road went was a question of administration or policy. It is a built in booby trap against an efficient, productive highway system that we now have. I urge that we vote no on this and maintain our present system.

PRESIDENT NISBET: The Chair recognizes Mr. Marshall.

MR. MARSHALL: Mr. President and fellow delegates, Delegate Downs covered most of what I would have said. I gave all of the arguments that I could think of in committee of the whole. I stated then and I reiterate now that this is the most — without a doubt — the most ridiculous proposal that has been before this convention. I cannot urge too strongly the defeat of this amendment.

How you are going to take the highway system out of politics by appointing a 4 man commission which would be at odds with each other constantly, would be haggling among themselves, would have pressure applied to the highway director to build roads in certain sections of the state, depending upon who had the most political pressure? We also, inasmuch as the commission is appointed by the governor, would have tremendous pressure to trade roads for other items. I do not understand how this came about, other than I do know that it was part of the package deal that was worked out between 2 of the prominent delegates to this convention. This may satisfy the ego of a governor or a would be governor, but I don't think we are here to try and satisfy the eccentricities of governors or would be governors. You should give this serious thought, because I think that if this

amendment passes and you set up this type of monstrosity, it would be worse than a troika going in 3 different directions; that you will have driven one more nail in the coffin of this constitution.

PRESIDENT NISBET: Mr. Martin.

MR. MARTIN: Mr. President, the delegates are all familiar with this proposed amendment. It has been debated at length. We have pointed out the advantages of having a highway commissioner who has some real competence in matters of highway engineering and the possibility under this proposal of getting the best man in the country to do this job. The members of the convention are fully familiar with the manner in which local highway commissions operate and operate well. They are also familiar with the fact that Governor Williams—and I say this for the benefit of our minority friends—Governor Williams strongly recommended that this be by appointment rather than by a choice by election, and the many reasons for selecting the highway commissioner in this manner have been fully stated. This was one of the several things which the majority agreed upon as being a sound proposal, and I am sure that the delegates will, therefore, want to support it with a resounding affirmative vote.

PRESIDENT NISBET: The Chair recognizes Mr. Wood.

MR. WOOD: Mr. President, fellow delegates, I wish to suggest that we do not concur in this amendment. We now are rated number 1 in the nation as to our highway system. Is that any reason to change from an elective system to a commission? The highway commission now is a child of the legislature and should be left that way. If, at any time, we lose our standing with regard to the highway system or if, at any time, the people of Michigan should decide that in order to maintain our excellence in this field a new system is necessary, it can easily be accomplished by the legislature. By not concurring in this amendment, we leave it in the legislature where it has been for the past many years and where we have obtained top rating in the nation as to our highway system.

PRESIDENT NISBET: The Chair recognizes Mr. Figy.

MR. FIGY: Mr. President and fellow delegates, I urge you support this amendment. It was thoroughly discussed in general orders. I think there is much precedent for it, as we brought out before. Many, many departments have such a system. I think every county in the state of Michigan, county highway system, is supported under this procedure. I think it is sound. I think the board adds stability to the department rather than having all the decisions placed on one man. I, therefore, urge you to vote to concur in this amendment.

PRESIDENT NISBET: The Chair recognizes Mr. Gust.

MR. GUST: Mr. President and fellow delegates, I find myself in the uneasy and unfamiliar position of having to disagree with my friend from Morenci, Mr. Figy, and having to agree with my fellow delegates, Downs and Marshall. As a member of the committee on executive branch, I strongly urge—and it was a part of the original committee proposal—that this office be appointive. You saw fit to do otherwise with it and, as a result thereof it is now being amended in its present form. There isn't anyone who has been familiar with the highway department and roadbuilding, in general, who is enthusiastic about the present language, and I, for one, feel constrained to put on the record here that as long as you deem it unwise to have the governor appoint the highway commissioner, I strongly urge you to leave him a legislative officer, so if in the future the legislature deems it wise to change the form or mode of election, they will have the flexibility to do so.

PRESIDENT NISBET: The Chair recognizes Mr. Marshall.

MR. MARSHALL: Mr. President, before I make my remarks, and they will be brief—

MR. FIGY: Point of order, Mr. President.

PRESIDENT NISBET: Mr. Figy.

MR. FIGY: Can a person speak more than once in general session?

PRESIDENT NISBET: They cannot. Your point of order is well taken. Mr. Marshall has already spoken once. The Chair recognizes Miss Hart.

MISS HART: Mr. President and fellow delegates, I am delighted that after 14 years the majority party is now quoting Governor Williams as an authority. This is a new and a delightful experience. The only thing is, I wish he could be quoted in context. I wish he could be quoted accurately. Governor Williams did testify for the appointment of the highway commissioner but because the spring elections at this point had not been put out of operation. He felt that spring elections were expensive and extremely difficult for those candidates who had to run in them, and this was his reason. It had nothing to do with the quality of the highway commissioner. I just want to make this very clear. I happen to know how Governor Williams feels about this and I'd be glad to take anybody on in debate on that topic.

PRESIDENT NISBET: The Chair recognizes Mr. Erickson.

MR. ERICKSON: The last constitutional convention in 1907 could not envision the highway system that we have today. They left it fragmented with the counties and townships. I envision that the highway system in a highway department in the future should have the construction of airports, their maintenance, snow removal, things of that kind; so I definitely urge the defeat of this amendment and urge that we leave it with the legislature so that we can keep up with the times.

PRESIDENT NISBET: Mr. Tubbs.

MR. TUBBS: Mr. President, this was debated fully in committee of the whole. I move the previous question.

PRESIDENT NISBET: The previous question has been demanded. Is that demand seconded? Sufficient number up. The question now is, shall the previous question be put? Those in favor will say aye. Opposed, no.

The motion prevails, the previous question is ordered. Those in favor of concurring in the amendment will vote aye. Those opposed will vote nay.

MR. DOWNS: Mr. President, have the yeas and nays been demanded?

PRESIDENT NISBET: They have been demanded.

MR. DOWNS: Thank you.

PRESIDENT NISBET: The yeas and nays have been demanded. This is a record roll call vote. Those in favor of concurring in the amendment will vote aye. Those opposed will vote nay. Have you all voted? Is so, the secretary will lock the machine and record the vote.

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

#### Yeas — 59

Andrus, Miss	Habermehl	Radka
Batchelor	Haskill	Rajkovich
Beaman	Hatch	Richards, J. B.
Bentley	Higgs	Romney
Blandford	Howes	Rood
Bonisteel	Hubbs	Rush
Brake	Hutchinson	Seyferth
Cudlip	Iverson	Shackleton
Danhof	Judd, Mrs.	Shaffer
Dehnke	Karn	Sharpe
Dell	Kirk, S.	Sleder
Doty, Dean	Knirk, B.	Stevens
Elliott, A. G.	Leppien	Thomson
Everett	Martin	Tubbs
Farnsworth	Millard	Turner
Figy	Nisbet	Upton
Finch	Page	Van Dusen
Gadola	Powell	Wanger
Goebel	Prettie	White
Gover	Pugsley	

#### Nays — 53

Allen	Greene	Nord
Austin	Gust	Norris
Balcer	Hart, Miss	Perlich
Barthwell	Hatcher, Mrs.	Perras
Binkowski	Hodges	Plank
Bledsoe	Hood	Sablich

Boothby	Hoxie	Shanahan
Buback	Jones	Snyder
Cushman, Mrs.	Kelsey	Stafseth
Dade	Kuhn	Stopezynski
Douglas	Leibrand	Suzore
Downs	Lesinski	Walker
Elliott, Mrs. Daisy	Madar	Wilkowski
Erickson	Marshall	Wood
Faxon	McAllister	Woelfenden
Follo	McCauley	Young
Ford	McGowan, Miss	Youngblood
Garvin	Murphy	

SECRETARY CHASE: On the question of concurring in the amendment of the committee of the whole to add section h, the yeas are 59; the nays are 53.

PRESIDENT NISBET: The amendment is adopted. The secretary will read.

Mr. Madar.

MR. MADAR: I believe we have a right to insist that those that are in the hall vote.

PRESIDENT NISBET: It is too late, now, Mr. Madar. The vote has been announced.

MR. MADAR: They are still here.

PRESIDENT NISBET: The vote has already been announced.

MR. MADAR: Okay, if they don't have the courage.

SECRETARY CHASE: Amendment 11:

[The amendment was read by the secretary. For text, see above, page 2010.]

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

SECRETARY CHASE: Messrs. Van Dusen, J. B. Richards, John Hannah, Goebel, King, Martin and Bentley offer the following substitute amendment:

1. 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 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: The Chair recognizes Mr. Van Dusen.

MR. VANDUSEN: Mr. President, I am sure that the delegates noted, as Mr. Chase read the Austin amendment and the proposed substitute, a considerable similarity between the 2. That similarity is intentional. I think all of the delegates will recall that the section which we are now considering was adopted in the closing hours of a long day's session which ran on well into the evening. Many amendments were made to it rather hastily and without the opportunity for detailed consideration. One of the reasons for the delay of the con-

sideration of Committee Proposal 71 from last Friday until today was to give some opportunity for some careful consideration of this section, with the opportunity and hope of making clarifying amendments which would improve it, which would make clear its intentions.

Let me, simply, detail for you very briefly the changes which are proposed here. The Austin amendment would have created a civil rights commission consisting of 4 members, 2 from each party. The substitute proposes a commission of 8 members, not more than 4 of whom should be members of the same party. The purpose of expanding the commission is to make sure that there would be adequate opportunity for representation from a broad segment of our community and our society.

The section with respect to the duty of the commission has been changed, largely as a matter of style, to read as follows:

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.

I have discussed this sentence with the proponents of the original Austin amendment and I think it is reasonably clear that there is no substantive change here. The principal change in language has been the elimination of the mention of 4 specific civil rights which were enumerated in the amendment as adopted by the committee of the whole. Those civil rights, it's clear under Committee Proposal 26 and the committee report thereon, are within the purview of the civil rights guaranteed by law in this constitution. Mentioning them again in this section would, in our opinion, be redundant. There is no intention to change, in any respect, the nature of the civil rights protected by this commission from the amendment, as adopted by the committee of the whole, to the substitute.

In the next sentence, there has been a slight style change eliminating the word "sufficient" with respect to the appropriation, which was felt might be productive of litigation. The sentence now would read, "The legislature shall provide an annual appropriation for the effective operation of the commission."

In the final paragraph, which spells out the powers of the commission, it has been made clear that the powers granted by the constitution are self executing, as in the case of the Austin amendment. Those powers have not been significantly changed. They have been somewhat clarified. It has been made clear that the powers of the commission would be exercised in accordance with the existing statutes governing the conduct of the affairs of administrative agencies; the statutes in question are the administrative code act and the administrative procedures act adopted by the legislature to guarantee due process in the conduct of the affairs of all administrative agencies of the state. These are existing statutes. No new law would be necessary. The commission is granted the powers in the constitution, and the statutes being those which are generally applied to administrative agencies would automatically apply. There are 2 particular changes, one specifying that the rulemaking power of the commission is the power to promulgate rules and regulations for its own procedures and making it clear that if the commission found it necessary to subpoena witnesses, they would have to, as all other administrative agencies do, apply to the court for the subpoena power.

Finally the last sentence, which was the so called Donnelly amendment, has been changed as a matter of style to clearly provide that 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.

There is nothing in the substitute which in any way vitiates the amendment adopted by the committee of the whole. It establishes a civil rights commission. It provides for the powers of that commission. It is self executing in both of those respects. I believe it is a distinct improvement, in that

tion or by law would remain as they are. All new commissions which might be created by the legislature would provide that their commissioners would hold office for 4 year terms. I see nothing here that would prevent the governor from reappointing them to another 4 year term, if he so desires.

MR. MADAR: You don't mean, then, that he would not be able to reappoint.

MR. DURST: I do not believe the amendment has that intention whatsoever.

MR. MADAR: As long as we get it on the record, that is all I wanted to get. Then, to go on, I like this idea of people coming out and showing colors. I have been castigated on several occasions because I have thrown aspersions on certain people, one party; no one has liked it. I can understand that. However, when they are deserved, I don't believe that anyone should complain, and as long as they are true, they shouldn't complain. I have heard quite a few aspersions cast this morning, and on this particular question. I didn't hear anybody casting any aspersions on any delegate here, though, whose name was in the paper not too long ago about advice given while that gentleman held office. We all were very, very gentlemanly and kept still about it, but I couldn't any longer because I notice that they started throwing aspersions on people in office, and with that I'll just keep still from here on in on this question. (applause)

PRESIDENT NISBET: The Chair recognizes Mr. Walker.

MR. WALKER: Mr. President—

MR. MARTIN: Mr. President.

PRESIDENT NISBET: Mr. Martin.

MR. MARTIN: Preferential motion.

PRESIDENT NISBET: The Chair has recognized Mr. Walker, Mr. Martin, and under the ruling he is entitled to make his statement, and then the Chair will recognize you.

MR. WALKER: I am forced to agree with Mr. Brake that things surely must have been bad and real rough and corrupt in the old days, and I am most gratified to see that they have been cleaned up substantially, in fact entirely to the best of my knowledge in the last 14 years. This amendment therefore appears to me to be a matter of locking the doors after the horse has been stolen and considered unnecessary.

PRESIDENT NISBET: Mr. Martin.

MR. MARTIN: Mr. President, I think we have heard all of the arguments on this and I can only confirm what Mr. Brake has said. I move the previous question.

PRESIDENT NISBET: Is there support? There is support.

MR. DOWNS: I have a preferential motion, Mr. President.

PRESIDENT NISBET: Mr. Downs.

MR. DOWNS: I move that additional debate be limited to 30 minutes with 15 minutes each, for and against.

PRESIDENT NISBET: On the motion of Mr. Downs that debate on this be limited to 30 minutes, 15 for and 15 against, those in favor will say aye. Opposed, no. The Chair is in doubt. Those in favor of the motion will vote aye—

MR. DOWNS: Mr. President, I have another preferential motion. I move that the debate be limited to 10 minutes, with 5 minutes on each side.

PRESIDENT NISBET: Do you withdraw the first motion?

MR. DOWNS: Yes, I withdraw my first motion.

PRESIDENT NISBET: The question now is on the motion of Mr. Downs that debate be limited to 10 minutes, 5 for and 5 against. Those in favor will vote aye. Those opposed, no. The motion prevails. Mr. Gust.

MR. GUST: Mr. President, I have a preferential motion. I would like to move that the debate on Committee Proposal 71 be cut off at noon.

MR. DOWNS: Point of order, Mr. President. Did I get a ruling on my motion?

PRESIDENT NISBET: Just a moment. Mr. Gust, your motion is not in order at this time. At the conclusion of debate under Mr. Downs' motion, we will consider yours.

MR. GUST: Excuse me. I thought the results of Mr. Downs' motion had been announced.

PRESIDENT NISBET: The debate will continue on this for 10 minutes, until 11:23. Mr. Chase has a stop watch. Five minutes for proponents of it, 5 minutes against it. The Chair recognizes Mr. Marshall.

MR. MARSHALL: Mr. President and fellow delegates, I rise to oppose the amendment. I am also alarmed at this haste to cut off debate because there are some amendments here that are related to 71 that are new amendments.

This amendment before us would weaken the governor. We have heard a lot of talk about a strong governor in this convention. I think the talk about a strong governor has been only for the ears of the people and you have not carried out the intent in this convention. This would permit department heads and commission heads to thwart the will of the governor, to go in opposite directions. It certainly would not be in the interest of good government, and it would not strengthen the governor. And there is reason, also, on some of these commissions, that they should have terms, particularly on mental health, as an example, of longer than 4 years, and I oppose the amendment.

PRESIDENT NISBET: Mr. Downs.

MR. DOWNS: Mr. President, I demand the yeas and nays on the amendment, and speak in opposition to it.

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

MR. DOWNS: This amendment, as Mr. Marshall said, would weaken the governor. If we want a governor who is responsible for administration, he should at least have something to say about the chief executive officer of the department that is to do his administration. I, therefore, urge the defeat of the amendment.

PRESIDENT NISBET: The Chair recognizes Mr. Martin.

MR. MARTIN: Mr. President, the amendment that is offered here recognizes the fact that the governor has a considerable authority over the boards and commissions by virtue of the fact that he has an appointive power with respect to those boards and commissions. In view of the fact that his term is being extended so that he will have authority to appoint, in most cases, a majority of the members of these boards and commissions during the course of his term, it is felt that this gives the governor a direct influence with respect to those boards which is adequate, and that therefore the executive director need not be subject to approval by the governor.

Now, the second portion of this relates to the fact that it is not desirable to have these terms extended further. If they are extended further, it works in the opposite direction. It takes away from the governor some influence that he may have in the appointment of the boards and commissions. So this is a balancing amendment. The amendment as it stands, therefore, will not weaken the responsibility or the authority of the governor, particularly if terms are not extended beyond their present length in the case of existing boards and commissions, and not extended further beyond 4 years, in the case of those which are created in the future.

PRESIDENT NISBET: The question is on the amendment. The yeas and nays have been demanded and ordered. 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—74

Allen	Gadola	Plank
Andrus, Miss	Goebel	Powell
Anspach	Gover	Prettie
Balcer	Gust	Pugsley
Batchelor	Hanna, W. F.	Radka
Beaman	Haskill	Richards, J. B.
Blandford	Hatch	Romney
Bonisteel	Howes	Rood
Brake	Hoxie	Rush
Brown, G. E.	Hubbs	Seyferth
Conklin, Mrs.	Hutchinson	Shackleton
Cudlip	Iverson	Shaffer



Danhof	Judd, Mrs.	Shanahan
Dehnke	Karn	Sharpe
Dell	King	Sleder
Donnelly, Miss	Kirk, S.	Spitler
Doty, Dean	Knirk, B.	Stafseth
Doty, Donald	Koeze, Mrs.	Staiger
Durst	Kuhn	Thomson
Elliott, A. G.	Leibrand	Tubbs
Erickson	Martin	Turner
Everett	McAllister	Upton
Farnsworth	McLogan	Van Dusen
Figy	Nisbet	White
Finch	Page	

## Nays—41

Austin	Hatcher, Mrs.	Perras
Binkowski	Hodges	Pollock
Bledsoe	Hood	Snyder
Buback	Jones	Sterrett
Dade	Lawrence	Stopczynski
Douglas	Lesinski	Suzore
Downs	Liberato	Walker
Elliott, Mrs. Daisy	Madar	Wanger
Faxon	Mahinske	Wilkowski
Follo	Marshall	Wood
Ford	McCauley	Woelfenden
Garvin	McGowan, Miss	Young
Greene	Murphy	Youngblood
Hart, Miss	Nord	

SECRETARY CHASE: On the amendment offered by Messrs. Durst, Hatch, and Brake, the yeas are 74; the nays are 41.

PRESIDENT NISBET: The amendment is adopted. Mr. Gust.

MR. GUST: Mr. President, am I in order now to make a preferential motion, since the last preferential motion had only to do with the amendment then before the convention? I would like to move that debate on Committee Proposal 71 and all pending amendments thereto, terminate promptly at noon today. I would like to say in support of this motion that all of the amendments that are on the secretary's desk have been debated at length in committee of the whole. Everybody in this room knows exactly where they stand on them and it shouldn't take more than the remaining 40 minutes to vote on these pending amendments.

PRESIDENT NISBET: The question is on the motion of Mr. Gust. Mr. Marshall.

MR. MARSHALL: Mr. President, I don't know that all of the amendments that are on the desk of the secretary were offered and debated in committee of the whole. I don't know. Maybe Delegate Gust has some information that I don't have. I think it has been obvious that we have not today tried to delay this, nor have we made long winded talks on getting these recorded roll call votes. I have told many of the delegates in this convention I did not intend to do that, that I had had my say in committee of the whole, but I oppose this move to cut off debate not knowing—because I don't intend to spend time and I have not spent time this morning on those things that we debated in committee of the whole, but if there are amendments on the secretary's desk that were not offered in committee of the whole and that we did not have time to debate, then I think it is ill advised to move to cut off debate at this point at a given time, and I would like Delegate Gust to consider that.

MR. GUST: I have considered it, Mr. Marshall. I do disagree with you, in all sincerity. But I would like to raise a point of order, Mr. President. Is this preferential motion debatable?

PRESIDENT NISBET: The Chair thinks it is because you have set a definite time.

MR. MARSHALL: May I ask Delegate Gust a question?

PRESIDENT NISBET: Yes.

MR. MARSHALL: Is it your intention, Delegate Gust, to decide these decisions in the Republican caucus, bring them on the floor of this convention and deny the minority delegation here an opportunity to discuss them on the floor of this convention?

MR. GUST: Mr. Marshall, you are one of the most astute politicians in this room, and you know, very well, that that isn't the case and I have no such intention.

PRESIDENT NISBET: The Chair recognizes—pardon me, Mr. Marshall. Are you finished?

MR. MARSHALL: For the moment.

PRESIDENT NISBET: The Chair recognizes Mr. Martin.

MR. MARTIN: I wonder if we could have this understanding: I have looked over all the amendments that I know of which are pending, copies of which have been sent to me from the secretary's desk, and as far as I can see, they are all amendments which I believe the committee would oppose. I would suggest, perhaps, that if Mr. Gust would withdraw his motion, we may be able to dispose of these—I believe we can—by 12:00 o'clock. If not, I would make such a motion at 12:00 o'clock, that at that point we simply vote on them without further debate.

PRESIDENT NISBET: Mr. Gust.

MR. GUST: With the understanding of my committee chairman that he will do that at noon, I will withdraw my motion.

PRESIDENT NISBET: The motion is withdrawn. The secretary will read the next amendment. Mr. Marshall.

MR. MARSHALL: Mr. President, I just want to make one point that I have made before, repeatedly, and I hope that I don't have to make it any more: if our distinguished and esteemed delegate from Grand Rapids, my fellow Rhodes scholar—you know, I happen to be a "Rhodes scholar," too, only it is spelled r-o-a-d-s, I drove a bus on all the roads in Michigan—but anyway, when he is referring to the committee, I would ask him to say, "The majority members of the committee." Thank you.

PRESIDENT NISBET: The secretary will read.

SECRETARY CHASE: Mr. Hodges offers the following amendment:

1. Amend page 1, line 10, after "Sec. a.", by striking out the first paragraph; and on page 3, line 16, by striking out "he shall be nominated and, by and with the advice and consent of the senate,"; and after section g, by striking out all of section h.

PRESIDENT NISBET: The Chair recognizes Mr. Hodges.

MR. HODGES: Mr. President, the intent and purpose of this, of course, is to give you an all appointed administrative board with the sole responsibility to the governor to select his administrative board and to replace them at his pleasure.

MR. MARTIN: Point of order, Mr. President.

PRESIDENT NISBET: Mr. Martin.

MR. MARTIN: The amendment with respect to section h, I think, is out of order. We have already voted on that, both in committee of the whole and subsequently. I believe that is out of order.

PRESIDENT NISBET: Your point of order is well taken on section h. Mr. Hodges may continue on the part of his amendment which reads as follows:

1. Amend page 1, line 10, after "Sec. a.", by striking out the first paragraph; and on page 3, line 16, by striking out "he shall be nominated and, by and with the advice and consent of the senate,".

MR. MARSHALL: May I make a parliamentary inquiry?

PRESIDENT NISBET: You may, Mr. Marshall.

MR. MARSHALL: Delegate Martin stated that he had a copy of all the amendments to Committee Proposal 71. Do you think it would be asking too much if the distinguished and esteemed second vice chairman of the committee could have a copy also?

MR. MARTIN: Mr. President, I will share my copies with Mr. Marshall. They are available.

PRESIDENT NISBET: Thank you. Mr. Hodges, you may proceed.

MR. HODGES: I would like, as a point of clarification, Mr. President—I offer this not as a series of amendments, but as an overall proposition and it would seem that, in light of the other parts of the amendment, that it would be, in my estimation, in order.

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 concurrent 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 pro-

tection 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	Krolkowski	Stamm

Cudlip	Knirk, B.	Sleder
Danhof	Koeze, Mrs.	Snyder
Dehnke	Krolkowski	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 CONSTITU-

TION 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 Novem-

ber, 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

\*This paragraph proposed to be moved to schedule and temporary provisions.

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

PRESIDENT NISBET: Immediately following 71.

MR. YEAGER: Thank you.

PRESIDENT NISBET: The secretary will read.

SECRETARY CHASE: Messrs. Wood, Erickson, Faxon, McAllister and Leibbrand offer the following amendment:

1. Amend page 5, [section h, paragraph 1] beginning on line 17, by striking out all of section h.

PRESIDENT NISBET: The Chair recognizes Mr. Wood.

MR. WOOD: Mr. President, fellow delegates, this amendment, in effect, leaves the election of the highway commissioner where it is now, with the legislature. As has been pointed out previously, Michigan is number one in the United States with regard to roads, and Michigan is the only state that elects its state highway commissioner. I do not believe that this is the recommendation for a change. Why should we trade a proven principle for a very doubtful one? We have heard the statement that the committee proposal would remove the highway department from politics. I suggest to you the effect would be exactly the opposite; that the political implications would increase at least fourfold. Without taking any more of your time I'll defer to Mr. Erickson, and also I would like to ask for the yeas and nays on this amendment.

PRESIDENT NISBET: The yeas and nays have been demanded. Is that demand seconded? Sufficient number up. The Chair recognizes Mr. Erickson.

MR. MARSHALL: Mr. President, Mr. Erickson yielded to me.

PRESIDENT NISBET: Okay. I'd better keep my eye on you. Mr. Marshall.

MR. MARSHALL: Mr. President and fellow delegates, I rise to support the Wood, et al, amendment that is before the convention. You heard my arguments in committee of the whole. I think that this particular section, this one dealing with the creation of the so called bipartisan highway commission is, without a doubt, one of the biggest mistakes we've made to date and also one of the most irresponsible provisions that is before this convention. You have all heard us talk about and talk on the record and point out the magnificent job that has been done in building highways in Michigan under an elected highway commissioner, with fuel tax money earmarked for roads. I am not going to go into a long talk trying to persuade any of you to vote. I am sure that all of you have your minds made up. If there has been a change of heart on the part of anyone since first reading, I think that now is the time to cast the ballot. But I do urge, I urge very strongly and sincerely, that the delegates give serious consideration to a favorable vote on this amendment that is before the convention now because, in my considered judgment, the bipartisan highway commission will not work; it will not be conducive to good roads, and it will not take the highway department out of politics. On the contrary, we establish 4 more constitutional officers in the constitution and we add to this problem the danger of more politics being played among the various commissioners and the highway director and the executive office, and so forth. I urge a yes vote on the Wood, et al, amendment. Thank you.

PRESIDENT NISBET: Mr. Erickson, do you wish to be recognized now? Mr. Faxon.

MR. FAXON: Mr. President, fellow delegates, very briefly, from an administrative point of view it is not sound to have a commission at the head of an executive agency. But whatever the merits are as to whether it should be a commission or whether the highway commissioner should be appointed or elected, this is a matter which has been left to the legislature in the past; and if we have gone along, up to this point, entrusting the legislature with regard to the question of funds for education, if we've gone along with the legislature with regard to establishing other departments and agencies, then surely there is no better place to put your confidence in the legislature than in permitting this matter to stand as it is today, not in the constitution. We can be doing a great service here if we cut this language out because we don't know what we're starting with. We don't know what we're saddling our state with. And there is no one in this state today who feels a great urgency for change with regard to this particular department. I cannot help but reemphasize and reurge you to give careful

consideration to this and to vote as you know the people in your districts would ask of you and think of you to do on this question of deleting this section which creates for most of us an untenable situation for the head of a department.

PRESIDENT NISBET: Mr. Stevens.

MR. STEVENS: Mr. President and delegates, the argument for this amendment seems to be that Michigan has a good highway system. I would not deny that. But it is my suggestion that the good highway system we have is not the result of the way in which we select the commissioner of highways, but plenty of money. With lots of money any state can build good highways and undoubtedly it should. It seems to me the committee's proposal is at least an improvement over the present system of selecting a highway commissioner. At any rate, there are no grounds for the suggestion that our system of highways depends upon the method by which we elect the commissioner.

PRESIDENT NISBET: The Chair recognizes Mr. Romney.

MR. ROMNEY: Mr. President and fellow delegates, this is a subject with which I have been in contact for over 30 years as a result of my industrial interests and activities. I approach this process for the securing of a highway commissioner and the direction of our highway program against a background of basically favoring the appointment of administrative officials in state government. However, I think, in the case of the highway commissioner, that the procedure that we have provided is a much sounder one than would be direct appointment by the governor himself.

Now, having been in contact with highway programs in this country on a close basis for over 30 years, I can say without any reservation that the good roads in Michigan are not primarily related to the question of whether or not we elect or appoint a highway commissioner. I have seen the highway programs of this nation move from the situation where they were primarily the result of political logrolling to their present position where the location and character of highways is premised upon available engineering data and traffic flow information and other economic data that makes this a highly technical subject and one where we need the greatest of competence in administration, engineering and other fields. Now, this being the case, this being a responsibility that is not primarily a political responsibility, it seems to me that it should be approached on that basis.

The reasons I favor the appointment of a bipartisan highway commission, are these: 1, if any one of us was going to set up an activity involving the expenditure of over \$300 million a year, we would not vest that responsibility exclusively in the hands of a single individual. We would give that individual a policy group to give him advice and guidance. And that's what we've done in the establishment of this highway commission; 2, we certainly need to secure a highway commissioner on the basis of competence and ability primarily, rather than on the basis of ability to secure votes, and the selection of the highway commissioner by a bipartisan commission is more likely to result in a man being selected on the basis of his competence — and this we need — and; 3, it is more difficult to corrupt 4 men than to corrupt 1 man.

The direction of this work, from a policy standpoint, by a highway commission makes it less likely that the highway program of this state can be improperly influenced. And I know of no group more inclined to participate, financially and otherwise, in political affairs than the group we are dealing with in connection with the way in which we set up our highway program. Consequently, it seems to me that it is doubly important to set it up on a basis where we have a policy group not as subject to the influence by special interests and a policy group that can select a man primarily on the basis of competence and thus carry forward a highway program for the state of Michigan. And the effectiveness of our future program is going to depend primarily upon the things I have mentioned rather than the question of whether we elect or appoint a highway commissioner.

PRESIDENT NISBET: Mr. Snyder.

MR. SNYDER: Thank you, Mr. President. Throughout the committee of the whole, throughout the first reading, I re-

strained myself from comments on this particular matter because I felt that there were many who would bring to you firsthand some of the technical qualifications of the highway engineer. I certainly must disagree with the previous speaker when he says that election or appointment will have no effect on the quality on the roads.

I speak for a group of people in my home town whose vitality, whose strength and whose finances depend greatly upon the automotive industry. Our employment in Michigan depends greatly upon the automobiles. If we do not provide the proper highways, if we do not provide the proper means of transporting these vehicles, we are cutting the life blood of our Michigan finances. I submit to you that an elected highway official does have this awareness and he will provide these means for maintaining our employment at the high level. I also submit to you as a commissioner in our town, that there are many areas in which we must have the responsiveness of an elected highway official. To many of you who at the present time have highways bordering your communities or who have programs planned to go through your communities, let me point this out: that the route depends upon the availability of the highway commissioner. The followup depends upon the availability of the highway commissioner.

We at the present time in our community have extending throughout its entire length an expressway. The expressway is bogged down, but we feel, because we have a highway commissioner that is elected at the present time, we are able to exert the proper type of pressures upon him in which he will recognize our needs. We are presently in the process of communication with him. In addition to this, may I point out some of the incidental problems that you have along these lines: for instance, you may have a nice neighborhood and a highway commission decides to set up a cement mixing plant right next door to you. If you do not have the responsiveness of this highway commissioner, you cannot control these things. These are the everyday bread and butter, the practical things for which you must have a responsive highway commissioner, and I submit to you that if you have one that is appointed he will not be available to you, he will not serve you people and give the response to their problems that he can under our present system.

PRESIDENT NISBET: Mr. Van Dusen.

MR. VANDUSEN: Mr. President, I understand there are 6 speakers seeking recognition. I would move that further debate on this amendment be limited to 20 minutes.

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

MR. McALLISTER: Mr. President, fellow delegates, I was elected by the people of my county to protect their interests, not to take their rights away from them. The highway builders, the highway commissions, and practically everybody in Michigan that has anything to do with highways, except our self appointed leaders, are not in favor of this part of the committee proposal. Apparently, the self appointed leaders seem to feel people do not have the ability to select their officials and also seem to feel that they're already in the capitol. Many of these same leaders have kept the Republican party out of the capitol during the last 16 years, and it is my opinion that, with their present theory, we will not be in there 16 years from now. I move that we delete this section from the proposal.

PRESIDENT NISBET: Mr. Brake.

MR. BRAKE: Mr. President and ladies and gentlemen of the convention, it is very proper that we should boast about the good roads we have in Michigan and about everything else we have in our state. But we shouldn't get completely out of balance in connection with these things. One thing we should remember, in order to keep in balance, is that the amount of money that has been going into that highway department is tremendous, and as to the finest roads we have in this state, 90 per cent of it has been federal money. Another thing we should keep in mind is that we now have a bonded indebtedness of the state highway department of something more than \$600

million, all accumulated in very recent years. If your money is unlimited, most anybody can build roads.

Regarding what Mr. Snyder just said about having a commissioner that you can exert pressure upon, that's all right. I have no objection to that, Mr. Snyder, at all. But I am not so enthusiastic about having a highway commissioner who is in position to exert pressure on us and on the legislature, as has been done continuously.

It was said by Mr. Faxon, our young conservative, that a commission is never the right head to an executive department. He is flying straight in the face of all the Michigan experience we've had in recent years. We tried the other method, tried it long and hard, ending mostly in the '30s. And with the major departments of Michigan government, we have done so much better with a commission heading them that there is no comparison between the 2.

PRESIDENT NISBET: Mr. Hodges.

MR. HODGES: Mr. President, I rise to support the amendment. The highway commissioner is a policy position. We can hire engineers to work under him, but the main factor is, he is a policymaker. This was well demonstrated when our present commissioner first came into office, and there was a campaign. That was a campaign that was conducted on 2 different philosophies of road building. One, the bits and snatches road building we had for several years and the other on 4 lane unlimited and divided highways. The people had an opportunity to decide what they wanted. They decided they wanted better roads. Under the previous commissioner the funds were there, at that time, too, but he chose to allow the county road commissioners and so on to handle it in that way. The people finally got what they wanted through an elective highway commissioner.

One delegate says that because we spend \$365 million a year is reason to make him appointive; that not one man should have this power. Under the proposed committee report he is responsible to no one except save, maybe, his own political party, and then it would be questionable. If we took the same theory that no man should have this much power, then we should have 4 governors as well as 4 highway commissioners. Responsible government has one man at the top that finally makes the decisions.

And in deference to Mr. Brake's remarks, I think it is well pointed out, except where you have quasi judicial functions, that it works out much better to have a single head of an agency or a department. This is another one of these so called accommodations that no one advocated when we came to this convention and no one really believes in today on this floor but we seem to be stuck with it. And I ask your support of the amendment.

PRESIDENT NISBET: Mr. Walker.

MR. WALKER: Mr. President, a few questions of Mr. Romney, if I might. There were some things that he said that I do not understand.

PRESIDENT NISBET: If Mr. Romney cares to answer.

MR. WALKER: First, Mr. Romney speaks of his 30 years of experience throughout the nation and I would like to know what states have 4 person highway commissions and what has been their record of success with this commission.

PRESIDENT NISBET: The Chair might mention our time is limited.

MR. WALKER: I realize we are operating under a gag rule, sir, but —

MR. ROMNEY: Mr. Walker, I don't happen to know the exact number of states that have commissions, but I know that more states have commissions than elect a commissioner. Michigan, I understand, is the only state that still elects its state highway commissioner.

MR. WALKER: Further, Mr. President, I understood Mr. Romney to state that there had been some corruption or some hint of corruption. I wonder if he would care to state any specific examples in the last few years.

MR. ROMNEY: Mr. Walker is incorrect in the statement. What I indicated was that it is more difficult to corrupt 4 men than 1 man. And if there is concern about a commission instead of an individual commissioner, from that standpoint, a

commission form is less susceptible to that than an individual commissioner form.

MR. WALKER: Further, Mr. President, I believe he said: the group we're dealing with in the selection of the highway commissioner—and I believe that was where the reference to corruption came in there—if Mr. Romney would specifically identify the group that we're dealing with in the selection of the highway commissioner?

MR. ROMNEY: Mr. Walker, you are trying to put words in my mouth.

MR. WALKER: No, sir. I believe that's a quote.

MR. ROMNEY: What I indicated was that the group involved in highway construction was a group that had taken a very large part in political matters and in financial contributions in political areas and that, consequently, this was particularly an area where we should set up the direction of the work in a manner that would free it from undue influence. I made no statement about their having engaged in corruption.

MR. WALKER: Still, a group is rather a nebulous thing. In an effort to clarify it in my own mind—

MR. ROMNEY: There are about 30 or 40 or more groups of a major character and I am sure you are as familiar with them as I am—all the highway building groups, all the highway use groups. There are many of them as you know.

MR. WALKER: That's a very broad statement, sir. I can't help but call to mind—and this is not a question—the editorial from an Ann Arbor paper, speaking of the fact that our present highway commissioner is a highly qualified administrator, and I wonder if we as voters and electors in this state would not be qualified in future years, under our present system, to continue to pick highly qualified people. Therefore, I would speak for the amendment before us.

PRESIDENT NISBET: The Chair recognizes Mr. Hoxie.

MR. HOXIE: Mr. President and fellow delegates, we've heard some personal expressions relative to the advantage of the committee proposal in this method of selection of our highway commissioner. They're not borne out by the facts that I have been able to gather from groups and citizens, some who have a direct interest in the highway system of Michigan, some who only have an indirect interest, the interest of the benefit of the drivers of the people of the state of Michigan.

I would like to remind the delegates of this fact: that I don't think it is necessary to write such a provision in the constitution. We all recognize that the legislature, by legislative act, created this office as an elected office. Likewise, they have the right to repeal or amend the present legislative act and create just such a commission, if in their judgment they feel it is advisable. I will leave this thought with you: who is better capable of knowing what are the beliefs and thinking of the people back home than those duly elected representatives in the state government? I think they are fully capable of taking care of any problem that arises in this area. And I, for one, am going to vote for the amendment to strike this particular section from the constitution.

PRESIDENT NISBET: Mr. Downs.

MR. DOWNS: Mr. President, I have some questions of Delegate Romney, if he cares to answer them, through the Chair.

PRESIDENT NISBET: If he cares to answer.

MR. DOWNS: First, Mr. Romney, what would happen if, under this system you advocate, the 4 commissioners did not agree on how to select a highway commissioner?

MR. ROMNEY: I think that they would have to continue to consider the matter until they did agree.

MR. DOWNS: Would any roads be built in that interim period?

MR. ROMNEY: And I think, Mr. Downs, it is highly desirable that in a program of this magnitude, in terms of state interest, that the highway commissioner be someone who is considered a competent man by at least a Democratic member of the commission and 2 Republicans, or vice versa. And I think that this insures getting a better qualified man. I think it is a better approach.

MR. DOWNS: Through the Chair, this requires advice and consent. What would happen if the senate rejected from time to time appointments by the governor. How could a quorum be established?

MR. ROMNEY: I am not concerned about the likelihood of the senate rejecting a commissioner appointed on a bipartisan basis and selected on a bipartisan basis.

MR. DOWNS: Would there be any limitation on the term of the highway commissioner to be selected by the 4 member highway commission?

MR. ROMNEY: I didn't get that question, Mr. Downs.

MR. DOWNS: Would there be a limitation on the term of the highway commissioner to be established by the 4 member highway commission?

MR. ROMNEY: No. As I understand it, the proposal is that the highway commissioner would continue to function as long as he met the requirements of the highway commission, and the highway commission would be authorized to determine the length of his term. It seems to me that this is highly desirable, as it is in the case of the superintendent of public instruction. If we recognize the desirability of securing a man on the basis of competence and ability rather than on the basis of political consideration, then this becomes a highly desirable aspect of attracting men of real competence and ability into this post; and after all, giving the type of direction required for a \$350 million business requires one of great competence.

MR. DOWNS: Would the members be able to hire a highway director for a long period, such as 10 or 15 years into the life of another commission?

MR. ROMNEY: I personally would think that the commission would be very unwise to do such a thing but they would not enter into a contract of extremely long duration without knowing the competence of the man involved.

MR. DOWNS: Could the 4 member highway commission discharge the highway engineer-administrator without hearing, notice, or any other considerations?

MR. ROMNEY: I would think we could expect the highway commissioners to use proper discretion as administrators; and, certainly, to pursue such course of action would be a very unwise administrative procedure. I can't personally believe that we will have appointed to the highway commission men who would be so short sighted, because such action would defeat one of their major objectives and purposes, namely, to attract men of capacity and ability to the post.

MR. DOWNS: On page 6, line 2 it states that the director is to carry out "the policy of the state highway commission." Does the word "policy" mean determining such things as whether the roads are built of cement or asphalt, or would that be a technical decision for the fulltime highway commissioner to determine?

MR. ROMNEY: Mr. Downs, on the basis of the present art of highway building and our present knowledge of soils and materials, this is a technical matter rather than a policy matter, if it is properly handled and, consequently, should not be a matter of policy but should be a matter of making the wisest possible selection of material to develop the best roads on the types of soils involved. This is what I referred to in pointing out that the highway art has advanced tremendously in the last 30 years. We have knowledge now indicating that certain materials are best suited for building the best roads on certain types of soils and we have many types of soils to deal with in highway construction; so this is not a policy matter, it's an engineering matter.

MR. DOWNS: All right. Then, through the Chair, the determination of where a road goes, is that a policy matter or is that a decision for the highway commissioner to determine?

MR. ROMNEY: Again, this is a matter that is related importantly now to available information on the development of highway traffic information indicating what the flow of traffic is. Now, it certainly would be a policy matter to make certain that our highway program is going to be based in terms of location on the development of adequate information about the traveling of people and consequently where the roads should thus be located. Certainly, the highway commission should be confident that such data has been developed before a road location is determined and also, reverting to the earlier question, it would certainly be a question of highway policy matter to make certain that the highway commissioner was selecting materials on the basis of the types of soil and other

factors involved in building the best highways rather than doing it for purely political purposes.

MR. DOWNS: Then if a bypass were to go around Lansing, would the 4 member commission determine this, or would the highway director determine this?

MR. ROMNEY: I think I've already indicated that this is not a matter for any one to determine; but, as far as the highway commission is concerned, they would be very much involved in making certain that the most accurate data had been developed to indicate where the roads should be located and what type of road should be built.

Let me say this to you, Mr. Downs: that a good deal additional data is being developed constantly with respect to bypass roads and freeways and other types of roads. And it seems to me that one of the important policy responsibilities of the highway commission would be to see that in developing a highway program here in Michigan we availed ourselves of the latest information available. Now, in the city of Los Angeles, for example, they found, as a result of building expressways without due regard to bypass roads, that they funnelled more traffic into downtown Los Angeles than they had originally and they were tending to defeat their own purposes. These are all matters that require the most careful policy as well as technical consideration.

MR. DOWNS: Is there any evidence that our present highway commissioner and system has not utilized the fullest resources of engineers and technicians to perform a technically good job?

MR. ROMNEY: There is very clear evidence to indicate that the present highway commissioner has devoted himself extensively to political activities and that this is not the primary function and responsibility of a competent highway commissioner. And furthermore, I am certain, based on my knowledge of this art, that an adequate consideration of highway development in this state would justify the time and attention of more than just one competent individual.

MR. DOWNS: If the people are not satisfied with the highway program under the commission system, what remedy do they have to make any major corrections or changes?

MR. ROMNEY: Let me make another comment that might be pertinent to this discussion, and that's this: I know something about lead time and highway planning and construction. Now, there is no question but that the highway programs that have been built under the current highway commissioner were started long before the present highway commissioner came into office; a great deal of the traffic flow information, highway engineering information, the designing of the highways, the planning of the highways, the location of rights of way, was well under way before Mr. Mackie became highway commissioner of this state. And I think we ought to give some credit to Mr. Ziegler and his intelligent planning which Mr. Mackie has cashed in on. (applause)

MR. DOWNS: That still does not answer the question.

PRESIDENT NISBET: Time is up, Mr. Downs.

MR. FAXON: Mr. President, I have a preferential motion. Would it be possible to move that debate—since this colloquy took up the time of several of the speakers—10 minutes more be permitted on this question?

PRESIDENT NISBET: You can make a motion, Mr. Faxon.

MR. FAXON: I would like to move for 10 more minutes so that others who were on the list would have a chance.

PRESIDENT NISBET: The question is on the motion of Mr. Faxon that debate be extended for 10 minutes more. Those in favor will say aye. Those opposed, no.

The motion does not prevail.

MR. MARSHALL: Mr. President.

PRESIDENT NISBET: Mr. Marshall.

MR. MARSHALL: Mr. President, am I to understand that the only delegate in this convention that can get an extension of time is Delegate Van Dusen?

PRESIDENT NISBET: That was the action of the convention, Mr. Marshall.

MR. MARSHALL: I'd like to move that the time be extended 15 minutes.

PRESIDENT NISBET: The question is on the motion of

Mr. Marshall that time be extended 15 minutes. Those in favor will say aye. Opposed, no.

The motion does not prevail.

MR. MARSHALL: Division.

PRESIDENT NISBET: A division has been requested. Is the demand supported? Sufficient number up. Those in favor of extending debate 15 minutes will vote aye. Those opposed will vote nay.

MR. MARSHALL: Could I say just a word on this?

PRESIDENT NISBET: Mr. Marshall.

MR. MARSHALL: Mr. President and fellow delegates, this is a very, very serious question that is before the convention. Much of the 20 minutes extended time was taken up in the answers to the questions that Delegate Downs asked. I wish, in some respects, that Delegate Downs had not asked the questions because Delegate Romney made a speech on each question. (laughter) But be that as it may, he had a right to ask the questions and Delegate Romney had a right to make a speech.

PRESIDENT NISBET: Your point is well taken, Mr. Marshall.

MR. MARSHALL: But I urge the delegates to give us at least 15 minutes and we probably won't take but 5 or 10 minutes to hear the other speakers on this question.

MR. STERRETT: Mr. President.

MR. WALKER: Mr. President.

MR. IVERSON: Point of order, Mr. President. This is not debatable.

PRESIDENT NISBET: Your point is well taken. This is not debatable.

MR. WALKER: I have a preferential motion that I was trying to make.

PRESIDENT NISBET: The vote is being taken, Mr. Walker. What is your motion?

MR. WALKER: I was going to ask for the yeas and nays, Mr. President, in that I do consider this a gag rule and I want to see who is for it and who is against it.

PRESIDENT NISBET: Division has been ordered.

MR. WALKER: The yeas and nays are what I asked for.

PRESIDENT NISBET: The yeas and nays have been asked for. Is the demand seconded? Sufficient number up. Those who are in favor of extending debate 15 minutes will vote aye. Those opposed will vote no. This is a record roll call vote. Have you all voted? If so, the secretary will lock the machine and record the vote.

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

#### Yeas — 61

Allen	Garvin	Murphy
Andrus, Miss	Hart, Miss	Nisbet
Austin	Hatcher, Mrs.	Ostrow
Baginski	Heideman	Perlich
Balcer	Hodges	Prettie
Bentley	Hood	Radka
Binkowski	Howes	Richards, L. W.
Bledsoe	Hoxie	Sablich
Bradley	Jones	Seyferth
Buback	Kelsey	Shanahan
Butler, Mrs.	Kuhn	Snyder
Cushman, Mrs.	Lawrence	Suzore
Dell	Leibbrand	Upton
Donnelly, Miss	Leppien	Van Dusen
Douglas	Lesinski	Walker
Downs	Mahinske	White
Elliott, Mrs. Daisy	Marshall	Wilkowski
Erickson	McAllister	Wood
Faxon	McGowan, Miss	Young
Follo	McLogan	Youngblood
Ford		

#### Nays — 54

Anspach	Haskill	Richards, J. B.
Batchelor	Hatch	Romney
Beaman	Hubbs	Rush
Bonisteel	Iverson	Shackleton
Brake	Judd, Mrs.	Shaffer
Cudlip	Karn	Sharpe
Danhof	Kirk, S.	Sleder
Dehnke	Knirk, B.	Spitler



Doty, Dean	Koeze, Mrs.	Stafseth
Durst	Martin	Staiger
Everett	Millard	Sterrett
Farnsworth	Mosier	Stevens
Figy	Page	Thomson
Finch	Perras	Tubbs
Gadola	Plank	Turner
Goebel	Powell	Wanger
Gust	Pugsley	Woolfenden
Habermehl	Rajkovich	Yeager

SECRETARY CHASE: On the motion to extend the debate on the pending amendment, the yeas are 61; the nays are 54.

PRESIDENT NISBET: The motion prevails. Time is extended. Mr. Downs, you have the floor. If anyone is interested, there are 5 speakers.

MR. DOWNS: Mr. President, I will yield the time to the others because of the time I took. I understand there are other speakers.

PRESIDENT NISBET: The Chair recognizes Mr. Boothby.

MR. BOOTHBY: Mr. President, ladies and gentlemen of the convention, sometimes I think legislative bodies get bogged down in their own thinking, and I think maybe the constitutional convention does that once in a while also.

I have a couple of comments and an editorial from the people who are not in the constitutional convention but can look down upon us and our actions. One is from the Benton Harbor News Palladium. I'll read in part from that. It is entitled, One Road Boss is Enough. I quote:

Next week the constitutional convention in session at Lansing is scheduled to dispose of the proposal involving a state highway commission of 4 members which will have charge of building and maintaining Michigan's arterial roads.

This plan will supplant the present law that provides for the election of a highway commissioner. In brief, the proposal takes away from the voters their right to select a highway commissioner, as Michigan voters have been doing for the last half century.

Michigan is the only state in the union that elects its highway commissioner, preferring it to the commission plan. But the road scandals in Indiana, New Mexico, Massachusetts and Florida — and particularly in Indiana — indicate that the commission plan is not free of political chicanery.

We can't recall that Michigan has ever had a highway commissioner that went wrong. This department of state government, it is true, is subject to criticism from the very fact that in projecting new roads it can't please everybody.

Setting up a 4 man highway commission merely means another state agency will be added to the multiple number of such authorities of which there are already too many. Moreover, road building in Michigan would have 5 bosses instead of one as at present — a setup for political wrangling, delay in needed road building and a divided opinion and authority that is always fatal.

Then, from the St. Joseph Herald Press, just a short statement in an editorial entitled, Highway Stumbling Block. I quote:

Point 3 is a senseless compromise between direct election of an administrative official and his appointment by the governor. Con con has borrowed the idea from other states.

The supporting theory advanced by the Lansing session is that the board appointment method will take the department out of politics. Just how much more political could a situation become with 2 Republicans and 2 Democrats haggling over whom they should hire for the firing line manager of the department?

The rules of diplomacy constrain one officer of the state to use polite language and confine himself to a logical array of argument when disputing the course that another official group is taking. The postal laws and regulations exercise the same restraint on us.

All we shall say is that if con con adopts in final form what is now in the mill for the department, then it may easily lose the confirming vote from the public on its entire handiwork. The package worked out thus far is pretty

good, but one or two glaring errors such as the highway section can wreck the whole performance.

PRESIDENT NISBET: Mr. Martin.

MR. MARTIN: Mr. President, it seems to me practically everything that can be said has been said on this subject. But we come back to the one question; that is: how do you get the widest possible choice for this man who is going to serve as highway commissioner? And there isn't any question but that if what you want to have is the widest possible choice and the widest and most competent list of men, you have to use a system that is proposed by the present proposal. The selection by the state convention and election narrowly limits the choice of competent personnel whom you can get. There are relatively few men who are available who have this competence who are willing to go through a statewide campaign or want to have to go through it to hold a job of this kind, which demands primarily professional competence. For that reason, I hope that the amendment will not be adopted and that the convention will support the committee proposal section h as it now stands.

PRESIDENT NISBET: Judge Leibrand.

MR. LEIBRAND: Mr. President and fellow delegates, I have no special interest, financial, political or otherwise, in the highway system of Michigan. I do know when I campaigned for this office of delegate last summer that I met and talked with thousands of people. Those thousands of people offered hundreds of suggestions as to what they thought should go into a new constitution. Not a single one of those suggestions, as I recall, went to the substitution of an appointed highway commissioner for the present elective system. When this first came up in this body about a month ago, accordingly, I had no real background on which would be the preferable system. I secured a man in my district, in whom I have confidence, to take a poll to see what the prevailing sentiment was. On March 15, 1962, I received the following telegram, "Carl J. Leibrand, delegate . . ." and so forth,

First choice from people I have talked to, election of highway commissioner by the people. Second choice, but not desirable, highway board. No one in favor of appointment by governor.

I support the provisions of this amendment which would leave the highway commissioner elected.

PRESIDENT NISBET: Mr. Faxon.

MR. FAXON: Mr. President, I would like to ask a question of the chairman of the committee because I think there has been some misunderstanding among some of the delegates with regard to what the status of the highway commissioner would be in the event that this provision were adopted. Now, the question is: can the legislature provide for an elective, statewide position under this constitution? And after the answer, I should like to have an opportunity to respond.

PRESIDENT NISBET: Mr. Martin, would you care to answer?

MR. MARTIN: If I understand the question, the question is whether the legislature can set up an elective office?

MR. FAXON: Yes.

MR. MARTIN: Well, the only elective offices, heads of principal departments under the committee proposal are those which are specified here in the proposed constitution, unless you wish to leave the highway commissioner in his present status. In that event I think it is possible the highway commissioner can continue to operate.

MR. FAXON: Mr. President, now that means —

MR. PLANK: Mr. President, point of order. Mr. Faxon has already spoken once and I believe he's about to speak again. I'd like to ask the Chair —

PRESIDENT NISBET: Mr. Faxon is cosponsor of the amendment, Mr. Plank.

MR. FAXON: Mr. President, on page 3 — and I call this to the attention of the chairman of the committee — the first line there:

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 de-



partments shall include a secretary of state, a state treasurer and an attorney general.

And then the next sentence, and here is where I think that this point should be made clear, "When a single executive, other than an elective official. . . ." Now, I can take it by that that this would mean that the legislature could provide for an elective official to head a principal department and that this constitution would permit the legislature to have that privilege. Is that correct?

MR. MARTIN: Mr. Faxon, I'd like to amend my answer on this. As this is drafted, if the single executive is an elected official, as is provided here, he may head a principal department. If he is a single executive other than an elected official as specified here, then he would be an appointed official. This does not provide for elected officials. As it stands now it does not provide for elective officials who are simply statutory in character.

MR. FAXON: Then am I correct, insofar as you have answered these questions, Mr. Martin, that if this section were deleted with regard to the commission, the present system could and would remain in effect?

MR. MARTIN: No. I didn't say that. If you delete this section, and the highway commissioner is to be an elected official, you will have to put in something to that effect, or you will have to put in something to the effect that he can be a statutory elected official.

PRESIDENT NISBET: Mr. Faxon, there are only 4 minutes and there are 2 speakers.

MR. FAXON: Then in concluding, I think this has been a little unclear in a number of people's minds in regard to what the status would be. I think this needs to be cleared up. My understanding of that language, as I read it, was that it could and would provide for the legislature to set up an elective official if it felt necessary. And this interpretation certainly would lead me to think that we might need to make other provision. In the event that this amendment is accepted, I think we would be willing to make other provision so that there would be no confusion as to the status of the highway commissioner.

PRESIDENT NISBET: Mr. Habermehl.

MR. HABERMEHL: Mr. President, fellow delegates, let's face the real issue here: what we are attempting to avoid or prevent is political road building—road building, roads constructed for political purposes, for the purpose of attracting votes. Now we faced the somewhat comparable situation on first reading and we'll face it again in the same provision. In an attempt to avoid political considerations in state employment, we provided for a civil service commission. This was to get away from political hiring and firing of employees. Just for fun, check Committee Proposal 22. The language reads exactly the same as this proposal does. It appears that some of the proponents of this amendment, under the civil service provision, would avoid politics but under the same language here, they would not do so. I find it awfully hard to reconcile those 2 views.

I'd just like to add that there is probably no county in Michigan that would agree to elect its highway commissioner. Every county has adopted a commission type of management with a hired superintendent or manager. All this attempts to do is put the state on exactly the same basis that the county is now.

PRESIDENT NISBET: Mr. Marshall.

MR. MARSHALL: I'd just like to ask Delegate Martin a question. I believe Delegate Martin stated that by having a highway commission you could get the broadest selection and range of people. If that's the case, then why don't we have a commission to select the secretary of state, the attorney general, the governor, the legislators and all of them?

PRESIDENT NISBET: Mr. Martin, do you care to answer?

MR. MARTIN: That would be one way to do it. The preferable way is to have the governor appoint. We do have these heads of departments selected in many cases by boards and commissions, and that works reasonably well where you need a policy board, as you do in this case.

MR. MARSHALL: I'm not going to say anything else, but I heard some remarks and Delegate Habermehl made the state-

ment about a highway commissioner playing politics with roads. I only have this to say: that the present highway commissioner—in defense of him, because there has been an attack upon the present highway commissioner on this floor today—has built roads starting somewhere and going somewhere and not in bits and snatches. If there are any politics being played, I submit that there are delegates in this convention that are playing politics with this question today.

PRESIDENT NISBET: Mr. Erickson.

MR. ERICKSON: Mr. President and delegates, one of the first rules of good administration is to pinpoint responsibility. This hybrid commission that is proposed is the best way to dilute responsibility and pass the buck. Hybrid corn cannot reproduce itself very readily, and if it does, it degenerates. That is just pure corn.

PRESIDENT NISBET: Mr. Wood.

MR. WOOD: Mr. President and fellow delegates, we've heard a lot here about the fact that the appointing of a 4 man highway commission would take the highway department out of politics. I'd like to suggest to you that that's just so much hogwash. And then we heard the statement that a highway commissioner should have the ability to build highways and not the ability to get votes. Well, you might apply that to all the state officers, from the governor down.

Then the other statement that was made was that anybody could build highways given the necessary funds, and it was intimated that the highway department in Michigan had all kinds of funds. If you travel the state as much as I do, you'd know there are plenty of highway needs that aren't being met yet in Michigan due to lack of funds. I'd like to urge all of you to vote for this amendment.

PRESIDENT NISBET: The yeas and nays have been demanded on this amendment. The question is on the amendment offered by Mr. Wood and others. The secretary will read the amendment.

SECRETARY CHASE: The amendment offered by Mr. Wood and others is:

[The amendment was again read by the secretary. For text, see above, page 2747.]

PRESIDENT NISBET: Those in favor of this amendment will vote aye. Those opposed will vote nay.

MR. GUST: Mr. President, I'd like to note for the record that I am going to abstain from voting on this.

PRESIDENT NISBET: The question is on the amendment offered by Mr. Wood and others. Those in favor of that 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.

Mr. Marshall.

MR. MARSHALL: I'll wait until you tally the vote. I want to raise a parliamentary inquiry.

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

#### Yeas—53

Allen	Garvin	Perlich
Austin	Hart, Miss	Perras
Baginski	Hatcher, Mrs.	Pollock
Balcer	Hodges	Prettie
Barthwell	Hood	Radka
Binkowski	Hoxie	Richards, L. W.
Boothby	Jones	Sablich
Bradley	Kelsey	Shanahan
Buback	Kirk, S.	Snyder
Cushman, Mrs.	Kuhn	Stafseth
Doty, Donald	Leibrand	Stamm
Douglas	Lesinski	Suzore
Downs	Mahinske	Walker
Elliott, Mrs. Daisy	Marshall	Wilkowski
Erickson	McAllister	Wood
Faxon	Murphy	Yeager
Follo	Norris	Young
Ford	Ostrow	

#### Nays—69

Andrus, Miss	Gover	Pugsley
Anspach	Habermehl	Rajkovich

Batchelor	Haskill	Richards, J. B.
Beaman	Hatch	Romney
Bentley	Heideman	Rush
Bledsoe	Higgs	Seyferth
Bonisteel	Howes	Shackleton
Brake	Hubbs	Shaffer
Butler, Mrs.	Iverson	Sharpe
Conklin, Mrs.	Judd, Mrs.	Sleder
Cudlip	Karn	Spitler
Danhof	Knirk, B.	Staiger
Dehnke	Koeze, Mrs.	Sterrett
Dell	Lawrence	Stevens
Donnelly, Miss	Leppien	Thomson
Doty, Dean	Martin	Tubbs
Elliott, A. G.	McLogan	Turner
Everett	Millard	Tweedie
Farnsworth	Mosier	Upton
Figy	Nisbet	Van Dusen
Finch	Page	Wanger
Gadola	Plank	White
Goebel	Powell	Woolfenden

SECRETARY CHASE: On the amendment offered by Mr. Wood and others, the yeas are 53; the nays are 69.

PRESIDENT NISBET: The amendment is not adopted. Mr. Marshall.

MR. MARSHALL: Mr. President, I would like to ask of the Chair if any consideration was given to the question that I raised yesterday dealing with the interpretation of rule 58, where, on second reading, we are going contrary to the process in the legislature where we pass some of this garbage and pass it on to third reading by a simple majority of those voting. Then when we come to third reading we will have to have 73 votes in order to remove it. I think it is unfair and I asked for a ruling yesterday and asked that it be given consideration.

It seems to me that rule 58 says that no section "shall be declared passed unless a majority of all the delegates elected to the convention shall have voted in favor of the passage of the same." And I submit that if we are to continue to pass items on second reading by a simple majority of those voting, then when we come to third reading and it takes 73 to remove it, then we are not complying, I don't believe, with rule 58, and I would like an answer to this.

PRESIDENT NISBET: Mr. Chase will explain it.

SECRETARY CHASE: On the adoption of this last amendment the yeas were 53; the nays were 69. The secretary would suggest that if the vote had been reversed and the yeas had been 69 and the nays 53, the amendment would have been adopted.

MR. MARSHALL: I realize that, Mr. Secretary, but the question that I raise—and I raised it yesterday—is this: we are trying a lot of what I refer to as—we're picking up some cats and dogs along the way and we're throwing them into some good proposals and we are being compelled to vote on them and pass them on second reading by a simple majority of those voting. If we only had 75 delegates in the convention you could pass it by a majority of those 75 voting and it would go on to third reading. And when we come to third reading it will require, as I understand your ruling, 73 votes then in order to remove it. This is the thing that is troubling me and I think it is troubling a good many of the other delegates. Now, how did you arrive at that, if I may ask this question, when the rule says:

On the passage of every proposal, section, article and any complete revision of or amendment to the constitution, the vote shall be taken by yeas and nays, and entered on the journal, and no proposal, section, article or any such amendment or complete revision shall be declared passed unless a majority of all the delegates elected to the convention shall have voted in favor of the passage of the same.

MR. IVERSON: Point of order, Mr. President.

PRESIDENT NISBET: Mr. Iverson.

MR. IVERSON: This amendment lost. I don't know what the argument is about. Let's get on with the business.

MR. MARSHALL: Delegate Iverson, for your benefit I will explain. I asked yesterday if the Chair would take into

consideration an inquiry that I made on this particular rule and I was asking as a point of inquiry had the Chair done this, and if so, what the decision was. I think that you have to realize, Mr. Iverson, that when we pass something on second reading with a simple majority and then it becomes a part of the proposal and declared passed, you can't get it off on third reading by a simple majority.

MR. IVERSON: Mr. President, I submit this matter was passed on yesterday. We're just wasting time.

PRESIDENT NISBET: Mr. Marshall, the matter was discussed again and we came up with the same opinion that we did before which was printed in the journal of yesterday. The Chair knows of nothing else to say now. Mr. Chase.

SECRETARY CHASE: I wonder if Mr. Marshall realizes that on the vote on the adoption of an amendment to a proposal on second reading and on third reading, a majority of those voting on the amendment in either case will adopt it—

MR. MARSHALL: Yes, sir.

SECRETARY CHASE: —but the vote on the final passage of the proposal on either second or third reading takes 73 votes.

MR. MARSHALL: On the proposal itself it takes 73 votes?

SECRETARY CHASE: That's right.

PRESIDENT NISBET: The secretary will read the next amendment. Mr. Mahinske.

MR. MAHINSKE: Mr. President, I also have a similar inquiry here. You have noted that your interpretation of rule 58 is the same as it was before, but I offered a question yesterday with reference to section 4 of article XVII of the existing constitution for interpretation from the Chair. Have you decided on any interpretation as to this language, which is almost identical, or is this still in abeyance?

PRESIDENT NISBET: We have not, Mr. Mahinske.

MR. MAHINSKE: Thank you.

PRESIDENT NISBET: The secretary will read the next amendment.

SECRETARY CHASE: Mr. Hutchinson offers the following amendment to Committee Proposal 71:

1. Amend page 2, line 25, [section b, paragraph 4] after "disapproved in" by striking out "both houses by a resolution concurred in by a majority of the members elected to and serving in each house" and inserting "either house by a resolution concurred in by a majority of the members elected to and serving in that house"; so the language would then read:

Unless disapproved in either house by a resolution concurred in by a majority of the members elected to and serving in that house, these orders shall become effective at a date thereafter to be designated by the governor.

PRESIDENT NISBET: The Chair recognizes Mr. Hutchinson.

MR. HUTCHINSON: Mr. President, the effect of this amendment would be to permit either house of the legislature to veto the reorganization plans of the governor in line with the provisions in the congressional practice, where either house may have the same power with regard to the reorganization plans of the president. I feel that the convention went too far when it requires the legislature, both houses concurring by the same majority that it takes to pass laws, to exercise the veto power.

I think we're going a long way when we would provide that the governor can, in effect, make these laws and leave to either the house or the senate the veto power. This amendment would put us in line with the congressional practice and let either house exercise the veto power. But it would require a constitutional majority, not a simple majority but an absolute majority of the members elected and serving in either house.

PRESIDENT NISBET: Mr. Hatch.

MR. HATCH: Mr. President, I rise in support of Mr. Hutchinson's amendment. This amendment will give constitutional status to the present statute which authorizes executive reorganization. I think you will recall that in committee of the whole a minority of the executive branch committee, Mr. Bentley and several others, expressed their dissatisfaction with requiring both houses to disapprove any reorganization plan. To me it just doesn't make sense to require disapproval

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	Leibbrand	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	Prettle	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  
Finch  
Follo

Marshall  
McAllister  
Murphy

Yeager  
Young

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**

Sec.	Proposal
1.	Political Power ..... 15- 1
2.	Equal Protection under the Law .... 26a
3.	Right of Assembly and Petition .... 15- 2
4.	Freedom of Worship ..... 15- 3
5.	Liberty of Speech and Press ..... 15- 4
6.	Right to bear arms ..... 15- 5
7.	Civil Power Supreme ..... 15- 6
8.	Quartering of Soldiers ..... 15- 7
9.	Slavery Prohibited ..... 15- 8
10.	Attainder; ex post facto laws; impairment of contracts ..... 15- 9
11.	Searches and Seizures ..... 15-10
12.	Habeas Corpus ..... 15-11
13.	Appearance in Person or by Counsel . 15-12
14.	Jury trial ..... 15-13
15.	Former Jeopardy; Bailable Offenses 15-14
16.	Bail; Fines; Punishments, detention of witnesses ..... 15-15
17.	Self-incrimination; due process of law 15-16
18.	Competency of witnesses ..... 15-17
19.	Libels; truth as defense ..... 15-18
20.	Rights of accused ..... 15-19
21.	Imprisonment for debt or military fine 15-20
22.	Treason; definition, evidence ..... 15-21
23.	Enumeration of Rights not to deny others ..... 15- 1

**Article I****Declaration of Rights**

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

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

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

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

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

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

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

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

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

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ever be tolerated in this state.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## ARTICLE II ELECTIONS

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

## Article II Elections

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

The legislature shall implement the provisions of this section.

### ARTICLE III GENERAL GOVERNMENT

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

#### Article III General Government

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

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

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

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

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

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

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

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

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

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

### ARTICLE IV LEGISLATIVE BRANCH

Sec.	Com. Proposal
1. Legislative Power, where vested ....	118a
2. Senate, Number, Term, Districts ....	80a
3. Representatives, Number, Term, Districts .....	80b
4. Legislative Districts, merger .....	80c
5. Island Areas .....	
6. Legislative Apportionment Commission .....	79a
7. Legislators, qualifications, removal ..	32a
8. Ineligibility of certain persons for office .....	112a
9. Legislators, ineligibility for certain appointments .....	120a
10. Conflict of interest .....	115a
11. Legislators, privileges .....	33a
12. Legislators, compensation .....	28a
13. Legislature, time of convening .....	116a
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#### Article IV

##### Legislative Branch

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

house.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



eral appropriation bills as passed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

sons imprisoned or detained [on] UNDER such sentences.

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

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

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

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

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

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

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

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

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

specified IN THIS SECTION.

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

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

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

## ARTICLE V

### EXECUTIVE BRANCH

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## Article V Executive Branch

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

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

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

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

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

Terms of office of any board or commission

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

YEARS NEXT PRECEDING HIS ELECTION.

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

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

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

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

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

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

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

Sec. 26. The legislature shall provide that the

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

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

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

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

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

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

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

## ARTICLE VI JUDICIAL BRANCH

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2.	Supreme Court; justices, election, term .....	91a
3.	Supreme Court; chief justice .....	91b
4.	Supreme Court; jurisdiction .....	91c
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19.	Courts of Record; seal .....	96a
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23.	Vacancy; courts of record .....	96d
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### Article VI Judicial Branch

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

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

days prior to the expiration of his term.

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 28. All final decisions, findings, rulings

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

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

## ARTICLE VII LOCAL GOVERNMENT

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2. Counties; charter .....	89a
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8. Board of Supervisors; powers .....	81g
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4	29.	Highways, streets, etc.; use by util-	
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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. Whenever possible, such additional forms of government or authorities shall be designed to perform multi-purpose functions rather than a single function.

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

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

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

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

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

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

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

## ARTICLE VIII EDUCATION

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

## Article VIII Education

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

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

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

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

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



have powers and duties provided by law.

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

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

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

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

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

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

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

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

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



# ARTICLE IX FINANCE & TAXATION

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
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14. State Pledge Full Faith and Credit .	23b
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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 &amp; Revision

Sec. 1. Amendments to this constitution may be proposed in the senate or house of representatives. Proposed amendments agreed to by [2/3] TWO-THIRDS of the members elected to and serving in each house on a [yea and nay] vote WITH THE NAMES AND VOTE OF THOSE VOTING entered in the respective journals shall be submitted, not less than 60 days thereafter, to the electors at the next general election or special election as the legislature shall direct. If a majority of electors voting on [such] a proposed amendment approve [such amendment,] THE SAME, it shall become part of the constitution and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved.

Sec. 2. Amendments may be proposed to this constitution by petition of the registered electors of this state. Every petition shall include the full text of the proposed amendment, and be signed by registered electors of the state equal in number to at least 10 percent of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected, or 300,000 registered electors, whichever is less. Such petitions shall be filed with the person authorized by law to receive the same at least 120 days before the election at which the proposed amendment is to be voted upon. Any such petition shall be in the form, and shall be signed and circulated in such manner, as prescribed by law. The person authorized by law to receive such petition[,] shall[,] upon its receipt[,] determine, as provided by law, the validity and sufficiency of the signatures on the petition, and make an official announcement thereof at least 60 days prior to the election at which the proposed amendment is to be voted upon.

Any amendment proposed by such petition shall be submitted, not less than 120 days after it was filed, to the electors at the next GENERAL election. [at which any state officer is to be elected.] Such proposed amendment, existing provisions of the constitution which would be altered or abrogated thereby, and the question as it shall appear on the ballot [used in such election] shall be published in full as provided by law. Copies of such publication shall be posted in each polling place and furnished to news media as provided by law.

The ballot to be used in such election shall contain a statement of the purpose of the proposed amendment, expressed in not more than 100 words, exclusive of caption. Such statement of purpose and caption shall be prepared by the person authorized by law, and shall consist of a true and impartial statement of the purpose of the amendment in such language as shall create no prejudice

for or against the proposed amendment.

If the proposed amendment is approved by a majority of the electors voting on the question, the proposed amendment shall become part of the constitution, and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved. IF TWO OR MORE AMENDMENTS APPROVED BY THE ELECTORS AT THE SAME ELECTION CONFLICT, THAT AMENDMENT RECEIVING THE HIGHEST AFFIRMATIVE VOTE SHALL PREVAIL.

Sec. 3. At the general election to be held in the year 1978, and in each 16th year thereafter and at such times as may be provided by law, the question of a general revision of the constitution shall be submitted to the electors of the state. If a majority of the electors voting on the question decide in favor of a convention for such purpose, at an election to be held not later than [4] FOUR months after the proposal was certified as approved, the electors of each [house of] representative[s] district as then organized shall elect one delegate and the electors of each senatorial district as then organized shall elect one delegate. The delegates so elected shall convene at the SEAT OF GOVERNMENT [capital city] on the first Tuesday in October next succeeding such election or at an earlier date if provided by law.

The convention shall choose its own officers, determine the rules of its proceedings and judge the qualifications, elections and returns of its members. The governor shall appoint a qualified resident of the same district to fill a vacancy in the office of any delegate. [If the legislature shall determine that delegates shall be elected on a partisan basis, the governor shall appoint a qualified resident of the same district and of the same party.] WHO SHALL BE A MEMBER OF THE SAME PARTY AS THE DELEGATE VACATING THE OFFICE IF THE LEGISLATURE PROVIDES FOR PARTISAN ELECTION OF DELEGATES. The convention shall have power to appoint such officers, employees and assistants as it deems necessary and to fix their compensation; to provide for the printing and distribution of its documents, journals and proceedings; to explain and disseminate information about the proposed constitution and to complete the business of the convention in an orderly manner. Each delegate shall receive for his services compensation provided by law.

No proposed constitution or amendment adopted by such convention shall be submitted to the electors for approval as hereinafter provided unless by the assent of a majority of all the delegates elected to and serving in the convention, WITH THE NAMES AND VOTE OF THOSE VOTING [the yeas and nays being] entered in the journal. Any proposed constitution or amendments adopted



by such convention shall be submitted to the qualified electors in the manner and at the time provided by such convention not less than 90 days after final adjournment of the convention. Upon the approval of such constitution or amendments by a majority of the qualified electors voting thereon the constitution or amendments shall take effect as provided by the convention.

## SCHEDULE AND TEMPORARY PROVISIONS

Sec.	Com. Proposal
1. Attorney general to recommend necessary laws	44d
2. Writs, actions, claims, etc. remain effective	44b
3. Officers continue their duties	44c and 71g
4. Terms of officers elected November, 1962	68b
5. Terms of governor, etc. elected 1964. When 4 year terms begin	80 and 71a
6. Senate Apportionment	80
7. Supreme Court, reduction to seven justices	91a
8. Judges of Probate, eligible for re-election	96f
9. Overlapping terms for judiciary	96j
10. State Board of Education	47a
11. Boards of Control	98c
12. Educational Boards	
13. Initial allocation	71b
14. Contractual obligations remain in force	6a
15. Mackinac Bridge refunding	23b
16. Constitution submitted to people, when	68a
17. Constitution submitted to people, manner	68c

TO INSURE THE ORDERLY TRANSITION FROM THE CONSTITUTION OF 1908 TO THIS CONSTITUTION THE FOLLOWING SCHEDULE IS SET FORTH TO BE EFFECTIVE FOR SUCH PERIOD AS ITS PROVISIONS REQUIRE.

Sec. 1. The attorney general [of the state] shall recommend to the legislature AS SOON AS PRACTICABLE [at the commencement of the next session] such changes AS MAY BE NECESSARY [in existing laws as may be deemed necessary] to adapt EXISTING LAWS [the same] to this constitution.

Sec. 2. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights [of individuals, partnerships, bodies corporate, and of this state or any subdivision or agency thereof] existing on the effective date [hereof] OF THIS CONSTITUTION shall continue unaffected except as modified in accordance with the provisions of this constitution.

Sec. 3. Except as otherwise provided in this constitution, all officers filling any office by election or appointment shall continue to exercise THEIR POWERS AND [the] duties [thereof, according to their respective commissions or appointments,] until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

No provision of this constitution, or of law or of executive order authorized by this constitution shall shorten the term of any person elected to state office at a statewide election ON [in] or prior to THE DATE ON WHICH THIS CONSTITUTION IS SUBMITTED TO A VOTE. [November, 1962.] In the event the duties of any [of] such officers shall not have been ABOLISHED OR incorporated into one or more of the principal departments at the expiration of his term, such officer shall continue to serve until his duties are so incorporated OR ABOLISHED.

Sec. 4. All officers elected [on the Tuesday after the first Monday of November, 1962] AT THE SAME ELECTION THAT THIS CONSTITUTION IS SUBMITTED TO THE PEOPLE FOR ADOPTION [under the 1908 Constitution as amended and existing laws] shall take office [on and after the first day of January, 1963,] and complete the term to which they were elected UNDER THE 1908 CONSTITUTION AND EXISTING LAWS AND CONTINUE TO SERVE UNTIL THEIR SUCCESSORS ARE ELECTED AND QUALIFIED PURSUANT TO THIS CONSTITUTION OR LAW.

Sec. 5. Notwithstanding any other provision in this constitution, the governor, THE lieutenant governor, THE secretary of state [and], THE attorney general, AND state senators shall be elected at the general election in 1964 to serve for [2] TWO year terms beginning on the first day of January next succeeding their election. The first [4 year] election OF SUCH OFFICERS FOR FOUR-YEAR TERMS under this constitution shall be held at the general election in 1966.

Sec. 6. The state shall be districted for the purpose of electing senators in accordance with the provisions of [Committee Proposal 80, section a,] ARTICLE IV, SECTION 2 after the official publication of the total population count of the 1970 decennial federal census. Until the [re]apportionment of the senate following the 1970 census, the senatorial districts under the 1908 constitution[, as amended,] shall remain intact except that upon the adoption of this constitution each of the counties of Kent, Genesee, Macomb and Oakland shall be divided by the apportionment commission into [2] TWO senatorial districts and Wayne county into [8] EIGHT senatorial districts in accordance with this constitution.

Sec. 7. [A vacancy hereafter created as the result of the death, retirement or resignation of one incumbent justice shall not be filled.]

NOTWITHSTANDING THE PROVISIONS OF THIS CONSTITUTION THAT THE SUPREME COURT SHALL CONSIST OF SEVEN JUSTICES IT SHALL CONSIST OF EIGHT JUSTICES UNTIL THE TIME THAT A VACANCY OCCURS AS A RESULT OF DEATH, RETIREMENT OR RESIGNATION OF A JUSTICE. THE FIRST SUCH VACANCY SHALL NOT BE FILLED.

Sec. 8. Any [supreme court justice, circuit judge,] judge of probate serving [at] ON the [time this constitution becomes] effective DATE OF THIS CONSTITUTION may serve the remainder of the term and be eligible TO SUCCEED HIMSELF for election [to his present office] regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

Sec. 9. The provisions of [this] Article VI providing that terms of JUDICIAL offices shall not all expire at the same time, shall be implemented BY LAW PROVIDING THAT at the next election for such offices [by legislation providing for elections] JUDGES SHALL BE ELECTED for terms of varying length, none of which shall be shorter than the [basic] REGULAR term provided for the office.

Sec. 10. THE MEMBERS OF THE STATE BOARD OF EDUCATION PROVIDED FOR IN ARTICLE VIII SECTION 3 SHALL FIRST BE ELECTED AT THE FIRST GENERAL ELECTION AFTER THE EFFECTIVE DATE OF THIS CONSTITUTION FOR THE FOLLOWING TERMS: TWO SHALL BE ELECTED FOR TWO YEARS, TWO FOR FOUR YEARS, TWO FOR SIX YEARS, AND TWO FOR EIGHT YEARS AS PRESCRIBED BY LAW.

THE STATE BOARD OF EDUCATION PROVIDED FOR IN THE CONSTITUTION OF 1908 IS ABOLISHED AT TWELVE O'CLOCK NOON JANUARY 1 OF THE YEAR FOLLOWING THE FIRST GENERAL ELECTION UNDER THIS CONSTITUTION AND THE TERMS OF MEMBERS THEREOF SHALL THEN EXPIRE.

Sec. 11. THE PROVISIONS OF THIS CONSTITUTION PROVIDING FOR MEMBERS OF BOARDS OF CONTROL OF INSTITUTIONS OF HIGHER EDUCATION AND THE STATE BOARD OF PUBLIC COMMUNITY AND JUNIOR COLLEGES SHALL BE IMPLEMENTED BY LAW. THE LAW MAY PROVIDE THAT THE TERM OF EACH MEMBER IN OFFICE ON THE DATE OF THE VOTE ON THIS CONSTITUTION MAY BE EXTENDED, AND MAY FURTHER PROVIDE THAT THE INITIAL TERMS OF OFFICE OF MEMBERS MAY BE LESS THAN EIGHT YEARS.

Sec. 12. THE PROVISIONS OF THIS CONSTITUTION INCREASING THE NUMBER OF MEMBERS OF THE BOARD OF TRUSTEES OF MICHIGAN STATE UNIVERSITY AND OF THE BOARD OF GOVERNORS OF WAYNE STATE UNIVERSITY TO EIGHT, AND OF THEIR TERMS OF OFFICE TO EIGHT YEARS, SHALL BE IMPLEMENTED BY LAW. THE LAW MAY PROVIDE THAT THE TERM OF EACH MEMBER IN OFFICE ON THE DATE OF THE VOTE ON THIS CONSTITUTION MAY BE EXTENDED ONE YEAR, AND MAY FURTHER PROVIDE THAT THE INITIAL TERMS OF OFFICE OF THE ADDITIONAL MEMBERS MAY BE LESS THAN EIGHT YEARS.

Sec. 13. The initial allocation of departments by law pursuant to Article V, Section 2 shall be completed within two years after the effective date of this constitution. If such allocation shall not have been completed within such period, the governor, within one year thereafter, by executive order, shall make the initial allocation.

Sec. 14. Contractual obligations of the state incurred pursuant to the constitution of 1908 [as amended] shall continue to be obligations of the state.

For the retirement of [such] notes and bonds [as may have been] issued under Section 26 of Article X of the 1908 constitution, there is hereby appropriated from the general fund each year during their life a sum equal to the amount of principal and interest payments due and payable in each [such] year.

Sec. 15. [Provided however, That] The legislature [is authorized to provide by general law adopted] by a vote of [2/3] TWO-THIRDS of the members elected to and serving in each house MAY PROVIDE THAT THE STATE MAY [for the] borrow[ing of] money AND MAY PLEDGE ITS FULL FAITH AND CREDIT for [the] refunding [of] any bonds issued by the Mackinac Bridge Authority[,] AND at [which] THE time OF REFUNDING the Mackinac Bridge Authority [Act] shall be [repealed] ABOLISHED and the operation of the bridge SHALL be assumed by the state highway department. THE LEGISLATURE MAY IMPLEMENT THIS SECTION BY LAW.

Sec. 16. This constitution shall be submitted to the people for their adoption or rejection at the general election to be held on the Tuesday after the first Monday of November, 1962. It shall be the duty of the secretary of state forthwith to give notice of such submission to all other officers required to give or publish any notice in regard to A GENERAL [such] election. He shall give notice that this constitution will be duly submitted to the electors at such election. The notice shall be given in the manner required for the election of governor.

Sec. 17. Every registered elector may vote

1 on the adoption of the constitution. The board  
 2 of election commissioners in each county shall  
 3 cause to be printed on a ballot separate from  
 4 the ballot containing the names of the nominees  
 5 for office, the words: ["] Shall the revised con-  
 6 stitution be adopted? ( ) Yes. ( ) No. ["] All  
 7 votes cast at THE [this] election shall be taken,  
 8 counted, canvassed and returned as provided by

law for the election of state officers. [Should]  
 IF the revised constitution so submitted receiveS  
 more votes in its favor than were cast against  
 it, it shall be the supreme law of the state on  
 and after the first day of January OF THE YEAR  
 FOLLOWING ITS ADOPTION [,1963, except as  
 otherwise provided in this constitution].

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

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,

which shall have jurisdiction and control over all state trunkline highways and appurtenant facilities, and such other public works of the state, as provided by law.

A state highway commissioner shall be elected for a four-year term and shall be a competent highway engineer and administrator.

VICE PRESIDENT HUTCHINSON: The Chair will recognize Mr. Doty of Monroe on his amendment.

MR. DONALD DOTY: Mr. President and members of the convention, this issue has been before you on other occasions. This amendment would again have the effect of establishing the highway commissioner as a constitutional office and provide for his election. This is somewhat different language, I believe, than has been before you before, but it would accomplish the same purpose and would, in effect, do away with the recommendation that has heretofore been adopted in creating a state highway commission. I therefore urge your adoption of this amendment. Thank you.

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, how many speakers have you seeking recognition?

VICE PRESIDENT HUTCHINSON: The Chair has none.

MR. VAN DUSEN: Splendid. I would move to limit debate to 5 minutes.

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen moves to limit debate upon this amendment to 5 minutes. All those in favor will say aye. Opposed will say no.

The motion prevails. It is so ordered. Mr. Martin.

MR. MARTIN: Mr. President, a point of order. This precise question has been before the body on second reading: the establishment of a state highway commissioner in the constitution and the elimination of the provision that he be appointed by the highway commission, page 883 of Journal 115, and Journal 116, pages 893 and 894.

VICE PRESIDENT HUTCHINSON: The Chair is advised that the research of the secretary's office indicates that this is not the same amendment as was voted upon before, so the Chair will rule that the amendment is now in order.

MR. MARTIN: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Martin.

MR. MARTIN: May I speak on the amendment, then, in that event? This, of course, is the same amendment, in substance, as was proposed in committee of the whole. In effect, it takes the state highway commissioner from his present position as a statutory, elected officer and transfers him into the constitution as a constitutional, elected officer; and provides, in effect, that there shall be no highway commission but that the highway commissioner shall have a constitutional department in the constitution. In other words, it establishes one of the — if not the only — constitutional department, with the exception of the civil service commission and civil rights commission, in the constitution.

Certainly, I do not think the delegates have in mind doing this. I don't think they want a constitutional department which the legislature cannot deal with on a legislative basis as they do with other departments, a constitutional department which also has constitutionally mandated funds. In other words, we would have a complete fourth branch of government here without any relationship or any responsibility to the governor or to the other portions of state government.

I inquired of the state highway commissioner when he was before our committee as to what his relationship to the governor was, and he said it was a consulting one. I am sure under this amendment he would have no relationship whatsoever and the state highway department would run itself as a completely and totally independent branch of government. I am sure this would be a step in the wrong direction as far as the state of Michigan is concerned, especially when one individual has the spending of \$300 million. For that reason I hope that the convention will not go along with this amendment but will take the same action which it took in the past, and that is to recognize the desirability of the provision as it now is in the proposed constitution.

I might add, of course, that this is one of the portions of the compromise which was discussed with various members of the majority party and, for this reason as well as others, I trust

that the majority of the delegates will vote down the Doty amendment.

VICE PRESIDENT HUTCHINSON: Mr. Brake.

MR. BRAKE: Mr. President and ladies and gentlemen of the convention, Mr. Martin has just said what I had in mind. I am sure that we all know that this is part of the general compromise agreement. That agreement has withstood every attack so far. We are in the last week of our sessions, a little late to start upsetting it. I trust that it will be upheld as agreed upon.

VICE PRESIDENT HUTCHINSON: Mr. Garry Brown.

MR. G. E. BROWN: Mr. President and members of the convention, consistently on first and second reading, with relation to the earmarking of funds, we have said that gas and weight taxes should be earmarked because this is the way the people wanted it. The people have decided this and we have confirmed what the people wanted done. It seems to me that when the people have determined how these funds shall be used, to what purposes they shall be put, and that we confirm this, is it asking too much that we let the people select their own treasurer of these funds? Mr. Martin and Mr. Brake have spoken of accommodations, compromises, and very recently, I am sure, it has come to our attention that compromises and accommodations are only made to be broken. I would therefore urge a yes vote on this amendment.

VICE PRESIDENT HUTCHINSON: Mr. Madar.

MR. MADAR: Mr. President, speaking for this particular amendment, if you will check the various departments within the city of Detroit — and I like comparing a lot of the departments to our state departments because, after all, when you stop to consider the amounts of money that are spent and the size of these various departments, they are very similar, and I can compare our highway commissioner's job and the commission itself with the city of Detroit's department of public works. Now there in the city of Detroit we have 4 man commissions. We have a 4 man commission with the water board. We have them with the health department. We have them with the lighting commission. And yet, realizing that it is much better not to have all of these troubles — and you do have considerable trouble when you have a commission, a large commission to contend with; and a 4 man commission is a large commission when you need to do something fast —

VICE PRESIDENT HUTCHINSON: Time has expired.

MR. DONALD DOTY: The yeas and nays, Mr. President.

VICE PRESIDENT HUTCHINSON: The question is upon the amendment offered by Mr. Doty of Monroe which has been read. The yeas and nays are demanded. Is the demand supported? The demand is supported. The yeas and nays are ordered. The question is upon the amendment offered by Mr. Doty. All those in favor will vote aye. Those opposed will vote no. Have you all voted? The secretary will lock the machine and record the vote. Mr. King.

MR. KING: Mr. President, may I request the vote of the Chair?

VICE PRESIDENT HUTCHINSON: The Chair votes no.

MR. KING: Thank you.

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

Yeas—61

Allen	Garvin	Pellow
Austin	Greene	Perlich
Baginski	Hanna, W. F.	Perras
Balcer	Hart, Miss	Plank
Barthwell	Hatcher, Mrs.	Prettie
Binkowski	Hodges	Richards, L. W.
Bledsoe	Hoxie	Sablich
Boothby	Jones	Shanahan
Bradley	Kelsey	Snyder
Brown, G. E.	Kirk, S.	Spitler
Brown, T. S.	Krolikowski	Stafseth
Buback	Leibrand	Stamm
Dade	Lesinski	Stopczynski
Doty, Donald	Madar	Suzore
Douglas	Marshall	Walker
Downs	McAllister	Wilkowski
Elliott, Mrs. Daisy	McCauley	Wood
Erickson	McGowan, Miss	Yeager

Faxon	Murphy	Young
Follo	Nord	Youngblood
Ford		
Nays—72		
Andrus, Miss	Hannah, J. A.	Pugsley
Anspach	Haskill	Radka
Batchelor	Hatch	Rajkovich
Beaman	Heideman	Richards, J. B.
Bentley	Higgs	Romney
Blandford	Howes	Rood
Bonisteel	Hubbs	Rush
Brake	Hutchinson	Seyferth
Butler, Mrs.	Iverson	Shackleton
Cudlip	Judd, Mrs.	Shaffer
Danhof	Karn	Sharpe
Dehnke	King	Slader
Dell	Knirk, B.	Staiger
Donnelly, Miss	Koeze, Mrs.	Sterrett
Doty, Dean	Kuhn	Stevens
Durst	Lawrence	Thomson
Elliott, A. G.	Leppien	Tubbs
Everett	Martin	Turner
Farnsworth	McLogan	Tweedie
Figy	Millard	Upton
Gadola	Mosier	Van Dusen
Goebel	Page	Wanger
Gover	Pollock	White
Habermehl	Powell	Woolfenden

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Donald Doty, the yeas are 61; the nays are 72.

VICE PRESIDENT HUTCHINSON: The amendment is not adopted.

SECRETARY CHASE: Mr. Powell offers the following amendment:

1. Amend article V, section 28 (column 2, line 30) after "governor," by inserting "by and"; so the language will then read:

There is hereby established a civil rights commission which shall consist of eight persons, not more than four of whom shall be members of the same political party, who shall be appointed by the governor, by and with the advice and consent of the senate. . . .

VICE PRESIDENT HUTCHINSON: Is Mr. Powell in the room? Mr. Powell.

MR. POWELL: Mr. President and fellow delegates, I am sure this is not a substantive change. It does not make an iota of difference whether we add these words in there or not, but in our committee on style and drafting we were trying to standardize this phraseology and in this place, apparently, these 2 words were overlooked.

VICE PRESIDENT HUTCHINSON: The question is upon the amendment offered by Mr. Powell. Mr. Martin.

MR. MARTIN: No objection to that, Mr. President, to that change.

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

The amendment is adopted. That is all of the amendments, is it? Are there any further amendments?

SECRETARY CHASE: That is all.

VICE PRESIDENT HUTCHINSON: The question is upon the passage of article V—

MR. MARSHALL: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Marshall.

MR. MARSHALL: Mr. President and fellow delegates, it is with a great deal of reluctance that I feel compelled to have to speak against the adoption of this article and to urge a no vote. This is brought about, of course, by the refusal of the majority of the delegates in this convention to divide the questions where we could separate the rotten apples from the good ones, so we would have an opportunity to vote on those that we were in accord on and to vote against those that we were not in accord on; but, by the fact that this action was taken, many objectionable features are being crammed down the throats of the minority delegates to this convention.

I would like to take up a few words of the very esteemed and world renowned political scientist from Ann Arbor. He made the statement last night that it was incomprehensible—I think

in debate on the floor last night—that it was incomprehensible to him how Delegate Downs or the minority could arrive at a decision to vote no after we had had the deliberative process of give and take in free debate. I want to say to this convention and for the record that precisely what we have not had is free debate in this deliberative body. You heard on the floor here a moment ago by Mr. Brake, Mr. Martin and others, discussion about the compromise, the agreement, the accommodation, the deal—call it what you may—that this was a part of it, and urging the delegates to stick to the deal that was worked out by the majority party. I can say to this convention—

MR. WALKER: Mr. President, a point of order, please.

VICE PRESIDENT HUTCHINSON: State the point.

MR. WALKER: I think it is bad enough that the delegates sell out their principles and convictions with a deal and a compromise, or what have you, but to have the floor of this convention sullied and the record of it sullied by further talk of such a deal is not right. (laughter)

VICE PRESIDENT HUTCHINSON: You may proceed, Mr. Marshall.

MR. MARSHALL: Well, as I was saying when I was so rudely interrupted—call it what you may and, whether you have it in the record or you don't have it in the record, I think the people of the state are aware of what has taken place and I refer to it as an accommodation rather than a deal or an agreement.

There are features in this article that we were in accord on, many of them, the executive reorganization, the term of office for the governor, for the ad board people, the governor and the lieutenant governor running as a team. But on this question of the selection of the ad board, where we have 5 different ways of selecting our state officials as a result of the package deal that was worked out off the floor of this convention, it makes no sense to me whatsoever and I don't know of any precedent anywhere else in the country for this type of a hodgepodge that we have created here. I do not think that the delegates can justify the establishment of this so called highway commission, for one.

As I stated earlier in this convention, I am opposed to any further erosion of our democratic processes and I think the people of this state, the electorate, are intelligent enough to make their own selections at the ballot box when it comes time for selecting those who will serve them in government. I think we are making a grave mistake—a very serious and grave mistake—because there was no great demand on the part of the people of this state prior to the calling of this constitutional convention, or since, to do away with or to take away the right of the people to elect their state highway commissioner and other state officers. I think that this article—and this is why I am speaking against it and urging a no vote—makes a mockery of democracy, and I think if the delegates who are opposed to what was done, in particular as it relates to the highway commission, should vote no on this also, then we would have a chance to correct it and to take the necessary steps to correct these evils.

I can't agree with Dr. Pollock on the statement that he made. If we had had free debate on the floor of this convention on this question then I could go along with him, but I cannot go along with the statement, I cannot go along with what has been done, and the very fact—I know one of the delegates in this convention said to me when I asked him the question: why do we have to buy all of these rotten apples? Why can't we separate those we are in accord on and then debate only on those that are objectionable and those that we have violent disagreement on? I think the statement was that, obviously, the Republican party has come to the conclusion that the only way they can retain control is through the constitution because they don't think the people will accept their philosophy at the polls. Thank you.

VICE PRESIDENT HUTCHINSON: The secretary informs the Chair that there is one additional amendment, which is on the secretary's desk, which the secretary will now report.

SECRETARY CHASE: Mr. Wanger offers the following amendment to article V:

1. Amend article V, section 27 (second column, line 9) after "state" by striking out the comma; so the language will then read, ". . . and such other public works of the state as provided by law."

VICE PRESIDENT HUTCHINSON: Mr. Wanger.



MR. WANGER: Briefly, Mr. President and fellow delegates, this is a technical amendment. It is designed to perfect this last line and to remove that comma which could cause interpretation difficulties later on. It is felt that this is a section where we certainly should make it entirely clear and set it out with the clear intent that the phrase "as provided by law" merely modifies "and such other public works of the state." I yield at this time to Mr. Martin.

VICE PRESIDENT HUTCHINSON: Mr. Martin.

MR. MARTIN: Mr. President, we have no objection to this amendment.

VICE PRESIDENT HUTCHINSON: The question is upon the amendment offered by Mr. Wanger. Mr. Staiger.

MR. STAIGER: I would ask a question of Mr. Wanger, if I could, through the Chair.

VICE PRESIDENT HUTCHINSON: If the gentleman cares to respond.

MR. STAIGER: Mr. Wanger, it seems to me that by leaving that comma in there, "as provided by law" would then modify "state trunkline highways and appurtenant facilities." Now for what reason do you want to just make that modify the last clause? I think we need flexibility in all 3 of these terms.

MR. WANGER: Well, it could be interpreted as going much farther than the words "state trunkline highways and appurtenant facilities." It could be interpreted as modifying the entire paragraph, since the entire paragraph is just one sentence and that is put on at the end. And that, of course, was clearly not the intent at any time. We have no inconvenience arising—even if it would not modify "state trunkline highways and appurtenant facilities"—because of the flexibility which is given here to "such other public works of the state."

MR. STAIGER: Well, it just seems to me that there is no harm done in letting that phrase modify that whole first clause and I would suggest that we leave it that way.

MR. WANGER: You want to have "as provided by law" modify the rest of the sentence; is that correct?

MR. STAIGER: Yes.

MR. WANGER: You would. Well, it would seem to me that that would entirely defeat the intent of the whole section, because that would mean it would not come into effect at all unless it were provided by law. This would mean that the section was not self executing. The whole purpose here is to have it be self executing and, therefore, I strongly urge you to vote for this amendment, to remove this difficulty.

It may be just a comma, but when we are writing a constitution a comma can make the difference between accomplishing what you intend and not accomplishing it, and that has been so interpreted in many cases in the past. So I strongly urge you to vote for this, to make the intent of this convention clear and, frankly, to avoid the interpretation which Delegate Staiger has suggested he would prefer.

MR. STAIGER: Do I still retain the floor, Mr. President?

VICE PRESIDENT HUTCHINSON: Yes.

MR. STAIGER: Well, using Mr. Wanger's interpretation, it would then read, "There is hereby established a state highway commission . . . as provided by law. Then it goes on to explain exactly who would be on the commission. I see no danger in that area. I think it is important to leave some flexibility in these words "all state trunkline highways and appurtenant facilities" and, for that reason, I think that we should leave the comma in there if it will give this interpretation of modifying those terms.

VICE PRESIDENT HUTCHINSON: Mr. William Hanna.

MR. W. F. HANNA: Mr. President and fellow delegates, I would recommend that you defeat the Wanger amendment. We have, for the first time, written into this constitution the term "trunkline highways." Now this is already statutorily defined and we don't know what they are going to say a "trunkline highway" is, and if you adopt the Wanger amendment, we have got to go on in this constitution and define what we mean by a "trunkline highway." We cannot even leave that definition to the state law any more. Then we will have to go into this constitution and define "appurtenant facilities" because if we adopt the Wanger amendment they cannot define that by law. Then

you would limit it to "public works" which would be the only thing that could be provided by law.

I think that the comma should stay so that the legislature can classify and provide and define what are "state trunkline highways," what are "appurtenant facilities" and, certainly, there is no problem; they will not give the state highway department anything that is not either a public work, a highway or appurtenant facility.

VICE PRESIDENT HUTCHINSON: Mrs. Cushman.

MRS. CUSHMAN: No.

VICE PRESIDENT HUTCHINSON: Mr. Stafseth.

MR. STAFSETH: Mr. President and fellow delegates, we have had a lot of discussion about this comma and what it does, but I will say this: that whether the comma, from a grammatical standpoint, should be in or not, in or out as far as the highway people are concerned, where it says "provided by law" as far as the past precedent, the statutes of the state describe where the trunklines are, they describe what a "trunkline" is, and if you leave the ability or this flexibility to define these things for the legislature, that is as it should be.

Now I would think if you took the comma out, it would only modify as to public works. Now, I am not enough of an English student to know that, but it has always been defined that way and for a very good purpose: one of the reasons that they want to specify what state trunklines are is so you don't get into the situation of having practically every road a state trunkline and diluting the whole fund. Actually, about 10 per cent of the roads in Michigan are state trunklines. About half the money is provided for the state trunklines and the reason for that is that 80 per cent of the traffic uses the state trunklines, so that you want to protect against a dilution of the funds for constructing the main arteries in the state.

VICE PRESIDENT HUTCHINSON: Mr. Wanger.

MR. WANGER: Just briefly, the objection as raised to this amendment has merely to do with the words "state trunkline highways and appurtenant facilities." Now it seems to me that there is no danger of a restrictive interpretation here because of the fact that the legislature is, in the next clause, given the right to confer jurisdiction over "such other public works of the state," so there is no difficulty to speak of, in that section, with that problem but there is a big problem if you take the words "as provided by law" and have them modify the entire paragraph. There is a serious problem, the problem that the legislature, because of some interest group's activities over there or because of a great campaign, may decide not to provide for a highway commission at all, whether or not the constitution sets it up, because it is obvious that unless otherwise provided you cannot mandamus the legislature. Now that is the interpretation problem we are getting into and this amendment will clear it up. The other interpretation problem which the amendment would allegedly create is far less serious.

MR. DEHNKE: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Dehnke.

MR. DEHNKE: For the reason stated by Mr. William Hanna, I hope this amendment will not be adopted. I think the comma should stay in to reflect the intent of the convention.

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

The amendment is not adopted. The question now is upon the passage of article V. The Chair will recognize Mr. Stevens.

MR. STEVENS: Mr. President and fellow delegates, I suppose it is a matter of opinion and I will so stipulate. Regarding the remarks of Mr. Marshall, his term "objectionable" and so forth, it occurs to me that, in the opinion of many of us, those things which he thinks are objectionable are both desirable and wise and also good. So it becomes a matter of terminology and opinion. I cannot understand why he thinks that what he considers unnecessary or objectionable is necessarily so considered by everybody else.

VICE PRESIDENT HUTCHINSON: Mr. Sterrett.

MR. STERRETT: Mr. President and delegates, the executive article that we are about to vote on, I feel, is a great improvement over the present constitution, the 1908 constitution. I believe we have put the responsibility where it belongs. We have

properly made the various operations of state government accountable to the governor with the correct type of checks and balances by the legislature. This is definitely an improvement over the 1908 constitution. The only thing any delegate has to do here is to read the present constitution and he can see the improvement for himself.

The objection, mainly, that I have heard about the executive article is the advice and consent of the senate. We have talked about the malapportioned legislature. The committee on legislative organization has taken care of the so called malapportioned legislature, as I see it, and anybody that would go out and campaign against this new document would be completely ridiculous because it is an improvement over the 1908 constitution; and if they did campaign against this document they would not be telling the people the truth and they would not be serving the people in a just manner as a delegate of this constitutional convention.

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, I doubt that further debate is going to be significantly contributive. I would move to limit it to 5 minutes on the article.

MR. DOWNS: May I —

VICE PRESIDENT HUTCHINSON: The Chair has 5 speakers — 6 with Mr. Downs.

MR. DOWNS: May I make a preferential motion —

VICE PRESIDENT HUTCHINSON: Yes.

MR. DOWNS: — that that be 2½ minutes a speaker?

MR. VAN DUSEN: I will accede to Mr. Downs — could you make it 2 minutes? That would make the total 10. (laughter) I would move, Mr. President, to limit debate to 10 minutes, 2 minutes a speaker.

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

VICE PRESIDENT HUTCHINSON: What's the point, Mr. Marshall?

MR. MARSHALL: I object to the official timekeeper and Delegate Downs working out a deal on the floor of this convention. (laughter)

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen moves that debate be limited to 10 minutes upon the article. All those in favor will say aye. Opposed will say no.

The motion prevails. The Chair recognizes Mr. Garry Brown.

MR. G. E. BROWN: Mr. President and members of the convention, I will not take 2 minutes, but in view of Mr. Marshall's remarks — I think that they should be answered, although there are some things on which I might agree with Mr. Marshall — I would say this: that his criticism of accommodations and deals, or whatever you want to call them, and his assumption of a "holier than thou" attitude is rather nauseating, especially in view of the accommodation that was made off the floor on the issue that was before us last evening. Deals, accommodations, what have you, as undesirable as they may be, are better made by delegates to this convention than effected by legislative lobbyists from across the street.

VICE PRESIDENT HUTCHINSON: Mr. Blandford.

MR. BLANDFORD: Mr. President and fellow delegates, Delegate Marshall, in urging a no vote on article V, I feel, wandered far afield from the actual article — which, of course, has been his custom. I urge a yes vote on article V and will wander somewhat afield myself. I think we have seen on the floor of this convention the last 7½ months an old political trick, and that is to accuse the other fellow of something that you are guilty of yourself. We have seen the Democrats, the minority party on this floor, aghast that the Republicans have made a deal. They have been dealing ever since this convention started. All we have to look at is the search and seizure vote and every ballot that we have had and we know where the dealing has been taking place.

I think if the Republicans have been guilty of anything on this floor it is that we have been guilty of restraint. We have listened to the ravings of the Democratic party on practically every item. We have been called the "handmaidens of big business." We have been called "rotten apples." It has been said that we have tried to gag debate — I remember one delegate taking 4 hours to explain his apportionment plan. I remember many hours on

search and seizure. As I say, if the Republicans have been guilty of anything it has been that we have been guilty of restraint.

I realize that the minority party cannot understand the workings of the Republican party. Being dominated by one group, they do not have to work together in order to come up with a good conclusion. We don't operate that way. We have many divergent people in the Republican party of which I am proud and of which I am one of them. I certainly hope that the Republican party stays that way —

MR. BINKOWSKI: Point of order.

MR. BLANDFORD: — that we will never be dominated —

MR. BINKOWSKI: Point of order.

MR. BLANDFORD: — and we will work together to make this a great constitution.

VICE PRESIDENT HUTCHINSON: Mr. Binkowski raises a point of order.

MR. BLANDFORD: Thank you.

VICE PRESIDENT HUTCHINSON: The point comes too late. He is all through talking. (laughter) Judge Shaffer.

MR. SHAFFER: Mr. President, I simply want to ask Mr. Martin a question here, if there isn't a mistake in printing in the last line in section 28 of article V, the last sentence, "Nothing contained in this section shall be construed to diminish the right of any party to direct and immediate legal or equitable remedies. . . ." What does "and" mean in there? Do you mean: comma? "Direct," comma, "immediate legal or equitable remedies?" Or appropriate?

VICE PRESIDENT HUTCHINSON: Mr. Martin.

MR. MARTIN: Mr. Shaffer, I don't know what the author of the amendment had in mind by the "and." I assume that the "and" is simply to make it a little more emphatic that there should be some "direct and immediate" legal remedies. I have been in doubt about the effect of this section from the beginning but I don't think it does any harm to the section.

MR. DEHNKE: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Martin has the floor. Do you want to be recognized in the speaking list?

MR. DEHNKE: Yes.

VICE PRESIDENT HUTCHINSON: Mr. Martin is recognized next.

MR. MARTIN: Mr. President, I don't want to say anything more than that this article V contains, in my judgment, some of the very most important provisions in the new constitution and I don't know what the Democrat minority has in mind in consistently recommending that their members vote no on each of these provisions. I assume they intend to offer some provisions of their own and then if those don't pass, I am not sure whether they are proposing to work against the entire constitution or not. But I don't think that a no vote against this entire article can be interpreted in any other way than that you are opposed to the article as a whole.

I certainly would urge the members of the minority to vote their convictions on this particular article of the constitution because it does contain some of the very important provisions. I hope that the recommendations of the leadership of the minority will not be accepted and that the members of the minority will vote as their conscience and their judgment dictate, and not as their leadership requests them to do.

VICE PRESIDENT HUTCHINSON: Mr. Dehnke. Mr. Dehnke passes. Mr. T. S. Brown.

MR. T. S. BROWN: Mr. President and fellow delegates, I should like to add my little part to what Bill Marshall has already said, except in a different vein.

I do not consider that this article represents either a philosophical orientation of any sort or a compromise between philosophical orientations. As a result of having 4 or 5 different ways of selecting the people who will run the administrative branch of our government, we have no internal consistency and no internal integrity within the executive branch. For this particular reason, regardless of politics — whether you are a Republican or a Democrat, whether you consider that this will be a liberal document or a conservative document or a good, efficient document — there is no internal consistency and, there-

fore, this matter must obviously continue in a halting fashion in the years to come.

If this document were completely liberal or completely conservative and if it would articulate, one part with the other, then I would say it at least represents a certain point of view. But since this does not and since it is not by any stretch of the imagination a compromise, I therefore urge the nonadoption of this particular article.

VICE PRESIDENT HUTCHINSON: Miss Hart.

MISS HART: Mr. President and fellow delegates, Mr. Martin should not be surprised at the position that the minority party is taking on this on the floor today because the minority party took the position very consistently on the executive committee. It should be no surprise to anyone—the press, the league of women voters, the observers and fellow members on that committee—of where we stood on these issues.

There seems to be a notion abroad that every morning the Democrats are given a list: 1, 2, 3; a, b, c, and with a yes and a no after each number. This convention blinded the board in the hope that the minority might be confused. The minority has voted consistently, as it would have done had the board been open, because the minority operates on a philosophy of government and there is very little problem as far as we are concerned as to where we stand on these issues; so let's stop talking about unseen forces and let's get on with the business of finishing what we have to do this week.

We do not object to the majority taking the positions they take. This is their right to represent the people who sent them here. By the same token the minority has the same right: to represent the people that sent it here. So let's stop all of the innuendoes and let's get on with the business of this convention and rid ourselves of nonsense. Let's at least be friends while we disagree.

VICE PRESIDENT HUTCHINSON: Mr. Hodges.

MR. HODGES: Mr. President, I, as a member of the minority, plead guilty to the charge that the Democratic party is dominated by one group: the majority of the people in the state of Michigan who have elected the Democratic party for the past 14 years. After the wheeling and dealing that has been done in this convention, I am safely confident that it will be elected for the next 14 years. (applause)

VICE PRESIDENT HUTCHINSON: Mr. Madar.

MR. MADAR: Mr. President, when I first came up here and before having come up here, I campaigned on promises that I made to those people who I represent. Now, as far as I am concerned, the campaigning for 1962 opened today when Mr. Blandford got up and said what he did.

I don't mind telling you that so far as I am concerned, I was with the Republican party for 34 years and I watched some of its leaders sit there and decide on how they were going to ruin the state of Michigan so that they could defeat Williams. They didn't care what they did to the state: let's kill Williams off no matter what we do to Michigan.

MR. G. E. BROWN: That's not germane to the issue.

VICE PRESIDENT HUTCHINSON: Mr. Downs.

MR. DOWNS: Mr. President and fellow delegates, I shall try to speak on the article very briefly—

VICE PRESIDENT HUTCHINSON: Order, please.

MR. DOWNS: First of all, I rise to urge a no vote on this article for 3 specific reasons: the first is that this builds in a conflict between the chief executive and the senate. The people had high hopes that this convention would change that conflict. From looking at the apportionment problem with advice and consent, I believe there will be 12 to 15 Democrats, 26 to 23 Republicans which, with advice and consent and the sudden death, 60 day concept, builds in a conflict if there is a Democrat governor. If there should, within the 50 years, be a Republican governor, he will find the same conflict with the Republican branch that was found before. Secondly, we have discussed elected versus appointed officials. I have favored elected but have recognized the arguments for the appointed. This change in the ad board provides neither elected nor appointed by the governor. The highway commissioner is selected on a hodgepodge system responsible to everybody and nobody and does not have the advantage of either elected or gubernatorial appoint-

ment. The treasurer is not appointed by the governor without advice and consent but requires that. And thirdly, on the executive budget part, I just wish to point out that the governor in conjunction with the legislature must cut expenditures on unearmarked items—and this would mean education, welfare, social services that are unearmarked—at the very times when the need was greatest, when state revenue went down. I urge a no vote.

VICE PRESIDENT HUTCHINSON: Time for debate has expired. The question is upon the passage of article V, as amended. All those in favor will vote aye. All those opposed will vote no.

MR. YEAGER: Mr. President, I wish to announce my abstention.

VICE PRESIDENT HUTCHINSON: Mr. Yeager abstains. Have you all voted? Miss Donnelly abstains. If so, the secretary will lock the machine and record the vote. Mr. Shanahan abstains.

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

Yeas—91

Allen	Gust	Powell
Anspach	Hanna, W. F.	Prettie
Barthwell	Hannah, J. A.	Pugsley
Batchelor	Haskill	Radka
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.	Krolkowski	Stopczynski
Buback	Lesinski	Suzore
Dade	Madar	Walker
Douglas	Marshall	Wilkowski
Downs	McAllister	Wood
Erickson	McCauley	Young
Faxon	Murphy	Youngblood

SECRETARY CHASE: On the passage of article V, as amended, the yeas are 91; the nays are 39.

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

*For sections 1 through 8 and 10 through 27 of article V as passed, see above, page 3057.*

*Following is section 9 of article V, as amended and passed:*

Sec. 9. The governor shall have power and it shall be his duty to inquire into the condition and administration of any public office and the acts of any public officer, elective or

appointive. He may remove or suspend from office for gross neglect of duty or for corrupt conduct in office, or for any other misfeasance or malfeasance therein, any elective or appointive state officer, except legislative or judicial, and shall report the reasons for such removal or suspension to the legislature.

*Following is section 28 of article V, as amended and passed:*

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

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

Appeals from final orders of the commission, including cease and desist orders and refusals to issue complaints, shall be tried de novo before the circuit court of the state having jurisdiction provided by law.

*Following is explanation of vote submitted by Messrs. Austin, Sablich, Bradley, Wilkowski, Downs, Hodges, Madar, Marshall, Walker, Stopczynski, Young, Faxon, Buback, T. S. Brown, Baginski, Binkowski and Miss Hart:*

We voted no on article V, the executive branch, because this builds in the conflict between the governor and the state senate. The executive cannot make a single appointment under this article without the advice and consent of the senate — a senate which does not and can not represent people because of the lack of equitable apportionment. Thus, the governor is restricted and limited and must make decisions on appointments on the basis of confirmability with an actual minority, rather than ability to serve the people of the state.

The present elected highway commissioner has been replaced by a 4 headed bipartisan staggered body, selected with advice and consent, that in turn selects a director. This has neither the advantages of an elected system, nor that of an appointed system directly by the governor. Michigan's present superior highway system can seriously suffer from this unwarranted change.

The state treasurer is no longer elected, but is appointed with advice and consent, and as such will be subject to control in appointment by a majority of the legislators representing a minority of the people of the state. The section dealing on the executive budget (section 19) will practically mandate the governor to reduce expenditures in unearmarked areas if state revenues decline, with the approval of legislative appropriating committees. This too will be a built in conflict between a governor with social responsibilities and a legislative committee that is not truly representative of all the people.

Because highways and local units of government have earmarked funds, whereas schools and social services do not, there will be terrific pressures in a period of economic decline, when tax revenues are least and social needs are the greatest, for the governor to cut expenditures for legisla-

tion, mental health, education, and social services to meet requirements of this section.

We, therefore, voted no on this article.

VICE PRESIDENT HUTCHINSON (continuing): The secretary will read article VI, judicial branch.

SECRETARY CHASE: **Article VI**, judicial branch:

[Article VI, sections 1 through 29, was read by the secretary. For the text, see above, page 3060.]

VICE PRESIDENT HUTCHINSON: Article VI has been read a third time.

SECRETARY CHASE: Mr. Cudlip, on behalf of the committee on style and drafting, requests that the following corrections be made in article VI of the proposed revision of the constitution:

sec-	col-	line	Corrections
2	1	57	After "[except]" delete "that".
2	1	57	Change "ANY" to "Any".
10	1	3	After "[" insert "as".
18	2	38	After "court" insert "[such]".
18	2	38	At end of line, change "an" to "AN".

VICE PRESIDENT HUTCHINSON: Without objection it is so ordered. [Corrections made above.] The secretary will report the amendments.

SECRETARY CHASE: Mr. W. F. Hanna [and Mr. Higgs] offers the following amendment:

1. Amend article VI, section 26 (first column, line 39) after "jurisdiction" by inserting a comma and "compensation"; so the language will read, "Their jurisdiction, compensation and powers within this period shall be as provided by law."

VICE PRESIDENT HUTCHINSON: Mr. Hanna.

MR. W. F. HANNA: Mr. President and fellow delegates, I want to raise a problem which, unfortunately, I did not catch on first or second reading and it was not until we were going over this matter carefully in style and drafting last week that I saw what I believe to be a serious problem and a serious inconsistency, and I bring it to the attention of the convention. We have provided that upon the adoption of this constitution, or the effective date of this constitution, that no judicial officer shall be compensated by fees or anything based upon the volume of his business, but it is said that he must be paid a salary. We now then come to section 26, where we have continued in office these offices of circuit court commissioner and justice of the peace, which are in fact officers that in the main have been compensated by fees of their office and dependent upon the volume of activity.

Now I want to raise 3 problems with this conflict as I see it: first is the practical impossibility, if this constitution goes into effect on January first of a given year. In the townships the fiscal year is from April 1 to April 1, and in counties the fiscal year will have commenced before the effective date of the constitution. There will be no money appropriated; there will be no money out of which you can pay circuit court commissioners a salary or a justice of the peace a salary. Therefore, you are asking these people to serve completely without compensation. Secondly, under the present state law, each township elects 2 justices of the peace. Certainly, you will have to provide in all due process that the 2 justices will receive the same salary. And in many, many, many townships that have 2 justices, one justice maintains an active calendar and open docket and the other has no open calendar, no docket, and is purely an honorary type of office. To set a salary commensurate for these 2 men that is the same immediately penalizes the man who has been doing the work and benefits the man who does not do the work, and so far there is nothing in this constitution that makes a justice of the peace maintain a docket, hold office, or perform any judicial function. Therefore, until this whole matter can be worked out, this man can sit there and draw a salary and not do anything. So that you have a practical fiscal problem in the efforts to do this.

Now, the second problem that I want to raise is breach of contract. We have elsewhere provided in this constitution that you

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

such manner, as prescribed by law. The person authorized by law to receive such petition shall upon its receipt determine, as provided by law, the validity and sufficiency of the signatures on the petition, and make an official announcement thereof at least 60 days prior to the election at which the proposed amendment is to be voted upon.

Any amendment proposed by such petition shall be submitted, not less than 120 days after it was filed, to the electors at the next general election. Such proposed amendment, existing provisions of the constitution which would be altered or abrogated thereby, and the question as it shall appear on the ballot shall be published in full as provided by law. Copies of such publication shall be posted in each polling place and furnished to news media as provided by law.

The ballot to be used in such election shall contain a statement of the purpose of the proposed amendment, expressed in not more than 100 words, exclusive of caption. Such statement of purpose and caption shall be prepared by the person authorized by law, and shall consist of a true and impartial statement of the purpose of the amendment in such language as shall create no prejudice for or against the proposed amendment.

If the proposed amendment is approved by a majority of the electors voting on the question, the proposed amendment shall become part of the constitution, and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved. If two or more amendments approved by the electors at the same election conflict, that amendment receiving the highest affirmative vote shall prevail.

*Following is section 3 of article XII as amended and passed:*

Section 3. At the general election to be held in the year 1978, and in each 16th year thereafter and at such times as may be provided by law, the question of a general revision of the constitution shall be submitted to the electors of the state. If a majority of the electors voting on the question decide in favor of a convention for such purpose, at an election to be held not later than six months after the proposal was certified as approved, the electors of each representative district as then organized shall elect one delegate and the electors of each senatorial district as then organized shall elect one delegate at a partisan election. The delegates so elected shall convene at the seat of government on the first Tuesday in October next succeeding such election or at an earlier date if provided by law.

The convention shall choose its own officers, determine the rules of its proceedings and judge the qualifications, elections and returns of its members. The governor shall appoint a qualified resident of the same district to fill a vacancy in the office of any delegate who shall be a member of the same party as the delegate vacating the office if the legislature provides for partisan election of delegates. The convention shall have power to appoint such officers, employees and assistants as it deems necessary and to fix their compensation; to provide for the printing and distribution of its documents, journals and proceedings; to explain and disseminate information about the proposed constitution and to complete the business of the convention in an orderly manner. Each delegate shall receive for his services compensation provided by law.

No proposed constitution or amendment adopted by such convention shall be submitted to the electors for approval as hereinafter provided unless by the assent of a majority of all the delegates elected to and serving in the convention, with the names and vote of those voting entered in the journal. Any proposed constitution or amendments adopted by such convention shall be submitted to the qualified electors in the manner and at the time provided by such convention not less than 90 days after final adjournment of the convention. Upon the approval of such constitution or amendments by a majority of the qualified electors voting thereon the constitution or amendments shall take effect as provided by the convention.

VICE PRESIDENT HUTCHINSON (continuing): Mr. Garry Brown.

MR. G. E. BROWN: Mr. President, at this time, before considering the next article or the next provision of the constitution, I would move to reconsider the vote on article V, which was passed yesterday, dealing with the executive branch.

*For vote on passage of article V, see above, page 3124.*

To be very candid with you, very frank, the purpose of doing this is for one purpose only, and that is to reconsider the vote by which the highway commissioner was made an appointive rather than an elective officer. Two amendments are on the secretary's desk relative to this matter which would make this office the same as the secretary of state and the attorney general relative to election, nominations, vacancies and what have you. It is very simple. It is for that purpose only. I would therefore urge a yes vote on reconsideration of the vote by which the executive article passed yesterday.

VICE PRESIDENT HUTCHINSON: Mr. Downs, on the motion to reconsider.

MR. DOWNS: Mr. President and fellow delegates, I rise in support of the motion on reconsideration. I believe on this motion we are entitled to speak on the merits of the question and what I would more properly call the demerits.

We now have the matter of the highway commissioner, as we know, left up to the legislature and it is an elected one. There was also a dispute, I would say, within the convention as to whether the highway commissioner should be elected or whether he should be appointed by the governor. There were arguments for both. I favored the first. What we ended up with was a monstrosity that has neither the advantages of the elected system nor that of the appointed one. It divides responsibility. Our old friend, advice and consent, enters in through the back door and the present setup that was adopted is one that absolutely refutes the concept of responsibility. I cannot conceive of either a business or government operating effectively under this system. The vote was close. I urge the reconsideration in hopes that we can change what we did on the matter of the highway commissioner. Thank you.

VICE PRESIDENT HUTCHINSON: Mr. Bentley.

MR. BENTLEY: Mr. President, a parliamentary inquiry. Can an article which has been passed on third reading by a majority of all delegates elected and serving in the convention now be reconsidered by a simple majority of those present?

VICE PRESIDENT HUTCHINSON: Yes, it can, Mr. Bentley. It will still take 73 votes to adopt it the second time, but the rules of the convention permit a reconsideration by a majority of the votes cast. Mr. Farnsworth.

MR. FARNSWORTH: Mr. President and members of the convention, it seems hardly necessary to speak at this late hour against a move to reconsider, but I do want to do so.

I would call the convention's attention to the fact that article V, yesterday, at a much more favorable hour than now, passed by a vote of 91 to 35. Now, certainly, the big majority of us thought that we had a very, very satisfactory article. I submit to you, my friends, that the mood that this particular convention is in at this time of night, any time — and here we are on the last day of the convention — is no time to move for a reconsideration on something that we settled with such a decisive vote as we did this. I urge you to vote against reconsideration.

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, might we hear the amendments which Mr. Brown proposes to offer if reconsideration is granted?

VICE PRESIDENT HUTCHINSON: The secretary will read them. They are not before the body at the present time.

SECRETARY CHASE: Mr. Garry Brown has filed the following amendments to article V —

MR. BARTHWELL: I object. I don't see how this is in order.

VICE PRESIDENT HUTCHINSON: What?

MR. BARTHWELL: You ought to have a vote before you read them.

VICE PRESIDENT HUTCHINSON: Objection is heard. The



question is on reconsidering the vote by which the entire executive article was passed. Mr. Martin.

MR. MARTIN: Mr. President, the hall has been full of lobbyists this afternoon and yesterday and this evening and, apparently, those who want to change the action taken on third reading on this article now think that — numbers of the convention not being here — this is a good time to try to reverse the action of the convention taken when a far larger majority of the convention was present. It has been left to the very last stages of the convention, apparently with that thought in mind. I would like to suggest to you that the matter which we have considered several times in thorough debate should have been, once and for all, settled by the action of this convention when this article was passed.

What is proposed is to reverse the action of the convention to go back, not just to a highway commissioner, who is a statutory officer and whose position as a statutory, elected officer could be changed by the legislature if it saw fit, but to go to a constitutional highway commissioner. I submit that that is not what this convention desires. They certainly evidenced it numerous times before, and I think that it is certainly high time that we settle this once and for all by turning down this motion to reconsider, and I certainly urge that you do just exactly that.

VICE PRESIDENT HUTCHINSON: Mr. Marshall. Mr. Van Dusen.

MR. MARSHALL: Mr. President —

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen makes a preferential motion?

MR. VAN DUSEN: Yes. Mr. President, may I ask how many speakers you have?

VICE PRESIDENT HUTCHINSON: Five more at the present time.

MR. VAN DUSEN: I move to limit debate to 10 minutes.

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen moves to limit debate to 10 minutes upon the motion to reconsider. All those in favor will say aye. Opposed will say no.

The motion prevails. The Chair recognizes Mr. Marshall.

MR. MARSHALL: Mr. President and fellow delegates, I will be very brief, because I spoke on the floor of this convention on several occasions on this issue and I have spoken against the creation of this monstrosity that we have created in this so called bipartisan highway commission.

I would urge a yes vote and in answer to Delegate Martin: in his concern for the creation of a constitutional highway commissioner, I don't know why he should be concerned with creating one additional constitutional officer when he has created several in this constitution. Even this 4 man highway commission that is in this package deal will be 4 constitutional officers as opposed to one under the amendment if we create an elected highway commissioner.

Now today we took action and put back the earmarked funds for schools. I see no reason why at this time we should not reconsider this question and give serious thought to leaving the highway department and the highway commission in the hands of the people to determine whether or not the highway commissioner, whoever he may be, is doing a good job in serving the state of Michigan. I urge a yes vote.

VICE PRESIDENT HUTCHINSON: Mr. Garry Brown.

MR. G. E. BROWN: Mr. President and members of the convention, especially Mr. Martin, Mr. Martin here, by innuendo at least, has suggested improper timing or motive and has impugned the same to the sponsor of this motion and the sponsor of the amendment. I would only suggest to Mr. Martin that there has not been another time when this could have been considered by this convention, that today is the last day, of course, for a motion to reconsider what was done yesterday.

It has been suggested here by Mr. Farnsworth that this was passed by a big majority. I would only ask him to reflect upon the vote by which this particular measure passed, which was by a very small margin. I think that the feeling of the delegation has changed. I think it was very close to start with. This was certainly not a mandate by this delegation to do a particular thing. Maybe, because the votes are now present, it is desirable not to reconsider. I would only suggest, also, that in the spirit

of fair play we reconsider to see what is the present feeling of this delegation.

Mr. Martin has also suggested that we have constitutionally established a highway commissioner. This has been done only because of the mechanics of the proposition. It would be very difficult, as all of you know who have studied the executive article, with the language with respect to heads of departments, to do anything but write this into the constitution as a constitutional office. I notice that the great hue and cry about making this a constitutional office and putting this into the constitution was not raised at a time when we were constitutionally earmarking gas and weight taxes. Is this more a constitutional matter? I cannot believe so, and I don't think that Mr. Martin believes so or any other delegate here. The inconsistencies, the illogical approach to the question of earmarking these funds because the people wanted it, the people wanted the purposes defined as they had defined them. I certainly think that they deserve to have the treasurer of this fund selected by them. I would only suggest that the delegates here be given an opportunity, as Mr. Martin has suggested, to finally determine this matter by voting yes to reconsider the vote on the executive article and it will be limited, insofar as this speaker is concerned, to the matter of the highway commissioner. Thank you.

VICE PRESIDENT HUTCHINSON: Mr. John Hannah.

MR. J. A. HANNAH: Mr. President, I move a preferential motion that consideration of the motion now before the house be postponed until Friday.

VICE PRESIDENT HUTCHINSON: Mr. Hannah moves that the motion to reconsider be postponed until Friday. Mr. William Hanna.

MR. W. F. HANNA: Mr. President, I would like to support that motion and urge all parties, in the interest of harmony at this convention, to lay this question over until Friday.

VICE PRESIDENT HUTCHINSON: Mr. Marshall.

MR. MARSHALL: Is the question debatable, Mr. President?

VICE PRESIDENT HUTCHINSON: The motion to postpone is debatable. It is debatable within limits.

MR. MARSHALL: Thank you, Mr. President. I will be very brief. I would urge that we take action now and reconsider. I see no reason why we have to table this till Friday just because certain members of the troops aren't here. Everyone knew that we had a session tonight. Everyone who is an elected delegate here has a responsibility to be here at the sessions. And if we are going to jump up on the floor and move to table or postpone every time that certain people aren't present at this convention, then I deplore this type of action. I urge that we take action at this time and that we not postpone until Friday.

VICE PRESIDENT HUTCHINSON: Mr. Garry Brown, on the motion to postpone.

MR. G. E. BROWN: Mr. President and members of the convention, my motives and my timing are rarely impugned. If Mr. Martin feels that this is an attempt to do something which is improper, which is unfair, which is not the feeling of this delegation, I will be happy to go along with a postponement until Friday but, in doing so, I certainly am not admitting or acknowledging but, rather, denying that there is any improper motive or that there is improper timing, but I think that this delegation — and I have great faith in it — will come to the proper conclusion and it will come to that conclusion either tonight or Friday. And so I will not object to a postponement until Friday.

VICE PRESIDENT HUTCHINSON: Mr. Sterrett.

MR. STERRETT: I would like to move the previous question, Mr. President.

VICE PRESIDENT HUTCHINSON: On the motion to postpone, Mr. Sterrett moves the previous question. Is the demand for the previous question supported? The demand is supported. The question now is: shall the main question be put? All those in favor will say aye. Opposed, no.

The motion prevails and the previous question is ordered. The question is upon the motion of Mr. John Hannah to postpone further consideration upon the motion to reconsider until Friday.

MR. WANGER: Yeas and nays, Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Wanger demands the yeas and nays upon the motion to postpone. Is the demand for the yeas and nays supported?



SECRETARY CHASE: Nineteen.

VICE PRESIDENT HUTCHINSON: Not a sufficient number up. The question remains upon the motion to postpone. The previous question has been ordered. All those in favor —

MR. G. E. BROWN: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Garry Brown.

MR. G. E. BROWN: For the reasons I have previously stated, I wish to abstain.

VICE PRESIDENT HUTCHINSON: Mr. Garry Brown abstains. All those in favor of the motion to postpone will say aye. Opposed will say no.

The motion prevails.

DELEGATES: Division.

VICE PRESIDENT HUTCHINSON: Division is called for. Is the demand for division supported?

SECRETARY CHASE: Sufficient number.

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

SECRETARY CHASE: On the motion to postpone consideration of the motion to reconsider until Friday, the yeas are 73; the nays are 47.

VICE PRESIDENT HUTCHINSON: The motion prevails. The matter is postponed until Friday.

The secretary will read the schedule.

SECRETARY CHASE: **Schedule and temporary provisions.**

To insure the orderly transition from the constitution of 1908 to this constitution the following schedule is set forth to be effective for such period as its provisions require.

[The schedule, sections 1 through 17, was read by the secretary. For text, see above, page 3073.]

VICE PRESIDENT HUTCHINSON: The schedule has been read a third time.

SECRETARY CHASE: Mr. Cudlip, on behalf of the committee on style and drafting, requests that the following corrections be made in the schedule of the proposed revision of the constitution:

section	column	line	Corrections
5	2	36	After "GOVERNOR," insert "THE".
5	2	37	After "GOVERNOR," insert "THE".
5	2	38	Before "ATTORNEY" insert "THE".
6	2	47	After "IV" insert a comma.

VICE PRESIDENT HUTCHINSON: Without objection, it is so ordered. [Corrections made above.] The secretary will report on amendment.

SECRETARY CHASE: Messrs. Brake, Garry Brown, Dehnke, W. F. Hanna and Rood offer the following amendment:

1. Amend the schedule, section 6 (column 2, line 52) after "census," by inserting "unless the legislature by joint resolution shall give prior effect to said Article IV, Section 2,"; so the language will then read:

Until the apportionment of the senate following the 1970 census, unless the legislature by joint resolution shall give prior effect to said Article IV, Section 2, the senatorial districts under the 1908 constitution shall remain intact except that upon the adoption of this constitution each of the counties of Kent, Genesee, Macomb and Oakland shall be divided by the apportionment commission into two senatorial districts and Wayne county into eight senatorial districts in accordance with this constitution.

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen.

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

VICE PRESIDENT HUTCHINSON: On the motion to limit debate upon this amendment to 5 minutes, all those in favor will say aye. Opposed, no.

The motion prevails. Debate is limited. The Chair recognizes Judge Dehnke.

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

MR. DEHNKE: Mr. President and fellow delegates, this section 6 of the schedule is before you and this amendment proposes an addition of some words to deal with possible contingencies that may arise in the next few years. The amendment is to add after the word "census" as stated in the amendment, the words "and unless otherwise provided by law enacted after the effective date of this constitution, giving immediate effect to said Article IV, Section 2." The proviso is designed to take care of possible contingencies and give the legislature authorization to deal with them. This amendment is presented in the hope that it will serve a useful purpose in that respect.

VICE PRESIDENT HUTCHINSON: Mr. Garry Brown is recognized next. I will recognize you next, Mr. Downs.

MR. G. E. BROWN: I will pass to Mr. Downs.

VICE PRESIDENT HUTCHINSON: Mr. Downs.

MR. DOWNS: Through the Chair, could I ask Judge Dehnke if he could be a little more specific about the contingencies he referred to?

MR. DEHNKE: Well, Mr. President and Mr. Downs, I think all of us have lived long enough that in this life we have to expect contingencies; there will be anticipated and unanticipated contingencies. It is my expectation that this language will be sufficient to meet both kinds. (laughter and applause)

VICE PRESIDENT HUTCHINSON: Mr. Downs, have you concluded?

MR. DOWNS: I am more confused than when the question was asked, but I want to thank Judge Dehnke.

VICE PRESIDENT HUTCHINSON: Mr. Garry Brown.

MR. G. E. BROWN: Mr. President and members of the convention, I would first direct a question to the Chair and ask you how many speakers are on the list.

VICE PRESIDENT HUTCHINSON: None at the moment.

MR. NORD: Mr. President.

MR. G. E. BROWN: I would — I would —

VICE PRESIDENT HUTCHINSON: Mr. Nord seeks recognition. I have one.

MR. G. E. BROWN: I would then yield to Mr. Nord with the right to be restored to the floor.

VICE PRESIDENT HUTCHINSON: Well, does Mr. Nord accept the floor being yielded on that condition?

MR. NORD: I do not.

MR. DEHNKE: Mr. President, may I make a correction in the statement I made before? The amendment reads a little differently from the way I read it a few minutes ago. It is correct on the board. It is, "... unless the legislature by joint resolution shall give prior effect to said Article IV, Section 2."

MR. G. E. BROWN: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Garry Brown.

MR. G. E. BROWN: Since I was entitled to the floor, there is only one thing I would have to say. I would support what Judge Dehnke has said. That is that occasions may suggest what this amendment suggests, or there may be an occasion when it is required. I think that is simple enough. I think that Mr. Downs understands it. I think that Dr. Nord understands it.

I would only suggest to Dr. Nord — when he refuses to accept the floor when it has been yielded to him — that I don't have too much credit to give to, or take much substance from, the argument of those who will not let someone else have at least a chance to answer what they have said.

VICE PRESIDENT HUTCHINSON: Mr. Nord.

MR. NORD: Mr. President, I don't know to whom Mr. Brown is referring, but I suppose it is some delegate or other. But in any event, I would like to answer not Mr. Brown but Judge Dehnke. It appears to me that this amendment suffers from 2 defects. The problem that faces us is a severe problem. The language before us is unconstitutional language. I believe many of us are quite clear in our minds on that point and what we have before us on the wall is too little — that is one defect — and it is too late — that is the other. By "too late" I mean that the time to make this cure is now and not some time between now and 1970. Now.

I suggest, therefore, that if we are going to tackle the problem let us tackle it here, tonight, or on Friday. Let us not turn it over to the legislature. The language before us is extremely objectionable and, while there may not be much on the wall for

**PRESIDENT NISBET: Third reading.**

**SECRETARY CHASE:** Under this order of business, there is on file the motion entered on Wednesday by Mr. Garry Brown to reconsider the vote by which **article V**, as amended, was passed.

*For the vote on the passage of article V, see above, page 3214.*

**PRESIDENT NISBET:** The question is on the motion of Mr. Brown for reconsideration of the vote on article V. The Chair recognizes Mr. Brown.

**MR. G. E. BROWN:** Mr. President, members of the convention, I think that this matter has been discussed fully and completely. The reasons for reconsideration of this article were made clear on Wednesday night for one purpose and one purpose alone: that is to make the state highway commissioner elected, rather than appointed by a highway commission. There was no other purpose for reconsidering this article—at least in my mind there wasn't—and I trust that there will be a vote upon this; that the people will vote their conviction. And I would urge a yes vote.

**PRESIDENT NISBET:** The question is on the motion of Mr. Brown.

**MR. VAN DUSEN:** Mr. President.

**MR. DOWNS:** Mr. President.

**PRESIDENT NISBET:** Mr. Downs.

**MR. DOWNS:** I rise in support of the motion for the reason that this will give us a chance to again support the principle of an elected highway director.

**PRESIDENT NISBET:** Mr. Van Dusen.

**MR. VAN DUSEN:** I move the previous question, Mr. President.

**PRESIDENT NISBET:** The previous question has been demanded. Is that demand seconded? Sufficient number up. The question now is: shall the previous question be put? Those in favor will say aye. Opposed, no.

The previous question is ordered. The question is on the motion of Mr. Brown to reconsider the vote on the passage of article V, as amended. Those in favor will say aye. Those opposed, no.

The motion does not prevail.

**DELEGATES:** Division.

**PRESIDENT NISBET:** A division has been requested. Is the demand seconded?

**MR. G. E. BROWN:** The yeas and nays.

**PRESIDENT NISBET:** The yeas and nays have been demanded. Is that demand seconded? Sufficient number up. Those in favor of the Brown motion to reconsider will vote aye. Those opposed will vote nay. Mr. Walker.

**MR. WALKER:** Could we have it read, Mr. President.

**SECRETARY CHASE:** It is a motion to reconsider the vote by which article V was adopted.

**PRESIDENT NISBET:** This is the question on which we are voting: reconsideration of the vote on article V. Those in favor of reconsideration will vote aye. Those opposed will vote nay. Have you all voted? If so, the secretary will lock the machine and record the vote. The question, again, is on the Brown motion to reconsider. Those in favor will vote aye. Those opposed will vote nay. Have you all voted? If so, the secretary will lock the machine and record the vote.

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

**Yeas — 55**

Allen	Follo	McCauley
Austin	Ford	McGowan, Miss
Baginski	Garvin	Murphy

Balcer	Greene	Nord
Barthwell	Hart, Miss	Norris
Binkowski	Hatcher, Mrs.	Ostrow
Bledsoe	Hodges	Pellow
Bradley	Hood	Perlich
Brown, G. E.	Hoxie	Sablich
Brown, T. S.	Jones	Snyder
Buback	Kelsey	Stamm
Cushman, Mrs.	Krolikowski	Stopezynski
Dade	Leibrand	Suzore
Doty, Donald	Lesinski	Walker
Douglas	Madar	Wilkowski
Downs	Mahinske	Wood
Elliott, Mrs. Daisy	Marshall	Young
Erickson	McAllister	Youngblood
Faxon		

**Nays — 85**

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

**SECRETARY CHASE:** On the motion to reconsider, the yeas are 55; the nays are 85.

**PRESIDENT NISBET:** The motion to reconsider does not prevail. The secretary will read.

**SECRETARY CHASE:** The president lays before the convention the complete document, the proposed **constitution** of the state of Michigan —

**PRESIDENT NISBET:** The Chair recognizes Mr. Van Dusen.

**MR. VAN DUSEN:** Mr. President, I think we've all heard the proposed new constitution read piece by piece several times. I move that the entire document now be considered read.

**PRESIDENT NISBET:** The question is on the motion of Mr. Van Dusen that the document be considered read. Those in favor will say aye. Opposed, no.

The motion prevails.

*Following is the proposed constitution as reported by the committee on style and drafting and considered read. (To locate text as referred to said committee, see above, page 3210. For statement of changes made by said committee, see below, page 3238):*

# PREAMBLE

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

## Article I

### Declaration of Rights

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

Sec. 2. No person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color or national origin. The legislature shall implement this section by appropriate legislation.

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

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

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

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

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

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

Sec. 9. Neither slavery, nor involuntary servitude unless for the punishment of crime, shall ever be tolerated in this state.

Sec. 10. No bill of attainder, ex post facto law or law impairing the obligation of contract shall be enacted.

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

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

Sec. 13. A suitor in any court of this state has the right to prosecute or defend his suit,

either in his own proper person or by an attorney.

Sec. 14. The right of trial by jury shall remain, but shall be waived in all civil cases unless demanded by one of the parties in the manner prescribed by law. In all civil cases tried by 12 jurors a verdict shall be received when 10 jurors agree.

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

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

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

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

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

Sec. 20. In every criminal prosecution, the accused shall have the right to a speedy and public trial by an impartial jury, which may consist of less than 12 jurors in all courts not of record; to be informed of the nature of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to have the assistance of counsel for his defense; to have an appeal as a matter of right; and in courts of record, when the trial court so orders, to have such reasonable assistance as may be necessary to perfect and prosecute an appeal.

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

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

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

## Article II Elections

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

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

Sec. 3. For purposes of voting in the election for president and vice-president of the United States only, the legislature may by law establish lesser residence requirements for citizens who have resided in this state for less than six months and may waive residence requirements for former citizens of this state who have removed herefrom. The legislature shall not permit voting by any person who meets the voting residence requirements of the state to which he has removed.

Sec. 4. The legislature shall enact laws to regulate the time, place and manner of all nominations and elections, except as otherwise provided in this constitution or in the constitution and laws of the United States. The legislature shall enact laws to preserve the purity of elections, to preserve the secrecy of the ballot, to guard against abuses of the elective franchise, and to provide for a system of voter registration and absentee voting. No law shall be enacted which permits a candidate in any partisan primary or partisan election to have a ballot designation except when required for identification of candidates for the same office who have the same or similar surnames.

Sec. 5. Except for special elections to fill vacancies, or as otherwise provided in this constitution, all elections for national, state, county and township offices shall be held on the first Tuesday after the first Monday in November in each even-numbered year or on such other date as members of the congress of the United States are regularly elected.

Sec. 6. Whenever any question is required to be submitted by a political subdivision to the electors which involves the increase of any ad valorem tax rate limitation for a period of more than five years, or the issue of bonds, only electors in, and who have property assessed for any ad valorem taxes in, any part of the district or territory to be affected by the result of such election or electors who are the lawful husbands or wives of such persons shall be entitled to vote thereon. All electors in the district or territory affected may vote on all other questions.

Sec. 7. A board of state canvassers of four

members shall be established by law. No candidate for an office to be canvassed nor any inspector of elections shall be eligible to serve as a member of a board of canvassers. A majority of any board of canvassers shall not be composed of members of the same political party.

Sec. 8. Laws shall be enacted to provide for the recall of all elective officers except judges of courts of record upon petition of electors equal in number to 25 percent of the number of persons voting in the last preceding election for the office of governor in the electoral district of the officer sought to be recalled. The sufficiency of any statement of reasons or grounds procedurally required shall be a political rather than a judicial question.

Sec. 9. The people reserve to themselves the power to propose laws and to enact and reject laws, called the initiative, and the power to approve or reject laws enacted by the legislature, called the referendum. The power of initiative extends only to laws which the legislature may enact under this constitution. The power of referendum does not extend to acts making appropriations for state institutions or to meet deficiencies in state funds and must be invoked in the manner prescribed by law within 90 days following the final adjournment of the legislative session at which the law was enacted. To invoke the initiative or referendum, petitions signed by a number of registered electors, not less than eight percent for initiative and five percent for referendum of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected shall be required.

No law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election.

Any law proposed by initiative petition shall be either enacted or rejected by the legislature without change or amendment within 40 session days from the time such petition is received by the legislature. If any law proposed by such petition shall be enacted by the legislature it shall be subject to referendum, as hereinafter provided.

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

Any law submitted to the people by either initiative or referendum petition and approved by

a majority of the votes cast thereon at any election shall take effect 10 days after the date of the official declaration of the vote. No law initiated or adopted by the people shall be subject to the veto power of the governor, and no law adopted by the people at the polls under the initiative provisions of this section shall be amended or repealed, except by a vote of the electors or three-fourths of the members elected to and serving in each house of the legislature. Laws approved by the people under the referendum provision of this section may be amended by the legislature at any subsequent session thereof. If two or more measures approved by the electors at the same election conflict, that receiving the highest affirmative vote shall prevail.

The legislature shall implement the provisions of this section.

### Article III

#### General Government

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

Sec. 2. The powers of government are divided into three branches: legislative, executive and judicial. No person exercising powers of one branch shall exercise powers properly belonging to another branch except as expressly provided in this constitution.

Sec. 3. There shall be a great seal of the State of Michigan and its use shall be provided by law.

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

Sec. 5. Subject to provisions of general law, this state or any political subdivision, any governmental authority or any combination thereof may enter into agreements for the performance, financing or execution of their respective functions, with any one or more of the other states, the United States, the Dominion of Canada, or any political subdivision thereof unless otherwise provided in this constitution. Any other provision of this constitution notwithstanding, an officer or employee of the state or of any such unit of government or subdivision or agency thereof may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service. The legislature may impose such restrictions, limitations or conditions on such service as it may deem appropriate.

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

Sec. 7. The common law and the statute laws now in force, not repugnant to this consti-

tution, shall remain in force until they expire by their own limitations, or are changed, amended or repealed.

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

#### Article IV Legislative Branch

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

Sec. 2. The senate shall consist of 38 members to be elected from single member districts at the same election as the governor for four-year terms concurrent with the term of office of the governor.

In districting the state for the purpose of electing senators after the official publication of the total population count of each federal decennial census, each county shall be assigned an apportionment factor equal to the sum of its percentage of the state's population as shown by the last regular federal decennial census computed to the nearest one-one hundredth of one percent multiplied by four and its percentage of the state's land area computed to the nearest one-one hundredth of one percent.

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

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

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

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

Sec. 3. The house of representatives shall consist of 110 members elected for two-year terms from single member districts apportioned on a basis of population as provided in this article. The districts shall consist of compact and convenient territory contiguous by land.

Each county which has a population of not less than seven-tenths of one percent of the population of the state shall constitute a separate representative area. Each county having less than seven-tenths of one percent of the population of the state shall be combined with another county or counties to form a representative area of not less than seven-tenths of one percent of the population of the state. Any county which is isolated under the initial allocation as provided in this section shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.

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

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

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

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

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

Sec. 4. In counties having more than one representative or senatorial district, the territory in the same county annexed to or merged with a city between apportionments shall become a part of a contiguous representative or senatorial dis-



1 | trict in the city with which it is combined, if  
2 | provided by ordinance of the city. The district  
3 | or districts with which the territory shall be  
4 | combined shall be determined by such ordinance  
5 | certified to the secretary of state. No such change  
6 | in the boundaries of a representative or senatorial  
7 | district shall have the effect of removing a legis-  
8 | lator from office during his term.

9 | Sec. 5. Island areas are considered to be con-  
10 | tiguous by land to the county of which they are  
11 | a part.

12 | Sec. 6. A commission on legislative apportion-  
13 | ment is hereby established consisting of eight  
14 | persons, four of whom shall be selected by the  
15 | state organizations of each of the two political  
16 | parties whose candidates for governor received  
17 | the highest vote at the last general election at  
18 | which a governor was elected preceding each ap-  
19 | portionment. If a candidate for governor of a third  
20 | political party has received at such election more  
21 | than 25 percent of such gubernatorial vote, the  
22 | commission shall consist of 12 members, four of  
23 | whom shall be selected by the state organization of  
24 | the third political party. One member of the com-  
25 | mission shall be selected by each political party or-  
26 | ganization from each of the following four regions:  
27 | (1) The upper peninsula; (2) The northern part of  
28 | the lower peninsula, north of a line drawn along  
29 | the northern boundaries of the counties of Bay,  
30 | Midland, Isabella, Mecosta, Newaygo and Oceana;  
31 | (3) Southwestern Michigan, those counties south  
32 | of region (2) and west of a line drawn along  
33 | the western boundaries of the counties of Bay,  
34 | Saginaw, Shiawassee, Ingham, Jackson and Hills-  
35 | dale; (4) Southeastern Michigan, the remaining  
36 | counties of the state.

37 | No officers or employees of the federal, state  
38 | or local governments, excepting notaries public  
39 | and members of the armed forces reserve, shall  
40 | be eligible for membership on the commission.  
41 | Members of the commission shall not be eligible  
42 | for election to the legislature until two years after  
43 | the apportionment in which they participated  
44 | becomes effective.

45 | The commission shall be appointed immediately  
46 | after the adoption of this constitution and when-  
47 | ever apportionment or districting of the legislature  
48 | is required by the provisions of this constitution.  
49 | Members of the commission shall hold office until  
50 | each apportionment or districting plan becomes  
51 | effective. Vacancies shall be filled in the same  
52 | manner as for original appointment.

53 | The secretary of state shall be secretary of  
54 | the commission without vote, and in that capacity  
55 | shall furnish, under the direction of the commis-  
56 | sion, all necessary technical services. The com-  
57 | mission shall elect its own chairman, shall make  
58 | its own rules of procedure, and shall receive com-  
59 | pensation provided by law. The legislature shall  
60 | appropriate funds to enable the commission to

carry out its activities.

1 | Within 30 days after the adoption of this con-  
2 | stitution, and after the official total population  
3 | count of each federal decennial census of the state  
4 | and its political subdivisions is available, the se-  
5 | cretary of state shall issue a call convening the  
6 | commission not less than 30 nor more than 45  
7 | days thereafter. The commission shall complete  
8 | its work within 180 days after all necessary census  
9 | information is available. The commission shall  
10 | proceed to district and apportion the senate and  
11 | house of representatives according to the provi-  
12 | sions of this constitution. All final decisions shall  
13 | require the concurrence of a majority of the mem-  
14 | bers of the commission. The commission shall hold  
15 | public hearings as may be provided by law.

16 | Each final apportionment and districting plan  
17 | shall be published as provided by law within 30  
18 | days from the date of its adoption and shall be-  
19 | come law 60 days after publication. The secre-  
20 | tary of state shall keep a public record of all the  
21 | proceedings of the commission and shall be re-  
22 | sponsible for the publication and distribution of  
23 | each plan.

24 | If a majority of the commission cannot agree  
25 | on a plan, each member of the commission, indi-  
26 | vidualy or jointly with other members, may sub-  
27 | mit a proposed plan to the supreme court. The  
28 | supreme court shall determine which plan com-  
29 | plies most accurately with the constitutional re-  
30 | quirements and shall direct that it be adopted  
31 | by the commission and published as provided  
32 | in this section.

33 | Upon the application of any elector filed not  
34 | later than 60 days after final publication of the  
35 | plan, the supreme court, in the exercise of origi-  
36 | nal jurisdiction, shall direct the secretary of  
37 | state or the apportionment commission to per-  
38 | form their duties, may review any final plan  
39 | adopted by the commission, and shall remand  
40 | such plan to the commission for further action  
41 | if it fails to comply with the requirements of  
42 | this constitution.

43 | Sec. 7. Each senator and representative  
44 | must be a citizen of the United States, at least  
45 | 21 years of age, and an elector of the district  
46 | he represents. The removal of his domicile from  
47 | the district shall be deemed a vacation of the  
48 | office. No person who has been convicted of sub-  
49 | version or who has within the preceding 20 years  
50 | been convicted of a felony involving a breach  
51 | of public trust shall be eligible for either house  
52 | of the legislature.

53 | Sec. 8. No person holding any office under the  
54 | United States or this state or a political subdi-  
55 | vision thereof, except notaries public and officers  
56 | of the armed forces reserve, may be a member of  
57 | either house of the legislature.

58 | Sec. 9. No person elected to the legislature  
59 | shall receive any civil appointment within this  
60 |

1 state from the governor, except notaries public,  
2 from the legislature, or from any other state  
3 authority, during the term for which he is elected.

4 Sec. 10. No member of the legislature nor any  
5 state officer shall be interested directly or in-  
6 directly in any contract with the state or any  
7 political subdivision thereof which shall cause a  
8 substantial conflict of interest. The legislature  
9 shall further implement this provision by appro-  
10 priate legislation.

11 Sec. 11. Senators and representatives shall be  
12 privileged from civil arrest and civil process dur-  
13 ing sessions of the legislature and for five days  
14 next before the commencement and after the  
15 termination thereof. They shall not be ques-  
16 tioned in any other place for any speech in either  
17 house.

18 Sec. 12. The compensation and expense al-  
19 lowances of the members of the legislature shall  
20 be determined by law. Changes in compensation  
21 or expense allowances shall become effective only  
22 when legislators commence their terms of office  
23 after a general election.

24 Sec. 13. The legislature shall meet at the seat  
25 of government on the second Wednesday in Janu-  
26 ary of each year at twelve o'clock noon. Each  
27 regular session shall adjourn without day, on a  
28 day determined by concurrent resolution, at  
29 twelve o'clock noon. Any business, bill or joint  
30 resolution pending at the final adjournment of  
31 a regular session held in an odd numbered year  
32 shall carry over with the same status to the  
33 next regular session.

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

41 Sec. 15. There shall be a bi-partisan legisla-  
42 tive council consisting of legislators appointed in  
43 the manner prescribed by law. The legislature  
44 shall appropriate funds for the council's opera-  
45 tions and provide for its staff which shall main-  
46 tain bill drafting, research and other services  
47 for the members of the legislature. The council  
48 shall periodically examine and recommend to the  
49 legislature revision of the various laws of the  
50 state.

51 Sec. 16. Each house, except as otherwise pro-  
52 vided in this constitution, shall choose its own  
53 officers and determine the rules of its proceedings,  
54 but shall not adopt any rule that will prevent a  
55 majority of the members elected thereto and  
56 serving therein from discharging a committee  
57 from the further consideration of any measure.  
58 Each house shall be the sole judge of the quali-  
59 fications, elections and returns of its members,  
60 and may, with the concurrence of two-thirds of

1 all the members elected thereto and serving  
2 therein, expel a member. The reasons for such  
3 expulsion shall be entered in the journal, with  
4 the votes and names of the members voting upon  
5 the question. No member shall be expelled a  
6 second time for the same cause.

7 Sec. 17. Each house of the legislature may  
8 establish the committees necessary for the effi-  
9 cient conduct of its business and the legislature  
10 may create joint committees. Each committee  
11 shall by roll call vote record the vote and name  
12 of all action on bills and resolutions taken in  
13 the committee. Such vote shall be available for  
14 public inspection. Notice of all committee hear-  
15 ings and a clear statement of all subjects to be  
16 considered at each hearing shall be published in  
17 the journal in advance of the hearing.

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

29 Sec. 19. All elections in either house or in  
30 joint convention and all votes on appointments  
31 submitted to the senate for advice and consent  
32 shall be published by vote and name in the journal.

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

35 Sec. 21. Neither house shall, without the con-  
36 sent of the other, adjourn for more than two  
37 intervening calendar days, nor to any place other  
38 than where the legislature may then be in session.

39 Sec. 22. All legislation shall be by bill and  
40 may originate in either house.

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

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

49 Sec. 25. No law shall be revised, altered or  
50 amended by reference to its title only. The section  
51 or sections of the act altered or amended shall  
52 be re-enacted and published at length.

53 Sec. 26. No bill shall be passed or become a  
54 law at any regular session of the legislature until  
55 it has been printed or reproduced and in the pos-  
56 session of each house for at least five days. Every  
57 bill shall be read three times in each house be-  
58 fore the final passage thereof. No bill shall be-  
59 come a law without the concurrence of a majority  
60 of the members elected to and serving in each

house. On the final passage of bills, the votes and names of the members voting thereon shall be entered in the journal.

Sec. 27. No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.

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

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

Sec. 30. The assent of two-thirds of the members elected to and serving in each house of the legislature shall be required for the appropriation of public money or property for local or private purposes.

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

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

Sec. 33. Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law. If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not be-

come law. If he does not approve, and the legislature continues the session at which the bill was passed, he shall return it within such 14-day period with his objections, to the house in which it originated. That house shall enter such objections in full in its journal and reconsider the bill. If two-thirds of the members elected to and serving in that house pass the bill notwithstanding the objections of the governor, it shall be sent with the objections to the other house for reconsideration. The bill shall become law if passed by two-thirds of the members elected to and serving in that house. The vote of each house shall be entered in the journal with the votes and names of the members voting thereon. If any bill is not returned by the governor within such 14-day period, the legislature continuing in session, it shall become law as if he had signed it.

Sec. 34. Any bill passed by the legislature and approved by the governor, except a bill appropriating money, may provide that it will not become law unless approved by a majority of the electors voting thereon.

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

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

Sec. 37. The legislature may by concurrent resolution empower a joint committee of the legislature acting between sessions to suspend until the end of the next regular legislative session any rule or regulation of an administrative agency promulgated when the legislature is not in regular session.

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

Sec. 39. In order to insure continuity of state and local governmental operations in periods of emergency only, resulting from disasters occurring in this state caused by enemy attack on the United States, the legislature may provide by law for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices; and enact other laws necessary and proper for insuring the continuity of governmental operations. Notwithstanding the power conferred by this section, elections shall always

be called as soon as possible to fill any vacancies in elective offices temporarily occupied by operation of any legislation enacted pursuant to the provisions of this section.

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

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

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

Sec. 43. No general law providing for the incorporation of trust companies or corporations for banking purposes, or regulating the business thereof, shall be enacted, amended or repealed except by a vote of two-thirds of the members elected to and serving in each house.

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

Sec. 45. The legislature may provide for indeterminate sentences as punishment for crime and for the detention and release of persons imprisoned or detained under such sentences.

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

Sec. 47. The legislature may authorize the employment of chaplains in state institutions of detention or confinement.

Sec. 48. The legislature may enact laws providing for the resolution of disputes concerning public employees, except those in the state classified civil service.

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

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

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

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

natural resources of the state from pollution, impairment and destruction.

Sec. 53. The legislature by a majority vote of the members elected to and serving in each house, shall appoint an auditor general, who shall be a certified public accountant licensed to practice in this state, to serve for a term of eight years. He shall be ineligible for appointment or election to any other public office in this state from which compensation is derived while serving as auditor general and for two years following the termination of his service. He may be removed for cause at any time by a two-thirds vote of the members elected to and serving in each house. The auditor general shall conduct post audits of financial transactions and accounts of the state and of all branches, departments, offices, boards, commissions, agencies, authorities and institutions of the state established by this constitution or by law, and performance post audits thereof.

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

Nothing in this section shall be construed in any way to infringe the responsibility and constitutional authority of the governing boards of the institutions of higher education to be solely responsible for the control and direction of all expenditures from the institutions' funds.

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

## Article V

### Executive Branch

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

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

Subsequent to the initial allocation, the governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these

changes require the force of law, they shall be set forth in executive orders and submitted to the legislature. Thereafter the legislature shall have 60 calendar days of a regular session, or a full session if of shorter duration, to disapprove each executive order. Unless disapproved in both houses by a resolution concurred in by a majority of the members elected to and serving in each house, each order shall become effective at a date thereafter to be designated by the governor.

Sec. 3. The head of each principal department shall be a single executive unless otherwise provided in this constitution or by law. The single executives heading principal departments shall include a secretary of state, a state treasurer and an attorney general. When a single executive is the head of a principal department, unless elected or appointed as otherwise provided in this constitution, he shall be appointed by the governor by and with the advice and consent of the senate and he shall serve at the pleasure of the governor.

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

Terms of office of any board or commission created or enlarged after the effective date of this constitution shall not exceed four years except as otherwise authorized in this constitution. The terms of office of existing boards and commissions which are longer than four years shall not be further extended except as provided in this constitution.

Sec. 4. Temporary commissions or agencies for special purposes with a life of no more than two years may be established by law and need not be allocated within a principal department.

Sec. 5. At no time shall an examining or licensing board of a profession include less than a majority of members of that profession.

Sec. 6. Appointment by and with the advice and consent of the senate when used in this constitution or laws in effect or hereafter enacted means appointment subject to disapproval by a majority vote of the members elected to and serving in the senate if such action is taken within 60 session days after the date of such appointment. Any appointment not disapproved within such period shall stand confirmed.

Sec. 7. Vacancies in any office, appointment to which requires advice and consent of the senate, shall be filled by the governor by and with the advice and consent of the senate. A person whose appointment has been disapproved by the senate shall not be eligible for an interim appointment

to the same office.

Sec. 8. Each principal department shall be under the supervision of the governor unless otherwise provided by this constitution. The governor shall take care that the laws be faithfully executed. He shall transact all necessary business with the officers of government and may require information in writing from all executive and administrative state officers, elective and appointive, upon any subject relating to the duties of their respective offices.

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

Sec. 9. Single executives heading principal departments and the chief executive officers of principal departments headed by boards or commissions shall keep their offices at the seat of government except as otherwise provided by law, superintend them in person and perform duties prescribed by law.

Sec. 10. The governor shall have power and it shall be his duty to inquire into the condition and administration of any public office and the acts of any public officer, elective or appointive. He may remove or suspend from office for gross neglect of duty or for corrupt conduct in office, or for any other misfeasance or malfeasance therein, any elective or appointive state officer, except legislative or judicial, and shall report the reasons for such removal or suspension to the legislature.

Sec. 11. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an appointed or elected officer, other than a legislative or judicial officer, until he is reinstated or until the vacancy is filled in the manner prescribed by law or this constitution.

Sec. 12. The governor shall be commander-in-chief of the armed forces and may call them out to execute the laws, suppress insurrection and repel invasion.

Sec. 13. The governor shall issue writs of election to fill vacancies in the senate or house of representatives. Any such election shall be held in a manner prescribed by law.

Sec. 14. The governor shall have power to grant reprieves, commutations and pardons after convictions for all offenses, except cases of impeachment, upon such conditions and limitations as he may direct, subject to procedures and regulations prescribed by law. He shall inform the legislature annually of each reprieve, commutation and pardon granted, stating reasons

therefor.

Sec. 15. The governor may convene the legislature on extraordinary occasions.

Sec. 16. The governor may convene the legislature at some other place when the seat of government becomes dangerous from any cause.

Sec. 17. The governor shall communicate by message to the legislature at the beginning of each session and may at other times present to the legislature information as to the affairs of the state and recommend measures he considers necessary or desirable.

Sec. 18. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state. Proposed expenditures from any fund shall not exceed the estimated revenue thereof. On the same date, the governor shall submit to the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills to provide new or additional revenues to meet proposed expenditures. The amount of any surplus created or deficit incurred in any fund during the last preceding fiscal period shall be entered as an item in the budget and in one of the appropriation bills. The governor may submit amendments to appropriation bills to be offered in either house during consideration of the bill by that house, and shall submit any bills to meet deficiencies in current appropriations.

Sec. 19. The governor may disapprove any distinct item or items appropriating moneys in any appropriation bill. The part or parts approved shall become law, and the item or items disapproved shall be void unless re-passed according to the method prescribed for the passage of other bills over the executive veto.

Sec. 20. No appropriation shall be a mandate to spend. The governor, with the approval of the appropriating committees of the house and senate, shall reduce expenditures authorized by appropriations whenever it appears that actual revenues for a fiscal period will fall below the revenue estimates on which appropriations for that period were based. Reductions in expenditures shall be made in accordance with procedures prescribed by law. The governor may not reduce expenditures of the legislative and judicial branches or from funds constitutionally dedicated for specific purposes.

Sec. 21. The governor, lieutenant governor, secretary of state and attorney general shall be elected for four-year terms at the general election in each alternate even-numbered year.

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

for the candidates for governor and lieutenant governor nominated by the same party.

Vacancies in the office of the secretary of state and attorney general shall be filled by appointment by the governor.

Sec. 22. To be eligible for the office of governor or lieutenant governor a person must have attained the age of 30 years, and have been a registered elector in this state for four years next preceding his election.

Sec. 23. The governor, lieutenant governor, secretary of state and attorney general shall each receive the compensation provided by law in full payment for all services performed and expenses incurred during his term of office. Such compensation shall not be changed during the term of office except as otherwise provided in this constitution.

Sec. 24. An executive residence suitably furnished shall be provided at the seat of government for the use of the governor. He shall receive an allowance for its maintenance as provided by law.

Sec. 25. The lieutenant governor shall be president of the senate, but shall have no vote except in case of equal division. He may perform duties requested of him by the governor, but no power vested in the governor shall be delegated.

Sec. 26. In case of the conviction of the governor on impeachment, his removal from office, his resignation or his death, the lieutenant governor, the elected secretary of state, the elected attorney general and such other persons designated by law shall in that order be governor for the remainder of the governor's term.

In case of the death of the governor-elect, the lieutenant governor-elect, the secretary of state-elect, the attorney general-elect and such other persons designated by law shall become governor in that order at the commencement of the governor-elect's term.

If the governor or the person in line of succession to serve as governor is absent from the state, or suffering under an inability, the powers and duties of the office of governor shall devolve in order of precedence until the absence or inability giving rise to the devolution of powers ceases.

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

Sec. 27. The legislature shall provide that the salary of any state officer while acting as governor shall be equal to that of the governor.

Sec. 28. There is hereby established a state highway commission, which shall administer the state highway department and have jurisdiction



and control over all state trunkline highways and appurtenant facilities, and such other public works of the state, as provided by law.

The state highway commission shall consist of four members, not more than two of whom shall be members of the same political party. They shall be appointed by the governor by and with the advice and consent of the senate for four-year terms, no two of which shall expire in the same year as provided by law.

The state highway commission shall appoint and may remove a state highway director, who shall be a competent highway engineer and administrator. He shall be the principal executive officer of the state highway department and shall be responsible for executing the policy of the state highway commission.

Sec. 29. There is hereby established a civil rights commission which shall consist of eight persons, not more than four of whom shall be members of the same political party, who shall be appointed by the governor, by and with the advice and consent of the senate, for four-year terms not more than two of which shall expire in the same year. It shall be the duty of the commission in a manner which may be prescribed by law to investigate alleged discrimination against any person because of religion, race, color or national origin in the enjoyment of the civil rights guaranteed by law and by this constitution, and to secure the equal protection of such civil rights without such discrimination. The legislature shall provide an annual appropriation for the effective operation of the commission.

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

Appeals from final orders of the commission, including cease and desist orders and refusals to issue complaints, shall be tried de novo before the circuit court having jurisdiction provided by law.

## Article VI Judicial Branch

Sec. 1. The judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction

known as the circuit court, one probate court, and other courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.

Sec. 2. The supreme court shall consist of seven justices elected at non-partisan elections as provided by law. The term of office shall be eight years and not more than two terms of office shall expire at the same time. Nominations for justices of the supreme court shall be in the manner prescribed by law. Any incumbent justice whose term is to expire may become a candidate for re-election by filing an affidavit of candidacy, in the form and manner prescribed by law, not less than 180 days prior to the expiration of his term.

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

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

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

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

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

Sec. 8. The court of appeals shall consist initially of nine judges who shall be nominated and elected at non-partisan elections from districts drawn on county lines and as nearly as possible of equal population, as provided by law. The

supreme court may prescribe by rule that the court of appeals may sit in divisions and for the terms of court and the times and places thereof. Each such division shall consist of not fewer than three judges. The number of judges comprising the court of appeals may be increased, and the districts from which they are elected may be changed by law.

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

Sec. 10. The jurisdiction of the court of appeals shall be provided by law and the practice and procedure therein shall be prescribed by rules of the supreme court.

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

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

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

Sec. 14. The clerk of each county organized for judicial purposes or other officer performing the duties of such office as provided in a county charter shall be clerk of the circuit court for such

county. The judges of the circuit court may fill a vacancy in an elective office of county clerk or prosecuting attorney within their respective jurisdictions.

Sec. 15. In each county organized for judicial purposes there shall be a probate court. The legislature may create or alter probate court districts of more than one county if approved in each affected county by a majority of the electors voting on the question. The legislature may provide for the combination of the office of probate judge with any judicial office of limited jurisdiction within a county with supplemental salary as provided by law. The jurisdiction, powers and duties of the probate court and of the judges thereof shall be provided by law. They shall have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

Sec. 16. One or more judges of probate as provided by law shall be nominated and elected at non-partisan elections in the counties or the probate districts in which they reside and shall hold office for terms of six years and until their successors are elected and qualified. In counties or districts with more than one judge the terms of office shall be arranged by law to provide that not all terms will expire at the same time.

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

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

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

Sec. 19. The supreme court, the court of appeals, the circuit court, the probate court and other courts designated as such by the legislature shall be courts of record and each shall have a common seal. Justices and judges of courts of record must be persons who are licensed to practice law in this state. No person shall be elected or appointed to a judicial office after reaching the age of 70 years.

1 Sec. 20. Whenever a justice or judge removes  
2 his domicile beyond the limits of the territory  
3 from which he was elected, he shall have vacated  
4 his office.

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

10 Sec. 22. Any elected judge of the court of  
11 appeals, circuit court or probate court may be-  
12 come a candidate in the primary election for the  
13 office of which he is the incumbent by filing an  
14 affidavit of candidacy in the form and manner  
15 prescribed by law.

16 Sec. 23. A vacancy in the elective office of a  
17 judge of any court of record shall be filled at a  
18 general or special election as provided by law.  
19 The supreme court may authorize persons who  
20 have served as judges and who have retired, to  
21 perform judicial duties for the limited period of  
22 time from the occurrence of the vacancy until  
23 the successor is elected and qualified. Such per-  
24 sons shall be ineligible for election to fill the  
25 vacancy.

26 Sec. 24. There shall be printed upon the ballot  
27 under the name of each elected incumbent justice  
28 or judge who is a candidate for nomination or  
29 election to the same office the designation of  
30 that office.

31 Sec. 25. For reasonable cause, which is not  
32 sufficient ground for impeachment, the governor  
33 shall remove any judge on a concurrent resolution  
34 of two-thirds of the members elected to and serv-  
35 ing in each house of the legislature. The cause  
36 for removal shall be stated at length in the  
37 resolution.

38 Sec. 26. The offices of circuit court commis-  
39 sioner and justice of the peace are abolished at  
40 the expiration of five years from the date this  
41 constitution becomes effective or may within this  
42 period be abolished by law. Their jurisdiction,  
43 compensation and powers within this period shall  
44 be as provided by law. Within this five-year period,  
45 the legislature shall establish a court or courts  
46 of limited jurisdiction with powers and jurisdic-  
47 tion defined by law. The location of such court  
48 or courts, and the qualifications, tenure, method  
49 of election and salary of the judges of such court  
50 or courts, and by what governmental units the  
51 judges shall be paid, shall be provided by law,  
52 subject to the limitations contained in this Article.

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

57 Sec. 27. The supreme court, the court of ap-  
58 peals, the circuit court, or any justices or judges  
59 thereof, shall not exercise any power of appoint-  
60 ment to public office except as provided in this

constitution.

1 Sec. 28. All final decisions, findings, rulings  
2 and orders of any administrative officer or agency  
3 existing under the constitution or by law, which  
4 are judicial or quasi-judicial and affect private  
5 rights or licenses, shall be subject to direct re-  
6 view by the courts as provided by law. This re-  
7 view shall include, as a minimum, the determina-  
8 tion whether such final decisions, findings, rulings  
9 and orders are authorized by law; and, in cases in  
10 which a hearing is required, whether the same  
11 are supported by competent, material and sub-  
12 stantial evidence on the whole record. Findings  
13 of fact in workmen's compensation proceedings  
14 shall be conclusive in the absence of fraud un-  
15 less otherwise provided by law.

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

## Article VII

### Local Government

1 Sec. 1. Each organized county shall be a body  
2 corporate with powers and immunities provided  
3 by law.

4 Sec. 2. Any county may frame, adopt, amend  
5 or repeal a county charter in a manner and with  
6 powers and limitations to be provided by general  
7 law, which shall among other things provide for  
8 the election of a charter commission. The law  
9 may permit the organization of county govern-  
10 ment in form different from that set forth in this  
11 constitution and shall limit the rate of ad valorem  
12 property taxation for county purposes, and re-  
13 strict the powers of charter counties to borrow  
14 money and contract debts. Each charter county  
15 is hereby granted power to levy other taxes for  
16 county purposes subject to limitations and pro-  
17 hibitions set forth in this constitution or law.  
18 Subject to law, a county charter may authorize  
19 the county through its regularly constituted  
20 authority to adopt resolutions and ordinances re-  
21 lating to its concerns.

22 The board of supervisors by a majority vote  
23 of its members may, and upon petition of five  
24 percent of the electors shall, place upon the ballot  
25 the question of electing a commission to frame a  
26 charter.

27 No county charter shall be adopted, amended  
28 or repealed until approved by a majority of elec-  
29 tors voting on the question.

30 Sec. 3. No organized county shall be reduced  
31 by the organization of new counties to less than  
32 16 townships as surveyed by the United States,  
33 unless approved in the manner prescribed by law  
34 by a majority of electors voting thereon in each  
35 county to be affected.

36 Sec. 4. There shall be elected for four-year  
37 terms in each organized county a sheriff, a county

clerk, a county treasurer, a register of deeds and a prosecuting attorney, whose duties and powers shall be provided by law. The board of supervisors in any county may combine the offices of county clerk and register of deeds in one office or separate the same at pleasure.

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

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

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

Sec. 8. Boards of supervisors shall have legislative, administrative and such other powers and duties as provided by law.

Sec. 9. Boards of supervisors shall have exclusive power to fix the compensation of county officers not otherwise provided by law.

Sec. 10. A county seat once established shall not be removed until the place to which it is proposed to be moved shall be designated by two-thirds of the members of the board of supervisors and a majority of the electors voting thereon shall have approved the proposed location in the manner prescribed by law.

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

Sec. 12. A navigable stream shall not be bridged or dammed without permission granted by the board of supervisors of the county as provided by law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and political subdivisions therein.

Sec. 13. Two or more contiguous counties may combine into a single county if approved in each affected county by a majority of the electors voting on the question.

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

Sec. 15. Any county, when authorized by its board of supervisors shall have the authority to enter or to intervene in any action or certificate proceeding involving the services, charges or rates of any privately owned public utility furnishing services or commodities to rate payers within the county.

Sec. 16. The legislature may provide for the laying out, construction, improvement and maintenance of highways, bridges, culverts and airports by the state and by the counties and townships thereof; and may authorize counties to take charge and control of any highway within their limits for such purposes. The legislature may provide the powers and duties of counties in relation to highways, bridges, culverts and airports; may provide for county road commissioners to be appointed or elected, with powers and duties provided by law. The ad valorem property tax imposed for road purposes by any county shall not exceed in any year one-half of one percent of the assessed valuation for the preceding year.

Sec. 17. Each organized township shall be a body corporate with powers and immunities provided by law.

Sec. 18. In each organized township there shall be elected for terms of not less than two nor more than four years as prescribed by law a supervisor, a clerk, a treasurer, and not to exceed four trustees, whose legislative and administrative powers and duties shall be provided by law.

Sec. 19. No organized township shall grant any public utility franchise which is not subject to revocation at the will of the township, unless the proposition shall first have been approved by a majority of the electors of such township voting thereon at a regular or special election.

Sec. 20. The legislature shall provide by law for the dissolution of township government whenever all the territory of an organized township is included within the boundaries of a village or villages notwithstanding that a village may include territory within another organized township and provide by law for the classification of such village or villages as cities.

Sec. 21. The legislature shall provide by general laws for the incorporation of cities and villages. Such laws shall limit their rate of ad valorem property taxation for municipal purposes, and restrict the powers of cities and villages to borrow money and contract debts. Each city and village is granted power to levy other taxes for public purposes, subject to limitations and prohibitions provided by this constitution or by law.

Sec. 22. Under general laws the electors of each city and village shall have the power and authority to frame, adopt and amend its charter, and to amend an existing charter of the city or village heretofore granted or enacted by the legislature for the government of the city or village. Each such city and village shall have power to adopt resolutions and ordinances relating to its municipal concerns, property and government, subject to the constitution and law. No enumeration of powers granted to cities and villages in this constitution shall limit or restrict the general grant of authority conferred by this section.

1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60

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

Sec. 24. Subject to this constitution, any city or village may acquire, own or operate, within or without its corporate limits, public service facilities for supplying water, light, heat, power, sewage disposal and transportation to the municipality and the inhabitants thereof.

Any city or village may sell and deliver heat, power or light without its corporate limits in an amount not exceeding 25 percent of that furnished by it within the corporate limits, except as greater amounts may be permitted by law; may sell and deliver water and provide sewage disposal services outside of its corporate limits in such amount as may be determined by the legislative body of the city or village; and may operate transportation lines outside the municipality within such limits as may be prescribed by law.

Sec. 25. No city or village shall acquire any public utility furnishing light, heat or power, or grant any public utility franchise which is not subject to revocation at the will of the city or village, unless the proposition shall first have been approved by three-fifths of the electors voting thereon. No city or village may sell any public utility unless the proposition shall first have been approved by a majority of the electors voting thereon, or a greater number if the charter shall so provide.

Sec. 26. Except as otherwise provided in this constitution, no city or village shall have the power to loan its credit for any private purpose or, except as provided by law, for any public purpose.

Sec. 27. Notwithstanding any other provision of this constitution the legislature may establish in metropolitan areas additional forms of government or authorities with powers, duties and jurisdictions as the legislature shall provide. Whenever possible, such additional forms of government or authorities shall be designed to perform multi-purpose functions rather than a single function.

Sec. 28. The legislature by general law shall authorize two or more counties, townships, cities, villages or districts, or any combination thereof among other things to: enter into contractual undertakings or agreements with one another or with the state or with any combination thereof for the joint administration of any of the functions or powers which each would have the power to perform separately; share the costs and responsibilities of functions and services with one another or with the state or with any combination thereof which each would have the power to perform separately; transfer functions or responsibilities

to one another or any combination thereof upon the consent of each unit involved; cooperate with one another and with state government; lend their credit to one another or any combination thereof as provided by law in connection with any authorized publicly owned undertaking.

Any other provision of this constitution notwithstanding, an officer or employee of the state or any such unit of government or subdivision or agency thereof, except members of the legislature, may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service.

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

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

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

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

Sec. 33. Any elected officer of a political subdivision may be removed from office in the manner and for the causes provided by law.

Sec. 34. The provisions of this constitution and law concerning counties, townships, cities and villages shall be liberally construed in their favor. Powers granted to counties and townships by this constitution and by law shall include those fairly implied and not prohibited by this constitution.

## Article VIII Education

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



1 Sec. 2. The legislature shall maintain and sup-  
 2 port a system of free public elementary and sec-  
 3 ondary schools as defined by law. Every school  
 4 district shall provide for the education of its  
 5 pupils without discrimination as to religion, creed,  
 6 race, color or national origin.

7 Sec. 3. Leadership and general supervision over  
 8 all public education, including adult education and  
 9 instructional programs in state institutions, except  
 10 as to institutions of higher education granting  
 11 baccalaureate degrees, is vested in a state board  
 12 of education. It shall serve as the general plan-  
 13 ning and coordinating body for all public educa-  
 14 tion, including higher education, and shall advise  
 15 the legislature as to the financial requirements  
 16 in connection therewith.

17 The state board of education shall appoint a  
 18 superintendent of public instruction whose term  
 19 of office shall be determined by the board. He  
 20 shall be the chairman of the board without the  
 21 right to vote, and shall be responsible for the  
 22 execution of its policies. He shall be the principal  
 23 executive officer of a state department of educa-  
 24 tion which shall have powers and duties provided  
 25 by law.

26 The state board of education shall consist of  
 27 eight members who shall be nominated by party  
 28 conventions and elected at large for terms of  
 29 eight years as prescribed by law. The governor  
 30 shall fill any vacancy by appointment for the  
 31 unexpired term. The governor shall be ex-officio  
 32 a member of the state board of education with-  
 33 out the right to vote.

34 The power of the boards of institutions of higher  
 35 education provided in this constitution to super-  
 36 vise their respective institutions and control and  
 37 direct the expenditure of the institutions' funds  
 38 shall not be limited by this section.

39 Sec. 4. The legislature shall appropriate  
 40 moneys to maintain the university of Michigan,  
 41 Michigan State University, Wayne State Univer-  
 42 sity, Eastern Michigan University, Michigan Col-  
 43 lege of Science and Technology, Central Michi-  
 44 gan University, Northern Michigan University,  
 45 Western Michigan University, Ferris Institute,  
 46 Grand Valley State College, by whatever names  
 47 such institutions may hereafter be known, and  
 48 other institutions of higher education established  
 49 by law. The legislature shall be given an annual  
 50 accounting of all income and expenditures by each  
 51 of these educational institutions. Formal sessions  
 52 of governing boards of such institutions shall be  
 53 open to the public.

54 Sec. 5. The regents of the University of Michi-  
 55 gan and their successors in office shall constitute  
 56 a body corporate known as the Regents of the  
 57 University of Michigan; the trustees of Michigan  
 58 State University and their successors in office shall  
 59 constitute a body corporate known as the Board  
 60 of Trustees of Michigan State University; the

governors of Wayne State University and their  
 successors in office shall constitute a body corpor-  
 ate known as the Board of Governors of Wayne  
 State University. Each board shall have general  
 supervision of its institution and the control and  
 direction of all expenditures from the institution's  
 funds. Each board shall, as often as necessary,  
 elect a president of the institution under its su-  
 pervision. He shall be the principal executive of-  
 ficer of the institution, be ex-officio a member of  
 the board without the right to vote and preside  
 at meetings of the board. The board of each in-  
 stitution shall consist of eight members who shall  
 hold office for terms of eight years and who shall  
 be elected as provided by law. The governor shall  
 fill board vacancies by appointment. Each ap-  
 pointee shall hold office until a successor has been  
 nominated and elected as provided by law.

Sec. 6. Other institutions of higher education  
 established by law having authority to grant  
 baccalaureate degrees shall each be governed by  
 a board of control which shall be a body corporate.  
 The board shall have general supervision of the  
 institution and the control and direction of all  
 expenditures from the institution's funds. It shall,  
 as often as necessary, elect a president of the in-  
 stitution under its supervision. He shall be the  
 principal executive officer of the institution and  
 be ex-officio a member of the board without the  
 right to vote. The board may elect one of its mem-  
 bers or may designate the president, to preside at  
 board meetings. Each board of control shall con-  
 sist of eight members who shall hold office for  
 terms of eight years, not more than two of which  
 shall expire in the same year, and who shall be  
 appointed by the governor by and with the ad-  
 vice and consent of the senate. Vacancies shall  
 be filled in like manner.

Sec. 7. The legislature shall provide by law  
 for the establishment and financial support of  
 public community and junior colleges which shall  
 be supervised and controlled by locally elected  
 boards. The legislature shall provide by law for  
 a state board for public community and junior  
 colleges which shall advise the state board of  
 education concerning general supervision and plan-  
 ning for such colleges and requests for annual  
 appropriations for their support. The board shall  
 consist of eight members who shall hold office  
 for terms of eight years, not more than two of  
 which shall expire in the same year, and who shall  
 be appointed by the state board of education. Va-  
 cancies shall be filled in like manner. The super-  
 intendent of public instruction shall be ex-officio  
 a member of this board without the right to vote.

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



1 Sec. 9. The legislature shall provide by law for  
2 the establishment and support of public libraries  
3 which shall be available to all residents of the state  
4 under regulations adopted by the governing bodies  
5 thereof. All fines assessed and collected in the  
6 several counties, cities and townships for any  
7 breach of the penal laws shall be exclusively ap-  
8 plied to the support of such public libraries, and  
9 county law libraries as provided by law.

## Article IX

### Finance and Taxation

13 Sec. 1. The legislature shall impose taxes suf-  
14 ficient with other resources to pay the expenses of  
15 state government.

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

18 Sec. 3. The legislature shall provide for the  
19 uniform general ad valorem taxation of real and  
20 tangible personal property not exempt by law. The  
21 legislature shall provide for the determination of  
22 true cash value of such property; the proportion  
23 of true cash value at which such property shall  
24 be uniformly assessed, which shall not, after  
25 January 1, 1966, exceed 50 percent; and for a sys-  
26 tem of equalization of assessments. The legislature  
27 may provide for alternative means of taxation of  
28 designated real and tangible personal property in  
29 lieu of general ad valorem taxation. Every tax  
30 other than the general ad valorem property tax  
31 shall be uniform upon the class or classes on  
32 which it operates.

33 Sec. 4. Property owned and occupied by non-  
34 profit religious or educational organizations and  
35 used exclusively for religious or educational pur-  
36 poses, as defined by law, shall be exempt from  
37 real and personal property taxes.

38 Sec. 5. The legislature shall provide for the  
39 assessment by the state of the property of those  
40 public service businesses assessed by the state  
41 at the date this constitution becomes effective, and  
42 of other property as designated by the legislature,  
43 and for the imposition and collection of taxes  
44 thereon. Property assessed by the state shall be  
45 assessed at the same proportion of its true  
46 cash value as the legislature shall specify for  
47 property subject to general ad valorem taxation.  
48 The rate of taxation on such property shall be  
49 the average rate levied upon other property in this  
50 state under the general ad valorem tax law, or,  
51 if the legislature provides, the rate of tax applicable  
52 to the property of each business enterprise assessed  
53 by the state shall be the average rate of ad valorem  
54 taxation levied upon other property in all counties  
55 in which any of such property is situated.

56 Sec. 6. Except as otherwise provided in this  
57 constitution, the total amount of general ad valo-  
58 rem taxes imposed upon real and tangible per-  
59 sonal property for all purposes in any one year  
60 shall not exceed 15 mills on each dollar of the

1 assessed valuation of property as finally equalized.  
2 Under procedures provided by law, which shall  
3 guarantee the right of initiative, separate tax  
4 limitations for any county and for the townships  
5 and for school districts therein, the aggregate of  
6 which shall not exceed 18 mills on each dollar of  
7 such valuation, may be adopted and thereafter  
8 altered by the vote of a majority of the qualified  
9 electors of such county voting thereon, in lieu  
10 of the limitation hereinbefore established. These  
11 limitations may be increased to an aggregate of  
12 not to exceed 50 mills on each dollar of valuation,  
13 for a period of not to exceed 20 years at any one  
14 time, if approved by a majority of the electors,  
15 qualified under Section 6 of Article II of this  
16 constitution, voting on the question.

17 The foregoing limitations shall not apply to  
18 taxes imposed for the payment of principal and  
19 interest on bonds or other evidences of indebted-  
20 ness or for the payment of assessments or con-  
21 tract obligations in anticipation of which bonds  
22 are issued, which taxes may be imposed without  
23 limitation as to rate or amount; or to taxes im-  
24 posed for any other purpose by any city, vil-  
25 lage, charter county, charter township, charter  
26 authority or other authority, the tax limitations  
27 of which are provided by charter or by general  
28 law.

29 In any school district which extends into two  
30 or more counties, property taxes at the highest  
31 rate available in the county which contains the  
32 greatest part of the area of the district may be  
33 imposed and collected for school purposes through-  
34 out the district.

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

38 Sec. 8. The legislature shall not impose a  
39 sales tax on retailers at a rate of more than  
40 four percent of their gross taxable sales of  
41 tangible personal property.

42 Sec. 9. All specific taxes, except general sales  
43 and use taxes and regulatory fees, imposed di-  
44 rectly or indirectly on fuels sold or used  
45 to propel motor vehicles upon highways and on  
46 registered motor vehicles shall, after the payment  
47 of necessary collection expenses, be used exclusi-  
48 vely for highway purposes as defined by law.

49 Sec. 10. One-eighth of all taxes imposed on  
50 retailers on taxable sales at retail of tangible  
51 personal property shall be used exclusively for  
52 assistance to townships, cities and villages, on  
53 a population basis as provided by law. In de-  
54 termining population the legislature may exclude  
55 any portion of the total number of persons who  
56 are wards, patients or convicts in any tax sup-  
57 ported institution.

58 Sec. 11. There shall be established a state  
59 school aid fund which shall be used exclusively  
60 for the support of public education and school

employees' retirement systems, as provided by law. One-half of all taxes imposed on retailers on taxable sales at retail of tangible personal property, and other tax revenues provided by law, shall be dedicated to this fund. Payments from this fund shall be made in full on a scheduled basis, as provided by law.

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

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

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

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

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

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

The term "qualified bonds" means general obli-

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

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

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

The power to tax for the payment of principal and interest on bonds hereafter issued which are the general obligations of any school district, including refunding bonds, and for repayment of any state loans made to school districts, shall be without limitation as to rate or amount.

All rights acquired under Sections 27 and 28 of Article X of the Constitution of 1908, by holders of bonds heretofore issued, and all obligations assumed by the state or any school district under these sections, shall remain unimpaired.

Sec. 17. No money shall be paid out of the state treasury except in pursuance of appropriations made by law.

Sec. 18. The credit of the state shall not be granted to, nor in aid of any person, association or corporation, public or private, except as authorized in this constitution.

This section shall not be construed to prohibit the investment of public funds until needed for current requirements or the investment of funds accumulated to provide retirement or pension benefits for public officials and employees, as provided by law.

Sec. 19. The state shall not subscribe to, nor be interested in the stock of any company, association or corporation, except that funds accumulated to provide retirement or pension benefits for public officials and employees may be invested as provided by law; and endowment funds created for charitable or educational purposes may be invested as provided by law governing the investment of funds held in trust by trustees.

Sec. 20. No state money shall be deposited in banks other than those organized under the national or state banking laws. No state money

1 shall be deposited in any bank in excess of 50  
2 percent of the capital and surplus of such bank.  
3 Any bank receiving deposits of state money shall  
4 show the amount of state money so deposited as  
5 a separate item in all published statements.

6 Sec. 21. The legislature shall provide by law  
7 for the annual accounting for all public moneys,  
8 state and local, and may provide by law for interim  
9 accounting.

10 The legislature shall provide by law for the  
11 maintenance of uniform accounting systems by  
12 units of local government and the auditing of  
13 county accounts by competent state authority  
14 and other units of government as provided by law.

15 Sec. 22. Procedures for the examination and  
16 adjustment of claims against the state shall be  
17 prescribed by law.

18 Sec. 23. All financial records, accountings,  
19 audit reports and other reports of public moneys  
20 shall be public records and open to inspection. A  
21 statement of all revenues and expenditures of pub-  
22 lic moneys shall be published and distributed  
23 annually, as provided by law.

24 Sec. 24. The accrued financial benefits of each  
25 pension plan and retirement system of the state  
26 and its political subdivisions shall be a contractual  
27 obligation thereof which shall not be diminished  
28 or impaired thereby.

29 Financial benefits arising on account of service  
30 rendered in each fiscal year shall be funded during  
31 that year and such funding shall not be used for  
32 financing unfunded accrued liabilities.

#### Article X Property

33 Sec. 1. The disabilities of coverture as to prop-  
34 erty are abolished. The real and personal estate of  
35 every woman acquired before marriage and all  
36 real and personal property to which she may after-  
37 wards become entitled shall be and remain the  
38 estate and property of such woman, and shall not  
39 be liable for the debts, obligations or engagements  
40 of her husband, and may be dealt with and dis-  
41 posed of by her as if she were unmarried. Dower  
42 may be relinquished or conveyed as provided by  
43 law.

44 Sec. 2. Private property shall not be taken for  
45 public use without just compensation therefor  
46 being first made or secured in a manner prescribed  
47 by law. The amount of compensation shall be  
48 determined in proceedings in a court of record.

49 Sec. 3. A homestead in the amount of not less  
50 than \$3,500 and personal property of every resi-  
51 dent of this state in the amount of not less than  
52 \$750, as defined by law, shall be exempt from  
53 forced sale on execution or other process of any  
54 court. Such exemptions shall not extend to any  
55 lien thereon excluded from exemption by law.

56 Sec. 4. Procedures relating to escheats and to  
57 the custody and disposition of escheated property

shall be prescribed by law.

58 Sec. 5. The legislature shall have general su-  
59 pervisory jurisdiction over all state owned lands  
60 useful for forest preserves, game areas and recrea-  
61 tional purposes; shall require annual reports as  
62 to such lands from all departments having super-  
63 vision or control thereof; and shall by general law  
64 provide for the sale, lease or other disposition of  
65 such lands.

66 The legislature by an act adopted by two-thirds  
67 of the members elected to and serving in each  
68 house may designate any part of such lands as  
69 a state land reserve. No lands in the state land  
70 reserve may be removed from the reserve, sold,  
71 leased or otherwise disposed of except by an act  
72 of the legislature.

73 Sec. 6. Aliens who are residents of this state  
74 shall enjoy the same rights and privileges in  
75 property as citizens of this state.

#### Article XI

##### Public Officers and Employment

76 Sec. 1. All officers, legislative, executive and  
77 judicial, before entering upon the duties of their  
78 respective offices, shall take and subscribe the  
79 following oath or affirmation: I do solemnly swear  
80 (or affirm) that I will support the Constitution  
81 of the United States and the constitution of this  
82 state, and that I will faithfully discharge the duties  
83 of the office of ..... according to the best of  
84 my ability. No other oath, affirmation, or any  
85 religious test shall be required as a qualification  
86 for any office or public trust.

87 Sec. 2. The terms of office of elective state  
88 officers, members of the legislature and justices  
89 and judges of courts of record shall begin at twelve  
90 o'clock noon on the first day of January next suc-  
91 ceeding their election, except as otherwise provided  
92 in this constitution. The terms of office of county  
93 officers shall begin on the first day of January  
94 next succeeding their election, except as otherwise  
95 provided by law.

96 Sec. 3. Neither the legislature nor any poli-  
97 tical subdivision of this state shall grant or author-  
98 ize extra compensation to any public officer, agent  
99 or contractor after the service has been rendered  
100 or the contract entered into.

101 Sec. 4. No person having custody or control of  
102 public moneys shall be a member of the legislature,  
103 or be eligible to any office of trust or profit under  
104 this state, until he shall have made an accounting,  
105 as provided by law, of all sums for which he may  
106 be liable.

107 Sec. 5. The classified state civil service shall  
108 consist of all positions in the state service except  
109 those filled by popular election, heads of principal  
110 departments, members of boards and commis-  
111 sions, the principal executive officer of boards and  
112 commissions heading principal departments, em-  
113 ployees of courts of record, employees of the legis-

lature, employees of the state institutions of higher education, all persons in the armed forces of the state, eight exempt positions in the office of the governor, and within each principal department, when requested by the department head, two other exempt positions, one of which shall be policy-making. The civil service commission may exempt three additional positions of a policy-making nature within each principal department.

The civil service commission shall be non-salaried and shall consist of four persons, not more than two of whom shall be members of the same political party, appointed by the governor for terms of eight years, no two of which shall expire in the same year.

The administration of the commission's powers shall be vested in a state personnel director who shall be a member of the classified service and who shall be responsible to and selected by the commission after open competitive examination.

The commission shall classify all positions in the classified service according to their respective duties and responsibilities, fix rates of compensation for all classes of positions, approve or disapprove disbursements for all personal services, determine by competitive examination and performance exclusively on the basis of merit, efficiency and fitness the qualifications of all candidates for positions in the classified service, make rules and regulations covering all personnel transactions, and regulate all conditions of employment in the classified service.

No person shall be appointed to or promoted in the classified service who has not been certified by the commission as qualified for such appointment or promotion. No appointments, promotions, demotions or removals in the classified service shall be made for religious, racial or partisan considerations.

Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year. Within 60 calendar days following such transmission, the legislature may, by a two-thirds vote of the members elected to and serving in each house, reject or reduce increases in rates of compensation authorized by the commission. Any reduction ordered by the legislature shall apply uniformly to all classes of employees affected by the increases and shall not adjust pay differentials already established by the civil service commission. The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases author-

ized by the commission.

The appointing authorities may create or abolish positions for reasons of administrative efficiency without the approval of the commission. Positions shall not be created nor abolished except for reasons of administrative efficiency. Any employee considering himself aggrieved by the abolition of a position shall have a right of appeal to the commission through established grievance procedures.

The civil service commission shall recommend to the governor and to the legislature rates of compensation for all appointed positions within the executive department not a part of the classified service.

To enable the commission to exercise its powers, the legislature shall appropriate to the commission for the ensuing fiscal year a sum not less than one percent of the aggregate payroll of the classified service for the preceding fiscal year, as certified by the commission. Within six months after the conclusion of each fiscal year the commission shall return to the state treasury all moneys unexpended for that fiscal year.

The commission shall furnish reports of expenditures, at least annually, to the governor and the legislature and shall be subject to annual audit as provided by law.

No payment for personal services shall be made or authorized until the provisions of this constitution pertaining to civil service have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

Sec. 6. By ordinance or resolution of its governing body which shall not take effect until approved by a majority of the electors voting thereon, unless otherwise provided by charter, each county, township, city, village, school district and other governmental unit or authority may establish, modify or discontinue a merit system for its employees other than teachers under contract or tenure. The state civil service commission may on request furnish technical services to any such unit on a reimbursable basis.

Sec. 7. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office or for crimes or misdemeanors, but a majority of the members elected and serving shall be necessary to direct an impeachment.

When an impeachment is directed, the house of representatives shall elect three of its members to prosecute the impeachment.

Every impeachment shall be tried by the senate immediately after the final adjournment of the legislature. The senators shall take an oath or affirmation truly and impartially to try and determine the impeachment according to the evi-

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 bor-

row money and may pledge its full faith and credit for refunding any bonds issued by the Mackinac Bridge Authority and at the time of refunding the Mackinac Bridge Authority shall be abolished and the operation of the bridge shall be assumed by the state highway department. The legislature may implement this section by law.

Sec. 16. This constitution shall be submitted to the people for their adoption or rejection at the general election to be held on the Tuesday after the first Monday of November, 1962. It shall be the duty of the secretary of state forthwith to give notice of such submission to all other officers required to give or publish any notice in regard to a general election. He shall give notice that this constitution will be duly submitted to the electors at such election. The notice shall be given in the manner required for the election of governor.

Sec. 17. Every registered elector may vote on the adoption of the constitution. The board of election commissioners in each county shall cause to be printed on a ballot separate from the ballot containing the names of the nominees for office, the words: Shall the revised constitution be adopted? ( ) Yes. ( ) No. All votes cast at the election shall be taken, counted, canvassed and returned as provided by law for the election of state officers. If the revised constitution so submitted receives more votes in its favor than were cast against it, it shall be the supreme law of the state on and after the first day of January of the year following its adoption.

*committee on style and drafting as offered and considered read, including the additional changes made by said committee on August 1. (For text as referred to said committee, see above, page 3275):*

1. Amend article II, section 6 (column 2) line 49, after "electors" by striking out "which involves" and inserting "for"; and after "increase of" by striking out "any" and inserting "the"; and line 50, after "limitation" by inserting "imposed by Section 6 of Article IX"; and line 51, after "or" by inserting "for".

2. Amend article II, section 9 (column 2) line 8, after "electors" by striking out "or three-fourths of the members elected to and serving in each house of the legislature.", and inserting "unless otherwise provided in the initiative measure or by three-fourths of the members elected to and serving in each house of the legislature.".

3. Amend article III, section 5 (column 2) line 36, after "subdivision" by inserting "thereof".

4. Amend article IV, section 2 (column 1) line 24, after "assigned" by striking out "an apportionment factor" and inserting "factors".

5. Amend article IV, section 2 (column 2) line 1, after "two or more" by striking out "senate districts" and inserting "senators".

6. Amend article IV, section 3 (column 2) line 54, after "population" by inserting a comma.

7. Amend article IV, section 6 (column 1) line 14, by striking out "persons" and inserting "electors"; and line 24, after "party.", by striking out "One member of the commission shall be selected by each political party organization from each of the following four regions.", and inserting "One resident of each of the following four regions shall be selected by each political party organization."; and line 27, after "(1)" do not capitalize "the"; and after "(2)" do not capitalize "the"; and line 31, after "(3)" do not capitalize "southwestern"; and line 35, after "(4)" do not capitalize "southeastern".

8. Amend article IV, section 6 (column 2) line 38, after "state or the" by striking out "apportionment".

9. Amend article IV, section 8 (column 2) line 56, after "public and" by striking out "officers" and inserting "members".

10. Amend article IV, section 17 (column 2) line 10, after "committees.", by striking out the sentence which reads, "Each committee shall by roll call vote record the vote and name of all action on bills and resolutions taken in the committee.", and inserting "On all actions on bills and resolutions in each committee, names and votes of members shall be recorded.".

11. Amend article IV, section 33 (column 2) line 1, after "If he" by striking out "does not approve" and inserting "disapproves".

12. Amend article IV, section 37 (column 2) line 36, after "Sec. 37.", by striking out the entire section which reads, "The legislature may by concurrent resolution empower a joint committee of the legislature acting between sessions to suspend until the end of the next regular legislative session any rule or regulation of an administrative agency promulgated when the legislature is not in regular session.", and inserting "The legislature may by concurrent resolution empower a joint committee of the legislature, acting between sessions, to suspend any rule or regulation promulgated by an administrative agency subsequent to the adjournment of the last preceding regular legislative session. Such suspension shall continue no longer than the end of the next regular legislative session.".

13. Amend article V, section 2 (column 1) line 4, after "full" by inserting "regular".

14. Amend article V, section 5 (column 1) line 43, after "Sec. 5.", by striking out the entire section which reads, "At no time shall an examining or licensing board of a profession include less than a majority of members of that profession.", and inserting "A majority of the members of an appointed examining or licensing board of a profession shall be members of that profession.".

15. Amend article V, section 18 (column 1) line 31, after "submit" by striking out "any".

16. Amend article V, section 25 (column 2) line 24, after "vote" by inserting a comma; and line 25, by striking out "except in case of equal division.", and inserting "unless they be equally divided.".

17. Amend article V, section 28 (column 1) line 10, after "same year" by inserting a comma.

18. Amend article VI, section 1 (column 2) line 2, by striking out "other".

19. Amend article VI, section 3 (column 2) line 20, by striking out "other".

20. Amend article VI, section 4 (column 2) line 28, after "hear" by striking out the comma.

21. Amend article VI, section 8 (column 1) line 2, after "appeals" by striking out "may".

22. Amend article VI, section 18 (column 2) line 38, after "increased" by striking out the comma.

23. Amend article VI, section 26 (column 1) line 52, do not capitalize "article".

24. Amend article VI, section 28 (column 2) following line 16, by striking out the entire second paragraph [This paragraph added by amendment on May 11, see above, page 3240; for section as amended, see above, page 3275] which reads:

"No appeal may be taken to any court from a decision of the state tax commission fixing the value of described property for property tax purposes or determining an appeal from a decision of the county tax allocation board.", and inserting a new paragraph to read as follows:

"In the absence of fraud, error of law or the adoption of wrong principles, no appeal may be taken to any court from any final agency provided for the administration of property tax laws from any decision relating to valuation or allocation.".

25. Amend article VII, section 31 (column 2) line 36, after "alley" by striking out the comma.

26. Amend article VIII, section 4 (column 1) line 40, capitalize "University".

27. Amend article VIII, section 8 (column 2) line 56, after "programs" by striking out the comma; and line 58, after "mentally" by striking out the comma.

28. Amend article VIII, section 9 (column 1) line 6, after "counties.", by striking out "cities and townships" and inserting "townships and cities".

29. Amend article IX, section 11 (column 2) line 60, after "for" by striking out "the support of public education" and inserting "aid to school districts, higher education".

30. Amend article XI, section 5 (column 2) line 8, after "tion" by inserting "or creation".

31. Amend article XI, section 7 (column 2) line 51, after "elected" by inserting "thereto"; and after "serving" by inserting "therein".

32. Amend article XII, the title (column 1) after "Amendment" by striking out "&" and inserting "and".

33. Amend article XII, section 3 (column 2) line 41, after "bers.", by striking out "The governor shall appoint a qualified resident of the same district to fill a vacancy in the office of any delegate who shall be a member of the same party as the delegate vacating the office.", and inserting "To fill a vacancy in the office of any delegate, the governor shall appoint a qualified resident of the same district who shall be a member of the same party as the delegate vacating the office.".

34. Amend the schedule, section 5 (column 1) line 58, after "general" by striking out the comma; and line 59, after "two" by inserting a hyphen, so that it will read "two-year".

35. Amend the schedule, section 6 (column 2) line 12, after "1908 constitution" by inserting "as amended in 1952".

36. Amend the schedule, section 6 (column 2) line 15, after "shall be" by striking out "divide" and inserting "divided".

against the secretary of state, by Mr. Van Dusen, chairman, submits the following report:

In accordance with Resolution 96, the committee on action against secretary of state on May 14, 1962, filed with the circuit court for the county of Ingham, a petition for declaration of rights in an action entitled, Stephen S. Nisbet, President of the Michigan Constitutional Convention of 1961-1962 v. James M. Hare, Secretary of State. The relief sought was a declaration that the convention has the right to provide for submission of the proposed new constitution to the electors at the general election to be held November 6, 1962. The summons and petition were served on the secretary of state on the same day.

On May 22, having had no response from the attorney general, petitioner filed a motion for the entry of a decree. On May 25, the secretary of state appeared specially by the attorney general and moved to dismiss the petition on the ground that the case did not present an actual controversy. The trial court heard argument on the attorney general's motion on June 1 and on June 6 rendered an opinion denying the motion to dismiss. An order to that effect was entered on June 11.

Instead of proceeding to file an answer, the attorney general then filed an application to the supreme court for leave to appeal. This application was granted by the supreme court and the attorney general, on July 2, filed a claim of appeal.

The attorney general has not yet filed a brief and he states that he does not intend to do so until after August 7.

It is obvious that no judicial determination of the right of the constitutional convention to require submission of the proposed constitution to the electors on November 6 will be made in time to be useful to the convention. Accordingly, the committee recommends:

1) That section 15 [formerly section 16] of the schedule and temporary provisions of the proposed constitution be amended by striking from the first sentence the words "Tuesday after the first Monday of November, 1962" and inserting "first Monday in April, 1963."

2) That the committee be authorized to discontinue the action entitled, Nisbet v. Hare.

Richard C. Van Dusen, chairman.

**MR. VAN DUSEN:** Mr. President, I move the adoption of the report.

**PRESIDENT NISBET:** The question is on the motion of Mr. Van Dusen that the report be adopted. Those in favor will say aye. Opposed, no.

The report is adopted. Mr. Van Dusen.

**MR. VAN DUSEN:** Mr. President, in compliance with our rules, I think it would now be necessary to take a roll call vote on the amendment to the constitution changing the date.

**PRESIDENT NISBET:** Mr. Chase will read the amendment.

**SECRETARY CHASE:** The amendment recommended in the report is as follows:

1. Amend the schedule, section 15 [formerly section 16] (column 2) line 11, after "held on the" by striking out "Tuesday after the first Monday of November, 1962.", and inserting "first Monday in April, 1963."

**PRESIDENT NISBET:** The secretary will call the roll. Those in favor of the amendment will vote aye as your name is called. Those opposed will vote no.

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

Yeas—141

Allen	Goebel	Page
Andrus, Miss	Gover	Pellow
Anspach	Greene	Perlich
Austin	Gust	Perras
Baginski	Habermehl	Plank
Balcer	Hanna, W. F.	Pollock
Barthwell	Hannah, J. A.	Powell
Batchelor	Hart, Miss	Prettie
Beaman	Haskill	Pugsley
Bentley	Hatch	Radka

Binkowski	Hatcher, Mrs.
Blandford	Heideman
Bledsoe	Higgs
Bonisteel	Hood
Boothby	Howes
<b>Bowens</b>	Hoxie
Bradley	Hubbs
Brake	Hutchinson
Brown, G. E.	Iverson
Brown, T. S.	Jones
Buback	Judd, Mrs.
Butler, Mrs.	Karn
Conklin, Mrs.	Kelsey
Cudlip	Kirk, S.
Cushman, Mrs.	Knirk, B.
Danhof	Koeze, Mrs.
Dehnke	Krolkowski
Dell	Kuhn
DeVries	Lawrence
Donnelly, Miss	Lebrand
Doty, Dean	Leppien
Doty, Donald	Lesinski
Douglas	Liberato
Downs	Madar
Durst	Mahinske
Elliott, A. G.	Martin
Elliott, Mrs. Daisy	McAllister
Erickson	McCauley
Everett	McGowan, Miss
Farnsworth	McLogan
Faxon	Millard
Figy	Mosier
Finch	Murphy
Follo	Nisbet
Ford	Nord
Gadola	Norris
Garvin	Ostrow

Nays—0

**SECRETARY CHASE:** On the adoption of the amendment, the yeas are 141; the nays are none.

**PRESIDENT NISBET:** The amendment is adopted. The question now is on the final passage of the constitution as amended this morning. Those who are in favor will answer aye as your names are called. Those opposed will answer nay. The secretary will call the roll.

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

Yeas—98

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

Follo  
Gadola  
Goebel

Perras  
Plank  
Pollock

Woolfenden  
Yeager

#### Nays—43

Austin  
Baginski  
Barthwell  
Binkowski  
Bledsoe  
**Bowens**  
Bradley  
Brown, T. S.  
Buback  
Douglas  
Downs  
Elliott, Mrs. Daisy  
Faxon  
Ford  
Garvin

Greene  
Hart, Miss  
Hatcher, Mrs.  
Hood  
Jones  
Kelsey  
Krolikowski  
Leibrand  
Lesinski  
Liberato  
Madar  
Mahinske  
McAllister  
Murphy

Nord  
Norris  
Ostrow  
Pellow  
Perlich  
Sablich  
Shanahan  
Snyder  
Stopczynski  
Suzore  
Walker  
Wilkowski  
Young  
Youngblood

SECRETARY CHASE: On the adoption of the constitution as amended, the yeas are 98; the nays are 43. (applause)  
PRESIDENT NISBET: The **constitution** is adopted.

*For the constitution as adopted, see below, page 3317.*

Because of the hour, it being almost noon, the Chair recognizes Mr. Van Dusen.

MR. VANDUSEN: Mr. President, I move that the convention now stand in recess until 2:00 p.m.

PRESIDENT NISBET: The question is on the motion of Mr. Van Dusen that we recess until 2:00 p.m. Those in favor will say aye. Opposed, no.

The motion prevails. We are recessed until 2:00 o'clock.

[Whereupon, at 11:50 o'clock a.m., the convention recessed; and, at 2:00 o'clock p.m., reconvened.]

Will the delegates please take their seats. The convention will please come to order.

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

PRESIDENT NISBET: I think we should recognize the fact that many of our employees are voluntarily back with us today, meeting with the delegates. I'm sure all of us are very happy to have them here. It brings about a happy result to see them and I think we ought to give them a good hand. (applause) Mr. Chase has an announcement.

SECRETARY CHASE: There are 3 announcements that possibly should have been made before we recessed for lunch.

First, there is mail for all of the delegates in the mail room downstairs.

Just prior to the May 11 adjournment, several of the delegates took out, on loan, sets of convention slides which have not been returned. Missing from our files are 12 complete sets of slides. Since we frequently have call from other delegates for the use of these slides, we would appreciate their return as soon as possible. Ink White, chairman of the committee on public information.

I am sure the delegates recall the lady on the civic center staff who took such good care of keeping the windows clean and the place well slicked up, who had to go to the hospital for a very critical operation. A number of the delegates contributed to a fund to help her over her financial difficulties. I have the following card:

It is very difficult to express my appreciation to all the wonderful people of con. con. Let me say, with my heart, your kindness and generosity will always be remembered.

Sincerely,  
Freda Adams.

PRESIDENT NISBET: Since the adjournment on May 11, we have added 2 new associate members to the delegation: Mrs. Charles Follo and Mrs. Gil Wanger.

I asked Charlie if Mrs. Follo was present so that he might present her, but he said she isn't. We are sorry, Charlie, she couldn't be with us.

Mr. Wanger, is your associate delegate present? Would you present her?

[Whereupon, the delegates accorded Mrs. Wanger a standing ovation.]

At the final session before the long recess the president was authorized to name a reunion committee for the constitutional convention. Accordingly, the **president appoints**, as members of the reunion committee: Mr. Erickson, Mrs. Koeze, Messrs. Jones, Bowens, Brake, Mrs. Conklin, Mr. Dean Doty, Mrs. Daisy Elliott, Messrs. Faxon, Kelsey, Kuhn, Powell, Sharpe, Wanger, White and Norris.

Without objection, the appointments are approved. You will notice that most of these delegates are within the area of Lansing, Detroit or Grand Rapids for their ease in getting together when they have to meet. Mr. Claud Erickson is chairman of the committee.

Returning to the order of business, **approval of address to people**. We will take up the **report of the committee on public information**. Mr. White, chairman.

MR. WHITE: Mr. President, under date of June 26, 1962, each delegate was mailed proof copies of the proposed address to the people. Since that time our committee has received numerous suggestions for corrections, additions, deletions and so on. Our committee has met and gone over these suggestions and they have been, for the most part, agreed to. I might say, parenthetically, the address in its present corrected form represents the writing and editing of upwards of 50 of our delegates.

Under date of July 27, 1962, each of you was mailed a 16 page multilith report which outlined in detail some 108 corrections. This communication also carried the recommendation that we be authorized to correct the text of the constitution as it appears in the address to conform with the style and drafting changes adopted at today's session, and to offer comments accordingly, if necessary. All of this material has been delivered again to each delegate's desk today. Additionally, you have a single white multilith sheet from our committee containing brief addenda to this 16 page report.

It seems to me, Mr. President, the delegates have had ample time to consider these matters, and to expedite our final deliberations, I move that the report of the public information committee, with the recommended addenda, be considered read.

PRESIDENT NISBET: Without objection, it is so ordered.

*Following is the report as submitted and considered read:*

After careful consideration of suggestions from delegates, your committee on public information recommends the adoption of the following changes in the proof copy of the address to the people:

*For document incorporating following changes, see below, page 3355. Page numbers in report refer to document pages.*

1. Amend page 2, second full paragraph, line 3, after "that one" by striking out "must" and inserting "should"; to improve phraseology.

2. Amend page 2, third full paragraph, line 1, by striking out "Ordered by popular vote, its delegates selected by the people on the basis of one from each senatorial and representative district, the Constitutional Convention of 1961-62 met in Lansing on October 3, 1961.", and inserting "The convention was ordered by popular vote in April of 1961. There were 144 delegates, representing Michigan's 34 State Senatorial districts and 110 State Representative seats. They were elected in statewide voting on September 12, 1961, and convened at Lansing on October 3, 1961."; to improve awkward sentence construction and correct error by indicating "seats" rather than representative "districts."

3. Amend page 2, fifth full paragraph, line 2, after "overlapped" by striking out "each other"; to improve phraseology.

4. Amend page 2, fifth full paragraph, line 6, after

**CONSTITUTION  
OF THE  
STATE OF MICHIGAN**

**as finally adopted  
by the Convention  
August 1, 1962**

## PREAMBLE

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

## ARTICLE I

### Declaration of Rights

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

Sec. 2. No person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color or national origin. The legislature shall implement this section by appropriate legislation.

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

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

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

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

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



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

Sec. 9. Neither slavery, nor involuntary servitude unless for the punishment of crime, shall ever be tolerated in this state.

Sec. 10. No bill of attainder, ex post facto law or law impairing the obligation of contract shall be enacted.

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

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

Sec. 13. A suitor in any court of this state has the right to prosecute or defend his suit, either in his own proper person or by an attorney.

Sec. 14. The right of trial by jury shall remain, but shall be waived in all civil cases unless demanded by one of the parties in the manner prescribed by law. In all civil cases tried by 12 jurors a verdict shall be received when 10 jurors agree.

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

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

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

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

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

Sec. 20. In every criminal prosecution, the accused shall have the right to a speedy and public trial by an impartial jury, which may consist of less than 12 jurors in all courts not of record; to be informed of the nature of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to have the assistance of counsel for his defense; to have an appeal as a matter of right; and in courts of record, when the trial court so orders, to have such reasonable assistance as may be necessary to perfect and prosecute an appeal.

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

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

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

## ARTICLE II

### Elections

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

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

Sec. 3. For purposes of voting in the election for president and vice-president of the United States only, the legislature may by law establish lesser residence requirements for citizens who have resided in this state for less than six months and may waive residence requirements for former citizens of this state who have removed herefrom. The legislature shall not permit voting by any person who meets the voting residence requirements of the state to which he has removed.

Sec. 4. The legislature shall enact laws to regulate the time, place and manner of all nominations and elections, except as otherwise provided in this constitution or in the constitution and laws of the United States. The legislature shall enact laws to preserve the purity of elections, to preserve the secrecy of the ballot, to guard against abuses of the elective franchise, and to provide for a system of voter registration and absentee voting. No law shall be enacted which permits a candidate in any partisan primary or partisan election to have a ballot designation except when required for identification of candidates for the same office who have the same or similar surnames.

Sec. 5. Except for special elections to fill vacancies, or as otherwise provided in this constitution, all elections for national, state, county and township offices shall be held on the first Tuesday after the first Monday in November in each even-numbered year or on such other date as members of the congress of the United States are regularly elected.

Sec. 6. Whenever any question is required to be submitted by a political subdivision to the electors for the increase of the ad valorem tax rate limitation imposed by Section 6 of Article IX for a period of more than five years, or for the issue of bonds, only electors in, and who have property assessed for any ad valorem taxes in, any part of the district or territory to be affected by the result of such election or electors who are the lawful husbands or wives of such persons shall be entitled to vote thereon. All electors in the district or territory affected may vote on all other questions.

Sec. 7. A board of state canvassers of four members shall be established by law. No candidate for an office to be canvassed nor any inspector of elections shall be eligible to serve as a member of a board of canvassers. A majority of any board of canvassers shall not be composed of members of the same political party.

Sec. 8. Laws shall be enacted to provide for the recall of all elective officers except judges of courts of record upon petition of electors equal in number to 25 percent of the number of persons voting in the last preceding election for the office of governor in the electoral district of the officer sought to be recalled. The sufficiency of any statement of reasons or grounds procedurally required shall be a political rather than a judicial question.

Sec. 9. The people reserve to themselves the power to propose laws and to enact and reject laws, called the initiative, and the power to approve or reject laws enacted by the legislature, called the referendum. The power of initiative extends only to laws which the legislature may enact under this constitution. The power of referendum does not extend to acts making appropriations for state institutions or to meet deficiencies in state funds and must be invoked in the manner prescribed by law within 90 days following the final adjournment of the legislative session at which the law was enacted. To invoke the initiative or referendum, petitions signed by a number of registered electors, not less than eight percent for initiative and five percent for referendum of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected shall be required.

No law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election.

Any law proposed by initiative petition shall be either enacted or rejected by the legislature without change or amendment within 40 session days from the time such petition is received by the legislature. If any law proposed by such petition shall be enacted by the legislature it shall be subject to referendum, as hereinafter provided.

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

Any law submitted to the people by either initiative or referendum petition and approved by a majority of the votes cast thereon at any election shall take effect 10 days after the date of the official declaration of the vote. No law initiated or adopted by the people shall be subject to the veto power of the governor, and no law adopted by the people at the polls under the initiative provisions of this section shall be amended or repealed, except by a vote of the electors unless otherwise provided in the initiative measure or by three-fourths of the members elected to and serving in each house of the legislature. Laws approved by the people under the referendum provision of this section may be amended by the legislature at any subsequent session thereof. If two or more measures approved by the electors at the same election conflict, that receiving the highest affirmative vote shall prevail.

The legislature shall implement the provisions of this section.

### ARTICLE III

#### General Government

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

Sec. 2. The powers of government are divided into three branches: legislative, executive and judicial. No person exercising powers of one branch shall exercise powers properly belonging to another branch except as expressly provided in this constitution.

Sec. 3. There shall be a great seal of the State of Michigan and its use shall be provided by law.

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

Sec. 5. Subject to provisions of general law, this state or any political subdivision thereof, any governmental authority or any combination thereof may enter into agreements for the performance, financing or execution of their respective functions, with any one or more of the other states, the United States, the Dominion of Canada, or any political subdivision thereof unless otherwise provided in this constitution. Any other provision of this constitution notwithstanding, an officer or employee of the state or of any such unit of government or subdivision or agency thereof may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service. The legislature may impose such restrictions, limitations or conditions on such service as it may deem appropriate.

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

Sec. 7. The common law and the statute laws now in force, not repugnant to this constitution, shall remain in force until they expire by their own limitations, or are changed, amended or repealed.

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

### ARTICLE IV

#### Legislative Branch

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

Sec. 2. The senate shall consist of 38 members to be elected from single member districts at the same election as the governor for four-year terms concurrent with the term of office of the governor.

In districting the state for the purpose of electing senators after the official publication of the total population count of each federal decennial census, each county shall be assigned apportionment factors equal to the sum of its percentage of the state's population as shown by the last regular federal decennial census computed to the nearest one-one hundredth of one percent multiplied by four and its percentage of the state's land area computed to the nearest one-one hundredth of one percent.

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

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

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

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

Sec. 3. The house of representatives shall consist of 110 members elected for two-year terms from single member districts apportioned on a basis of population as provided in this article. The districts shall consist of compact and convenient territory contiguous by land.

Each county which has a population of not less than seven-tenths of one percent of the population of the state shall constitute a separate representative area. Each county having less than seven-tenths of one percent of the population of the state shall be combined with another county or counties to form a representative area of not less than seven-tenths of one percent of the population of the state. Any county which is isolated under the initial allocation as provided in this section shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.

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

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

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

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

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

Sec. 4. In counties having more than one representative or senatorial district, the territory in the same county annexed to or merged with a city between apportionments shall become a part of a contiguous representative or senatorial district in the city with which it is combined, if provided by ordinance of the city. The district or districts with which the territory shall be combined shall be determined by such ordinance certified to the secretary of state. No such change in the boundaries of a representative or senatorial district shall have the effect of removing a legislator from office during his term.

Sec. 5. Island areas are considered to be contiguous by land to the county of which they are a part.

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

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

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

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

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

Each final apportionment and districting plan shall be published as provided by law within 30 days from the date of its adoption and shall become law 60 days after



publication. The secretary of state shall keep a public record of all the proceedings of the commission and shall be responsible for the publication and distribution of each plan.

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

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

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

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

Sec. 9. No person elected to the legislature shall receive any civil appointment within this state from the governor, except notaries public, from the legislature, or from any other state authority, during the term for which he is elected.

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

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

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

Sec. 13. The legislature shall meet at the seat of government on the second Wednesday in January of each year at twelve o'clock noon. Each regular session shall adjourn without day, on a day determined by concurrent resolution, at twelve o'clock noon. Any business, bill or joint resolution pending at the final adjournment of a regular session held in an odd numbered year shall carry over with the same status to the next regular session.

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

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

Sec. 16. Each house, except as otherwise provided in this constitution, shall choose its own officers and determine the rules of its proceedings, but shall not adopt any rule that will prevent a majority of the members elected thereto and serving therein from discharging a committee from the further consideration of any measure. Each house shall be the sole judge of the qualifications, elections and returns of its members, and may, with the concurrence of two-thirds of all the members elected thereto and serving therein, expel a member. The reasons for such expulsion shall be entered in the journal, with the votes and names of the members voting upon the question. No member shall be expelled a second time for the same cause.

Sec. 17. Each house of the legislature may establish the committees necessary for the efficient conduct of its business and the legislature may create joint committees. On all actions on bills and resolutions in each committee, names and votes of members shall be recorded. Such vote shall be available for public inspection. Notice of all committee hearings and a clear statement of all subjects to be considered at each hearing shall be published in the journal in advance of the hearing.

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

Sec. 19. All elections in either house or in joint convention and all votes on appointments submitted to the senate for advice and consent shall be published by vote and name in the journal.

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

Sec. 21. Neither house shall, without the consent of the other, adjourn for more than two intervening calendar days, nor to any place other than where the legislature may then be in session.

Sec. 22. All legislation shall be by bill and may originate in either house.

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

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

Sec. 25. No law shall be revised, altered or amended by reference to its title only. The section or sections of the act altered or amended shall be re-enacted and published at length.

Sec. 26. No bill shall be passed or become a law at any regular session of the legislature until it has been printed or reproduced and in the possession of each house for

at least five days. Every bill shall be read three times in each house before the final passage thereof. No bill shall become a law without the concurrence of a majority of the members elected to and serving in each house. On the final passage of bills, the votes and names of the members voting thereon shall be entered in the journal.

Sec. 27. No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.

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

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

Sec. 30. The assent of two-thirds of the members elected to and serving in each house of the legislature shall be required for the appropriation of public money or property for local or private purposes.

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

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

Sec. 33. Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law. If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves, and the legislature continues the session at which the bill was passed, he shall return it within such 14-day period with his objections, to the house in which it originated. That house shall enter such objections in full in its journal and reconsider the bill. If two-thirds of the members elected to and serving in that house pass the bill notwithstanding the objections of the governor, it shall be sent with the objections to the other house for reconsideration. The bill shall become law if passed by two-thirds of the members elected to and serving in that house. The vote of each house shall be entered in the journal with the votes and names of the members voting thereon. If any bill is not returned by the governor within such 14-day period, the legislature continuing in session, it shall become law as if he had signed it.

Sec. 34. Any bill passed by the legislature and approved by the governor, except a bill appropriating money, may provide that it will not become law unless approved by a majority of the electors voting thereon.

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

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

Sec. 37. The legislature may by concurrent resolution empower a joint committee of the legislature, acting between sessions, to suspend any rule or regulation promulgated by an administrative agency subsequent to the adjournment of the last preceding regular legislative session. Such suspension shall continue no longer than the end of the next regular legislative session.

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

Sec. 39. In order to insure continuity of state and local governmental operations in periods of emergency only, resulting from disasters occurring in this state caused by enemy attack on the United States, the legislature may provide by law for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices; and enact other laws necessary and proper for insuring the continuity of governmental operations. Notwithstanding the power conferred by this section, elections shall always be called as soon as possible to fill any vacancies in elective offices temporarily occupied by operation of any legislation enacted pursuant to the provisions of this section.

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

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

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

Sec. 43. No general law providing for the incorporation of trust companies or corporations for banking purposes, or regulating the business thereof, shall be enacted, amended or repealed except by a vote of two-thirds of the members elected to and serving in each house.

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

Sec. 45. The legislature may provide for indeterminate sentences as punishment for crime and for the detention and release of persons imprisoned or detained under such sentences.

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

Sec. 47. The legislature may authorize the employment of chaplains in state institutions of detention or confinement.

Sec. 48. The legislature may enact laws providing for the resolution of disputes concerning public employees, except those in the state classified civil service.

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

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

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

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

Sec. 53. The legislature by a majority vote of the members elected to and serving in each house, shall appoint an auditor general, who shall be a certified public accountant licensed to practice in this state, to serve for a term of eight years. He shall be ineligible for appointment or election to any other public office in this state from which compensation is derived while serving as auditor general and for two years following the termination of his service. He may be removed for cause at any time by a two-thirds vote of the members elected to and serving in each house. The auditor general shall conduct post audits of financial transactions and accounts of the state and of all branches, departments, offices, boards, commissions, agencies, authorities and institutions of the state established by this constitution or by law, and performance post audits thereof.

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

Nothing in this section shall be construed in any way to infringe the responsibility and constitutional authority of the governing boards of the institutions of higher education to be solely responsible for the control and direction of all expenditures from the institutions' funds.

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

## ARTICLE V

### Executive Branch

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

Sec. 2. All executive and administrative offices, agencies and instrumentalities of the executive branch of state government and their respective functions, powers and

duties, except for the office of governor and lieutenant governor and the governing bodies of institutions of higher education provided for in this constitution, shall be allocated by law among and within not more than 20 principal departments. They shall be grouped as far as practicable according to major purposes.

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

Sec. 3. The head of each principal department shall be a single executive unless otherwise provided in this constitution or by law. The single executives heading principal departments shall include a secretary of state, a state treasurer and an attorney general. When a single executive is the head of a principal department, unless elected or appointed as otherwise provided in this constitution, he shall be appointed by the governor by and with the advice and consent of the senate and he shall serve at the pleasure of the governor.

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

Terms of office of any board or commission created or enlarged after the effective date of this constitution shall not exceed four years except as otherwise authorized in this constitution. The terms of office of existing boards and commissions which are longer than four years shall not be further extended except as provided in this constitution.

Sec. 4. Temporary commissions or agencies for special purposes with a life of no more than two years may be established by law and need not be allocated within a principal department.

Sec. 5. A majority of the members of an appointed examining or licensing board of a profession shall be members of that profession.

Sec. 6. Appointment by and with the advice and consent of the senate when used in this constitution or laws in effect or hereafter enacted means appointment subject to disapproval by a majority vote of the members elected to and serving in the senate if such action is taken within 60 session days after the date of such appointment. Any appointment not disapproved within such period shall stand confirmed.

Sec. 7. Vacancies in any office, appointment to which requires advice and consent of the senate, shall be filled by the governor by and with the advice and consent of the senate. A person whose appointment has been disapproved by the senate shall not be eligible for an interim appointment to the same office.

Sec. 8. Each principal department shall be under the supervision of the governor unless otherwise provided by this constitution. The governor shall take care that the laws be faithfully executed. He shall transact all necessary business with the officers of



government and may require information in writing from all executive and administrative state officers, elective and appointive, upon any subject relating to the duties of their respective offices.

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

Sec. 9. Single executives heading principal departments and the chief executive officers of principal departments headed by boards or commissions shall keep their offices at the seat of government except as otherwise provided by law, superintend them in person and perform duties prescribed by law.

Sec. 10. The governor shall have power and it shall be his duty to inquire into the condition and administration of any public office and the acts of any public officer, elective or appointive. He may remove or suspend from office for gross neglect of duty or for corrupt conduct in office, or for any other misfeasance or malfeasance therein, any elective or appointive state officer, except legislative or judicial, and shall report the reasons for such removal or suspension to the legislature.

Sec. 11. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an appointed or elected officer, other than a legislative or judicial officer, until he is reinstated or until the vacancy is filled in the manner prescribed by law or this constitution.

Sec. 12. The governor shall be commander-in-chief of the armed forces and may call them out to execute the laws, suppress insurrection and repel invasion.

Sec. 13. The governor shall issue writs of election to fill vacancies in the senate or house of representatives. Any such election shall be held in a manner prescribed by law.

Sec. 14. The governor shall have power to grant reprieves, commutations and pardons after convictions for all offenses, except cases of impeachment, upon such conditions and limitations as he may direct, subject to procedures and regulations prescribed by law. He shall inform the legislature annually of each reprieve, commutation and pardon granted, stating reasons therefor.

Sec. 15. The governor may convene the legislature on extraordinary occasions.

Sec. 16. The governor may convene the legislature at some other place when the seat of government becomes dangerous from any cause.

Sec. 17. The governor shall communicate by message to the legislature at the beginning of each session and may at other times present to the legislature information as to the affairs of the state and recommend measures he considers necessary or desirable.

Sec. 18. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state. Proposed expenditures from any fund shall not exceed the estimated revenue thereof. On the same date, the governor shall submit to the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills to provide new or additional revenues to meet proposed expenditures. The amount of any surplus created or deficit incurred in any fund during the last preceding fiscal period shall be entered as an item in the budget and in one of the appropriation bills. The governor may submit amendments to appropriation bills to be offered in either house during consideration of the bill by that house, and shall submit bills to meet deficiencies in current appropriations.

Sec. 19. The governor may disapprove any distinct item or items appropriating moneys in any appropriation bill. The part or parts approved shall become law, and the item or items disapproved shall be void unless re-passed according to the method prescribed for the passage of other bills over the executive veto.

Sec. 20. No appropriation shall be a mandate to spend. The governor, with the approval of the appropriating committees of the house and senate, shall reduce expenditures authorized by appropriations whenever it appears that actual revenues for a fiscal period will fall below the revenue estimates on which appropriations for that period were based. Reductions in expenditures shall be made in accordance with procedures prescribed by law. The governor may not reduce expenditures of the legislative and judicial branches or from funds constitutionally dedicated for specific purposes.

Sec. 21. The governor, lieutenant governor, secretary of state and attorney general shall be elected for four-year terms at the general election in each alternate even-numbered year.

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

Vacancies in the office of the secretary of state and attorney general shall be filled by appointment by the governor.

Sec. 22. To be eligible for the office of governor or lieutenant governor a person must have attained the age of 30 years, and have been a registered elector in this state for four years next preceding his election.

Sec. 23. The governor, lieutenant governor, secretary of state and attorney general shall each receive the compensation provided by law in full payment for all services performed and expenses incurred during his term of office. Such compensation shall not be changed during the term of office except as otherwise provided in this constitution.

Sec. 24. An executive residence suitably furnished shall be provided at the seat of government for the use of the governor. He shall receive an allowance for its maintenance as provided by law.

Sec. 25. The lieutenant governor shall be president of the senate, but shall have no vote, unless they be equally divided. He may perform duties requested of him by the governor, but no power vested in the governor shall be delegated.

Sec. 26. In case of the conviction of the governor on impeachment, his removal from office, his resignation or his death, the lieutenant governor, the elected secretary of state, the elected attorney general and such other persons designated by law shall in that order be governor for the remainder of the governor's term.

In case of the death of the governor-elect, the lieutenant governor-elect, the secretary of state-elect, the attorney general-elect and such other persons designated by law shall become governor in that order at the commencement of the governor-elect's term.

If the governor or the person in line of succession to serve as governor is absent from the state, or suffering under an inability, the powers and duties of the office of governor shall devolve in order of precedence until the absence or inability giving rise to the devolution of powers ceases.

The inability of the governor or person acting as governor shall be determined by a majority of the supreme court on joint request of the president pro tempore of the senate and the speaker of the house of representatives. Such determination shall be final

and conclusive. The supreme court shall upon its own initiative determine if and when the inability ceases.

Sec. 27. The legislature shall provide that the salary of any state officer while acting as governor shall be equal to that of the governor.

Sec. 28. There is hereby established a state highway commission, which shall administer the state highway department and have jurisdiction and control over all state trunkline highways and appurtenant facilities, and such other public works of the state, as provided by law.

The state highway commission shall consist of four members, not more than two of whom shall be members of the same political party. They shall be appointed by the governor by and with the advice and consent of the senate for four-year terms, no two of which shall expire in the same year, as provided by law.

The state highway commission shall appoint and may remove a state highway director, who shall be a competent highway engineer and administrator. He shall be the principal executive officer of the state highway department and shall be responsible for executing the policy of the state highway commission.

Sec. 29. There is hereby established a civil rights commission which shall consist of eight persons, not more than four of whom shall be members of the same political party, who shall be appointed by the governor, by and with the advice and consent of the senate, for four-year terms not more than two of which shall expire in the same year. It shall be the duty of the commission in a manner which may be prescribed by law to investigate alleged discrimination against any person because of religion, race, color or national origin in the enjoyment of the civil rights guaranteed by law and by this constitution, and to secure the equal protection of such civil rights without such discrimination. The legislature shall provide an annual appropriation for the effective operation of the commission.

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

Appeals from final orders of the commission, including cease and desist orders and refusals to issue complaints, shall be tried de novo before the circuit court having jurisdiction provided by law.

## ARTICLE VI

### Judicial Branch

Sec. 1. The judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court, one probate court, and courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.

Sec. 2. The supreme court shall consist of seven justices elected at non-partisan elections as provided by law. The term of office shall be eight years and not more than

two terms of office shall expire at the same time. Nominations for justices of the supreme court shall be in the manner prescribed by law. Any incumbent justice whose term is to expire may become a candidate for re-election by filing an affidavit of candidacy, in the form and manner prescribed by law, not less than 180 days prior to the expiration of his term.

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

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

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

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

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

Sec. 8. The court of appeals shall consist initially of nine judges who shall be nominated and elected at non-partisan elections from districts drawn on county lines and as nearly as possible of equal population, as provided by law. The supreme court may prescribe by rule that the court of appeals sit in divisions and for the terms of court and the times and places thereof. Each such division shall consist of not fewer than three judges. The number of judges comprising the court of appeals may be increased, and the districts from which they are elected may be changed by law.

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

Sec. 10. The jurisdiction of the court of appeals shall be provided by law and the practice and procedure therein shall be prescribed by rules of the supreme court.

Sec. 11. The state shall be divided into judicial circuits along county lines in each of which there shall be elected one or more circuit judges as provided by law. Sessions of the circuit court shall be held at least four times in each year in every county organized for judicial purposes. Each circuit judge shall hold court in the county or

counties within the circuit in which he is elected, and in other circuits as may be provided by rules of the supreme court. The number of judges may be changed and circuits may be created, altered and discontinued by law and the number of judges shall be changed and circuits shall be created, altered and discontinued on recommendation of the supreme court to reflect changes in judicial activity. No change in the number of judges or alteration or discontinuance of a circuit shall have the effect of removing a judge from office during his term.

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

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

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

Sec. 15. In each county organized for judicial purposes there shall be a probate court. The legislature may create or alter probate court districts of more than one county if approved in each affected county by a majority of the electors voting on the question. The legislature may provide for the combination of the office of probate judge with any judicial office of limited jurisdiction within a county with supplemental salary as provided by law. The jurisdiction, powers and duties of the probate court and of the judges thereof shall be provided by law. They shall have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

Sec. 16. One or more judges of probate as provided by law shall be nominated and elected at non-partisan elections in the counties or the probate districts in which they reside and shall hold office for terms of six years and until their successors are elected and qualified. In counties or districts with more than one judge the terms of office shall be arranged by law to provide that not all terms will expire at the same time.

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

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

Each of the judges of the circuit court shall receive an annual salary as provided by law. In addition to the salary received from the state, each circuit judge may receive from any county in which he regularly holds court an additional salary as determined

from time to time by the board of supervisors of the county. In any county where an additional salary is granted, it shall be paid at the same rate to all circuit judges regularly holding court therein.

Sec. 19. The supreme court, the court of appeals, the circuit court, the probate court and other courts designated as such by the legislature shall be courts of record and each shall have a common seal. Justices and judges of courts of record must be persons who are licensed to practice law in this state. No person shall be elected or appointed to a judicial office after reaching the age of 70 years.

Sec. 20. Whenever a justice or judge removes his domicile beyond the limits of the territory from which he was elected, he shall have vacated his office.

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

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

Sec. 23. A vacancy in the elective office of a judge of any court of record shall be filled at a general or special election as provided by law. The supreme court may authorize persons who have served as judges and who have retired, to perform judicial duties for the limited period of time from the occurrence of the vacancy until the successor is elected and qualified. Such persons shall be ineligible for election to fill the vacancy.

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

Sec. 25. For reasonable cause, which is not sufficient ground for impeachment, the governor shall remove any judge on a concurrent resolution of two-thirds of the members elected to and serving in each house of the legislature. The cause for removal shall be stated at length in the resolution.

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

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

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

Sec. 28. All final decisions, findings, rulings and orders of any administrative officer or agency existing under the constitution or by law, which are judicial or quasi-judicial and affect private rights or licenses, shall be subject to direct review by the courts as



provided by law. This review shall include, as a minimum, the determination whether such final decisions, findings, rulings and orders are authorized by law; and, in cases in which a hearing is required, whether the same are supported by competent, material and substantial evidence on the whole record. Findings of fact in workmen's compensation proceedings shall be conclusive in the absence of fraud unless otherwise provided by law.

In the absence of fraud, error of law or the adoption of wrong principles, no appeal may be taken to any court from any final agency provided for the administration of property tax laws from any decision relating to valuation or allocation.

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

## ARTICLE VII

### Local Government

Sec. 1. Each organized county shall be a body corporate with powers and immunities provided by law.

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

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

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

Sec. 3. No organized county shall be reduced by the organization of new counties to less than 16 townships as surveyed by the United States, unless approved in the manner prescribed by law by a majority of electors voting thereon in each county to be affected.

Sec. 4. There shall be elected for four-year terms in each organized county a sheriff, a county clerk, a county treasurer, a register of deeds and a prosecuting attorney, whose duties and powers shall be provided by law. The board of supervisors in any county may combine the offices of county clerk and register of deeds in one office or separate the same at pleasure.

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

Sec. 6. The sheriff may be required by law to renew his security periodically and in default of giving such security, his office shall be vacant. The county shall never be responsible for his acts, except that the board of supervisors may protect him against

claims by prisoners for unintentional injuries received while in his custody. He shall not hold any other office except in civil defense.

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

Sec. 8. Boards of supervisors shall have legislative, administrative and such other powers and duties as provided by law.

Sec. 9. Boards of supervisors shall have exclusive power to fix the compensation of county officers not otherwise provided by law.

Sec. 10. A county seat once established shall not be removed until the place to which it is proposed to be moved shall be designated by two-thirds of the members of the board of supervisors and a majority of the electors voting thereon shall have approved the proposed location in the manner prescribed by law.

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

Sec. 12. A navigable stream shall not be bridged or dammed without permission granted by the board of supervisors of the county as provided by law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and political subdivisions therein.

Sec. 13. Two or more contiguous counties may combine into a single county if approved in each affected county by a majority of the electors voting on the question.

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

Sec. 15. Any county, when authorized by its board of supervisors shall have the authority to enter or to intervene in any action or certificate proceeding involving the services, charges or rates of any privately owned public utility furnishing services or commodities to rate payers within the county.

Sec. 16. The legislature may provide for the laying out, construction, improvement and maintenance of highways, bridges, culverts and airports by the state and by the counties and townships thereof; and may authorize counties to take charge and control of any highway within their limits for such purposes. The legislature may provide the powers and duties of counties in relation to highways, bridges, culverts and airports; may provide for county road commissioners to be appointed or elected, with powers and duties provided by law. The ad valorem property tax imposed for road purposes by any county shall not exceed in any year one-half of one percent of the assessed valuation for the preceding year.

Sec. 17. Each organized township shall be a body corporate with powers and immunities provided by law.

Sec. 18. In each organized township there shall be elected for terms of not less than two nor more than four years as prescribed by law a supervisor, a clerk, a treasurer, and not to exceed four trustees, whose legislative and administrative powers and duties shall be provided by law.

Sec. 19. No organized township shall grant any public utility franchise which is not subject to revocation at the will of the township, unless the proposition shall first have been approved by a majority of the electors of such township voting thereon at a regular or special election.

Sec. 20. The legislature shall provide by law for the dissolution of township government whenever all the territory of an organized township is included within the boundaries of a village or villages notwithstanding that a village may include territory within another organized township and provide by law for the classification of such village or villages as cities.

Sec. 21. The legislature shall provide by general laws for the incorporation of cities and villages. Such laws shall limit their rate of ad valorem property taxation for municipal purposes, and restrict the powers of cities and villages to borrow money and contract debts. Each city and village is granted power to levy other taxes for public purposes, subject to limitations and prohibitions provided by this constitution or by law.

Sec. 22. Under general laws the electors of each city and village shall have the power and authority to frame, adopt and amend its charter, and to amend an existing charter of the city or village heretofore granted or enacted by the legislature for the government of the city or village. Each such city and village shall have power to adopt resolutions and ordinances relating to its municipal concerns, property and government, subject to the constitution and law. No enumeration of powers granted to cities and villages in this constitution shall limit or restrict the general grant of authority conferred by this section.

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

Sec. 24. Subject to this constitution, any city or village may acquire, own or operate, within or without its corporate limits, public service facilities for supplying water, light, heat, power, sewage disposal and transportation to the municipality and the inhabitants thereof.

Any city or village may sell and deliver heat, power or light without its corporate limits in an amount not exceeding 25 percent of that furnished by it within the corporate limits, except as greater amounts may be permitted by law; may sell and deliver water and provide sewage disposal services outside of its corporate limits in such amount as may be determined by the legislative body of the city or village; and may operate transportation lines outside the municipality within such limits as may be prescribed by law.

Sec. 25. No city or village shall acquire any public utility furnishing light, heat or power, or grant any public utility franchise which is not subject to revocation at the will of the city or village, unless the proposition shall first have been approved by three-fifths of the electors voting thereon. No city or village may sell any public utility unless the proposition shall first have been approved by a majority of the electors voting thereon, or a greater number if the charter shall so provide.

Sec. 26. Except as otherwise provided in this constitution, no city or village shall have the power to loan its credit for any private purpose or, except as provided by law, for any public purpose.

Sec. 27. Notwithstanding any other provision of this constitution the legislature may establish in metropolitan areas additional forms of government or authorities with powers, duties and jurisdictions as the legislature shall provide. Wherever possible, such additional forms of government or authorities shall be designed to perform multi-purpose functions rather than a single function.

Sec. 28. The legislature by general law shall authorize two or more counties, townships, cities, villages or districts, or any combination thereof among other things to:

enter into contractual undertakings or agreements with one another or with the state or with any combination thereof for the joint administration of any of the functions or powers which each would have the power to perform separately; share the costs and responsibilities of functions and services with one another or with the state or with any combination thereof which each would have the power to perform separately; transfer functions or responsibilities to one another or any combination thereof upon the consent of each unit involved; cooperate with one another and with state government; lend their credit to one another or any combination thereof as provided by law in connection with any authorized publicly owned undertaking.

Any other provision of this constitution notwithstanding, an officer or employee of the state or any such unit of government or subdivision or agency thereof, except members of the legislature, may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service.

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

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

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

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

Sec. 33. Any elected officer of a political subdivision may be removed from office in the manner and for the causes provided by law.

Sec. 34. The provisions of this constitution and law concerning counties, townships, cities and villages shall be liberally construed in their favor. Powers granted to counties and townships by this constitution and by law shall include those fairly implied and not prohibited by this constitution.

## ARTICLE VIII

### Education

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

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

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

The state board of education shall appoint a superintendent of public instruction whose term of office shall be determined by the board. He shall be the chairman of the board without the right to vote, and shall be responsible for the execution of its policies. He shall be the principal executive officer of a state department of education which shall have powers and duties provided by law.

The state board of education shall consist of eight members who shall be nominated by party conventions and elected at large for terms of eight years as prescribed by law. The governor shall fill any vacancy by appointment for the unexpired term. The governor shall be ex-officio a member of the state board of education without the right to vote.

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

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

Sec. 5. The regents of the University of Michigan and their successors in office shall constitute a body corporate known as the Regents of the University of Michigan; the trustees of Michigan State University and their successors in office shall constitute a body corporate known as the Board of Trustees of Michigan State University; the governors of Wayne State University and their successors in office shall constitute a body corporate known as the Board of Governors of Wayne State University. Each board shall have general supervision of its institution and the control and direction of all expenditures from the institution's funds. Each board shall, as often as necessary, elect a president of the institution under its supervision. He shall be the principal executive officer of the institution, be ex-officio a member of the board without the right to vote and preside at meetings of the board. The board of each institution shall consist of eight members who shall hold office for terms of eight years and who shall be elected as provided by law. The governor shall fill board vacancies by appointment. Each appointee shall hold office until a successor has been nominated and elected as provided by law.

Sec. 6. Other institutions of higher education established by law having authority to grant baccalaureate degrees shall each be governed by a board of control which shall be a body corporate. The board shall have general supervision of the institution and the control and direction of all expenditures from the institution's funds. It shall, as often as necessary, elect a president of the institution under its supervision.

He shall be the principal executive officer of the institution and be ex-officio a member of the board without the right to vote. The board may elect one of its members or may designate the president, to preside at board meetings. Each board of control shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the governor by and with the advice and consent of the senate. Vacancies shall be filled in like manner.

Sec. 7. The legislature shall provide by law for the establishment and financial support of public community and junior colleges which shall be supervised and controlled by locally elected boards. The legislature shall provide by law for a state board for public community and junior colleges which shall advise the state board of education concerning general supervision and planning for such colleges and requests for annual appropriations for their support. The board shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the state board of education. Vacancies shall be filled in like manner. The superintendent of public instruction shall be ex-officio a member of this board without the right to vote.

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

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

## ARTICLE IX

### Finance and Taxation

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

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

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

Sec. 4. Property owned and occupied by non-profit religious or educational organizations and used exclusively for religious or educational purposes, as defined by law, shall be exempt from real and personal property taxes.

Sec. 5. The legislature shall provide for the assessment by the state of the property of those public service businesses assessed by the state at the date this constitution becomes effective, and of other property as designated by the legislature,



and for the imposition and collection of taxes thereon. Property assessed by the state shall be assessed at the same proportion of its true cash value as the legislature shall specify for property subject to general ad valorem taxation. The rate of taxation on such property shall be the average rate levied upon other property in this state under the general ad valorem tax law, or, if the legislature provides, the rate of tax applicable to the property of each business enterprise assessed by the state shall be the average rate of ad valorem taxation levied upon other property in all counties in which any of such property is situated.

Sec. 6. Except as otherwise provided in this constitution, the total amount of general ad valorem taxes imposed upon real and tangible personal property for all purposes in any one year shall not exceed 15 mills on each dollar of the assessed valuation of property as finally equalized. Under procedures provided by law, which shall guarantee the right of initiative, separate tax limitations for any county and for the townships and for school districts therein, the aggregate of which shall not exceed 18 mills on each dollar of such valuation, may be adopted and thereafter altered by the vote of a majority of the qualified electors of such county voting thereon, in lieu of the limitation hereinbefore established. These limitations may be increased to an aggregate of not to exceed 50 mills on each dollar of valuation, for a period of not to exceed 20 years at any one time, if approved by a majority of the electors, qualified under Section 6 of Article II of this constitution, voting on the question.

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

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

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

Sec. 8. The legislature shall not impose a sales tax on retailers at a rate of more than four percent of their gross taxable sales of tangible personal property.

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

Sec. 10. One-eighth of all taxes imposed on retailers on taxable sales at retail of tangible personal property shall be used exclusively for assistance to townships, cities and villages, on a population basis as provided by law. In determining population the legislature may exclude any portion of the total number of persons who are wards, patients or convicts in any tax supported institution.

Sec. 11. There shall be established a state school aid fund which shall be used exclusively for aid to school districts, higher education and school employees' retirement systems, as provided by law. One-half of all taxes imposed on retailers on taxable sales at retail of tangible personal property, and other tax revenues provided by law, shall

be dedicated to this fund. Payments from this fund shall be made in full on a scheduled basis, as provided by law.

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

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

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

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

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

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

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

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

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

The power to tax for the payment of principal and interest on bonds hereafter issued which are the general obligations of any school district, including refunding bonds, and for repayment of any state loans made to school districts, shall be without limitation as to rate or amount.

All rights acquired under Sections 27 and 28 of Article X of the Constitution of 1908, by holders of bonds heretofore issued, and all obligations assumed by the state or any school district under these sections, shall remain unimpaired.

Sec. 17. No money shall be paid out of the state treasury except in pursuance of appropriations made by law.

Sec. 18. The credit of the state shall not be granted to, nor in aid of any person, association or corporation, public or private, except as authorized in this constitution.

This section shall not be construed to prohibit the investment of public funds until needed for current requirements or the investment of funds accumulated to provide retirement or pension benefits for public officials and employees, as provided by law.

Sec. 19. The state shall not subscribe to, nor be interested in the stock of any company, association or corporation, except that funds accumulated to provide retirement or pension benefits for public officials and employees may be invested as provided by law; and endowment funds created for charitable or educational purposes may be invested as provided by law governing the investment of funds held in trust by trustees.

Sec. 20. No state money shall be deposited in banks other than those organized under the national or state banking laws. No state money shall be deposited in any bank in excess of 50 percent of the capital and surplus of such bank. Any bank receiving deposits of state money shall show the amount of state money so deposited as a separate item in all published statements.

Sec. 21. The legislature shall provide by law for the annual accounting for all public moneys, state and local, and may provide by law for interim accounting.

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

Sec. 22. Procedures for the examination and adjustment of claims against the state shall be prescribed by law.

Sec. 23. All financial records, accountings, audit reports and other reports of public moneys shall be public records and open to inspection. A statement of all revenues and expenditures of public moneys shall be published and distributed annually, as provided by law.

Sec. 24. The accrued financial benefits of each pension plan and retirement system of the state and its political subdivisions shall be a contractual obligation thereof which shall not be diminished or impaired thereby.

Financial benefits arising on account of service rendered in each fiscal year shall be funded during that year and such funding shall not be used for financing unfunded accrued liabilities.

## ARTICLE X

### Property

Sec. 1. The disabilities of coverture as to property are abolished. The real and personal estate of every woman acquired before marriage and all real and personal

property to which she may afterwards become entitled shall be and remain the estate and property of such woman, and shall not be liable for the debts, obligations or engagements of her husband, and may be dealt with and disposed of by her as if she were unmarried. Dower may be relinquished or conveyed as provided by law.

Sec. 2. Private property shall not be taken for public use without just compensation therefor being first made or secured in a manner prescribed by law. Compensation shall be determined in proceedings in a court of record.

Sec. 3. A homestead in the amount of not less than \$3,500 and personal property of every resident of this state in the amount of not less than \$750, as defined by law, shall be exempt from forced sale on execution or other process of any court. Such exemptions shall not extend to any lien thereon excluded from exemption by law.

Sec. 4. Procedures relating to escheats and to the custody and disposition of escheated property shall be prescribed by law.

Sec. 5. The legislature shall have general supervisory jurisdiction over all state owned lands useful for forest preserves, game areas and recreational purposes; shall require annual reports as to such lands from all departments having supervision or control thereof; and shall by general law provide for the sale, lease or other disposition of such lands.

The legislature by an act adopted by two-thirds of the members elected to and serving in each house may designate any part of such lands as a state land reserve. No lands in the state land reserve may be removed from the reserve, sold, leased or otherwise disposed of except by an act of the legislature.

Sec. 6. Aliens who are residents of this state shall enjoy the same rights and privileges in property as citizens of this state.

## ARTICLE XI

### Public Officers and Employment

Sec. 1. All officers, legislative, executive and judicial, before entering upon the duties of their respective offices, shall take and subscribe the following oath or affirmation: I do solemnly swear (or affirm) that I will support the Constitution of the United States and the constitution of this state, and that I will faithfully discharge the duties of the office of ..... according to the best of my ability. No other oath, affirmation, or any religious test shall be required as a qualification for any office or public trust.

Sec. 2. The terms of office of elective state officers, members of the legislature and justices and judges of courts of record shall begin at twelve o'clock noon on the first day of January next succeeding their election, except as otherwise provided in this constitution. The terms of office of county officers shall begin on the first day of January next succeeding their election, except as otherwise provided by law.

Sec. 3. Neither the legislature nor any political subdivision of this state shall grant or authorize extra compensation to any public officer, agent or contractor after the service has been rendered or the contract entered into.

Sec. 4. No person having custody or control of public moneys shall be a member of the legislature, or be eligible to any office of trust or profit under this state, until he shall have made an accounting, as provided by law, of all sums for which he may be liable.

Sec. 5. The classified state civil service shall consist of all positions in the state service except those filled by popular election, heads of principal departments, members of boards and commissions, the principal executive officer of boards and commissions heading principal departments, employees of courts of record, employees of the legislature, employees of the state institutions of higher education, all persons in the armed forces of the state, eight exempt positions in the office of the governor, and within each principal department, when requested by the department head, two other exempt positions, one of which shall be policy-making. The civil service commission may exempt three additional positions of a policy-making nature within each principal department.

The civil service commission shall be non-salaried and shall consist of four persons, not more than two of whom shall be members of the same political party, appointed by the governor for terms of eight years, no two of which shall expire in the same year.

The administration of the commission's powers shall be vested in a state personnel director who shall be a member of the classified service and who shall be responsible to and selected by the commission after open competitive examination.

The commission shall classify all positions in the classified service according to their respective duties and responsibilities, fix rates of compensation for all classes of positions, approve or disapprove disbursements for all personal services, determine by competitive examination and performance exclusively on the basis of merit, efficiency and fitness the qualifications of all candidates for positions in the classified service, make rules and regulations covering all personnel transactions, and regulate all conditions of employment in the classified service.

No person shall be appointed to or promoted in the classified service who has not been certified by the commission as qualified for such appointment or promotion. No appointments, promotions, demotions or removals in the classified service shall be made for religious, racial or partisan considerations.

Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year. Within 60 calendar days following such transmission, the legislature may, by a two-thirds vote of the members elected to and serving in each house, reject or reduce increases in rates of compensation authorized by the commission. Any reduction ordered by the legislature shall apply uniformly to all classes of employees affected by the increases and shall not adjust pay differentials already established by the civil service commission. The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases authorized by the commission.

The appointing authorities may create or abolish positions for reasons of administrative efficiency without the approval of the commission. Positions shall not be created nor abolished except for reasons of administrative efficiency. Any employee considering himself aggrieved by the abolition or creation of a position shall have a right of appeal to the commission through established grievance procedures.

The civil service commission shall recommend to the governor and to the legislature rates of compensation for all appointed positions within the executive department not a part of the classified service.

To enable the commission to exercise its powers, the legislature shall appropriate to the commission for the ensuing fiscal year a sum not less than one percent of the aggregate payroll of the classified service for the preceding fiscal year, as certified by the commission. Within six months after the conclusion of each fiscal year the commission shall return to the state treasury all moneys unexpended for that fiscal year.

The commission shall furnish reports of expenditures, at least annually, to the governor and the legislature and shall be subject to annual audit as provided by law.

No payment for personal services shall be made or authorized until the provisions of this constitution pertaining to civil service have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

Sec. 6. By ordinance or resolution of its governing body which shall not take effect until approved by a majority of the electors voting thereon, unless otherwise provided by charter, each county, township, city, village, school district and other governmental unit or authority may establish, modify or discontinue a merit system for its employees other than teachers under contract or tenure. The state civil service commission may on request furnish technical services to any such unit on a reimbursable basis.

Sec. 7. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office or for crimes or misdemeanors, but a majority of the members elected thereto and serving therein shall be necessary to direct an impeachment.

When an impeachment is directed, the house of representatives shall elect three of its members to prosecute the impeachment.

Every impeachment shall be tried by the senate immediately after the final adjournment of the legislature. The senators shall take an oath or affirmation truly and impartially to try and determine the impeachment according to the evidence. When the governor or lieutenant governor is tried, the chief justice of the supreme court shall preside.

No person shall be convicted without the concurrence of two-thirds of the senators elected and serving. Judgment in case of conviction shall not extend further than removal from office, but the person convicted shall be liable to punishment according to law.

No judicial officer shall exercise any of the functions of his office after an impeachment is directed until he is acquitted.

## ARTICLE XII

### Amendment and Revision

Sec. 1. Amendments to this constitution may be proposed in the senate or house of representatives. Proposed amendments agreed to by two-thirds of the members elected to and serving in each house on a vote with the names and vote of those voting entered in the respective journals shall be submitted, not less than 60 days thereafter, to the electors at the next general election or special election as the legislature shall direct. If a majority of electors voting on a proposed amendment approve the same, it shall become part of the constitution and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved.



Sec. 2. Amendments may be proposed to this constitution by petition of the registered electors of this state. Every petition shall include the full text of the proposed amendment, and be signed by registered electors of the state equal in number to at least 10 percent of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected. Such petitions shall be filed with the person authorized by law to receive the same at least 120 days before the election at which the proposed amendment is to be voted upon. Any such petition shall be in the form, and shall be signed and circulated in such manner, as prescribed by law. The person authorized by law to receive such petition shall upon its receipt determine, as provided by law, the validity and sufficiency of the signatures on the petition, and make an official announcement thereof at least 60 days prior to the election at which the proposed amendment is to be voted upon.

Any amendment proposed by such petition shall be submitted, not less than 120 days after it was filed, to the electors at the next general election. Such proposed amendment, existing provisions of the constitution which would be altered or abrogated thereby, and the question as it shall appear on the ballot shall be published in full as provided by law. Copies of such publication shall be posted in each polling place and furnished to news media as provided by law.

The ballot to be used in such election shall contain a statement of the purpose of the proposed amendment, expressed in not more than 100 words, exclusive of caption. Such statement of purpose and caption shall be prepared by the person authorized by law, and shall consist of a true and impartial statement of the purpose of the amendment in such language as shall create no prejudice for or against the proposed amendment.

If the proposed amendment is approved by a majority of the electors voting on the question, it shall become part of the constitution, and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved. If two or more amendments approved by the electors at the same election conflict, that amendment receiving the highest affirmative vote shall prevail.

Sec. 3. At the general election to be held in the year 1978, and in each 16th year thereafter and at such times as may be provided by law, the question of a general revision of the constitution shall be submitted to the electors of the state. If a majority of the electors voting on the question decide in favor of a convention for such purpose, at an election to be held not later than six months after the proposal was certified as approved, the electors of each representative district as then organized shall elect one delegate and the electors of each senatorial district as then organized shall elect one delegate at a partisan election. The delegates so elected shall convene at the seat of government on the first Tuesday in October next succeeding such election or at an earlier date if provided by law.

The convention shall choose its own officers, determine the rules of its proceedings and judge the qualifications, elections and returns of its members. To fill a vacancy in the office of any delegate, the governor shall appoint a qualified resident of the same district who shall be a member of the same party as the delegate vacating the office. The convention shall have power to appoint such officers, employees and assistants as it deems necessary and to fix their compensation; to provide for the printing and distribution of its documents, journals and proceedings; to explain and disseminate information about the proposed constitution and to complete the business of

the convention in an orderly manner. Each delegate shall receive for his services compensation provided by law.

No proposed constitution or amendment adopted by such convention shall be submitted to the electors for approval as hereinafter provided unless by the assent of a majority of all the delegates elected to and serving in the convention, with the names and vote of those voting entered in the journal. Any proposed constitution or amendments adopted by such convention shall be submitted to the qualified electors in the manner and at the time provided by such convention not less than 90 days after final adjournment of the convention. Upon the approval of such constitution or amendments by a majority of the qualified electors voting thereon the constitution or amendments shall take effect as provided by the convention.

#### Schedule and Temporary Provisions

To insure the orderly transition from the constitution of 1908 to this constitution the following schedule and temporary provisions are set forth to be effective for such period as are thereby required.

Sec. 1. The attorney general shall recommend to the legislature as soon as practicable such changes as may be necessary to adapt existing laws to this constitution.

Sec. 2. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights existing on the effective date of this constitution shall continue unaffected except as modified in accordance with the provisions of this constitution.

Sec. 3. Except as otherwise provided in this constitution, all officers filling any office by election or appointment shall continue to exercise their powers and duties until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

No provision of this constitution, or of law or of executive order authorized by this constitution shall shorten the term of any person elected to state office at a statewide election on or prior to the date on which this constitution is submitted to a vote. In the event the duties of any such officers shall not have been abolished or incorporated into one or more of the principal departments at the expiration of his term, such officer shall continue to serve until his duties are so incorporated or abolished.

Sec. 4. All officers elected at the same election that this constitution is submitted to the people for adoption shall take office and complete the term to which they were elected under the 1908 constitution and existing laws and continue to serve until their successors are elected and qualified pursuant to this constitution or law.

Sec. 5. Notwithstanding any other provision in this constitution, the governor, the lieutenant governor, the secretary of state, the attorney general and state senators shall be elected at the general election in 1964 to serve for two-year terms beginning on the first day of January next succeeding their election. The first election of such officers for four-year terms under this constitution shall be held at the general election in 1966.

Sec. 6. Notwithstanding the provisions of this constitution that the supreme court shall consist of seven justices it shall consist of eight justices until the time that a vacancy occurs as a result of death, retirement or resignation of a justice. The first such vacancy shall not be filled.

Sec. 7. Any judge of probate serving on the effective date of this constitution may serve the remainder of the term and be eligible to succeed himself for election

regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

Sec. 8. The provisions of Article VI providing that terms of judicial offices shall not all expire at the same time, shall be implemented by law providing that at the next election for such offices judges shall be elected for terms of varying length, none of which shall be shorter than the regular term provided for the office.

Sec. 9. The members of the state board of education provided for in Section 3 of Article VIII of this constitution shall first be elected at the first general election after the effective date of this constitution for the following terms: two shall be elected for two years, two for four years, two for six years, and two for eight years as prescribed by law.

The state board of education provided for in the constitution of 1908 is abolished at twelve o'clock noon January 1 of the year following the first general election under this constitution and the terms of members thereof shall then expire.

Sec. 10. The provisions of this constitution providing for members of boards of control of institutions of higher education and the state board of public community and junior colleges shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended, and may further provide that the initial terms of office of members may be less than eight years.

Sec. 11. The provisions of this constitution increasing the number of members of the Board of Trustees of Michigan State University and of the Board of Governors of Wayne State University to eight, and of their term of office to eight years, shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended one year, and may further provide that the initial terms of office of the additional members may be less than eight years.

Sec. 12. The initial allocation of departments by law pursuant to Section 2 of Article V of this constitution, shall be completed within two years after the effective date of this constitution. If such allocation shall not have been completed within such period, the governor, within one year thereafter, by executive order, shall make the initial allocation.

Sec. 13. Contractual obligations of the state incurred pursuant to the constitution of 1908 shall continue to be obligations of the state.

For the retirement of notes and bonds issued under Section 26 of Article X of the 1908 constitution, there is hereby appropriated from the general fund each year during their life a sum equal to the amount of principal and interest payments due and payable in each year.

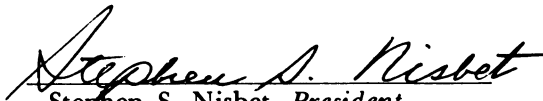
Sec. 14. The legislature by a vote of two-thirds of the members elected to and serving in each house may provide that the state may borrow money and may pledge its full faith and credit for refunding any bonds issued by the Mackinac Bridge Authority and at the time of refunding the Mackinac Bridge Authority shall be abolished and the operation of the bridge shall be assumed by the state highway department. The legislature may implement this section by law.

Sec. 15. This constitution shall be submitted to the people for their adoption or rejection at the general election to be held on the first Monday in April, 1963. It shall be the duty of the secretary of state forthwith to give notice of such submission to all

other officers required to give or publish any notice in regard to a general election. He shall give notice that this constitution will be duly submitted to the electors at such election. The notice shall be given in the manner required for the election of governor.

Sec. 16. Every registered elector may vote on the adoption of the constitution. The board of election commissioners in each county shall cause to be printed on a ballot separate from the ballot containing the names of the nominees for office, the words: Shall the revised constitution be adopted? ( ) Yes. ( ) No. All votes cast at the election shall be taken, counted, canvassed and returned as provided by law for the election of state officers. If the revised constitution so submitted receives more votes in its favor than were cast against it, it shall be the supreme law of the state on and after the first day of January of the year following its adoption.

Adopted by the Constitutional Convention of nineteen hundred sixty-one at Constitution Hall in Lansing on the first day of August, nineteen hundred sixty-two.

  
Stephen S. Nisbet, *President*

  
Fred I. Chase, *Secretary*

[ADDRESS TO THE PEOPLE]

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***What the Proposed  
New State Constitution  
Means to You***

- A report to the people of Michigan  
by their elected delegates to the  
Constitutional Convention of 1961-62.

Lansing, Michigan

August 1, 1962

into conformity with the new document and provides a method for determining the possible inability of the state's chief executive to serve.

The new language, "conviction of the governor on" impeachment, reflects the convention's judgment that a person serving as governor should be permitted to continue in office until impeachment proceedings have been concluded by either acquittal or conviction.

The line of succession to the governorship continues in the same order as the present constitution, except for the deletion of "state treasurer" and "auditor general" who become appointive rather than elective officers under this revised constitution. The matter of further succession, after the three elective state officers, is left to legislative determination.

The phrase "be governor" is substituted for "act as governor" to remove any possible doubt as to the status of one who succeeds to the office in the event of a vacancy. Deleted in its entirety as unnecessary is a sentence in the present Sec. 16 regarding the governor's status while at the head of a military force outside the state.

The fourth paragraph is new language which provides that the inability of a person to serve as governor may be determined by a majority vote of the supreme court. The court would be empowered to act only upon a joint request for such determination from the president pro tempore of the state senate and the speaker of the house of representatives. The supreme court is also given authority to determine when the inability ceases.

#### Same; salary.

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.*

This is a revision of Sec. 18, Article VI, of the present constitution. It clarifies the previous language and directs the legislature to provide compensation equal to that of the governor to any state officer acting in the capacity of governor.

#### Highway commission.

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.*

This is a new section establishing a bipartisan state highway commission which will administer the state highway department and have control and jurisdiction over state highways and associated facilities as well as such other public works of the state authorized by law.

No more than two of the four-member commission may belong to the same political party. They are to be appointed by the governor, with advice and consent of the senate, for four-year overlapping terms.

The commission is to appoint a state highway director to be the principal executive officer of the department. He is to be a competent highway engineer and administrator.

#### Civil rights 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.*

This is a new section establishing an eight-member bipartisan civil rights commission to be named by the governor, with advice and consent of the senate, for four-year staggered terms. The commission is given powers and duties, as prescribed by law, to investigate instances of alleged discrimination against any person because of religion, race, color or national origin in the enjoyment of the civil rights guaranteed by this constitution and law; and to secure the equal protection of such rights without discrimination.

The legislature is directed to provide an annual appropriation for the effective operation of the commission whose powers are enumerated in the second paragraph.