

Michigan Constitutional Convention of 1961

Committee Proposal 90

Const 1963, Art 6, § 1

Relevant Material From the Constitutional Convention Record

Cross-Reference and Indices	pp. 3436, 3451, 3466
First Reading	pp. 757, 1240-1256, 2191
Second Reading	pp. 2672-2673
Draft Constitution (Art 6, § 1)	pp. 3047-3075 (p. 3060)
Third Reading, Article-by-Article	pp. 3133-3134, 3138-3140
Draft Constitution (Art 6, § 1)	pp. 3215-3237 (p. 3225)
Third Reading, Full Constitution	pp. 3292, 3300-3301
Adopted Constitution (Art 6, § 1)	pp. 3319-3353 (p. 3334)
Address to the People	p. 3384

Overview of the Constitutional Convention Process

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

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

State of Michigan
CONSTITUTIONAL CONVENTION
1961 - 1962
OFFICIAL RECORD



FRED I. CHASE
Secretary of the Convention

AUSTIN C. KNAPP
Editor
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Associate Editor

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

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

* Created by the committee on style and drafting.

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

Committee Proposal No.	Page
85: Cont'd.	
Feb. 15, considered, amended, passed by committee of the whole	1090-1091
Feb. 16, reported by committee of the whole with 2 amendments; amendments concurred in; referred to style and drafting	1107
Mar. 27, reported by style and drafting (Report 43); placed on order of second reading	1890
Apr. 17, read second time; passed; rereferred to style and drafting	2538-2540
86. A proposal pertaining to highways and their maintenance. Amends article VIII, sections 26 and 27.	
For text as offered and reasons	1057
As referred to style and drafting	1057
As reported by style and drafting	2540
As rereferred to style and drafting	2540
Feb. 2, reported by local government; referred to committee of the whole	756
Feb. 14, read first time; considered, passed by committee of the whole	1057-1059
Feb. 14, reported by committee of the whole without amendment; referred to style and drafting	1065
Mar. 27, reported by style and drafting (Report 44); placed on order of second reading	1890
Apr. 17, read second time; amended, passed; rereferred to style and drafting	2540
87. A proposal relating to ports and port districts. Retains section 30 of article VIII unchanged.	
For text as offered and reasons	1059
As referred to style and drafting	1059
As reported by style and drafting	2540
As rereferred to style and drafting	2540
Feb. 2, reported by local government; referred to committee of the whole	756
Feb. 14, read first time; considered, passed by committee of the whole	1059
Feb. 14, reported by committee of the whole without amendment; referred to style and drafting	1065
Mar. 27, reported by style and drafting (Report 45); placed on order of second reading	1890
Apr. 17, read second time; passed; rereferred to style and drafting	2540-2541
88. A proposal pertaining to metropolitan areas. Amends article VIII.	
For text as offered and reasons	1059
As referred to style and drafting	1107
As reported by style and drafting	2541
As rereferred to style and drafting	2545
Feb. 2, reported by local government; referred to committee of the whole	756
Feb. 14, read first time; sections a, b considered; section a passed by committee of the whole	1059-1064
Feb. 15, section b considered, amended, passed; committee proposal as amended considered, passed by committee of the whole	1071-1090
Feb. 15, reported by committee of the whole with 1 amendment; amendment concurred in	1105
Feb. 16, considered; referred to style and drafting	1107
Mar. 27, reported by style and drafting (Report 46); placed on order of second reading	1890
Apr. 17, read second time; amended, passed; rereferred to style and drafting	2541-2546
89. A proposal pertaining to county home rule. Amends article VIII.	
For text as offered and reasons	1091
For minority report and reasons	1092
As referred to style and drafting	1133
As reported by style and drafting	2546
As rereferred to style and drafting	2551
Feb. 2, reported by local government; referred to committee of the whole	756
Feb. 15, read first time; section a considered, amended by committee of the whole	1091-1105
Feb. 16, section b considered, amended; committee proposal as amended considered, passed by committee of the whole	1107-1108
Feb. 16, reported by committee of the whole with 2 amendments; amendments concurred in; amended; referred to style and drafting	1111-1133

Committee Proposal No.	Page
89: Cont'd.	
Mar. 27, reported by style and drafting (Report 47); placed on order of second reading	1891
Apr. 17, read second time; amended, passed; rereferred to style and drafting	2546-2551
90. A proposal pertaining to the judicial branch. A substitute for section 1 of article VII.	
For text as offered and reasons	1240
For minority report and reasons	1241
As referred to style and drafting	1240
As reported by style and drafting	2672
As rereferred to style and drafting	2672
Feb. 2, reported by judicial branch; referred to committee of the whole	757
Feb. 22, read first time; considered, passed by committee of the whole	1240-1256
Feb. 22, reported by committee of the whole without amendment; referred to style and drafting	1260-1261
Apr. 6, reported by style and drafting (Report 52); placed on order of second reading	2191
Apr. 23, read second time; passed; rereferred to style and drafting	2672-2673
91. A proposal pertaining to the supreme court. A substitute for sections 2, 4, 5, 6 and 7 of article VII.	
For text as offered and reasons	1256
For minority reports and reasons	1259
As referred to style and drafting	1620
As reported by style and drafting	2722
As rereferred to style and drafting	2736
Feb. 2, reported by judicial branch; referred to committee of the whole	757
Feb. 22, read first time; sections a, b considered; section a postponed by committee of the whole	1256-1260
Feb. 23, sections b, c considered, amended, passed by committee of the whole	1262-1274, 1275-1287
Feb. 26, sections d, e, f considered; section d passed; sections e, f amended, passed by committee of the whole	1289-1312
Feb. 27, section g considered, amended by committee of the whole	1313-1342
Feb. 28, section a considered; consideration postponed by committee of the whole	1343-1355
Mar. 9, section a considered by committee of the whole	1564-1566
Mar. 12, section a considered by committee of the whole	1569-1595
Mar. 13, sections a, g considered, amended, passed; committee proposal as amended considered, passed by committee of the whole	1596-1604
Mar. 13, reported by committee of the whole with 8 amendments; amendments concurred in; referred to style and drafting	1617-1620
Apr. 6, reported by style and drafting (Report 53); placed on order of second reading	2191
Apr. 24, read second time; amended, passed; rereferred to style and drafting	2722-2737
92. A proposal pertaining to a court of appeals. Amends article VII.	
For text as offered and reasons	1604
As referred to style and drafting	1616
As reported by style and drafting	2673
As rereferred to style and drafting	2673
Feb. 2, reported by judicial branch; referred to committee of the whole	757
Feb. 28, consideration postponed by committee of the whole	1355
Mar. 13, read first time; considered, passed by committee of the whole	1604-1609
Mar. 13, reported by committee of the whole without amendment; amended; referred to style and drafting	1611-1617
Apr. 6, reported by style and drafting (Report 54); placed on order of second reading	2191
Apr. 23, read second time; passed; rereferred to style and drafting	2673-2675

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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 ¹ , 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

Mr. Danhof, for the committee on judicial branch, introduced **Committee Proposal 90**, A proposal pertaining to the judicial branch. A substitute for section 1 of article VII; with the recommendation that it pass.

Robert J. Danhof, chairman.

For Committee Proposal 90 and the reasons submitted in support thereof, see below under date of February 22.

Mr. Danhof, for the committee on judicial branch, introduced **Committee Proposal 91**, A proposal pertaining to the supreme court. A substitute for sections 2, 4, 5, 6 and 7 of article VII; with the recommendation that it pass.

Robert J. Danhof, chairman.

For Committee Proposal 91 and the reasons submitted in support thereof, see below under date of February 22.

Mr. Danhof, for the committee on judicial branch, introduced **Committee Proposal 92**, A proposal pertaining to a court of appeals. Amends article VII; with the recommendation that it pass.

Robert J. Danhof, chairman.

For Committee Proposal 92 and the reasons submitted in support thereof, see below under date of March 13.

Mr. Danhof, for the committee on judicial branch, introduced **Committee Proposal 93**, A proposal pertaining to the circuit court. A substitute for sections 8, 9, 10 and 11 of article VII; with the recommendation that it pass.

Robert J. Danhof, chairman.

For Committee Proposal 93 and the reasons submitted in support thereof, see below under date of February 28.

Mr. Danhof, for the committee on judicial branch, introduced **Committee Proposal 94**, A proposal pertaining to the probate court. A substitute for sections 13 and 14 of article VII; with the recommendation that it pass.

Robert J. Danhof, chairman.

For Committee Proposal 94 and the reasons submitted in support thereof, see below under date of March 1.

Mr. Danhof, for the committee on judicial branch, introduced **Committee Proposal 95**, A proposal pertaining to appeals from administrative tribunals. Adds a new section to article VII; with the recommendation that it pass.

Robert J. Danhof, chairman.

For Committee Proposal 95 and the reasons submitted in support thereof, see below under date of March 5.

Mr. Danhof, for the committee on judicial branch, introduced **Committee Proposal 96**, A proposal pertaining to general and special provisions relative to the courts of the state. A substitute for sections 17, 19, 20 and 23 of article VII; with the recommendation that it pass.

Robert J. Danhof, chairman.

For Committee Proposal 96 and the reasons submitted in support thereof, see below under date of March 6.

Mr. Bentley, for the committee on education, introduced **Committee Proposal 97**, A proposal to amend article XI by adding a new section pertaining to the arts and recreation; with the recommendation that it pass.

Alvin M. Bentley, chairman.

For Committee Proposal 97 and the reasons submitted in support thereof, see below under date of February 22.

Mr. Bentley, for the committee on education, introduced **Committee Proposal 98**, A proposal pertaining to the educational

institutions of the state. Replaces sections 3, 4, 5, 7, 8, 10 and 16 of article XI; with the recommendation that it pass.

Alvin M. Bentley, chairman.

For Committee Proposal 98 and the reasons submitted in support thereof, see below under date of February 16.

Mr. Hoxie, for the committee on legislative powers, introduced **Committee Proposal 99**, A proposal to provide that the legislature may provide for a jury of less than 12 in civil cases. Amends article V, section 27; with the recommendation that it pass.

T. Jefferson Hoxie, chairman.

For Committee Proposal 99 and the reasons submitted in support thereof, see below under date of April 11.

Mr. Hoxie, for the committee on legislative powers, introduced **Committee Proposal 100**, A proposal to provide that the legislature shall not authorize lotteries or the sale of lottery tickets. Retains article V, section 33; with the recommendation that it pass.

T. Jefferson Hoxie, chairman.

For Committee Proposal 100 and the reasons submitted in support thereof, see below under date of April 11.

Mr. Hoxie, for the committee on legislative powers, introduced **Committee Proposal 101**, A proposal to provide that the state shall not engage in internal improvements except in certain specified areas and except that the legislature may empower local subdivisions to act in the area of internal improvements. Amends article X, section 14; with the recommendation that it pass.

T. Jefferson Hoxie, chairman.

For Committee Proposal 101 and the reasons submitted in support thereof, see below under date of April 11.

Mr. Hoxie, for the committee on legislative powers, introduced **Committee Proposal 102**, A proposal to provide that each house of the legislature may choose its officers, determine its rules, judge qualifications of its members and other matters. Amends article V, section 15; with the recommendation that it pass.

T. Jefferson Hoxie, chairman.

For Committee Proposal 102 and the reasons submitted in support thereof, see below under date of April 12.

Mr. Hoxie, for the committee on legislative powers, introduced **Committee Proposal 103**, A proposal to provide that sessions of the legislature be open and that a concurrent resolution is necessary for adjournment for more than 3 days. Amends article V, section 18; with the recommendation that it pass.

T. Jefferson Hoxie, chairman.

For Committee Proposal 103 and the reasons submitted in support thereof, see below under date of April 11.

Mr. Hoxie, for the committee on legislative powers, introduced **Committee Proposal 104**, A proposal to provide for 3 readings of a bill before passage and for passage of bills by a majority of the members elected. Retains article V, section 23; with the recommendation that it pass.

T. Jefferson Hoxie, chairman.

For Committee Proposal 104 and the reasons submitted in support thereof, see below under date of April 11.

Mr. Hoxie, for the committee on legislative powers, introduced **Committee Proposal 105**, A proposal to provide that bills must

[The amendment was again read by the secretary. For text, see above, page 1239.]

CHAIRMAN MILLARD: The question is on the Faxon amendment.

MR. FAXON: Division.

CHAIRMAN MILLARD: Mr. Faxon has demanded a division. Is that seconded? A sufficient number up. All those in favor of the amendment will vote aye. Those opposed will vote nay. The secretary will restate the amendment.

SECRETARY CHASE: The delegates will be reminded that prior to the recess, lines 8 and 9 were stricken out of the proposal by amendment. Mr. Faxon now offers the amendment to insert in lines 8 and 9 the words, "The promotion and development of the arts shall always be encouraged."

CHAIRMAN MILLARD: All in favor will vote aye, and those opposed will vote nay. Have you all voted? The secretary will lock the machine and tally the vote.

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Faxon, the yeas are 47; the nays are 71.

CHAIRMAN MILLARD: The amendment is not adopted.

SECRETARY CHASE: There are no further pending amendments, Mr. Chairman.

CHAIRMAN MILLARD: Committee Proposal 97, as amended, is passed.

I recognize the chairman of the committee, Delegate Bentley.

MR. BENTLEY: Mr. Chairman, this completes the proposals from the committee on education, which I might remind the committee has extended over a period which began last October 23 and continued on until today, almost exactly 4 months.

At this time I would just like to make a very brief statement regarding the committee on education. It is not my intention to name by name the dedicated members, men and women, of the committee that have worked so hard to bring these proposals to the floor, proposals which, with the exception of the last one, 97, have, I think in whole, met with the general approval of the committee of the whole on first reading. But I would like to give my own personal thanks and pay my own personal tribute to the 20 ladies and gentlemen that composed the committee on education for having cooperated and collaborated almost 100 per cent with no thought of any motive in mind but that of doing their very best in the field and for the cause of public education in our state; and, as I say, express to them my own very deep sense of personal gratitude for the cooperation and assistance which they gave me, as chairman, during this long period of deliberations and consideration.

At this time, again, I wish to remind the committee of the whole that we have completed our work as a committee on education and I wish to thank the members of my committee and I wish to thank the members of the committee of the whole for the consideration which they gave to our proposals during these past 4 months.

At this time, Mr. Chairman, I move the committee do now rise.

CHAIRMAN MILLARD: The chairman of the committee on education moves that the committee do now rise. All in favor say aye. Opposed, no.

The motion prevails.

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

VICE PRESIDENT ROMNEY: Delegate Millard is recognized.

MR. MILLARD: Mr. President, the committee of the whole has risen and the secretary will make a detailed report of what occurred there.

SECRETARY CHASE: Mr. President, the committee of the whole has had under consideration **Committee Proposal 97**, A proposal to amend article XI by adding a new section pertaining to the arts and recreation. The committee of the whole reports the proposal back to the convention with the following amendment:

1. Amend page 1 by striking out all of lines 8 and 9.
VICE PRESIDENT ROMNEY: The question is on agreeing to the amendment. Those in favor say aye. Opposed? The amendment is agreed to.

Delegate Kuhn.

MR. KUHN: Mr. President, we would like to demand the yeas and nays on this amendment.

VICE PRESIDENT ROMNEY: Those in favor of the yeas and nays, please indicate.

SECRETARY CHASE: Seventeen.

VICE PRESIDENT ROMNEY: Not a sufficient number.

Committee Proposal 97, as amended, is referred to the committee on style and drafting.

Following is Committee Proposal 97 as amended and referred to the committee on style and drafting:

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

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

Mr. Gadola.

MR. GADOLA: Mr. President, I have a point of order here or information. What are you going to propose to style and drafting? There is no Committee Proposal 97.

VICE PRESIDENT ROMNEY: I think the delegate is right. There is nothing to refer. It was voted down.

The secretary advises me that it will be reported to the style and drafting committee as a negative report. It will be an indication to the style and drafting committee as to the sentiment of the convention and for their guidance in their work.

Delegate Kuhn.

MR. KUHN: Mr. President, parliamentary inquiry. I am wondering if a motion would be in order as an amendment, then, which would be what the committee report is, "The promotion and development of the arts and recreation shall always be encouraged." Could we put that in, say, as an amendment to that and then ask for a vote?

VICE PRESIDENT ROMNEY: Delegate Kuhn, this is not a proper amendment. The convention has just expressed itself on that matter.

Delegate Van Dusen.

MR. VAN DUSEN: Mr. President, I move the convention resolve itself into committee of the whole for further consideration of matters on the order of **general orders**.

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

The motion prevails. Delegate Van Dusen will preside.

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

CHAIRMAN VAN DUSEN: The committee will be in order and the secretary will read the first proposal.

SECRETARY CHASE: Item 1 on your calendar, from the committee on judicial branch, by Mr. Danhof, chairman, **Committee Proposal 90**, A proposal pertaining to the judicial branch. A substitute for section 1 of article VII.

Following is Committee Proposal 90 as read by the secretary, and the reasons submitted in support thereof:

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

Sec. a. THE 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 VOTE OF THE MEMBERS OF EACH HOUSE.

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

Mr. Danhof, chairman of the committee on judicial branch, submits the following reasons in support of Committee Proposal 90:

After 3 months of hearings and another of discussion, the committee members are in general agreement that Michigan's judicial system is basically sound. The committee, therefore, took the approach that the deficiencies of the system should be corrected, but the structure should be maintained. A study of systems available in other comparable states confirmed this opinion.

The proposed section makes 3 basic changes. It creates "a court of justice." This is primarily an administrative matter, but incorporates the concept that we have a single court, with several branches, each devoting its attention to a certain level of judicial administration. This is the modern concept originally propounded by Dean Roscoe Pound, and since adopted in most new state constitutions. The language comes from the model judicial article of the American bar association.

The second change is to create an intermediate court of appeals. The committee believed that the present degree of work of the supreme court might well justify this new court. Certainly the mandate of this convention, that an appeal of right in criminal cases be granted, makes the creation of an intermediate court of appeals, in the opinion of the committee, essential.

Finally, this section removes the constitutional status of the justice of the peace system. The purpose is to enable the legislature to create a modern court of limited jurisdiction. The committee gave serious consideration to several proposals for the creation of a county court system. While a number of the members felt in sympathy with these ideas, it was concluded by the committee that the legislature should be given the leeway and the obligation to create courts of limited jurisdiction. It was the thought of the committee that a flexible system could thus be designed to meet the differing needs of large and small counties.

Following is the minority report to Committee Proposal 90 as offered, (no reasons were submitted in support thereof):

Miss Donnelly, Messrs. Leibbrand and McAllister, a minority of the committee on judicial branch, submit the following minority report to Committee Proposal 90:

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

Line 5, after "vested", strike "exclusively"; and line 6, strike "one court of justice, which shall be divided into"; so that the section will read as follows:

Sec. a. THE JUDICIAL POWER OF THE STATE IS VESTED IN 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 VOTE OF THE MEMBERS OF EACH HOUSE.

CHAIRMAN VAN DUSEN: The Chair will recognize Mr. Danhof, chairman of the committee.

MR. DANHOF: Mr. Chairman, members of the committee, after having discussed such high level topics as fine arts and recreation of various forms, we come down now to such mundane things as the supreme court, circuit courts and the justices of the peace. Looking back at Mr. Hubbs' statement of a few moments ago in which he said that he wanted to get into something he could sink his teeth into, I approach this with a little fear and trepidation and advise him that the chairman of the committee is not of sufficient size to satisfy everybody. (laughter)

In starting out, I should state that the committee was composed of 21 in number, of which 20 were licensed to practice law in the state of Michigan. I have no problem but what we can convince the lay members of this committee that our

proposal is good. My only concern is with those other 37 members licensed to practice law who were not on the committee. Mr. Barthwell, who served as the only nonlawyer, has stated that he will readily take the blame for any mistakes that may have occurred, (laughter) since he knows that 19 lawyers could not possibly have made any mistakes in writing this article. (laughter)

Earlier today on the desk you received 2 pamphlets. The committee proposals are found in Committee Proposals 90 through 96, and the one that the secretary has just read is Committee Proposal 90. The committee on judicial branch decided very early in their deliberations that we would write a new article and, as such, everything you find in the committee proposals will be in caps. Exclusion reports have been filed for every section in the old article VII. However, for your information and for your guidance, there has been prepared, taken from the sections of the 1908 constitution and insofar as it could be arranged, the interlineations of the new language and the new sections. I also took it upon myself to prepare a very sketchy outline which will show to you Committee Proposal 90, for instance, section a, the corresponding section of the 1908 constitution, being article VII, section 1, and very briefly the changes that the committee has recommended. This will allow you to follow along and to be kept informed as to the change. We have added new sections, of course, which are not found, and we have recommended the exclusion of others. I hope that this ready reference, particularly for the nonlawyers, will be of benefit so we can readily see, as we start out, the changes from the 1908 constitution, section 1, and section a of Committee Proposal 90.

At this time for some explanatory remarks concerning section a, Mr. Chairman, I would like to yield first to Mr. Ostrow, the gentleman from Detroit, and then to Delegate Everett, the gentleman from Battle Creek, for some remarks. We will then be yielding for the answering of questions.

CHAIRMAN VAN DUSEN: Mr. Danhof yields to Mr. Ostrow.

MR. OSTROW: Mr. Chairman, ladies and gentlemen of the committee, Committee Proposal 90 and the committee report are found on page 464 of the journal.

Our committee held hearings for 3 months and discussions for another month, after which the committee members were in general agreement that Michigan's judicial system is basically sound. The committee, therefore, took the approach that the deficiencies of the system should be corrected but the structure should be maintained. A study of systems available in other comparable states confirmed this opinion.

I would like to interject here that we brought people from Minnesota, Wisconsin, Illinois and New York because we heard that they might be able to contribute something toward an improvement in our system. The more we looked at other systems, the better we liked our own. I think you would be interested in this. This that I hold in my hand, very small type, 5 columns on one side and 3 on the other, is the New York judicial article submitted last November. As closely as I can estimate, this contains from 9,000 to 12,000 words. You can readily understand, therefore, that after looking at systems like that and considering our simple and efficient system in Michigan, why we did what I am about to explain that we did do.

The proposed section makes 3 basic changes. It creates a court of justice. This is primarily an administrative matter but incorporates the concept that we have a single court, with several branches, each devoting its attention to a certain level of judicial administration. This is the modern concept originally propounded by Dean Roscoe Pound and since adopted in most new state constitutions. This language comes from the model judicial article of the American bar association.

The second change is to create an intermediate court of appeals. The committee believed that the present degree of work of the supreme court might well justify this new court. Certainly the mandate of this convention, that an appeal of right in criminal cases be granted, makes the creation of an intermediate court of appeals, in the opinion of the committee,

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

essential. Incidentally, in that connection, almost everybody that testified before our committee agreed to the need for an intermediate court of appeals.

Finally, this section removes the constitutional status of the justice of the peace system. Here I would like to say for those who are concerned about justices of the peace—and I know that there are many—this section merely removes them from the constitution. There is a section later on, Committee Proposal 96, section i, which you might say is the death penalty for justices of the peace. So if you are only concerned in preserving justices of the peace but don't care particularly whether they are in the constitution, save your fire for 96 i, and not here.

The purpose is to enable the legislature to create a modern court of limited jurisdiction. The committee gave serious consideration to several proposals for the creation of a county court system. While a number of the members felt in sympathy with these ideas, it was concluded by the committee that the legislature should be given the leeway and the obligation to create courts of limited jurisdiction. It was the thought of the committee that a flexible system could thus be designed to meet the differing needs of large and small counties. I would like to add that this is merely the basic structure of the court system of Michigan. If you are concerned specifically with how supreme court justices are elected, then instead of concerning yourself with amendments to this section, because this has nothing to do with their election or appointment or choosing or their powers or duties, for the supreme court you will be interested in Committee Proposal 91.

If you are interested in the court of appeals, it is Committee Proposal 92; if you are interested in the circuit judges, it is Committee Proposal 93; the probate judges, Committee Proposal 94; a new section dealing with appeals from administrative agencies, Committee Proposal 95; and the catchall, the general provisions, Committee Proposal 96.

CHAIRMAN VAN DUSEN: Does the chairman of the committee now desire to yield to the gentleman from Calhoun, Mr. Everett?

MR. DANHOF: Yes.

CHAIRMAN VAN DUSEN: Mr. Everett is recognized.

MR. EVERETT: Mr. Chairman and fellow delegates, I think Mr. Ostrow has very ably covered what the thinking of the committee in submitted Committee Proposal 90 is. I would prefer rather than to add to his comments to simply assist him in the event there are questions which might develop in the minds of any of you.

CHAIRMAN VAN DUSEN: Mr. Powell, did you desire recognition for the purpose of asking a question?

MR. POWELL: Mr. Chairman, ladies and gentlemen of the committee, what I am about to say you might call a little bit of a privileged statement, possibly. I have great esteem for the members of this committee and the work they have done. I am just calling attention to the fact that they have set up their reports in a different form than the others and do not show the deleted material, but they have thoughtfully provided this compilation here which I think most of us that haven't been working on these will want to follow because it shows what the changes are; that is, what is being deleted, and I thought if you hadn't caught on to that, it might be well to mention that at this juncture so that we can follow along in this rather thick bunch of white pages here and see exactly what these proposals are in comparison with what the existing corresponding provisions of the constitution are. Thank you.

CHAIRMAN VAN DUSEN: Thank you, Mr. Powell. Judge Leibrand, did you seek recognition?

MR. LEIBRAND: Mr. Chairman, I believe the practice has been to consider minority reports and amendments prior to the main question.

CHAIRMAN VAN DUSEN: That is correct, Judge Leibrand. Mr. Danhof had made his explanation, and I thought that when the explanation was complete, we would then proceed immediately to the minority report.

MR. LEIBRAND: Thank you.

CHAIRMAN VAN DUSEN: And if there is no further question on the majority proposal, the secretary will read the minority report.

SECRETARY CHASE: Pursuant to their minority report, Miss Donnelly, Messrs. Leibrand and McAllister offer the following amendment to Committee Proposal 90:

1. Amend page 1, line 5, after "vested" by striking out "exclusively in one court of justice, which shall be divided into" and inserting "in"; so that the language will then read, "The judicial power of the state is vested in one supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court," et cetera.

CHAIRMAN VAN DUSEN: The question is on the amendment offered by Miss Donnelly, Mr. Leibrand and Mr. McAllister. Mr. Leibrand.

MR. LEIBRAND: Mr. Chairman and delegates, you have heard the reading of the majority report on this section and also the reading of the minority report. Now, with reference to the words contained in those reports, there may appear to you to be very little difference, just a change of 3 or 4 words, but in general philosophy there was a world of difference, and what this committee of the whole does with this first section may greatly influence what is done with the following sections.

Basically I will say that the majority report on the nature of the court system in Michigan had its birth with an eminent judicial and legal theorist by the name of Roscoe Pound, whom I believe was dean of the law school of Harvard University. The conception and introduction to our committee of his theories begins to be covered on page 9 of the pamphlet that all of you have somewhere in your piles of reading material entitled, The Michigan Constitution and the Judiciary. As with most of those types of theories, his theory was one that the only good court system was one where somebody at the top was cracking the whip and the courts down below were dancing.

The minority report has its genesis and conception in the Constitution of 1908. It has been in there for 54 years and, as Mr. Ostrow has told you, the general overall court system has been considered to be satisfactory in Michigan.

The theory of the judicial system in the constitutional system of 1908 was generally that there were a number of independent courts with a considerable degree of independence, the circuit courts primarily and the probate courts. Of course, the Constitution of 1908 also created a supreme court, but primarily that supreme court was for the purpose of hearing appeals from specific cases. In other words if a litigant was dissatisfied with the kind of treatment he got in a certain court, he could appeal that specific case to the supreme court.

Under the Constitution of 1908 the Michigan supreme court was given the power to make general court rules covering general operations of the courts so that an attorney from one county or from one area could go into a court in another county or area and find himself confronted with the same type of general rules of procedure that he had in his own county or his own district. For 54 years that quasi independence of the circuit courts has been found to be eminently satisfactory.

In our long months of committee hearings we considered 5 levels of courts, 3 old levels and 1 or 2 possible new levels, and as we take the principal 4 courts that have been in existence under the Constitution of 1908, we have at the top the Michigan supreme court; then the courts of circuit court status; then the probate court; and then the justice court. We have had a 4 level system.

I don't believe any member of that 21 man and woman committee will disagree with me when I say that the complaints that we had or the objections that we had or the suggestions that we had as to revision came primarily with respect first, to the system of justice courts, to justices of the peace. The complaints came, secondarily, about the supreme court, its method of selection and tenure and that sort of thing. I don't recall reading a single letter or receiving a single letter or hearing a single criticism of the Michigan circuit court system. People seemed to be satisfied with the

kind of justice and the operations of the circuit court and to my recollection the committee has recommended no changes whatever in the operation and method of selection and tenure of the circuit judges.

Now, the theory of those of us who are in the minority, who have joined in the minority report, is that where a system, a circuit court system, has proved so eminently satisfactory over a period of 54 years, this is no time to change by interjecting into the circuit court system a great degree of dictation, control and domination by the Supreme Court of the State of Michigan. What the minority report amendment would do, if adopted, would be to continue the circuit courts and their operation as they have been in the past.

What the majority report would do, if adopted, would be not only to permit but almost direct the supreme court outside of regular appeal cases to intervene in and direct and control the operation of each separate circuit court and circuit judge in the state of Michigan.

We of the minority don't think that this is a good change. I am not going to go on longer trying to persuade you. How you will vote on these respective reports I think will depend upon your individual philosophies which have been building up within you for from 30 to 75 years. If you are a delegate and a person who thinks that all good things come from the top with direction from the top, you will, I believe, vote for the majority report. If you are a true believer in the principle of home rule and independence of your local elected judiciary, you will, I believe, vote for the minority report.

Thank you very much. And I recommend the adoption of the minority report amendment.

CHAIRMAN VANDUSEN: The question is on the amendment offered by Miss Donnelly, Judge Leibrand and Mr. McAllister. Mr. Danhof.

MR. DANHOF: Mr. Chairman, I should like to state, if I can, that we have gotten into the usual practice that approximately at this time the convention recesses for lunch. We have heard the majority report. We have heard the opening statements on the minority report.

I would move at this time, Mr. Chairman, the committee do rise.

CHAIRMAN VANDUSEN: Mr. Danhof moves the committee do now rise. Those who favor will say aye. Opposed? The motion prevails.

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

VICE PRESIDENT ROMNEY: Delegate Van Dusen.

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

SECRETARY CHASE: Mr. President, the committee of the whole has had under consideration **Committee Proposal 90**, A proposal pertaining to the judicial branch; has considered one amendment thereto and has come to no final resolution thereon. That completes the report of the committee of the whole.

Mr. President, we have 2 requests: Delegate Bentley requests to be excused from the early part of this afternoon's session; and Delegate Dell requests to be excused from the afternoon session and tomorrow's session.

VICE PRESIDENT ROMNEY: Without objection, it is so ordered.

Mr. McLogan.

MR. McLOGAN: Mr. President, point of personal privilege.

VICE PRESIDENT ROMNEY: The gentleman will state it.

MR. McLOGAN: Ladies and gentlemen of the convention, 75 years ago this date there was born in the village of Corunna, Michigan, one who was destined to become a force for good in his community of Flint, one who was to hold a position of public trust for many years. The delegate to whom I refer is held in esteem by his city, his state and the constitutional convention.

May I express the wish of a very happy birthday to Judge Paul Gadola on completing $\frac{3}{4}$ of a century of a fine and productive life.

[Mr. Gadola was given a standing ovation.]

VICE PRESIDENT ROMNEY: Judge Gadola.

MR. GADOLA: Mr. President, there is little I can say. I am overwhelmed by your kindness and I thank this northwest section over here for this beautiful tribute that they gave me. I have endeavored through my life to further the interests of humanity, and being elected to this convention was my greatest endeavor, and I will continue to do that so long as the Lord gives me power to speak. Thank you. (applause)

VICE PRESIDENT ROMNEY: Delegate Van Dusen.

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

VICE PRESIDENT ROMNEY: Those in favor say aye. Opposed, no.

The motion prevails and the convention is recessed until 2:00 o'clock this afternoon.

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

The convention will come to order.

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

VICE PRESIDENT ROMNEY: Delegate Tubbs.

MR. TUBBS: Mr. President and ladies and gentlemen, I rise to perhaps a personal privilege to remind all of us of a little history. Two hundred thirty years ago this year a man was born. He was born on February 10, 1732. Why February 10? Because the English speaking world hadn't gotten around to changing their calendars to conform to the Gregorian calendar, so he was born before the English people made the change of 12 days, so his birthdate had to be changed to February 22, new style calendar.

His name was George—and I hope I do not bring the wrath of the Democrats down on my head by mentioning that at this gathering (laughter) but since he had 3 syllables to his surname rather than 2, perhaps I will be forgiven. He is probably the greatest sire of all time. He is supposed to be and I think in fact was the father of his country.

I think, Mr. President, at this moment we ought to salute George Washington. (applause)

VICE PRESIDENT ROMNEY: Delegate Van Dusen.

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

VICE PRESIDENT ROMNEY: Those in favor of the motion say aye. Opposed?

The motion prevails and Delegate Van Dusen will preside.

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

CHAIRMAN VANDUSEN: The committee will be in order. When we last met, we had under consideration **Committee Proposal 90**, and the question is on an amendment thereto offered by Miss Donnelly, Judge Leibrand and Mr. McAllister. Judge Leibrand.

MR. LEIBRAND: Mr. Chairman, during the noon hour it has come to my attention that a number of delegates have not received the reasons for the minority report which supposedly was distributed. Most of them have but a number have not. It is short. I would like to read it for the benefit of those who do not have that sheet:

The minority report would strike the word "exclusively" from line 5 and would strike the words "one court of justice which shall be divided into" from line 6 of **Committee Proposal 90**.

The underlying concept of the majority report is that the judicial system of Michigan should be a single unit, having a number of branches, with the supreme court to assume widening control over all lesser courts. This concept differs from that found in the Constitution of 1908, which regards the circuit and probate courts of Michigan as distinct and independent courts. A right of appeal lay from the circuit court to the supreme court, and the supreme court was empowered by the Constitution of 1908 to provide general rules of practice and procedure for all courts. The control of the lower courts by the supreme court ended at this point.

It is the opinion of the minority that the tenor of section a of Committee Proposal 90, as well as the tenor of subsequent sections of the majority proposal, is to increase supreme court dictation to courts at the circuit and probate court levels. We believe that undue interference with courts at the circuit and probate levels, even by the supreme court, will tend to destroy the independence which these lower courts must have if they are to dispense real justice.

CHAIRMAN VAN DUSEN: When last we met, the Chair had noted 3 delegates seeking recognition and will call on them in the order in which they are noted. The first is Delegate Lawrence.

MR. LAWRENCE: Mr. Chairman, members of the committee, I would like to speak in opposition to the minority report and at this time to support the majority report with the understanding, proviso and reserving the fact that I do have an amendment in as to the majority report which is not in order at this time, but which I will mention in only one respect, and that is that the latter part of the majority report which would also be in this report is the part that I have the amendment to; in other words to create a court of county wide jurisdiction inferior to the circuit court.

As many of you know, the matter of selection and tenure of judges has been the one field that I have been interested in for a number of years. I will just mention for those who I haven't told this before that 12 years ago I was placed on the state bar committee of judicial selection and tenure. Five years ago I was made chairman of that committee and have remained such to this time. A part of our duty has been to go into this matter of selection and tenure of judges and their activities on the bench. During the course of those years, I have come to the conclusion that in a state with as large a population, as dense a population as we have in the southeastern part of this state, if we are going to get the efficient and proper use of our judicial manpower, of our courts, there has to be some sort of order. You can't have a number of separate planets operating entirely by themselves, determining the amount of time that they will work, the hours that they will keep, the manner in which their courts will be conducted, and still get the best for the public. Delays are one of the things that the courts are criticized for, and when you have courts operating without any general plan by themselves, delay is fostered.

As to the supervision of the courts, the fear that apparently too much power will remain in the supreme court or be in the supreme court that will effectively hamper the functioning of the lower courts, I have only this observation to make: within the last 3 years it came to the attention of the bar committee that there were certain things going on in Wayne county at the justice court level and particularly in connection with one justice of the peace that were not proper. At the request and at the instance of that bar committee, an investigation was conducted. As a result of that, the justice of the peace resigned.

At that time it was the hope of the committee — and the committee did offer its services to the Wayne county circuit court which has supervisory power over the lower courts in the county — to have an investigation made of all the justice courts. We offered the manpower. There was, of course, no charge for that. We offered to turn the results over to the Wayne county circuit court. Rather than have that occur, a special committee of the Wayne county bar was formed to perform that function.

Now, the difficulty has been that there hasn't been enough supervision rather than too much supervision. There is a need to coordinate the activities of the courts throughout the state — not of telling them how to decide their cases. I don't mean that at all. Certain areas of the state have too few judges. Other areas in the state have a workload so that the judges or the judge in the circuit has some spare time. Also as a result of efforts of that bar committee, the court administrator bill finally was passed in the state and we now have a court administrator whose function it is to see that the workload of the courts is distributed in such a way that if one court is not busy and another court is busy, some assistance is given. So we do have in the state the situation where at certain times of the year at least there is an excess of manpower and at the same time in other areas there is an overloading, and it is in that area where the supreme court, of course, can exercise a very good and beneficial function for the people.

It is only if you do have an integrated court system, however, a court system that starts with a supreme court at the top of the pyramid, goes down through an intermediate appellate court, if one is had, to the circuit and probate courts and on down into the lower courts, that you can make full use of that manpower. And as our state grows — I notice that there are some 4 or 5 more judges now asked for Wayne county at the circuit court level — as more judgeships are created, the need for supervision and coordination of those courts throughout the state is going to be more and more apparent.

For that reason, instead of diluting the committee report, instead of taking away the teeth, in other words, so to speak, of the authority given them as suggested in the minority report, I feel that it should not be lessened, that the court should be given every authority in the constitution to set up a truly integrated and efficient court system in the state. For that reason, it seems to me that, contrary to the best interests of the state, the minority report would tend to weaken that system and would result in the type of thing that we have been faced with in the past of no coordination anywhere, no direction as to the operation of the courts.

CHAIRMAN VAN DUSEN: The delegate from Huron, Mr. McAllister, one of the movers of the amendment.

MR. McALLISTER: Mr. Chairman, fellow delegates, the supreme court has always been considered as an appellate court. The first time there was any superintending control or any indication that they would have some control over the lower courts appeared in the Constitution of 1908. From 1908 until approximately 1959 that superintending control on the part of the supreme court was merely in assigning judges and seeing that dockets were taken care of. During all this period, from 1835 on, the circuit court was an independent court. The probate court was an independent court. In fact, the province of the supreme court was to correct errors in these other courts, and if a judge failed to decide a case according to law, then the aggrieved party appealed to the supreme court and, if the supreme court determined that the judge had erred, they sent it back for a retrial or they made a decision in lieu of the one the judge made, or due to the failure of a judge to make an order that he was required to make, they ordered him to make the order as they decided, and in the event he did not follow their direction, he would be cited for contempt of court.

Now, up until 1958 or 1959, when the Huff case came along, the courts were really independent, and you who are not lawyers are probably interested in the Huff case. In the Constitution of 1908 they required a judge would sit in the circuit in which he was elected and such other circuits as he might be directed to go to. Judge Huff was assigned to Detroit, although he had plenty of work in Saginaw, and another judge was assigned to Saginaw to do his work. He protested and refused to comply, and under the legal authorities, both statutory and constitutional, the supreme court had the right to do what they did, and immediately after that, they formulated a set of rules, and one of the things that was set forth in those rules was that any act that was made by the legislature which was contrary to their rule was of no force or effect, so that today we in effect have in the supreme court by their own

decision and without any other authority except their own minds, a rule that says, even though the legislature passes a statute to govern the courts, if they don't like that rule, it is set aside automatically.

Now, our circuit courts in all the history of Michigan have done a commendable job, and during our hearing before the judiciary committee, we had no complaints that I recall of any circuit court. The complaints that we had were concerning the justices of the peace and the supreme court.

Now, the supreme court, if they become the supreme court in every respect, will be almost able to tell the circuit judge how to part his hair, and the circuit judges will be merely puppets under this legal system. There is no limit to what the supreme court can do to our lower courts.

The circuit judges are elected by the people, and the people know their circuit judges. In my county, my circuit, in the history of that whole area covering a period of about 160 years, we have had 4 judges. There has never been the slightest taint of scandal. They have been elected and reelected without opposition.

There is a trend by a group here in this convention — and maybe their thinking is right — to centralize everything more and more. In other words, they want a head here in Lansing that just will run the whole state, and that is the premise and the only premise on which this unified circuit court system can be sustained. It seems to me that all the way down the line in everything we do we want more people appointed. We want to take more things away from the people.

Now, as far as the circuit judge is concerned, if he does something wrong criminally, he can be arrested. Under the existing constitution and under the new constitution, if he does something corrupt or is guilty of malfeasance or misfeasance in office, he can be removed by impeachment proceedings.

We have a splendid court system, but if the circuit judges throughout this state are going to be continually under control of the supreme court from Ironwood to Monroe and from Benton Harbor to Sault Ste. Marie, and continually harassed, and rules are made for the whole state of Michigan, we are going to be not a better state but a poorer one. Our judiciary is going to be, if not destroyed on a lower level, considerably weakened because of the constant fear and the constant direction of people who are many miles away and in most instances don't know the problems as well as the circuit judge who is on the scene.

So I say that from every angle in this particular matter, we should retain our independent court system because it will give justice in a better form to all concerned. Thank you.

CHAIRMAN VAN DUSEN: The gentleman from Calhoun, Mr. Everett.

MR. EVERETT: Mr. Chairman and fellow delegates, I can say without any false modesty that Tom McAllister and Karl Leibrand are better lawyers than I am. I can also say without any false pride that they are poor historians. The matters about which they complain did not arise in the Constitution of 1908 but were written into the Constitution of 1850 and have been part of the judicial practices of this state for over 100 years. What they are talking about is not trying to stop us from moving forward. What they are suggesting in not only this amendment but other amendments which they plan to offer to later sections is that we move the clock back beyond 1850. The majority of us in the committee felt that we should move forward.

I don't quarrel with them when they say that we have a good circuit bench in this state. I don't think there are any people who could quarrel with them. No doubt the primary reason is because the people in the locality have selected good men. But certainly one of the contributing reasons is the very rulemaking power and superintending power about which they complain. This our supreme court has had for 100 years. It has exercised this sparingly but well and it has made a distinct contribution to the development of an excellent circuit bench. Without it we would certainly not have as good or as strong a bench.

Lawyers who came to us from outstate told us that they were now trying to get what we have had in the state for 100

years, superintending powers, powers of administration vested in the supreme court. Certainly it would be a tragedy to take it away and to do as Don Lawrence has suggested, make 60 or 80 separate courts wandering off in their own direction.

What we are suggesting is not that you go to the other extreme and vest all power in some top area, but that you permit the logical and natural development of a court administration as it is taking place in this state to extend where it belongs, particularly to the lowest level, the inferior court system. Now, the supreme court has had this power for over 100 years, but has never been able to exercise it for the very simple reason that it doesn't have the time or the manpower to the level where as a matter of fact its administration is probably the most necessary.

In the creation of a new intermediate court of appeals we are going to be offered a choice of a hodge podge of different rules in different parts of this state familiar only to those who happen to live and appear in those areas, or some degree of uniformity directed from a central administration. That is the choice we are being offered between the majority and the minority reports. To me there is no choice. There must be a degree of central administration from the top down. So far as I know, all administration flows that way. It would be almost impossible to administer from the bottom up.

I think it goes without saying that we don't share the fears of these gentlemen. The fact that it goes without saying won't keep me from saying it; it hasn't deterred anybody else from saying the unnecessarily unsaid things here before. (laughter) None of us want a system which would destroy a degree of independence, and there should be a degree of independence and there should be total independence within the proper judicial area — the making of decisions. No court above, except through the appellate process, should have a right to change a decision or influence a decision made below.

But in the administrative side of justice, there should be a continuity, a high degree of uniformity — not exact but a high degree — and this can only come about if you permit the direction of administration from some common seat. In our case, obviously, the only obvious one is the supreme court, unless you would create some super administrator. What we are doing here is not going to a totally unified court system. Some members of the committee would like to. Many of us felt otherwise. The majority of us felt otherwise.

We are not creating totally independent courts nor totally dependent courts, but we are trying to create a degree of interrelationship which should exist in a system which is common to the state, and we feel that not only in this particular section but in some of those which follow to which other minority reports will be offered that we have hit a middle ground which will permit development along the lines which our state has taken for 100 years; allow it to proceed in that direction without forcing it into some common mold which many of us feel would not be advisable.

I know that I am representing the opinion of the majority of the committee when I strongly urge you to defeat the amendment and to support the original proposal.

CHAIRMAN VAN DUSEN: Mr. Everett, do you yield to the gentleman from Bay, Judge Leibrand, for a response?

MR. EVERETT: I will be glad to.

MR. LEIBRAND: I will ask Mr. Everett just one question, if I may. Is Delegate Everett familiar with the rules as to the discipline of judges adopted on June 5, 1959, by a majority of the supreme court?

MR. EVERETT: I am not as familiar as you are, Judge.

MR. LEIBRAND: Are you familiar with the last paragraph of rule 1, which provides, "Any statutory provision that is inconsistent with any provision in these rules shall be considered as superseded by these rules"?

MR. EVERETT: That, I am sure, was the rule of our court and the rule of law in the state of Michigan long before the date which you have cited. Court rules within constitutional framework supersede statutes which might be derogatory of constitutional rights.

MR. LEIBRAND: Isn't it correct then to say that it would be a useless gesture for the legislature to provide any proceed-

ings for the discipline of judges, since the supreme court has preempted that field?

MR. EVERETT: I doubt it. You can correct me if I am wrong, but my understanding of the development of procedure within courts is simply this: the legislature has the authority and exercises the authority to enact practice statutes, but these can be modified by the rulemaking power of the supreme court. If the supreme court does not act to modify them, the legislative enactments stand. However, the final authority, because of the provisions of our constitution since 1850 which gave the rulemaking power to the supreme court, give the supreme court the final word in this area. They do not preempt the field in the sense that the legislature may not act, but the supreme court does have the final say.

MR. LEIBRAND: Other than what might be done in this constitutional convention?

MR. EVERETT: No. That power arises from the provision of the constitution which says that the supreme court shall have rulemaking power. That is where they get their authority.

MR. LEIBRAND: Yes, but then this convention is the only body in the state of Michigan that can control the discipline powers of the Michigan supreme court, this body right here.

MR. EVERETT: I would say that you are probably correct, yes.

MR. LEIBRAND: Thank you.

CHAIRMAN VANDUSEN: The gentleman from Wayne, Mr. Garvin.

MR. GARVIN: Mr. Chairman, delegates, I rise to support the majority report for the following reasons. Reading section a very closely, we will run over it rather rapidly:

The judicial power of the state is vested exclusively in one court of justice, which shall be divided into one supreme court,

that is important

—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 vote of the members of each house.

I do not have the written reasons for the amendment. However, Judge Leibrand read them, and it seems that the big objection is to a unified court which would give the supreme court too much power over the circuit courts. I submit, as Mr. Everett did, that they have had power for these number of years, and perhaps sometimes it is needed from some superior body, and according to the rules of the court it would be the supreme court.

Now, for the layman, you can compare the proposed amendment, the minority report, with the majority report and you will find that "vested" is left and "exclusively" is stricken. I don't recall hearing much about the word "exclusively." The other line, line 6, "one court of justice, which shall be divided into" is stricken, which still leaves, "The judicial power of the state is vested in one supreme court, one court of appeals, one trial court of general jurisdiction. . . ." I submit that the majority report does not create such a unified court; that in that particular section it sets up the supreme court as a superior body.

We will get to Committee Proposal 91 which sets out the various authorities for the supreme court and also the justices of the supreme court, to which Delegates Leibrand, McAllister and Donnelly have filed amendments. I am just wondering in making these statements if we are not going ahead of ourselves in discussing the various powers of the supreme court, and I wonder whether this particular section would not be vitiated or controlled by Committee Proposal 91. Until I hear something better or some better reason for changing the present committee proposal, I shall vote for the same.

CHAIRMAN VANDUSEN: The gentleman from St. Joseph, Judge Mosier. The Chair might suggest that Mr. Garvin may have been unduly optimistic in suggesting that we were going to get to Committee Proposal 91. We still have 9 speakers listed on the amendment.

Excuse me, Judge Mosier. You may proceed.

MR. MOSIER: Mr. Chairman and fellow delegates, for something over 52 years it has been my privilege to observe the courts of this state from the lowest to the highest. And as I look over the Constitution of 1908 dealing with the judicial section, I cannot help but be impressed how well that convention did working with the background of the Constitution of 1850 which carried many of the provisions that have been referred to here today. And as I have seen the Constitution of 1908, I am impressed with the few changes that have been made in that document dealing with the judiciary of Michigan.

It has been said here—and I think that I am only repeating a well known fact—that the judiciary of Michigan has served the people of Michigan well. Remember that when that constitution was written, the population of Michigan was something like 2 million, and today it is close to 8 million and yet that document has served us and served us well.

Now, let's just find out what the facts are. That is the first thing that a lawyer or a judge would be concerned with. The amendment that is proposed to the proposal by the minority strikes out the word "exclusively" in line 1 and strikes out the words "one court of justice" in line 2.

Let's take the first amendment. The proposal made by the committee says, "The judicial power of the state is vested exclusively in one court of justice. . . ." The word "exclusively" in my opinion doesn't add a great deal except as it is tied in to the term that is used in the second line which is new, and that term is "one court of justice."

You have heard other speakers here speak of the fact that throughout the length and breadth of this land, in many court structures they have what they call a unified court, and that was one of the thoughts that prompted this committee to see if it was possible to create our judicial system into a unified court. And the plans that have been produced by the committee which will be presented to this convention provide for 5 tiers. The first, of course, is the supreme court; the second is the court of appeals, which would be new to Michigan; the third is the circuit court; the fourth is the probate court; and the fifth are courts of limited jurisdiction. That is what this section seeks to establish. The phrase "one court of justice" is a phrase or term that is applied to courts that are unified, and it was the feeling of the committee, in making this proposal, that our system was already unified. We, as members of the bar of Michigan, were required to recognize the jurisdiction that the circuit courts had over the justice court, that the supreme court had over the circuit courts, and recently the authority that the supreme court has over the probate court in the matter of superintending power.

Now, the arguments made in favor of the amendment bring into focus things that I think are not to be seriously considered because this doesn't change materially the power of the court. Now, let's see what our court has at the present time. Under our present constitution—and this was written in 1908—it says:

The supreme court shall have a general superintending control of all inferior courts; and shall have power to issue writs of error, habeas corpus, mandamus, quo warranto, procedendo and other original and remedial writs, and to hear and determine the same. In all other cases it shall have appellate jurisdiction only.

Now, all of those powers we have had and they have been used. But the constitution goes further and says this, "The supreme court shall by general rules establish, modify and amend the practice in such court and in all other courts, and simplify the same."

Now, I can say as a practitioner before the courts of this state for upwards of 52 years that the practice in this state has been simplified. I remember very well—and some of the older members of this convention will remember—that in 1912, I believe, at the extra session of the legislature they passed the workmen's compensation act, and I know it was the howl of the lawyers at that time that the legislature had put the lawyers out of business because up to that time one of their principal jobs was the handling of labor claims where an employee was injured. The lawyers, of course, at that time weren't able to foresee that the remuneration from that type

of litigation would be replaced by the coming automobile. But there was a form of bringing our court system and means of jurisprudence into line with modern thought.

This proposal does nothing more than to bring all our courts into one system — and I think we have always had it, but it names it in terms and in fact:

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 —

mind you

— other courts of limited jurisdiction that the legislature may establish by a 2/3 vote of the members of each house.

It will be seen from that that this does not provide for a group of so called splinter courts. These courts will be united in the same manner that they always have been but the proposal by the committee is going to restrain the legislature from creating courts that are somewhat of a hybrid court. We have the superior court of Grand Rapids. We have the court in Detroit that handles the criminal matters. But under this proposal the legislature is confined to courts of limited jurisdiction. In other words the legislature would have power to establish courts in a county, a combination of courts. It might well combine the probate court with a county court or a court having the jurisdiction of a justice of the peace. It might combine it with what we know as the office of circuit court commissioner.

There is nothing to fear by this proposal, and I rise to support the proposal and oppose the amendment.

CHAIRMAN VAN DUSEN: The gentleman from Wayne, Mr. Norris.

MR. NORRIS: Mr. Chairman, I just wanted to ask a few questions for the purpose of making up my mind regarding this amendment and I should like to direct my questions, if I may, to Judge Leibrand, with your permission.

CHAIRMAN VAN DUSEN: If the gentleman cares to answer.

MR. NORRIS: What we have before us is some projected language, and the question in my mind is what is the effect of this language on the rulemaking power, the superintending power and the power to assign judges where they may be needed in the state? Does the contemplated amendment comprehend any alteration or abridgment of these presently existing powers in the supreme court? I understand as far as the majority is concerned these powers would remain unaltered or unabridged. Is it the intention of your amendment, sir, to abridge them or change them in any respect at all?

MR. LEIBRAND: With respect to the power to assign judges from one circuit to another, there is no intent to create a change. With regard to the general rulemaking power, there is no intent to make a change. The amendment or minority report does have some connection, however, with Committee Proposal 91 which follows.

Regarding the power to discipline a judge for misconduct or make rules under which a judge may be disciplined for misconduct, when you speak of discipline, you are speaking of something. No rule is any good unless it is enforceable in some way. The present constitution, the Constitution of 1908, and the proposed judicial article of this constitution place no limit upon penalties. I believe in the Huff case, which arose in 1959, the supreme court, as I recall it, imposed a fine of \$100. Since the constitution places no limit upon this rulemaking power so far as it goes to discipline matters and since the legislature cannot control it, since the supreme court rule preempts the legislative field, presumptively the supreme court under its rulemaking power as applied to disciplinary action could remove or suspend a judge of its own motion. And that, Delegate Norris, is what we are trying here to prevent.

What we are trying to do in the minority amendment to Committee Proposal 90 is just simply preliminary to what we are going to try to do in sections b and c, I believe, of Committee Proposal 91. Do you follow me? Does that answer your question?

CHAIRMAN VAN DUSEN: Mr. Norris, have you further questions or do you yield the floor?

MR. NORRIS: Thank you.

CHAIRMAN VAN DUSEN: The lady from Highland Park, one of the movers of the amendment, Miss Donnelly.

MISS DONNELLY: In getting in line waiting to be heard, I think part of my statements have just been answered by Judge Leibrand. I hope the group will forgive all the lawyers. We have been living together so long on this subject that we jump on it and I don't know if the rest can follow us.

To me, part of the argument directed against our amendment to 90 is controlled by our 91 c and d. It is very difficult to argue every proposal at once and I know we are digressing. Mr. Lawrence definitely went after, I believe, the dockets. I think if you will read our c, you will see that we want the dockets controlled. You will also read in our d that we agree the supreme court shall by general rules establish, modify, amend and simplify the practice and procedure. You will also, if you will read our section a realize that we are only striking out the one court and that we are generally retaining everything else.

We have made very subtle changes. Our basis of approach for the subtle changes, in our opinion, is to preserve the individual dignity of the members of the lower benches such as the circuit bench. As a Republican practicing in Wayne county, I am confronted with members of the opposite party on that bench, and I don't want anybody to think for one moment that this member of that bar does not believe that those circuit judges of the opposite party should not be protected. I have every respect for those people. This is the bench that I know the best. I believe that their dignity as well as the dignity outcounty must be preserved. Their individual judicial power should be retained.

As to the argument that things must be unified throughout the state, the state is not the same throughout. In Wayne county we have different problems. I will certainly stipulate that as to history, Mr. Everett was right but I think if Mr. Everett goes back into history, I think he will believe that the Wayne county bench started the pretorial. The Wayne county bench has done much on their local level to change the system throughout the state and to take their problems as they come and to help build forward. To say that each bench must practice in each individual court exactly the same to my mind ignores the difference in basic fact that our lives are somewhat different. Their dockets are different in the degree of busyness and the nature of the cases that come before them.

But I assure you that the minority does not wish to remove most of the supreme court power. If you will read everything together, you will see we are trying to keep the basic power that we believe should be in the supreme court in the supreme court but attempting to retain in the individual circuit judges their individual rights to conduct their courts.

When the dockets are overloaded, when they are not moving correctly, when they wish aid, Wayne bench has given aid, for instance. This is the busiest bench. This is where the worst trouble comes. This is what most people are trying to cure but there are ways of curing it and the minority does not wish to argue, basically, on most of the things the majority wishes; they just wish to retain individual dignity of each member of the lower courts and not to destroy the so called system that has been set up over the years. I think if you go through it, you will realize that our changes are very subtle. They are to the degree of individual power over the individual members of the bench, not over every part of it. We certainly have a 5 tier system, so, obviously, from our amendment we certainly are in accord with this. We are in accord with most of it. We are only dividing from them in the degree over the individual bench.

And the other issue is the conflict between the supreme court rule and the statutes; that the substantive law of the statute shall prevail. We are saying in effect that the rulemaking power should not become the lawmaking power of the state; that we are trying to preserve to the legislature a certain amount of responsibility and right in this field as well as to other people. We are not trying to break down this court

system, in my opinion, in any way. Our changes are minor. They are slight and they are just to the degree of independence of an individual judicial officer.

CHAIRMAN VANDUSEN: The Chair recognizes that the amendment which is under discussion is one of some breadth and of some degree of interrelation with other proposals but will ask the speakers to try to confine themselves as closely as possible to the amendment currently under discussion. The Chair will recognize the delegate from Bay, Mr. Higgs.

MR. HIGGS: Mr. Chairman and members of the committee, I certainly don't feel that the committee proposal in any way impinges upon the individual dignity of the circuit bench or any other lower court. I would like to call your attention to the word "exclusively" which Judge Mosier has already drawn your attention to. Actually the amendment seeks to strike simply the words "exclusively" and "one court of justice."

You have heard that the theory of unification in the development of this principle was fathered by Dean Roscoe Pound of the Harvard law school. While all due credit should be given to him for having pioneered this principle, this is not a strange principle or really a wild idea. It has a great deal of support in the legal profession. I would like to call your attention to the comparative analysis by the citizens research council of Michigan, which you have received a copy of, and that part under the judicial article which was prepared by the University of Michigan law school under the supervision of Dean Allen F. Smith. I happen to have had the pleasure and what I consider to be an honor to have graduated from that school.

On the second page and returning to the words "exclusively" and "one court of justice", these words appear in the model state judiciary article of the section on judicial administration of the American bar association. Our proposed section corresponds with the model state judiciary article, with the exception that we have included the probate court and we have not provided for one trial court of limited jurisdiction known as the magistrate court but I think what is particularly important about these particular words that are sought to be stricken may be involved in the statement which appears and that I read on page 2 in that section, "Such a provision would achieve full unification and avoid many questions concerning the technicalities of jurisdiction of various separate courts." And for the layman, whenever you can avoid questions concerning technicalities of jurisdiction, I want to tell you you are talking about saving some money.

I would also like to call your attention to the article appearing in that treatise by Professor Charles W. Joiner, whom we have the privilege of having on our staff, in an article appearing in the Detroit Law Journal, wherein he states:

The need is for far reaching statutes and constitutional provisions creating an integrated court structure for the state embracing Pound's 4 general principles: (1) unification; (2) flexibility; (3) conservation of judicial manpower; and (4) responsibility.

Thank you.

CHAIRMAN VANDUSEN: The gentleman from Wayne, Mr. Barthwell.

MR. BARTHWELL: Mr. Chairman, fellow delegates, I think that I am the person here that is in the most unique position on this committee. I think I am the only person on this committee who could have solved, learned and tried to distinguish between what he thinks he has heard and read on this committee because I had no past experiences to be prejudiced by.

One of the things that I think I learned from the testimony and what I read bears out what has been said here, that I found out that Michigan does have a fairly good court system. From some of the experts that testified before us, I heard them hoping that they could get some of what we had in our court system from an administrative point on a voluntary basis.

So for this reason I kind of wanted to fall back on my way of thinking that in this system, since I favor it, anything you can do on a voluntary basis, I seem to feel very much for it. But after sitting awhile with lawyers, they convinced me that not only did you go by what is written down but by what you

have written what it means, so I became fairly well convinced that I believe thoroughly in a unified court system, a court system defined in our constitution that wouldn't be changed.

I listened to witnesses from New York, Illinois and maybe Wisconsin or Minnesota, I don't know which, talk about what a hodge podge of courts they have gotten into by having everybody all over the board create courts.

So I, for one, am very much in favor of this unified court system and I think that it has been very well planned in our constitution whereby it preserves what we have and gives us possibilities not to fall into ruts that some other courts have fallen into that were not controlled as definitely by statute and the constitution as we will be. So for this reason, I am very much in favor of the committee's report.

CHAIRMAN VANDUSEN: The gentleman from Wayne, Mr. Ostrow.

MR. OSTROW: Mr. Chairman, ladies and gentlemen of the committee, I had hoped to avoid just exactly what is happening here now by the explanation I made in my opening remarks but apparently I didn't do a good job.

Regardless of the merits of the amendment of Miss Donnelly, Mr. McAllister and Judge Leibrand, this is not the time or place for that amendment. There isn't a word in Committee Proposal 90 about the jurisdiction of the supreme court or the powers and duties of the supreme court or the supervision and control by the supreme court.

If in the succeeding paragraphs we were to say the supreme court shall have jurisdiction of cases up to \$500 and misdemeanors and appeals from the supreme court should go to the probate court, that would be the law. There isn't a word here that is pertinent to the arguments that have been made here. Those arguments belong on Committee Proposal 91 c, which provides the supreme court shall have general superintending control, so forth and so on.

All that this does is say we are going to have this 5 court structure and there isn't anything here that should give rise to the alarms that were expressed here. For that reason, because you are just going to be duplicating it again when you come to 91c, I am opposed to the amendment.

CHAIRMAN VANDUSEN: Mr. Leibrand.

MR. LEIBRAND: Might I rise to move the previous question?

CHAIRMAN VANDUSEN: Unfortunately, Judge Leibrand, the previous question is not in order in committee of the whole. The gentleman from Wayne, Mr. Krolkowski.

MR. KROLIKOWSKI: Thank you, Mr. Chairman. In view of the preceding comments, Mr. Chairman, I think it is somewhat difficult to sharply confine oneself to the amendment which is on the floor. So with your indulgence I should like to try to face up to some of the questions that were posed by the proponents of the majority report. As I understand the principal argument advanced by the proponents of this report, they feel that it will enhance the supervision of the courts. Of course, I think Miss Donnelly averred to Committee Proposal 91 c, which certainly would answer this need.

The second argument that they advance for their justification of this proposal is unification. Now certainly, the last clause of the present committee proposal will be unaffected by the minority amendment. Therefore, I don't see any merit to their objection on the grounds of unification.

I think that in weighing the comparative merits of the majority and minority reports, particular attention should be paid to the supporting reasons to the majority report. The majority report incorporates by reference the doctrine of unification enunciated by Roscoe Pound. This doctrine of unification, as I understand it, contemplates a vestiture of power at a base and a vertical flow to all the branches which comprise this system of justice. Now, since the power flows vertically, it follows, under Pound's theory, that the authority is contingent upon this flow of power. Cut the flow of power and you interfere with the authority.

In his own analysis of this system, Roscoe Pound proceeds to demonstrate some of its true merit. He points out that because of these principles, the vertical flow of power, judicial manpower can be utilized very effectively and he goes on to de-

tail how effectively it can be used. This would permit the assignment and reassignment of judges not only in the branches themselves but also between the branches; that is, not only intrabranch assignment but interbranch assignment. This means that its application upon the Michigan court system would be this: the apex of this power could take a circuit judge and reassign him to a lower rung. It could take a municipal judge and reassign him to a circuit basis.

Now, it is conceivable under this Roscoe Pound theory for the supreme court to take a group of circuit judges and actually demote them to a lower tier of activity. I think that this theory is very desirable in the context of an appointive system of justice and, if you note, it is taken from the American bar association plan which, of course, endorses a quasi appointive system.

I submit, however, that the Roscoe Pound theory can be very disruptive in an elective system of justice because a group of constituents electing a circuit judge can have that circuit court judge demoted under the full logical application of the Roscoe Pound theory. I think that since the majority report clearly adopts the theory enunciated by Roscoe Pound, it has the seeds of some serious disaster upon the elective system in the state of Michigan.

For that reason I would urge you to support the minority report amendment.

CHAIRMAN VAN DUSEN: The gentleman from Hillsdale, Mr. Prettie.

MR. PRETTIE: Thank you. Mr. Chairman and fellow delegates, you have been treated in the last 45 minutes to what we of the judicial committee have heard for the past 3½ months. I support in principle the majority report and I oppose, not in its entirety but in part, the minority report amendment for these reasons: if I may invite your attention to the majority report, it speaks first of the judicial power being vested and so forth. The power, as Mr. Krolkowski has just pointed out, is one thing. Our courts are something else. The flow of that power is important. Part of that power stems — I am speaking particularly of the probate courts — from our statutes. The power does not stem from the constitution itself.

As suggested in the minority report, we really have before us 2 questions: is the judicial power of the state vested exclusively in one court of justice and then flowing down or fragmented between our court system? And the second question, as suggested by the minority report, is that we have a court of justice divided into a supreme court and so forth.

Although the amendment as it appears on the wall appears to be an integral amendment, I think to vote intelligently on this, Mr. Chairman and fellow delegates, this question should be divided.

Although I did listen, I think, most attentively certainly in all meetings of our committee to the arguments, the subtleties that Miss Donnelly suggested of the amendment here had rather escaped me until I had an opportunity to hear the debate here this afternoon. I think it would be most unfortunate if we found a constitutional statement that the judicial power is vested exclusively in one court, because it is not.

I think it would be equally unfortunate if we found that our courts could not be divided as they are or if our proposals are adopted, will be divided into several courts and so I support the majority report in principle.

I support the minority report as it proposes the striking of the word "exclusively". I oppose the minority report as to the striking of the remainder of the language and I would ask that the questions be divided when we vote.

CHAIRMAN VAN DUSEN: Mr. Prettie requests that the question be divided when it is submitted for a vote and it will be so divided. The gentleman from Wayne, Mr. Cudlip.

MR. CUDLIP: Mr. Chairman and members, Delegate Cudlip passes and he passes with the hopeful prayer that the members of our profession will not unduly tax the patience of the rest of the committee.

CHAIRMAN VAN DUSEN: Thank you, Mr. Cudlip. The Chair will call to the attention of our visitors today the fact that 35 of our lawyer members have thus far exercised notable

self restraint. (laughter) The gentleman from Huron, Mr. McAllister.

MR. McALLISTER: Mr. Chairman, fellow delegates, I will be very brief. It is my interpretation of this proposal in the form in which it is written that the complete power over all courts will be in the supreme court and that in effect any judge who doesn't conform to the rules which the supreme court makes can be removed, suspended or almost anything can be done to that individual. And the most vital part insofar as it affects a judge is that he will have no right to appeal. The supreme court will be judge, jury and prosecutor. And I don't think where we have adequate laws and adequate provisions in the constitution concerning judges that we should ever give exclusive power to the top bracket of the court with the right to do almost anything they desire to do without the individual involved having a remedy. The first principle of American justice is that a man shall have a right to have a fair trial and a right to an appeal.

CHAIRMAN VAN DUSEN: The question is on the amendment offered by Miss Donnelly, Judge Leibrand and Mr. McAllister. In accordance with the request of Mr. Prettie, the question will be divided. The secretary will read the first portion of the amendment.

SECRETARY CHASE: The amendment as divided:

1. Amend page 1, line 5, after "vested" by striking out "exclusively"; so the language will then read, "The judicial power of the state is vested in. . ."

CHAIRMAN VAN DUSEN: The question is on the amendment as so read. Those in favor will say aye. Those opposed will say no.

The amendment is not adopted.

A DELEGATE: Division.

CHAIRMAN VAN DUSEN: Division is requested. Is the demand supported? The demand is supported. The secretary will ring the bell. The secretary will read again for the benefit of our latecomers, the portion of the amendment upon which the question will now be put.

SECRETARY CHASE: The first amendment offered by Miss Donnelly and Messrs. Leibrand and McAllister.

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

CHAIRMAN VAN DUSEN: The question is on the amendment. Those in favor will vote aye. Those opposed will vote nay.

MR. DANHOF: Mr. Chairman.

CHAIRMAN VAN DUSEN: Mr. Danhof, for what purpose do you rise?

MR. DANHOF: Mr. Chairman, may I urge the defeat of the amendment?

CHAIRMAN VAN DUSEN: You are not in order but I guess you may. (laughter) For what purpose does the gentleman rise, Mr. Ford?

MR. FORD: A question. Are we now voting on Mr. Prettie's amendment to strike the word "exclusively"?

CHAIRMAN VAN DUSEN: Only on the question of striking the word "exclusively."

MR. FORD: And those who wish to vote no on the amendment will vote by machine or how?

CHAIRMAN VAN DUSEN: We have voted by machine. Have you all voted? If so, the secretary will lock the machine.

Miss Donnelly inquires what the question is. The question is on the amendment offered by Miss Donnelly, Judge Leibrand and Mr. McAllister to strike the word "exclusively" from line 5. Have you all voted? If so, the secretary will lock the machine and tally the vote.

SECRETARY CHASE: On the adoption of the amendment to strike out the word "exclusively" from line 5, the yeas are 47; the nays are 62.

CHAIRMAN VAN DUSEN: The amendment is not adopted. The question is now upon the second portion of the amendment offered by Miss Donnelly, Judge Leibrand and Mr. McAllister. The secretary will read that portion of the amendment. Will the delegates please clear the machine.

SECRETARY CHASE: The second part of the amendment:

1. Amend page 1, line 6, by striking out "one court of justice, which shall be divided into"; so that the language will then read, "The judicial power of the state is vested exclusively in one supreme court, one court of appeals, one trial court" and so forth.

CHAIRMAN VAN DUSEN: Mr. Danhof.

MR. DANHOF: On behalf of the committee and the majority, I would urge the defeat of the amendment.

CHAIRMAN VAN DUSEN: The question is on the amendment. Mr. Ford.

MR. FORD: I wish to oppose the amendment.

CHAIRMAN VAN DUSEN: The question is on the amendment. Those in favor will say aye. Those opposed will say no. The amendment is not adopted. The secretary will read.

SECRETARY CHASE: Mr. Lawrence offers the following amendment:

1. Amend page 1, line 8, after "probate court" by striking out the balance of the section and inserting "and a court of limited countywide jurisdiction."; so that the language will read:

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 a court of limited countywide jurisdiction.

[During the proceedings, Mr. Bentley reentered the chamber and took his seat.]

CHAIRMAN VAN DUSEN: On the amendment, the Chair recognizes Mr. Lawrence.

MR. LAWRENCE: Mr. Chairman, members of the committee, on your desk this morning someone, not I — put photostatic copies of the Michigan State Bar Journal. If the members can find it in the maze of papers and will turn to the next to the last page, which is 59, at the bottom of the page is the report of the judicial selection and tenure committee. It starts there. If you will turn then to the last page, you will find under item 1 the following statement; in other words, that our committee recommended in principle the following items that are shown, item 1 being:

A new state constitution should provide for a court system consisting of a supreme court, an intermediate court of appeals, a trial court of general jurisdiction, a separate probate court and a court of limited county wide jurisdiction.

It is that last part, of course, that this amendment seeks to effect.

One of the difficulties encountered since the 1908 constitution was adopted has been the fact that it has been within the power of the legislature to create courts. As a result of that power the legislature created the superior court of Kent county, or in Grand Rapids anyway; the recorders court in Detroit; the common pleas court and then passed a municipal court act which has allowed municipal courts to spring up throughout the state.

It was the hope that in creating this unified court system, some order could be achieved and that it could be made impossible for these special courts to be created and for that reason the amendment has been made for the fifth tier, so to speak, of this pyramid, the lower tier to provide for a court of limited county wide jurisdiction. Now, I would like to explain that a little bit more. In a county like Wayne, instead of having one court in the city of Detroit, it would be possible to establish branches of that court throughout the county the same as now the justice courts, municipal courts are in the various areas, but that court would be one court. The details of that, of course, would be worked out by the legislature. That would be the same in each county as far as being one county court and it would then be impossible to create, as time went on, additional courts. I don't know whether you realize it or not but for instance in Wayne county a person who commits a crime in the city of Detroit finds that he is to be tried in recorders court. If the same crime is committed outside of

the city limits of Detroit, he is tried in circuit court. The recorders court also has other jurisdiction.

There now is before the legislature a bill to create 4 new circuit judgeships in Wayne county. I haven't been able to follow that in the newspapers or obtain the information but there seems to be a slight disagreement between the sponsors of that bill, in any event, and the board of supervisors of Wayne county, because the board of supervisors are going to have to put up $\frac{1}{2}$ plus \$1 of those judges' salaries, so they have appointed a committee to investigate to find out if they do need more judges down there. And I believe the recorders court has got into the act by the suggestion having been made that maybe they might do a little more work and take over some of the duties and maybe those additional circuit judges wouldn't be needed. And the recorders court at the same time is saying they don't want to take over those additional duties and they are objecting very strenuously. At least that is what I gather from the paper.

That sort of thing, of course, is not conducive to a proper respect for the court system. It isn't conducive to good court management. I would like to see the court system simplified and the fifth tier of courts, a countywide court system, provided for. Let the legislature implement it by proper act and there would be uniformity throughout the state.

I will admit that there is going to be a great deal of objection in certain municipalities that are depending on the fines from traffic cases and so on for a portion of their income. Let me say that is a deplorable situation also. Our courts should not be money making devices either for the judges who operate them, as we find under the fee system, or for municipalities or other branches of government. I think the proper allowance, if that is a necessary function, for the proper flow back from the county to the municipalities of fines, money that comes in, could be provided for but that seems to me to be more or less beside the point.

Let's get a court system that is uniform so that if your case comes up in one county, you are not going to be before one kind of a court; in another county before another court. I think that the state of Michigan and the people of Michigan will be benefited by the adoption of the amendment.

CHAIRMAN VAN DUSEN: On the amendment, the Chair recognizes Mr. Danhof, the chairman of the committee.

MR. DANHOF: Mr. Chairman, ladies and gentlemen of the committee, a moment ago Mr. Lawrence rose to defend the position of the committee for which I was most grateful and now I find that I must rise to defend the position of the committee against his amendment. What he has stated and the objective which he has is one which perhaps a number of the members of the committee had originally.

Now, insofar as we have the recorders court and the superior court in the city of Grand Rapids, we have provided that in the future this type of court operation cannot arise. These courts — at least the superior court and also it is true of the recorders court — have a jurisdiction that is similar or equal to that of the circuit court and we found that in those states in which there has been a complex of courts of similar or equal jurisdiction, the problems have become tremendous.

Therefore, we have deviated from the 1908 constitution and we would provide that the court of general jurisdiction will be the circuit court and only the circuit court.

Now the recorders court and the superior court of the city of Grand Rapids are created by statute. They are statutory courts that are creatures of the legislature and can be abolished or amalgamated or consolidated by statute. We would hope that perhaps in the distant future this might be done.

The committee began to consider the court of limited jurisdiction. By this we simply mean that there is a constitutional grant of general jurisdiction to the circuit court and that deviation from that grant of power and grant of jurisdiction must be made by statute or otherwise constitutionally as it is later provided.

The circuit court takes cognizance of all matters — and this is true in the 1908 constitution — except that which was constitutionally granted to the justices of the peace and the probate court as it related to children.

But when the committee began to consider this type of lower or limited court structure and we got into the ramifications of establishing a single county court, you just can't find a picture or idea that will fit one mold. The municipal courts are created by the legislature. We studied this problem for something like 3½ months, not exclusively on this one idea as we had other problems to take care of, but the study which will have to be done is something which may take in the neighborhood of 2 or 3 years perhaps, to determine what type of court of limited jurisdiction might be adequate and suitable for the highly urban or the highly industrialized areas, and a totally different type of court of lower jurisdiction, structure, jurisdictional amount, perhaps even where it will be situated, is something in the rural areas which would have to be determined by the legislature. It may be that population classifications will have to be built in.

We found ourselves confronted with the fact that in Wayne county you have municipal courts in tremendous amounts of areas. It may be found by the legislature that the municipal court act should be extended to urban and highly populated townships on a very similar basis. Maybe this is the answer. But this is the court that will change. This is the court that most people will come in contact with over the years. This is the one that will have to vary from locality to locality, which will vary as the population rises in certain areas and falls in others. It can't find a mold in which to fit all counties of this state.

The objective that Mr. Lawrence has is laudable. I realize it was endorsed by the bar association of which I am a member but I can state that we studied the problem. We debated it. We had a subcommittee work on it and they ultimately came to the conclusion that the establishment of these courts of limited jurisdiction should and must be left to the discretion of the legislature and this is what we have adequately and ultimately provided for in this constitution.

I feel, therefore, that we should defeat the amendment. We should retain the wording here which allows the legislature to set up these courts by a 2/3 vote, not a majority. This was done for a reason. It was done for the reason that when the legislature acts, we want it to act more than on a strictly partisan basis. We want it to be the considered opinion of the legislature that this is the right thing for the state of Michigan. We don't think that the establishment of courts by one vote over half is in the best interests and, therefore, we have deliberately left the 2/3 vote, to force—if you wish to say that—the legislature to agree substantially on a court system in its courts of limited jurisdiction.

I therefore feel that to adopt the amendment would not be in the best interests and I therefore very respectfully oppose and urge the defeat of the amendment. Thank you.

CHAIRMAN VAN DUSEN: The gentleman from Wayne, Mr. Ostrow.

MR. OSTROW: Mr. Chairman, ladies and gentlemen of the committee, these judicial department stores or supermarkets sound awfully good on paper but when you have problems—I am thinking now in terms of the public, not of the lawyers or the judges or anybody else—you have a problem with a specific court. If you are charged with a crime, you go to that court, not voluntarily, and you don't want to be mixed up with any other court and while you are being tried for a crime have your estate probated and get a divorce or do 5 or 10 other things. Every large city has its own problems.

Now, the theorists will give you, with this county court, for a county of 2,400 or a county of 15,000 a circuit judge, a probate judge and an inferior court judge and yet they complain about having a municipal judge in a city or a village of 15,000, 25,000, 30,000.

We have a problem in Detroit. We have solved our problem. First I want to take care of this money matter. It was raised once before. It is true that our criminal court, our traffic court, takes in about \$5 million. We spent \$4,600,000 for libraries, the traffic court costs \$2 million, the recorders court costs \$5 million to operate.

Our recorders court is recognized as one of the finest courts of its kind in the country. It and its predecessors have been there and have done their jobs since 1824. I think it is the

only court in the state of Michigan that works on a 6 day week 52 weeks a year. The reason they have refused to take any circuit court cases is that they don't have the facilities and they don't have the time.

Let me give you some statistics on our recorders court. In 1960 they disposed of 5,735 felony cases, 18,443 misdemeanor cases, 4,511 miscellaneous matters, 5,129 preliminary examinations held or waived. In addition to that, they disposed of 101 condemnation cases with awards totaling \$25 million.

They were one of the first courts in the country to have a probation department, a psychiatric department. They have probably tried the highest average number of cases per judge and the time lag between the time a man is arrested and tried is probably shorter than any comparable court in the country, much shorter than circuit court. They are doing their job.

There is no sense in putting in one of these systems unless it is going to improve something. How will it improve anything? I am not familiar with the superior court in Grand Rapids. There must have been an equally good reason for creating that.

As our population grows, other cities will have their problems. I don't understand this dog-in-the-manger attitude. We are not bothering anybody. The legislature created us—I am speaking of the recorders court. They can put us out of business tomorrow. We are doing the job. We have enough problems in the constitution. Let the recorders court alone.

CHAIRMAN VAN DUSEN: The gentleman from Wayne, Mr. Faxon.

MR. FAXON: Mr. Chairman, I would just like to ask Mr. Lawrence a question.

CHAIRMAN VAN DUSEN: If the gentleman cares to answer.

MR. FAXON: Mr. Lawrence, I have not looked at this before. It says Michigan State Bar Journal. It says that the committee sometimes unanimously and sometimes by a majority has agreed in principle that—and then it gives these recommendations and then it has a distinguished group of names of people who are on the committee. Am I to assume that this recommendation has the endorsement of the members of the committee as named here or was this a matter of controversy or just how do I interpret this?

MR. LAWRENCE: Mr. Faxon, don't assume anything. I merely pointed out that item 1, the way it was worded, was the way that I was trying to get our provision, particularly the last phrase there beyond the comma. In other words, the amendment on the board does not show the plan in its entirety. Do you see what I mean? Oh, that wasn't unanimous. There isn't anything on there that was unanimous.

MR. FAXON: In this journal does the committee of which you were chairman report back to a larger group of lawyers or do they just report to the membership?

MR. LAWRENCE: I see what you mean. No. The annual report appears in the bar journal, the September issue of each year and then the bar association annual meeting is held the latter part of September so that when the bar association meets, the committee reports are all before it and at that time they are either adopted or rejected or amended or changed. In this case the report of this committee was accepted. It doesn't say anything.

MR. FAXON: Then as far as these names are concerned of the members of the committee, they may have been split on this question?

MR. LAWRENCE: Oh, yes. They admit that this was the majority rule. Their names appearing on this doesn't mean they all approved of it. No. But they do say it is a correct statement of what the committee adopted, a majority.

MR. FAXON: That is all. Thank you.

CHAIRMAN VAN DUSEN: The Chair recognizes the gentleman from Wayne, Mr. Ford.

MR. FORD: I want to say that I was responsible for placing the copies of the bar journal on the desks of all the delegates. I am sorry that Mr. Lawrence so qualified the recommendation of his committee that—you will notice that he is the chairman of the committee that made the recommendation

we are talking about—that it isn't going to be possible to hold him responsible for all of their recommendations when we get to another section of this judiciary article.

Let me say that the committee considered this particular problem perhaps as long as any other matter that came before us. Judge Pugsley had a subcommittee that did a very, very exhaustive job in examining all sorts of possible forms that such a countywide court might take and the committee was finally compelled to the conclusion that you couldn't devise a single system of countywide courts of limited jurisdiction that would work all over the state of Michigan and I think the committee finally came—and perhaps somewhat reluctantly—to the conclusion that once you pass the level of the probate court and get down to the small peoples' court, the court that handles the more or less minor matters but the one that handles the matters that most people in this state will become involved in, that there are differences that have to be handled on a local level.

There is no question that the law is the same in all counties of the state but the procedures and the type of machinery necessary to enforce the law at the local level are different.

I rise to support the majority report of the committee and oppose the amendment because I feel that our committee did as well as any committee could with this problem and came to the conclusion that when you put the rigidity in that the amendment would put in, you start to get into trouble.

Now let me point out where it happens. Mr. Lawrence says that really he is not saying too much when he says a court of limited countywide jurisdiction. The real difference between his amendment and what the committee says is the "countywide" phrase, because the minute that you freeze into the constitution countywide jurisdiction, that is where we start to have trouble.

There was a proposal for a county court system and there was such a tremendous howl out of the courts in Wayne county that the committee dropped back and took another look at this problem. The common pleas court, for example, which is now on a docket that is well over 3 million, said, "We don't want countywide jurisdiction. We have all the business we can handle within the city of Detroit." And the recorders court said the same thing when we talked to them down there.

Now, down in Wayne county, using it as an example of one of the places where a system that might work in a smaller county comes a cropper, we have 30 municipalities. We have a lot of home rule cities down there and there is included in the home rule concept the idea of local self government, as a principle, the treatment of a local court system and most of the cities in Wayne county and throughout the state have in their charter a municipal court. It is established by charter, subject to restrictions placed on it by the legislature, and the effect of this amendment would be to create a super court. Admittedly, you might have 50 judges in this court and have them spread all over the county, because there are over 50 judges in Wayne county in courts of limited jurisdiction outside of the city of Detroit now and admittedly we don't want to replace them in toto and say to the people, "You now have a court but we're going to put you out of business." Even if this were done, you still get into a situation where you are trying to handle Grosse Pointe in the same manner as Rockwood on the other end of the county and there is a distinct difference.

You can't even use a population factor to try to work this thing out because taking, for example, the Grosse Pointes and the communities out there, some of them have judges who I don't imagine try on the local level 200 cases a year in the whole bunch of them. But when you get into the downriver area where you have a lot of business and industry and communities that are growing and moving, you find that their courts are very busy.

In the last session of the legislature the legislature tinkered with this countywide jurisdiction and, when they did this, they sought to give to the common pleas court—let me back up and say this: the common pleas court and similar courts now have countywide jurisdiction after you reach a certain

amount of money involved in a civil suit, for example. They have countywide jurisdiction in criminal cases now. The justice courts have countywide jurisdiction and so do the municipal courts. But the real hue and cry comes from the people when you start to lump small civil cases—the 15 and 20 and 30 and 50 dollar items—into a super court some place in the city of Detroit where they have to have an attorney represent them on a very small matter because of the very complexity of having it handled in such a large system.

The legislature sought to give the common pleas court countywide jurisdiction and there was an immediate howl not only from all of the lawyers and various groups outside of the city of Detroit but from the common pleas bench itself.

And when our committee was down in Detroit and we asked them about this, they said that they didn't want this countywide jurisdiction; they hadn't supported it in the first instance and they wanted it removed and there is now pending over in the capitol house bill 81 which will revert back to the former jurisdiction because they know already by trying it for a year that it just doesn't work in Wayne county.

And I hate to keep isolating this to our own county because there are unquestionably places in this state where a county court would work advantageously and would be better than what they now have. But the committee recognizes this and recognizes it should be left to the legislature to provide for a method for those counties which want a county court to have one and for those counties where they feel that a county court will not work not to have one.

But Mr. Lawrence's amendment would by constitution require that any inferior court system that is established throughout the 83 counties would have to be a court of countywide jurisdiction. I recommend that you vote against the amendment and vote for the majority report of the committee.

CHAIRMAN VAN DUSEN: The Chair recognizes the lady from Wayne, Miss McGowan.

MISS MCGOWAN: Mr. Chairman and members of the committee, I rise in support of the committee report and ask you to vote against the Lawrence amendment. And I think there are some excellent reasons on the committee report for it, and they set them out, and I would like to read a part of them to you:

... it was concluded by the committee that the legislature should be given the leeway and the obligation to create courts of limited jurisdiction. It was the thought of the committee that a flexible system could thus be designed to meet the differing needs of large and small counties.

And for that reason I ask you to vote for the committee report and to vote against the Lawrence amendment. Thank you.

CHAIRMAN VAN DUSEN: The Chair recognizes the mover of the amendment, Mr. Lawrence.

MR. LAWRENCE: I merely would like to say that apparently everybody agrees with the theory in part but not in toto. I think that you should know—I think you are entitled to know—what happened. If you feel it is the proper thing, vote against the amendment. One of the benefits of at least not caring whether you ever appear in court again and having been in this so long that you just are thoroughly imbued with it, you don't care whether you make friends or not.

When I left here one Friday, it was my understanding that we were to have a court of limited countywide jurisdiction. Over the weekend the roof fell in. The first thing that happened was that I received a long telephone call from a judge of the recorders court protesting against this. I then was advised by the paper that they were sending a delegation up to protest against it. It so happened that I couldn't come the first day. I wasn't here. We have been receiving letters from justices of the peace, from the common pleas court. This has been what has been going on. And when I got back, I found that they had made the provision they had and had eliminated the countywide court.

Now, if you want to yield to pressure, if you want that sort of thing to happen, it is all right with me. If you want to establish a court system that will have meaning, that will be the same throughout the county, here is an opportunity.

CHAIRMAN VAN DUSEN: The gentleman from Bay, Mr. Higgs.

MR. HIGGS: Mr. Chairman and members of the committee, I feel constrained to speak on this because I am one that favors a countywide court although at this particular point I am supporting the committee proposal. But a great deal has been said with regard to what is involved. Now, in all due respect to Delegate Lawrence, there is a great deal of truth in what he said. His analysis of the situation fairly fitted the description.

And as a member of the committee, I decided, when we got this immediate howl, not from the people of Taylor township as you might expect, but from the judges, that I would sit back in committee and let the delegates from Wayne county decide this question. I thought, "Why should I tinker with their system if they are happy and satisfied with it?"

And we heard that the recorders court was the finest criminal court in the whole country and of all the citations and awards and that may very well be true because I don't practice in that court. I would like to see a unified court of limited jurisdiction. But it was not long after we had approved the present language of the committee proposal that we began to hear from Delegate Ford and some of the others on the committee of what they wanted us to do in the constitution to correct some of the problems with their recorders court.

For instance, you cannot appeal from a judgment in that court on a conviction for a misdemeanor to the circuit court. You have to go directly to the supreme court because it is a hybrid court. We had many ideas as to how we might solve this problem and work out a limited court of countywide jurisdiction. We never got as far as proposing that the recorders court judges be permitted to retain their incumbency designation and run as circuit judges.

I urge you at this particular juncture to support the committee proposal. I think that within the language of the committee proposal the legislature will have a sufficient degree of flexibility to create a countywide court of limited jurisdiction. I believe there is a lot of merit in it.

Apparently we can't sell this idea in Wayne county at the present time. I don't propose to do that. I will back away from that as far as I can. But when I vote in favor of the committee report and against the Lawrence amendment, I don't want you to feel that it is because I do not have confidence in the proposition that he sets forth. I think it is set forth with a great deal of sincerity and merit and I think we may have an opportunity at some later time in the convention to discuss a countywide court but at this time I urge your support of the committee.

CHAIRMAN VAN DUSEN: The Chair would call to the attention of his fellow attorneys the fact that a few moments ago he counted and we were largely talking to ourselves. Only 40 nonlawyer delegates remained on the floor. (laughter) The Chair will recognize Mr. Pollock.

MR. POLLOCK: Mr. Chairman, fellow delegates, I have no hesitation in talking with lawyers, or against lawyers as far as that goes. (laughter) This isn't a matter of law; this is a matter of organization, structure, and I see no reason why one has to be a lawyer to understand such matters. I have a very simple question. I am not making any speech. I merely wanted to have a point clarified if Mr. Lawrence will be good enough to answer this question. Am I correct in thinking that if your amendment is adopted, this would, among other things, eliminate the justice of the peace system?

MR. LAWRENCE: Delegate Pollock, you are 100 per cent correct.

MR. POLLOCK: Then I have another question. I can't find in any of the other judicial committee proposals that this question is squarely faced up to at any other point. Is that correct?

MR. LAWRENCE: I haven't found it. In other words, if this is put through, we still have the legislature with the legislative courts and the legislature enabled to create additional courts one on top of the other, yes. I would say it is not in there. I didn't get what Mr. Higgs was talking about. I

found that he was of kindred mind but I didn't follow where it was coming up later.

MR. POLLOCK: Is this the only point in the report of the judicial committee where the question of the justices of the peace system can properly be discussed and acted upon?

MR. LAWRENCE: I am sorry, I cannot answer that. I don't know.

MR. POLLOCK: Can Mr. Danhof answer the question?

CHAIRMAN VAN DUSEN: Mr. Danhof.

MR. DANHOF: Mr. Chairman, Dr. Pollock, the answer to your question is no. Now, it is true that in this section the justices of the peace have been eliminated, if you want to contrast this section to section 1 of article VII of the Constitution of 1908.

It has further been provided that an exclusion report has been filed relative to sections 15 and 16 of article VII of the Constitution of 1908, which granted the constitutional jurisdiction to the justices of the peace.

In section i, I think, of Committee Proposal 96, it provides that this is given a 5 year moratorium, if you wish to call it that, to the office of justice of the peace and circuit court commissioner. In other words, taking a combination of the 2, Dr. Pollock, as the committee report now stands, within 5 years it will be incumbent upon the legislature to develop, by a 2/3 vote of the members of each house, a system of courts of limited jurisdiction to serve the people of this state.

I agree with Mr. Lawrence that we got a lot of letters and we read things in the paper. I didn't get any phone calls. I think it would not be fair to say that the majority of the committee buckled under the pressure. But when you consider the problems that are involved in setting up a lower, if you want to call it, court structure for all of the counties and the cities and the townships of this state, it is going to necessarily, perhaps, involve different laws creating different types of courts.

The municipal court system of this state is a creature of the legislature. It has proved very beneficial. The American bar association and other organizations have looked to the municipal court system of this state as one of the finest in the nation and this is a creature of the legislature and this is a court of limited jurisdiction.

And it was the feeling of the majority of the committee that the legislature and the court administrator—and we provide for a court administrator and for a staff—during the time that is allotted in this constitution—because this is going to take a lot of study and a lot of detail and even more than we had time to lend to it—along with the deputy court administrator and the bar association, both state and local, to study this and develop what they feel will best serve the needs of the people in the rural areas, in those areas that are half rural and half urban and then in the so called truly metropolitan areas and that is why we left open and allowed the language "and other courts of limited jurisdiction that the legislature may establish."

We have recommended the deletion—and this, I can say, was concurred in by all members of the committee—in the constitution of references to making and creating a constitutional office of justice of the peace and this is the same reason that we did not feel that we should create a constitutional office of countywide court. It might not work. Therefore, we allowed the flexibility.

These other things we set out distinctly because we don't want any more trial courts—this we can have by circuits and by districts; we don't want any more probate courts. But in this field of limited jurisdiction, because of the myriad of problems that you run into due to the complexity of the society of the state, we best can leave it to the legislature.

It means that in 5 years or 10 years after they develop a system, it will have to be changed and it was for this reason that we did not want to hinder it because we have a good municipal court system.

We have provided that there will be no further recorders court or superior court of Grand Rapids. We hope that as time goes on, the legislature has the authority to make the necessary

court reform which it did not have. You find in those states which had real trouble where the court was affected, there was a rigidity in the system and we feel that we have here a good system which sets it up, which will eliminate the problems, which will allow growth for the future. That is why we wrote it as we did, Dr. Pollock.

MR. LAWRENCE: Does that answer the question, Dr. Pollock?

MR. POLLOCK: Yes, I think very adequately.

MR. LAWRENCE: Will you explain the answer to me maybe this evening? (laughter)

MR. POLLOCK: I wanted to bring out the effect of your amendment in the immediate—I assume it would not wait for 5 years—elimination of the justice of the peace system.

CHAIRMAN VANDUSEN: The Chair recognizes the gentleman from Wayne, Mr. Mahinske.

MR. MAHINSKE: Many of my points have already been made by the prior speakers but I would just like to point out that I would be opposed to the amendment. The basic reason is that I think it goes even further than Mr. Lawrence would want it to go. We have all these special legislative courts here—the superior court of Grand Rapids, recorders court, the common pleas courts and all the municipal courts—that would be abolished overnight and I don't think that Mr. Lawrence would want to create this kind of a situation where overnight recorders court, as such, would be out of business; their total docket would flow over to the Wayne county circuit court, which would create more of a circus down there than we have now. (laughter)

Then at the same time Mr. Lawrence's amendment would strike out the language that gives the legislature the power to create, with the safeguard here by a 2/3 vote, additional courts of limited jurisdiction. I don't think that a countywide court or a court of countywide jurisdiction is the answer to all the problems of all the counties. I think that the amendment is just too rigid. It just won't work all over the state and for that reason I would be opposed to the amendment.

CHAIRMAN VANDUSEN: Does Mr. Mahinske care to yield to Mr. Lawrence for a reply?

MR. MAHINSKE: Yes, I do.

MR. LAWRENCE: Mr. Mahinske, I don't believe the constitution is going to be adopted overnight. There is going to be plenty of time between the time that the constitution is finalized and the time it goes into effect for the system to be set up.

CHAIRMAN VANDUSEN: To which, Mr. Lawrence, the Chair might say, "amen." (laughter)

MR. MAHINSKE: And which I might say at the most 60 days. This is practically overnight when you are talking about abolishing this total concept of municipal courts and so forth. Sixty days is not enough time to get yourself prepared for the crash here.

CHAIRMAN VANDUSEN: The Chair recognizes the gentleman from Ingham, Mr. Wanger.

MR. WANGER: Mr. Chairman, I have a point to add to the discussion which I don't believe has been made before. I am not so much concerned by the fact that Mr. Lawrence's amendment would add a court of limited countywide jurisdiction to the constitution as I am by the fact that his amendment would also prohibit any other court.

Here, for example, in Lansing we are in what we call a tricity area. While we have not yet annexed, I believe, into Clinton county or Eaton county, it is quite probable that in the not too distant future we will do so, so that our corporate limits will extend across county lines.

Under the Lawrence amendment I see that in order to try an ordinance violation in the city of Lansing, if it was committed in the annexed territory, we would have to go perhaps to St. Johns to get the seat of this court of limited countywide jurisdiction to have jurisdiction over the case because, after all, a city court and a county court or any other court is limited by the word "jurisdiction" not only over the amount of money involved but also over the territory within which violations and violators may be pursued.

So unless I am in error in my interpretation of the language, I think that this defect alone would very definitely be cause for voting against the amendment.

CHAIRMAN VANDUSEN: The Chair recognizes Judge Pugsley.

MR. PUGSLEY: Mr. Chairman and delegates, I rise to support the committee report. In doing so I wish it to be strictly understood that this is a compromise. I was chairman of the subcommittee and we gave a great deal of study to the matter of the creation of some system of a county court to take over the function of justices of the peace and circuit court commissioners and we tried to work out a system that would be flexible enough to take care of a situation in the very small counties and which would not disturb or upset those efficient courts which are operating in Wayne county.

I don't care to take up more time. I am not happy with this situation and I may as well say so frankly. I think it would have been possible, had we given it a little more time and a little more thoughtful consideration, to have been able to come before this committee at this time with something to take the place of justices of the peace and circuit court commissioners in a form that could have been made workable throughout the entire state. That has not been done. We are leaving the matter entirely with the legislature. I understand that there is a proposal which may be submitted as a supplement later on at the end of this judicial article which may take care of the situation.

I might talk for some time about the facts that have been revealed to this committee which have not been covered by any of the remarks that have been previously made but I don't think it would add any contribution to helping us to reach a decision at this time.

So I am supporting this proposal which has been submitted to you as a compromise with the reservations which I have made. Thank you.

CHAIRMAN VANDUSEN: The Chair recognizes the delegate from Oakland, Mr. King.

MR. KING: Mr. Chairman, ladies and gentlemen of the committee, I would like to address a couple of questions, if I could, to Mr. Lawrence.

CHAIRMAN VANDUSEN: If the gentleman cares to answer.

MR. KING: Mr. Chairman, Mr. Lawrence, is it your understanding of this particular wording that the recorders court and the common pleas court in the county of Wayne would be eliminated?

MR. LAWRENCE: I wouldn't say eliminated, of course. I would say that they would cease to be recorders courts and common pleas courts, as such. Obviously they or their successors would become a part of the countywide system.

MR. KING: And, of course, the same would be true of the municipal courts in the various cities?

MR. LAWRENCE: Unless, as a part of the limited countywide courts, the municipal courts or some court of similar stature were created in the municipalities, yes.

MR. KING: With regard to Mr. Wanger's question, would it be possible for the jurisdiction to extend across county lines, say into adjoining counties, or does your language prohibit that, do you think?

MR. LAWRENCE: Well, I would think the words "countywide jurisdiction" would limit that. I don't see how the legislature could vary that. I am sorry, I didn't get Delegate Wanger's import but, if there is some municipal court or justice court that has jurisdiction in 2 or 3 different counties, I wasn't aware of it. I thought I understood what the constitution and the statute said about that.

MR. KING: Mr. Chairman, Mr. Lawrence, would you be willing to accept any amendments to this language which would provide for continuation of existing municipal courts and provide for the possibility as provided by law of jurisdiction crossing into adjoining counties?

MR. LAWRENCE: I would say this: you should vote against the amendment and have the original go through if you want that. That is the very thing it was hoped that we could do away with, to get rid of municipal, justice, recorders,

superior, common pleas and all these different courts. If it is that that you wish to retain, I would say vote against it. In fact, your circuit courts have only jurisdiction basically within the county except in chancery cases. A crime has to be committed in the county in order for the circuit court to have jurisdiction, except in Wayne county, and then if you want to commit a crime and want to get into circuit court, you have to do it outside of the city of Detroit. As I said, I know of no municipal court in the state that has a larger range of jurisdiction than the circuit court.

MR. KING: Thank you.

CHAIRMAN VAN DUSEN: The Chair recognizes the gentleman from Bay, Judge Leibrand.

MR. LEIBRAND: Mr. Chairman, I no longer seek the floor.

CHAIRMAN VAN DUSEN: Judge Leibrand passes. The Chair recognizes the gentleman from Wayne, Mr. Stevens.

MR. STEVENS: Mr. Chairman, members of the committee, I merely wish to compliment Delegate Ostrow on his fine exposition of Detroit's recorders court. As a delegate from Detroit, I must oppose this amendment.

CHAIRMAN VAN DUSEN: The question is upon the amendment offered by Mr. Lawrence which the secretary will read.

SECRETARY CHASE: The amendment offered by Mr. Lawrence:

[The amendment was again read by the secretary. For text, see above, page 1250.]

CHAIRMAN VAN DUSEN: The question is on the amendment offered by Mr. Lawrence. Those in favor will say aye. Opposed?

The amendment is not adopted. Are there further amendments to the proposal?

SECRETARY CHASE: Mr. Habermehl offers the following amendment:

1. Amend page 1, line 9, after "establish by a" by striking out "2/3" and inserting "majority"; so the language will there read, ". . . that the legislature may establish by a majority vote of the members of each house."

CHAIRMAN VAN DUSEN: On the amendment the Chair recognizes Mr. Habermehl.

MR. HABERMEHL: I would simply like to call the delegates' attention to the fact that I think we are being more than a little wildly illogical here. We speak in one breath of leaving this matter to the legislature and down at the bottom of the proposed section require a 2/3 vote of the legislature in order to establish any such court of limited jurisdiction.

I find we are illogical largely on the grounds that here in the convention by a simple majority—and on a number of occasions a very slim one—we may put into the constitution for perhaps up to the next 50 years provisions relating to our courts, the changing or amending or revising of which would be extremely difficult. At the same time we would require the legislature to get 2/3 of the members elect, I presume, of each house to try any sort of court system which, if it did not work out, they could repeal at the next session.

I would say that while I am not particularly modest, I don't believe that our judgment, our competence, is that much greater than that of the legislature that what we can do by simple majority and freeze into the constitution, the legislature should not be able to do by the same simple majority, especially since they could repeal it very simply at the next session. I must call your attention to this: even if the need for some additional courts, and particularly these courts of limited jurisdiction, were well demonstrated, were needed by something over 7 million people in the state of Michigan, this 2/3 requirement would permit 12 people to prevent the establishment of any such court, 1/3 plus 1 of the senate. I question again if that is a very good constitutional provision.

We have an additional complication here which unfortunately involves another section but we do know that there will be some sort of moratorium on the present courts of limited jurisdiction. The figure of 5 years have been mentioned. I

would ask after the 5 years has expired and in the event of the inability of the legislature to secure a 2/3 vote for the establishment of any courts, is then our circuit court in the counties the lowest or inferior court? There is well the possibility here of an inability on the part of the legislature to secure this sort of a 2/3 majority. If so, the inferior courts or courts of limited jurisdiction would be abolished by constitutional provision. There would be no method to provide any substitute.

Now, it may be said—and I know that this provision has been in the constitution for a long time—that it has worked well in the past. I would simply like to point out that in the last few years there has been a much closer division in the legislature; that what may have worked in the past quite possibly might not work now and if the question has any partisan political overtones—and I have found very few questions here at the convention at least that don't have some partisan political overtones—the possibility of getting a 2/3 majority may be a complete impossibility. I suggest, therefore, that if we are going to let the legislature act in this field in reference to this convention let's at least make it possible for the legislature to act.

CHAIRMAN VAN DUSEN: On the amendment the Chair recognizes the chairman of the committee, Mr. Danhof.

MR. DANHOF: Mr. Chairman, previously in answers to questions propounded by Dr. Pollock, I alluded to this particular provision. In the booklets by the citizens research council, this is commented upon as being a valid restrictive provision. The members of the committee considered this quite carefully and actually for some of the reasons that Mr. Habermehl has put forth, we felt a 2/3 vote was needed so that it would not be partisan. It is not partisan to administer justice properly. One may have a philosophical viewpoint but the administration or the court structure is not a partisan matter. Everybody is in favor of adequate, efficient justice.

And I might state as Judge Pugsley did—and he worked long and hard on this matter and put in many hours and made a very valuable contribution to the committee, especially in this particular field—that we tried and, as he pointed out, maybe we would have, if we could have gone on longer, found a better solution. And this is the very reason for the fact that we have allowed for the 5 year moratorium.

And I would assume—and I would point out to Mr. Habermehl that the 5 year moratorium applies only to the constitutionally recognized offices of justices of the peace and circuit court commissioners—that it would be possible that the circuit court, being the court granted general jurisdiction and there being no other available tribunal, that they would. And I submit that if that happened, we would probably get the fastest action in the legislature that you could imagine.

But the fact remains that if we are going to have a judicial system—and it is only in the requirement of the establishment of the court that you need the 2/3 vote, not in the jurisdiction, dollar amount or territorialwise in the court's function—the committee was of the opinion that, because the political nature of this state is such that it is in even balance, this is even more of a safeguard and a requirement which we should have.

I would therefore urge again, although, as Judge Pugsley said, it is a compromise, we believe it is a good one, because as you see here now, you cannot foresee the problems that you find when you endeavor to go into this particular aspect of a court structure.

I would urge the defeat of the amendment, the retention of the 2/3 vote as it has been in the constitution since 1908.

CHAIRMAN VAN DUSEN: On the amendment, the Chair recognizes the gentleman from Calhoun, Mr. Everett.

MR. EVERETT: If Mr. Ford wishes to speak, I would yield to him.

CHAIRMAN VAN DUSEN: The Chair recognizes the delegate from Wayne, Mr. Ford.

MR. FORD: I would like to support the explanation just given by the chairman of the committee, urge that you vote no on the amendment and reemphasize that it is the feeling of the committee that the legislature should move very slowly in the creation of new courts. As Bob has indicated, this in no

way limits the legislature in changing the jurisdiction of existing courts but it is our view that before they take the step of creating an entirely new court as a part of the system, they ought to be absolutely sure of what they are doing over there.

CHAIRMAN VAN DUSEN: Mr. Everett, do you still desire recognition?

MR. EVERETT: I pass.

CHAIRMAN VAN DUSEN: The question is on the amendment offered by Mr. Habermehl which the secretary will read.

SECRETARY CHASE: Mr. Habermehl's amendment:

[The amendment was again read by the secretary. For text, see above, page 1255.]

CHAIRMAN VAN DUSEN: Those in favor of the amendment will say aye. Opposed will say no.

The amendment does not prevail. Are there further amendments to the proposal?

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

CHAIRMAN VAN DUSEN: If not, the proposal will pass. Committee Proposal 90 is passed and the secretary will read.

SECRETARY CHASE: Item 2 on the calendar, from the committee on judicial branch, by Mr. Danhof, chairman, **Committee Proposal 91**, A proposal pertaining to the supreme court. A substitute for sections 2, 4, 5, 6 and 7 of article VII.

Following is Committee Proposal 91 as read by the secretary, and the reasons submitted in support thereof:

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

Sec. a. THE SUPREME COURT SHALL CONSIST OF 9 JUSTICES, TO BE ELECTED BY THE ELECTORS OF THE STATE. THE TERM OF OFFICE SHALL BE 8 YEARS. NOT MORE THAN 3 TERMS OF OFFICE SHALL EXPIRE AT THE SAME TIME.

Sec. b. ONE JUSTICE OF THE SUPREME COURT SHALL BE SELECTED BY THE COURT AS ITS CHIEF JUSTICE IN THE MANNER AND FOR THE TERM PROVIDED BY THE RULES OF THE COURT. HE SHALL PERFORM SUCH OTHER DUTIES AS MAY BE REQUIRED BY THE COURT. THE SUPREME COURT SHALL APPOINT AN ADMINISTRATOR OF THE COURTS AND OTHER JUDICIAL ASSISTANTS AS SHALL BE DEEMED NECESSARY TO AID IN THE ADMINISTRATION OF THE COURTS IN THE STATE. THE ADMINISTRATOR SHALL, UNDER THE DIRECTION OF THE SUPREME COURT, PREPARE AND SUBMIT TO THE LEGISLATURE THE BUDGET FOR THE COURT AND PERFORM ALL OTHER NECESSARY FUNCTIONS RELATING TO THE REVENUES AND EXPENDITURES OF THE COURT. HE SHALL PERFORM THE OTHER DUTIES THAT MAY BE ASSIGNED BY THE COURT.

Sec. c. THE SUPREME COURT SHALL HAVE: A GENERAL SUPERINTENDING CONTROL OVER ALL COURTS; POWER TO ISSUE, HEAR, AND DETERMINE PREROGATIVE AND REMEDIAL WRITS; APPELLATE JURISDICTION AS PROVIDED BY SUPREME COURT RULE.

Sec. d. THE SUPREME COURT SHALL BY GENERAL RULES ESTABLISH, MODIFY, AMEND AND SIMPLIFY THE PRACTICE AND PROCEDURE IN ALL COURTS IN THE STATE. THE DISTINCTIONS BETWEEN LAW AND EQUITY PROCEEDING 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. 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 AND REMOVE ITS STAFF AND SHALL HAVE GENERAL SUPERVISION OF THE STAFF OF THE COURT AND CONTROL OF 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 OF THE SUPREME COURT SHALL BE ESTABLISHED BY LAW. ALL FEES, PERQUISITES AND INCOME COLLECTED BY THE CLERK SHALL BE TURNED OVER BY HIM TO THE STATE TREASURY AND CREDITED TO THE GENERAL FUND. NO JUSTICE OF THE SUPREME COURT SHALL EXERCISE ANY OTHER POWER OF APPOINTMENT TO PUBLIC OFFICE, EXCEPT AS OTHERWISE PROVIDED HEREIN.

Sec. g. ALL PRIMARY ELECTIONS AND ELECTIONS OF JUSTICES OF THE SUPREME COURT SHALL BE NONPARTISAN. THERE ARE HEREBY ESTABLISHED 7 JUDICIAL DISTRICTS, INITIALLY CONSTITUTED AS FOLLOWS:

JUDICIAL DISTRICT 1, COMPRISING WAYNE COUNTY.

JUDICIAL DISTRICT 2, COMPRISING OAKLAND COUNTY.

JUDICIAL DISTRICT 3, COMPRISING THE COUNTIES OF MONROE, LENAWEE, WASHTENAW, LIVINGSTON, SHIAWASSEE AND GENESEE.

JUDICIAL DISTRICT 4, COMPRISING THE COUNTIES OF MACOMB, ST. CLAIR, SANILAC, HURON, LAPEER, TUSCOLA AND SAGINAW.

JUDICIAL DISTRICT 5, COMPRISING THE COUNTIES OF BERRIEN, CASS, VAN BUREN, KALAMAZOO, ST. JOSEPH, BRANCH, CALHOUN, HILLSDALE, JACKSON AND INGHAM.

JUDICIAL DISTRICT 6, COMPRISING THE COUNTIES OF MUSKEGON, KENT, OTTAWA, MONTCALM, IONIA, GRATIOT, CLINTON, ALLEGAN, BARRY AND EATON.

JUDICIAL DISTRICT 7, COMPRISING ALL OTHER COUNTIES OF THE STATE.

THERE SHALL BE NOMINATED AND ELECTED 3 JUDGES FROM JUDICIAL DISTRICT 1, AND 1 JUSTICE FROM EACH OF THE JUDICIAL DISTRICTS 2 TO 7, INCLUSIVE.

THE LEGISLATURE SHALL, IF NECESSARY, PROVIDE BY LAW FOR TRANSFER OF COUNTIES FROM ONE JUDICIAL DISTRICT TO ANOTHER ON JANUARY 1, 1973, AND EACH TENTH YEAR THEREAFTER, TO THE END THAT NO JUDICIAL DISTRICT SHALL HAVE A POPULATION BASED UPON THE LAST UNITED STATES DECENNIAL CENSUS OF LESS THAN $\frac{1}{4}$ NOR MORE THAN $\frac{1}{2}$ OF THE POPULATION OF JUDICIAL DISTRICT 1: BUT NO SUCH CHANGE SHALL HAVE THE EFFECT OF REMOVING A JUSTICE FROM OFFICE, OR AFFECT HIS QUALIFICATIONS TO BECOME A CANDIDATE FOR RE-ELECTION IN THE DISTRICT FROM WHICH ELECTED.

EXCEPT AS IN THIS CONSTITUTION OTHERWISE PROVIDED, ALL PRIMARY ELECTION AND ELECTION LAWS, INCLUDING LAWS PERTAINING TO PARTISAN PRIMARIES AND ELECTIONS, SHALL, SO FAR AS APPLICABLE, GOVERN NOMINATING PROCEDURES, PRIMARY ELECTIONS, AND ELECTIONS HEREUNDER.

ALL JUSTICES OF THE SUPREME COURT HOLDING OFFICE ON THE DATE THIS CONSTITUTION SHALL BECOME EFFECTIVE, SHALL SERVE OUT

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

ONE HUNDRED SIXTEENTH DAY

Friday, April 6, 1962, 9 o'clock a.m.

PROCEEDINGS

PRESIDENT NISBET: The convention will please come to order.

Our invocation this morning is to be given by one of our own delegates, Mr. Julius Sleder.

MR. SLEDER: Our heavenly Father, we thank Thee this day for the opportunity Thou hast given us of being able to serve as a delegate to this constitutional convention. We thank Thee for the opportunity Thou hast brought before us; the opportunity of knowing and associating with dedicated men and women, dedicated to a better life, a better state and a better government for all. We ask Thy guidance to fully explore these opportunities. We ask Thy guidance to develop these opportunities. We ask Thy guidance for the fulfillment of these opportunities. We also ask Thee to guide and direct each of us, and we pray that we may be more considerate and more tolerant of each other as we proceed to debate the issues, that our end result will be acceptable, not only to the people of Michigan, but also in the sight of Thee. Amen.

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

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

Prior to today's session, the secretary received the following requests for leave: Mr. J. A. Hannah, temporarily from this morning's session; Messrs. T. S. Brown and Krolkowski, from today's session; and Mr. Baginski, indefinitely, because of illness.

PRESIDENT NISBET: Without objection, the requests are granted.

SECRETARY CHASE: Absent with leave: Messrs. Baginski, Barthwell, T. S. Brown, Mrs. Butler, Mrs. Conklin, Messrs. DeVries, J. A. Hannah, Heideman, Krolkowski, Millard, Mosier, Norris, Ostrow, Rajkovich, L. W. Richards, Sablich, Stamm, Stevens and Tweedie.

Absent without leave: Messrs. G. E. Brown and Wilkowski.

PRESIDENT NISBET: Without objection, the delegates are excused.

[During the proceedings, the following delegates entered the chamber and took their seats: Mr. Wilkowski, Mrs. Conklin, Mr. G. E. Brown and Mr. J. A. Hannah.]

Reports of standing committees.

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 52 of that committee, reporting back to the convention **Committee Proposal 90**, A proposal pertaining to the judicial branch;

with the recommendation that the style and form be approved.

William B. Cudlip, chairman.

For Committee Proposal 90 as reported by the committee on style and drafting, see below under date of April 23.

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 53 of that committee, reporting back to the convention **Committee Proposal 91**, A proposal pertaining to the supreme court;

with the recommendation that the style and form be approved.

William B. Cudlip, chairman.

For Committee Proposal 91 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 54 of that committee, reporting back to the convention **Committee Proposal 92**, A proposal pertaining to a court of appeals;

with the recommendation that the style and form be approved.

William B. Cudlip, chairman.

For Committee Proposal 92 as reported by the committee on style and drafting, see below under date of April 23.

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 55 of that committee, reporting back to the convention **Committee Proposal 93**, A proposal pertaining to the circuit court;

with the recommendation that the style and form be approved.

William B. Cudlip, chairman.

For Committee Proposal 93 as reported by the committee on style and drafting, see below under date of April 23.

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 56 of that committee, reporting back to the convention **Committee Proposal 94**, A proposal pertaining to the probate court;

with the recommendation that the style and form be approved.

William B. Cudlip, chairman.

For Committee Proposal 94 as reported by the committee on style and drafting, see below under date of April 23.

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 57 of that committee, reporting back to the convention **Committee Proposal 95**, A proposal pertaining to appeals from administrative tribunals;

with the recommendation that the style and form be approved.

William B. Cudlip, chairman.

For Committee Proposal 95 as reported by the committee on style and drafting, see below under date of April 23.

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 58 of that committee, reporting back to the convention **Committee Proposal 96**, A proposal pertaining to general and special provisions relative to the courts of the state;

with the recommendation that the style and form be approved.

William B. Cudlip, chairman.

For Committee Proposal 96 as reported by the committee on style and drafting, see below under date of April 23.

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

Communications.

SECRETARY CHASE: None.

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.

It is the ruling of the Chair that the practical application of this rule means that it shall apply to each proposition as it comes before the convention in its official form for a final vote.

If a proposal containing several sections; if an article containing several sections; if a complete revision containing several articles and sections; or if an amendment containing several articles and sections, comes before the convention for a vote, one vote on the multisection proposal, one vote on the multisection article, one vote on the complete revision, or one vote on the multiarticle or multisection amendment is all that is necessary, since the vote for either of them in the entirety would be a vote for all the component parts. If a proposal contains but a single section, obviously one vote on that single section proposal would be all that is necessary.

On the division of the question on second and third reading, the president calls attention to the following rulings in the U.S. house of representatives:

In voting on the third reading and passage of a bill or a joint resolution, a separate vote on the various propositions of the bill may not be demanded.

The speaker held that the question on the passage of the bill could not be divided and that the rule and practice of the house in respect to division of questions did not apply to the question on the passage of a bill.

Speaker Charles F. Crisp of Georgia

Hinds Precedents, volume V, section 6144

Nathaniel P. Banks of Massachusetts

Hinds Precedents, volume V, section 6145

Speaker Pro Tem Henry L. Dawes of Massachusetts

Hinds Precedents, volume V, section 6146

Speaker James K. Polk of Tennessee

Hinds Precedents, volume V, section 6147

Schuyler Colfax of Indiana

Hinds Precedents, volume V, section 6148

Nicholas Longworth of Ohio

Hinds Precedents, volume VIII, section 3172

Never in Michigan legislative practice has it been possible, or even requested, that a bill be divided for consideration on final passage.

The Chair will point out that the purpose desired, namely, getting a record vote on any portion of a proposal, or elimination of any part of a proposal from the final draft thereof, can be accomplished by the offering of the proper amendments.

The Chair, therefore, rules that a division of a proposal on second or third reading is not in order.

PRESIDENT NISBET: That will be printed in the journal. Mr. Downs.

MR. DOWNS: I have a parliamentary inquiry. We have before us an amendment to Committee Proposal 91, which would call for districting of the supreme court. I am not speaking for or against the merits. Does this ruling mean that such amendment could be adopted to Committee Proposal 91 by less than 73 votes on second reading?

PRESIDENT NISBET: Amendments on second reading, Mr. Downs, can be adopted by a majority vote of those voting, but the final passage would have to be by 73 votes.

MR. DOWNS: Mr. President, I respectfully wish to announce—and this is the first time that I have ever disagreed with the president of the convention on a ruling. I am not now appealing from the decision of the Chair because I think this might be a moot question at this point. But I wish to apprise the convention that, at the appropriate time, I may so do. I regret this ruling very much because I think it does have an effect that is contrary to the clear language of rule 58, and I hope all the delegates will read this very clearly for their own construction in case there is, later on, an appeal from the decision of the Chair on this. I wish to make the same comment in reference to the possibility of dividing a

proposal so that separate component parts can be voted on separately and at the appropriate time I may again bring that up to the convention's attention.

I did not want anybody to think that I was estopped from raising the question later because I did not raise it now. I would like also a chance to study the printed ruling before commenting further.

PRESIDENT NISBET: It will be printed in the journal and the Chair suggests, Mr. Downs, that the delegates do just that. Mr. Lesinski.

MR. LESINKI: Mr. President, I wish to point out that the committee on legislative powers submitted each section as a separate committee proposal. Now, other committees grouped several sections in a proposal. You have no uniformity. Now, that rule should have been set up right from the beginning. You have no uniformity in these proposals. Therefore, I believe that each section should be voted on separately, if it can stand alone.

PRESIDENT NISBET: Mr. Mahinske.

MR. MAHINSKE: With all deference to your ruling made here, I would say that I find 2 things wrong with the ruling: 1, it is based on our rules; and 2, it's based on legislative procedure. Now, I'd like to point out for your attention and ask for a future ruling on what the Chair's interpretation of the rules that are provided for us in the constitution are. In section 4 of article XVII it says:

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 the convention, the yeas and nays being entered on the journal. Any proposed constitution or amendments . . .

Now, I feel in my own mind that the use of the word "amendment" and "amendments" here, any substantive change that we propose in the new document as opposed to the old document would be an amendment to the constitution. And I feel that we are going to have to divide these questions or in the future we're going to have somebody attack the entire legality of the whole document and possibly prevail and we're going to be doing all this for naught here. Like I say, there may be a difference of minds in this matter here, but I think it is something that should be looked into.

PRESIDENT NISBET: Were you finished, Mr. Mahinske?

MR. MAHINSKE: Yes, I'm finished.

PRESIDENT NISBET: Thank you. We'll take it under consideration.

Second reading of proposals. The Chair recognizes Mr. Danhof.

MR. DANHOF: Mr. President and members of the convention, before we get into the proposed agenda for second reading, I should like to make the following motion: I would move that item 2 on the calendar for second reading, being Committee Proposal 91 relating to the supreme court, be placed at the foot of the second reading calendar for today. This is done solely at the request of members who made this request to me, of both parties, prior to the adjournment on Thursday. A number of them stated they had to be absent for today's afternoon session as they had made commitments, and this is the first time we are meeting on a Monday afternoon at 2:00 o'clock. I stated that I would make the motion. I urge that you adopt it; that item 2, Committee Proposal 91, be placed at the foot of the second reading calendar.

PRESIDENT NISBET: The question is on the motion of Mr. Danhof. Mr. Ford.

MR. FORD: Mr. President, I should like to support Mr. Danhof's motion. We have discussed this and feel that it would be in the best interests of the convention.

PRESIDENT NISBET: Those in favor of the motion will say aye. Opposed, no.

The motion prevails; Committee Proposal 91 will be placed at the foot of the calendar. The secretary will read.

SECRETARY CHASE: Item 1 on the calendar, **Committee Proposal 90**, A proposal pertaining to the judicial branch. A substitute for section 1 of article VII.

Following is Committee Proposal 90 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 1240.):

Sec. a. 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 vote of the members of each house.

PRESIDENT NISBET: The Chair recognizes Mr. Danhof.

MR. DANHOF: Mr. President, delegates, there has been no change by style and drafting in this provision as it was passed by the committee of the whole and ratified by this convention. At the time this was brought up, we had considerable debate upon it. It sets up the general court structure, the idea that it is a cohesive court and not separate, disjunctive and loosely held branches. It sets up the idea of a supreme court, a court of appeals, the circuit court, the probate court and other courts of limited jurisdiction that the legislature may establish by a 2/3 vote of the members of each house. Our committee met after the referral back from style and drafting, considered the proposal, has made no amendments thereto. We urge its adoption.

PRESIDENT NISBET: Any amendments?

SECRETARY CHASE: No amendments.

PRESIDENT NISBET: The question is on the adoption of Committee Proposal 90. All those in favor of the adoption of the proposal will vote aye; those opposed will vote nay. 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—107

Andrus, Miss	Garvin	Perras
Anspach	Goebel	Plank
Austin	Gover	Powell
Balcer	Gust	Prettie
Barthwell	Habermehl	Pugsley
Batchelor	Hart, Miss	Radka
Beaman	Haskill	Rajkovich
Bentley	Hatch	Richards, J. B.
Blandford	Heideman	Sablich
Bledsoe	Higgs	Seyferth
Bonisteel	Hodges	Shackleton
Bradley	Howes	Shaffer
Brake	Hoxie	Shanahan
Brown, G. E.	Hubbs	Sharpe
Buback	Iverson	Sleder
Butler, Mrs.	Judd, Mrs.	Snyder
Conklin, Mrs.	Karn	Spitler
Cudlip	Kelsey	Stafseth
Cushman, Mrs.	Knirk, B.	Stamm
Danhof	Koeze, Mrs.	Sterrett
Dehnke	Kuhn	Stevens
DeVries	Lawrence	Stopczynski
Donnelly, Miss	Leibbrand	Thomson
Doty, Dean	Leppien	Turner
Doty, Donald	Lesinski	Tweedie
Downs	Madar	Upton
Elliot, A. G.	Marshall	Van Dusen
Elliot, Mrs. Daisy	Martin	Walker
Erickson	McCauley	Wanger
Everett	McGowan, Miss	White
Faxon	McLogan	Wilkowski
Figy	Millard	Wood
Finch	Mosier	Woolfenden
Follo	Nisbet	Young
Ford	Ostrow	Youngblood
Gadola	Page	

Nays—1

McAllister

PRESIDENT NISBET: Committee Proposal 90 is passed and referred to the committee on style and drafting.

For Committee Proposal 90 as rereferred to the committee on style and drafting, see above, page 2672.

SECRETARY CHASE: Item 3 on the calendar, Committee Proposal 92, A proposal pertaining to a court of appeals. Amends article VII.

Following is Committee Proposal 92 as reported by the committee on style and drafting and read by the secretary. (For text as referred to said committee, see above, page 1616.)

Sec. a. The court of appeals shall consist initially of 9 judges who shall be nominated and elected on a non-partisan basis from districts, [of the state as established from time to time by the legislature] 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 [3] THREE judges. [The legislature may by law increase] The number of judges comprising the court of appeals MAY BE INCREASED, AND THE DISTRICTS FROM WHICH THEY ARE ELECTED MAY BE ALTERED BY LAW.

Sec. b. [Initially, 3 judges shall be elected for a term of 2 years, 3 judges for a term of 4 years, and 3 judges for a term of 6 years. Thereafter, the term of office shall be 6 years. The time of election and the order of rotation shall be provided by law.] JUDGES OF THE COURT OF APPEALS SHALL HOLD OFFICE FOR A PERIOD OF 6 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. c. The jurisdiction of the court of appeals shall be PROVIDED [prescribed] by law and the practice and procedure therein shall be as provided by RULES OF THE supreme court [rule].

PRESIDENT NISBET: The Chair recognizes Mr. Danhof.

MR. DANHOF: Mr. President and members of the convention, you will note that the committee on style and drafting made certain changes herein. It is my opinion and the opinion of the committee on judicial branch that no substantive change has been accomplished, and that it is merely clarifying in nature. I would however pose this particular question to the chairman of the style and drafting committee, our good friend, Mr. Cudlip, in order to clear up something which arose in our committee and which since has been explained to me by Dr. Joiner. That is this, Mr. Cudlip, if you would, through the Chair: your committee envisions a difference between the use of the words "prescribed by law" and the words "provided by law." Is this correct?

PRESIDENT NISBET: Mr. Cudlip.

MR. CUDLIP: Mr. President, Mr. Danhof, yes, there is a difference between the 2 phrases. We used both of them—depending upon the context. We used both of them in different provisions of the proposed constitution.

MR. DANHOF: Mr. Cudlip, if I might, through the Chair: it was raised by Mr. Prettie on our committee that elsewhere in the constitution, on line 3, where that is used, that we use the words "as provided by law" whereas here your committee used "in a manner prescribed by law." I was impressed with this and had actually intended to offer an amendment to change the word "prescribed" to "provided by." I inquired of Dr. Joiner and he stated that in his opinion the committee on style and drafting was using the word "provided" where the legislature had to do the entire job, that is, that they not only had to set up the manner, but the districts and the whole thing, whereas where merely the details of some particular plan were

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

SECRETARY CHASE: On the passage of Committee Proposal 90, the yeas are 107; the nays, 1.

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
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13.	Appearance in Person or by Counsel . 15-12
14.	Jury trial 15-13
15.	Former Jeopardy; Bailable Offenses 15-14
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18.	Competency of witnesses 15-17
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20.	Rights of accused 15-19
21.	Imprisonment for debt or military fine 15-20
22.	Treason; definition, evidence 15-21
23.	Enumeration of Rights not to deny others 15- 1

Article I**Declaration of Rights**

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

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

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

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

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

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

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

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

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

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

ever be tolerated in this state.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE II ELECTIONS

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

Article II Elections

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

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

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

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

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1. Legislative Power, where vested	118a
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3. Representatives, Number, Term, Districts	80b
4. Legislative Districts, merger	80c
5. Island Areas	
6. Legislative Apportionment Commission	79a
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9. Legislators, ineligibility for certain appointments	120a
10. Conflict of interest	115a
11. Legislators, privileges	33a
12. Legislators, compensation	28a
13. Legislature, time of convening	116a
14. Senate and House, quorums	34a
15. Legislative Council	102c
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2	20.	Legislature, open public meetings ...	103a
3	21.	Legislature, consent to adjourn	103a
4	22.	Bills	35a
5	23.	Style of laws	29a
6	24.	Laws, object and title	
7		First sentence	121a
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9	25.	Laws, revision	121a
10	26.	Bills, requirements for passage	
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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 secu-
26 rity otherwise requires. The [yeas and nays]
27 RECORD OF THE VOTE AND NAME of the
28 members of either house VOTING on any question
29 shall be entered in the journal at the request of
30 [1/5] ONE-FIFTH of the members present. Any
31 member of either house may dissent from and
32 protest against any act, proceeding or resolution
33 which he deems injurious to any person or the
34 public, and have the reason for his dissent entered
35 in the journal.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

eral appropriation bills as passed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

sons imprisoned or detained [on] UNDER such sentences.

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

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

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

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

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

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

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

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

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

specified IN THIS SECTION.

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

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

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

ARTICLE V

EXECUTIVE BRANCH

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Article V Executive Branch

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

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

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

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

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

Terms of office of any board or commission

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

YEARS NEXT PRECEDING HIS ELECTION.

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

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

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

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

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

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

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

Sec. 26. The legislature shall provide that the

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

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

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

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

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

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

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

ARTICLE VI JUDICIAL BRANCH

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Article VI Judicial Branch

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

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

days prior to the expiration of his term.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 28. All final decisions, findings, rulings

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

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

ARTICLE VII LOCAL GOVERNMENT

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Article VII

Local Government

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

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

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

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

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

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

at pleasure.

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

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

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

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

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

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

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

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

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

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

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

Sec. 15. Any county, when authorized by its BOARD OF SUPERVISORS [legislative body] shall have the authority to enter or to intervene in any ACTION [suit] or certificate proceeding involving the services, charges or rates of any privately owned public utility furnishing services or commodities to rate payers within the county.

Sec. 16. The legislature may provide for the laying out, construction, improvement and maintenance of highways, bridges, culverts and airports by the state and by the counties and townships thereof; and may authorize counties to take charge and control of any highway within their limits for such purposes. The legislature may [also prescribe] PROVIDE the powers and duties of counties in relation to highways, bridges, culverts and airports; may provide for county road commissioners to be appointed or elected, with powers and duties [as may be prescribed] PROVIDED by law. The ad valorem property tax IMPOSED for road purposes by any county shall not exceed in any year [1/2] ONE-HALF of one percent of the assessed valuation for the preceding year.

Sec. 17. Each organized township shall be a body corporate with powers and immunities [prescribed] PROVIDED by law [and not inconsistent with this constitution].

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

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

Sec. 20. The legislature shall provide by law for the dissolution of township government whenever all the territory of [a] AN ORGANIZED township is included within the boundaries of a village or villages NOTWITHSTANDING THAT A VILLAGE MAY INCLUDE TERRITORY WITHIN ANOTHER ORGANIZED TOWNSHIP and provide by law for the classification of such village or villages as cities [notwithstanding that a village may include territory within another township].

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

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

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

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

Sec. 24. Subject to this constitution, any city or village may acquire, own[,] and operate, within or without its corporate limits, public service facilities for supplying water, light, heat, power, sewage disposal and transportation to the municipality and the inhabitants thereof.

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

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

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

Sec. 27. Notwithstanding any other provision

of this constitution the legislature may establish in metropolitan areas additional forms of government or authorities with powers, duties and jurisdictions as the legislature shall provide. 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
13. Public Bodies, Borrowing of	49a
14. State Pledge Full Faith and Credit .	23b
15. Additional Borrowing	23b
16. School Bonds	23d
17. Payments from Treasury	37b
18. Prohibition on Credit to Private Concerns	23c
19. Stock, Interest of State in	37d
20. State Depositories	37a
21. Annual Accounting of Public Moneys	37c, 78a
22. Adjustment of Claims	74a
23. Financial Records; open and public .	37c-1
24. Pensions, State Obligations	40a

Article IX

Finance and Taxation

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The power to tax for the payment of principal

and interest on bonds hereafter issued which are the general obligations of any school district, including refunding bonds, and for repayment of any state loans made to school districts, shall be without limitation as to rate or amount.

All rights acquired under Sections 27 and 28, Article X of the Constitution of 1908, by holders of bonds heretofore issued, and all obligations assumed by the state or any school district under these sections, shall remain unimpaired.

Sec. 17. No money shall be paid out of the state treasury except in pursuance of appropriations made by law.

Sec. 18. The credit of the state shall not be granted to, nor in aid of any person, association or corporation, public or private, except as authorized in this constitution.

This section shall not be construed to prohibit the investment of public funds until needed for current requirements [or the investment of public employee retirement system funds], as [may be] provided by law.

Sec. 19. The state shall not subscribe to, nor be interested in the stock of any company, association or corporation[,] . [except that] Funds accumulated to provide retirement or pension benefits for public officials and employees may be invested as provided by law[;] . [and except that] Endowment funds created for charitable or educational purposes may be invested as provided by law governing the investment of funds held in trust by trustees.

Sec. 20. No state money shall be deposited in banks other than those organized under the national or state banking laws. No state money shall be deposited in any bank in excess of 50 percent of the capital and surplus of such bank. Any bank receiving deposits of state money shall show the amount of state money so deposited as a separate item in all published statements.

Sec. 21. The legislature shall provide by law for the annual accounting for all public moneys, state and local, and may [also] provide by law for interim accounting.

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

Sec. 22. PROCEDURES FOR THE EXAMINATION AND ADJUSTMENT OF CLAIMS AGAINST THE STATE SHALL BE PRESCRIBED BY LAW.

Sec. 23. All financial records, accountings, audit reports and other reports of public moneys shall be public records and open to inspection. A statement of all revenues and expenditures of public moneys shall be published and distributed annually, as [prescribed] PROVIDED by law.

Sec. 24. The accrued financial benefits of each pension plan and retirement system of the state and its political subdivisions shall be a contractual obligation thereof which shall not be diminished or impaired thereby.

Financial benefits arising on account of service rendered in each fiscal year shall be funded during that year and such funding shall not be [usable] USED for financing unfunded accrued liabilities.

ARTICLE X PROPERTY

Sec.	Com. Proposal
1. Married Women	63a
2. Eminent Domain	67a
3. Homestead Exemption	12a
4. Escheats	74a
5. State Lands	129a
6. Alien Rights	43a

Article X Property

Sec. 1. The real and personal estate of every woman, acquired before marriage, and all property to which she may afterwards become entitled by gift, grant, inheritance or devise, shall be and remain the estate and property of such woman, and shall not be liable for the debts, obligations or engagements of her husband, and may be devised or bequeathed by her as if she were unmarried.

Sec. 2. Private property shall not be taken for public use without just compensation therefor being first made or secured in a manner prescribed by law.

Sec. 3. A homestead in the amount of not less than \$3,500[.00] and personal property of every resident of this state in the amount of not less than \$750[.00], as defined by law, shall be exempt from forced sale on execution or other process of any court. Such exemptions shall not extend to any lien thereon excluded FROM EXEMPTION by law.

Sec. 4. Procedures [for the examination and adjustment of claims against the state and procedures] relating to escheats and to the custody and disposition of escheated property shall be prescribed by law.

Sec. 5. The legislature shall have general supervisory jurisdiction over all state owned lands useful for forest preserves, game areas and recreational purposes; shall require annual reports as to such lands from all departments having supervision or control thereof; and shall by general law provide for the sale, lease[,] or other disposition of such lands.

The legislature BY AN ACT ADOPTED [by a resolution concurred in] by TWO-THIRDS [2/3]

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

of the members elected to and serving in each house may [from time to time declare] DESIGNATE any part of such lands AS [to be] a state land reserve. [and may remove lands from such classification.] No lands in the state land reserve may be REMOVED FROM THE RESERVE, sold, leased or otherwise disposed of except by an act of the legislature.

Sec. 6. Aliens who are residents of this state shall enjoy the same rights and privileges in property as citizens of this state.

ARTICLE XI PUBLIC OFFICERS AND EMPLOYMENT

Sec.	Com. Proposal
1. Oath of Office	25a
2. Terms of Office	61a
3. Extra Compensation	62a
4. Custodian of Funds, Accounting	55a
5. Classified Civil Service, creation	22a
6. Civil Service Commission	22a
7. Commission to make rules and fix compensation	22a
8. Increases in Compensation	22a
9. May abolish positions	22a
10. Commission to recommend increases to governor and legislature	22a
11. Commission to receive appropriations	22a
12. Violations of Civil Service Article ..	22a
13. Civil Service, Local Government, county	76a, 81m
14. Impeachment	42a, 42b, 42c, 42d
15. Removal of Elected Officers	42e

Article XI

Public Officers and Employment

Sec. 1. [Members of the legislature and] All officers, LEGISLATIVE, executive and judicial, [shall,] before [they enter] ENTERING upon the duties of their respective offices, SHALL take and subscribe the following oath or affirmation: ["I do solemnly swear (or affirm) that I will support the Constitution of the United States and the constitution of this state, and that I will faithfully discharge the duties of the office of according to the best of my ability."] No other oath, affirmation, or any religious test shall be required as a qualification for any office or public trust.

Sec. 2. The terms of office of elective state officers, members of the legislature[,] and JUSTICES AND judges of courts of record shall begin at [12:00] TWELVE o'clock noon on the first day of January next succeeding their election, except as otherwise provided in this constitution. The terms of office of county officers shall begin on the first day of January next succeeding their election, except as otherwise provided

by law.

Sec. 3. Neither the legislature nor any political subdivision of this state shall grant or authorize extra compensation to any public officer, agent or contractor after the service has been rendered or the contract entered into.

Sec. 4. No person having custody or control of public moneys shall [have a seat in] BE A MEMBER OF the legislature, [n]or be eligible to any office of trust or profit under this state, until he shall have made an accounting, as provided by law, of all sums for which he may be liable.

Sec. 5. The classified state civil service shall consist of all positions in the state service except those filled by popular election, heads of principal departments, members of boards and commissions, the [chief] PRINCIPAL executive officer of boards and commissions heading principal departments, employees of courts of record, employees of the legislature, employees of the state institutions of higher education, all persons in the armed forces of the state, [8] EIGHT exempt positions in the office of the governor, and within each principal department, when requested by the department head, [2] TWO other exempt positions, one of which shall be policy-making. The civil service commission may exempt [3] THREE additional positions of a policy-making nature within each principal department.

Sec. 6. The civil service commission shall be non-salaried and shall consist of [4] FOUR persons, not more than [2] TWO of whom shall be members of the same political party, appointed by the governor for TERMS OF [8] EIGHT yearS, [overlapping terms.] NO TWO OF WHICH SHALL EXPIRE IN THE SAME YEAR.

The administration of the commission's powers shall be vested in a state personnel director who shall be a member of the classified service and who shall be responsible to and selected by the commission after open competitive examination.

Sec. 7. The commission shall classify all positions in the classified service according to their respective duties and responsibilities, fix rates of compensation for all classes of positions, approve or disapprove disbursements for all personal services, determine by competitive examination and performance exclusively on the basis of merit, efficiency and fitness the qualifications of all candidates for positions in the classified service, make rules and regulations covering all personnel transactions, and regulate all conditions of employment in the classified service.

No person shall be appointed to or promoted in the classified service who has not been certified BY THE COMMISSION as qualified for such appointment or promotion [by the commission]. No appointments, promotions, demotions or removals in the classified service shall be made for

partisan, racial or religious considerations.

Sec. 8. Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. Within 60 calendar days following such transmission, the legislature may, by a [2/3] TWO-THIRDS vote of the members elected to and serving in each house, reject, reduce, or modify increases in rates of compensation authorized by the commission[:]. [Provided however,] The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases authorized by the commission. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year.

Sec. 9. The appointing authorities may create or abolish positions for reasons of administrative efficiency without the approval of the commission. Positions shall not be created nor abolished except for reasons of administrative efficiency. Any employee considering himself aggrieved by the abolition of a position shall have a right of appeal to the commission through established grievance procedures.

Sec. 10. The civil service commission shall recommend to the governor and to the legislature rates of compensation for all appointed positions within the executive department not a part of the classified service.

Sec. 11. To enable the commission to exercise its powers, the legislature shall appropriate to the commission for the ensuing fiscal year a sum not less than one percent of the aggregate payroll of the classified service for the preceding fiscal year, as certified by the commission. Within [6] SIX months after the conclusion of each fiscal year the commission shall return to the state treasury all [funds] MONEYS unexpended for that fiscal year.

The commission shall furnish reports of expenditures, at least annually, to the governor and the legislature and shall be subject to annual audit as provided by law.

Sec. 12. No payment for personal services shall be made or authorized until the provisions of this [article] CONSTITUTION PERTAINING TO CIVIL SERVICE have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

Sec. 13. BY ORDINANCE OR RESOLUTION WHICH SHALL NOT TAKE EFFECT UNTIL APPROVED BY A MAJORITY OF THE ELECTORS VOTING THEREON, each city, village,

township, county, school district[,] and other governmental unit[s] or authorit[ies]Y [performing the same or similar functions] may[, by ordinance or resolution of the governing body which ordinance or resolution shall not take effect until approved by a majority of the electors voting thereon,] establish, modify or discontinue a merit system for its employees other than teachers under contract or tenure. The state civil service commission may on request furnish technical services [to them] TO ANY SUCH UNIT on a reimbursable basis.

[The board of supervisors of any county with a population of 1,000,000 or more shall have the power by ordinance to establish a merit system for county employment. The ordinance or any amendments thereto shall not take effect until approved by a majority of the electors voting thereon.]

Sec. 14. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office or for crimes or misdemeanors, but a majority of the members elected and serving shall be necessary to direct an impeachment.

When an impeachment is directed, the house of representatives shall elect [3] THREE of its members to prosecute the impeachment.

Every impeachment shall be tried by the senate immediately after the final adjournment of the legislature. The senators shall take an oath or affirmation truly and impartially to try and determine the impeachment according to the evidence. When the governor or lieutenant governor is tried, the chief justice of the supreme court shall preside.

No person shall be convicted without the concurrence of [2/3] TWO-THIRDS of the senators elected and serving. Judgment in case of conviction shall not extend further than removal from office, but the person convicted shall be liable to punishment according to law.

No judicial officer shall exercise ANY OF THE FUNCTIONS OF his office after an impeachment is directed until he is acquitted.

Sec. 15. Any elected officer of a political subdivision may be removed from office in the manner and for the causes [prescribed] PROVIDED by law.

ARTICLE XII AMENDMENT & REVISION

Sec.	Com. Proposal
1. By Legislature	64a
2. By Petition of Electors	65a
3. Constitutional Convention	66a

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

Article XII

Amendment & Revision

Sec. 1. Amendments to this constitution may be proposed in the senate or house of representatives. Proposed amendments agreed to by [2/3] TWO-THIRDS of the members elected to and serving in each house on a [yea and nay] vote WITH THE NAMES AND VOTE OF THOSE VOTING entered in the respective journals shall be submitted, not less than 60 days thereafter, to the electors at the next general election or special election as the legislature shall direct. If a majority of electors voting on [such] a proposed amendment approve [such amendment,] THE SAME, it shall become part of the constitution and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved.

Sec. 2. Amendments may be proposed to this constitution by petition of the registered electors of this state. Every petition shall include the full text of the proposed amendment, and be signed by registered electors of the state equal in number to at least 10 percent of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected, or 300,000 registered electors, whichever is less. Such petitions shall be filed with the person authorized by law to receive the same at least 120 days before the election at which the proposed amendment is to be voted upon. Any such petition shall be in the form, and shall be signed and circulated in such manner, as prescribed by law. The person authorized by law to receive such petition[,] shall[,] upon its receipt[,] determine, as provided by law, the validity and sufficiency of the signatures on the petition, and make an official announcement thereof at least 60 days prior to the election at which the proposed amendment is to be voted upon.

Any amendment proposed by such petition shall be submitted, not less than 120 days after it was filed, to the electors at the next GENERAL election. [at which any state officer is to be elected.] Such proposed amendment, existing provisions of the constitution which would be altered or abrogated thereby, and the question as it shall appear on the ballot [used in such election] shall be published in full as provided by law. Copies of such publication shall be posted in each polling place and furnished to news media as provided by law.

The ballot to be used in such election shall contain a statement of the purpose of the proposed amendment, expressed in not more than 100 words, exclusive of caption. Such statement of purpose and caption shall be prepared by the person authorized by law, and shall consist of a true and impartial statement of the purpose of the amendment in such language as shall create no prejudice

for or against the proposed amendment.

If the proposed amendment is approved by a majority of the electors voting on the question, the proposed amendment shall become part of the constitution, and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved. IF TWO OR MORE AMENDMENTS APPROVED BY THE ELECTORS AT THE SAME ELECTION CONFLICT, THAT AMENDMENT RECEIVING THE HIGHEST AFFIRMATIVE VOTE SHALL PREVAIL.

Sec. 3. At the general election to be held in the year 1978, and in each 16th year thereafter and at such times as may be provided by law, the question of a general revision of the constitution shall be submitted to the electors of the state. If a majority of the electors voting on the question decide in favor of a convention for such purpose, at an election to be held not later than [4] FOUR months after the proposal was certified as approved, the electors of each [house of] representative[s] district as then organized shall elect one delegate and the electors of each senatorial district as then organized shall elect one delegate. The delegates so elected shall convene at the SEAT OF GOVERNMENT [capital city] on the first Tuesday in October next succeeding such election or at an earlier date if provided by law.

The convention shall choose its own officers, determine the rules of its proceedings and judge the qualifications, elections and returns of its members. The governor shall appoint a qualified resident of the same district to fill a vacancy in the office of any delegate. [If the legislature shall determine that delegates shall be elected on a partisan basis, the governor shall appoint a qualified resident of the same district and of the same party.] WHO SHALL BE A MEMBER OF THE SAME PARTY AS THE DELEGATE VACATING THE OFFICE IF THE LEGISLATURE PROVIDES FOR PARTISAN ELECTION OF DELEGATES. The convention shall have power to appoint such officers, employees and assistants as it deems necessary and to fix their compensation; to provide for the printing and distribution of its documents, journals and proceedings; to explain and disseminate information about the proposed constitution and to complete the business of the convention in an orderly manner. Each delegate shall receive for his services compensation provided by law.

No proposed constitution or amendment adopted by such convention shall be submitted to the electors for approval as hereinafter provided unless by the assent of a majority of all the delegates elected to and serving in the convention, WITH THE NAMES AND VOTE OF THOSE VOTING [the yeas and nays being] entered in the journal. Any proposed constitution or amendments adopted

by such convention shall be submitted to the qualified electors in the manner and at the time provided by such convention not less than 90 days after final adjournment of the convention. Upon the approval of such constitution or amendments by a majority of the qualified electors voting thereon the constitution or amendments shall take effect as provided by the convention.

SCHEDULE AND TEMPORARY PROVISIONS

Sec.	Com. Proposal
1. Attorney general to recommend necessary laws	44d
2. Writs, actions, claims, etc. remain effective	44b
3. Officers continue their duties	44c and 71g
4. Terms of officers elected November, 1962	68b
5. Terms of governor, etc. elected 1964. When 4 year terms begin	80 and 71a
6. Senate Apportionment	80
7. Supreme Court, reduction to seven justices	91a
8. Judges of Probate, eligible for re-election	96f
9. Overlapping terms for judiciary	96j
10. State Board of Education	47a
11. Boards of Control	98c
12. Educational Boards	
13. Initial allocation	71b
14. Contractual obligations remain in force	6a
15. Mackinac Bridge refunding	23b
16. Constitution submitted to people, when	68a
17. Constitution submitted to people, manner	68c

TO INSURE THE ORDERLY TRANSITION FROM THE CONSTITUTION OF 1908 TO THIS CONSTITUTION THE FOLLOWING SCHEDULE IS SET FORTH TO BE EFFECTIVE FOR SUCH PERIOD AS ITS PROVISIONS REQUIRE.

Sec. 1. The attorney general [of the state] shall recommend to the legislature AS SOON AS PRACTICABLE [at the commencement of the next session] such changes AS MAY BE NECESSARY [in existing laws as may be deemed necessary] to adapt EXISTING LAWS [the same] to this constitution.

Sec. 2. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights [of individuals, partnerships, bodies corporate, and of this state or any subdivision or agency thereof] existing on the effective date [hereof] OF THIS CONSTITUTION shall continue unaffected except as modified in accordance with the provisions of this constitution.

Sec. 3. Except as otherwise provided in this constitution, all officers filling any office by election or appointment shall continue to exercise THEIR POWERS AND [the] duties [thereof, according to their respective commissions or appointments,] until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

No provision of this constitution, or of law or of executive order authorized by this constitution shall shorten the term of any person elected to state office at a statewide election ON [in] or prior to THE DATE ON WHICH THIS CONSTITUTION IS SUBMITTED TO A VOTE. [November, 1962.] In the event the duties of any [of] such officers shall not have been ABOLISHED OR incorporated into one or more of the principal departments at the expiration of his term, such officer shall continue to serve until his duties are so incorporated OR ABOLISHED.

Sec. 4. All officers elected [on the Tuesday after the first Monday of November, 1962] AT THE SAME ELECTION THAT THIS CONSTITUTION IS SUBMITTED TO THE PEOPLE FOR ADOPTION [under the 1908 Constitution as amended and existing laws] shall take office [on and after the first day of January, 1963,] and complete the term to which they were elected UNDER THE 1908 CONSTITUTION AND EXISTING LAWS AND CONTINUE TO SERVE UNTIL THEIR SUCCESSORS ARE ELECTED AND QUALIFIED PURSUANT TO THIS CONSTITUTION OR LAW.

Sec. 5. Notwithstanding any other provision in this constitution, the governor, THE lieutenant governor, THE secretary of state [and], THE attorney general, AND state senators shall be elected at the general election in 1964 to serve for [2] TWO year terms beginning on the first day of January next succeeding their election. The first [4 year] election OF SUCH OFFICERS FOR FOUR-YEAR TERMS under this constitution shall be held at the general election in 1966.

Sec. 6. The state shall be districted for the purpose of electing senators in accordance with the provisions of [Committee Proposal 80, section a,] ARTICLE IV, SECTION 2 after the official publication of the total population count of the 1970 decennial federal census. Until the [re]apportionment of the senate following the 1970 census, the senatorial districts under the 1908 constitution[, as amended,] shall remain intact except that upon the adoption of this constitution each of the counties of Kent, Genesee, Macomb and Oakland shall be divided by the apportionment commission into [2] TWO senatorial districts and Wayne county into [8] EIGHT senatorial districts in accordance with this constitution.

Sec. 7. [A vacancy hereafter created as the result of the death, retirement or resignation of one incumbent justice shall not be filled.]

NOTWITHSTANDING THE PROVISIONS OF THIS CONSTITUTION THAT THE SUPREME COURT SHALL CONSIST OF SEVEN JUSTICES IT SHALL CONSIST OF EIGHT JUSTICES UNTIL THE TIME THAT A VACANCY OCCURS AS A RESULT OF DEATH, RETIREMENT OR RESIGNATION OF A JUSTICE. THE FIRST SUCH VACANCY SHALL NOT BE FILLED.

Sec. 8. Any [supreme court justice, circuit judge,] judge of probate serving [at] ON the [time this constitution becomes] effective DATE OF THIS CONSTITUTION may serve the remainder of the term and be eligible TO SUCCEED HIMSELF for election [to his present office] regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

Sec. 9. The provisions of [this] Article VI providing that terms of JUDICIAL offices shall not all expire at the same time, shall be implemented BY LAW PROVIDING THAT at the next election for such offices [by legislation providing for elections] JUDGES SHALL BE ELECTED for terms of varying length, none of which shall be shorter than the [basic] REGULAR term provided for the office.

Sec. 10. THE MEMBERS OF THE STATE BOARD OF EDUCATION PROVIDED FOR IN ARTICLE VIII SECTION 3 SHALL FIRST BE ELECTED AT THE FIRST GENERAL ELECTION AFTER THE EFFECTIVE DATE OF THIS CONSTITUTION FOR THE FOLLOWING TERMS: TWO SHALL BE ELECTED FOR TWO YEARS, TWO FOR FOUR YEARS, TWO FOR SIX YEARS, AND TWO FOR EIGHT YEARS AS PRESCRIBED BY LAW.

THE STATE BOARD OF EDUCATION PROVIDED FOR IN THE CONSTITUTION OF 1908 IS ABOLISHED AT TWELVE O'CLOCK NOON JANUARY 1 OF THE YEAR FOLLOWING THE FIRST GENERAL ELECTION UNDER THIS CONSTITUTION AND THE TERMS OF MEMBERS THEREOF SHALL THEN EXPIRE.

Sec. 11. THE PROVISIONS OF THIS CONSTITUTION PROVIDING FOR MEMBERS OF BOARDS OF CONTROL OF INSTITUTIONS OF HIGHER EDUCATION AND THE STATE BOARD OF PUBLIC COMMUNITY AND JUNIOR COLLEGES SHALL BE IMPLEMENTED BY LAW. THE LAW MAY PROVIDE THAT THE TERM OF EACH MEMBER IN OFFICE ON THE DATE OF THE VOTE ON THIS CONSTITUTION MAY BE EXTENDED, AND MAY FURTHER PROVIDE THAT THE INITIAL TERMS OF OFFICE OF MEMBERS MAY BE LESS THAN EIGHT YEARS.

Sec. 12. THE PROVISIONS OF THIS CONSTITUTION INCREASING THE NUMBER OF MEMBERS OF THE BOARD OF TRUSTEES OF MICHIGAN STATE UNIVERSITY AND OF THE BOARD OF GOVERNORS OF WAYNE STATE UNIVERSITY TO EIGHT, AND OF THEIR TERMS OF OFFICE TO EIGHT YEARS, SHALL BE IMPLEMENTED BY LAW. THE LAW MAY PROVIDE THAT THE TERM OF EACH MEMBER IN OFFICE ON THE DATE OF THE VOTE ON THIS CONSTITUTION MAY BE EXTENDED ONE YEAR, AND MAY FURTHER PROVIDE THAT THE INITIAL TERMS OF OFFICE OF THE ADDITIONAL MEMBERS MAY BE LESS THAN EIGHT YEARS.

Sec. 13. The initial allocation of departments by law pursuant to Article V, Section 2 shall be completed within two years after the effective date of this constitution. If such allocation shall not have been completed within such period, the governor, within one year thereafter, by executive order, shall make the initial allocation.

Sec. 14. Contractual obligations of the state incurred pursuant to the constitution of 1908 [as amended] shall continue to be obligations of the state.

For the retirement of [such] notes and bonds [as may have been] issued under Section 26 of Article X of the 1908 constitution, there is hereby appropriated from the general fund each year during their life a sum equal to the amount of principal and interest payments due and payable in each [such] year.

Sec. 15. [Provided however, That] The legislature [is authorized to provide by general law adopted] by a vote of [2/3] TWO-THIRDS of the members elected to and serving in each house MAY PROVIDE THAT THE STATE MAY [for the] borrow[ing of] money AND MAY PLEDGE ITS FULL FAITH AND CREDIT for [the] refunding [of] any bonds issued by the Mackinac Bridge Authority[,] AND at [which] THE time OF REFUNDING the Mackinac Bridge Authority [Act] shall be [repealed] ABOLISHED and the operation of the bridge SHALL be assumed by the state highway department. THE LEGISLATURE MAY IMPLEMENT THIS SECTION BY LAW.

Sec. 16. This constitution shall be submitted to the people for their adoption or rejection at the general election to be held on the Tuesday after the first Monday of November, 1962. It shall be the duty of the secretary of state forthwith to give notice of such submission to all other officers required to give or publish any notice in regard to A GENERAL [such] election. He shall give notice that this constitution will be duly submitted to the electors at such election. The notice shall be given in the manner required for the election of governor.

Sec. 17. Every registered elector may vote

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.

The convention will be in order.

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

VICE PRESIDENT HUTCHINSON: The Chair recognizes the delegate from the Eaton district, Mr. White.

MR. WHITE: Mr. President, fellow delegates, on each of your desks there should be a bound copy of a portion of the so called address to the people. There are 8 sections, I think, in the present book that has been delivered to you; 4 more are in the process of reproduction downstairs. I may say that we have overtaxed the duplicating facilities of the convention these last 3 or 4 days.

Also, to comment — in addition to what you have here, in the 4 other sections will be an introductory statement or preface of several pages which will summarize the significant changes in the document, and an appendix at the conclusion which will list sections which have been eliminated from the present constitution.

I am sure that you will understand that because of the numerous changes made by style and drafting over the weekend and because of many changes — not so many but numerous ones, I should say — that have been made on the floor in the past day and evening — this material is not up to date. Corrected pages will be supplied to you just as soon as we can get them out.

I should say that in the text of each section — and you will find this in a letter at the front of the document — language changes have been represented by underlining, underscored words, and asterisks indicate words that have been eliminated. This is in the form of the address that was submitted to us by the legislature earlier as a sample of what they felt should be done in the way of a technical explanation.

Our committee will be meeting today. I have made it however, at 8:00 o'clock. This will be in the event we do not have an evening session. If we have an evening session, we will meet prior to that time and we will announce the time of our meeting later. Any of you are welcome to come down and make what suggestions you have, not only tonight but from now on until the convention recesses. Thank you, Mr. President.

VICE PRESIDENT HUTCHINSON: The convention will return to the order of third reading. The convention has under consideration article VI on the judicial branch. There are several amendments on the secretary's desk and the secretary will report the next amendment.

SECRETARY CHASE: Messrs. Ford and Garvin offer the following amendment:

1. Amend article VI, section 23 (column 1, line 13) after "be filled" by striking out the balance of the section and inserting "by appointment of the governor. Appointees shall hold office until a successor is elected and qualified, as provided by law."; so that the language in section 23 will read:

A vacancy in the elective office of a judge of any court of record shall be filled by appointment of the governor. Appointees shall hold office until a successor is elected and qualified, as provided by law.

MR. VAN DUSEN: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen.

MR. VAN DUSEN: I have discussed with Mr. Ford the amount of time which he felt might reasonably be allocated to this amendment and he agreed that 5 minutes, I think, would be reasonable. I would move that debate on this amendment be limited to 5 minutes.

VICE PRESIDENT HUTCHINSON: On the motion to limit debate to 5 minutes, all those in favor will say aye. Opposed.

The motion prevails. Debate is limited. The Chair recognizes Mr. Ford.

MR. FORD: The purpose of this amendment is to provide a responsible and a practical and workable way to fill a judicial vacancy in a busy judicial circuit without undue delay and without fighting circumstances that could conceivably cause the delay of the trial of matters and the delay of dockets already overcrowded in this state. We have gone over this many times in the past. No one on the floor of this convention or in the judiciary committee has offered any concrete analysis of how the system adopted by this convention would work in a county such as Wayne, with its already overtaxed dockets.

If you back up over the history of the past the 10 or 15 years and look at what we would have had, had we had this constitutional provision — I just wonder if you would think back, or ask the nearest circuit judge or ex circuit judge sitting close to you in your area, what would have happened if this had been in the constitution before the present pension law, as it is now constituted for the circuit judges, was brought into being.

This leaves to the legislature the ability to provide for the immediate call of a special election, if that is its choice. The legislature could disqualify an appointee from running for office if they thought that was wise. The legislature can do most anything it wants to modify this but, in the first instance, you can get an immediate appointment by the governor and have the court continue in its day to day routine business until you take the next step, whatever it might be, that the legislature provides. The legislature may wish to provide for an immediate election. It may provide that the vacancy be filled at the next election or it may provide that it will be filled at the next election in which judicial vacancies in general are filled. But in any event, whichever system they choose can be tried and if it does not work it can be changed.

I submit that in the constitution as you are now writing it you are buying a pig in a poke and asking the people of the state of Michigan to buy a pig in a poke because no one has statistically attempted to envision the effects and the results of this, the availability of manpower for the very limited manner of appointment that you have provided for, and it is entirely possible that what you might be creating here is a very bad situation that will be very difficult to correct because it will take a constitutional amendment to correct it. And it seems rather silly to tie ourselves into a rigid situation such as this when we could very well accomplish what most of you have said you would like to accomplish, and that is an immediate election to fill the vacancy, by the simple expedient of continuing a part of the present system with the flexibility left in the hands of the legislature to implement it in whatever way they thought to be best for the state of Michigan.

VICE PRESIDENT HUTCHINSON: Mr. Danhof.

MR. DANHOF: Mr. President and members of the convention, I think this is the fourth time that we have had this or some variation of this particular matter before the convention or committee of the whole. It again allows for appointment to the judicial vacancy by the governor. We have consistently maintained that if we are to have an elected judiciary the vacancies shall be filled by election.

We have gone through this in committee of the whole, and defeated this type of amendment when we went back into convention, and again on second reading. All that needed to be said has been said, I think, and I would urge that the convention reject this particular amendment, as they have rejected the others, and leave it to the people to select their own judges in their own manner, by election. We have provided for interim use of retired judges until the vacancy has been filled by the election. I would urge the rejection of the amendment.

VICE PRESIDENT HUTCHINSON: The question is upon the amendment offered by Mr. Ford and Mr. Garvin, which has been read. All those in favor of the amendment will say aye. Opposed will say no.

The amendment is not adopted.

SECRETARY CHASE: Mr. Habermehl offers the following amendment:

1. Amend article VI, section 1 (column 1, line 44) after "establish by a" by striking out "two-thirds" and inserting "majority"; so that the language will there read, ". . . and other courts of limited jurisdiction that the legislature may establish by a majority vote of the members elected to and serving in each house."

VICE PRESIDENT HUTCHINSON: Mr. Habermehl.

MR. HABERMEHL: Mr. President, fellow delegates, I am afraid we may have created a vacuum in this judicial article. In section 26, which provides for the legislative establishment of minor courts or courts of limited jurisdiction, we make such provision subject to the limitations contained in the article. Back in section 1, before the legislature could establish any such court

of limited jurisdiction there would have to be a 2/3 vote of the members of each house of the legislature. I don't think it is necessary to point out that getting a 2/3 vote of each house of the legislature is sometimes a most difficult proposition and if there were any real contest over the establishment of these courts of limited jurisdiction, it is entirely possible you couldn't get 2/3 of each house.

It does seem to me that to require an extraordinary majority before the legislature can set up these minor courts, is placing too much of an obstacle in the way of their establishment; and it seems to me, too, that it is entirely possible that in many counties your circuit court might become the court of limited jurisdiction because of the inability of the legislature to get such an extraordinary majority. I see no necessity for the extraordinary majority here. The only courts we are talking about in section 1 are the courts of limited jurisdiction, which we concede the legislature has the right to set up. And by Judge Pugsley's amendment — in fact, on first reading, the only way these courts of limited jurisdiction can be set up is by legislative action. If, in other words, we expect the legislature to act in this field to create these courts, it seems to me we had better make it possible for them to do so.

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen.

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

VICE PRESIDENT HUTCHINSON: On the motion to limit debate to 5 minutes, all those in favor say aye. Opposed, no.

The debate is limited. Mr. Danhof.

MR. DANHOF: Mr. President and members of the convention, as I recall, this matter was debated in committee of the whole. It was again discussed in the judiciary committee and it was decided to leave it at 2/3. This was after first reading, at Mr. Habermehl's request. Our reasoning was basically this: by making it 2/3, it will of necessity make it a bipartisan approach to a particular problem. If you have a majority and you have a closely divided house, as you now have in one of the houses of the legislature, it becomes increasingly difficult to get bipartisan support for what would be a total program for a lower court system. We recognize perhaps that they will have to spend some time getting 2/3 together, but we feel that in the establishment of a court — and that is what this is — in the establishment of a court, there should be the extraordinary majority so that it is a bipartisan affair. I would urge that the amendment be rejected.

VICE PRESIDENT HUTCHINSON: Mr. Ford.

MR. FORD: For the reasons stated by Mr. Danhof, I would like to oppose the amendment and say that it has always been the feeling of the judiciary committee since very early in the convention that we want the legislature to move slowly whenever they are creating new courts.

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

The amendment is not adopted.

SECRETARY CHASE: Messrs. Krolkowski, Ford, Garvin and Bledsoe offer the following amendment:

1. Amend article VI, section 28 (column 2, line 6) after "law.", by striking out "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."

MR. VAN DUSEN: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen.

MR. VAN DUSEN: Mr. Krolkowski advises me that 5 minutes should suffice on this amendment and I move to limit debate to 5 minutes.

VICE PRESIDENT HUTCHINSON: On the motion to limit debate to 5 minutes, all those in favor will say aye. Those opposed will say no.

The motion prevails. Debate is limited. Mr. Krolkowski.

MR. KROLKOWSKI: Mr. President and delegates, this amendment is designed to strike that portion of section 28 that sets out a rule of evidence with respect to administrative agencies. It in no wise will affect the first sentence, which assures

that there shall be a direct judicial review of all decisions, findings, rulings and orders of administrative agencies.

The rule of evidence that is prescribed in section 28 is a matter that properly belongs to the legislature. In the past the legislature has applied as broad a rule of evidence as set out here to all the administrative agencies of the state, excluding 4. The legislature can at its pleasure make the same rule of evidence that is prescribed in the administrative code applicable to the excluded agencies.

By retaining this section we merely usurp a legislative function. It is the belief of the sponsors of this amendment that flexibility in the scope of review should be provided for. This particular sentence will make that flexibility that is so much desired an impossibility. We therefore urge your support of this amendment.

Now the unsoundness of setting out a rule of evidence in a constitution is manifestly attested by the fact that in no other state constitution except one, which is couched in far less restrictive language, do we find anything similar. This is a legislative function and it is a function that the legislature has discharged very capably. We therefore believe that in the interests of legislative function this sentence should be stricken.

VICE PRESIDENT HUTCHINSON: Mr. King.

MR. KING: Mr. President, I was going to rise to a point of order. I thought we handled this, but I am not sure and I was checking the journal to see if I could find the point. Unless the Chair would take upon itself the duty of advising the delegation as to whether or not we have handled this exact matter, I shall continue to check.

VICE PRESIDENT HUTCHINSON: Well, of course, the Chair is kind of a passive agent here. The Chair will go along happily unless points of order are raised, you understand. Do you raise the point of order?

MR. KING: Yes, I raise the point of order, but I cannot give you a citation for raising it.

MR. PRETTIE: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Prettie.

MR. PRETTIE: I think what Mr. King has in mind is the presentation as appears at 1085 of Journal 126, at which time Messrs. Ford, Garvin, Downs, Marshall and Hodges offered amendment to strike out the entire proposal. It appears to me that the present amendment is not identical to the amendment submitted and defeated by a vote of 33 to 84 at that time. I hope this will be of assistance to the Chair.

VICE PRESIDENT HUTCHINSON: Thank you, Mr. Prettie. The Chair is advised by the secretary that the information available to the secretary indicates that the point is not well taken, so the Chair holds that this amendment is in order. Mr. Allen.

MR. ALLEN: Mr. President, I have the feeling that I am on the unpopular side of this, but I really think there is a great deal of merit in the proposed amendment. I think whenever we write one rule of review in administrative law in the constitution, we are in some trouble. We have recognized part of the trouble in workmen's compensation cases. We have not yet recognized the trouble this will bring us in state tax commission matters, and an amendment is pending on that. You see the problem that you get is, you have different kinds of cases where time is important in some and not important in others. And when you try to write one rule, which we have done, for them all, then you take out the flexibility that is needed and you may do some harm.

There is another reason that I think that we are in trouble on this section. It is the only section I know where we say in a judicial proceeding that the burden of proof is on the winning side. You see, if you win in an administrative hearing, if you have a case before the public service commission involving intrastate truck rights and you are granted an application and you have been contested by other truck owners and you win, the loser may appeal and when you get to the supreme court or the final court that hears this, it is up to the winner to show that what was done at the administrative level was supported by competent, material and substantial evidence. The burden of proof is placed on the winning party. Now the model state administrative procedures act has recognized this and recom-

The roll was called and the delegates voted as follows:

Yeas—57

Allen	Howes	Pugsley
Andrus, Miss	Hoxie	Radka
Anspach	Jones	Richards, J. B.
Austin	Leibbrand	Romney
Baginski	Leppien	Rood
Barthwell	Lesinski	Rush
Batchelor	Madar	Sablich
Beamman	Marshall	Seyferth
Bentley	Martin	Sleder
Brake	McAllister	Snyder
Dade	McCauley	Spitler
Dell	McLogan	Stafseth
Downs	Millard	Stopczynski
Elliott, Mrs. Daisy	Mosier	Suzore
Farnsworth	Perlich	Thomson
Faxon	Perras	Walker
Figy	Plank	Wilkowski
Hannah, J. A.	Powell	Woolfenden
Hart, Miss	Prettie	Young

Nays—68

Balcer	Ford	McGowan, Miss
Blandford	Gadola	Nord
Bledsoe	Garvin	Norris
Bonisteel	Goebel	Ostrow
Boothby	Gover	Page
Bradley	Greene	Pellow
Brown, G. E.	Habermehl	Richards, L. W.
Brown, T. S.	Hanna, W. F.	Shackleton
Buback	Haskill	Shaffer
Butler, Mrs.	Hatch	Shanahan
Cudlip	Heideman	Sharpe
Cushman, Mrs.	Hodges	Staiger
Danhof	Iverson	Stevens
Dehnke	Judd, Mrs.	Tubbs
Donnelly, Miss	Karn	Turner
Doty, Dean	Kelsey	Upton
Doty, Donald	King	Van Dusen
Durst	Kirk, S.	Wanger
Elliott, A. G.	Knirk, B.	White
Erickson	Koeze, Mrs.	Wood
Everett	Kuhn	Yeager
Finch	Lawrence	Youngblood
Follo	Mahinske	

SECRETARY CHASE: On the adoption of the amendment offered by Messrs. Allen, Austin and Brake, the yeas are 57; the nays are 68.

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

SECRETARY CHASE: We have no others on this section.

VICE PRESIDENT HUTCHINSON: There are no further amendments on the secretary's desk. The question is upon the passage of article VI. Mr. Higgs.

MR. HIGGS: Mr. President and fellow delegates, in supporting this article it is my intention, and I trust the intention of the convention, that the change in the language in section 28 from "workmen's compensation commission" to "workmen's compensation proceedings" was not a matter of substance, not a material change. I make this comment for the record. I believe that the decision of the convention in acting upon the ruling which prevented Delegate Danhof from introducing his amendment to strike this proviso—I interpret this action of the convention as indicating an intention to support the committee on style and drafting in such a way as to determine that there was no change in substance or material change made when style and drafting inserted the word "proceedings" in place of the word "commission." With that construction and intention, I feel I can support this article. If this is not the intention of the convention on the part of other delegates, I would appreciate such delegates so stating.

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, have you any speakers other than Mr. Ford seeking recognition?

VICE PRESIDENT HUTCHINSON: Yes, I have one other.

MR. VAN DUSEN: I would move to limit debate on the article to 5 minutes.

VICE PRESIDENT HUTCHINSON: On the motion to limit debate upon the article to 5 minutes, all those in favor will say aye. Opposed, no.

The motion prevails. Debate is limited. The Chair next recognizes Mr. Prettie.

MR. PRETTIE: Mr. President and fellow delegates, I decided to become a candidate for delegate to this convention because I was deeply concerned about the present inconsistent method of electing supreme court justices. When I campaigned I told my constituents that, among other things, I would work to make our courts truly nonpartisan at all levels. I did work hard and long to accomplish this result and many of you worked with me and I appreciate your support, but we failed to get enough votes to accomplish this, not by a vote of 2 to 1 or 3 to 1 but by a very narrow margin. Other equally sincere delegates to this convention, equally concerned with an honest court structure, came to this convention pledged to work for the adoption of the ABA plan for selecting our judges. They had committed themselves to this plan and gave not only of their time but of their substance to present the merits of this plan. They, too, I am sure, are disappointed.

We have a judicial article, unfortunately, that continues the unhappy influence of party politics at the highest echelon of our court structure, and many other batters are not fully satisfied with what we have done here. My personal batting average on my own promises to my constituents is probably not even half of 87.9 per cent, but that is beside the point.

I shall not urge a no vote on this article merely because my views did not prevail. I shall not return to my district and urge voters to reject this document because many of its provisions are not to their liking or to mine. I shall endeavor to explain that this is the product of the democratic process. It is the result of the working together of 144 honest and sincere women and men possessed of integrity and wisdom but also of diverse points of view. Long hours of debate on this floor have forged this document. It is not a result of any clandestine accommodations. I shall point out that our labors of 7½ months are typical of the inefficiency of our form of government but that this slow and tedious process and its sometimes imperfect results are at once the weakness and the strength of the best form of government the mind of man has yet developed.

In spite of personal frustration I shall vote to adopt this article. I urge the scores of delegates who share my views to do the same. I urge those who failed in their efforts to write the ABA plan into the judicial article to put aside their disappointment and vote for it. It is my hope that this greatly improved court structure for this state will be approved not by a vote of 3 to 1 but by a resounding and substantially unanimous vote. (applause)

VICE PRESIDENT HUTCHINSON: Mr. Ford.

MR. FORD: I appreciate Mr. Prettie's point of view. Although I haven't always agreed with him, I have enjoyed working with him on the judiciary committee and it is not easy for me to say what I am going to say now without sounding like I am being a dog in the manger but, believe me, in sincerity, this is not what I am trying to do and I am not trying to impose, at this point, my point of view on anyone else. I am trying to express my own point of view and the reason for voting the way I am going to vote.

As has been said before, by the chairman of our committee on this floor, the judiciary system in Michigan and its present status was not one of the compelling reasons for the calling of this convention. Our present judicial system is superior in all ways. It ranks in the view of people outside of the state amongst the top 3 states in the entire country inasmuch as we have a system that has been completely free from scandal and is as close to efficiency as you are ever going to get in a democratic system of courts.

I cannot support the article as we have now written it because I do not honestly believe that it is an improvement over the 1908 constitution, as amended. If we had truly made the kind of improvements that Mr. Prettie alludes to, I think it would be entirely a different thing. There are 2 or 3 things in the article that are new but they are not constitutional matters to begin with and they do not justify either the time spent by this

convention nor do we face the prospect of losing them if this particular section is not incorporated into the new constitution to replace what we presently have. The outstanding example of that is the appellate —

VICE PRESIDENT HUTCHINSON: Time for debate has expired.

MR. VAN DUSEN: Mr. President, I would move to extend debate for an additional 3 minutes to permit Mr. Ford to complete his remarks.

VICE PRESIDENT HUTCHINSON: Mr. Ford and Mr. Danhof both seek recognition.

MR. VAN DUSEN: I guess we had better make it 5 minutes.

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen moves to extend debate by 5 minutes upon the article. All those in favor will say aye. Opposed, no.

The motion prevails. Mr. Ford may continue.

MR. FORD: The appellate court at first glance seems to be an improvement and everybody in this room, I think, agrees that we should have an appellate court. However, I might remind you that the legislature had already perfected and was ready to bring out of the committee over there an appellate court system and would do the same tomorrow if it were not for the pending action of this convention at the present time. There is nothing in here with regard to the appellate court that is constitutional to the exclusion of all other considerations, and what we have accomplished here could just as well have been done across the street.

The filling of vacancies is something we have talked about and we have passed over. It is something that is of very great importance, and the more I have talked to fellow attorneys and the people back in the area that I represent, the more I am concerned with how serious this particular aspect is and how quickly we have passed over it.

The section that we just finished discussing a few moments ago bears absolutely no resemblance to the language that was originally proposed to the judiciary committee by Mr. Cooper and others who first brought the matter forcibly to our attention, and bears little or no resemblance to the work that was put into it by the judiciary committee.

The local court system has been placed — by reason of the fact that many people, for whatever their reasons, came to this convention with preconceived prejudices in this respect — in a status now where very few people at the local level have any confidence or any prospect of hope as to the continued existence of the autonomy of their local courts as they know them now. I think that the section with respect to local courts places in jeopardy a long standing traditional system in this state.

I think that we have, for all intents and purposes, destroyed the 5 tier system that we started out with in the judiciary committee and, again, this was not the judiciary committee that did it. It was done here on the floor. There is no longer a separate and distinct probate court as a constitutional matter. We now have a 3 court system with a conglomerate of the 2 last tiers that the judiciary committee contemplated. You can now merge all or any part of the functions of these lower courts to the end that all or part of them will be extinguished. We set out to set up a 5 tier court system which, in my opinion, would have been a distinct improvement and the one thing that we could have done by constitution that may have been a great improvement over what the legislature might have done, but we failed in this respect. For that reason I don't feel that I can support the article as it now reads.

VICE PRESIDENT HUTCHINSON: Mr. Danhof.

MR. DANHOF: Mr. President and fellow delegates, I am very happy to endorse the words of Mr. Prettie. We did have on the floor of this particular convention a long and tedious debate on the judicial article. With 58 and now 59 or 60 lawyers, this was probably inevitable. But I think he has pointed out what has been the thinking, at least, of a majority of us. I am sorry to hear the words of my good friend, Bill Ford, who was of great assistance in the committee. I think we have retained an elective system of the judiciary. We have established an intermediate court of appeals. And I point out that it was not really until this constitutional convention got going that we got real

action across the street, and this is not in derogation of those gentlemen.

I think we have strengthened the circuit courts, the probate courts. We have made great strides and have provided a system which, I am sure, will last the people of this state for a good 50 or 75 years or whenever we call another convention. We have allowed the legislature greater leeway. This, I think, is an advantage and not a disadvantage. I would hope that we would pass the article. I point out to you that we have had more hours of debate on this than on any other particular article. I urge your support. Thank you.

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

The roll was called and the delegates voted as follows:

Yeas—103

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

Nays—33

Austin	Garvin	Nord
Baginski	Greene	Norris
Binkowski	Hart, Miss	Ostrow
Brown, T. S.	Hodges	Pellow
Buback	Jones	Perlich
Dade	Kelsey	Sablich
Dehnke	Krolikowski	Snyder
Downs	Madar	Stopczynski
Elliott, Mrs. Daisy	Marshall	Wilkowski
Faxon	McAllister	Young
Ford	Murphy	Youngblood

SECRETARY CHASE: On the passage of article VI, the judicial branch, the yeas are 103; the nays are 33.

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

For sections 1 through 7, 9 through 25, 27, 28 and 29 of article VI as passed, see above, page 3060.

Following is section 8 of article VI as amended and passed:

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 near as possible of equal population, as 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 changed by law.

Following is section 26 of article VI as amended and passed:

Sec. 26. The offices of circuit court commissioner and justice of the peace shall be 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.

Following is explanation of vote submitted by Mr. McAllister:

My reason for voting no on article VI, the judicial article, is that I believe the provisions of the present constitution are better than the provisions of the new article.

Following is explanation of vote submitted by Messrs. Krolikowski, Binkowski, Garvin, Madar, Ford, Downs and Miss Hart:

We voted no on article VI because Michigan's traditional judicial system has stood the test of time in the basic matter of selection of judges. Michigan's judiciary has a nationwide reputation for ability, integrity and efficiency.

Michigan's judicial system provides that when a vacancy occurs the governor appoints a judge to serve until the next election. At the next election that judge who was temporarily appointed must run against any other candidates nominated by the people, either through petition or by convention, as in the case of the supreme court.

Article VI as adopted removes the governor's right to select the judge on a temporary basis—a system that is proven in practice to have the best of the appointed and the elected systems. The proponents of this change did not prove their need for changing the historically satisfactory method.

Another severe weakness was a constitutional provision in section 28 for appeals from administrative agencies. Present appeals are handled either by general law or specific statute affecting specially created agencies. This proposal has a constitutional, rigid appeal system that could, in effect, make one who wins his case before the administrative tribunal for all intents and purposes go before a court and win his case all over again. This is frustrating, expensive and time-consuming for litigants as well as courts.

We believe that the proposed judicial article does not contain sufficient improvement over the present judicial system to justify replacing the 1908 constitution, as amended. Any improvements found in the article may and should be accomplished by statutory enactment.

We believe that these 2 changes alone are significant steps backward from Michigan's present constitution, and we therefore voted no on article VI—judicial branch.

VICE PRESIDENT HUTCHINSON (continuing): The secretary will read article VII, local government.

SECRETARY CHASE: Article VII, local government:

[Article VII, sections 1 through 33, was read by the secretary. For text, see above, page 3083.]

VICE PRESIDENT HUTCHINSON: Article VII 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 VII of the proposed revision of the constitution:

sec- tion	col- umn	line	Corrections
10	2	29	After "be" remove brackets around "re".
10	2	30	After "to be" insert brackets as follows "[re]".
17	1	27	After "law" insert "[" before "and".
17	1	28	After "constitution" insert "[".
20	1	45	After "provide" insert "by law".
24	2	27	After "own" insert "[".
24	2	30	After "disposal" delete "[".
30	1	55	After "a" insert "[longer]".
30	1	56	Change "longer" to "LONGER".

VICE PRESIDENT HUTCHINSON: Without objection it is so ordered. [Corrections made above.] The secretary will report an amendment.

SECRETARY CHASE: Messrs. Sharpe and Kuhn offer the following amendment:

1. Amend article VII, section 21 (column 2, line 6) after "law.", by inserting "No governmental subdivision of the state shall impose an income tax unless approved by three-fifths of the qualified electors voting on the question."

MR. VAN DUSEN: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen.

MR. VAN DUSEN: The substance of this amendment has been debated at some length before and I would move at this time to limit debate on this amendment to 10 minutes.

VICE PRESIDENT HUTCHINSON: The question is on the motion to limit debate to 10 minutes. All those in favor will say aye. Opposed will say no.

The motion prevails. Mr. Brown.

MR. G. E. BROWN: Point of order, Mr. President.

VICE PRESIDENT HUTCHINSON: State your point.

MR. G. E. BROWN: The exact language that is presently proposed was offered on second reading except that instead of a majority of the qualified electors, 3/5 has now been added and changed. I think in substance this is the same. When you make the requirement more stringent than failed to pass before, I don't think you have a different matter before you and I would refer you to journal page 999.

VICE PRESIDENT HUTCHINSON: Well, the Chair would be disposed to rule and does rule that this presents a different question. The body has not heretofore considered the matter of a 60 per cent on this thing. Mr. Kuhn.

MR. KUHN: Mr. President and members of the convention, once again we come to you and ask you to consider the question of whether or not a governmental subdivision shall authorize an income tax without a vote of its people. Now it has been argued that this is legislative in nature, and when the Bowman bill passed the legislature you had a pretty strong argument. But since the governor in his wisdom saw fit to veto this bill, I think it now presents the same question that has been raised by many delegates who have things that they felt were necessary to be in this constitution; for example, the civil rights commission, civil service, and things of that nature. We know that those are legislative matters and yet we thought they should be in the constitution, because the legislature did not provide for them. We therefore strongly urge that the delegates to this convention decide this issue for the people and put it in the constitution.

MR. W. F. HANNA: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Hanna.

MR. W. F. HANNA: I rise to a point of order. I challenge the germaneness of this proposed amendment to this section. Section 21 of local government is the historical local government article dealing with home rule cities and villages and the reference to tax laws in there are to cities and villages as they may put in their charters for municipal purposes and public purposes.

The amendment says "No governmental subdivision" which would cover school districts, charter or other authorities, town-

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

PREAMBLE

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

Article I

Declaration of Rights

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

Sec. 2. No person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color or national origin. The legislature shall implement this section by appropriate legislation.

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

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

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

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

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

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

Sec. 9. Neither slavery, nor involuntary servitude unless for the punishment of crime, shall ever be tolerated in this state.

Sec. 10. No bill of attainder, ex post facto law or law impairing the obligation of contract shall be enacted.

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

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

Sec. 13. A suitor in any court of this state has the right to prosecute or defend his suit,

either in his own proper person or by an attorney.

Sec. 14. The right of trial by jury shall remain, but shall be waived in all civil cases unless demanded by one of the parties in the manner prescribed by law. In all civil cases tried by 12 jurors a verdict shall be received when 10 jurors agree.

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

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

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

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

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

Sec. 20. In every criminal prosecution, the accused shall have the right to a speedy and public trial by an impartial jury, which may consist of less than 12 jurors in all courts not of record; to be informed of the nature of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to have the assistance of counsel for his defense; to have an appeal as a matter of right; and in courts of record, when the trial court so orders, to have such reasonable assistance as may be necessary to perfect and prosecute an appeal.

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

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

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

Article II Elections

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

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

Sec. 3. For purposes of voting in the election for president and vice-president of the United States only, the legislature may by law establish lesser residence requirements for citizens who have resided in this state for less than six months and may waive residence requirements for former citizens of this state who have removed herefrom. The legislature shall not permit voting by any person who meets the voting residence requirements of the state to which he has removed.

Sec. 4. The legislature shall enact laws to regulate the time, place and manner of all nominations and elections, except as otherwise provided in this constitution or in the constitution and laws of the United States. The legislature shall enact laws to preserve the purity of elections, to preserve the secrecy of the ballot, to guard against abuses of the elective franchise, and to provide for a system of voter registration and absentee voting. No law shall be enacted which permits a candidate in any partisan primary or partisan election to have a ballot designation except when required for identification of candidates for the same office who have the same or similar surnames.

Sec. 5. Except for special elections to fill vacancies, or as otherwise provided in this constitution, all elections for national, state, county and township offices shall be held on the first Tuesday after the first Monday in November in each even-numbered year or on such other date as members of the congress of the United States are regularly elected.

Sec. 6. Whenever any question is required to be submitted by a political subdivision to the electors which involves the increase of any ad valorem tax rate limitation for a period of more than five years, or the issue of bonds, only electors in, and who have property assessed for any ad valorem taxes in, any part of the district or territory to be affected by the result of such election or electors who are the lawful husbands or wives of such persons shall be entitled to vote thereon. All electors in the district or territory affected may vote on all other questions.

Sec. 7. A board of state canvassers of four

members shall be established by law. No candidate for an office to be canvassed nor any inspector of elections shall be eligible to serve as a member of a board of canvassers. A majority of any board of canvassers shall not be composed of members of the same political party.

Sec. 8. Laws shall be enacted to provide for the recall of all elective officers except judges of courts of record upon petition of electors equal in number to 25 percent of the number of persons voting in the last preceding election for the office of governor in the electoral district of the officer sought to be recalled. The sufficiency of any statement of reasons or grounds procedurally required shall be a political rather than a judicial question.

Sec. 9. The people reserve to themselves the power to propose laws and to enact and reject laws, called the initiative, and the power to approve or reject laws enacted by the legislature, called the referendum. The power of initiative extends only to laws which the legislature may enact under this constitution. The power of referendum does not extend to acts making appropriations for state institutions or to meet deficiencies in state funds and must be invoked in the manner prescribed by law within 90 days following the final adjournment of the legislative session at which the law was enacted. To invoke the initiative or referendum, petitions signed by a number of registered electors, not less than eight percent for initiative and five percent for referendum of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected shall be required.

No law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election.

Any law proposed by initiative petition shall be either enacted or rejected by the legislature without change or amendment within 40 session days from the time such petition is received by the legislature. If any law proposed by such petition shall be enacted by the legislature it shall be subject to referendum, as hereinafter provided.

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

Any law submitted to the people by either initiative or referendum petition and approved by

a majority of the votes cast thereon at any election shall take effect 10 days after the date of the official declaration of the vote. No law initiated or adopted by the people shall be subject to the veto power of the governor, and no law adopted by the people at the polls under the initiative provisions of this section shall be amended or repealed, except by a vote of the electors or three-fourths of the members elected to and serving in each house of the legislature. Laws approved by the people under the referendum provision of this section may be amended by the legislature at any subsequent session thereof. If two or more measures approved by the electors at the same election conflict, that receiving the highest affirmative vote shall prevail.

The legislature shall implement the provisions of this section.

Article III

General Government

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

Sec. 2. The powers of government are divided into three branches: legislative, executive and judicial. No person exercising powers of one branch shall exercise powers properly belonging to another branch except as expressly provided in this constitution.

Sec. 3. There shall be a great seal of the State of Michigan and its use shall be provided by law.

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

Sec. 5. Subject to provisions of general law, this state or any political subdivision, any governmental authority or any combination thereof may enter into agreements for the performance, financing or execution of their respective functions, with any one or more of the other states, the United States, the Dominion of Canada, or any political subdivision thereof unless otherwise provided in this constitution. Any other provision of this constitution notwithstanding, an officer or employee of the state or of any such unit of government or subdivision or agency thereof may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service. The legislature may impose such restrictions, limitations or conditions on such service as it may deem appropriate.

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

Sec. 7. The common law and the statute laws now in force, not repugnant to this consti-

tution, shall remain in force until they expire by their own limitations, or are changed, amended or repealed.

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

Article IV Legislative Branch

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

Sec. 2. The senate shall consist of 38 members to be elected from single member districts at the same election as the governor for four-year terms concurrent with the term of office of the governor.

In districting the state for the purpose of electing senators after the official publication of the total population count of each federal decennial census, each county shall be assigned an apportionment factor equal to the sum of its percentage of the state's population as shown by the last regular federal decennial census computed to the nearest one-one hundredth of one percent multiplied by four and its percentage of the state's land area computed to the nearest one-one hundredth of one percent.

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

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

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

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

Sec. 3. The house of representatives shall consist of 110 members elected for two-year terms from single member districts apportioned on a basis of population as provided in this article. The districts shall consist of compact and convenient territory contiguous by land.

Each county which has a population of not less than seven-tenths of one percent of the population of the state shall constitute a separate representative area. Each county having less than seven-tenths of one percent of the population of the state shall be combined with another county or counties to form a representative area of not less than seven-tenths of one percent of the population of the state. Any county which is isolated under the initial allocation as provided in this section shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.

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

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

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

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

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

Sec. 4. In counties having more than one representative or senatorial district, the territory in the same county annexed to or merged with a city between apportionments shall become a part of a contiguous representative or senatorial dis-

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

trict in the city with which it is combined, if provided by ordinance of the city. The district or districts with which the territory shall be combined shall be determined by such ordinance certified to the secretary of state. No such change in the boundaries of a representative or senatorial district shall have the effect of removing a legislator from office during his term.

Sec. 5. Island areas are considered to be contiguous by land to the county of which they are a part.

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

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

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

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

carry out its activities.

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

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

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

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

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

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

Sec. 9. No person elected to the legislature shall receive any civil appointment within this

1 state from the governor, except notaries public,
2 from the legislature, or from any other state
3 authority, during the term for which he is elected.

4 Sec. 10. No member of the legislature nor any
5 state officer shall be interested directly or in-
6 directly in any contract with the state or any
7 political subdivision thereof which shall cause a
8 substantial conflict of interest. The legislature
9 shall further implement this provision by appro-
10 priate legislation.

11 Sec. 11. Senators and representatives shall be
12 privileged from civil arrest and civil process dur-
13 ing sessions of the legislature and for five days
14 next before the commencement and after the
15 termination thereof. They shall not be ques-
16 tioned in any other place for any speech in either
17 house.

18 Sec. 12. The compensation and expense al-
19 lowances of the members of the legislature shall
20 be determined by law. Changes in compensation
21 or expense allowances shall become effective only
22 when legislators commence their terms of office
23 after a general election.

24 Sec. 13. The legislature shall meet at the seat
25 of government on the second Wednesday in Janu-
26 ary of each year at twelve o'clock noon. Each
27 regular session shall adjourn without day, on a
28 day determined by concurrent resolution, at
29 twelve o'clock noon. Any business, bill or joint
30 resolution pending at the final adjournment of
31 a regular session held in an odd numbered year
32 shall carry over with the same status to the
33 next regular session.

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

41 Sec. 15. There shall be a bi-partisan legisla-
42 tive council consisting of legislators appointed in
43 the manner prescribed by law. The legislature
44 shall appropriate funds for the council's opera-
45 tions and provide for its staff which shall main-
46 tain bill drafting, research and other services
47 for the members of the legislature. The council
48 shall periodically examine and recommend to the
49 legislature revision of the various laws of the
50 state.

51 Sec. 16. Each house, except as otherwise pro-
52 vided in this constitution, shall choose its own
53 officers and determine the rules of its proceedings,
54 but shall not adopt any rule that will prevent a
55 majority of the members elected thereto and
56 serving therein from discharging a committee
57 from the further consideration of any measure.
58 Each house shall be the sole judge of the quali-
59 fications, elections and returns of its members,
60 and may, with the concurrence of two-thirds of

1 all the members elected thereto and serving
2 therein, expel a member. The reasons for such
3 expulsion shall be entered in the journal, with
4 the votes and names of the members voting upon
5 the question. No member shall be expelled a
6 second time for the same cause.

7 Sec. 17. Each house of the legislature may
8 establish the committees necessary for the effi-
9 cient conduct of its business and the legislature
10 may create joint committees. Each committee
11 shall by roll call vote record the vote and name
12 of all action on bills and resolutions taken in
13 the committee. Such vote shall be available for
14 public inspection. Notice of all committee hear-
15 ings and a clear statement of all subjects to be
16 considered at each hearing shall be published in
17 the journal in advance of the hearing.

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

29 Sec. 19. All elections in either house or in
30 joint convention and all votes on appointments
31 submitted to the senate for advice and consent
32 shall be published by vote and name in the journal.

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

35 Sec. 21. Neither house shall, without the con-
36 sent of the other, adjourn for more than two
37 intervening calendar days, nor to any place other
38 than where the legislature may then be in session.

39 Sec. 22. All legislation shall be by bill and
40 may originate in either house.

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

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

49 Sec. 25. No law shall be revised, altered or
50 amended by reference to its title only. The section
51 or sections of the act altered or amended shall
52 be re-enacted and published at length.

53 Sec. 26. No bill shall be passed or become a
54 law at any regular session of the legislature until
55 it has been printed or reproduced and in the pos-
56 session of each house for at least five days. Every
57 bill shall be read three times in each house be-
58 fore the final passage thereof. No bill shall be-
59 come a law without the concurrence of a majority
60 of the members elected to and serving in each

house. On the final passage of bills, the votes and names of the members voting thereon shall be entered in the journal.

Sec. 27. No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.

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

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

Sec. 30. The assent of two-thirds of the members elected to and serving in each house of the legislature shall be required for the appropriation of public money or property for local or private purposes.

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

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

Sec. 33. Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law. If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not be-

come law. If he does not approve, and the legislature continues the session at which the bill was passed, he shall return it within such 14-day period with his objections, to the house in which it originated. That house shall enter such objections in full in its journal and reconsider the bill. If two-thirds of the members elected to and serving in that house pass the bill notwithstanding the objections of the governor, it shall be sent with the objections to the other house for reconsideration. The bill shall become law if passed by two-thirds of the members elected to and serving in that house. The vote of each house shall be entered in the journal with the votes and names of the members voting thereon. If any bill is not returned by the governor within such 14-day period, the legislature continuing in session, it shall become law as if he had signed it.

Sec. 34. Any bill passed by the legislature and approved by the governor, except a bill appropriating money, may provide that it will not become law unless approved by a majority of the electors voting thereon.

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

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

Sec. 37. The legislature may by concurrent resolution empower a joint committee of the legislature acting between sessions to suspend until the end of the next regular legislative session any rule or regulation of an administrative agency promulgated when the legislature is not in regular session.

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

Sec. 39. In order to insure continuity of state and local governmental operations in periods of emergency only, resulting from disasters occurring in this state caused by enemy attack on the United States, the legislature may provide by law for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices; and enact other laws necessary and proper for insuring the continuity of governmental operations. Notwithstanding the power conferred by this section, elections shall always

be called as soon as possible to fill any vacancies in elective offices temporarily occupied by operation of any legislation enacted pursuant to the provisions of this section.

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

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

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

Sec. 43. No general law providing for the incorporation of trust companies or corporations for banking purposes, or regulating the business thereof, shall be enacted, amended or repealed except by a vote of two-thirds of the members elected to and serving in each house.

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

Sec. 45. The legislature may provide for indeterminate sentences as punishment for crime and for the detention and release of persons imprisoned or detained under such sentences.

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

Sec. 47. The legislature may authorize the employment of chaplains in state institutions of detention or confinement.

Sec. 48. The legislature may enact laws providing for the resolution of disputes concerning public employees, except those in the state classified civil service.

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

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

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

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

natural resources of the state from pollution, impairment and destruction.

Sec. 53. The legislature by a majority vote of the members elected to and serving in each house, shall appoint an auditor general, who shall be a certified public accountant licensed to practice in this state, to serve for a term of eight years. He shall be ineligible for appointment or election to any other public office in this state from which compensation is derived while serving as auditor general and for two years following the termination of his service. He may be removed for cause at any time by a two-thirds vote of the members elected to and serving in each house. The auditor general shall conduct post audits of financial transactions and accounts of the state and of all branches, departments, offices, boards, commissions, agencies, authorities and institutions of the state established by this constitution or by law, and performance post audits thereof.

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

Nothing in this section shall be construed in any way to infringe the responsibility and constitutional authority of the governing boards of the institutions of higher education to be solely responsible for the control and direction of all expenditures from the institutions' funds.

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

Article V

Executive Branch

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

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

Subsequent to the initial allocation, the governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these

changes require the force of law, they shall be set forth in executive orders and submitted to the legislature. Thereafter the legislature shall have 60 calendar days of a regular session, or a full session if of shorter duration, to disapprove each executive order. Unless disapproved in both houses by a resolution concurred in by a majority of the members elected to and serving in each house, each order shall become effective at a date thereafter to be designated by the governor.

Sec. 3. The head of each principal department shall be a single executive unless otherwise provided in this constitution or by law. The single executives heading principal departments shall include a secretary of state, a state treasurer and an attorney general. When a single executive is the head of a principal department, unless elected or appointed as otherwise provided in this constitution, he shall be appointed by the governor by and with the advice and consent of the senate and he shall serve at the pleasure of the governor.

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

Terms of office of any board or commission created or enlarged after the effective date of this constitution shall not exceed four years except as otherwise authorized in this constitution. The terms of office of existing boards and commissions which are longer than four years shall not be further extended except as provided in this constitution.

Sec. 4. Temporary commissions or agencies for special purposes with a life of no more than two years may be established by law and need not be allocated within a principal department.

Sec. 5. At no time shall an examining or licensing board of a profession include less than a majority of members of that profession.

Sec. 6. Appointment by and with the advice and consent of the senate when used in this constitution or laws in effect or hereafter enacted means appointment subject to disapproval by a majority vote of the members elected to and serving in the senate if such action is taken within 60 session days after the date of such appointment. Any appointment not disapproved within such period shall stand confirmed.

Sec. 7. Vacancies in any office, appointment to which requires advice and consent of the senate, shall be filled by the governor by and with the advice and consent of the senate. A person whose appointment has been disapproved by the senate shall not be eligible for an interim appointment

to the same office.

Sec. 8. Each principal department shall be under the supervision of the governor unless otherwise provided by this constitution. The governor shall take care that the laws be faithfully executed. He shall transact all necessary business with the officers of government and may require information in writing from all executive and administrative state officers, elective and appointive, upon any subject relating to the duties of their respective offices.

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

Sec. 9. Single executives heading principal departments and the chief executive officers of principal departments headed by boards or commissions shall keep their offices at the seat of government except as otherwise provided by law, superintend them in person and perform duties prescribed by law.

Sec. 10. The governor shall have power and it shall be his duty to inquire into the condition and administration of any public office and the acts of any public officer, elective or appointive. He may remove or suspend from office for gross neglect of duty or for corrupt conduct in office, or for any other misfeasance or malfeasance therein, any elective or appointive state officer, except legislative or judicial, and shall report the reasons for such removal or suspension to the legislature.

Sec. 11. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an appointed or elected officer, other than a legislative or judicial officer, until he is reinstated or until the vacancy is filled in the manner prescribed by law or this constitution.

Sec. 12. The governor shall be commander-in-chief of the armed forces and may call them out to execute the laws, suppress insurrection and repel invasion.

Sec. 13. The governor shall issue writs of election to fill vacancies in the senate or house of representatives. Any such election shall be held in a manner prescribed by law.

Sec. 14. The governor shall have power to grant reprieves, commutations and pardons after convictions for all offenses, except cases of impeachment, upon such conditions and limitations as he may direct, subject to procedures and regulations prescribed by law. He shall inform the legislature annually of each reprieve, commutation and pardon granted, stating reasons

therefor.

Sec. 15. The governor may convene the legislature on extraordinary occasions.

Sec. 16. The governor may convene the legislature at some other place when the seat of government becomes dangerous from any cause.

Sec. 17. The governor shall communicate by message to the legislature at the beginning of each session and may at other times present to the legislature information as to the affairs of the state and recommend measures he considers necessary or desirable.

Sec. 18. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state. Proposed expenditures from any fund shall not exceed the estimated revenue thereof. On the same date, the governor shall submit to the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills to provide new or additional revenues to meet proposed expenditures. The amount of any surplus created or deficit incurred in any fund during the last preceding fiscal period shall be entered as an item in the budget and in one of the appropriation bills. The governor may submit amendments to appropriation bills to be offered in either house during consideration of the bill by that house, and shall submit any bills to meet deficiencies in current appropriations.

Sec. 19. The governor may disapprove any distinct item or items appropriating moneys in any appropriation bill. The part or parts approved shall become law, and the item or items disapproved shall be void unless re-passed according to the method prescribed for the passage of other bills over the executive veto.

Sec. 20. No appropriation shall be a mandate to spend. The governor, with the approval of the appropriating committees of the house and senate, shall reduce expenditures authorized by appropriations whenever it appears that actual revenues for a fiscal period will fall below the revenue estimates on which appropriations for that period were based. Reductions in expenditures shall be made in accordance with procedures prescribed by law. The governor may not reduce expenditures of the legislative and judicial branches or from funds constitutionally dedicated for specific purposes.

Sec. 21. The governor, lieutenant governor, secretary of state and attorney general shall be elected for four-year terms at the general election in each alternate even-numbered year.

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

for the candidates for governor and lieutenant governor nominated by the same party.

Vacancies in the office of the secretary of state and attorney general shall be filled by appointment by the governor.

Sec. 22. To be eligible for the office of governor or lieutenant governor a person must have attained the age of 30 years, and have been a registered elector in this state for four years next preceding his election.

Sec. 23. The governor, lieutenant governor, secretary of state and attorney general shall each receive the compensation provided by law in full payment for all services performed and expenses incurred during his term of office. Such compensation shall not be changed during the term of office except as otherwise provided in this constitution.

Sec. 24. An executive residence suitably furnished shall be provided at the seat of government for the use of the governor. He shall receive an allowance for its maintenance as provided by law.

Sec. 25. The lieutenant governor shall be president of the senate, but shall have no vote except in case of equal division. He may perform duties requested of him by the governor, but no power vested in the governor shall be delegated.

Sec. 26. In case of the conviction of the governor on impeachment, his removal from office, his resignation or his death, the lieutenant governor, the elected secretary of state, the elected attorney general and such other persons designated by law shall in that order be governor for the remainder of the governor's term.

In case of the death of the governor-elect, the lieutenant governor-elect, the secretary of state-elect, the attorney general-elect and such other persons designated by law shall become governor in that order at the commencement of the governor-elect's term.

If the governor or the person in line of succession to serve as governor is absent from the state, or suffering under an inability, the powers and duties of the office of governor shall devolve in order of precedence until the absence or inability giving rise to the devolution of powers ceases.

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

Sec. 27. The legislature shall provide that the salary of any state officer while acting as governor shall be equal to that of the governor.

Sec. 28. There is hereby established a state highway commission, which shall administer the state highway department and have jurisdiction

and control over all state trunkline highways and appurtenant facilities, and such other public works of the state, as provided by law.

The state highway commission shall consist of four members, not more than two of whom shall be members of the same political party. They shall be appointed by the governor by and with the advice and consent of the senate for four-year terms, no two of which shall expire in the same year as provided by law.

The state highway commission shall appoint and may remove a state highway director, who shall be a competent highway engineer and administrator. He shall be the principal executive officer of the state highway department and shall be responsible for executing the policy of the state highway commission.

Sec. 29. There is hereby established a civil rights commission which shall consist of eight persons, not more than four of whom shall be members of the same political party, who shall be appointed by the governor, by and with the advice and consent of the senate, for four-year terms not more than two of which shall expire in the same year. It shall be the duty of the commission in a manner which may be prescribed by law to investigate alleged discrimination against any person because of religion, race, color or national origin in the enjoyment of the civil rights guaranteed by law and by this constitution, and to secure the equal protection of such civil rights without such discrimination. The legislature shall provide an annual appropriation for the effective operation of the commission.

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

Appeals from final orders of the commission, including cease and desist orders and refusals to issue complaints, shall be tried de novo before the circuit court having jurisdiction provided by law.

Article VI Judicial Branch

Sec. 1. The judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction

known as the circuit court, one probate court, and other courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.

Sec. 2. The supreme court shall consist of seven justices elected at non-partisan elections as provided by law. The term of office shall be eight years and not more than two terms of office shall expire at the same time. Nominations for justices of the supreme court shall be in the manner prescribed by law. Any incumbent justice whose term is to expire may become a candidate for re-election by filing an affidavit of candidacy, in the form and manner prescribed by law, not less than 180 days prior to the expiration of his term.

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

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

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

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

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

Sec. 8. The court of appeals shall consist initially of nine judges who shall be nominated and elected at non-partisan elections from districts drawn on county lines and as nearly as possible of equal population, as provided by law. The

supreme court may prescribe by rule that the court of appeals may sit in divisions and for the terms of court and the times and places thereof. Each such division shall consist of not fewer than three judges. The number of judges comprising the court of appeals may be increased, and the districts from which they are elected may be changed by law.

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

Sec. 10. The jurisdiction of the court of appeals shall be provided by law and the practice and procedure therein shall be prescribed by rules of the supreme court.

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

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

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

Sec. 14. The clerk of each county organized for judicial purposes or other officer performing the duties of such office as provided in a county charter shall be clerk of the circuit court for such

county. The judges of the circuit court may fill a vacancy in an elective office of county clerk or prosecuting attorney within their respective jurisdictions.

Sec. 15. In each county organized for judicial purposes there shall be a probate court. The legislature may create or alter probate court districts of more than one county if approved in each affected county by a majority of the electors voting on the question. The legislature may provide for the combination of the office of probate judge with any judicial office of limited jurisdiction within a county with supplemental salary as provided by law. The jurisdiction, powers and duties of the probate court and of the judges thereof shall be provided by law. They shall have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

Sec. 16. One or more judges of probate as provided by law shall be nominated and elected at non-partisan elections in the counties or the probate districts in which they reside and shall hold office for terms of six years and until their successors are elected and qualified. In counties or districts with more than one judge the terms of office shall be arranged by law to provide that not all terms will expire at the same time.

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

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

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

Sec. 19. The supreme court, the court of appeals, the circuit court, the probate court and other courts designated as such by the legislature shall be courts of record and each shall have a common seal. Justices and judges of courts of record must be persons who are licensed to practice law in this state. No person shall be elected or appointed to a judicial office after reaching the age of 70 years.

1 Sec. 20. Whenever a justice or judge removes
2 his domicile beyond the limits of the territory
3 from which he was elected, he shall have vacated
4 his office.

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

10 Sec. 22. Any elected judge of the court of
11 appeals, circuit court or probate court may be-
12 come a candidate in the primary election for the
13 office of which he is the incumbent by filing an
14 affidavit of candidacy in the form and manner
15 prescribed by law.

16 Sec. 23. A vacancy in the elective office of a
17 judge of any court of record shall be filled at a
18 general or special election as provided by law.
19 The supreme court may authorize persons who
20 have served as judges and who have retired, to
21 perform judicial duties for the limited period of
22 time from the occurrence of the vacancy until
23 the successor is elected and qualified. Such per-
24 sons shall be ineligible for election to fill the
25 vacancy.

26 Sec. 24. There shall be printed upon the ballot
27 under the name of each elected incumbent justice
28 or judge who is a candidate for nomination or
29 election to the same office the designation of
30 that office.

31 Sec. 25. For reasonable cause, which is not
32 sufficient ground for impeachment, the governor
33 shall remove any judge on a concurrent resolution
34 of two-thirds of the members elected to and serv-
35 ing in each house of the legislature. The cause
36 for removal shall be stated at length in the
37 resolution.

38 Sec. 26. The offices of circuit court commis-
39 sioner and justice of the peace are abolished at
40 the expiration of five years from the date this
41 constitution becomes effective or may within this
42 period be abolished by law. Their jurisdiction,
43 compensation and powers within this period shall
44 be as provided by law. Within this five-year period,
45 the legislature shall establish a court or courts
46 of limited jurisdiction with powers and jurisdic-
47 tion defined by law. The location of such court
48 or courts, and the qualifications, tenure, method
49 of election and salary of the judges of such court
50 or courts, and by what governmental units the
51 judges shall be paid, shall be provided by law,
52 subject to the limitations contained in this Article.

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

57 Sec. 27. The supreme court, the court of ap-
58 peals, the circuit court, or any justices or judges
59 thereof, shall not exercise any power of appoint-
60 ment to public office except as provided in this

constitution.

1 Sec. 28. All final decisions, findings, rulings
2 and orders of any administrative officer or agency
3 existing under the constitution or by law, which
4 are judicial or quasi-judicial and affect private
5 rights or licenses, shall be subject to direct re-
6 view by the courts as provided by law. This re-
7 view shall include, as a minimum, the determina-
8 tion whether such final decisions, findings, rulings
9 and orders are authorized by law; and, in cases in
10 which a hearing is required, whether the same
11 are supported by competent, material and sub-
12 stantial evidence on the whole record. Findings
13 of fact in workmen's compensation proceedings
14 shall be conclusive in the absence of fraud un-
15 less otherwise provided by law.

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

Article VII

Local Government

1 Sec. 1. Each organized county shall be a body
2 corporate with powers and immunities provided
3 by law.

4 Sec. 2. Any county may frame, adopt, amend
5 or repeal a county charter in a manner and with
6 powers and limitations to be provided by general
7 law, which shall among other things provide for
8 the election of a charter commission. The law
9 may permit the organization of county govern-
10 ment in form different from that set forth in this
11 constitution and shall limit the rate of ad valorem
12 property taxation for county purposes, and re-
13 strict the powers of charter counties to borrow
14 money and contract debts. Each charter county
15 is hereby granted power to levy other taxes for
16 county purposes subject to limitations and pro-
17 hibitions set forth in this constitution or law.
18 Subject to law, a county charter may authorize
19 the county through its regularly constituted
20 authority to adopt resolutions and ordinances re-
21 lating to its concerns.

22 The board of supervisors by a majority vote
23 of its members may, and upon petition of five
24 percent of the electors shall, place upon the ballot
25 the question of electing a commission to frame a
26 charter.

27 No county charter shall be adopted, amended
28 or repealed until approved by a majority of elec-
29 tors voting on the question.

30 Sec. 3. No organized county shall be reduced
31 by the organization of new counties to less than
32 16 townships as surveyed by the United States,
33 unless approved in the manner prescribed by law
34 by a majority of electors voting thereon in each
35 county to be affected.

36 Sec. 4. There shall be elected for four-year
37 terms in each organized county a sheriff, a county

clerk, a county treasurer, a register of deeds and a prosecuting attorney, whose duties and powers shall be provided by law. The board of supervisors in any county may combine the offices of county clerk and register of deeds in one office or separate the same at pleasure.

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

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

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

Sec. 8. Boards of supervisors shall have legislative, administrative and such other powers and duties as provided by law.

Sec. 9. Boards of supervisors shall have exclusive power to fix the compensation of county officers not otherwise provided by law.

Sec. 10. A county seat once established shall not be removed until the place to which it is proposed to be moved shall be designated by two-thirds of the members of the board of supervisors and a majority of the electors voting thereon shall have approved the proposed location in the manner prescribed by law.

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

Sec. 12. A navigable stream shall not be bridged or dammed without permission granted by the board of supervisors of the county as provided by law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and political subdivisions therein.

Sec. 13. Two or more contiguous counties may combine into a single county if approved in each affected county by a majority of the electors voting on the question.

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

Sec. 15. Any county, when authorized by its board of supervisors shall have the authority to enter or to intervene in any action or certificate proceeding involving the services, charges or rates of any privately owned public utility furnishing services or commodities to rate payers within the county.

Sec. 16. The legislature may provide for the laying out, construction, improvement and maintenance of highways, bridges, culverts and airports by the state and by the counties and townships thereof; and may authorize counties to take charge and control of any highway within their limits for such purposes. The legislature may provide the powers and duties of counties in relation to highways, bridges, culverts and airports; may provide for county road commissioners to be appointed or elected, with powers and duties provided by law. The ad valorem property tax imposed for road purposes by any county shall not exceed in any year one-half of one percent of the assessed valuation for the preceding year.

Sec. 17. Each organized township shall be a body corporate with powers and immunities provided by law.

Sec. 18. In each organized township there shall be elected for terms of not less than two nor more than four years as prescribed by law a supervisor, a clerk, a treasurer, and not to exceed four trustees, whose legislative and administrative powers and duties shall be provided by law.

Sec. 19. No organized township shall grant any public utility franchise which is not subject to revocation at the will of the township, unless the proposition shall first have been approved by a majority of the electors of such township voting thereon at a regular or special election.

Sec. 20. The legislature shall provide by law for the dissolution of township government whenever all the territory of an organized township is included within the boundaries of a village or villages notwithstanding that a village may include territory within another organized township and provide by law for the classification of such village or villages as cities.

Sec. 21. The legislature shall provide by general laws for the incorporation of cities and villages. Such laws shall limit their rate of ad valorem property taxation for municipal purposes, and restrict the powers of cities and villages to borrow money and contract debts. Each city and village is granted power to levy other taxes for public purposes, subject to limitations and prohibitions provided by this constitution or by law.

Sec. 22. Under general laws the electors of each city and village shall have the power and authority to frame, adopt and amend its charter, and to amend an existing charter of the city or village heretofore granted or enacted by the legislature for the government of the city or village. Each such city and village shall have power to adopt resolutions and ordinances relating to its municipal concerns, property and government, subject to the constitution and law. No enumeration of powers granted to cities and villages in this constitution shall limit or restrict the general grant of authority conferred by this section.

1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60

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

Sec. 24. Subject to this constitution, any city or village may acquire, own or operate, within or without its corporate limits, public service facilities for supplying water, light, heat, power, sewage disposal and transportation to the municipality and the inhabitants thereof.

Any city or village may sell and deliver heat, power or light without its corporate limits in an amount not exceeding 25 percent of that furnished by it within the corporate limits, except as greater amounts may be permitted by law; may sell and deliver water and provide sewage disposal services outside of its corporate limits in such amount as may be determined by the legislative body of the city or village; and may operate transportation lines outside the municipality within such limits as may be prescribed by law.

Sec. 25. No city or village shall acquire any public utility furnishing light, heat or power, or grant any public utility franchise which is not subject to revocation at the will of the city or village, unless the proposition shall first have been approved by three-fifths of the electors voting thereon. No city or village may sell any public utility unless the proposition shall first have been approved by a majority of the electors voting thereon, or a greater number if the charter shall so provide.

Sec. 26. Except as otherwise provided in this constitution, no city or village shall have the power to loan its credit for any private purpose or, except as provided by law, for any public purpose.

Sec. 27. Notwithstanding any other provision of this constitution the legislature may establish in metropolitan areas additional forms of government or authorities with powers, duties and jurisdictions as the legislature shall provide. Whenever possible, such additional forms of government or authorities shall be designed to perform multi-purpose functions rather than a single function.

Sec. 28. The legislature by general law shall authorize two or more counties, townships, cities, villages or districts, or any combination thereof among other things to: enter into contractual undertakings or agreements with one another or with the state or with any combination thereof for the joint administration of any of the functions or powers which each would have the power to perform separately; share the costs and responsibilities of functions and services with one another or with the state or with any combination thereof which each would have the power to perform separately; transfer functions or responsibilities

to one another or any combination thereof upon the consent of each unit involved; cooperate with one another and with state government; lend their credit to one another or any combination thereof as provided by law in connection with any authorized publicly owned undertaking.

Any other provision of this constitution notwithstanding, an officer or employee of the state or any such unit of government or subdivision or agency thereof, except members of the legislature, may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service.

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

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

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

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

Sec. 33. Any elected officer of a political subdivision may be removed from office in the manner and for the causes provided by law.

Sec. 34. The provisions of this constitution and law concerning counties, townships, cities and villages shall be liberally construed in their favor. Powers granted to counties and townships by this constitution and by law shall include those fairly implied and not prohibited by this constitution.

Article VIII Education

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

1 Sec. 2. The legislature shall maintain and sup-
 2 port a system of free public elementary and sec-
 3 ondary schools as defined by law. Every school
 4 district shall provide for the education of its
 5 pupils without discrimination as to religion, creed,
 6 race, color or national origin.

7 Sec. 3. Leadership and general supervision over
 8 all public education, including adult education and
 9 instructional programs in state institutions, except
 10 as to institutions of higher education granting
 11 baccalaureate degrees, is vested in a state board
 12 of education. It shall serve as the general plan-
 13 ning and coordinating body for all public educa-
 14 tion, including higher education, and shall advise
 15 the legislature as to the financial requirements
 16 in connection therewith.

17 The state board of education shall appoint a
 18 superintendent of public instruction whose term
 19 of office shall be determined by the board. He
 20 shall be the chairman of the board without the
 21 right to vote, and shall be responsible for the
 22 execution of its policies. He shall be the principal
 23 executive officer of a state department of educa-
 24 tion which shall have powers and duties provided
 25 by law.

26 The state board of education shall consist of
 27 eight members who shall be nominated by party
 28 conventions and elected at large for terms of
 29 eight years as prescribed by law. The governor
 30 shall fill any vacancy by appointment for the
 31 unexpired term. The governor shall be ex-officio
 32 a member of the state board of education with-
 33 out the right to vote.

34 The power of the boards of institutions of higher
 35 education provided in this constitution to super-
 36 vise their respective institutions and control and
 37 direct the expenditure of the institutions' funds
 38 shall not be limited by this section.

39 Sec. 4. The legislature shall appropriate
 40 moneys to maintain the university of Michigan,
 41 Michigan State University, Wayne State Univer-
 42 sity, Eastern Michigan University, Michigan Col-
 43 lege of Science and Technology, Central Michi-
 44 gan University, Northern Michigan University,
 45 Western Michigan University, Ferris Institute,
 46 Grand Valley State College, by whatever names
 47 such institutions may hereafter be known, and
 48 other institutions of higher education established
 49 by law. The legislature shall be given an annual
 50 accounting of all income and expenditures by each
 51 of these educational institutions. Formal sessions
 52 of governing boards of such institutions shall be
 53 open to the public.

54 Sec. 5. The regents of the University of Michi-
 55 gan and their successors in office shall constitute
 56 a body corporate known as the Regents of the
 57 University of Michigan; the trustees of Michigan
 58 State University and their successors in office shall
 59 constitute a body corporate known as the Board
 60 of Trustees of Michigan State University; the

governors of Wayne State University and their
 successors in office shall constitute a body corpor-
 ate known as the Board of Governors of Wayne
 State University. Each board shall have general
 supervision of its institution and the control and
 direction of all expenditures from the institution's
 funds. Each board shall, as often as necessary,
 elect a president of the institution under its su-
 pervision. He shall be the principal executive of-
 ficer of the institution, be ex-officio a member of
 the board without the right to vote and preside
 at meetings of the board. The board of each in-
 stitution shall consist of eight members who shall
 hold office for terms of eight years and who shall
 be elected as provided by law. The governor shall
 fill board vacancies by appointment. Each ap-
 pointee shall hold office until a successor has been
 nominated and elected as provided by law.

Sec. 6. Other institutions of higher education
 established by law having authority to grant
 baccalaureate degrees shall each be governed by
 a board of control which shall be a body corporate.
 The board shall have general supervision of the
 institution and the control and direction of all
 expenditures from the institution's funds. It shall,
 as often as necessary, elect a president of the in-
 stitution under its supervision. He shall be the
 principal executive officer of the institution and
 be ex-officio a member of the board without the
 right to vote. The board may elect one of its mem-
 bers or may designate the president, to preside at
 board meetings. Each board of control shall con-
 sist of eight members who shall hold office for
 terms of eight years, not more than two of which
 shall expire in the same year, and who shall be
 appointed by the governor by and with the ad-
 vice and consent of the senate. Vacancies shall
 be filled in like manner.

Sec. 7. The legislature shall provide by law
 for the establishment and financial support of
 public community and junior colleges which shall
 be supervised and controlled by locally elected
 boards. The legislature shall provide by law for
 a state board for public community and junior
 colleges which shall advise the state board of
 education concerning general supervision and plan-
 ning for such colleges and requests for annual
 appropriations for their support. The board shall
 consist of eight members who shall hold office
 for terms of eight years, not more than two of
 which shall expire in the same year, and who shall
 be appointed by the state board of education. Va-
 cancies shall be filled in like manner. The super-
 intendent of public instruction shall be ex-officio
 a member of this board without the right to vote.

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

1 Sec. 9. The legislature shall provide by law for
2 the establishment and support of public libraries
3 which shall be available to all residents of the state
4 under regulations adopted by the governing bodies
5 thereof. All fines assessed and collected in the
6 several counties, cities and townships for any
7 breach of the penal laws shall be exclusively ap-
8 plied to the support of such public libraries, and
9 county law libraries as provided by law.

Article IX

Finance and Taxation

13 Sec. 1. The legislature shall impose taxes suf-
14 ficient with other resources to pay the expenses of
15 state government.

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

18 Sec. 3. The legislature shall provide for the
19 uniform general ad valorem taxation of real and
20 tangible personal property not exempt by law. The
21 legislature shall provide for the determination of
22 true cash value of such property; the proportion
23 of true cash value at which such property shall
24 be uniformly assessed, which shall not, after
25 January 1, 1966, exceed 50 percent; and for a sys-
26 tem of equalization of assessments. The legislature
27 may provide for alternative means of taxation of
28 designated real and tangible personal property in
29 lieu of general ad valorem taxation. Every tax
30 other than the general ad valorem property tax
31 shall be uniform upon the class or classes on
32 which it operates.

33 Sec. 4. Property owned and occupied by non-
34 profit religious or educational organizations and
35 used exclusively for religious or educational pur-
36 poses, as defined by law, shall be exempt from
37 real and personal property taxes.

38 Sec. 5. The legislature shall provide for the
39 assessment by the state of the property of those
40 public service businesses assessed by the state
41 at the date this constitution becomes effective, and
42 of other property as designated by the legislature,
43 and for the imposition and collection of taxes
44 thereon. Property assessed by the state shall be
45 assessed at the same proportion of its true
46 cash value as the legislature shall specify for
47 property subject to general ad valorem taxation.
48 The rate of taxation on such property shall be
49 the average rate levied upon other property in this
50 state under the general ad valorem tax law, or,
51 if the legislature provides, the rate of tax applicable
52 to the property of each business enterprise assessed
53 by the state shall be the average rate of ad valorem
54 taxation levied upon other property in all counties
55 in which any of such property is situated.

56 Sec. 6. Except as otherwise provided in this
57 constitution, the total amount of general ad valo-
58 rem taxes imposed upon real and tangible per-
59 sonal property for all purposes in any one year
60 shall not exceed 15 mills on each dollar of the

1 assessed valuation of property as finally equalized.
2 Under procedures provided by law, which shall
3 guarantee the right of initiative, separate tax
4 limitations for any county and for the townships
5 and for school districts therein, the aggregate of
6 which shall not exceed 18 mills on each dollar of
7 such valuation, may be adopted and thereafter
8 altered by the vote of a majority of the qualified
9 electors of such county voting thereon, in lieu
10 of the limitation hereinbefore established. These
11 limitations may be increased to an aggregate of
12 not to exceed 50 mills on each dollar of valuation,
13 for a period of not to exceed 20 years at any one
14 time, if approved by a majority of the electors,
15 qualified under Section 6 of Article II of this
16 constitution, voting on the question.

17 The foregoing limitations shall not apply to
18 taxes imposed for the payment of principal and
19 interest on bonds or other evidences of indebted-
20 ness or for the payment of assessments or con-
21 tract obligations in anticipation of which bonds
22 are issued, which taxes may be imposed without
23 limitation as to rate or amount; or to taxes im-
24 posed for any other purpose by any city, vil-
25 lage, charter county, charter township, charter
26 authority or other authority, the tax limitations
27 of which are provided by charter or by general
28 law.

29 In any school district which extends into two
30 or more counties, property taxes at the highest
31 rate available in the county which contains the
32 greatest part of the area of the district may be
33 imposed and collected for school purposes through-
34 out the district.

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

38 Sec. 8. The legislature shall not impose a
39 sales tax on retailers at a rate of more than
40 four percent of their gross taxable sales of
41 tangible personal property.

42 Sec. 9. All specific taxes, except general sales
43 and use taxes and regulatory fees, imposed di-
44 rectly or indirectly on fuels sold or used
45 to propel motor vehicles upon highways and on
46 registered motor vehicles shall, after the payment
47 of necessary collection expenses, be used exclusi-
48 vely for highway purposes as defined by law.

49 Sec. 10. One-eighth of all taxes imposed on
50 retailers on taxable sales at retail of tangible
51 personal property shall be used exclusively for
52 assistance to townships, cities and villages, on
53 a population basis as provided by law. In de-
54 termining population the legislature may exclude
55 any portion of the total number of persons who
56 are wards, patients or convicts in any tax sup-
57 ported institution.

58 Sec. 11. There shall be established a state
59 school aid fund which shall be used exclusively
60 for the support of public education and school

employees' retirement systems, as provided by law. One-half of all taxes imposed on retailers on taxable sales at retail of tangible personal property, and other tax revenues provided by law, shall be dedicated to this fund. Payments from this fund shall be made in full on a scheduled basis, as provided by law.

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

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

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

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

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

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

The term "qualified bonds" means general obli-

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

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

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

The power to tax for the payment of principal and interest on bonds hereafter issued which are the general obligations of any school district, including refunding bonds, and for repayment of any state loans made to school districts, shall be without limitation as to rate or amount.

All rights acquired under Sections 27 and 28 of Article X of the Constitution of 1908, by holders of bonds heretofore issued, and all obligations assumed by the state or any school district under these sections, shall remain unimpaired.

Sec. 17. No money shall be paid out of the state treasury except in pursuance of appropriations made by law.

Sec. 18. The credit of the state shall not be granted to, nor in aid of any person, association or corporation, public or private, except as authorized in this constitution.

This section shall not be construed to prohibit the investment of public funds until needed for current requirements or the investment of funds accumulated to provide retirement or pension benefits for public officials and employees, as provided by law.

Sec. 19. The state shall not subscribe to, nor be interested in the stock of any company, association or corporation, except that funds accumulated to provide retirement or pension benefits for public officials and employees may be invested as provided by law; and endowment funds created for charitable or educational purposes may be invested as provided by law governing the investment of funds held in trust by trustees.

Sec. 20. No state money shall be deposited in banks other than those organized under the national or state banking laws. No state money

1 shall be deposited in any bank in excess of 50
2 percent of the capital and surplus of such bank.
3 Any bank receiving deposits of state money shall
4 show the amount of state money so deposited as
5 a separate item in all published statements.

6 Sec. 21. The legislature shall provide by law
7 for the annual accounting for all public moneys,
8 state and local, and may provide by law for interim
9 accounting.

10 The legislature shall provide by law for the
11 maintenance of uniform accounting systems by
12 units of local government and the auditing of
13 county accounts by competent state authority
14 and other units of government as provided by law.

15 Sec. 22. Procedures for the examination and
16 adjustment of claims against the state shall be
17 prescribed by law.

18 Sec. 23. All financial records, accountings,
19 audit reports and other reports of public moneys
20 shall be public records and open to inspection. A
21 statement of all revenues and expenditures of pub-
22 lic moneys shall be published and distributed
23 annually, as provided by law.

24 Sec. 24. The accrued financial benefits of each
25 pension plan and retirement system of the state
26 and its political subdivisions shall be a contractual
27 obligation thereof which shall not be diminished
28 or impaired thereby.

29 Financial benefits arising on account of service
30 rendered in each fiscal year shall be funded during
31 that year and such funding shall not be used for
32 financing unfunded accrued liabilities.

Article X Property

33 Sec. 1. The disabilities of coverture as to prop-
34 erty are abolished. The real and personal estate of
35 every woman acquired before marriage and all
36 real and personal property to which she may after-
37 wards become entitled shall be and remain the
38 estate and property of such woman, and shall not
39 be liable for the debts, obligations or engagements
40 of her husband, and may be dealt with and dis-
41 posed of by her as if she were unmarried. Dower
42 may be relinquished or conveyed as provided by
43 law.

44 Sec. 2. Private property shall not be taken for
45 public use without just compensation therefor
46 being first made or secured in a manner prescribed
47 by law. The amount of compensation shall be
48 determined in proceedings in a court of record.

49 Sec. 3. A homestead in the amount of not less
50 than \$3,500 and personal property of every resi-
51 dent of this state in the amount of not less than
52 \$750, as defined by law, shall be exempt from
53 forced sale on execution or other process of any
54 court. Such exemptions shall not extend to any
55 lien thereon excluded from exemption by law.

56 Sec. 4. Procedures relating to escheats and to
57 the custody and disposition of escheated property

shall be prescribed by law.

58 Sec. 5. The legislature shall have general su-
59 pervisory jurisdiction over all state owned lands
60 useful for forest preserves, game areas and recrea-
61 tional purposes; shall require annual reports as
62 to such lands from all departments having super-
63 vision or control thereof; and shall by general law
64 provide for the sale, lease or other disposition of
65 such lands.

66 The legislature by an act adopted by two-thirds
67 of the members elected to and serving in each
68 house may designate any part of such lands as
69 a state land reserve. No lands in the state land
70 reserve may be removed from the reserve, sold,
71 leased or otherwise disposed of except by an act
72 of the legislature.

73 Sec. 6. Aliens who are residents of this state
74 shall enjoy the same rights and privileges in
75 property as citizens of this state.

Article XI

Public Officers and Employment

76 Sec. 1. All officers, legislative, executive and
77 judicial, before entering upon the duties of their
78 respective offices, shall take and subscribe the
79 following oath or affirmation: I do solemnly swear
80 (or affirm) that I will support the Constitution
81 of the United States and the constitution of this
82 state, and that I will faithfully discharge the duties
83 of the office of according to the best of
84 my ability. No other oath, affirmation, or any
85 religious test shall be required as a qualification
86 for any office or public trust.

87 Sec. 2. The terms of office of elective state
88 officers, members of the legislature and justices
89 and judges of courts of record shall begin at twelve
90 o'clock noon on the first day of January next suc-
91 ceeding their election, except as otherwise provided
92 in this constitution. The terms of office of county
93 officers shall begin on the first day of January
94 next succeeding their election, except as otherwise
95 provided by law.

96 Sec. 3. Neither the legislature nor any poli-
97 tical subdivision of this state shall grant or author-
98 ize extra compensation to any public officer, agent
99 or contractor after the service has been rendered
100 or the contract entered into.

101 Sec. 4. No person having custody or control of
102 public moneys shall be a member of the legislature,
103 or be eligible to any office of trust or profit under
104 this state, until he shall have made an accounting,
105 as provided by law, of all sums for which he may
106 be liable.

107 Sec. 5. The classified state civil service shall
108 consist of all positions in the state service except
109 those filled by popular election, heads of principal
110 departments, members of boards and commis-
111 sions, the principal executive officer of boards and
112 commissions heading principal departments, em-
113 ployees of courts of record, employees of the legis-

lature, employees of the state institutions of higher education, all persons in the armed forces of the state, eight exempt positions in the office of the governor, and within each principal department, when requested by the department head, two other exempt positions, one of which shall be policy-making. The civil service commission may exempt three additional positions of a policy-making nature within each principal department.

The civil service commission shall be non-salaried and shall consist of four persons, not more than two of whom shall be members of the same political party, appointed by the governor for terms of eight years, no two of which shall expire in the same year.

The administration of the commission's powers shall be vested in a state personnel director who shall be a member of the classified service and who shall be responsible to and selected by the commission after open competitive examination.

The commission shall classify all positions in the classified service according to their respective duties and responsibilities, fix rates of compensation for all classes of positions, approve or disapprove disbursements for all personal services, determine by competitive examination and performance exclusively on the basis of merit, efficiency and fitness the qualifications of all candidates for positions in the classified service, make rules and regulations covering all personnel transactions, and regulate all conditions of employment in the classified service.

No person shall be appointed to or promoted in the classified service who has not been certified by the commission as qualified for such appointment or promotion. No appointments, promotions, demotions or removals in the classified service shall be made for religious, racial or partisan considerations.

Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year. Within 60 calendar days following such transmission, the legislature may, by a two-thirds vote of the members elected to and serving in each house, reject or reduce increases in rates of compensation authorized by the commission. Any reduction ordered by the legislature shall apply uniformly to all classes of employees affected by the increases and shall not adjust pay differentials already established by the civil service commission. The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases author-

ized by the commission.

The appointing authorities may create or abolish positions for reasons of administrative efficiency without the approval of the commission. Positions shall not be created nor abolished except for reasons of administrative efficiency. Any employee considering himself aggrieved by the abolition of a position shall have a right of appeal to the commission through established grievance procedures.

The civil service commission shall recommend to the governor and to the legislature rates of compensation for all appointed positions within the executive department not a part of the classified service.

To enable the commission to exercise its powers, the legislature shall appropriate to the commission for the ensuing fiscal year a sum not less than one percent of the aggregate payroll of the classified service for the preceding fiscal year, as certified by the commission. Within six months after the conclusion of each fiscal year the commission shall return to the state treasury all moneys unexpended for that fiscal year.

The commission shall furnish reports of expenditures, at least annually, to the governor and the legislature and shall be subject to annual audit as provided by law.

No payment for personal services shall be made or authorized until the provisions of this constitution pertaining to civil service have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

Sec. 6. By ordinance or resolution of its governing body which shall not take effect until approved by a majority of the electors voting thereon, unless otherwise provided by charter, each county, township, city, village, school district and other governmental unit or authority may establish, modify or discontinue a merit system for its employees other than teachers under contract or tenure. The state civil service commission may on request furnish technical services to any such unit on a reimbursable basis.

Sec. 7. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office or for crimes or misdemeanors, but a majority of the members elected and serving shall be necessary to direct an impeachment.

When an impeachment is directed, the house of representatives shall elect three of its members to prosecute the impeachment.

Every impeachment shall be tried by the senate immediately after the final adjournment of the legislature. The senators shall take an oath or affirmation truly and impartially to try and determine the impeachment according to the evi-

1 dence. When the governor or lieutenant governor
2 is tried, the chief justice of the supreme court
3 shall preside.

4 No person shall be convicted without the con-
5 currence of two-thirds of the senators elected and
6 serving. Judgment in case of conviction shall not
7 extend further than removal from office, but the
8 person convicted shall be liable to punishment
9 according to law.

10 No judicial officer shall exercise any of the
11 functions of his office after an impeachment is
12 directed until he is acquitted.

Article XII

Amendment & Revision

14 Sec. 1. Amendments to this constitution may
15 be proposed in the senate or house of representa-
16 tives. Proposed amendments agreed to by two-
17 thirds of the members elected to and serving in
18 each house on a vote with the names and vote of
19 those voting entered in the respective journals
20 shall be submitted, not less than 60 days there-
21 after, to the electors at the next general election
22 or special election as the legislature shall direct.
23 If a majority of electors voting on a proposed
24 amendment approve the same, it shall become
25 part of the constitution and shall abrogate or
26 amend existing provisions of the constitution at
27 the end of 45 days after the date of the election
28 at which it was approved.

29 Sec. 2. Amendments may be proposed to this
30 constitution by petition of the registered electors
31 of this state. Every petition shall include the full
32 text of the proposed amendment, and be signed by
33 registered electors of the state equal in number to
34 at least 10 percent of the total vote cast for
35 all candidates for governor at the last preceding
36 general election at which a governor was elected.
37 Such petitions shall be filed with the person au-
38 thorized by law to receive the same at least 120
39 days before the election at which the proposed
40 amendment is to be voted upon. Any such petition
41 shall be in the form, and shall be signed and
42 circulated in such manner, as prescribed by law.
43 The person authorized by law to receive such peti-
44 tion shall upon its receipt determine, as provided
45 by law, the validity and sufficiency of the signa-
46 tures on the petition, and make an official an-
47 nouncement thereof at least 60 days prior to the
48 election at which the proposed amendment is to be
49 voted upon.

50 Any amendment proposed by such petition shall
51 be submitted, not less than 120 days after it was
52 filed, to the electors at the next general election.
53 Such proposed amendment, existing provisions of
54 the constitution which would be altered or abro-
55 gated thereby, and the question as it shall appear
56 on the ballot shall be published in full as provided
57 by law. Copies of such publication shall be posted
58 in each polling place and furnished to news media

as provided by law.

59 The ballot to be used in such election shall con-
60 tain a statement of the purpose of the proposed
amendment, expressed in not more than 100 words,
exclusive of caption. Such statement of purpose
and caption shall be prepared by the person au-
thorized by law, and shall consist of a true and
impartial statement of the purpose of the amend-
ment in such language as shall create no prejudice
for or against the proposed amendment.

61 If the proposed amendment is approved by a
62 majority of the electors voting on the question,
63 it shall become part of the constitution, and
64 shall abrogate or amend existing provisions of
65 the constitution at the end of 45 days after
66 the date of the election at which it was ap-
67 proved. If two or more amendments approved by
68 the electors at the same election conflict, that
69 amendment receiving the highest affirmative vote
70 shall prevail.

71 Sec. 3. At the general election to be held in
72 the year 1978, and in each 16th year thereafter
73 and at such times as may be provided by law, the
74 question of a general revision of the constitution
75 shall be submitted to the electors of the state. If
76 a majority of the electors voting on the question
77 decide in favor of a convention for such purpose,
78 at an election to be held not later than six months
79 after the proposal was certified as approved, the
80 electors of each representative district as then
81 organized shall elect one delegate and the elec-
82 tors of each senatorial district as then organized
83 shall elect one delegate at a partisan election.
84 The delegates so elected shall convene at the seat
85 of government on the first Tuesday in October
86 next succeeding such election or at an earlier date
87 if provided by law.

88 The convention shall choose its own officers,
89 determine the rules of its proceedings and judge
90 the qualifications, elections and returns of its mem-
91 bers. The governor shall appoint a qualified
92 resident of the same district to fill a vacancy
93 in the office of any delegate who shall be a mem-
94 ber of the same party as the delegate vacating
95 the office. The convention shall have power to ap-
96 point such officers, employees and assistants as
97 it deems necessary and to fix their compensation;
98 to provide for the printing and distribution of its
99 documents, journals and proceedings; to explain
100 and disseminate information about the proposed
constitution and to complete the business of the
convention in an orderly manner. Each delegate
shall receive for his services compensation pro-
vided by law.

101 No proposed constitution or amendment adopted
102 by such convention shall be submitted to the
103 electors for approval as hereinafter provided un-
104 less by the assent of a majority of all the delegates
105 elected to and serving in the convention, with the
106 names and vote of those voting entered in the

journal. Any proposed constitution or amendments adopted by such convention shall be submitted to the qualified electors in the manner and at the time provided by such convention not less than 90 days after final adjournment of the convention. Upon the approval of such constitution or amendments by a majority of the qualified electors voting thereon the constitution or amendments shall take effect as provided by the convention.

Schedule and Temporary Provisions

To insure the orderly transition from the constitution of 1908 to this constitution the following schedule and temporary provisions are set forth to be effective for such period as are thereby required.

Sec. 1. The attorney general shall recommend to the legislature as soon as practicable such changes as may be necessary to adapt existing laws to this constitution.

Sec. 2. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights existing on the effective date of this constitution shall continue unaffected except as modified in accordance with the provisions of this constitution.

Sec. 3. Except as otherwise provided in this constitution, all officers filling any office by election or appointment shall continue to exercise their powers and duties until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

No provision of this constitution, or of law or of executive order authorized by this constitution shall shorten the term of any person elected to state office at a statewide election on or prior to the date on which this constitution is submitted to a vote. In the event the duties of any such officers shall not have been abolished or incorporated into one or more of the principal departments at the expiration of his term, such officer shall continue to serve until his duties are so incorporated or abolished.

Sec. 4. All officers elected at the same election that this constitution is submitted to the people for adoption shall take office and complete the term to which they were elected under the 1908 constitution and existing laws and continue to serve until their successors are elected and qualified pursuant to this constitution or law.

Sec. 5. Notwithstanding any other provision in this constitution, the governor, the lieutenant governor, the secretary of state, the attorney general, and state senators shall be elected at the general election in 1964 to serve for two year terms beginning on the first day of January next

succeeding their election. The first election of such officers for four-year terms under this constitution shall be held at the general election in 1966.

Sec. 6. The state shall be districted for the purpose of electing senators in accordance with the provisions of Section 2 of Article IV of this constitution, after the official publication of the total population count of the 1970 decennial federal census. Until the apportionment of the senate following the 1970 census, the senatorial districts under the 1908 constitution shall remain intact except that upon the adoption of this constitution each of the counties of Kent, Genesee, Macomb and Oakland shall be divide by the apportionment commission into two senatorial districts and Wayne county into eight senatorial districts in accordance with this constitution. The legislature may give prior effect to Section 2 of Article IV of this constitution, which action shall not be subject to veto by the governor.

Sec. 7. Notwithstanding the provisions of this constitution that the supreme court shall consist of seven justices it shall consist of eight justices until the time that a vacancy occurs as a result of death, retirement or resignation of a justice. The first such vacancy shall not be filled.

Sec. 8. Any judge of probate serving on the effective date of this constitution may serve the remainder of the term and be eligible to succeed himself for election regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

Sec. 9. The provisions of Article VI providing that terms of judicial offices shall not all expire at the same time, shall be implemented by law providing that at the next election for such offices judges shall be elected for terms of varying length, none of which shall be shorter than the regular term provided for the office.

Sec. 10. The members of the state board of education provided for in Section 3 of Article VIII of this constitution shall first be elected at the first general election after the effective date of this constitution for the following terms: two shall be elected for two years, two for four years, two for six years, and two for eight years as prescribed by law.

The State Board of Education provided for in the constitution of 1908 is abolished at twelve o'clock noon January 1 of the year following the first general election under this constitution and the terms of members thereof shall then expire.

Sec. 11. The provisions of this constitution providing for members of boards of control of institutions of higher education and the State Board of Public Community and Junior Colleges shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be

extended, and may further provide that the initial terms of office of members may be less than eight years.

Sec. 12. The provisions of this constitution increasing the number of members of the Board of Trustees of Michigan State University and of the Board of Governors of Wayne State University to eight, and of their term of office to eight years, shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended one year, and may further provide that the initial terms of office of the additional members may be less than eight years.

Sec. 13. The initial allocation of departments by law pursuant to Section 2 of Article V of this constitution, shall be completed within two years after the effective date of this constitution. If such allocation shall not have been completed within such period, the governor, within one year thereafter, by executive order, shall make the initial allocation.

Sec. 14. Contractual obligations of the state incurred pursuant to the constitution of 1908 shall continue to be obligations of the state.

For the retirement of notes and bonds issued under Section 26 of Article X of the 1908 constitution, there is hereby appropriated from the general fund each year during their life a sum equal to the amount of principal and interest payments due and payable in each year.

Sec. 15. The legislature by a vote of two-thirds of the members elected to and serving in each house may provide that the state may bor-

row money and may pledge its full faith and credit for refunding any bonds issued by the Mackinac Bridge Authority and at the time of refunding the Mackinac Bridge Authority shall be abolished and the operation of the bridge shall be assumed by the state highway department. The legislature may implement this section by law.

Sec. 16. This constitution shall be submitted to the people for their adoption or rejection at the general election to be held on the Tuesday after the first Monday of November, 1962. It shall be the duty of the secretary of state forthwith to give notice of such submission to all other officers required to give or publish any notice in regard to a general election. He shall give notice that this constitution will be duly submitted to the electors at such election. The notice shall be given in the manner required for the election of governor.

Sec. 17. Every registered elector may vote on the adoption of the constitution. The board of election commissioners in each county shall cause to be printed on a ballot separate from the ballot containing the names of the nominees for office, the words: Shall the revised constitution be adopted? () Yes. () No. All votes cast at the election shall be taken, counted, canvassed and returned as provided by law for the election of state officers. If the revised constitution so submitted receives more votes in its favor than were cast against it, it shall be the supreme law of the state on and after the first day of January of the year following its adoption.

committee on style and drafting as offered and considered read, including the additional changes made by said committee on August 1. (For text as referred to said committee, see above, page 3275):

1. Amend article II, section 6 (column 2) line 49, after "electors" by striking out "which involves" and inserting "for"; and after "increase of" by striking out "any" and inserting "the"; and line 50, after "limitation" by inserting "imposed by Section 6 of Article IX"; and line 51, after "or" by inserting "for".

2. Amend article II, section 9 (column 2) line 8, after "electors" by striking out "or three-fourths of the members elected to and serving in each house of the legislature.", and inserting "unless otherwise provided in the initiative measure or by three-fourths of the members elected to and serving in each house of the legislature.".

3. Amend article III, section 5 (column 2) line 36, after "subdivision" by inserting "thereof".

4. Amend article IV, section 2 (column 1) line 24, after "assigned" by striking out "an apportionment factor" and inserting "factors".

5. Amend article IV, section 2 (column 2) line 1, after "two or more" by striking out "senate districts" and inserting "senators".

6. Amend article IV, section 3 (column 2) line 54, after "population" by inserting a comma.

7. Amend article IV, section 6 (column 1) line 14, by striking out "persons" and inserting "electors"; and line 24, after "party.", by striking out "One member of the commission shall be selected by each political party organization from each of the following four regions.", and inserting "One resident of each of the following four regions shall be selected by each political party organization."; and line 27, after "(1)" do not capitalize "the"; and after "(2)" do not capitalize "the"; and line 31, after "(3)" do not capitalize "southwestern"; and line 35, after "(4)" do not capitalize "southeastern".

8. Amend article IV, section 6 (column 2) line 38, after "state or the" by striking out "apportionment".

9. Amend article IV, section 8 (column 2) line 56, after "public and" by striking out "officers" and inserting "members".

10. Amend article IV, section 17 (column 2) line 10, after "committees.", by striking out the sentence which reads, "Each committee shall by roll call vote record the vote and name of all action on bills and resolutions taken in the committee.", and inserting "On all actions on bills and resolutions in each committee, names and votes of members shall be recorded.".

11. Amend article IV, section 33 (column 2) line 1, after "If he" by striking out "does not approve" and inserting "disapproves".

12. Amend article IV, section 37 (column 2) line 36, after "Sec. 37.", by striking out the entire section which reads, "The legislature may by concurrent resolution empower a joint committee of the legislature acting between sessions to suspend until the end of the next regular legislative session any rule or regulation of an administrative agency promulgated when the legislature is not in regular session.", and inserting "The legislature may by concurrent resolution empower a joint committee of the legislature, acting between sessions, to suspend any rule or regulation promulgated by an administrative agency subsequent to the adjournment of the last preceding regular legislative session. Such suspension shall continue no longer than the end of the next regular legislative session.".

13. Amend article V, section 2 (column 1) line 4, after "full" by inserting "regular".

14. Amend article V, section 5 (column 1) line 43, after "Sec. 5.", by striking out the entire section which reads, "At no time shall an examining or licensing board of a profession include less than a majority of members of that profession.", and inserting "A majority of the members of an appointed examining or licensing board of a profession shall be members of that profession.".

15. Amend article V, section 18 (column 1) line 31, after "submit" by striking out "any".

16. Amend article V, section 25 (column 2) line 24, after "vote" by inserting a comma; and line 25, by striking out "except in case of equal division.", and inserting "unless they be equally divided.".

17. Amend article V, section 28 (column 1) line 10, after "same year" by inserting a comma.

18. Amend article VI, section 1 (column 2) line 2, by striking out "other".

19. Amend article VI, section 3 (column 2) line 20, by striking out "other".

20. Amend article VI, section 4 (column 2) line 28, after "hear" by striking out the comma.

21. Amend article VI, section 8 (column 1) line 2, after "appeals" by striking out "may".

22. Amend article VI, section 18 (column 2) line 38, after "increased" by striking out the comma.

23. Amend article VI, section 26 (column 1) line 52, do not capitalize "article".

24. Amend article VI, section 28 (column 2) following line 16, by striking out the entire second paragraph [This paragraph added by amendment on May 11, see above, page 3240; for section as amended, see above, page 3275] which reads:

"No appeal may be taken to any court from a decision of the state tax commission fixing the value of described property for property tax purposes or determining an appeal from a decision of the county tax allocation board.", and inserting a new paragraph to read as follows:

"In the absence of fraud, error of law or the adoption of wrong principles, no appeal may be taken to any court from any final agency provided for the administration of property tax laws from any decision relating to valuation or allocation.".

25. Amend article VII, section 31 (column 2) line 36, after "alley" by striking out the comma.

26. Amend article VIII, section 4 (column 1) line 40, capitalize "University".

27. Amend article VIII, section 8 (column 2) line 56, after "programs" by striking out the comma; and line 58, after "mentally" by striking out the comma.

28. Amend article VIII, section 9 (column 1) line 6, after "counties.", by striking out "cities and townships" and inserting "townships and cities".

29. Amend article IX, section 11 (column 2) line 60, after "for" by striking out "the support of public education" and inserting "aid to school districts, higher education".

30. Amend article XI, section 5 (column 2) line 8, after "tion" by inserting "or creation".

31. Amend article XI, section 7 (column 2) line 51, after "elected" by inserting "thereto"; and after "serving" by inserting "therein".

32. Amend article XII, the title (column 1) after "Amendment" by striking out "&" and inserting "and".

33. Amend article XII, section 3 (column 2) line 41, after "bers.", by striking out "The governor shall appoint a qualified resident of the same district to fill a vacancy in the office of any delegate who shall be a member of the same party as the delegate vacating the office.", and inserting "To fill a vacancy in the office of any delegate, the governor shall appoint a qualified resident of the same district who shall be a member of the same party as the delegate vacating the office.".

34. Amend the schedule, section 5 (column 1) line 58, after "general" by striking out the comma; and line 59, after "two" by inserting a hyphen, so that it will read "two-year".

35. Amend the schedule, section 6 (column 2) line 12, after "1908 constitution" by inserting "as amended in 1952".

36. Amend the schedule, section 6 (column 2) line 15, after "shall be" by striking out "divide" and inserting "divided".

against the secretary of state, by Mr. Van Dusen, chairman, submits the following report:

In accordance with Resolution 96, the committee on action against secretary of state on May 14, 1962, filed with the circuit court for the county of Ingham, a petition for declaration of rights in an action entitled, Stephen S. Nisbet, President of the Michigan Constitutional Convention of 1961-1962 v. James M. Hare, Secretary of State. The relief sought was a declaration that the convention has the right to provide for submission of the proposed new constitution to the electors at the general election to be held November 6, 1962. The summons and petition were served on the secretary of state on the same day.

On May 22, having had no response from the attorney general, petitioner filed a motion for the entry of a decree. On May 25, the secretary of state appeared specially by the attorney general and moved to dismiss the petition on the ground that the case did not present an actual controversy. The trial court heard argument on the attorney general's motion on June 1 and on June 6 rendered an opinion denying the motion to dismiss. An order to that effect was entered on June 11.

Instead of proceeding to file an answer, the attorney general then filed an application to the supreme court for leave to appeal. This application was granted by the supreme court and the attorney general, on July 2, filed a claim of appeal.

The attorney general has not yet filed a brief and he states that he does not intend to do so until after August 7.

It is obvious that no judicial determination of the right of the constitutional convention to require submission of the proposed constitution to the electors on November 6 will be made in time to be useful to the convention. Accordingly, the committee recommends:

1) That section 15 [formerly section 16] of the schedule and temporary provisions of the proposed constitution be amended by striking from the first sentence the words "Tuesday after the first Monday of November, 1962" and inserting "first Monday in April, 1963."

2) That the committee be authorized to discontinue the action entitled, Nisbet v. Hare.

Richard C. Van Dusen, chairman.

MR. VAN DUSEN: Mr. President, I move the adoption of the report.

PRESIDENT NISBET: The question is on the motion of Mr. Van Dusen that the report be adopted. Those in favor will say aye. Opposed, no.

The report is adopted. Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, in compliance with our rules, I think it would now be necessary to take a roll call vote on the amendment to the constitution changing the date.

PRESIDENT NISBET: Mr. Chase will read the amendment.

SECRETARY CHASE: The amendment recommended in the report is as follows:

1. Amend the schedule, section 15 [formerly section 16] (column 2) line 11, after "held on the" by striking out "Tuesday after the first Monday of November, 1962.", and inserting "first Monday in April, 1963."

PRESIDENT NISBET: The secretary will call the roll. Those in favor of the amendment will vote aye as your name is called. Those opposed will vote no.

The roll was called and the delegates voted as follows:

Yeas—141

Allen	Goebel	Page
Andrus, Miss	Gover	Pellow
Anspach	Greene	Perlich
Austin	Gust	Perras
Baginski	Habermehl	Plank
Balcer	Hanna, W. F.	Pollock
Barthwell	Hannah, J. A.	Powell
Batchelor	Hart, Miss	Prettie
Beaman	Haskill	Pugsley
Bentley	Hatch	Radka

Binkowski	Hatcher, Mrs.
Blandford	Heideman
Bledsoe	Higgs
Bonisteel	Hood
Boothby	Howes
Bowens	Hoxie
Bradley	Hubbs
Brake	Hutchinson
Brown, G. E.	Iverson
Brown, T. S.	Jones
Buback	Judd, Mrs.
Butler, Mrs.	Karn
Conklin, Mrs.	Kelsey
Cudlip	Kirk, S.
Cushman, Mrs.	Knirk, B.
Danhof	Koeze, Mrs.
Dehnke	Krolkowski
Dell	Kuhn
DeVries	Lawrence
Donnelly, Miss	Lebrand
Doty, Dean	Leppien
Doty, Donald	Lesinski
Douglas	Liberato
Downs	Madar
Durst	Mahinske
Elliott, A. G.	Martin
Elliott, Mrs. Daisy	McAllister
Erickson	McCauley
Everett	McGowan, Miss
Farnsworth	McLogan
Faxon	Millard
Figy	Mosier
Finch	Murphy
Follo	Nisbet
Ford	Nord
Gadola	Norris
Garvin	Ostrow

Nays—0

SECRETARY CHASE: On the adoption of the amendment, the yeas are 141; the nays are none.

PRESIDENT NISBET: The amendment is adopted. The question now is on the final passage of the constitution as amended this morning. Those who are in favor will answer aye as your names are called. Those opposed will answer nay. The secretary will call the roll.

The roll was called and the delegates voted as follows:

Yeas—98

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

Follo
Gadola
Goebel

Perras
Plank
Pollock

Woolfenden
Yeager

Nays—43

Austin
Baginski
Barthwell
Binkowski
Bledsoe
Bowens
Bradley
Brown, T. S.
Buback
Douglas
Downs
Elliott, Mrs. Daisy
Faxon
Ford
Garvin

Greene
Hart, Miss
Hatcher, Mrs.
Hood
Jones
Kelsey
Krolikowski
Leibrand
Lesinski
Liberato
Madar
Mahinske
McAllister
Murphy

Nord
Norris
Ostrow
Pellow
Perlich
Sablich
Shanahan
Snyder
Stopczynski
Suzore
Walker
Wilkowski
Young
Youngblood

SECRETARY CHASE: On the adoption of the constitution as amended, the yeas are 98; the nays are 43. (applause)

PRESIDENT NISBET: The **constitution** is adopted.

For the constitution as adopted, see below, page 3317.

Because of the hour, it being almost noon, the Chair recognizes Mr. Van Dusen.

MR. VANDUSEN: Mr. President, I move that the convention now stand in recess until 2:00 p.m.

PRESIDENT NISBET: The question is on the motion of Mr. Van Dusen that we recess until 2:00 p.m. Those in favor will say aye. Opposed, no.

The motion prevails. We are recessed until 2:00 o'clock.

[Whereupon, at 11:50 o'clock a.m., the convention recessed; and, at 2:00 o'clock p.m., reconvened.]

Will the delegates please take their seats. The convention will please come to order.

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

PRESIDENT NISBET: I think we should recognize the fact that many of our employees are voluntarily back with us today, meeting with the delegates. I'm sure all of us are very happy to have them here. It brings about a happy result to see them and I think we ought to give them a good hand. (applause) Mr. Chase has an announcement.

SECRETARY CHASE: There are 3 announcements that possibly should have been made before we recessed for lunch.

First, there is mail for all of the delegates in the mail room downstairs.

Just prior to the May 11 adjournment, several of the delegates took out, on loan, sets of convention slides which have not been returned. Missing from our files are 12 complete sets of slides. Since we frequently have call from other delegates for the use of these slides, we would appreciate their return as soon as possible. Ink White, chairman of the committee on public information.

I am sure the delegates recall the lady on the civic center staff who took such good care of keeping the windows clean and the place well slicked up, who had to go to the hospital for a very critical operation. A number of the delegates contributed to a fund to help her over her financial difficulties. I have the following card:

It is very difficult to express my appreciation to all the wonderful people of con con. Let me say, with my heart, your kindness and generosity will always be remembered.

Sincerely,
Freda Adams.

PRESIDENT NISBET: Since the adjournment on May 11, we have added 2 new associate members to the delegation: Mrs. Charles Follo and Mrs. Gil Wanger.

I asked Charlie if Mrs. Follo was present so that he might present her, but he said she isn't. We are sorry, Charlie, she couldn't be with us.

Mr. Wanger, is your associate delegate present? Would you present her?

[Whereupon, the delegates accorded Mrs. Wanger a standing ovation.]

At the final session before the long recess the president was authorized to name a reunion committee for the constitutional convention. Accordingly, the **president appoints**, as members of the reunion committee: Mr. Erickson, Mrs. Koeze, Messrs. Jones, Bowens, Brake, Mrs. Conklin, Mr. Dean Doty, Mrs. Daisy Elliott, Messrs. Faxon, Kelsey, Kuhn, Powell, Sharpe, Wanger, White and Norris.

Without objection, the appointments are approved. You will notice that most of these delegates are within the area of Lansing, Detroit or Grand Rapids for their ease in getting together when they have to meet. Mr. Claud Erickson is chairman of the committee.

Returning to the order of business, **approval of address to people**. We will take up the **report of the committee on public information**. Mr. White, chairman.

MR. WHITE: Mr. President, under date of June 26, 1962, each delegate was mailed proof copies of the proposed address to the people. Since that time our committee has received numerous suggestions for corrections, additions, deletions and so on. Our committee has met and gone over these suggestions and they have been, for the most part, agreed to. I might say, parenthetically, the address in its present corrected form represents the writing and editing of upwards of 50 of our delegates.

Under date of July 27, 1962, each of you was mailed a 16 page multilith report which outlined in detail some 108 corrections. This communication also carried the recommendation that we be authorized to correct the text of the constitution as it appears in the address to conform with the style and drafting changes adopted at today's session, and to offer comments accordingly, if necessary. All of this material has been delivered again to each delegate's desk today. Additionally, you have a single white multilith sheet from our committee containing brief addenda to this 16 page report.

It seems to me, Mr. President, the delegates have had ample time to consider these matters, and to expedite our final deliberations, I move that the report of the public information committee, with the recommended addenda, be considered read.

PRESIDENT NISBET: Without objection, it is so ordered.

Following is the report as submitted and considered read:

After careful consideration of suggestions from delegates, your committee on public information recommends the adoption of the following changes in the proof copy of the address to the people:

For document incorporating following changes, see below, page 3355. Page numbers in report refer to document pages.

1. Amend page 2, second full paragraph, line 3, after "that one" by striking out "must" and inserting "should"; to improve phraseology.

2. Amend page 2, third full paragraph, line 1, by striking out "Ordered by popular vote, its delegates selected by the people on the basis of one from each senatorial and representative district, the Constitutional Convention of 1961-62 met in Lansing on October 3, 1961.", and inserting "The convention was ordered by popular vote in April of 1961. There were 144 delegates, representing Michigan's 34 State Senatorial districts and 110 State Representative seats. They were elected in statewide voting on September 12, 1961, and convened at Lansing on October 3, 1961."; to improve awkward sentence construction and correct error by indicating "seats" rather than representative "districts."

3. Amend page 2, fifth full paragraph, line 2, after "overlapped" by striking out "each other"; to improve phraseology.

4. Amend page 2, fifth full paragraph, line 6, after

**CONSTITUTION
OF THE
STATE OF MICHIGAN**

**as finally adopted
by the Convention
August 1, 1962**

PREAMBLE

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

ARTICLE I

Declaration of Rights

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

Sec. 2. No person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color or national origin. The legislature shall implement this section by appropriate legislation.

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

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

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

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

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

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

Sec. 9. Neither slavery, nor involuntary servitude unless for the punishment of crime, shall ever be tolerated in this state.

Sec. 10. No bill of attainder, ex post facto law or law impairing the obligation of contract shall be enacted.

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

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

Sec. 13. A suitor in any court of this state has the right to prosecute or defend his suit, either in his own proper person or by an attorney.

Sec. 14. The right of trial by jury shall remain, but shall be waived in all civil cases unless demanded by one of the parties in the manner prescribed by law. In all civil cases tried by 12 jurors a verdict shall be received when 10 jurors agree.

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

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

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

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

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

Sec. 20. In every criminal prosecution, the accused shall have the right to a speedy and public trial by an impartial jury, which may consist of less than 12 jurors in all courts not of record; to be informed of the nature of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to have the assistance of counsel for his defense; to have an appeal as a matter of right; and in courts of record, when the trial court so orders, to have such reasonable assistance as may be necessary to perfect and prosecute an appeal.

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

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

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

ARTICLE II

Elections

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

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

Sec. 3. For purposes of voting in the election for president and vice-president of the United States only, the legislature may by law establish lesser residence requirements for citizens who have resided in this state for less than six months and may waive residence requirements for former citizens of this state who have removed herefrom. The legislature shall not permit voting by any person who meets the voting residence requirements of the state to which he has removed.

Sec. 4. The legislature shall enact laws to regulate the time, place and manner of all nominations and elections, except as otherwise provided in this constitution or in the constitution and laws of the United States. The legislature shall enact laws to preserve the purity of elections, to preserve the secrecy of the ballot, to guard against abuses of the elective franchise, and to provide for a system of voter registration and absentee voting. No law shall be enacted which permits a candidate in any partisan primary or partisan election to have a ballot designation except when required for identification of candidates for the same office who have the same or similar surnames.

Sec. 5. Except for special elections to fill vacancies, or as otherwise provided in this constitution, all elections for national, state, county and township offices shall be held on the first Tuesday after the first Monday in November in each even-numbered year or on such other date as members of the congress of the United States are regularly elected.

Sec. 6. Whenever any question is required to be submitted by a political subdivision to the electors for the increase of the ad valorem tax rate limitation imposed by Section 6 of Article IX for a period of more than five years, or for the issue of bonds, only electors in, and who have property assessed for any ad valorem taxes in, any part of the district or territory to be affected by the result of such election or electors who are the lawful husbands or wives of such persons shall be entitled to vote thereon. All electors in the district or territory affected may vote on all other questions.

Sec. 7. A board of state canvassers of four members shall be established by law. No candidate for an office to be canvassed nor any inspector of elections shall be eligible to serve as a member of a board of canvassers. A majority of any board of canvassers shall not be composed of members of the same political party.

Sec. 8. Laws shall be enacted to provide for the recall of all elective officers except judges of courts of record upon petition of electors equal in number to 25 percent of the number of persons voting in the last preceding election for the office of governor in the electoral district of the officer sought to be recalled. The sufficiency of any statement of reasons or grounds procedurally required shall be a political rather than a judicial question.

Sec. 9. The people reserve to themselves the power to propose laws and to enact and reject laws, called the initiative, and the power to approve or reject laws enacted by the legislature, called the referendum. The power of initiative extends only to laws which the legislature may enact under this constitution. The power of referendum does not extend to acts making appropriations for state institutions or to meet deficiencies in state funds and must be invoked in the manner prescribed by law within 90 days following the final adjournment of the legislative session at which the law was enacted. To invoke the initiative or referendum, petitions signed by a number of registered electors, not less than eight percent for initiative and five percent for referendum of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected shall be required.

No law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election.

Any law proposed by initiative petition shall be either enacted or rejected by the legislature without change or amendment within 40 session days from the time such petition is received by the legislature. If any law proposed by such petition shall be enacted by the legislature it shall be subject to referendum, as hereinafter provided.

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

Any law submitted to the people by either initiative or referendum petition and approved by a majority of the votes cast thereon at any election shall take effect 10 days after the date of the official declaration of the vote. No law initiated or adopted by the people shall be subject to the veto power of the governor, and no law adopted by the people at the polls under the initiative provisions of this section shall be amended or repealed, except by a vote of the electors unless otherwise provided in the initiative measure or by three-fourths of the members elected to and serving in each house of the legislature. Laws approved by the people under the referendum provision of this section may be amended by the legislature at any subsequent session thereof. If two or more measures approved by the electors at the same election conflict, that receiving the highest affirmative vote shall prevail.

The legislature shall implement the provisions of this section.

ARTICLE III

General Government

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

Sec. 2. The powers of government are divided into three branches: legislative, executive and judicial. No person exercising powers of one branch shall exercise powers properly belonging to another branch except as expressly provided in this constitution.

Sec. 3. There shall be a great seal of the State of Michigan and its use shall be provided by law.

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

Sec. 5. Subject to provisions of general law, this state or any political subdivision thereof, any governmental authority or any combination thereof may enter into agreements for the performance, financing or execution of their respective functions, with any one or more of the other states, the United States, the Dominion of Canada, or any political subdivision thereof unless otherwise provided in this constitution. Any other provision of this constitution notwithstanding, an officer or employee of the state or of any such unit of government or subdivision or agency thereof may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service. The legislature may impose such restrictions, limitations or conditions on such service as it may deem appropriate.

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

Sec. 7. The common law and the statute laws now in force, not repugnant to this constitution, shall remain in force until they expire by their own limitations, or are changed, amended or repealed.

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

ARTICLE IV

Legislative Branch

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

Sec. 2. The senate shall consist of 38 members to be elected from single member districts at the same election as the governor for four-year terms concurrent with the term of office of the governor.

In districting the state for the purpose of electing senators after the official publication of the total population count of each federal decennial census, each county shall be assigned apportionment factors equal to the sum of its percentage of the state's population as shown by the last regular federal decennial census computed to the nearest one-one hundredth of one percent multiplied by four and its percentage of the state's land area computed to the nearest one-one hundredth of one percent.

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

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

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

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

Sec. 3. The house of representatives shall consist of 110 members elected for two-year terms from single member districts apportioned on a basis of population as provided in this article. The districts shall consist of compact and convenient territory contiguous by land.

Each county which has a population of not less than seven-tenths of one percent of the population of the state shall constitute a separate representative area. Each county having less than seven-tenths of one percent of the population of the state shall be combined with another county or counties to form a representative area of not less than seven-tenths of one percent of the population of the state. Any county which is isolated under the initial allocation as provided in this section shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.

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

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

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

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

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

Sec. 4. In counties having more than one representative or senatorial district, the territory in the same county annexed to or merged with a city between apportionments shall become a part of a contiguous representative or senatorial district in the city with which it is combined, if provided by ordinance of the city. The district or districts with which the territory shall be combined shall be determined by such ordinance certified to the secretary of state. No such change in the boundaries of a representative or senatorial district shall have the effect of removing a legislator from office during his term.

Sec. 5. Island areas are considered to be contiguous by land to the county of which they are a part.

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

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

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

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

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

Each final apportionment and districting plan shall be published as provided by law within 30 days from the date of its adoption and shall become law 60 days after

publication. The secretary of state shall keep a public record of all the proceedings of the commission and shall be responsible for the publication and distribution of each plan.

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

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

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

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

Sec. 9. No person elected to the legislature shall receive any civil appointment within this state from the governor, except notaries public, from the legislature, or from any other state authority, during the term for which he is elected.

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

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

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

Sec. 13. The legislature shall meet at the seat of government on the second Wednesday in January of each year at twelve o'clock noon. Each regular session shall adjourn without day, on a day determined by concurrent resolution, at twelve o'clock noon. Any business, bill or joint resolution pending at the final adjournment of a regular session held in an odd numbered year shall carry over with the same status to the next regular session.

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

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

Sec. 16. Each house, except as otherwise provided in this constitution, shall choose its own officers and determine the rules of its proceedings, but shall not adopt any rule that will prevent a majority of the members elected thereto and serving therein from discharging a committee from the further consideration of any measure. Each house shall be the sole judge of the qualifications, elections and returns of its members, and may, with the concurrence of two-thirds of all the members elected thereto and serving therein, expel a member. The reasons for such expulsion shall be entered in the journal, with the votes and names of the members voting upon the question. No member shall be expelled a second time for the same cause.

Sec. 17. Each house of the legislature may establish the committees necessary for the efficient conduct of its business and the legislature may create joint committees. On all actions on bills and resolutions in each committee, names and votes of members shall be recorded. Such vote shall be available for public inspection. Notice of all committee hearings and a clear statement of all subjects to be considered at each hearing shall be published in the journal in advance of the hearing.

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

Sec. 19. All elections in either house or in joint convention and all votes on appointments submitted to the senate for advice and consent shall be published by vote and name in the journal.

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

Sec. 21. Neither house shall, without the consent of the other, adjourn for more than two intervening calendar days, nor to any place other than where the legislature may then be in session.

Sec. 22. All legislation shall be by bill and may originate in either house.

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

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

Sec. 25. No law shall be revised, altered or amended by reference to its title only. The section or sections of the act altered or amended shall be re-enacted and published at length.

Sec. 26. No bill shall be passed or become a law at any regular session of the legislature until it has been printed or reproduced and in the possession of each house for

at least five days. Every bill shall be read three times in each house before the final passage thereof. No bill shall become a law without the concurrence of a majority of the members elected to and serving in each house. On the final passage of bills, the votes and names of the members voting thereon shall be entered in the journal.

Sec. 27. No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.

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

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

Sec. 30. The assent of two-thirds of the members elected to and serving in each house of the legislature shall be required for the appropriation of public money or property for local or private purposes.

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

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

Sec. 33. Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law. If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves, and the legislature continues the session at which the bill was passed, he shall return it within such 14-day period with his objections, to the house in which it originated. That house shall enter such objections in full in its journal and reconsider the bill. If two-thirds of the members elected to and serving in that house pass the bill notwithstanding the objections of the governor, it shall be sent with the objections to the other house for reconsideration. The bill shall become law if passed by two-thirds of the members elected to and serving in that house. The vote of each house shall be entered in the journal with the votes and names of the members voting thereon. If any bill is not returned by the governor within such 14-day period, the legislature continuing in session, it shall become law as if he had signed it.

Sec. 34. Any bill passed by the legislature and approved by the governor, except a bill appropriating money, may provide that it will not become law unless approved by a majority of the electors voting thereon.

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

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

Sec. 37. The legislature may by concurrent resolution empower a joint committee of the legislature, acting between sessions, to suspend any rule or regulation promulgated by an administrative agency subsequent to the adjournment of the last preceding regular legislative session. Such suspension shall continue no longer than the end of the next regular legislative session.

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

Sec. 39. In order to insure continuity of state and local governmental operations in periods of emergency only, resulting from disasters occurring in this state caused by enemy attack on the United States, the legislature may provide by law for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices; and enact other laws necessary and proper for insuring the continuity of governmental operations. Notwithstanding the power conferred by this section, elections shall always be called as soon as possible to fill any vacancies in elective offices temporarily occupied by operation of any legislation enacted pursuant to the provisions of this section.

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

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

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

Sec. 43. No general law providing for the incorporation of trust companies or corporations for banking purposes, or regulating the business thereof, shall be enacted, amended or repealed except by a vote of two-thirds of the members elected to and serving in each house.

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

Sec. 45. The legislature may provide for indeterminate sentences as punishment for crime and for the detention and release of persons imprisoned or detained under such sentences.

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

Sec. 47. The legislature may authorize the employment of chaplains in state institutions of detention or confinement.

Sec. 48. The legislature may enact laws providing for the resolution of disputes concerning public employees, except those in the state classified civil service.

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

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

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

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

Sec. 53. The legislature by a majority vote of the members elected to and serving in each house, shall appoint an auditor general, who shall be a certified public accountant licensed to practice in this state, to serve for a term of eight years. He shall be ineligible for appointment or election to any other public office in this state from which compensation is derived while serving as auditor general and for two years following the termination of his service. He may be removed for cause at any time by a two-thirds vote of the members elected to and serving in each house. The auditor general shall conduct post audits of financial transactions and accounts of the state and of all branches, departments, offices, boards, commissions, agencies, authorities and institutions of the state established by this constitution or by law, and performance post audits thereof.

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

Nothing in this section shall be construed in any way to infringe the responsibility and constitutional authority of the governing boards of the institutions of higher education to be solely responsible for the control and direction of all expenditures from the institutions' funds.

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

ARTICLE V

Executive Branch

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

Sec. 2. All executive and administrative offices, agencies and instrumentalities of the executive branch of state government and their respective functions, powers and

duties, except for the office of governor and lieutenant governor and the governing bodies of institutions of higher education provided for in this constitution, shall be allocated by law among and within not more than 20 principal departments. They shall be grouped as far as practicable according to major purposes.

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

Sec. 3. The head of each principal department shall be a single executive unless otherwise provided in this constitution or by law. The single executives heading principal departments shall include a secretary of state, a state treasurer and an attorney general. When a single executive is the head of a principal department, unless elected or appointed as otherwise provided in this constitution, he shall be appointed by the governor by and with the advice and consent of the senate and he shall serve at the pleasure of the governor.

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

Terms of office of any board or commission created or enlarged after the effective date of this constitution shall not exceed four years except as otherwise authorized in this constitution. The terms of office of existing boards and commissions which are longer than four years shall not be further extended except as provided in this constitution.

Sec. 4. Temporary commissions or agencies for special purposes with a life of no more than two years may be established by law and need not be allocated within a principal department.

Sec. 5. A majority of the members of an appointed examining or licensing board of a profession shall be members of that profession.

Sec. 6. Appointment by and with the advice and consent of the senate when used in this constitution or laws in effect or hereafter enacted means appointment subject to disapproval by a majority vote of the members elected to and serving in the senate if such action is taken within 60 session days after the date of such appointment. Any appointment not disapproved within such period shall stand confirmed.

Sec. 7. Vacancies in any office, appointment to which requires advice and consent of the senate, shall be filled by the governor by and with the advice and consent of the senate. A person whose appointment has been disapproved by the senate shall not be eligible for an interim appointment to the same office.

Sec. 8. Each principal department shall be under the supervision of the governor unless otherwise provided by this constitution. The governor shall take care that the laws be faithfully executed. He shall transact all necessary business with the officers of

government and may require information in writing from all executive and administrative state officers, elective and appointive, upon any subject relating to the duties of their respective offices.

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

Sec. 9. Single executives heading principal departments and the chief executive officers of principal departments headed by boards or commissions shall keep their offices at the seat of government except as otherwise provided by law, superintend them in person and perform duties prescribed by law.

Sec. 10. The governor shall have power and it shall be his duty to inquire into the condition and administration of any public office and the acts of any public officer, elective or appointive. He may remove or suspend from office for gross neglect of duty or for corrupt conduct in office, or for any other misfeasance or malfeasance therein, any elective or appointive state officer, except legislative or judicial, and shall report the reasons for such removal or suspension to the legislature.

Sec. 11. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an appointed or elected officer, other than a legislative or judicial officer, until he is reinstated or until the vacancy is filled in the manner prescribed by law or this constitution.

Sec. 12. The governor shall be commander-in-chief of the armed forces and may call them out to execute the laws, suppress insurrection and repel invasion.

Sec. 13. The governor shall issue writs of election to fill vacancies in the senate or house of representatives. Any such election shall be held in a manner prescribed by law.

Sec. 14. The governor shall have power to grant reprieves, commutations and pardons after convictions for all offenses, except cases of impeachment, upon such conditions and limitations as he may direct, subject to procedures and regulations prescribed by law. He shall inform the legislature annually of each reprieve, commutation and pardon granted, stating reasons therefor.

Sec. 15. The governor may convene the legislature on extraordinary occasions.

Sec. 16. The governor may convene the legislature at some other place when the seat of government becomes dangerous from any cause.

Sec. 17. The governor shall communicate by message to the legislature at the beginning of each session and may at other times present to the legislature information as to the affairs of the state and recommend measures he considers necessary or desirable.

Sec. 18. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state. Proposed expenditures from any fund shall not exceed the estimated revenue thereof. On the same date, the governor shall submit to the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills to provide new or additional revenues to meet proposed expenditures. The amount of any surplus created or deficit incurred in any fund during the last preceding fiscal period shall be entered as an item in the budget and in one of the appropriation bills. The governor may submit amendments to appropriation bills to be offered in either house during consideration of the bill by that house, and shall submit bills to meet deficiencies in current appropriations.

Sec. 19. The governor may disapprove any distinct item or items appropriating moneys in any appropriation bill. The part or parts approved shall become law, and the item or items disapproved shall be void unless re-passed according to the method prescribed for the passage of other bills over the executive veto.

Sec. 20. No appropriation shall be a mandate to spend. The governor, with the approval of the appropriating committees of the house and senate, shall reduce expenditures authorized by appropriations whenever it appears that actual revenues for a fiscal period will fall below the revenue estimates on which appropriations for that period were based. Reductions in expenditures shall be made in accordance with procedures prescribed by law. The governor may not reduce expenditures of the legislative and judicial branches or from funds constitutionally dedicated for specific purposes.

Sec. 21. The governor, lieutenant governor, secretary of state and attorney general shall be elected for four-year terms at the general election in each alternate even-numbered year.

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

Vacancies in the office of the secretary of state and attorney general shall be filled by appointment by the governor.

Sec. 22. To be eligible for the office of governor or lieutenant governor a person must have attained the age of 30 years, and have been a registered elector in this state for four years next preceding his election.

Sec. 23. The governor, lieutenant governor, secretary of state and attorney general shall each receive the compensation provided by law in full payment for all services performed and expenses incurred during his term of office. Such compensation shall not be changed during the term of office except as otherwise provided in this constitution.

Sec. 24. An executive residence suitably furnished shall be provided at the seat of government for the use of the governor. He shall receive an allowance for its maintenance as provided by law.

Sec. 25. The lieutenant governor shall be president of the senate, but shall have no vote, unless they be equally divided. He may perform duties requested of him by the governor, but no power vested in the governor shall be delegated.

Sec. 26. In case of the conviction of the governor on impeachment, his removal from office, his resignation or his death, the lieutenant governor, the elected secretary of state, the elected attorney general and such other persons designated by law shall in that order be governor for the remainder of the governor's term.

In case of the death of the governor-elect, the lieutenant governor-elect, the secretary of state-elect, the attorney general-elect and such other persons designated by law shall become governor in that order at the commencement of the governor-elect's term.

If the governor or the person in line of succession to serve as governor is absent from the state, or suffering under an inability, the powers and duties of the office of governor shall devolve in order of precedence until the absence or inability giving rise to the devolution of powers ceases.

The inability of the governor or person acting as governor shall be determined by a majority of the supreme court on joint request of the president pro tempore of the senate and the speaker of the house of representatives. Such determination shall be final

and conclusive. The supreme court shall upon its own initiative determine if and when the inability ceases.

Sec. 27. The legislature shall provide that the salary of any state officer while acting as governor shall be equal to that of the governor.

Sec. 28. There is hereby established a state highway commission, which shall administer the state highway department and have jurisdiction and control over all state trunkline highways and appurtenant facilities, and such other public works of the state, as provided by law.

The state highway commission shall consist of four members, not more than two of whom shall be members of the same political party. They shall be appointed by the governor by and with the advice and consent of the senate for four-year terms, no two of which shall expire in the same year, as provided by law.

The state highway commission shall appoint and may remove a state highway director, who shall be a competent highway engineer and administrator. He shall be the principal executive officer of the state highway department and shall be responsible for executing the policy of the state highway commission.

Sec. 29. There is hereby established a civil rights commission which shall consist of eight persons, not more than four of whom shall be members of the same political party, who shall be appointed by the governor, by and with the advice and consent of the senate, for four-year terms not more than two of which shall expire in the same year. It shall be the duty of the commission in a manner which may be prescribed by law to investigate alleged discrimination against any person because of religion, race, color or national origin in the enjoyment of the civil rights guaranteed by law and by this constitution, and to secure the equal protection of such civil rights without such discrimination. The legislature shall provide an annual appropriation for the effective operation of the commission.

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

Appeals from final orders of the commission, including cease and desist orders and refusals to issue complaints, shall be tried de novo before the circuit court having jurisdiction provided by law.

ARTICLE VI

Judicial Branch

Sec. 1. The judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court, one probate court, and courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.

Sec. 2. The supreme court shall consist of seven justices elected at non-partisan elections as provided by law. The term of office shall be eight years and not more than

two terms of office shall expire at the same time. Nominations for justices of the supreme court shall be in the manner prescribed by law. Any incumbent justice whose term is to expire may become a candidate for re-election by filing an affidavit of candidacy, in the form and manner prescribed by law, not less than 180 days prior to the expiration of his term.

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

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

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

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

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

Sec. 8. The court of appeals shall consist initially of nine judges who shall be nominated and elected at non-partisan elections from districts drawn on county lines and as nearly as possible of equal population, as provided by law. The supreme court may prescribe by rule that the court of appeals sit in divisions and for the terms of court and the times and places thereof. Each such division shall consist of not fewer than three judges. The number of judges comprising the court of appeals may be increased, and the districts from which they are elected may be changed by law.

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

Sec. 10. The jurisdiction of the court of appeals shall be provided by law and the practice and procedure therein shall be prescribed by rules of the supreme court.

Sec. 11. The state shall be divided into judicial circuits along county lines in each of which there shall be elected one or more circuit judges as provided by law. Sessions of the circuit court shall be held at least four times in each year in every county organized for judicial purposes. Each circuit judge shall hold court in the county or

counties within the circuit in which he is elected, and in other circuits as may be provided by rules of the supreme court. The number of judges may be changed and circuits may be created, altered and discontinued by law and the number of judges shall be changed and circuits shall be created, altered and discontinued on recommendation of the supreme court to reflect changes in judicial activity. No change in the number of judges or alteration or discontinuance of a circuit shall have the effect of removing a judge from office during his term.

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

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

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

Sec. 15. In each county organized for judicial purposes there shall be a probate court. The legislature may create or alter probate court districts of more than one county if approved in each affected county by a majority of the electors voting on the question. The legislature may provide for the combination of the office of probate judge with any judicial office of limited jurisdiction within a county with supplemental salary as provided by law. The jurisdiction, powers and duties of the probate court and of the judges thereof shall be provided by law. They shall have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

Sec. 16. One or more judges of probate as provided by law shall be nominated and elected at non-partisan elections in the counties or the probate districts in which they reside and shall hold office for terms of six years and until their successors are elected and qualified. In counties or districts with more than one judge the terms of office shall be arranged by law to provide that not all terms will expire at the same time.

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

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

Each of the judges of the circuit court shall receive an annual salary as provided by law. In addition to the salary received from the state, each circuit judge may receive from any county in which he regularly holds court an additional salary as determined

from time to time by the board of supervisors of the county. In any county where an additional salary is granted, it shall be paid at the same rate to all circuit judges regularly holding court therein.

Sec. 19. The supreme court, the court of appeals, the circuit court, the probate court and other courts designated as such by the legislature shall be courts of record and each shall have a common seal. Justices and judges of courts of record must be persons who are licensed to practice law in this state. No person shall be elected or appointed to a judicial office after reaching the age of 70 years.

Sec. 20. Whenever a justice or judge removes his domicile beyond the limits of the territory from which he was elected, he shall have vacated his office.

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

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

Sec. 23. A vacancy in the elective office of a judge of any court of record shall be filled at a general or special election as provided by law. The supreme court may authorize persons who have served as judges and who have retired, to perform judicial duties for the limited period of time from the occurrence of the vacancy until the successor is elected and qualified. Such persons shall be ineligible for election to fill the vacancy.

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

Sec. 25. For reasonable cause, which is not sufficient ground for impeachment, the governor shall remove any judge on a concurrent resolution of two-thirds of the members elected to and serving in each house of the legislature. The cause for removal shall be stated at length in the resolution.

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

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

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

Sec. 28. All final decisions, findings, rulings and orders of any administrative officer or agency existing under the constitution or by law, which are judicial or quasi-judicial and affect private rights or licenses, shall be subject to direct review by the courts as

provided by law. This review shall include, as a minimum, the determination whether such final decisions, findings, rulings and orders are authorized by law; and, in cases in which a hearing is required, whether the same are supported by competent, material and substantial evidence on the whole record. Findings of fact in workmen's compensation proceedings shall be conclusive in the absence of fraud unless otherwise provided by law.

In the absence of fraud, error of law or the adoption of wrong principles, no appeal may be taken to any court from any final agency provided for the administration of property tax laws from any decision relating to valuation or allocation.

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

ARTICLE VII

Local Government

Sec. 1. Each organized county shall be a body corporate with powers and immunities provided by law.

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

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

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

Sec. 3. No organized county shall be reduced by the organization of new counties to less than 16 townships as surveyed by the United States, unless approved in the manner prescribed by law by a majority of electors voting thereon in each county to be affected.

Sec. 4. There shall be elected for four-year terms in each organized county a sheriff, a county clerk, a county treasurer, a register of deeds and a prosecuting attorney, whose duties and powers shall be provided by law. The board of supervisors in any county may combine the offices of county clerk and register of deeds in one office or separate the same at pleasure.

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

Sec. 6. The sheriff may be required by law to renew his security periodically and in default of giving such security, his office shall be vacant. The county shall never be responsible for his acts, except that the board of supervisors may protect him against

claims by prisoners for unintentional injuries received while in his custody. He shall not hold any other office except in civil defense.

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

Sec. 8. Boards of supervisors shall have legislative, administrative and such other powers and duties as provided by law.

Sec. 9. Boards of supervisors shall have exclusive power to fix the compensation of county officers not otherwise provided by law.

Sec. 10. A county seat once established shall not be removed until the place to which it is proposed to be moved shall be designated by two-thirds of the members of the board of supervisors and a majority of the electors voting thereon shall have approved the proposed location in the manner prescribed by law.

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

Sec. 12. A navigable stream shall not be bridged or dammed without permission granted by the board of supervisors of the county as provided by law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and political subdivisions therein.

Sec. 13. Two or more contiguous counties may combine into a single county if approved in each affected county by a majority of the electors voting on the question.

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

Sec. 15. Any county, when authorized by its board of supervisors shall have the authority to enter or to intervene in any action or certificate proceeding involving the services, charges or rates of any privately owned public utility furnishing services or commodities to rate payers within the county.

Sec. 16. The legislature may provide for the laying out, construction, improvement and maintenance of highways, bridges, culverts and airports by the state and by the counties and townships thereof; and may authorize counties to take charge and control of any highway within their limits for such purposes. The legislature may provide the powers and duties of counties in relation to highways, bridges, culverts and airports; may provide for county road commissioners to be appointed or elected, with powers and duties provided by law. The ad valorem property tax imposed for road purposes by any county shall not exceed in any year one-half of one percent of the assessed valuation for the preceding year.

Sec. 17. Each organized township shall be a body corporate with powers and immunities provided by law.

Sec. 18. In each organized township there shall be elected for terms of not less than two nor more than four years as prescribed by law a supervisor, a clerk, a treasurer, and not to exceed four trustees, whose legislative and administrative powers and duties shall be provided by law.

Sec. 19. No organized township shall grant any public utility franchise which is not subject to revocation at the will of the township, unless the proposition shall first have been approved by a majority of the electors of such township voting thereon at a regular or special election.

Sec. 20. The legislature shall provide by law for the dissolution of township government whenever all the territory of an organized township is included within the boundaries of a village or villages notwithstanding that a village may include territory within another organized township and provide by law for the classification of such village or villages as cities.

Sec. 21. The legislature shall provide by general laws for the incorporation of cities and villages. Such laws shall limit their rate of ad valorem property taxation for municipal purposes, and restrict the powers of cities and villages to borrow money and contract debts. Each city and village is granted power to levy other taxes for public purposes, subject to limitations and prohibitions provided by this constitution or by law.

Sec. 22. Under general laws the electors of each city and village shall have the power and authority to frame, adopt and amend its charter, and to amend an existing charter of the city or village heretofore granted or enacted by the legislature for the government of the city or village. Each such city and village shall have power to adopt resolutions and ordinances relating to its municipal concerns, property and government, subject to the constitution and law. No enumeration of powers granted to cities and villages in this constitution shall limit or restrict the general grant of authority conferred by this section.

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

Sec. 24. Subject to this constitution, any city or village may acquire, own or operate, within or without its corporate limits, public service facilities for supplying water, light, heat, power, sewage disposal and transportation to the municipality and the inhabitants thereof.

Any city or village may sell and deliver heat, power or light without its corporate limits in an amount not exceeding 25 percent of that furnished by it within the corporate limits, except as greater amounts may be permitted by law; may sell and deliver water and provide sewage disposal services outside of its corporate limits in such amount as may be determined by the legislative body of the city or village; and may operate transportation lines outside the municipality within such limits as may be prescribed by law.

Sec. 25. No city or village shall acquire any public utility furnishing light, heat or power, or grant any public utility franchise which is not subject to revocation at the will of the city or village, unless the proposition shall first have been approved by three-fifths of the electors voting thereon. No city or village may sell any public utility unless the proposition shall first have been approved by a majority of the electors voting thereon, or a greater number if the charter shall so provide.

Sec. 26. Except as otherwise provided in this constitution, no city or village shall have the power to loan its credit for any private purpose or, except as provided by law, for any public purpose.

Sec. 27. Notwithstanding any other provision of this constitution the legislature may establish in metropolitan areas additional forms of government or authorities with powers, duties and jurisdictions as the legislature shall provide. Wherever possible, such additional forms of government or authorities shall be designed to perform multi-purpose functions rather than a single function.

Sec. 28. The legislature by general law shall authorize two or more counties, townships, cities, villages or districts, or any combination thereof among other things to:

enter into contractual undertakings or agreements with one another or with the state or with any combination thereof for the joint administration of any of the functions or powers which each would have the power to perform separately; share the costs and responsibilities of functions and services with one another or with the state or with any combination thereof which each would have the power to perform separately; transfer functions or responsibilities to one another or any combination thereof upon the consent of each unit involved; cooperate with one another and with state government; lend their credit to one another or any combination thereof as provided by law in connection with any authorized publicly owned undertaking.

Any other provision of this constitution notwithstanding, an officer or employee of the state or any such unit of government or subdivision or agency thereof, except members of the legislature, may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service.

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

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

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

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

Sec. 33. Any elected officer of a political subdivision may be removed from office in the manner and for the causes provided by law.

Sec. 34. The provisions of this constitution and law concerning counties, townships, cities and villages shall be liberally construed in their favor. Powers granted to counties and townships by this constitution and by law shall include those fairly implied and not prohibited by this constitution.

ARTICLE VIII

Education

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

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

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

The state board of education shall appoint a superintendent of public instruction whose term of office shall be determined by the board. He shall be the chairman of the board without the right to vote, and shall be responsible for the execution of its policies. He shall be the principal executive officer of a state department of education which shall have powers and duties provided by law.

The state board of education shall consist of eight members who shall be nominated by party conventions and elected at large for terms of eight years as prescribed by law. The governor shall fill any vacancy by appointment for the unexpired term. The governor shall be ex-officio a member of the state board of education without the right to vote.

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

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

Sec. 5. The regents of the University of Michigan and their successors in office shall constitute a body corporate known as the Regents of the University of Michigan; the trustees of Michigan State University and their successors in office shall constitute a body corporate known as the Board of Trustees of Michigan State University; the governors of Wayne State University and their successors in office shall constitute a body corporate known as the Board of Governors of Wayne State University. Each board shall have general supervision of its institution and the control and direction of all expenditures from the institution's funds. Each board shall, as often as necessary, elect a president of the institution under its supervision. He shall be the principal executive officer of the institution, be ex-officio a member of the board without the right to vote and preside at meetings of the board. The board of each institution shall consist of eight members who shall hold office for terms of eight years and who shall be elected as provided by law. The governor shall fill board vacancies by appointment. Each appointee shall hold office until a successor has been nominated and elected as provided by law.

Sec. 6. Other institutions of higher education established by law having authority to grant baccalaureate degrees shall each be governed by a board of control which shall be a body corporate. The board shall have general supervision of the institution and the control and direction of all expenditures from the institution's funds. It shall, as often as necessary, elect a president of the institution under its supervision.

He shall be the principal executive officer of the institution and be ex-officio a member of the board without the right to vote. The board may elect one of its members or may designate the president, to preside at board meetings. Each board of control shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the governor by and with the advice and consent of the senate. Vacancies shall be filled in like manner.

Sec. 7. The legislature shall provide by law for the establishment and financial support of public community and junior colleges which shall be supervised and controlled by locally elected boards. The legislature shall provide by law for a state board for public community and junior colleges which shall advise the state board of education concerning general supervision and planning for such colleges and requests for annual appropriations for their support. The board shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the state board of education. Vacancies shall be filled in like manner. The superintendent of public instruction shall be ex-officio a member of this board without the right to vote.

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

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

ARTICLE IX

Finance and Taxation

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

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

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

Sec. 4. Property owned and occupied by non-profit religious or educational organizations and used exclusively for religious or educational purposes, as defined by law, shall be exempt from real and personal property taxes.

Sec. 5. The legislature shall provide for the assessment by the state of the property of those public service businesses assessed by the state at the date this constitution becomes effective, and of other property as designated by the legislature,

and for the imposition and collection of taxes thereon. Property assessed by the state shall be assessed at the same proportion of its true cash value as the legislature shall specify for property subject to general ad valorem taxation. The rate of taxation on such property shall be the average rate levied upon other property in this state under the general ad valorem tax law, or, if the legislature provides, the rate of tax applicable to the property of each business enterprise assessed by the state shall be the average rate of ad valorem taxation levied upon other property in all counties in which any of such property is situated.

Sec. 6. Except as otherwise provided in this constitution, the total amount of general ad valorem taxes imposed upon real and tangible personal property for all purposes in any one year shall not exceed 15 mills on each dollar of the assessed valuation of property as finally equalized. Under procedures provided by law, which shall guarantee the right of initiative, separate tax limitations for any county and for the townships and for school districts therein, the aggregate of which shall not exceed 18 mills on each dollar of such valuation, may be adopted and thereafter altered by the vote of a majority of the qualified electors of such county voting thereon, in lieu of the limitation hereinbefore established. These limitations may be increased to an aggregate of not to exceed 50 mills on each dollar of valuation, for a period of not to exceed 20 years at any one time, if approved by a majority of the electors, qualified under Section 6 of Article II of this constitution, voting on the question.

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

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

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

Sec. 8. The legislature shall not impose a sales tax on retailers at a rate of more than four percent of their gross taxable sales of tangible personal property.

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

Sec. 10. One-eighth of all taxes imposed on retailers on taxable sales at retail of tangible personal property shall be used exclusively for assistance to townships, cities and villages, on a population basis as provided by law. In determining population the legislature may exclude any portion of the total number of persons who are wards, patients or convicts in any tax supported institution.

Sec. 11. There shall be established a state school aid fund which shall be used exclusively for aid to school districts, higher education and school employees' retirement systems, as provided by law. One-half of all taxes imposed on retailers on taxable sales at retail of tangible personal property, and other tax revenues provided by law, shall

be dedicated to this fund. Payments from this fund shall be made in full on a scheduled basis, as provided by law.

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

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

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

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

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

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

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

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

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

The power to tax for the payment of principal and interest on bonds hereafter issued which are the general obligations of any school district, including refunding bonds, and for repayment of any state loans made to school districts, shall be without limitation as to rate or amount.

All rights acquired under Sections 27 and 28 of Article X of the Constitution of 1908, by holders of bonds heretofore issued, and all obligations assumed by the state or any school district under these sections, shall remain unimpaired.

Sec. 17. No money shall be paid out of the state treasury except in pursuance of appropriations made by law.

Sec. 18. The credit of the state shall not be granted to, nor in aid of any person, association or corporation, public or private, except as authorized in this constitution.

This section shall not be construed to prohibit the investment of public funds until needed for current requirements or the investment of funds accumulated to provide retirement or pension benefits for public officials and employees, as provided by law.

Sec. 19. The state shall not subscribe to, nor be interested in the stock of any company, association or corporation, except that funds accumulated to provide retirement or pension benefits for public officials and employees may be invested as provided by law; and endowment funds created for charitable or educational purposes may be invested as provided by law governing the investment of funds held in trust by trustees.

Sec. 20. No state money shall be deposited in banks other than those organized under the national or state banking laws. No state money shall be deposited in any bank in excess of 50 percent of the capital and surplus of such bank. Any bank receiving deposits of state money shall show the amount of state money so deposited as a separate item in all published statements.

Sec. 21. The legislature shall provide by law for the annual accounting for all public moneys, state and local, and may provide by law for interim accounting.

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

Sec. 22. Procedures for the examination and adjustment of claims against the state shall be prescribed by law.

Sec. 23. All financial records, accountings, audit reports and other reports of public moneys shall be public records and open to inspection. A statement of all revenues and expenditures of public moneys shall be published and distributed annually, as provided by law.

Sec. 24. The accrued financial benefits of each pension plan and retirement system of the state and its political subdivisions shall be a contractual obligation thereof which shall not be diminished or impaired thereby.

Financial benefits arising on account of service rendered in each fiscal year shall be funded during that year and such funding shall not be used for financing unfunded accrued liabilities.

ARTICLE X

Property

Sec. 1. The disabilities of coverture as to property are abolished. The real and personal estate of every woman acquired before marriage and all real and personal

property to which she may afterwards become entitled shall be and remain the estate and property of such woman, and shall not be liable for the debts, obligations or engagements of her husband, and may be dealt with and disposed of by her as if she were unmarried. Dower may be relinquished or conveyed as provided by law.

Sec. 2. Private property shall not be taken for public use without just compensation therefor being first made or secured in a manner prescribed by law. Compensation shall be determined in proceedings in a court of record.

Sec. 3. A homestead in the amount of not less than \$3,500 and personal property of every resident of this state in the amount of not less than \$750, as defined by law, shall be exempt from forced sale on execution or other process of any court. Such exemptions shall not extend to any lien thereon excluded from exemption by law.

Sec. 4. Procedures relating to escheats and to the custody and disposition of escheated property shall be prescribed by law.

Sec. 5. The legislature shall have general supervisory jurisdiction over all state owned lands useful for forest preserves, game areas and recreational purposes; shall require annual reports as to such lands from all departments having supervision or control thereof; and shall by general law provide for the sale, lease or other disposition of such lands.

The legislature by an act adopted by two-thirds of the members elected to and serving in each house may designate any part of such lands as a state land reserve. No lands in the state land reserve may be removed from the reserve, sold, leased or otherwise disposed of except by an act of the legislature.

Sec. 6. Aliens who are residents of this state shall enjoy the same rights and privileges in property as citizens of this state.

ARTICLE XI

Public Officers and Employment

Sec. 1. All officers, legislative, executive and judicial, before entering upon the duties of their respective offices, shall take and subscribe the following oath or affirmation: I do solemnly swear (or affirm) that I will support the Constitution of the United States and the constitution of this state, and that I will faithfully discharge the duties of the office of according to the best of my ability. No other oath, affirmation, or any religious test shall be required as a qualification for any office or public trust.

Sec. 2. The terms of office of elective state officers, members of the legislature and justices and judges of courts of record shall begin at twelve o'clock noon on the first day of January next succeeding their election, except as otherwise provided in this constitution. The terms of office of county officers shall begin on the first day of January next succeeding their election, except as otherwise provided by law.

Sec. 3. Neither the legislature nor any political subdivision of this state shall grant or authorize extra compensation to any public officer, agent or contractor after the service has been rendered or the contract entered into.

Sec. 4. No person having custody or control of public moneys shall be a member of the legislature, or be eligible to any office of trust or profit under this state, until he shall have made an accounting, as provided by law, of all sums for which he may be liable.

Sec. 5. The classified state civil service shall consist of all positions in the state service except those filled by popular election, heads of principal departments, members of boards and commissions, the principal executive officer of boards and commissions heading principal departments, employees of courts of record, employees of the legislature, employees of the state institutions of higher education, all persons in the armed forces of the state, eight exempt positions in the office of the governor, and within each principal department, when requested by the department head, two other exempt positions, one of which shall be policy-making. The civil service commission may exempt three additional positions of a policy-making nature within each principal department.

The civil service commission shall be non-salaried and shall consist of four persons, not more than two of whom shall be members of the same political party, appointed by the governor for terms of eight years, no two of which shall expire in the same year.

The administration of the commission's powers shall be vested in a state personnel director who shall be a member of the classified service and who shall be responsible to and selected by the commission after open competitive examination.

The commission shall classify all positions in the classified service according to their respective duties and responsibilities, fix rates of compensation for all classes of positions, approve or disapprove disbursements for all personal services, determine by competitive examination and performance exclusively on the basis of merit, efficiency and fitness the qualifications of all candidates for positions in the classified service, make rules and regulations covering all personnel transactions, and regulate all conditions of employment in the classified service.

No person shall be appointed to or promoted in the classified service who has not been certified by the commission as qualified for such appointment or promotion. No appointments, promotions, demotions or removals in the classified service shall be made for religious, racial or partisan considerations.

Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year. Within 60 calendar days following such transmission, the legislature may, by a two-thirds vote of the members elected to and serving in each house, reject or reduce increases in rates of compensation authorized by the commission. Any reduction ordered by the legislature shall apply uniformly to all classes of employees affected by the increases and shall not adjust pay differentials already established by the civil service commission. The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases authorized by the commission.

The appointing authorities may create or abolish positions for reasons of administrative efficiency without the approval of the commission. Positions shall not be created nor abolished except for reasons of administrative efficiency. Any employee considering himself aggrieved by the abolition or creation of a position shall have a right of appeal to the commission through established grievance procedures.

The civil service commission shall recommend to the governor and to the legislature rates of compensation for all appointed positions within the executive department not a part of the classified service.

To enable the commission to exercise its powers, the legislature shall appropriate to the commission for the ensuing fiscal year a sum not less than one percent of the aggregate payroll of the classified service for the preceding fiscal year, as certified by the commission. Within six months after the conclusion of each fiscal year the commission shall return to the state treasury all moneys unexpended for that fiscal year.

The commission shall furnish reports of expenditures, at least annually, to the governor and the legislature and shall be subject to annual audit as provided by law.

No payment for personal services shall be made or authorized until the provisions of this constitution pertaining to civil service have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

Sec. 6. By ordinance or resolution of its governing body which shall not take effect until approved by a majority of the electors voting thereon, unless otherwise provided by charter, each county, township, city, village, school district and other governmental unit or authority may establish, modify or discontinue a merit system for its employees other than teachers under contract or tenure. The state civil service commission may on request furnish technical services to any such unit on a reimbursable basis.

Sec. 7. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office or for crimes or misdemeanors, but a majority of the members elected thereto and serving therein shall be necessary to direct an impeachment.

When an impeachment is directed, the house of representatives shall elect three of its members to prosecute the impeachment.

Every impeachment shall be tried by the senate immediately after the final adjournment of the legislature. The senators shall take an oath or affirmation truly and impartially to try and determine the impeachment according to the evidence. When the governor or lieutenant governor is tried, the chief justice of the supreme court shall preside.

No person shall be convicted without the concurrence of two-thirds of the senators elected and serving. Judgment in case of conviction shall not extend further than removal from office, but the person convicted shall be liable to punishment according to law.

No judicial officer shall exercise any of the functions of his office after an impeachment is directed until he is acquitted.

ARTICLE XII

Amendment and Revision

Sec. 1. Amendments to this constitution may be proposed in the senate or house of representatives. Proposed amendments agreed to by two-thirds of the members elected to and serving in each house on a vote with the names and vote of those voting entered in the respective journals shall be submitted, not less than 60 days thereafter, to the electors at the next general election or special election as the legislature shall direct. If a majority of electors voting on a proposed amendment approve the same, it shall become part of the constitution and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved.

Sec. 2. Amendments may be proposed to this constitution by petition of the registered electors of this state. Every petition shall include the full text of the proposed amendment, and be signed by registered electors of the state equal in number to at least 10 percent of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected. Such petitions shall be filed with the person authorized by law to receive the same at least 120 days before the election at which the proposed amendment is to be voted upon. Any such petition shall be in the form, and shall be signed and circulated in such manner, as prescribed by law. The person authorized by law to receive such petition shall upon its receipt determine, as provided by law, the validity and sufficiency of the signatures on the petition, and make an official announcement thereof at least 60 days prior to the election at which the proposed amendment is to be voted upon.

Any amendment proposed by such petition shall be submitted, not less than 120 days after it was filed, to the electors at the next general election. Such proposed amendment, existing provisions of the constitution which would be altered or abrogated thereby, and the question as it shall appear on the ballot shall be published in full as provided by law. Copies of such publication shall be posted in each polling place and furnished to news media as provided by law.

The ballot to be used in such election shall contain a statement of the purpose of the proposed amendment, expressed in not more than 100 words, exclusive of caption. Such statement of purpose and caption shall be prepared by the person authorized by law, and shall consist of a true and impartial statement of the purpose of the amendment in such language as shall create no prejudice for or against the proposed amendment.

If the proposed amendment is approved by a majority of the electors voting on the question, it shall become part of the constitution, and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved. If two or more amendments approved by the electors at the same election conflict, that amendment receiving the highest affirmative vote shall prevail.

Sec. 3. At the general election to be held in the year 1978, and in each 16th year thereafter and at such times as may be provided by law, the question of a general revision of the constitution shall be submitted to the electors of the state. If a majority of the electors voting on the question decide in favor of a convention for such purpose, at an election to be held not later than six months after the proposal was certified as approved, the electors of each representative district as then organized shall elect one delegate and the electors of each senatorial district as then organized shall elect one delegate at a partisan election. The delegates so elected shall convene at the seat of government on the first Tuesday in October next succeeding such election or at an earlier date if provided by law.

The convention shall choose its own officers, determine the rules of its proceedings and judge the qualifications, elections and returns of its members. To fill a vacancy in the office of any delegate, the governor shall appoint a qualified resident of the same district who shall be a member of the same party as the delegate vacating the office. The convention shall have power to appoint such officers, employees and assistants as it deems necessary and to fix their compensation; to provide for the printing and distribution of its documents, journals and proceedings; to explain and disseminate information about the proposed constitution and to complete the business of

the convention in an orderly manner. Each delegate shall receive for his services compensation provided by law.

No proposed constitution or amendment adopted by such convention shall be submitted to the electors for approval as hereinafter provided unless by the assent of a majority of all the delegates elected to and serving in the convention, with the names and vote of those voting entered in the journal. Any proposed constitution or amendments adopted by such convention shall be submitted to the qualified electors in the manner and at the time provided by such convention not less than 90 days after final adjournment of the convention. Upon the approval of such constitution or amendments by a majority of the qualified electors voting thereon the constitution or amendments shall take effect as provided by the convention.

Schedule and Temporary Provisions

To insure the orderly transition from the constitution of 1908 to this constitution the following schedule and temporary provisions are set forth to be effective for such period as are thereby required.

Sec. 1. The attorney general shall recommend to the legislature as soon as practicable such changes as may be necessary to adapt existing laws to this constitution.

Sec. 2. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights existing on the effective date of this constitution shall continue unaffected except as modified in accordance with the provisions of this constitution.

Sec. 3. Except as otherwise provided in this constitution, all officers filling any office by election or appointment shall continue to exercise their powers and duties until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

No provision of this constitution, or of law or of executive order authorized by this constitution shall shorten the term of any person elected to state office at a statewide election on or prior to the date on which this constitution is submitted to a vote. In the event the duties of any such officers shall not have been abolished or incorporated into one or more of the principal departments at the expiration of his term, such officer shall continue to serve until his duties are so incorporated or abolished.

Sec. 4. All officers elected at the same election that this constitution is submitted to the people for adoption shall take office and complete the term to which they were elected under the 1908 constitution and existing laws and continue to serve until their successors are elected and qualified pursuant to this constitution or law.

Sec. 5. Notwithstanding any other provision in this constitution, the governor, the lieutenant governor, the secretary of state, the attorney general and state senators shall be elected at the general election in 1964 to serve for two-year terms beginning on the first day of January next succeeding their election. The first election of such officers for four-year terms under this constitution shall be held at the general election in 1966.

Sec. 6. Notwithstanding the provisions of this constitution that the supreme court shall consist of seven justices it shall consist of eight justices until the time that a vacancy occurs as a result of death, retirement or resignation of a justice. The first such vacancy shall not be filled.

Sec. 7. Any judge of probate serving on the effective date of this constitution may serve the remainder of the term and be eligible to succeed himself for election

regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

Sec. 8. The provisions of Article VI providing that terms of judicial offices shall not all expire at the same time, shall be implemented by law providing that at the next election for such offices judges shall be elected for terms of varying length, none of which shall be shorter than the regular term provided for the office.

Sec. 9. The members of the state board of education provided for in Section 3 of Article VIII of this constitution shall first be elected at the first general election after the effective date of this constitution for the following terms: two shall be elected for two years, two for four years, two for six years, and two for eight years as prescribed by law.

The state board of education provided for in the constitution of 1908 is abolished at twelve o'clock noon January 1 of the year following the first general election under this constitution and the terms of members thereof shall then expire.

Sec. 10. The provisions of this constitution providing for members of boards of control of institutions of higher education and the state board of public community and junior colleges shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended, and may further provide that the initial terms of office of members may be less than eight years.

Sec. 11. The provisions of this constitution increasing the number of members of the Board of Trustees of Michigan State University and of the Board of Governors of Wayne State University to eight, and of their term of office to eight years, shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended one year, and may further provide that the initial terms of office of the additional members may be less than eight years.

Sec. 12. The initial allocation of departments by law pursuant to Section 2 of Article V of this constitution, shall be completed within two years after the effective date of this constitution. If such allocation shall not have been completed within such period, the governor, within one year thereafter, by executive order, shall make the initial allocation.

Sec. 13. Contractual obligations of the state incurred pursuant to the constitution of 1908 shall continue to be obligations of the state.

For the retirement of notes and bonds issued under Section 26 of Article X of the 1908 constitution, there is hereby appropriated from the general fund each year during their life a sum equal to the amount of principal and interest payments due and payable in each year.

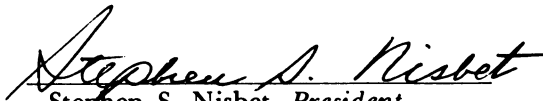
Sec. 14. The legislature by a vote of two-thirds of the members elected to and serving in each house may provide that the state may borrow money and may pledge its full faith and credit for refunding any bonds issued by the Mackinac Bridge Authority and at the time of refunding the Mackinac Bridge Authority shall be abolished and the operation of the bridge shall be assumed by the state highway department. The legislature may implement this section by law.

Sec. 15. This constitution shall be submitted to the people for their adoption or rejection at the general election to be held on the first Monday in April, 1963. It shall be the duty of the secretary of state forthwith to give notice of such submission to all

other officers required to give or publish any notice in regard to a general election. He shall give notice that this constitution will be duly submitted to the electors at such election. The notice shall be given in the manner required for the election of governor.

Sec. 16. Every registered elector may vote on the adoption of the constitution. The board of election commissioners in each county shall cause to be printed on a ballot separate from the ballot containing the names of the nominees for office, the words: Shall the revised constitution be adopted? () Yes. () No. All votes cast at the election shall be taken, counted, canvassed and returned as provided by law for the election of state officers. If the revised constitution so submitted receives more votes in its favor than were cast against it, it shall be the supreme law of the state on and after the first day of January of the year following its adoption.

Adopted by the Constitutional Convention of nineteen hundred sixty-one at Constitution Hall in Lansing on the first day of August, nineteen hundred sixty-two.


Stephen S. Nisbet, *President*


Fred I. Chase, *Secretary*

[ADDRESS TO THE PEOPLE]

***What the Proposed
New State Constitution
Means to You***

- A report to the people of Michigan
by their elected delegates to the
Constitutional Convention of 1961-62.

Lansing, Michigan

August 1, 1962

Nothing contained in the section is to be construed to diminish the right of any party to direct and immediate legal or equitable remedies in the courts of the state. Appeals from final orders of the commission shall be tried anew before the circuit court having jurisdiction.

Article VI

JUDICIAL BRANCH

Judicial power.

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.

This is a revision of Sec. 1, Article VII, of the present constitution. It provides three basic changes in the existing state judicial branch:

1. It creates a "court of justice", incorporating the concept that the state has a single court with several divisions, each devoting its attention to a certain level of judicial administration.

2. It creates an intermediate court of appeals between the circuit courts and the supreme court. Such a court would share part of the present work load of the supreme court and becomes necessary, it is believed, because of a mandate in Article I of this new document which grants an appeal as a matter of right in criminal cases.

3. It removes the constitutional status of the justice of the peace system and enables the legislature to create a flexible and modern local court of limited jurisdiction to meet the differing needs of large and small counties and communities.

THE SUPREME COURT

Supreme court; justices; election; term.

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.

This is a revision of Sec. 2, Article VII, of the present constitution. It incorporates these changes:

1. Provides for an eventual seven-member supreme court. The present statutory level of eight justices would be reduced to seven with the death, retirement or resignation of one of the incumbent justices. (See Schedule and Temporary Provisions.)

2. Eliminates a present provision that the Chief Justice "be chosen by the electors of the state." Sec. 3 of this Article provides for the election of the Chief Justice by members of the court.