

# Michigan Constitutional Convention of 1961

## Committee Proposal 96g

# Const 1963, Art 6, § 18

### Relevant Material From the Constitutional Convention Record

Cross-Reference and Indices .....	pp. 3436, 3452, 3467
First Reading .....	pp. 757, 1478-1480, 1528-1536, 1621-1623, 1632-1633, 2191
Second Reading .....	pp. 2690-2691, 2711-2712
Draft Constitution (Art 6, § 18) .....	pp. 3047-3075 (p. 3061)
Third Reading, Article-by-Article .....	pp. 3125, 3138-3140
Draft Constitution (Art 6, § 18) .....	pp. 3215-3237 (p. 3226)
Third Reading, Full Constitution .....	pp. 3292, 3300-3301
Adopted Constitution (Art 6, § 18) .....	pp. 3319-3353 (pp. 3336-3337)
Address to the People .....	p. 3387

### Overview of the Constitutional Convention Process

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

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

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



**FRED I. CHASE**  
Secretary of the Convention

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

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

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

\* Created by the committee on style and drafting.

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

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93. A proposal pertaining to the circuit court. A substitute for sections 8, 9, 10 and 11 of article VII.  
     For text as offered and reasons ..... 1355  
     For minority reports and reasons ..... 1356  
     As referred to style and drafting ..... 1393  
     As reported by style and drafting ..... 2675  
     As rereferred to style and drafting ..... 2677  
     Feb. 2, reported by judicial branch; referred to committee of the whole ..... 757  
     Feb. 28, read first time; sections a, b, c, d considered; sections a, b, d amended, passed; section c amended, postponed by committee of the whole. 1355-1372  
     Mar. 1, section c considered, amended, passed; committee proposal as amended considered, amended, passed by committee of the whole ..... 1374-1380  
     Mar. 1, reported by committee of the whole with 6 amendments; 4 amendments concurred in; referred to style and drafting ..... 1387-1393  
     Apr. 6, reported by style and drafting (Report 55); placed on order of second reading ..... 2191  
     Apr. 23, read second time; amended, passed; rereferred to style and drafting ..... 2675-2677
94. A proposal pertaining to the probate court. A substitute for sections 13 and 14 of article VII.  
     For text as offered and reasons ..... 1380  
     For minority report and reasons ..... 1381  
     As referred to style and drafting ..... 1463  
     As reported by style and drafting ..... 2677  
     As rereferred to style and drafting ..... 2686  
     Feb. 2, reported by judicial branch; referred to committee of the whole ..... 757  
     Mar. 1, read first time; section a considered by committee of the whole ..... 1380-1387, 1393-1404  
     Mar. 2, section a considered, amended by committee of the whole ..... 1405-1428  
     Mar. 5, section a, b considered, passed; committee proposal as amended considered, passed by committee of the whole ..... 1431-1440  
     Mar. 5, reported by committee of the whole with 3 amendments; consideration postponed until Mar. 6 ..... 1452  
     Mar. 6, report of committee of the whole considered; 1 amendment concurred in; amended; referred to style and drafting ..... 1453-1463  
     Apr. 6, reported by style and drafting (Report 56); placed on order of second reading ..... 2191  
     Apr. 23, read second time; amended, passed; rereferred to style and drafting ..... 2677-2686
95. A proposal pertaining to appeals from administrative tribunals. Adds a new section to article VII.  
     For text as offered and reasons ..... 1440  
     As referred to style and drafting ..... 1487  
     As reported by style and drafting ..... 2712  
     As rereferred to style and drafting ..... 2720  
     Feb. 2, reported by judicial branch; referred to committee of the whole ..... 757  
     Mar. 5, read first time; considered, amended by committee of the whole ..... 1440-1452  
     Mar. 6, considered, passed by committee of the whole ..... 1463-1478  
     Mar. 6, reported by committee of the whole with 2 amendments; amendments concurred in; referred to style and drafting ..... 1483-1487  
     Apr. 6, reported by style and drafting (Report 57); placed on order of second reading ..... 2191  
     Apr. 23, read second time; amended, passed; rereferred to style and drafting ..... 2712-2720
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.  
     For text as offered and reasons ..... 1478  
     For minority reports and reasons ..... 1480  
     For committee amendment and reasons ..... 1554  
     For minority report and reasons to committee amendment ..... 1554  
     As referred to style and drafting ..... 1632  
     As reported by style and drafting ..... 2690  
     As rereferred to style and drafting ..... 2711  
     Feb. 2, reported by judicial branch; referred to committee of the whole ..... 757

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     Mar. 6, read first time; section a considered, amended by committee of the whole ..... 1478-1483  
     Mar. 7, sections a, b, c, d considered; section a amended, passed; sections b, c, d passed by committee of the whole ..... 1494-1517  
     Mar. 8, sections e, f, g, h, i, j, k considered; sections e, h, i, j passed; sections f, g, k amended, passed by committee of the whole ..... 1519-1551  
     Mar. 9, sections l, m offered; section l postponed; section m amended, adopted by committee of the whole ..... 1554-1564  
     Mar. 13, section l considered, adopted; committee proposal as amended considered, passed by committee of the whole ..... 1609-1611, 1621  
     Mar. 13, reported by committee of the whole with 8 amendments; amendments concurred in; referred to style and drafting ..... 1622-1632  
     Apr. 6, reported by style and drafting (Report 58); placed on order of second reading ..... 2191  
     Apr. 23, read second time; amended, passed; rereferred to style and drafting ..... 2690-2712
97. A proposal to amend article XI by adding a new section pertaining to the arts and recreation.  
     For text as offered and reasons ..... 1233  
     As referred to style and drafting ..... 1240  
     Feb. 2, reported by education; referred to committee of the whole ..... 757  
     Feb. 22, read first time; considered, amended, passed by committee of the whole ..... 1233-1240  
     Feb. 22, reported by committee of the whole with 1 amendment; amendment concurred in; referred to style and drafting ..... 1240  
     (Note: The entire content stricken.)
98. A proposal pertaining to the educational institutions of the state. Replaces sections 3, 4, 5, 7, 8, 10 and 16 of article XI.  
     For text as offered and reasons ..... 1135  
     For minority report and reasons ..... 1136  
     As referred to style and drafting ..... 1206  
     As reported by style and drafting ..... 2563  
     As rereferred to style and drafting ..... 2572  
     Feb. 2, reported by education; referred to committee of the whole ..... 757  
     Feb. 16, read first time; sections a, b considered; section a passed; section b amended by committee of the whole ..... 1135-1145  
     Feb. 19, sections b, c, d considered; section b amended, passed; section c passed by committee of the whole ..... 1147-1155, 1170-1173  
     Feb. 20, section d considered, passed; committee proposal as amended considered; sections a, c, d amended; passed by committee of the whole ..... 1175-1188  
     Feb. 20, reported by committee of the whole with 5 amendments; amendments concurred in; consideration postponed to Feb. 21 ..... 1199  
     Feb. 21, considered; referred to style and drafting ..... 1202-1206  
     Mar. 27, reported by style and drafting (Report 51); placed on order of second reading ..... 1891  
     Apr. 18, read second time; amended, passed; rereferred to style and drafting ..... 2563-2572
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.  
     For text as offered and reasons ..... 2288  
     As referred to style and drafting ..... 2288  
     As reported by style and drafting ..... 2961  
     As rereferred to style and drafting ..... 2961  
     Feb. 2, reported by legislative powers; referred to committee of the whole ..... 757  
     Apr. 11, read first time; considered, passed by committee of the whole ..... 2288-2290  
     Apr. 11, reported by committee of the whole without amendment; referred to style and drafting ..... 2297  
     Apr. 23, reported by style and drafting (Report 84); placed on order of second reading ..... 2670  
     Apr. 30, read second time; passed; rereferred to style and drafting ..... 2961



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Article VI, Section 12: Cont'd.	
Aug. 1, considered; adopted .....	3291-3301
For text as adopted .....	3336
For text, and comments in address to the people ..	3386
Section 13. Circuit courts; jurisdiction, writs, supervisory control over inferior courts. (Committee Proposal 93c)	
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
Aug. 1, considered; adopted .....	3291-3301
For text as adopted .....	3336
For text, and comments in address to the people ..	3386
Section 14. County clerks; duties, vacancies; prosecuting attorneys, vacancies. (Committee Proposal 93d)	
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
Aug. 1, considered; adopted .....	3291-3301
For text as adopted .....	3336
For text, and comments in address to the people ..	3386
Section 15. Probate courts; districts, jurisdiction. (Committee Proposal 94a)	
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
Aug. 1, considered; adopted .....	3291-3301
For text as adopted .....	3336
For text, and comments in address to the people ..	3387
Section 16. Probate judges; nomination, election, terms. (Committee Proposal 94b)	
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
Aug. 1, considered; adopted .....	3291-3301
For text as adopted .....	3336
For text, and comments in address to the people ..	3387
Section 17. Judicial salaries and fees. (Committee Proposal 96a <sup>1</sup> )	
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
Aug. 1, considered; adopted .....	3291-3301
For text as adopted .....	3336
For text, and comments in address to the people ..	3387
Section 18. Salaries; uniformity, changes during term. Circuit judges, additional salary from county. (Committee Proposal 96g)	
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
Aug. 1, considered; adopted .....	3291-3301
For text as adopted .....	3336
For text, and comments in address to the people ..	3387
Section 19. Courts of record; seal, qualifications of judges. (Committee Proposal 96a)	
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
Aug. 1, considered; adopted .....	3291-3301
For text as adopted .....	3337
For text, and comments in address to the people ..	3387
Section 20. Removal of domicile of judge. (Committee Proposal 96b)	
May 7, reported; placed on order of third reading	3045

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Article VI, Section 20: Cont'd.	
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
Aug. 1, considered; adopted .....	3291-3301
For text as adopted .....	3337
For text, and comments in address to the people ..	3388
Section 21. Ineligibility for other office. (Committee Proposal 96c)	
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
Aug. 1, considered; adopted .....	3291-3301
For text as adopted .....	3337
For text, and comments in address to the people ..	3388
Section 22. Candidacy of incumbent judges, affidavits. (Committee Proposal 96l)	
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
Aug. 1, considered; adopted .....	3291-3301
For text as adopted .....	3337
For text, and comments in address to the people ..	3388
Section 23. Judges of courts of record, filling of vacancies. (Committee Proposal 96d)	
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
Aug. 1, considered; adopted .....	3291-3301
For text as adopted .....	3337
For text, and comments in address to the people ..	3388
Section 24. Judges; designation of elected incumbents on ballot. (Committee Proposal 96e)	
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
Aug. 1, considered; adopted .....	3291-3301
For text as adopted .....	3337
For text, and comments in address to the people ..	3388
Section 25. Removal of judges from office. (Committee Proposal 96h)	
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
Aug. 1, considered; adopted .....	3291-3301
For text as adopted .....	3337
For text, and comments in address to the people ..	3388
Section 26. Circuit court commissioners and justices of the peace, abolition; courts of limited jurisdiction. Present statutory courts. (Committee Proposal 96i)	
May 7, reported; placed on order of third reading	3045
May 8, read third time; amended; 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
Aug. 1, considered; adopted .....	3291-3301
For text as adopted .....	3337
For text, and comments in address to the people ..	3388
Section 27. Power of appointment to public office. (Committee Proposal 96n)	
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
Aug. 1, considered; adopted .....	3291-3301
For text as adopted .....	3337
For text, and comments in address to the people ..	3389

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

If we do, then we believe that the executive and the legislative branches should not exercise the powers of the judiciary.

Now, in the development of our society, the legislature will pass laws; and either it will create in some instances—in fact, in many instances—an agency to enforce those laws, or the executive will do it. Obviously the legislature can't handle all of these things itself. So these agencies are created to enforce the laws. And these agencies lay down rules and they make determinations. In doing so, it is inevitable that they make judicial or quasi judicial findings that affect private rights. Now, in the first sentence of section a we recognize that condition as it exists, and we say that when any of these administrative, legislative or executive agencies—that's what they are—make findings that are judicial or quasi judicial and affect private rights, that those decisions shall be subject to direct review by the courts as provided by law. We come to what I said earlier. I think we have to determine whether we are going to have a government of men or of law. Certainly no one should object to judicial rights being determined according to law.

Now we go to the second sentence. All that second sentence says is that the review that is to be exercised by the court, as a minimum, shall determine first whether the decision of that administrative tribunal is authorized by law. In other words, did it exceed the law? Did it get into a field it shouldn't have gotten into, that it wasn't authorized to get into? Certainly, if we are to have a government of law, we can't object to that. We can object to individuals running over our private rights, just on their own whim, caprice or because of the autocratic nature they have assumed. And the other thing that it says is this—and this is all it says—it says if it's such a decision that a hearing is required, then they've got to make their decision based on reliable, probative and substantial evidence on the whole record. Again we come back to the fact that if the legislative and the executive are going to exercise judicial functions, they've got to have those decisions they make supported by reliable evidence. And certainly that is not too much to expect. We don't have tyranny here. We are supposed to be governed by law.

I am glad that Dr. Nord brought up the matter of the bar exam because I happen to have a son who is going to take the next bar exam, and he happens to be one of Dr. Nord's pupils, or is taking his refresher course. So I am vitally interested in this. But let's take his analogy. Would the bar examining board's decision be reviewable? According to this, the only thing that the court can determine is, first, in the first part of that second sentence, did it have authority to do what it is doing? And, secondly, if a hearing is required, is it supported by reliable, probative, and substantial evidence? Well, I didn't know a hearing was required in a bar exam. I don't think his example is at all applicable. I think it is indicative of the type of thing we've gotten into in this, where we are losing sight of the real issue.

I think it is important, to preserve our way of life, that a proper check be made on the exercise of authority by these administrative agencies. And that proper check is simply that they act according to law; and if they make findings on hearings, that there be some evidence to back up those findings. I ask that you vote against this amendment.

CHAIRMAN VAN DUSEN: Mr. Martin.

MR. MARTIN: Mr. Chairman, I have listened to the entire debate without commenting on this, because I wanted to know what the committee thought and what those who studied the problem thought.

I am impressed, first of all, by the tremendous scope of the proposal that is being made. There is no question at all but that this is one of the most far ranging proposals for change which we are making in this entire constitution. There is also no question but what there have been abuses in this field, and this proposal is designed to correct those abuses. At the same time, I recognize—and I think others of us recognize—that we have people whose rights and interests need to be protected on both sides of the controversies that may be involved before these administrative tribunals.

It is not only the question of the person whose property may

be taken by the decisions of these tribunals, but it is also a problem of seeing to it that the people who come before these tribunals with respect to workmen's compensation awards and other matters of that kind receive prompt action within reasonable time on the matters that they bring before these boards. Because it is true that they are in many cases people who cannot afford long protracted proceedings, and if they are carried through a long series of judicial reviews from one court to another there may be some serious problems for them that we have to be concerned about, too. I raised the question yesterday with regard to the introduction of the words "privileges and licenses." I understand that the change which we made in changing "erroneous" to "supported by" is a change which Mr. Cooper, who is one of the acknowledged authorities in the country, is doubtful about. Mr. Norris has spoken about the possibility of reconciling some of the language of this proposal with some of the problems which he sees.

I think we should pass the proposal; I intend to support the committee on this, but I think that in light of its importance, we can't just send it to style and drafting and then bring it back and act on it without further thought. I think it has to go to style and drafting, and in the meantime I think the committee should take another long look at it. I would like to know what Blythe Stason, for example, who is one of the great experts on administrative law in this state, thinks about it; and Mr. Cooper, as well; and some of the other people who know what the impact and import of this proposal would be. When we know that, then I think we may be in better position to determine what changes, if any, should be made, or whether it should be passed exactly as it is presented to us here.

I just want to record for the record my feeling that this is not the final look as far as I'm concerned, at least, and that all of us better take another long look at it before we make up our minds that this is the way it ought to be, finally, once and for all.

CHAIRMAN VAN DUSEN: The question is on the amendment offered by Messrs. Krolkowski and Bledsoe to strike all of section a of Committee Proposal 95. Those in favor of the amendment will say aye. Those opposed will say no.

The amendment is not adopted.

DELEGATES: Division.

CHAIRMAN VAN DUSEN: A division is requested. Is the demand supported? It is supported. Those in favor of the Krolkowski-Bledsoe amendment will vote aye. Those opposed will vote no. Have you all voted? If so, the secretary will lock the machine and tally the vote.

SECRETARY CHASE: On the adoption of the amendment offered by Messrs. Krolkowski and Bledsoe, the yeas are 37, the nays are 83.

CHAIRMAN VAN DUSEN: The amendment is not adopted. Are there further amendments to Committee Proposal 95?

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

CHAIRMAN VAN DUSEN: If not, it will pass.

Committee Proposal 95, as amended, is passed. The secretary will read the next committee proposal.

SECRETARY CHASE: From the committee on judicial branch, by Mr. Danhof, chairman, **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.

*Following is Committee Proposal 96 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, THE COURT OF APPEALS, THE CIRCUIT COURT, THE PROBATE COURT AND OTHER COURTS DESIGNATED BY THE LEGISLATURE SHALL BE COURTS OF RECORD AND SHALL EACH HAVE A COMMON SEAL. EXCEPT AS AUTHORIZED OTHERWISE BY THIS CONSTITUTION,**

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

JUSTICES AND JUDGES OF THE COURTS OF THIS STATE SHALL BE LAWYERS LICENSED TO PRACTICE LAW IN THIS STATE AND SHALL NOT BE ELECTED OR APPOINTED TO A JUDICIAL OFFICE AFTER REACHING THE AGE OF 70 YEARS. NO JUDGE OR JUSTICE OF ANY COURT IN THIS STATE SHALL BE PAID FROM THE FEES OF HIS OFFICE NOR SHALL THE AMOUNT OF HIS SALARY BE MEASURED BY THE FEES OR OTHER MONEYS RECEIVED NOR BY THE AMOUNT OF JUDICIAL ACTIVITY.

Sec. b. WHENEVER A JUDGE SHALL REMOVE HIS DOMICILE BEYOND THE LIMITS OF THE TERRITORY FROM WHICH HE WAS ELECTED, HE SHALL BE DEEMED TO HAVE VACATED HIS OFFICE.

Sec. c. A JUSTICE AND A 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 1 YEAR THEREAFTER.

Sec. d. WHEN A VACANCY OCCURS IN THE OFFICE OF AN ELECTED JUDGE OF ANY COURT OF RECORD, IT SHALL BE FILLED AT A GENERAL OR SPECIAL ELECTION ACCORDING TO LAW. THE SUPREME COURT IS EMPOWERED TO AUTHORIZE PERSONS WHO HAVE SERVED AS JUDGES AND HAVE VOLUNTARILY RETIRED, TO PERFORM JUDICIAL DUTIES FOR THE LIMITED PERIOD OF TIME FROM THE OCCURRENCE OF THE VACANCY UNTIL THE SUCCESSOR IS ELECTED AND QUALIFIED.

Sec. e. 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. f. ANY JUSTICE OR JUDGE SERVING AT THE TIME THIS CONSTITUTION BECOMES EFFECTIVE MAY SERVE THE REMAINDER OF THE TERM AND BE ELIGIBLE FOR REELECTION TO HIS PRESENT OFFICE REGARDLESS OF OTHER PROVISIONS IN THIS CONSTITUTION PERTAINING TO THE QUALIFICATIONS FOR THE OFFICE.

Sec. g. SALARIES OF JUSTICES OF THE SUPREME COURT, OF THE JUDGES OF THE COURT OF APPEALS, OF THE CIRCUIT JUDGES WITHIN THE 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 COURTS SHALL RECEIVE A SALARY PAYABLE MONTHLY. IN ADDITION TO THE SALARY PAID FROM THE STATE TREASURY, EACH CIRCUIT JUDGE MAY RECEIVE FROM ANY COUNTY IN WHICH HE REGULARLY HOLDS COURT SUCH ADDITIONAL SALARY AS MAY BE DETERMINED FROM TIME TO TIME BY THE BOARD OF SUPERVISORS OF THE COUNTY. IN ANY COUNTY WHERE SUCH ADDITIONAL SALARY IS GRANTED, IT SHALL BE PAID AT THE SAME RATE TO ALL CIRCUIT JUDGES REGULARLY HOLDING COURT THEREIN.

Sec. h. FOR REASONABLE CAUSE, WHICH SHALL NOT BE SUFFICIENT GROUND FOR IMPEACHMENT, THE GOVERNOR SHALL REMOVE ANY JUDGE ON A CONCURRENT RESOLUTION OF 2/3 OF THE MEMBERS ELECTED TO EACH HOUSE OF THE LEGISLATURE; AND THE CAUSE FOR WHICH SUCH REMOVAL IS REQUIRED SHALL BE STATED AT LENGTH IN SUCH RESOLUTION.

Sec. i. THE OFFICE OF CIRCUIT COURT COMMISSIONER AND JUSTICE OF THE PEACE SHALL CONTINUE TO HAVE, FOR A PERIOD OF NOT TO EXCEED 5 YEARS FROM THE DATE THIS CONSTITUTION BECOMES EFFECTIVE, ALL THEIR RESPECTIVE POWERS AND JURISDICTION UNTIL THE TIME WITHIN THIS PERIOD THAT THEY ARE ABOLISHED OR THEIR JURISDICTION AND POWERS ARE TRANSFERRED TO, OR INVESTED IN, OTHER COURTS THAT SHALL BE ESTABLISHED IN ACCORDANCE WITH THIS CONSTITUTION.

SPECIAL STATUTORY COURTS IN EXISTENCE AS OF THE TIME THIS CONSTITUTION BECOMES EFFECTIVE SHALL RETAIN THEIR POWERS AND JURISDICTION, EXCEPT AS PROVIDED BY LAW, UNTIL AND UNLESS THEY ARE ABOLISHED BY LAW.

Sec. j. THE PROVISIONS OF THIS CONSTITUTION REQUIRING THE ESTABLISHMENT OF STAGGERED TERMS OF OFFICES IN EXISTENCE, SHALL BE IMPLEMENTED AT THE NEXT ELECTION FOR SUCH OFFICES BY LEGISLATION PROVIDING FOR ELECTIONS FOR TERMS OF VARYING LENGTH, NONE OF WHICH SHALL BE SHORTER THAN THE BASIC TERM PROVIDED HEREIN FOR THE OFFICE.

Sec. k. EACH BRANCH OF THE LEGISLATURE AS WELL AS THE GOVERNOR SHALL HAVE THE AUTHORITY TO REQUEST THE OPINION OF THE SUPREME COURT UPON IMPORTANT QUESTIONS OF LAW AND UPON SOLEMN OCCASIONS.

Mr. Danhof, chairman of the committee on judicial branch, submits the following reasons in support of Committee Proposal 96:

Sec. a. Most of the content of this section is found in section 17 of article VII of the Constitution of 1908. The new court of appeals has been included as a court of record and the legislature is permitted to determine which of the lower courts will be so designated.

Two substantial additions have been made. One requires that all judges be lawyers. An exception is made in section f for those nonlawyers now serving as judges. In the case of justices of the peace, this exception cannot extend beyond 5 years. (See section i hereunder.)

The committee felt that a minimum requirement for judicial office should be a license to practice law. This doctrine has been recognized as to the supreme court and the circuit court through an amendment adopted by the people in 1955. We would apply it to all courts.

Abolition of the fee system would also be accomplished. The committee could find no support for paying a judge on the basis of the amount of litigation before him. Even the justices themselves would not wholeheartedly endorse what appears to the committee to be an indefensible method of payment.

Sec. b. The committee has in essence adopted the provisions of section 19 of article VII of the Constitution of 1908. Due, however, to the elimination of the justices of the peace from the proposed new article any reference to this office has been eliminated. In addition, the word "territory" has been substituted for the word "jurisdiction," inasmuch as the section refers to the physical moving of the judge from the territory from which he was elected.

Sec. c. Since 1850, circuit judges have been prohibited from holding other than a judicial office for their term and an additional year. We felt the principle of divorcing the judiciary from the political arena was valid. There seemed to be no reason to place the limitation on circuit judges alone. On the other hand, the committee felt that such a restriction should be tied to service on the bench, rather than the term to which he was elected.

Sec. d. This provision is a substitution for section 20 of article VII of the Constitution of 1908 and provides that vacancies in the office of an elected judge of any court

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

of record shall be filled by general or special election. This is a significant change and removes from the governor the power to appoint judges. The provision is included in order to maintain a philosophical consistency in the idea that this state should have an elected judiciary. The present system where the governor in case of a vacancy makes an appointment and there is then bestowed upon the appointee the incumbency designation, has had an overwhelming tendency in the past to insure the election of the appointee and thereby creating in effect an appointive judiciary. The proposal embodies the idea that the supreme court may fill the vacancy temporarily by utilizing the services of judges who have retired. This pool of judicial manpower will continue to grow and can be readily utilized as needed. It is recognized that perhaps certain legislation will be needed to amend the retirement program.

The committee on executive branch is unable to concur in this proposal.

Sec. e. This provision is the last paragraph of section 3 of article VII of the Constitution of 1908, with one significant change. There has been inserted in front of "incumbent" the word "elected". Hence it now provides that only judges or justices who have been elected will be eligible for the incumbency designation. This method is utilized to provide tenure for those judges who have previously qualified, gives stability to the judiciary of this state and is extremely vital in order to secure proper court administration when you have an elected judiciary. The majority of the committee were of the opinion that the incumbency designation is something which should be earned by previous election.

Sec. f. This is a "grandfather" clause to permit present nonlawyer judges to serve the remainder of their term and be eligible for reelection. As pointed out in the earlier comments, after a maximum of 5 years, this exception would no longer protect justices of the peace.

Sec. g. The provisions of this section are designed to assure uniform salaries for all judges within a certain district. It likewise removes the restriction of section 3 of article XVI which, as it now stands, prohibits the increase of salary of any supreme court justice during his term of office. We now have justices whose salaries vary as much as \$7,000.00 per year. The committee believes that this discrimination should be abolished. However, due to the requirement of staggered terms for circuit judges and probate judges it became evident that some other method should be devised if a salary reduction ever became necessary. Accordingly, the proposition was adopted that a salary reduction could be obtained for the judiciary only if general salary reduction were made in each of the other branches of the government. This would eliminate the danger of the judiciary being singled out for salary reduction.

Sec. h. This section is identical with the present provisions of article IX, section 6. The matter is simply transferred to the judicial article.

Sec. i. Having determined that the offices of circuit court commissioner and justice of the peace should be abolished, the committee recognized the need to provide for a period of time for the legislature to accomplish an orderly transfer of the powers and duties of these offices to other judicial and nonjudicial offices where indicated. Five years did not seem to be an unreasonably long period of time in that the legislature may desire to reevaluate the entire system of courts of limited jurisdiction in the development of a modern lower court structure, better adapted to the needs of the people and the ends of justice.

Under the 1908 constitution, several statutory courts have been created. Among these are the recorder's court and common pleas court of Detroit, superior court of Grand Rapids, municipal courts throughout the state and the court of claims. These will continue in existence, unless action is taken by the legislature to abolish them or trans-

fer their duties elsewhere. No new power is vested in the legislature in this regard.

Sec. j. This provision is needed to allow the legislature to fulfill the constitutional requirement of staggered terms for both circuit and probate judges.

Sec. k. This is a new section and is recommended for the purpose of empowering the supreme court to furnish advisory opinions to the governor and each house of the legislature on important questions of law and solemn occasions. An example of this would be the 4 cent sales tax which was passed and, in a short time thereafter, was declared unconstitutional. By this provision it is felt that more effective governmental operation is made possible. This is a nonadversary proceeding. Similar language appears in the Constitution of the State of Massachusetts. The matter of advisory opinion was recommended to the committee on judicial branch by Mr. Justice Black. We feel the court will provide for notice and hearing in proper cases.

*Following is minority report A to Committee Proposal 96 as offered and the reasons submitted in support thereof:*

Messrs. Ford, Garvin, Bledsoe, Miss McGowan, Messrs. Ostrow, Krolkowski and Barthwell, a minority of the committee on judicial branch, submit the following minority report A to Committee Proposal 96:

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

Strike all of Section d and reinsert in lieu thereof the language of article VII, section 20 of the 1908 constitution, which language reads as follows:

When a vacancy occurs in the office of judge of any court of record, it shall be filled by appointment of the governor, and the person appointed shall hold the office until a successor is elected and qualified. When elected, such successor shall hold the office the residue of the unexpired term.

Messrs. Ford, Garvin, Bledsoe, Miss McGowan, Messrs. Ostrow, Krolkowski and Barthwell, a minority of the committee on judicial branch, submit the following reasons in support of the foregoing minority report A, which accompanied Committee Proposal 96:

The proponents of this minority report believe that the majority's recommended prohibition against the filling of vacancies by gubernatorial appointment would create a unique problem that could conceivably result in prolonged vacancies on the bench.

The majority proposes that pending the occurrence of an election to fill a judicial vacancy, the vacancy could be temporarily filled by retired former circuit judges. An examination of the number and location throughout the state of retired judges available for this service casts strong doubt on the practical value of this method to meet the problem.

It is apparent from many years of experience with the present system that judicial vacancies have been filled by the governors of this state on a careful and considerate basis. The vast majority of its judges, who have been appointed to fill a vacancy, have been elected and reelected many times over by the voters, demonstrating their confidence in the caliber of person the present system produces.

*Following is minority report B to Committee Proposal 96 as offered and the reasons submitted in support thereof:*

Messrs. Ford, Ostrow and Garvin, a minority of the committee on judicial branch, submit the following minority report B to Committee Proposal 96:

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

Sec. i. On page 3, of Committee Proposal 96:

1. Strike out all of lines 11 through 17, inclusive.

submitted by Messrs. Danhof and myself on behalf of the committee to clarify this language.

**CHAIRMAN VAN DUSEN:** The secretary will read the amendment.

**SECRETARY CHASE:** The amendment offered by Messrs. Danhof and Prettie, on behalf of the committee on judicial branch:

1. Amend page 2, line 16, after "any" by striking out "justice or judge" and inserting "judge of probate"; and in line 19, after "constitution" by striking out the balance of the line and inserting "requiring him to be licensed to practice law in this state."; so that the language of section f will read:

Any judge of probate serving at the time this constitution becomes effective may serve the remainder of the term and be eligible for reelection to his present office regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

**CHAIRMAN VAN DUSEN:** The question is on the amendment offered by Messrs. Danhof and Prettie. Mr. Prettie, you have the floor.

**MR. PRETTIE:** The purpose of this proposal now as amended is simply to protect in office for their present term and for reelection, so long as they may desire to run for reelection, judges of probate now incumbent who are not licensed to practice law in this state. The limitation with the revised language as to age limit of 70 years which is applicable to all courts of record, the qualification as to residence within the district or the county in which serving, would still be applicable. All that we are doing here is preserving the right of incumbent nonlawyer probate judges to continue to serve their term and to run for reelection until such time as they either vacate by removing their residence from the jurisdiction or attain the age of 70 years, after which they may not again be elected. Mr. Chairman, I move the adoption of the committee proposal.

**CHAIRMAN VAN DUSEN:** The question is on the amendment offered by Messrs. Danhof and Prettie. Those in favor will say aye. Those opposed will say no. Mr. Radka.

**MR. RADKA:** I would just as soon ask Mr. Prettie personally, and then if I am satisfied, I won't waste your time.

**CHAIRMAN VAN DUSEN:** The amendment is adopted. Mr. Danhof, has the committee further explanation of section f?

**MR. DANHOF:** No. I think it has been handled, Mr. Chairman, by Mr. Prettie. It is very simply a grandfather clause for the probate judges in regard to the legal qualifications for the office. I might state that as it was originally written, it was pointed out by a very eminent member of this group that there was a hole in it a mile wide regarding the age qualifications and the residence which we had to correct and which I think we have now done to conform with the intent of the committee.

**CHAIRMAN VAN DUSEN:** Are there any further amendments to section f? Mr. Boothby.

**MR. BOOTHBY:** Mr. Chairman, I would like to ask Mr. Prettie a question, please.

**CHAIRMAN VAN DUSEN:** If the gentleman cares to answer.

**MR. BOOTHBY:** Mr. Prettie, under the provision of this particular section as now amended, do I understand that the probate judges that are now presently in office are now forever protected, but the justices of the peace may be abolished by the legislature and they are not protected?

**CHAIRMAN VAN DUSEN:** Mr. Prettie.

**MR. PRETTIE:** I think that would be a fair construction of the amendment, yes. Of course, we have subsequent provisions dealing with the justices of the peace and empowering the legislature to make provision for their continuance, abolition, classification or what have you. I don't think the question is particularly germane to the problem we have here.

**MR. BOOTHBY:** The reason why I ask the question, Mr. Prettie, in case you have any further comment, is that under the prior provision of section f at no time could the legislature abolish the office of the justice of the peace so that the

present incumbent justice of the peace would be abolished, but with this present amendment to section f, the legislature may now abolish the office and also remove or prevent the incumbent justice of the peace from being elected; is that correct?

**CHAIRMAN VAN DUSEN:** Mr. Prettie.

**MR. PRETTIE:** They may, yes.

**CHAIRMAN VAN DUSEN:** Mr. Prettie.

**MR. PRETTIE:** Mr. Radka's question which he presented to me privately was based on this hypothesis: let us assume that under proposals previously adopted we have 2 or 3 counties joined in a probate district, in one of which there is a lay probate judge and in one of which there is a probate judge who is a lawyer. Now, the question as I understand it is whether they would be eligible to run one against another.

I hadn't given this question any thought, and perhaps other members of the committee will not agree with my off the cuff personal opinion, but it would be that this provision would protect the nonlawyer probate judge in his right to run for reelection unless, of course, the legislature—in setting up the probate districts as we have empowered them to do—should otherwise provide by law.

**CHAIRMAN VAN DUSEN:** If there is no further discussion with respect to section f, it will pass.

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

**SECRETARY CHASE:** The following is section g:

[Section g was read by the secretary. For text, see above, page 1479.]

**CHAIRMAN VAN DUSEN:** For an explanation of section g, the Chair will recognize the chairman of the committee, Mr. Danhof.

**MR. DANHOF:** Mr. Chairman, members of the committee, for an explanation pertaining particularly to the first paragraph—and I would ask, if we might, Mr. Chairman, that we consider this particular section paragraph by paragraph; they are related but they also have separate problems—I should like to call upon the delegate from Detroit, Mr. Iverson.

**CHAIRMAN VAN DUSEN:** Mr. Iverson.

**MR. IVERSON:** Mr. Chairman, members of the committee, the explanation of this is found in the journal on page 474.

The provisions of this section are designed to assure uniform salaries for all judges within a certain district. It likewise removes the restrictions of section 3 of article XVI which, as it now stands, prohibits the increase of salaries of any supreme court justice during his term of office. We now have justices whose salaries vary as much as \$7,000 per year. The committee believes that this discrimination should be abolished. However, due to the requirement of staggered terms for circuit judges and probate judges it became evident that some other method should be devised if a salary reduction ever became necessary. Accordingly, the proposition was adopted that a salary reduction could be obtained for the judiciary only if general salary reduction were made in each of the other branches of the government. This would eliminate the danger of the judiciary being singled out for salary reduction.

I think the proposal on the stabilization of salaries is self explanatory and I think most of the delegates are aware of the disparity in salaries of the supreme court presently, particularly with respect to a new judge who was elected getting \$7,000 more than one who had perhaps served 10 or 12 years on the bench. We felt that this was not a good situation to exist, and I believe that this provision that is suggested by the committee takes care of this situation.

**CHAIRMAN VAN DUSEN:** In accordance with Mr. Danhof's suggestion, the section will be considered paragraph by paragraph. Are there any amendments to the first paragraph of section g?

**SECRETARY CHASE:** None on file, Mr. Chairman.

**CHAIRMAN VAN DUSEN:** Mr. Mahinske, do you have something with respect to the first paragraph?



MR. MAHINSKE: Yes. Mr. Higgs was trying to give me the answer, but possibly Mr. Danhof or Mr. Iverson have this. How are the salaries of the judges handled in the present constitution? Are they in the judicial article?

CHAIRMAN VAN DUSEN: Mr. Danhof.

MR. DANHOF: Mr. Mahinske, they are not.

MR. MAHINSKE: Well, this brings up this question: the committee on miscellaneous provisions and schedule in Committee Proposal 124 has taken care of this. There is an obvious conflict here. I don't know whether we should act on this at this time, or if action on this at this time will preclude action on Committee Proposal 124.

CHAIRMAN VAN DUSEN: Mr. Danhof.

MR. DANHOF: Mr. Chairman, Mr. Mahinske, perhaps a little history in this particular case will be illuminating to the committee. There is in the constitution at the present time—and which was assigned to the miscellaneous provisions committee—a general prohibition against increase or decrease. At the time this matter came forth I contacted Mr. Erickson, the chairman of the miscellaneous committee. He stated that this matter was within the province of a subcommittee headed by Vice President Hutchinson. I went to Mr. Hutchinson who advised that the subcommittee had considered the idea and was at that time of a mind that each branch of government should handle its own salary restrictions; that is, the executive would write in the executive article their salary restrictions; the legislative, theirs; and the judiciary, theirs. As a consequence, the judicial committee took the matter up insofar as the judiciary was concerned, and we arrived at the conclusion as pointed out by Mr. Iverson. I have now been advised that apparently the miscellaneous committee decided that a general provision was needed. And I would submit that if there is a conflict—and I will be frank to admit that I have not examined the miscellaneous provision in detail—it will probably have to be ironed out when both have been passed and referred to style and drafting.

But it was upon those instructions that the judiciary committee proceeded to handle the salary provision insofar as the judiciary was concerned, and in that regard we arrived at this particular provision to make salaries uniform, to allow them to be increased but not decreased so that we don't have the specter as we have on the supreme court where 2 judges are drawing \$6,000 to \$7,000 more a year than the remainder of the bench and relative to the general reduction. Now, if there is conflict, Mr. Mahinske, I don't think we should try to remove it out here on the floor, but I give you the background as to why our committee proceeded as we did.

CHAIRMAN VAN DUSEN: Mr. Mahinske yields to Mr. Hutchinson.

MR. HUTCHINSON: Mr. Chairman, first I think I should like to make it clear and apologize to any of the other members of my subcommittee who may have gotten an impression from Mr. Danhof's remark that this was the decision of the subcommittee. I am the first to say that it was not. This is simply my own idea. I noted the present Constitution of Michigan and I noticed that the proposals that are out with regard to the executive branch provide for the compensation of the governor and other officers in the executive branch; the present Constitution of Michigan provides for the legislative salary and so on in the legislative article, and the new proposals will do the same thing. If the judicial article will take care of the judiciary, then really all we have left to be concerned about is something with regard to local government, and that could just as well be taken care of in the local government article.

Since the miscellaneous provisions matter is coming up at the end after we see what the convention wants to do in all of these other fields—except local government; I concede that it hasn't been taken care of in local government yet—maybe the miscellaneous provisions matter should at that time be amended simply to take care of the local governmental picture, because there isn't any real good reason that I can see of having something in the miscellaneous article having to do with salaries when you take care of them, as I say,

judicial in the judicial article, and executive in the executive article, and legislative in the legislative article. There isn't any use of having this thing in the miscellaneous section. But the only thing I can suggest is that we wait until we get there and see what has happened in these other areas, Mr. Mahinske.

CHAIRMAN VAN DUSEN: Mr. Mahinske.

MR. MAHINSKE: Mr. Chairman, my point actually was that if we act on section g—I would like a ruling on this—pertaining to salaries, and then when we get into executive, if we act on their section pertaining to salaries, whether they are amended or not on the floor, will this preclude us from going into salaries in Committee Proposal 124 with reference to the judiciary and possibly the executive branch? Because, frankly, I like our article better. (laughter)

CHAIRMAN VAN DUSEN: Mr. Mahinske, it seems you are asking for a ruling on hypothetical matter, on which the Chair is reluctant to rule.

MR. MAHINSKE: I don't think it is quite hypothetical, because we are dealing with the same topic in the same area right now that is covered in another committee proposal.

CHAIRMAN VAN DUSEN: The committee proposal which is before the committee now is in order. A later proposal dealing with substantially the same subject matter, so long as it was not couched in identical terms, would similarly be in order.

Under the resolution defining the functions of the committee on style and drafting, it is one of its functions to call to the attention of the convention, and to attempt to resolve within the scope of its authority, inconsistencies. Certainly it would be within the province of the committee of the whole, or of the full convention at the time of subsequent consideration of similar matter, to attempt to resolve inconsistencies. As long as the matter presented by a subsequent proposal is not the identical matter which is here disposed of, it could be considered in order at that time.

MR. MAHINSKE: Thank you.

CHAIRMAN VAN DUSEN: Is there anything further with respect to the first paragraph of section g? Mr. Danhof.

MR. DANHOF: I think one word of explanation might be in order for some members of this committee who may have received communications from the municipal courts. There has been received and forwarded to me the idea that municipal judges or judges of courts of limited jurisdiction should be herewith included. I should state that it was not our intention to deliberately exclude anyone. However, the courts of the municipalities and other statutory courts are creatures of the legislature. If the prohibition of the present 1908 constitution regarding increase in salary is removed, there is nothing which will prohibit the legislature in the municipal court act from adopting a statute consistent with what we have done here for the constitutionally named courts.

We were reluctant—and I have conferred with other members of the committee, not the full committee—to name herein any statutorily created court, and therefore they have been omitted, not because we are discriminating against them, but because we feel that they can be handled in the legislature. They are creatures of the legislature. And if we name them herein, we might indirectly be creating a constitutionally recognized municipal court, and this we do not want to do. And we feel that when the across the board prohibition that applies to all public officers shall be lifted—and we hope that it would—that then the legislature can amend the municipal court act or any other act that they have creating courts of limited jurisdiction and allow language such as we have “may be increased but shall not be decreased” to be included.

I know the municipal judges from my area have contacted me in this regard. This is the explanation for it. It is not to single them out for any discriminatory treatment, but because they are creatures of the legislature, we feel it can best be handled in this manner. On that basis we do not feel that an amendment to insert them or language thereto would be appropriate.

CHAIRMAN VAN DUSEN: Are there any amendments to the second paragraph of section g?

SECRETARY CHASE: Mr. McAllister offers the following amendment:

1. Amend page 2, line 27, after "receive a" by inserting "minimum"; and after "salary" by inserting "of \$18,000.00 per year,"; so that the language will then read, "Each of the judges of the circuit courts shall receive a minimum salary of \$18,000 per year payable monthly."

CHAIRMAN VAN DUSEN: The question is on the amendment offered by Mr. McAllister. Mr. Danhof.

MR. DANHOF: The explanation of the committee has not been made on this particular section as yet.

CHAIRMAN VAN DUSEN: Excuse me, Mr. Danhof. The Chair had assumed that Mr. Iverson had made his complete explanation. If not, Mr. McAllister, would you withhold your amendment until we have had the explanation?

MR. McALLISTER: Yes.

MR. DANHOF: Mr. Chairman, in view of the fact that we have an amendment, we might just as well start fresh after we have had a chance to have lunch, and therefore I would move the committee do now rise.

CHAIRMAN VAN DUSEN: Mr. Danhof moves that the committee do now rise. Those in favor of the motion will say aye. Opposed will say no.

The motion prevails. The committee will rise.

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

PRESIDENT NISBET: The Chair recognizes Mr. Van Dusen.

MR. VAN DUSEN: 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 96**, A proposal pertaining to general and special provisions relative to the courts of the state; has considered several amendments thereto; and has come to no final resolution thereon. This completes the report of the committee of the whole.

We have some requests for leave of absence. Mr. White wishes to be excused from the afternoon session to attend a funeral; Mr. Douglas requests leave from the afternoon session, due to a commitment made a year ago to attend a meeting in Philadelphia; Claud Erickson requests permission to be absent June 18 through June 21, inclusive; (laughter) Mr. McAllister requests leave from tomorrow's session because of an emergency matter; and Professor Pollock asks to be excused from the session of Friday in order to attend a meeting in Pittsburgh of the governmental affairs institute, of which he is a director.

PRESIDENT NISBET: Without objection, the excuses will be granted. They are granted. Mr. Higgs.

MR. HIGGS: Mr. President, I rise to a question of privilege of the convention. My question of privilege relates to this body and its members in such a manner as affects its proper functioning. Furthermore, I believe this question involves the dignity and integrity of the proceedings of this body. My understanding of the task before this body is that it is of the most solemn and serious deliberative nature.

Yesterday afternoon during a period in this convention when a motion to reconsider a portion of the judiciary article involving the jurisdiction of probate courts was in order and discussed, it is my understanding that a number of probate judges of this state appeared at convention hall and met with certain delegates to this convention to discuss the precise matter involved. I am satisfied that such judges did not come here for that specific purpose, but rather that such an appearance was coincidental. However, it is my understanding that a number of the delegates to this convention were invited from the floor by other delegates to be introduced to said judges while other business of the convention was under debate and that attempts to persuade them were made.

Aside from the rules adopted by this convention with regard to lobbying which may have been violated, it seems to me that such conduct by delegates tends to interfere with the deliberative function of this body and the dignity and integrity of its proceedings.

The proper time and place for hearings of witnesses has passed. Representative testimony from the persons involved was presented to the judiciary committee with proper opportunity and questioning and the weight of such testimony given due deliberation both by the judiciary committee and this convention as a whole. This is brought to the attention of the convention in the hope that repetition of this procedure may be avoided in the future and in the hope that delegates will exercise caution in this matter.

It is to the credit of our delegates that not sufficient minds were changed in this matter to move forward with a motion to reconsider at the time. However, I would not like to think that such an important aspect of our judicial article would be decided in this way.

PRESIDENT NISBET: Without objection, this matter will be referred to the committee on rules and resolutions in case any attention needs to be given to it.

Mr. Martin.

MR. MARTIN: Mr. Higgs rose on a matter of personal privilege. It didn't appear to me, Mr. President, that this related to personal privilege at all. But since he was permitted to make a statement along those lines, it seems to me it is also worth saying that people who appeared here yesterday were citizens of the state of Michigan; that they were certainly entitled to come to this convention hall; that if there were friends of theirs, persons who knew them, among the delegates who wished to have other delegates meet them—and I knew nothing about this matter whatsoever—there is certainly nothing improper in their doing so. It seems to me that the implications of Mr. Higgs' statement are that this was an impropriety and they had no business being here at the constitutional convention. This is a constitutional convention in which all of the people of the state can take part, and I see nothing improper whatsoever in judges or anybody else appearing in this convention hall if they wish to make known their views to the delegates.

PRESIDENT NISBET: Mr. Garvin.

MR. GARVIN: I think it is rather unfortunate that a delegate would consider attendance at this convention in such a manner as Delegate Higgs. I didn't personally know that there was anyone here until I read it in the paper and I found out that they were in Lansing for another matter not concerning the constitutional convention. And it seems to me that the delegates should be inviting people here to look at the convention and see what is going on instead of condemning people for coming here and seeing what is happening in the convention. It is very unfortunate that such statement was made about any judges or probate judges or any citizen, for that matter. As far as I know, I don't know of any rule that says that people cannot come and observe the convention and meet people that they know.

PRESIDENT NISBET: Mr. Young.

MR. YOUNG: Mr. President, if there is any merit to what Delegate Higgs just said, I think his remarks come a little late. I wonder where he was several months ago when the police department sat in on this convention during the discussion on search and seizure.

PRESIDENT NISBET: Mr. Dehnke.

MR. DEHNKE: Mr. President, delegates, I think one point at least that is justified by Mr. Higgs' remarks is that relating to delegates being invited off the floor of the convention while it was engaged in its work to communicate with these individuals. I don't understand Mr. Higgs' remarks to protest against people coming and visiting the convention in the gallery or being around the building any other place or visiting with delegates or being introduced to other delegates by those whom they already know, but I personally feel that the remarks of Mr. Higgs are justified to the extent that it related to delegates being invited off the floor of the conven-



tion for the purpose of being interviewed by those who had strong opinions about some of the pending proposals. Thank you.

PRESIDENT NISBET: Mr. Dade.

MR. DADE: Mr. President, I have noticed in past months that occasionally we become very sensitive sometimes to what is put in newspapers or sometimes what happens off the convention floor. In a few moments we will be going to our lunch and yesterday began the season of Lent. Most of us think of Lent as a time to observe fast and be careful of our eating, where our tongues might be appreciative of taste.

I wonder if we couldn't exercise during Lent another choice in our tongues, and observe our tongues in not saying things sometimes that reflect on the sensitivity of others, and when we feel that we have been touched, to refrain from saying these things and get along with the business. After all, all of this is costing the taxpayers money, and certainly it is not really germane to our business at hand.

PRESIDENT NISBET: Miss McGowan.

MISS MCGOWAN: Mr. President and fellow delegates, I rise to state that I am very proud of Mr. Higgs. He is being very realistic. We are here to write a constitution for all of the people of the state of Michigan. And I was very unhappy and disturbed about what happened in the hall yesterday, and I want to commend Mr. Higgs for making his statement. Thank you.

PRESIDENT NISBET: Mr. Madar.

MR. MADAR: Mr. President, fellow delegates, I feel something like Canon Dade does in that we ought to have charity in our souls these days. I think we need it. And I think that whenever we start to criticize, let's think about what is being done otherwise too. And I have watched 2 of the speakers or 2 of the delegates so far who have watched certain things happen here. One just a moment ago was turned facing—unless he couldn't see, unless he was blind at that particular moment, he didn't see something that just transpired in the gallery. These are disturbing things. This was not convention business. This has occurred on quite a few occasions.

There have been pictures taken. There have been delegates from this group who have gone over here and said, "I want you to meet so and so and I want you to meet so and so," and this during our deliberations. I didn't once get up about this, because so far as I am concerned, that is fine. But I just hope that the delegates who had the temerity and the gall to get up and criticize one or another to remember that he might criticize some of his own friends and some things that he feels about. Don't let him just criticize somebody else that did something that he didn't like.

PRESIDENT NISBET: Mr. Plank.

MR. PLANK: Mr. President, I trust this will be palatable to those in attendance. I move we recess until 2:00 o'clock this afternoon. (applause)

PRESIDENT NISBET: The question is on the motion of Mr. Plank. Those in favor will say aye. Those opposed, no. We are recessed until 2:00 o'clock.

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

The convention will please come to order.

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

PRESIDENT NISBET: Announcements.

SECRETARY CHASE: Before we read this request for leave of absence, Father Dade and one other delegate report that his habit and a hat has disappeared. If anyone has knowledge thereof, it would be appreciated if it would be returned.

Delegate Hood asks to be excused from part of the afternoon session and all of the session for tomorrow, Friday.

PRESIDENT NISBET: Without objection, he will be excused. The Chair hears none. He is excused.

The Chair recognizes Mr. Van Dusen.

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

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

The motion prevails. Mr. Van Dusen.

[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 the committee sat this morning, it was considering and is still considering **Committee Proposal 96**, dealing with general provisions relating to the courts of the state. The matter under discussion is the second paragraph of section g of Committee Proposal 96. I believe before we had proceeded to the second paragraph, Mr. William Hanna had sought recognition.

MR. W. F. HANNA: I have a question on the second paragraph.

CHAIRMAN VANDUSEN: Mr. Hanna, you are recognized at this time.

MR. W. F. HANNA: Mr. Chairman, a question to Mr. Danhof. Throughout the local government and again in the judicial article there seems to be some confusion between referring to counties as a legal entity and the board of supervisors. My question, Mr. Danhof, is whether or not in style and drafting we have the liberty to say that the county may pay supplemental salaries rather than the board of supervisors, because it is the county who pays supplemental salary.

CHAIRMAN VANDUSEN: Your question relates to the second paragraph, Mr. Hanna.

MR. W. F. HANNA: Are we on the second paragraph?

CHAIRMAN VANDUSEN: The first paragraph is passed. I thought your question related to it. Mr. Danhof.

MR. DANHOF: Mr. Hanna, if the committee on style and drafting desires to be consistent, which I think would be very proper, then we have no objection, where these words have been used in the past interchangeably from "the board of supervisors" to the "county", to going to the legal entity known as "the county," I am sure, just as long as the intent has not been changed. Does that answer your question?

MR. W. F. HANNA: Yes.

CHAIRMAN VANDUSEN: Mr. Danhof, I believe you have yielded to Mr. Iverson for explanation?

MR. DANHOF: Mr. Chairman, we had gotten through the first paragraph of section g and, as I understand it, we are now on the second paragraph regarding the counties being allowed to supplement the salaries of the particular circuit judges.

CHAIRMAN VANDUSEN: That is correct. That is the posture of the committee, Mr. Danhof.

MR. DANHOF: At this time, if I could, I should like to call upon a delegate from Detroit to give us some words as to the reasoning of the committee in retaining this particular section in this regard, the gentleman from Detroit, Mr. Bledsoe.

CHAIRMAN VANDUSEN: Mr. Bledsoe.

MR. BLEDSOE: Mr. Chairman and members of the committee, the action of the judicial committee when it came to discuss this matter followed the general practice that has been engaged in in permitting the supplementing of the judges' salaries by the counties and that practice, of course, it was suggested and thought, would be adhered to. However, that still leaves the question open as to possible inequalities of the judges' salaries, because it then still leaves the possibility that possibly the less rich or less wealthy counties will not equalize their contributions that would make the salaries of the judges equal. We are still left with that problem. But it is thought wise—and I think you all agree with me—that this, after all, will be better handled through legislative procedures and certainly does not come within the purview of the

constitution except possibly from a basic level because there will probably be some differences.

CHAIRMAN VANDUSEN: Mr. Danhof.

MR. DANHOF: That is all we have at this time in the way of committee explanation, Mr. Chairman.

CHAIRMAN VANDUSEN: Are there amendments to the second paragraph? Mr. Wanger.

MR. WANGER: I have a question for the chairman of the committee or for Mr. Bledsoe, Mr. Chairman.

CHAIRMAN VANDUSEN: You may proceed, Mr. Wanger.

MR. WANGER: The question is, do I understand correctly that the second paragraph of this section is presently identical with section 12 of article VII of our present constitution?

CHAIRMAN VANDUSEN: Mr. Bledsoe.

MR. BLEDSOE: Unless I am in error—and I assume you are looking at the same thing I am—I would say it was identical. I think you will find it on your sheet.

MR. WANGER: Well, it appears to me to be the same, but I just wanted to ask.

MR. BLEDSOE: It is identical.

MR. WANGER: My second question here is, doesn't the legislature have the power to provide for additional compensation on a county basis for circuit courts without an express constitutional provision for it?

MR. BLEDSOE: I would think so. I would think so.

MR. WANGER: Since it has been established for so long and I think most everyone agrees that it is quite proper to have it that way, is there any real need for that second paragraph to be included in the constitution then? Isn't it really more a legislative matter that we can now leave out?

CHAIRMAN VANDUSEN: Mr. Bledsoe.

MR. BLEDSOE: I believe I would yield that question to our chairman.

CHAIRMAN VANDUSEN: Mr. Bledsoe yields to Mr. Danhof.

MR. DANHOF: Mr. Chairman, Mr. Wanger, it is very possible that what you say is absolutely true, that the legislature could provide that the counties within the circuit could supplement the salary granted by the state, which is now \$12,500. It also is true, however, that they could prohibit this. You see, it isn't a grant, if you want to put it on that basis. It is not a grant of power, because the constitution doesn't grant the legislature anything anyway, but it is a prohibition against the legislature prohibiting the contribution by counties within a circuit.

Very frankly, we struggled with this particular thing. And you range, if you want to have some information, from a high of \$12,501 payable in Wayne county, to the judge who serves now in the thirty-fourth circuit, which was the circuit occupied by a delegate to this convention, Judge Shaffer, where he has 6 counties who give him nothing, according to the statistics given me. Arenac, Crawford, Gladwin, Ogemaw, Otsego and Roscommon contribute nothing. We went through this considerably within the committee concerning the cost of campaigning, economic conditions in various areas, and very frankly we did not feel we should write in a minimum salary or a maximum salary, and by the time we had considered the matter very carefully, we came back generally with this particular paragraph.

MR. WANGER: I am sure we all realize that this has been a practice since—oh, I think it was in the Constitution of 1850 and of course in our present one. I just raise the question, isn't it well enough accepted now so that merely leaving this provision out of the constitution would result in no change in the present system, but it would result in removing something from the constitution which now really is no longer needed, like our shortening of the exemptions article, for example?

MR. DANHOF: Mr. Wanger, I agree with you that the concept is pretty well accepted, but it seems to me that it was not too long ago that there was attempted to be imposed a maximum salary, if I'm not mistaken. Maybe some of the

delegates from Wayne county can recall that a little better than I could, but it seems to me that it was not too many years ago that the legislature endeavored to limit what could be contributed by the counties and it was found to be unconstitutional. It came about, I think, with the grant by the county of Wayne of \$1 more than the salary, when they tried to pass a statute which would prohibit any county from contributing more to the base salary than was being received by a supreme court justice. It seems to me there was some legislative enactment attempted in that regard. It was either attempted and failed because of this prohibition, or if it did pass it was found to be unconstitutional.

This gets down to strictly a matter of local payment. I suppose if the state salaries were raised to a sufficient amount, the boards of supervisors would be able to cut out the supplementation. If the state salary were raised to \$25,000 maybe the county of Wayne could see fit that that would be a sufficient amount and they wouldn't contribute anymore. I am sure they probably wouldn't give them \$25,001 so they could stay under the pension plan, because this would make a \$50,000 a year judge, and that would be pretty high. We just struggled with the problem and we came back with the idea that the best thing we could hope for was the legislature to raise the base pay and allow this particular section to stand.

MR. WANGER: Thank you.

CHAIRMAN VANDUSEN: Mr. Madar, did you desire to be recognized for a question with respect to the second paragraph of section g?

MR. MADAR: I want to be sure of what I understand here. Delegate Danhof, am I right in thinking that you feel that the state should set a salary here for the judges and that this be the same salary throughout the state and nothing else be given to the judges except this salary from the state? I am asking Delegate Danhof this question.

CHAIRMAN VANDUSEN: Delegate Danhof.

MR. DANHOF: This is not the intention of the report of the committee, Mr. Madar. Quite the opposite.

MR. MADAR: I am just asking. I want to be sure.

MR. DANHOF: We only state that the county may supplement. I said we considered whether or not there should be one salary for all circuit judges, and the conclusion of the majority of the committee was that we could not set in the constitution and should not set in the constitution a set salary. We just felt that that was an improper constitutional provision, and the results of the committee were simply the opposite. Mr. Ford here states he might want to talk in this regard. I would yield to him, Mr. Chairman.

CHAIRMAN VANDUSEN: Mr. Danhof yields to Mr. Ford.

MR. FORD: This language is essentially the same, if not identically the same, as the language of the present constitution, and it is the language that gives us the constitutional sanction for what is called supplementation of the circuit judges because you have to conceive of them as state officers rather than county officials, and although it has been indicated here that maybe this could be done by legislation, some of us feel that it should be in the constitution because it is questionable whether the legislature could set up a pay scale that was not uniform throughout the state, and there is also serious doubt as to whether or not you could supplement the salary so that a state officer serving in one part of the state gets a different salary than a state officer serving in another part of the state if the constitution didn't provide for it. I think we should support the committee recommendation.

CHAIRMAN VANDUSEN: Mr. Hutchinson.

MR. HUTCHINSON: Mr. Chairman, I would like to inquire with regard to the first sentence of the second paragraph, lines 27 and 28, where it says that "Each of the judges of the circuit courts shall receive a salary payable monthly." I would like to inquire as to the importance of that language there. I dare say that the judges, if they receive vouchers from the state, get them more than monthly now. They probably get paid at least twice a month, so I don't suppose that this is an actual reflection even of the present

practice. But suppose that this sentence were stricken out entirely? Would anything be lost?

CHAIRMAN VAN DUSEN: Mr. Danhof.

MR. DANHOF: The answer from my own personal opinion is, Mr. Hutchinson, probably it would not. Now, if you say they are being paid monthly, are you implying that they are violating the constitution?

MR. HUTCHINSON: No.

MR. DANHOF: I don't either. I don't know how they are being paid.

CHAIRMAN VAN DUSEN: Mr. Danhof and Mr. Hutchinson, the Chair would advise that there is a pending amendment which would strike the words "a salary payable monthly" and insert "an annual salary as provided by law." That is an amendment offered by Messrs. Garvin and Gadola which we will reach in due course. The present business is the amendment offered by Mr. McAllister which the secretary will read.

SECRETARY CHASE: Mr. McAllister's amendment:

[The amendment was again read by the secretary. For text, see above, page 1530.]

CHAIRMAN VAN DUSEN: The question is on the amendment offered by Mr. McAllister. The Chair will recognize Mr. McAllister.

MR. McALLISTER: Mr. Chairman, fellow delegates, all of our circuit judges throughout Michigan perform similar services. I believe they are all of fairly equal ability and have a fairly equal work load. In Wayne county the judges receive a total of \$25,100. It varies throughout the state according to the supplemental pay awarded by the board of supervisors.

It seems to me that it is very unfair to have one judge getting \$25,000 and another one getting \$12,500 performing the same work, and my recommendation is that the state pay to all judges the sum of \$18,000 per year. It is my opinion that any lawyer competent enough to be judge would earn as much or more than this amount of money, and the legislature presently has set the salary at \$12,500 and after the retirement pay is taken out and withholding, they get approximately, I think, about \$800 a month. While it is a good salary for ordinary type of work, considering the qualifications of the judges and what they could earn in private practice it would seem that the minimum salary that they should receive is the amount that I recommend. Therefore, I ask the committee to adopt this amendment. It will not affect supplemental pay. If any county wishes to give supplemental pay to its judges, it can still do so. And it shouldn't affect the salaries in the Wayne county area or any other area where the judges are now getting supplemental pay that, with the state salary, amounts to more than \$18,000 per year. I ask that you approve this amendment.

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

MR. HUTCHINSON: Mr. Chairman, I am sorry that I have to get up and oppose Mr. McAllister's amendment, but I am grieved that an amendment like this would be offered because it is so obviously a matter of pure legislative policy. As Mr. McAllister mentioned, the circuit judges now receive a state salary of \$12,500. This has been set by the legislature. The legislature from time to time has been increasing that salary. The last time it increased it—let the record show if it must—I introduced the bill which raised it up to its present \$12,500. I don't doubt but what there is increasing demand, pressure and justification as time goes on for further legislative increasing of that salary, but I can assure you that the legislature will increase it.

What Mr. McAllister wants this committee to do right now is to raise that salary constitutionally. I see the word "minimum" there. He wants to write a floor in there, but the floor is a floor which is almost 1/3 higher than the present state ceiling. And I would remind Mr. McAllister of this problem that we always run into when we talk about the salary of

circuit judges, and that is that whatever the state decides to pay them down in Wayne county, Wayne county has to match it plus one in order to keep those judges under their retirement system. So that what we would be doing would be setting a floor, practically, in Wayne county of \$38,001. I don't think it is good policy to write a thing like this into the fundamental law, a very poor policy indeed.

The value of money, I guess, as a long term proposition continues to depreciate, but nevertheless we have gone through times when an \$18,000 salary as a floor would be quite exorbitant in comparison with what the government could afford to pay other public officers. So I trust that the committee will not be swayed by this desire to raise the circuit judges' pay and to think that it is the legislature. Let's leave to the legislature the things that are legislative, and let us concern ourselves with things constitutional.

CHAIRMAN VAN DUSEN: The question is on the amendment offered by Mr. McAllister. Mr. McAllister.

MR. McALLISTER: According to the information I have, the last time the circuit judges received an increase in pay was in 1953. We are all aware of the fact that the inflationary trend has existed since that time. I don't think that we are particularly concerned about whether the people of Wayne county want to raise the wages of their judges further. This is a state matter. And the thing is that it just seems to be very unfair to have men doing the same type of work with one of the groups receiving half the pay that the other does.

Now, everything has increased. The legislature hasn't seen fit to increase the circuit judges' salary in 9 years and it doesn't look as if they will. I recall when I was 12 or 13 years of age that people got \$1.50 a day, and that is peanuts today, and every year it goes up a little more, so they have a constantly increasing inflation which is certainly not going to stop for any time in the foreseeable future, so that each year under the present setup the circuit judge is actually getting less dollars than he can use to pay his bills and obligations, while attorneys in private practice are earning more and more money because of the inflationary tendencies.

CHAIRMAN VAN DUSEN: The question is on the amendment offered by Mr. McAllister. Does any delegate desire to have it read again? If not, those in favor of the amendment will say aye. Those opposed to the amendment will say no.

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

MR. McALLISTER: Mr. Chairman, let the record show that I voted yes. (laughter)

CHAIRMAN VAN DUSEN: Thank you, Mr. McAllister. The secretary will read the next amendment.

SECRETARY CHASE: Messrs. Garvin and Gadola offer the following amendment:

1. Amend page 2, line 27, after "receive" by striking out "a salary payable monthly" and inserting "an annual salary as provided by law".

CHAIRMAN VAN DUSEN: The question is on the amendment offered by Messrs. Garvin and Gadola, on which the Chair will recognize Mr. Garvin.

MR. GARVIN: Mr. Chairman and delegates, this is merely an amendment to change the language and not the effect. It is noticed, I believe, that circuit judges are not paid monthly as set out in the constitution, and their salary is also by the year. It is merely a statement of the way that we are setting it up. They do receive an annual salary and it is not paid monthly. I believe it is paid semimonthly at this time. So we are asking that that language read "an annual salary as provided by law," so that it may be paid monthly or semimonthly or weekly, any way that the legislature sees fit to pay it.

CHAIRMAN VAN DUSEN: The question is on the amendment offered by Messrs. Garvin and Gadola to strike out "a salary payable monthly" and insert "an annual salary as provided by law." Mr. Danhof.

MR. DANHOF: Mr. Chairman, reading the amendment, I see no objection to it.

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

The amendment is adopted. Are there further amendments to the second paragraph of section g?

SECRETARY CHASE: Messrs. Barthwell, Everett and Tubbs offer the following amendment to section g:

1. Amend page 3, line 3, after "therein," by inserting "No judge or justice of any court of record in this state shall engage in the practice of law during his term."

CHAIRMAN VAN DUSEN: The question is on the amendment offered by Messrs. Barthwell, Everett and Tubbs. The Chair will recognize Mr. Barthwell.

MR. BARTHWELL: Mr. Chairman, members of the committee, I am merely following through with my deep seated philosophy that all judges should be lawyers. Further than that, I have a feeling that the judges should not have a conflict of interest, and I think that when a judge practices law on the side, he definitely has a conflict of interest. I believe that he is basically a servant of the people in all the state, so I think when he takes specific cases, that he is taking cases that conflict with his duties to the public as a whole.

Our committee mentioned this question but we did not vote on it. We thought about it, and we tried to establish a framework by which such a condition as this could be established. We provided in there that where the counties are small and they don't have sufficient work, the legislature could create districts. Further than that, I realize that this question of where the money is coming from is coming up. I am of the opinion, on the basis of the studies and testimony that has been presented to our committee, that more and more of the states are recognizing that the salary of a judge is a state responsibility. Therefore, I feel that we can enlarge the districts. We can give proper consideration to the state assuming its proper function so that we can project the constitution to serve us over the period of years that we hope it will be necessary. So I want to ask the delegates to give this very serious consideration because I think it is in the best interests of the people of the state.

CHAIRMAN VAN DUSEN: The question is on the amendment offered by Messrs. Barthwell, Everett and Tubbs. Does any delegate desire to have the amendment read again? If not, those who are in favor—Mr. Danhof.

MR. DANHOF: May I propound to the makers of the amendment this particular question: whether or not they have now made this provide that any judge or justice of any court of record—now, I assume they understand that this would include some of the probate courts which are now functioning and probably will continue to function in individual counties even for quite some time after the adoption of this particular constitution, and I submit that it may be some time before the case load or even the districting would take place to put in a judge who would have enough to do full time and which would allow the county to pay him—or even a district—a sufficient wage so that he could be attracted and devote his full time to it.

Now, I am in complete sympathy with the end that is endeavored to be obtained. We all know that our circuit judges don't practice law. They are just too busy. We know the supreme court justices don't practice law. They are too busy. We are hopeful that our court of appeals judges will likewise not practice law, and I think that it may be a matter which will, in and of itself, be handled as the work load would increase. What you are striking at here is probate courts in the less populated areas where they have a probate judge whom they pay a salary of perhaps \$5,000 a year. He is a lawyer, and perhaps he spends 2 or maybe 3 days a week on the bench and this adequately, for now, handles the legal business and the court business. In the meantime he is free to engage in the practice of law so that he may supplement his judicial salary to such an extent that he can receive a decent living wage to support himself and his family as if he were engaged full time in practice.

I feel inclined to agree with the objective that is sought, but I am not sure that it is something that should be written into

the constitution at this time. I therefore would feel that at this time I would oppose the amendment, simply on the grounds that we might be handicapping, for the beginning and for perhaps some period of time to come, the probate judges or judges of other courts of record if the legislature should so desire to designate any of the courts of limited jurisdiction.

CHAIRMAN VAN DUSEN: Mr. Barthwell.

MR. BARTHWELL: The only thing I wanted to say was this: I thought he asked me if it did refer to the courts of record. It does refer to courts of record. And I would like to say to my chairman I am sorry that he or Mr. Iverson couldn't have found fit to say they saw no objection to this amendment.

CHAIRMAN VAN DUSEN: Mr. Sleder.

MR. SLEDER: Mr. Chairman, fellow delegates, it is difficult for me to understand what Delegates Everett and Tubbs are attempting to do. First they were successful in requiring that all probate judges be attorneys—and we people who represent some of the counties that are sparsely populated objected very strenuously to this and put forth the problems that would be faced by the boards of supervisors in attempting to employ attorneys—and now they are compounding the problem by restricting him to only the probate work when they so ably pointed out to most of the delegates—and probably it must have been very effective—that the work in the probate court is not sufficient in some of these counties to take the full time of a judge.

Therefore, I would very, very urgently urge you not to vote in favor of this amendment, because we have already created enough problems for the probate courts in some of the areas of Michigan without compounding them more, and it will come to the point that we will definitely have to rush to Lansing for some help in order to meet the financial crisis we will find ourselves in in our probate court areas.

CHAIRMAN VAN DUSEN: Judge Dehnke.

MR. DEHNKE: Mr. Chairman, delegates, I hope the delegates realize that judges of the circuit court are now by statute barred from practicing law. I don't think there is any difference of opinion as to the supreme court, the court of appeals, if it is created, and the circuit court, because they are full time officers. But this language mentions "all courts of record," and yesterday we put in the power of the legislature to designate even municipal courts as courts of record, and we do have a real problem there. Many probate judges could not afford to serve in that office at the present time unless they had the privilege of practicing at least to a limited scale in the circuit court. I think this amendment goes too far and should therefore not be adopted.

CHAIRMAN VAN DUSEN: Mr. Everett.

MR. EVERETT: Mr. Chairman and fellow delegates, first of all I want to apologize. I had to leave the floor to answer the phone and consequently what I say may already have been said. But that doesn't usually stop many of us and won't stop me in this instance. (laughter) The purpose of this is to implement what we have been trying to do, and that is create a full time judiciary. To me, this thing cuts both ways. If you are going to say that you will attract and hold good judges and pay them adequately, then I think that they should be obligated to devote their time and attention to this function and to nothing else.

I think Mr. Sleder probably has pointed out a weakness that we recognized was there that this full time judiciary will not come about overnight and maybe this idea ought to be delayed. And possibly Judge Dehnke has given us an answer in saying that the legislature may do it, but if we are going to be consistent in suggesting that the judiciary is entitled to certain benefits, which I certainly think they are, and at the same time suggesting that people are better served by a full time judiciary, then I think we should carry this a step further and assume that those who are going to assume this role are going to devote their time and energies to it. I don't know whether this point was made before or not. This matter was discussed in this committee and it was never voted upon one way or

the other. I don't think there is any official committee position on it one way or the other. It was one of those things which kind of got lost in the shuffle of the final few days' work.

As to the comment of Judge Dehnke that this could extend to municipal courts, we recognize that it could. In that case we feel that the legislature would use discretion in designating which municipal courts would be courts of record and therefore served by full time lawyer judges who would be required to devote their time to that office alone, and which municipal courts would be perhaps part time jobs and therefore not courts of record. I think this is consistent with what we have done to try to elevate the judiciary, and I think that we are entitled to ask that you vote in favor of the amendment.

CHAIRMAN VAN DUSEN: Mr. Howes.

MR. HOWES: Mr. Chairman, we would lose many, many excellent probate judges in this state if this amendment were adopted, and therefore I urge you to oppose it.

CHAIRMAN VAN DUSEN: Mr. Ford.

MR. FORD: Mr. Chairman, I think the matter of the probate judges has been adequately covered, but in our county I believe that outside of the city of Detroit, out of some 30 municipalities there are only 3 communities that have full time municipal judges, and we have a number of very able practicing attorneys who are municipal judges on a part time basis. Most of the small cities are not in the position to pay the kind of salary that would be necessary in the first instance to attract the quality of the judges that we now have on a part time basis to a full time job. Secondly, if they were able to pay for them in many of the small cities, they couldn't keep them busy on a full time basis. So if we are talking about putting something here in the constitution with this test involved, what actually could happen is we would prevent the legislature from at any time in the future giving municipal courts powers of a court of record or any kind of powers that could be construed to make this municipal court a court of record, because we would immediately be by indirection, in giving them powers of a court of record, saddling them with the requirement of a full time judge who had to give up his law practice to take the position. I oppose the amendment.

CHAIRMAN VAN DUSEN: Mr. Spitler.

MR. SPITLER: Mr. Chairman and delegates, I would also like to oppose the amendment. In one of the counties that I represent we have an attorney who is a probate judge. When he ran in the campaign, he ran with the understanding that he would devote 2 full days to that work and that he felt that it could be done efficiently. I think the people of that county feel that it has been done and is being done efficiently. The question that I would like to ask the sponsors of this is, what would they do in this particular county?

CHAIRMAN VAN DUSEN: Does one of the sponsors of the amendment care to respond to Mr. Spitler's inquiry? Mr. Everett.

MR. EVERETT: Mr. Chairman, Mr. Spitler, we have already made provision in Committee Proposal 94 to permit either the districting or the combination of activities of that court, and our idea there was to create a full time court so that we could attract men who wanted to be occupied all the time and pay them accordingly. We are simply here saying that if that is the kind of man you want to attract—and I think all of us do—that he must not then devote part of his time to other activities.

CHAIRMAN VAN DUSEN: Mr. Spitler.

MR. SPITLER: Thank you. But in answer to that, I would say until such time as we arrive at that, we would have to be taken care of in this county.

MR. EVERETT: Maybe we just want to nudge the time ahead a little bit.

CHAIRMAN VAN DUSEN: Mr. Spitler, will you yield to Mr. Tubbs for further response?

MR. SPITLER: I will.

CHAIRMAN VAN DUSEN: Mr. Spitler yields to Mr. Tubbs.

MR. TUBBS: Mr. Chairman and ladies and gentlemen, I think I can't answer the question any more than it has been

answered, except that we find the same emotional responses here from the same people who defended the 33 nonlawyer probate judges yesterday. If there are 33 nonlawyer probate judges, you already have 33 probate judges who can't practice law. I doubt very much if in the small counties there are many more probate judges who might be permitted to practice law if there were no prohibition against it, but either they are lawyers or they aren't, and if they aren't, they can't practice. I think this, Mr. Chairman, will work out. It may take a little time, and I am sure we can handle it in the long run.

CHAIRMAN VAN DUSEN: Mr. Spitler.

MR. SPITLER: Mr. Chairman, I would like to answer that. I was not one of those who supported the nonlawyers for probate judges.

CHAIRMAN VAN DUSEN: Mr. Spitler, do you desire to yield to Mr. Sleder for some comment?

MR. SPITLER: Yes.

CHAIRMAN VAN DUSEN: Mr. Sleder.

MR. SLEDER: I believe Delegate Tubbs was referring to my remarks. I was looking to the future when we did adopt the fact that all probate judges must be lawyers, and we have counties there that eventually and within the next 3, 4, 5, 6 or 7 years will have to employ as their probate judge a lawyer, and I cannot see any possible way whatsoever of getting a lawyer to assume the work of the probate court in some of those areas unless they are given the privilege of practicing law besides their probate work.

CHAIRMAN VAN DUSEN: Mr. Spitler, do you yield the floor at this time?

MR. SPITLER: Yes.

CHAIRMAN VAN DUSEN: Mr. Lawrence.

MR. LAWRENCE: Mr. Chairman, members of the committee, there are 2 evils that this amendment would tend to correct that don't seem to have been touched on. In the counties where the justices of the peace are attorneys, since they can't hear their own cases you often find the situation where one of them, the J.P. or the municipal judge, will be sitting as judge, the attorneys representing the clients are surrounding municipal judges and justices of the peace, and in the afternoon he goes over and tries, as an attorney, a case before the man or one of the men who was before him as an attorney in the morning. You have the same situation as to the probate judges. If they are going to be handling cases of people in their counties as attorneys, the adversaries who may also be before the probate judges may feel prejudiced. So I think that is one thing you should think of. This is designed to correct a real and existing evil, and I urge the adoption of the amendment.

CHAIRMAN VAN DUSEN: Mr. Austin.

MR. AUSTIN: Mr. Chairman, I think I see one evil that this amendment might create, and before I make the assertion, I better ask a question. I would like to ask one of the sponsors of the amendment if I am correct in assuming that probate judges need not be lawyers. Is this correct?

CHAIRMAN VAN DUSEN: Would one of the sponsors like to respond to that? Mr. Barthwell.

MR. BARTHWELL: I think that we adopted that probate judges of the future, except the ones that are nonlawyers now, must be lawyers.

MR. AUSTIN: There seems to be a tendency here to discriminate then between those who are nonlawyers. It would appear that a nonlawyer serving as a probate judge could carry on whatever activity he normally engages in.

MR. BARTHWELL: He is already discriminated against. He can't practice law anyway. (laughter)

CHAIRMAN VAN DUSEN: Mr. Austin.

MR. AUSTIN: Mr. Chairman, the point I was making is that a probate judge who is a nonlawyer would be able to carry on whatever his normal activity is as well as carry on as a probate judge, but if he should happen to be a lawyer, he would not be able to carry on in his field of activity.

CHAIRMAN VAN DUSEN: Mr. Barthwell.



**MR. BARTHWELL:** Mr. Chairman, ladies and gentlemen of the committee, I may as well bring it out in the open. Mr. Austin is my accountant. I have never been able to win an argument with him, so I certainly would like to win this argument. (laughter) But further than that, going back to what Delegate Lawrence said, when I went with the education committee in the upper peninsula, I was just standing too close to the conversation of another delegate and one of his friends who told him, "Man, I never had it so good. I'm the only lawyer in this county, and we have a justice of the peace who is not a lawyer, and whenever he gets to a case of law, he stops and says, 'Just a minute,' and asks me, 'How am I supposed to rule now?'" (laughter)

You see, one of the things that impressed me tremendously in this law committee was the fact that of all the outstanding people that were brought before this committee from the country over, including Mr. Winters—I just want to use this word too so you can find out that I learned how to say "judicature society" so I'm qualified for the law, you see (laughter)—who was the chairman of the judicature society, admitted, when I asked him a direct question if he considered that our courts were bad and if he knew of any instances where we have had any record of corruption, that we hadn't experienced such things. So I think since we are writing the constitution for the future, we have to remember that even these courts that are not courts of record are courts, and so far as I and the public are concerned, if they become corrupt and bad, then we are going to establish a reputation for our courts which I hope that we can escape, and if we do nothing more here than discuss it to the point that the legislature might sometime feel that they should take this action, I think we will have accomplished a useful purpose.

**CHAIRMAN VAN DUSEN:** The Chair is tempted to state that the question is on the argument between Messrs. Austin and Barthwell. (laughter) Mr. Hubbs.

**MR. HUBBS:** Mr. Chairman, I didn't realize you would get to me so quickly when I stood up. I have 3 objections to this. I don't believe that it should be included in the constitution because it is something that really doesn't need to be there. It is statutory, if it is even that. The second reason that I object to it is that it does interfere with the operation of the probate courts in our area, as has been stated. But the third reason, and the one that I consider most important, and the reason that I basically got up to talk about it, is this: I feel that any judge who is serving in a court of record such as the circuit court or an appeals court or the supreme court would be violating the ethics of the bar association if he were to practice law while holding one of those offices. And I have been informed that the bar association does have a strong code of ethics that they engage in policing their own activities. I know that the lawyers in this room will testify that if any judge practiced law unethically, the association would see to it that he got removed from office and was properly taken care of. I would suggest you vote against this amendment and that we also at the same time put a vote of confidence in the lawyers of this state.

**CHAIRMAN VAN DUSEN:** Mr. Hubbs is getting closer to graduating every minute. (laughter) Mr. Everett.

**MR. EVERETT:** Mr. Chairman, I would only rise to say this: while this was not the intent of the amendment, it has succeeded in bringing forth the first words of praise most of us have heard in 2 weeks, and it certainly has been one of the finest amendments which has been offered in 2 weeks. (laughter)

**CHAIRMAN VAN DUSEN:** The question is on the amendment offered by Messrs. Barthwell, Everett and Tubbs. Does any delegate desire to have the amendment read again? If not, those in favor of the amendment will say aye. Those opposed will say no. The Chair is in doubt.

**MR. BARTHWELL:** Division.

**CHAIRMAN VAN DUSEN:** Division is requested. The question is on the amendment offered by Messrs. Barthwell, Everett and Tubbs. Those in favor will vote aye. Those

opposed will vote no. Have you all voted? If so, the secretary will lock the machine and tally the vote.

**SECRETARY CHASE:** On the adoption of the amendment, the yeas are 37; the nays are 70.

**CHAIRMAN VAN DUSEN:** The amendment is not adopted. Judge Dehnke.

**MR. DEHNKE:** Mr. Chairman and delegates, I don't want to be accused of trespassing on Dr. Anspach's domain, but we have been talking about judges of probate who are not lawyers and we have been talking about lawyers, which reminded me of a certain judge of probate who was not a lawyer and had developed a very poor opinion of lawyers. One morning a friend came into his office and said, "Judge, Lawyer Jones died last night. He doesn't have a cent in his estate. We are taking up a collection with which to bury him and we wondered if we might strike you for a contribution of \$10." And the judge said, "Ten dollars to bury a lawyer? Here's \$100; go bury 10 of them." (laughter)

**CHAIRMAN VAN DUSEN:** Mr. Follo.

**MR. FOLLO:** A little more of this facetiousness. I can't top the one that the judge just told, but I am reminded by all this talk of judges about the time that Supreme Court Justice Harlan Stone was talking to Robert Maynard Hutchins when he was dean of the law school at Yale at 28 years of age. He said, "I suppose, Mr. Hutchins, you tell all your young men at Yale that all judges are fools." And Hutchins said, "No. We let them find it out for themselves." (laughter)

**CHAIRMAN VAN DUSEN:** Are there any further amendments—Judge Gadola.

**MR. GADOLA:** Mr. Chairman, I am not going to be facetious, but on behalf of the present circuit judges, I want to thank this committee for one thing in adopting section g as they did. If you read the last line of section g, you will find that these outstate judges that receive very little salary will be pleased to serve in Wayne county and help reduce the case load there.

You know, years ago the legislature passed an act that the visiting judges would receive the same pay as the local judges. The supreme court declared that unconstitutional. We have put it in this constitution, for which the present judges will be thankful.

**CHAIRMAN VAN DUSEN:** Are there any further amendments to the second paragraph? If not, it is agreed to as amended. Are there any further amendments to section g?

**SECRETARY CHASE:** None on file.

**CHAIRMAN VAN DUSEN:** Section g, as amended, is passed, and the secretary will read section h.

**SECRETARY CHASE:** Section h:

[Section h was read by the secretary. For text, see above, page 1479.]

**CHAIRMAN VAN DUSEN:** For an explanation of section h, the Chair will recognize the chairman of the committee, Mr. Danhof.

**MR. DANHOF:** Mr. Chairman, for the committee explanation on this particular section I should like to call upon the delegate from Bay City, the vice chairman of the committee, Judge Leibrand.

**CHAIRMAN VAN DUSEN:** Mr. Danhof yields to Judge Leibrand.

**MR. LEIBRAND:** Mr. Chairman and delegates, we shouldn't have any difficulty with this one. (laughter) Section h has been transported bodily from the Constitution of 1908. It appears in the old constitution as section 6 of article IX. Article IX deals primarily with impeachments. A very similar provision as we find in section h was also found in the Constitution of 1850 and in the Constitution of 1835.

Judges in Michigan have never been subject, I don't believe, to recall, that is, to removal by vote of the people. They have been subject to impeachment. However, impeachment connotes some wrongdoing or corruption in office in connection with official duties or official actions. You have another possible

Success is failure turned inside out  
 The silver tint of the cloud of doubt.  
 And you may never tell how close you are  
 It may be nearer when it seems afar.  
 So stick to the fight when you're hardest hit  
 It's when things seem worst that you mustn't quit. (applause)

PRESIDENT NISBET: The Chair recognizes Mr. Faxon.

MR. FAXON: Mr. President, may I have consent to offer the motion which I indicated I was going to offer today but was unable to this morning? I would ask the secretary to read it.

SECRETARY CHASE: Mr. Faxon offers the following motion: I move that following the conclusion of the proposals on the judicial branch, we move next to the report of the committee on legislative organization, and then to the executive branch, and then to the regular schedule.

MR. VAN DUSEN: Mr. President, a point of order. Is Mr. Faxon's motion not out of order at this point? We had passed the order of motions and resolutions on the calendar this morning.

PRESIDENT NISBET: Mr. Van Dusen, your point is well taken. Mr. Faxon did ask yesterday for this privilege. He was not here this morning when the order of business came up. With unanimous consent Mr. Faxon can make his motion. Is there unanimous consent?

A DELEGATE: No. I object.

PRESIDENT NISBET: Mr. Ford.

MR. FORD: On the advice of our parliamentarian, I move that we return to the order of motions and resolutions.

PRESIDENT NISBET: Mr. Ford, the Chair is informed that it will be necessary for you to move that the rules be suspended to return to the order of motions and resolutions. Is that your motion?

MR. FORD: Yes. Thank you for the correction.

PRESIDENT NISBET: The motion by Mr. Ford is that the rules be suspended and we return to the order of motions and resolutions. Those in favor of that motion will say aye. Opposed will say no.

The Chair is in doubt. Those in favor of that motion will vote aye. Those opposed will vote no. Have you all voted? If so, the secretary will lock the machine and tally the vote.

SECRETARY CHASE: On the motion to suspend the rules, the yeas are 62; the nays are 66.

PRESIDENT NISBET: Two-thirds of the delegates not having voted in favor, the rules are not suspended. The Chair recognizes Mr. Van Dusen.

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

PRESIDENT NISBET: The question is on the motion of Mr. Van Dusen. All those in favor say aye. Those opposed, no. The motion prevails. Mr. Van Dusen.

[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. When the committee rose this morning we had under consideration **Committee Proposal 96**. We had disposed of all of the sections of that proposal as presented by the committee, and had disposed of several amendments to the body of the proposal. Are there any further amendments to the body of the proposal?

SECRETARY CHASE: Mr. Ford, in accordance with the minority report of Messrs. Ford, Barthwell, Bledsoe and Garvin—

CHAIRMAN VAN DUSEN: Mr. Ford.

MR. FORD: In view of the action previously taken by the committee, unless one of the cosponsors of the minority report to the committee amendment to Committee Proposal 96

objects, I would like to withdraw our minority report and motion at this time.

*For the minority report to the committee amendment, see above, page 1554.*

CHAIRMAN VAN DUSEN: Mr. Ford withdraws his minority report amendment. Does Mr. Barthwell concur?

MR. BARTHWELL: Yes.

CHAIRMAN VAN DUSEN: Mr. Bledsoe?

MR. BLEDSOE: I concur.

CHAIRMAN VAN DUSEN: Mr. Garvin?

MR. GARVIN: Yes.

CHAIRMAN VAN DUSEN: With the consent of his cosponsors, the amendment is withdrawn by Mr. Ford. Are there further amendments to the body of Committee Proposal 96?

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

CHAIRMAN VAN DUSEN: If not, the proposal will pass. Committee Proposal 96, as amended, is passed. The secretary will read the first exclusion report.

SECRETARY CHASE: From the committee on judicial branch, by Mr. Danhof, chairman, **Exclusion Report 2042**, A report recommending the exclusion of article VII, sections 15, 16 and 21.

*Following is Exclusion Report 2042 as read by the secretary, and the reasons submitted in support thereof:*

The committee on judicial branch recommends that article VII, sections 15, 16 and 21 of the present constitution be excluded from the new constitution.

Mr. Danhof, chairman of the committee on judicial branch, submits the following reasons in support of Exclusion Report 2042:

The committee has determined that the constitutional status of justices of the peace and circuit court commissioners make the inclusion of these sections no longer necessary. The reasons for the committee's determination are more fully set forth in connection with Committee Proposals 90 and 96.

CHAIRMAN VAN DUSEN: The question is on the exclusion report. Mr. Danhof.

MR. DANHOF: Mr. Chairman and members of the committee, this eliminates the references to the justices of the peace, their jurisdiction, and the circuit court commissioners. In view of the action previously taken by this convention regarding those officers and the provisions made for them, this exclusion report would seem to be in order, and I urge acceptance.

CHAIRMAN VAN DUSEN: Are there any amendments to the exclusion report? Mr. Downs.

MR. DOWNS: A parliamentary inquiry. Would you please read again the sections that are excluded?

CHAIRMAN VAN DUSEN: The secretary will read.

SECRETARY CHASE: As they are printed in the exclusion report, sections 15, 16 and 21 of article VII.

CHAIRMAN VAN DUSEN: Are there any amendments to the exclusion report? Mr. Ford.

MR. FORD: Mr. Chairman, members of the committee, I would like to support the committee on judicial branch, and urge a yes vote. I want to point out one word of caution, however, and that is that you should bear in mind in voting for the exclusion report—and I'm going to vote for it, and hope you do, too—that you are taking the last reference to a guarantee of a local court at the township level out of the constitution, and this should be borne in mind when we reach the other sections.

CHAIRMAN VAN DUSEN: Are there any amendments to the exclusion report? Mr. Mahinske.

MR. MAHINSKE: Is this divisible?

**CHAIRMAN VANDUSEN:** It is not divisible unless an amendment is offered, Mr. Mahinske. No amendment has been offered. There being no amendments, the report will pass.

Exclusion Report 2042 is passed. The secretary will read the next exclusion report.

**SECRETARY CHASE:** From the committee on judicial branch, by Mr. Danhof, chairman, **Exclusion Report 2043**, A report recommending the exclusion of article VII, sections 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 17, 19, 20 and 23.

*Following is Exclusion Report 2043 as read by the secretary, and the reasons submitted in support thereof:*

The committee on judicial branch recommends that article VII, sections 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 17, 19, 20 and 23 of the present constitution be excluded from the new constitution.

Mr. Danhof, chairman of the committee on judicial branch, submits the following reason in support of Exclusion Report 2043:

The above sections are to be excluded from the new constitution for the reason that the subject matter of said sections is being included in a new judicial article.

**CHAIRMAN VANDUSEN:** Mr. Danhof.

**MR. DANHOF:** Mr. Chairman, members of the committee, this is simply a matter of form. We presented our article basically as a new article. In order to conform with the rules of this convention, we were advised it was necessary to file an exclusion report for everything else. The new article having been adopted, this is now an academic matter. I urge the acceptance of the exclusion report.

**CHAIRMAN VANDUSEN:** Are there any amendments to the exclusion report? Mr. Downs.

**MR. DOWNS:** Mr. Chairman, I ask that section 20 be divided.

**CHAIRMAN VANDUSEN:** Section 20, Mr. Downs?

**MR. DOWNS:** Yes.

**CHAIRMAN VANDUSEN:** Mr. Downs moves to strike section 20 from the exclusion report. The question is on the motion of Mr. Downs. Mr. Danhof.

**MR. DANHOF:** Is the motion now to exclude it?

**CHAIRMAN VANDUSEN:** The posture of the committee at the moment, Mr. Danhof, is that if Mr. Downs' amendment to strike section 20 from the exclusion report were adopted, the substance of section 20 of article VII of the present constitution would be incorporated in the new constitution, as a proposal of the committee of the whole. Is the Chair correct in that, Mr. Secretary?

**MR. DANHOF:** The vice president behind me thinks he does not concur, and I will yield to him for his comments.

**CHAIRMAN VANDUSEN:** Mr. Hutchinson.

**MR. HUTCHINSON:** Mr. Chairman, I would simply, by way of argument, make this point: that by amending an exclusion report, which is a kind of anomalous thing anyway, I don't think that by that act we reinsert any part of the present constitution. It simply means that the committee of the whole, by failing to exclude, indicates that something of a substantive nature ought to be included in the new constitution. But I don't see how we can, simply by amending this exclusion report, by that act alone reinsert something into the new constitution.

**CHAIRMAN VANDUSEN:** Mr. Hutchinson, the Chair believes your point is well taken and believes if section 20 were stricken from the exclusion report, it would then be in order for Mr. Downs to move to insert the substance of section 20 of article VII, and action would have to be taken on that motion. The Chair was in error in its earlier statement. Mr. Ford.

**MR. FORD:** Mr. Chairman, there is a minority report and an amendment pending to take care of the subject matter of section 20 when we get to Committee Proposal 96, section d.

**CHAIRMAN VANDUSEN:** Mr. Downs.

**MR. DOWNS:** Mr. Chairman, I have read the minority report to Committee Proposal 96, which includes reinserting section 20, and will therefore withdraw my motion. However, in doing that, I do not want that to imply that I am not in support of the minority report, which I believe will be up in committee of the whole today.

**CHAIRMAN VANDUSEN:** Mr. Downs withdraws his motion. Are there any amendments to Exclusion Report 2043? If not, it will pass.

Exclusion Report 2043 is passed. The secretary will read. Does that complete the section on the judiciary?

Mr. Downs, the Chair would advise that Committee Proposal 96 has been passed, as Mr. Ford no doubt was aware, and the Chair presumes Mr. Ford intends to offer his report after the committee rises. Is that correct?

**MR. FORD:** Yes.

**CHAIRMAN VANDUSEN:** The Chair's assumption was correct.

**MR. DANHOF:** Mr. Chairman.

**CHAIRMAN VANDUSEN:** Mr. Danhof, would you defer your motion momentarily?

The Chair would like to advise the committee that we have now completed, at long last, the work of the committee of the whole relating to the judicial branch of government. The Chair heaves an inaudible sign of relief, and suggests that perhaps Mr. Danhof and the Chair have earned the designation of incumbent in whatever positions we currently occupy.

There is a little bit of unfinished business. The Chair would like to extend his authority to confer upon Mr. Hubbs the degree of honorary barrister, the one he would share with Mr. Farnsworth.

The Chair would like to thank the committee on administration for providing for his comfort during the last 2½ weeks, and in particular for the stimulating refreshments occasionally provided. (laughter)

The Chair has some suggestions for the committee on administration which he wishes Dr. DeVries were here to listen to. Ah, here he is. The Chair thinks as we proceed forward with our work, the chairman of the committee of the whole might well be provided, as indicated earlier, with a longer handled gavel, with a stool with a back on it, and the Chair thinks it might also be in order for the committee on administration to consider equipping the seats of the delegates with seat belts. (laughter)

After achieving a degree of identification with the judicial branch perhaps unrivaled in this convention, the Chair would suggest that perhaps it might be in order for Mr. Danhof and the Chair, under the doctrine of the separation of powers, to be excused from the consideration of the executive branch and the legislative branch proposals.

Finally, and in seriousness, the Chair would like to thank the committee for its patience and forbearance in the last 2½ weeks, and Mr. Danhof's motion is now in order.

**MR. DANHOF:** Mr. Chairman, I hope for what may be the last time that I do it, I move that the committee do now rise.

**CHAIRMAN VANDUSEN:** Mr. Danhof moves that the committee do now rise. Those in favor of Mr. Danhof's motion will say aye. Those opposed will say no.

The motion prevails. The committee will rise.

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

**VICE PRESIDENT HUTCHINSON:** The Chair recognizes the delegate from Oakland, Mr. Van Dusen.

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

**SECRETARY CHASE:** Mr. President, the committee of the whole has had under consideration **Committee Proposal 96**, A proposal pertaining to general and special provisions relative to the courts of the state; and reports the same back to the convention with several amendments thereto, recommend-



ing the amendments be agreed to, and that the proposal as thus amended do pass.

[Following are the amendments recommended by the committee of the whole:

1. Amend page 1, line 8, after "designated" by inserting "as such".

2. Amend page 1, line 10, after "courts" by inserting "of record".

3. Amend page 1, line 12, by striking out "shall not" and inserting "no person shall".

4. Amend page 2, line 16, after "any" by striking out "justice or judge" and inserting "judge of probate"; and in line 19, after "constitution" by striking out the balance of the line and inserting "requiring him to be licensed to practice law in this state".

5. Amend page 2, line 27, after "receive" by striking out "a salary payable monthly" and inserting "an annual salary as provided by law".

6. Amend page 4, line 1, after "law" by striking out "and"; and after "occasions" by changing the period to a comma and inserting "in connection with legislation after it shall have been enacted into law but before its effective date. Such opinions shall relate only to questions of constitutionality".

7. Amend page 4, following line 1, by inserting a new section to read as follows:

"Sec. 1. Any elected judge of a circuit court or probate court may become a candidate in the primary election for the office of which he is then the incumbent, by filing a declaration of intention at such time and in such office as shall be provided by law."

8. Amend page 4, following section 1, by inserting a new section to read as follows:

"Sec. m. Within 5 years from the date this constitution becomes effective, and subject to the limitations contained in Committee Proposal 90 and section a of Committee Proposal 96, the legislature shall establish statutory courts of limited jurisdiction inferior to the circuit court with a definition of their powers and jurisdiction, the location and number of such courts, the qualifications of the judges who shall preside therein, the method of their election and tenure of office and the amount of their salary and by what governmental units the same shall be paid."]

The first amendment:

1. Amend page 1, line 8, after "designated" by inserting "as such"; so the language will then read:

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 have a common seal.

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

The amendment is concurred in.

SECRETARY CHASE: The next amendment:

2. Amend page 1, line 10, after "courts" by inserting "of record"; so that the language will there read:

Except as authorized otherwise by this constitution, justices and judges of the courts of record of this state shall be lawyers licensed to practice law in this state and shall not be elected or appointed to a judicial office after reaching the age of 70 years.

VICE PRESIDENT HUTCHINSON: The question is upon concurring in amendment 2 made by the committee of the whole. All those in favor will say aye. Opposed will say no.

The amendment is concurred in.

SECRETARY CHASE: The next amendment:

3. Amend page 1, line 12, by striking out "shall not" and inserting "no person shall"; so the language will there read, "... no person shall be elected or appointed to a judicial office after reaching the age of 70 years."

VICE PRESIDENT HUTCHINSON: On amendment 3, all those in favor will say aye. Opposed will say no.

The amendment is concurred in.

SECRETARY CHASE: The next amendment is:

4. Amend page 2, line 16, after "any" by striking out "justice or judge" and inserting "judge of probate"; and in line 19, after "constitution" by striking out the balance of the line and inserting "requiring him to be licensed to practice law in this state"; so the language will there read:

Any judge of probate serving at the time this constitution becomes effective may serve the remainder of the term and be eligible for reelection to his present office regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

VICE PRESIDENT HUTCHINSON: On amendment 4, all those in favor will say aye. Opposed will say no.

The amendment is concurred in.

SECRETARY CHASE: The next amendment:

5. Amend page 2, line 27, after "receive" by striking out "a salary payable monthly" and inserting "an annual salary as provided by law"; so the language will then read, "Each of the judges of the circuit court shall receive an annual salary as provided by law."

VICE PRESIDENT HUTCHINSON: On concurring in amendment 5 made by the committee of the whole, those in favor will say aye. Opposed will say no.

The amendment is concurred in.

SECRETARY CHASE: The next amendment:

6. Amend page 4, line 1, after "law" by striking out "and"; and after "occasions" by changing the period to a comma and inserting "in connection with legislation after it shall have been enacted into law but before its effective date. Such opinions shall relate only to questions of constitutionality"; so the language would then read:

... upon important questions of law upon solemn occasions, in connection with legislation after it shall have been enacted into law but before its effective date. Such opinions shall relate only to questions of constitutionality.

VICE PRESIDENT HUTCHINSON: The question is upon concurring in amendment 6 made by the committee of the whole. All those in favor will say aye. Opposed, no.

The amendment is concurred in.

SECRETARY CHASE: The following is the seventh amendment:

[Amendment 7 was read by the secretary. For text, see above.]

VICE PRESIDENT HUTCHINSON: The question is upon concurring in amendment 7 made by the committee of the whole. All those in favor will say aye. Opposed will say no.

The amendment is concurred in.

SECRETARY CHASE: The next amendment is to add a section:

[Amendment 8 was read by the secretary. For text, see above.]

VICE PRESIDENT HUTCHINSON: The question is upon concurring in amendment 8 made by the committee of the whole. All those in favor will say aye. Mr. Ford.

MR. FORD: Mr. President, I wish to oppose this amendment, for the reasons that were stated when we debated it on the floor. The principal objection I have is to that portion of the language which says that the legislature will not only determine where local courts will be located, but it will determine the amount of their compensation. I think this is a matter for the local communities to handle on their own, and a matter that should clearly be left to them. We shouldn't direct the legislature to make this decision for them. I urge that you vote no on this section.

VICE PRESIDENT HUTCHINSON: Mr. Farnsworth.

MR. FARNSWORTH: Mr. President and members of the convention, I cannot agree with Delegate Ford that the

words, it is my understanding that every one of the provisions are implemented by statute, and I don't see how the statutes would be affected at all in the event that this convention recommended the deletion of the office of circuit court commissioner. It seems to me the legislature would have to do something very positive about it, in a very positive way. I think that this point is rather important on this question.

VICE PRESIDENT HUTCHINSON: The question is upon the amendment offered by Mr. Mahinske, on which the yeas and nays have been demanded. All those in favor of the amendment will vote aye. Those opposed will vote no. Have you all voted? If so, the secretary will lock the machine and record the vote.

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

Yeas — 28

Baginski	Garvin	McAllister
Balcer	Greene	McCauley
Binkowski	Hatcher, Mrs.	Murphy
Boothby	Hodges	Ostrow
Buback	Hood	Pellow
Dade	Krolkowski	Perlich
Doty, Donald	Kuhn	Snyder
Erickson	Mahinske	Walker
Follo	Marshall	Wilkowski
Ford		

Nays — 89

Andrus, Miss	Finch	Pugsley
Anspach	Gadola	Radka
Austin	Goebel	Rajkovich
Batchelor	Gover	Richards, J. B.
Beaman	Hart, Miss	Richards, L. W.
Bentley	Haskill	Romney
Blandford	Hatch	Rood
Bledsoe	Higgs	Rush
Bonisteel	Howes	Sablich
Brake	Hoxie	Seyferth
Brown, G. E.	Iverson	Shackleton
Butler, Mrs.	Judd, Mrs.	Shaffer
Conklin, Mrs.	Karn	Sleder
Cudlip	King	Spitler
Cushman, Mrs.	Kirk, S.	Stafseth
Danhof	Knirk, B.	Staiger
Davis	Koeze, Mrs.	Stamm
Dehnke	Lawrence	Stevens
Dell	Leibbrand	Stopczynski
DeVries	Leppien	Suzore
Donnelly, Miss	Lesinski	Thomson
Doty, Dean	Martin	Tubbs
Downs	McGowan, Miss	Turner
Durst	Millard	Upton
Elliott, A. G.	Nord	Van Dusen
Elliott, Mrs. Daisy	Page	Wood
Everett	Perras	Woolfenden
Farnsworth	Plank	Yeager
Faxon	Powell	Young
Figy	Prettie	

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Mahinske, the yeas are 28; the nays are 89.

VICE PRESIDENT HUTCHINSON: The amendment is not adopted.

SECRETARY CHASE: That is the last amendment on the desk, Mr. President.

VICE PRESIDENT HUTCHINSON: **Committee Proposal 96**, as amended, is referred to the committee on style and drafting.

*Following is Committee Proposal 96 as amended and referred to the committee on style and drafting:*

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

**Sec. a.** The 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 have a common seal. Except as authorized otherwise by this constitution, justices and judges of the courts of record of this state shall be lawyers 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. No judge or justice of any court in this state shall be paid from the fees of his office nor shall the amount of his salary be measured by the fees or other moneys received nor by the amount of judicial activity.

**Sec. b.** Whenever a judge shall remove his domicile beyond the limits of the territory from which he was elected, he shall be deemed to have vacated his office.

**Sec. c.** A justice and a 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 1 year thereafter.

**Sec. d.** When a vacancy occurs in the office of an elected judge of any court of record, it shall be filled at a general or special election according to law. The supreme court is empowered to authorize persons who have served as judges and have voluntarily retired, to perform judicial duties for the limited period of time from the occurrence of the vacancy until the successor is elected and qualified.

**Sec. e.** 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. f.** Any judge of probate serving at the time this constitution becomes effective may serve the remainder of the term and be eligible for reelection to his present office regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

**Sec. g.** Salaries of justices of the supreme court, of the judges of the court of appeals, of the circuit judges within the 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 courts shall receive an annual salary as provided by law. In addition to the salary paid from the state treasury, each circuit judge may receive from any county in which he regularly holds court such additional salary as may be determined from time to time by the board of supervisors of the county. In any county where such additional salary is granted, it shall be paid at the same rate to all circuit judges regularly holding court therein.

**Sec. h.** For reasonable cause, which shall not be sufficient ground for impeachment, the governor shall remove any judge on a concurrent resolution of 2/3 of the members elected to each house of the legislature; and the cause for which such removal is required shall be stated at length in such resolution.

**Sec. i.** The office of circuit court commissioner and justice of the peace shall continue to have, for a period of not to exceed 5 years from the date this constitution becomes effective, all their respective powers and jurisdiction until the time within this period that they are abolished or their jurisdiction and powers are transferred to, or invested in, other courts that shall be established in accordance with this constitution.

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

**Sec. j.** The provisions of this constitution requiring the establishment of staggered terms of offices in existence, shall be implemented at the next election for such offices by legislation providing for elections for terms of varying length, none of which shall be shorter than the basic term provided herein for the office.

**Sec. k.** Each branch of the legislature as well as the governor shall have the authority to request the opinion of the supreme court upon important questions of law upon solemn occasions, in connection with legislation after it shall have been enacted into law but before its effective

date. Such opinions shall relate only to questions of constitutionality.

Sec. l. Any elected judge of a circuit court or probate court may become a candidate in the primary election for the office of which he is then the incumbent, by filing a declaration of intention at such time and in such office as shall be provided by law.

Sec. m. Within 5 years from the date this constitution becomes effective, and subject to the limitations contained in Committee Proposal 90 and section a of Committee Proposal 96, the legislature shall establish statutory courts of limited jurisdiction inferior to the circuit court with a definition of their powers and jurisdiction, the location and number of such courts, the qualifications of the judges who shall preside therein, the method of their election and tenure of office and the amount of their salary and by what governmental units the same shall be paid.

SECRETARY CHASE: Mr. President, the committee of the whole has also had under consideration **Exclusion Report 2042**, A report recommending the exclusion of article VII, sections 15, 16 and 21. It reports this back to the convention without amendment and with the recommendation that it be adopted.

VICE PRESIDENT HUTCHINSON: The question is upon adopting the exclusion report. All those in favor will say aye. Opposed will say no.

**Exclusion Report 2042** is adopted and referred to the committee on style and drafting.

*For Exclusion Report 2042 as referred to the committee on style and drafting, see above, page 1621.*

SECRETARY CHASE: Mr. President, the committee of the whole has also had under consideration **Exclusion Report 2043**, A report recommending the exclusion of article VII, sections 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 17, 19, 20 and 23. It reports this back to the convention without amendment, and with the recommendation that it be adopted.

VICE PRESIDENT HUTCHINSON: The question is upon adopting the exclusion report. All those in favor will say aye. Opposed will say no.

**Exclusion Report 2043** is adopted and is referred to the committee on style and drafting.

*For Exclusion Report 2043 as referred to the committee on style and drafting, see above, page 1622.*

SECRETARY CHASE: This completes the report of the committee of the whole, Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. King.

MR. KING: Mr. President, it seems to me there's one thing that we still have left to handle under the judicial section. Now that Delegates Farnsworth and Hubbs have been duly installed as honorary barristers, I should like to nominate that long suffering Delegate Barthwell to this same rank of honorary barrister. I should also like to move at this time that we bestow upon the 20 lawyers who served on the judicial committee — and I had a hard time finding a suitable rank, but I looked through an old Naval Journal, and the ancient and distinguished naval rank of pharmacist's mate second class seems appropriate. (laughter)

MR. NORD: Point of order, Mr. President. Are motions in order at this time, Mr. President?

VICE PRESIDENT HUTCHINSON: Motions as such are not in order, Mr. Nord.

MR. NORD: Then I gather that Mr. King's motion is not in order, am I correct?

VICE PRESIDENT HUTCHINSON: The Chair didn't accept it as a motion. The Chair took it as a rhetorical motion. Mrs. Butler.

MRS. BUTLER: I rise to a point of personal privilege, Mr. President.

VICE PRESIDENT HUTCHINSON: What is the point?

MRS. BUTLER: I would like to speak on the disrespect for our retired judges shown this afternoon.

VICE PRESIDENT HUTCHINSON: The lady may proceed, without objection.

MRS. BUTLER: I feel, with the political overtones this afternoon, that I really should start out by saying that I demand equal time. But I am appalled at the disrespect for our retired judges. We have here in the convention a number of brilliant retired judges, and I don't like to hear them spoken of as out to pasture, and other terms. For the people who so glibly talk about jealousy because of the 6 terms of Governor Williams and the insulting jackpot of the latest political maneuver of another Democratic governor, I would say that we are jealous, that's all right. But as far as the political overtones in wanting retired judges to serve, I would like to ask, what would you do with Eleanor Roosevelt? (laughter)

VICE PRESIDENT HUTCHINSON: The Chair recognizes the lady from Wayne, Miss McGowan.

MISS MCGOWAN: Mr. President, I rise to ask permission to speak.

VICE PRESIDENT HUTCHINSON: Miss McGowan asks unanimous consent to make a statement. Is there objection? The Chair hears no objection. You may proceed.

MISS MCGOWAN: Mr. President and fellow delegates, my statement deals with a fellow delegate — a fellow lawyer — whose party affiliation differs from my party affiliation. To use a trite expression, life has been good to me, and it has been my privilege, as I am sure it has been your privilege, to meet persons of integrity, impartiality, professional competence, humility and Christian charity. Of the persons I have had the honor of knowing who fall in this category, it is my opinion that Mr. Robert Danhof, the chairman of the committee on judicial branch of this constitutional convention, takes his place high among these top echelon individuals. I feel that I would be remiss if I did not reflect upon the truth at this time.

You entrusted Mr. Danhof with a high honor and privilege — the chairmanship of the committee on judicial branch. I feel sure he can give an excellent accounting of his stewardship. He brought to the committee on judicial branch superior legal knowledge, professional competence and skill; yet, he exhibited complete understanding for each member of the committee and for every person who appeared before the committee. He exerted an incalculable influence for good. He not only has a great intellect, but a great heart. Mr. Danhof, a member of the majority party serving as chairman of the committee on judicial branch, was completely unbiased, and sought to and did utilize the abilities and talents of each member of his committee with the thought in mind of the greatest good for the greatest number, and that thought alone. He conducted the committee meetings and deliberations so as to encourage each member of the committee to search for judicial truth and judicial truth alone in order that we could recommend to the convention a judicial system which we felt could adequately and efficiently serve and protect all of the people of the state of Michigan. Searching for judicial truth with 20 lawyers and one nonlawyer at times became laborious; yet Mr. Danhof never lost his sense of humor or balance or love for his brother.

As you know, Mr. Danhof is a young man. I was tremendously encouraged, inspired, and impressed by the marked respect he showed for all of the members of his committee and especially the respect he showed to the members of the committee who had lived longer than he and achieved greater experience. It is heart warming to reflect upon the respect he showed to and for the retired circuit judges who are members of the committee — Judge Mosier, Judge Pugsley and Judge Leibbrand.

I could go on acclaiming his excellence. In closing I would just like to say to you, thank you for giving us Mr. Danhof as chairman of the committee on judicial branch. He served well. We would wish for Mr. Danhof fair winds and smooth sailing. We would pray that almighty God would love him and grant him an even greater increase of the virtues of wisdom, justice, prudence and understanding. Thank you. (applause)

## 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.

broad tax base? The tax base not keeping up with the increase in the school population?

PRESIDENT NISBET: Mr. Brake.

MR. BRAKE: In recent years, the primary school money has been distributed simply as a part of the general school aid, in effect, while it is paid to the districts on a school census basis. It is a deductible item when you compute your state aid. And therefore, for all practical purposes, it is simply a part of state aid as distributed.

MR. FORD: Thank you, Mr. Brake.

PRESIDENT NISBET: Those in favor of the Mahinske amendment will vote aye. Those opposed will vote no. Have you all voted? If so, the secretary will lock the machine and record the vote.

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

#### Yeas—51

Andrus, Miss	Follo	Perlich
Anspach	Ford	Perras
Austin	Garvin	Pollock
Balcer	Hart, Miss	Pugsley
Barthwell	Heideman	Rajkovich
Binkowski	Higgs	Richards, L. W.
Bledsoe	Hodges	Rush
Bonisteel	Hoxie	Sablich
Bradley	Kelsey	Snyder
Brown, T. S.	Kuhn	Spitler
Buback	Lesinski	Sterrett
Butler, Mrs.	Liberato	Stopczynski
Cushman, Mrs.	Madar	Wilkowski
Donnelly, Miss	Mahinske	Wood
Downs	Marshall	Woolfenden
Erickson	McAllister	Young
Faxon	Ostrow	Youngblood

#### Nays—71

Allen	Gover	Powell
Baginski	Habermehl	Prettie
Batchelor	Hanna, W. F.	Radka
Beaman	Haskill	Richards, J. B.
Bentley	Hatch	Romney
Blandford	Howes	Rood
Brake	Hubbs	Seyferth
Brown, G. E.	Iverson	Shackleton
Conklin, Mrs.	Judd, Mrs.	Shaffer
Cudlip	Karn	Shanahan
Danhof	Kirk, S.	Sharpe
Dehnke	Knirk, B.	Sleder
Dell	Koeze, Mrs.	Stafseth
DeVries	Lawrence	Staiger
Doty, Dean	Leibrand	Stamm
Doty, Donald	Leppien	Stevens
Durst	Martin	Thomson
Elliott, A. G.	McCauley	Turner
Everett	McLogan	Tweedie
Farnsworth	Millard	Upton
Figy	Mosier	Van Dusen
Finch	Nisbet	Wanger
Gadola	Page	White
Goebel	Plank	

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Mahinske and others, the yeas are 51; the nays are 71.

PRESIDENT NISBET: The amendment is not adopted. The question now is on the adoption of Committee Proposal 52 as amended. Will you please clear the board. Mr. Stevens.

MR. STEVENS: Mr. President and delegates, to come back to this situation so ably explained by Dr. Hannah on Thursday, it is very important that the state have this money for the school aid fund. If this does not pass, there is no question but what the legislature will be requested by many local communities to try to get this tax base back to them for local use, and it will certainly help to destroy the whole concept of equalization in education in Michigan whereby small communities out in the state and otherwise are able to share the state money on a basis of school membership.

PRESIDENT NISBET: Time is up. The question is on the proposal. Those in favor will vote aye. Those opposed will

vote nay. This is on Committee Proposal 52, passage of Committee Proposal 52 as amended. 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—86

Allen	Howes	Prettie
Andrus, Miss	Hoxie	Pugsley
Anspach	Hubbs	Radka
Bentley	Iverson	Rajkovich
Binkowski	Judd, Mrs.	Richards, J. B.
Blandford	Karn	Richards, L. W.
Bledsoe	Kelsey	Rood
Bonisteel	Koeze, Mrs.	Rush
Boothby	Kuhn	Sablich
Bradley	Lawrence	Shackleton
Butler, Mrs.	Leibrand	Shaffer
Conklin, Mrs.	Leppien	Sharpe
Dehnke	Lesinski	Snyder
Dell	Liberato	Spitler
Donnelly, Miss	Mahinske	Stafseth
Doty, Dean	McAllister	Stamm
Downs	McCauley	Sterrett
Erickson	McGowan, Miss	Stevens
Faxon	McLogan	Thomson
Figy	Millard	Turner
Finch	Mosier	Tweedie
Follo	Nisbet	Upton
Ford	Ostrow	Walker
Goebel	Page	Wanger
Gust	Perlich	White
Habermehl	Perras	Wilkowski
Haskill	Plank	Wood
Heideman	Pollock	Woolfenden
Higgs	Powell	

#### Nays—40

Austin	Doty, Donald	Kirk, S.
Baginski	Durst	Madar
Balcer	Elliott, A. G.	Marshall
Barthwell	Elliott, Mrs. Daisy	Martin
Batchelor	Everett	Romney
Beaman	Farnsworth	Seyferth
Brake	Gadola	Shanahan
Brown, G. E.	Garvin	Sleder
Brown, T. S.	Gover	Staiger
Buback	Hanna, W. F.	Stopczynski
Cudlip	Hart, Miss	Van Dusen
Cushman, Mrs.	Hatch	Young
Danhof	Hodges	Youngblood
DeVries		

SECRETARY CHASE: On the passage of Committee Proposal 52 as amended, the yeas are 86; the nays are 40.

PRESIDENT NISBET: Committee Proposal 52, as amended, is passed and referred to the committee on style and drafting.

*Following is Committee Proposal 52 as amended and rereferred to the committee on style and drafting:*

Sec. a. The legislature shall provide for the assessment by the state of the property of those businesses whose property is now assessed by the state, and of other property as designated by the legislature, and for the levy 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.

SECRETARY CHASE: Item 6 on the calendar is 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.

*Following is Committee Proposal 96 as reported by the committee on style and drafting and read by the secretary. (For text as referred to said committee, see above, page 1632):*

Sec. a. 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 have a common seal. Except as [authorized] otherwise AUTHORIZED by this constitution, justices and judges of the courts of record of this state shall be [lawyers] 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. A<sup>1</sup>. No judge or justice of any court [in] OF this state shall be paid from the fees of his office nor shall the amount of his salary be measured by [the] fees, [or] other moneys received [nor] OR by the amount of judicial activity OF HIS OFFICE.

Sec. b. Whenever a judge [shall remove] REMOVES his domicile beyond the limits of the territory from which he was elected, he shall be deemed to have vacated his office.

Sec. c. [A] ANY justice [and a] 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 [1] ONE year thereafter.

Sec. d. [When] A vacancy [occurs] in the ELECTIVE office of [an elected] A judge of any court of record [, it] shall be filled at a general or special election according to law. The supreme court [is empowered to] MAY authorize persons who have served as judges and WHO have [voluntarily] retired VOLUNTARILY OR BECAUSE OF AGE, to perform judicial duties for the limited period of time from the occurrence of the vacancy until the successor is elected and qualified.

Sec. e. 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. f. Any judge of probate serving at the time this constitution becomes effective may serve the remainder of the term and be eligible for [reelection] ELECTION to his present office regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

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

Sec. h. For reasonable cause, which [shall not be] IS NOT sufficient ground for impeachment, the governor shall remove any judge on a concurrent resolution of 2/3 of the members elected to AND SERVING IN each house of the legislature[;], [and] The cause for [which such] removal [is required] shall be stated at length in such resolution.

Sec. i. The [office] OFFICES of circuit court commissioner and justice of the peace shall [continue to have, for a period of not to exceed] BE ABOLISHED AT THE EXPIRATION OF 5 years from the date this constitution becomes effective[, all their respective powers and jurisdic-

tion until the time within this period that they are abolished or their jurisdiction and powers are transferred to, or invested in, other courts that shall be established in accordance with this constitution] OR MAY WITHIN THIS PERIOD BE ABOLISHED BY LAW. THEIR JURISDICTION AND POWERS WITHIN THIS PERIOD SHALL BE AS PROVIDED BY LAW. WITHIN SUCH 5 YEAR PERIOD, THE LEGISLATURE SHALL ESTABLISH COURTS OF LIMITED JURISDICTION WITH POWERS AND JURISDICTION DEFINED BY LAW. THE LOCATION OF SUCH COURTS, AND THE QUALIFICATIONS, TENURE, METHOD OF ELECTION, AND SALARY OF THE JUDGES OF SUCH COURTS, AND BY WHAT GOVERNMENTAL UNITS THE SAME SHALL BE PAID, SHALL BE PROVIDED BY LAW, SUBJECT TO THE LIMITATIONS CONTAINED IN THIS ARTICLE.

[Special] Statutory courts in existence [as of] AT the time this constitution becomes effective shall retain their powers and jurisdiction, except as provided by law, until [and unless] they are abolished by law.

Sec. j. The provisions of this [constitution requiring the establishment of staggered] ARTICLE PROVIDING THAT terms of offices [in existence] SHALL NOT ALL EXPIRE AT THE SAME TIME, shall be implemented at the next election for such offices by legislation providing for elections for terms of varying length, none of which shall be shorter than the basic term provided [herein] for the office.

Sec. k. [Each branch] EITHER HOUSE of the legislature [as well as] OR the governor [shall have the authority to] MAY request the opinion of the supreme court upon important questions of law upon solemn occasions[, in connection with] AS TO THE CONSTITUTIONALITY OF legislation after it [shall have] HAS been enacted into law but before its effective date. [Such opinions shall relate only to questions of constitutionality.]

Sec. l. Any elected judge of a circuit court or probate court may become a candidate in the primary election for the office of which he is [then] the incumbent[,] by filing AN AFFIDAVIT OF CANDIDACY IN THE FORM AND MANNER [a declaration of intention at such time and in such office as shall be] provided by law.

[Sec. m. Within 5 years from the date this constitution becomes effective, and subject to the limitations contained in Committee Proposal 90 and section a of Committee Proposal 96, the legislature shall establish statutory courts of limited jurisdiction inferior to the circuit court with a definition of their powers and jurisdiction, the location and number of such courts, the qualifications of the judges who shall preside therein, the method of their election and tenure of office and the amount of their salary and by what governmental units the same shall be paid.]

SEC. N. 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.

PRESIDENT NISBET: Just for your information, there are 9 amendments offered to this proposal. Mr. Danhof.

MR. DANHOF: Mr. President, members of the convention, as the president has advised, there are a number of amendments pending to the present proposal. I think it would be more apropos if we went through and took the 2 pending committee amendments, which I would ask that we consider first.

SECRETARY CHASE: Mr. Danhof, on behalf of the committee on judicial branch, offers the following amendment:

1. Amend page 2, line 2, [section d] by striking out "voluntarily or because of age"; so that the language will then read: 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.

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



*Following is statement explaining abstention from voting submitted by Mrs. Cushman:*

I am not prepared to vote on an issue which arose for the first time this evening and which is of great importance.

We're right back to where we were an hour ago. The question is on the adoption of Committee Proposal 96, as amended. Can the board be cleared? Those in favor of adopting Committee Proposal 96 will vote aye. Those opposed will vote nay.

MR. MAHINSKE: Mr. President.

PRESIDENT NISBET: Mr. Mahinske.

MR. MAHINSKE: For the reasons that I outlined before, I have one or two objections to this proposal, but I agree with the majority of it. But I feel that I am not going to put myself in a position as to voting against the reservations or for the reservations that I have. For these reasons, I wish to abstain from voting on the committee proposal.

PRESIDENT NISBET: Mr. Mahinske abstains. Mr. Marshall.

MR. MARSHALL: Mr. President, I wish to abstain also.

MR. MADAR: Mr. President.

PRESIDENT NISBET: Mr. Madar.

MR. MADAR: I wish to abstain from voting on this particular proposal. I can't see how I can vote on a proposal that mixes up half a dozen things which don't mean anything, which ought to be thrown out completely.

PRESIDENT NISBET: Have you all voted?

MR. FORD: Mr. President.

PRESIDENT NISBET: Mr. Ford.

MR. FORD: It isn't easy, but I'm going to have to abstain after many months of work on the judiciary article. And I'd like to reserve the right to submit a detailed statement for the record at a later date.

PRESIDENT NISBET: You may do that. Miss Donnelly.

MISS DONNELLY: For the reason that I cannot support the entire proposal, though I am a member of the committee and supported it originally when it came out, I now wish to abstain.

PRESIDENT NISBET: Mr. Downs.

MR. DOWNS: I announce my abstention.

PRESIDENT NISBET: Mrs. Elliott, Mr. Buback, Miss Hart, Mr. Stopczynski —

MR. BALCER: I wish to abstain.

PRESIDENT NISBET: — Mr. Wilkowski, Mr. Balcer, Mr. T. S. Brown, Mr. Lawrence, Mr. Baginski, Mr. Faxon, Mr. Bledsoe, and Mr. Garvin.

Mr. Perras.

MR. PERRAS: Mr. President, I am voting no. I feel it is my privilege. I am not going to make any excuses for it. (laughter)

PRESIDENT NISBET: 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 — 89

Allen	Hannah, J. A.	Pugsley
Andrus, Miss	Haskill	Radka
Batchelor	Hatch	Rajkovich
Beaman	Heideman	Richards, J. B.
Blandford	Higgs	Richards, L. W.
Bonisteel	Howes	Romney
Bradley	Hoxie	Rood
Brake	Hubbs	Rush
Brown, G. E.	Hutchinson	Seyferth
Butler, Mrs.	Iverson	Shackleton
Conklin, Mrs.	Judd, Mrs.	Shaffer
Cudlip	Karn	Shanahan
Cushman, Mrs.	King	Sharpe
Danhof	Kirk, S.	Sleder
Dehnke	Koeze, Mrs.	Spitler
Dell	Kuhn	Stafseth
DeVries	Lebrand	Staiger
Doty, Dean	Leppien	Stevens
Doty, Donald	Martin	Thomson
Durst	McAllister	Tubbs

Elliott, A. G.	McCauley	Turner
Everett	McGowan, Miss	Tweedie
Farnsworth	McLogan	Upton
Figy	Millard	Van Dusen
Gadola	Mosier	Wanger
Goebel	Nisbet	White
Gover	Page	Wood
Gust	Pollock	Woolfenden
Habermehl	Powell	Yeager
Hanna, W. F.	Prettie	

Nays — 14

Barthwell	Kelsey	Perlich
Binkowski	Krolkowski	Perras
Finch	Lesinski	Sablich
Hodges	Liberato	Young
Jones	Ostrow	

SECRETARY CHASE: On the passage of Committee Proposal 96, the yeas are 89; the nays are 14.

PRESIDENT NISBET: Committee Proposal 96, as amended, is passed. It is referred to the committee on style and drafting.

*Following is Committee Proposal 96 as amended and rereferred to the committee on style and drafting:*

Sec. a. 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 have a common seal. Except as otherwise authorized by this constitution, justices and judges of the courts of record of this state shall be 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. a<sup>1</sup>. 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. b. Whenever a judge removes his domicile beyond the limits of the territory from which he was elected, he shall be deemed to have vacated his office.

Sec. c. 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. d. A vacancy in the elective office of a judge of any court of record shall be filled at a general or special election 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.

Sec. e. 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. f. Any supreme court justice, circuit judge, judge of probate serving at the time this constitution becomes effective may serve the remainder of the term and be eligible 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. g. 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 courts 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 additional salary as may be determined from time to time by the board of supervisors of the county. In any county where such additional salary is granted, it shall be paid at the same rate to all circuit judges regularly holding court therein.

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

Sec. i. The offices of circuit court commissioner and justice of the peace shall be abolished at the expiration of 5 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 5 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 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. j. The provisions of this article providing that terms of offices shall not all expire at the same time, shall be implemented at the next election for such offices by legislation providing for elections for terms of varying length, none of which shall be shorter than the basic term provided for the office.

Sec. k. Either house of the legislature or the governor may request the opinion of the supreme court upon 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.

Sec. l. Any elected judge of a 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 by law.

Sec. n. 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. o. 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.

**SECRETARY CHASE:** Committee Proposal 95, A proposal pertaining to appeals from administrative tribunals. Adds a new section to article VII.

*Following is Committee Proposal 95 as reported by the committee on style and drafting and read by the secretary. (For text as referred to said committee, see above, page 1487.):*

Sec. a. All final decisions, findings, rulings and orders of any administrative officer or body existing under the constitution or by law, which are judicial or quasi judicial and affect private rights, privileges 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 reliable, probative, and substantial evidence on the whole record.

**PRESIDENT NISBET:** Mr. Van Dusen.

**MR. VAN DUSEN:** Mr. President, I am advised that there are 5 amendments pending to Committee Proposal 95, most of which I think were offered and debated fully in committee of the whole. Therefore, I would move that debate on each of these amendments be limited to 10 minutes.

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

**DELEGATES:** Division.

**PRESIDENT NISBET:** A division has been demanded. Is the demand supported? Sufficient number up. Those in favor of Mr. Van Dusen's motion to limit debate to 10 minutes will vote aye. Those opposed will vote nay.

**MR. VAN DUSEN:** Mr. President, I think it ought to be clear that my motion is 10 minutes on each of the 5 amendments.

**PRESIDENT NISBET:** Ten minutes on each amendment. Have you all voted? If so, the secretary will lock the machine and tally the vote.

**SECRETARY CHASE:** On the motion of Mr. Van Dusen to limit debate on each of the pending amendments to Committee Proposal 95 to 10 minutes, the yeas are 81; the nays are 29.

The motion prevails.

**MR. A. G. ELLIOTT:** Mr. President, point of information. **PRESIDENT NISBET:** Mr. Elliott.

**MR. A. G. ELLIOTT:** Mr. President, the thing that concerns me is, how do we make reasonably sure that there is a fair expression in this 10 minutes per each amendment for both sides of the issue? If the proponent of the amendment gets up and speaks for 9½ minutes on his amendment, it doesn't leave any time for the opponents.

**PRESIDENT NISBET:** The Chair might say, Mr. Elliott, that on only one occasion have we ever used up the time. Normally, the delegates who speak are cognizant of the fact and they pace themselves. Mr. Madar.

**MR. MADAR:** I'd like to move at this time that the judicial committee be given 2 minutes to explain their proposal. Let's not waste any time.

**PRESIDENT NISBET:** The question is on the motion of Mr. Madar. All in favor say aye. Opposed, no.

The motion does not prevail. Mr. Bledsoe.

**MR. BLEDSOE:** Mr. President, may I speak in opposition to that motion?

**PRESIDENT NISBET:** The motion did not prevail.

**DELEGATES:** Division.

**PRESIDENT NISBET:** Division has been requested. Is the demand seconded? Not sufficient number up. Mr. Danhof.

**MR. DANHOF:** Mr. President, members of the convention, there are several amendments pending. I think it best we get on with the first amendment. During that time the debate will, I am sure, take care of all of the questions you have. There has been no change as this matter was reported from the committee of the whole and the convention to the committee on style and drafting. The judicial committee met, made no recommendations for any amendments thereto. All the other amendments are individual and will be handled at that time.

**PRESIDENT NISBET:** The first amendment.

**SECRETARY CHASE:** Messrs. Ford, Garvin, Downs, Marshall and Hodges offer the following amendment:

1. Amend page 1 by striking out the entire proposal.

**PRESIDENT NISBET:** The Chair recognizes Mr. Ford.

**MR. FORD:** Mr. President, members of the convention, if you recall, we spent a considerable amount of time on this in committee of the whole, when it was before us on first reading and, subsequent to its adoption, we got a tremendous amount of reaction from throughout the state from people who are directly involved in the field of administrative law. We tried in numerous ways to patch this up or correct it and make it workable, and some of us who have tried to work on it find that the more you work with it, the more difficult it becomes.

Our research department has submitted—and I think most of the delegates have had an opportunity to see—a considerable amount of research material, some material presented to us by so called experts in the field of administrative law from the major universities in the state and from others in this field indicating that the proposal, as we have passed it, opens up entire new vistas of litigation that could have far felt effects not contemplated by anyone at the outset. As a matter of fact, one of the authorities—and I believe it was Professor Kauper—indicated there was no way to predict



**PREAMBLE**

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

**PREAMBLE**

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

**ARTICLE I  
DECLARATION OF RIGHTS**

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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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18.	Competency of witnesses ..... 15-17
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**Article I****Declaration of Rights**

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

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

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

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

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

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

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

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

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

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

ever be tolerated in this state.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## ARTICLE II ELECTIONS

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

## Article II Elections

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The legislature shall implement the provisions of this section.

### ARTICLE III GENERAL GOVERNMENT

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

#### Article III General Government

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

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

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

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

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

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

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

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

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

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

### ARTICLE IV LEGISLATIVE BRANCH

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

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

#### Article IV

##### Legislative Branch

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

house.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



eral appropriation bills as passed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

sons imprisoned or detained [on] UNDER such sentences.

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

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

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

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

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

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

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

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

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

specified IN THIS SECTION.

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

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

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

## ARTICLE V

### EXECUTIVE BRANCH

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2. Principal Departments (part Schedule) . . . . .	71b
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## Article V Executive Branch

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

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

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

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

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

Terms of office of any board or commission

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

YEARS NEXT PRECEDING HIS ELECTION.

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

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

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

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

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

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

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

Sec. 26. The legislature shall provide that the

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

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

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

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

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

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

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

## ARTICLE VI JUDICIAL BRANCH

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### Article VI Judicial Branch

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

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

days prior to the expiration of his term.

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 28. All final decisions, findings, rulings

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

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

## ARTICLE VII LOCAL GOVERNMENT

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## Article VII

### Local Government

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

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

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

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

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

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

at pleasure.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

60 Sec. 27. Notwithstanding any other provision

of this constitution the legislature may establish in metropolitan areas additional forms of government or authorities with powers, duties and jurisdictions as the legislature shall provide. 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

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## Article VIII Education

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

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

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

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

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



have powers and duties provided by law.

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

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

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

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

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

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

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

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

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



# ARTICLE IX FINANCE & TAXATION

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9. Gasoline and Motor Vehicle Taxes, Use, Exceptions .....	38a
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## Article IX

### Finance and Taxation

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The power to tax for the payment of principal

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

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

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

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

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

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

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

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

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

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

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

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

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

## ARTICLE X PROPERTY

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

## Article X Property

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

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

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

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

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

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

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

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

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

## ARTICLE XI PUBLIC OFFICERS AND EMPLOYMENT

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

### Article XI

#### Public Officers and Employment

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

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

by law.

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

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

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

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

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

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

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

partisan, racial or religious considerations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## ARTICLE XII AMENDMENT & REVISION

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

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

## Article XII

## Amendment &amp; Revision

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

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

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

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

for or against the proposed amendment.

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

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

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

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



by such convention shall be submitted to the qualified electors in the manner and at the time provided by such convention not less than 90 days after final adjournment of the convention. Upon the approval of such constitution or amendments by a majority of the qualified electors voting thereon the constitution or amendments shall take effect as provided by the convention.

## SCHEDULE AND TEMPORARY PROVISIONS

Sec.	Com. Proposal
1. Attorney general to recommend necessary laws . . . . .	44d
2. Writs, actions, claims, etc. remain effective . . . . .	44b
3. Officers continue their duties . . . . .	44c and 71g
4. Terms of officers elected November, 1962 . . . . .	68b
5. Terms of governor, etc. elected 1964. When 4 year terms begin . . . . .	80 and 71a
6. Senate Apportionment . . . . .	80
7. Supreme Court, reduction to seven justices . . . . .	91a
8. Judges of Probate, eligible for re-election . . . . .	96f
9. Overlapping terms for judiciary . . . . .	96j
10. State Board of Education . . . . .	47a
11. Boards of Control . . . . .	98c
12. Educational Boards . . . . .	
13. Initial allocation . . . . .	71b
14. Contractual obligations remain in force . . . . .	6a
15. Mackinac Bridge refunding . . . . .	23b
16. Constitution submitted to people, when . . . . .	68a
17. Constitution submitted to people, manner . . . . .	68c

TO INSURE THE ORDERLY TRANSITION FROM THE CONSTITUTION OF 1908 TO THIS CONSTITUTION THE FOLLOWING SCHEDULE IS SET FORTH TO BE EFFECTIVE FOR SUCH PERIOD AS ITS PROVISIONS REQUIRE.

Sec. 1. The attorney general [of the state] shall recommend to the legislature AS SOON AS PRACTICABLE [at the commencement of the next session] such changes AS MAY BE NECESSARY [in existing laws as may be deemed necessary] to adapt EXISTING LAWS [the same] to this constitution.

Sec. 2. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights [of individuals, partnerships, bodies corporate, and of this state or any subdivision or agency thereof] existing on the effective date [hereof] OF THIS CONSTITUTION shall continue unaffected except as modified in accordance with the provisions of this constitution.

Sec. 3. Except as otherwise provided in this constitution, all officers filling any office by election or appointment shall continue to exercise THEIR POWERS AND [the] duties [thereof, according to their respective commissions or appointments,] until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

No provision of this constitution, or of law or of executive order authorized by this constitution shall shorten the term of any person elected to state office at a statewide election ON [in] or prior to THE DATE ON WHICH THIS CONSTITUTION IS SUBMITTED TO A VOTE. [November, 1962.] In the event the duties of any [of] such officers shall not have been ABOLISHED OR incorporated into one or more of the principal departments at the expiration of his term, such officer shall continue to serve until his duties are so incorporated OR ABOLISHED.

Sec. 4. All officers elected [on the Tuesday after the first Monday of November, 1962] AT THE SAME ELECTION THAT THIS CONSTITUTION IS SUBMITTED TO THE PEOPLE FOR ADOPTION [under the 1908 Constitution as amended and existing laws] shall take office [on and after the first day of January, 1963,] and complete the term to which they were elected UNDER THE 1908 CONSTITUTION AND EXISTING LAWS AND CONTINUE TO SERVE UNTIL THEIR SUCCESSORS ARE ELECTED AND QUALIFIED PURSUANT TO THIS CONSTITUTION OR LAW.

Sec. 5. Notwithstanding any other provision in this constitution, the governor, THE lieutenant governor, THE secretary of state [and], THE attorney general, AND state senators shall be elected at the general election in 1964 to serve for [2] TWO year terms beginning on the first day of January next succeeding their election. The first [4 year] election OF SUCH OFFICERS FOR FOUR-YEAR TERMS under this constitution shall be held at the general election in 1966.

Sec. 6. The state shall be districted for the purpose of electing senators in accordance with the provisions of [Committee Proposal 80, section a,] ARTICLE IV, SECTION 2 after the official publication of the total population count of the 1970 decennial federal census. Until the [re]apportionment of the senate following the 1970 census, the senatorial districts under the 1908 constitution[, as amended,] shall remain intact except that upon the adoption of this constitution each of the counties of Kent, Genesee, Macomb and Oakland shall be divided by the apportionment commission into [2] TWO senatorial districts and Wayne county into [8] EIGHT senatorial districts in accordance with this constitution.

Sec. 7. [A vacancy hereafter created as the result of the death, retirement or resignation of one incumbent justice shall not be filled.]

NOTWITHSTANDING THE PROVISIONS OF THIS CONSTITUTION THAT THE SUPREME COURT SHALL CONSIST OF SEVEN JUSTICES IT SHALL CONSIST OF EIGHT JUSTICES UNTIL THE TIME THAT A VACANCY OCCURS AS A RESULT OF DEATH, RETIREMENT OR RESIGNATION OF A JUSTICE. THE FIRST SUCH VACANCY SHALL NOT BE FILLED.

Sec. 8. Any [supreme court justice, circuit judge,] judge of probate serving [at] ON the [time this constitution becomes] effective DATE OF THIS CONSTITUTION may serve the remainder of the term and be eligible TO SUCCEED HIMSELF for election [to his present office] regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

Sec. 9. The provisions of [this] Article VI providing that terms of JUDICIAL offices shall not all expire at the same time, shall be implemented BY LAW PROVIDING THAT at the next election for such offices [by legislation providing for elections] JUDGES SHALL BE ELECTED for terms of varying length, none of which shall be shorter than the [basic] REGULAR term provided for the office.

Sec. 10. THE MEMBERS OF THE STATE BOARD OF EDUCATION PROVIDED FOR IN ARTICLE VIII SECTION 3 SHALL FIRST BE ELECTED AT THE FIRST GENERAL ELECTION AFTER THE EFFECTIVE DATE OF THIS CONSTITUTION FOR THE FOLLOWING TERMS: TWO SHALL BE ELECTED FOR TWO YEARS, TWO FOR FOUR YEARS, TWO FOR SIX YEARS, AND TWO FOR EIGHT YEARS AS PRESCRIBED BY LAW.

THE STATE BOARD OF EDUCATION PROVIDED FOR IN THE CONSTITUTION OF 1908 IS ABOLISHED AT TWELVE O'CLOCK NOON JANUARY 1 OF THE YEAR FOLLOWING THE FIRST GENERAL ELECTION UNDER THIS CONSTITUTION AND THE TERMS OF MEMBERS THEREOF SHALL THEN EXPIRE.

Sec. 11. THE PROVISIONS OF THIS CONSTITUTION PROVIDING FOR MEMBERS OF BOARDS OF CONTROL OF INSTITUTIONS OF HIGHER EDUCATION AND THE STATE BOARD OF PUBLIC COMMUNITY AND JUNIOR COLLEGES SHALL BE IMPLEMENTED BY LAW. THE LAW MAY PROVIDE THAT THE TERM OF EACH MEMBER IN OFFICE ON THE DATE OF THE VOTE ON THIS CONSTITUTION MAY BE EXTENDED, AND MAY FURTHER PROVIDE THAT THE INITIAL TERMS OF OFFICE OF MEMBERS MAY BE LESS THAN EIGHT YEARS.

Sec. 12. THE PROVISIONS OF THIS CONSTITUTION INCREASING THE NUMBER OF MEMBERS OF THE BOARD OF TRUSTEES OF MICHIGAN STATE UNIVERSITY AND OF THE BOARD OF GOVERNORS OF WAYNE STATE UNIVERSITY TO EIGHT, AND OF THEIR TERMS OF OFFICE TO EIGHT YEARS, SHALL BE IMPLEMENTED BY LAW. THE LAW MAY PROVIDE THAT THE TERM OF EACH MEMBER IN OFFICE ON THE DATE OF THE VOTE ON THIS CONSTITUTION MAY BE EXTENDED ONE YEAR, AND MAY FURTHER PROVIDE THAT THE INITIAL TERMS OF OFFICE OF THE ADDITIONAL MEMBERS MAY BE LESS THAN EIGHT YEARS.

Sec. 13. The initial allocation of departments by law pursuant to Article V, Section 2 shall be completed within two years after the effective date of this constitution. If such allocation shall not have been completed within such period, the governor, within one year thereafter, by executive order, shall make the initial allocation.

Sec. 14. Contractual obligations of the state incurred pursuant to the constitution of 1908 [as amended] shall continue to be obligations of the state.

For the retirement of [such] notes and bonds [as may have been] issued under Section 26 of Article X of the 1908 constitution, there is hereby appropriated from the general fund each year during their life a sum equal to the amount of principal and interest payments due and payable in each [such] year.

Sec. 15. [Provided however, That] The legislature [is authorized to provide by general law adopted] by a vote of [2/3] TWO-THIRDS of the members elected to and serving in each house MAY PROVIDE THAT THE STATE MAY [for the] borrow[ing of] money AND MAY PLEDGE ITS FULL FAITH AND CREDIT for [the] refunding [of] any bonds issued by the Mackinac Bridge Authority[,] AND at [which] THE time OF REFUNDING the Mackinac Bridge Authority [Act] shall be [repealed] ABOLISHED and the operation of the bridge SHALL be assumed by the state highway department. THE LEGISLATURE MAY IMPLEMENT THIS SECTION BY LAW.

Sec. 16. This constitution shall be submitted to the people for their adoption or rejection at the general election to be held on the Tuesday after the first Monday of November, 1962. It shall be the duty of the secretary of state forthwith to give notice of such submission to all other officers required to give or publish any notice in regard to A GENERAL [such] election. He shall give notice that this constitution will be duly submitted to the electors at such election. The notice shall be given in the manner required for the election of governor.

Sec. 17. Every registered elector may vote

1 on the adoption of the constitution. The board  
 2 of election commissioners in each county shall  
 3 cause to be printed on a ballot separate from  
 4 the ballot containing the names of the nominees  
 5 for office, the words: ["] Shall the revised con-  
 6 stitution be adopted? ( ) Yes. ( ) No. ["] All  
 7 votes cast at THE [this] election shall be taken,  
 8 counted, canvassed and returned as provided by

law for the election of state officers. [Should]  
 IF the revised constitution so submitted receiveS  
 more votes in its favor than were cast against  
 it, it shall be the supreme law of the state on  
 and after the first day of January OF THE YEAR  
 FOLLOWING ITS ADOPTION [,1963, except as  
 otherwise provided in this constitution].

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

appointive. He may remove or suspend from office for gross neglect of duty or for corrupt conduct in office, or for any other misfeasance or malfeasance therein, any elective or appointive state officer, except legislative or judicial, and shall report the reasons for such removal or suspension to the legislature.

*Following is section 28 of article V, as amended and passed:*

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

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

Appeals from final orders of the commission, including cease and desist orders and refusals to issue complaints, shall be tried de novo before the circuit court of the state having jurisdiction provided by law.

*Following is explanation of vote submitted by Messrs. Austin, Sablich, Bradley, Wilkowski, Downs, Hodges, Madar, Marshall, Walker, Stopczynski, Young, Faxon, Buback, T. S. Brown, Baginski, Binkowski and Miss Hart:*

We voted no on article V, the executive branch, because this builds in the conflict between the governor and the state senate. The executive cannot make a single appointment under this article without the advice and consent of the senate — a senate which does not and can not represent people because of the lack of equitable apportionment. Thus, the governor is restricted and limited and must make decisions on appointments on the basis of confirmability with an actual minority, rather than ability to serve the people of the state.

The present elected highway commissioner has been replaced by a 4 headed bipartisan staggered body, selected with advice and consent, that in turn selects a director. This has neither the advantages of an elected system, nor that of an appointed system directly by the governor. Michigan's present superior highway system can seriously suffer from this unwarranted change.

The state treasurer is no longer elected, but is appointed with advice and consent, and as such will be subject to control in appointment by a majority of the legislators representing a minority of the people of the state. The section dealing on the executive budget (section 19) will practically mandate the governor to reduce expenditures in unearmarked areas if state revenues decline, with the approval of legislative appropriating committees. This too will be a built in conflict between a governor with social responsibilities and a legislative committee that is not truly representative of all the people.

Because highways and local units of government have earmarked funds, whereas schools and social services do not, there will be terrific pressures in a period of economic decline, when tax revenues are least and social needs are the greatest, for the governor to cut expenditures for legisla-

tion, mental health, education, and social services to meet requirements of this section.

We, therefore, voted no on this article.

VICE PRESIDENT HUTCHINSON (continuing): The secretary will read article VI, judicial branch.

SECRETARY CHASE: **Article VI**, judicial branch:

[Article VI, sections 1 through 29, was read by the secretary. For the text, see above, page 3060.]

VICE PRESIDENT HUTCHINSON: Article VI has been read a third time.

SECRETARY CHASE: Mr. Cudlip, on behalf of the committee on style and drafting, requests that the following corrections be made in article VI of the proposed revision of the constitution:

sec-	col-	line	Corrections
2	1	57	After "[except]" delete "that".
2	1	57	Change "ANY" to "Any".
10	1	3	After "[" insert "as".
18	2	38	After "court" insert "[such]".
18	2	38	At end of line, change "an" to "AN".

VICE PRESIDENT HUTCHINSON: Without objection it is so ordered. [Corrections made above.] The secretary will report the amendments.

SECRETARY CHASE: Mr. W. F. Hanna [and Mr. Higgs] offers the following amendment:

1. Amend article VI, section 26 (first column, line 39) after "jurisdiction" by inserting a comma and "compensation"; so the language will read, "Their jurisdiction, compensation and powers within this period shall be as provided by law."

VICE PRESIDENT HUTCHINSON: Mr. Hanna.

MR. W. F. HANNA: Mr. President and fellow delegates, I want to raise a problem which, unfortunately, I did not catch on first or second reading and it was not until we were going over this matter carefully in style and drafting last week that I saw what I believe to be a serious problem and a serious inconsistency, and I bring it to the attention of the convention. We have provided that upon the adoption of this constitution, or the effective date of this constitution, that no judicial officer shall be compensated by fees or anything based upon the volume of his business, but it is said that he must be paid a salary. We now then come to section 26, where we have continued in office these offices of circuit court commissioner and justice of the peace, which are in fact officers that in the main have been compensated by fees of their office and dependent upon the volume of activity.

Now I want to raise 3 problems with this conflict as I see it: first is the practical impossibility, if this constitution goes into effect on January first of a given year. In the townships the fiscal year is from April 1 to April 1, and in counties the fiscal year will have commenced before the effective date of the constitution. There will be no money appropriated; there will be no money out of which you can pay circuit court commissioners a salary or a justice of the peace a salary. Therefore, you are asking these people to serve completely without compensation. Secondly, under the present state law, each township elects 2 justices of the peace. Certainly, you will have to provide in all due process that the 2 justices will receive the same salary. And in many, many, many townships that have 2 justices, one justice maintains an active calendar and open docket and the other has no open calendar, no docket, and is purely an honorary type of office. To set a salary commensurate for these 2 men that is the same immediately penalizes the man who has been doing the work and benefits the man who does not do the work, and so far there is nothing in this constitution that makes a justice of the peace maintain a docket, hold office, or perform any judicial function. Therefore, until this whole matter can be worked out, this man can sit there and draw a salary and not do anything. So that you have a practical fiscal problem in the efforts to do this.

Now, the second problem that I want to raise is breach of contract. We have elsewhere provided in this constitution that you

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

*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 | trict in the city with which it is combined, if  
2 | provided by ordinance of the city. The district  
3 | or districts with which the territory shall be  
4 | combined shall be determined by such ordinance  
5 | certified to the secretary of state. No such change  
6 | in the boundaries of a representative or senatorial  
7 | district shall have the effect of removing a legis-  
8 | lator from office during his term.

9 | Sec. 5. Island areas are considered to be con-  
10 | tiguous by land to the county of which they are  
11 | a part.

12 | Sec. 6. A commission on legislative apportion-  
13 | ment is hereby established consisting of eight  
14 | persons, four of whom shall be selected by the  
15 | state organizations of each of the two political  
16 | parties whose candidates for governor received  
17 | the highest vote at the last general election at  
18 | which a governor was elected preceding each ap-  
19 | portionment. If a candidate for governor of a third  
20 | political party has received at such election more  
21 | than 25 percent of such gubernatorial vote, the  
22 | commission shall consist of 12 members, four of  
23 | whom shall be selected by the state organization of  
24 | the third political party. One member of the com-  
25 | mission shall be selected by each political party or-  
26 | ganization from each of the following four regions:  
27 | (1) The upper peninsula; (2) The northern part of  
28 | the lower peninsula, north of a line drawn along  
29 | the northern boundaries of the counties of Bay,  
30 | Midland, Isabella, Mecosta, Newaygo and Oceana;  
31 | (3) Southwestern Michigan, those counties south  
32 | of region (2) and west of a line drawn along  
33 | the western boundaries of the counties of Bay,  
34 | Saginaw, Shiawassee, Ingham, Jackson and Hills-  
35 | dale; (4) Southeastern Michigan, the remaining  
36 | counties of the state.

37 | No officers or employees of the federal, state  
38 | or local governments, excepting notaries public  
39 | and members of the armed forces reserve, shall  
40 | be eligible for membership on the commission.  
41 | Members of the commission shall not be eligible  
42 | for election to the legislature until two years after  
43 | the apportionment in which they participated  
44 | becomes effective.

45 | The commission shall be appointed immediately  
46 | after the adoption of this constitution and when-  
47 | ever apportionment or districting of the legislature  
48 | is required by the provisions of this constitution.  
49 | Members of the commission shall hold office until  
50 | each apportionment or districting plan becomes  
51 | effective. Vacancies shall be filled in the same  
52 | manner as for original appointment.

53 | The secretary of state shall be secretary of  
54 | the commission without vote, and in that capacity  
55 | shall furnish, under the direction of the commis-  
56 | sion, all necessary technical services. The com-  
57 | mission shall elect its own chairman, shall make  
58 | its own rules of procedure, and shall receive com-  
59 | pensation provided by law. The legislature shall  
60 | appropriate funds to enable the commission to

carry out its activities.

1 | Within 30 days after the adoption of this con-  
2 | stitution, and after the official total population  
3 | count of each federal decennial census of the state  
4 | and its political subdivisions is available, the se-  
5 | cretary of state shall issue a call convening the  
6 | commission not less than 30 nor more than 45  
7 | days thereafter. The commission shall complete  
8 | its work within 180 days after all necessary census  
9 | information is available. The commission shall  
10 | proceed to district and apportion the senate and  
11 | house of representatives according to the provi-  
12 | sions of this constitution. All final decisions shall  
13 | require the concurrence of a majority of the mem-  
14 | bers of the commission. The commission shall hold  
15 | public hearings as may be provided by law.

16 | Each final apportionment and districting plan  
17 | shall be published as provided by law within 30  
18 | days from the date of its adoption and shall be-  
19 | come law 60 days after publication. The secre-  
20 | tary of state shall keep a public record of all the  
21 | proceedings of the commission and shall be re-  
22 | sponsible for the publication and distribution of  
23 | each plan.

24 | If a majority of the commission cannot agree  
25 | on a plan, each member of the commission, indi-  
26 | vidualy or jointly with other members, may sub-  
27 | mit a proposed plan to the supreme court. The  
28 | supreme court shall determine which plan com-  
29 | plies most accurately with the constitutional re-  
30 | quirements and shall direct that it be adopted  
31 | by the commission and published as provided  
32 | in this section.

33 | Upon the application of any elector filed not  
34 | later than 60 days after final publication of the  
35 | plan, the supreme court, in the exercise of origi-  
36 | nal jurisdiction, shall direct the secretary of  
37 | state or the apportionment commission to per-  
38 | form their duties, may review any final plan  
39 | adopted by the commission, and shall remand  
40 | such plan to the commission for further action  
41 | if it fails to comply with the requirements of  
42 | this constitution.

43 | Sec. 7. Each senator and representative  
44 | must be a citizen of the United States, at least  
45 | 21 years of age, and an elector of the district  
46 | he represents. The removal of his domicile from  
47 | the district shall be deemed a vacation of the  
48 | office. No person who has been convicted of sub-  
49 | version or who has within the preceding 20 years  
50 | been convicted of a felony involving a breach  
51 | of public trust shall be eligible for either house  
52 | of the legislature.

53 | Sec. 8. No person holding any office under the  
54 | United States or this state or a political subdivi-  
55 | sion thereof, except notaries public and officers  
56 | of the armed forces reserve, may be a member of  
57 | either house of the legislature.

58 | Sec. 9. No person elected to the legislature  
59 | shall receive any civil appointment within this  
60 |



1 state from the governor, except notaries public,  
2 from the legislature, or from any other state  
3 authority, during the term for which he is elected.

4 Sec. 10. No member of the legislature nor any  
5 state officer shall be interested directly or in-  
6 directly in any contract with the state or any  
7 political subdivision thereof which shall cause a  
8 substantial conflict of interest. The legislature  
9 shall further implement this provision by appro-  
10 priate legislation.

11 Sec. 11. Senators and representatives shall be  
12 privileged from civil arrest and civil process dur-  
13 ing sessions of the legislature and for five days  
14 next before the commencement and after the  
15 termination thereof. They shall not be ques-  
16 tioned in any other place for any speech in either  
17 house.

18 Sec. 12. The compensation and expense al-  
19 lowances of the members of the legislature shall  
20 be determined by law. Changes in compensation  
21 or expense allowances shall become effective only  
22 when legislators commence their terms of office  
23 after a general election.

24 Sec. 13. The legislature shall meet at the seat  
25 of government on the second Wednesday in Janu-  
26 ary of each year at twelve o'clock noon. Each  
27 regular session shall adjourn without day, on a  
28 day determined by concurrent resolution, at  
29 twelve o'clock noon. Any business, bill or joint  
30 resolution pending at the final adjournment of  
31 a regular session held in an odd numbered year  
32 shall carry over with the same status to the  
33 next regular session.

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

41 Sec. 15. There shall be a bi-partisan legisla-  
42 tive council consisting of legislators appointed in  
43 the manner prescribed by law. The legislature  
44 shall appropriate funds for the council's opera-  
45 tions and provide for its staff which shall main-  
46 tain bill drafting, research and other services  
47 for the members of the legislature. The council  
48 shall periodically examine and recommend to the  
49 legislature revision of the various laws of the  
50 state.

51 Sec. 16. Each house, except as otherwise pro-  
52 vided in this constitution, shall choose its own  
53 officers and determine the rules of its proceedings,  
54 but shall not adopt any rule that will prevent a  
55 majority of the members elected thereto and  
56 serving therein from discharging a committee  
57 from the further consideration of any measure.  
58 Each house shall be the sole judge of the quali-  
59 fications, elections and returns of its members,  
60 and may, with the concurrence of two-thirds of

1 all the members elected thereto and serving  
2 therein, expel a member. The reasons for such  
3 expulsion shall be entered in the journal, with  
4 the votes and names of the members voting upon  
5 the question. No member shall be expelled a  
6 second time for the same cause.

7 Sec. 17. Each house of the legislature may  
8 establish the committees necessary for the effi-  
9 cient conduct of its business and the legislature  
10 may create joint committees. Each committee  
11 shall by roll call vote record the vote and name  
12 of all action on bills and resolutions taken in  
13 the committee. Such vote shall be available for  
14 public inspection. Notice of all committee hear-  
15 ings and a clear statement of all subjects to be  
16 considered at each hearing shall be published in  
17 the journal in advance of the hearing.

18 Sec. 18. Each house shall keep a journal of  
19 its proceedings, and publish the same unless the  
20 public security otherwise requires. The record  
21 of the vote and name of the members of either  
22 house voting on any question shall be entered  
23 in the journal at the request of one-fifth of the  
24 members present. Any member of either house  
25 may dissent from and protest against any act,  
26 proceeding or resolution which he deems injuri-  
27 ous to any person or the public, and have the  
28 reason for his dissent entered in the journal.

29 Sec. 19. All elections in either house or in  
30 joint convention and all votes on appointments  
31 submitted to the senate for advice and consent  
32 shall be published by vote and name in the journal.

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

35 Sec. 21. Neither house shall, without the con-  
36 sent of the other, adjourn for more than two  
37 intervening calendar days, nor to any place other  
38 than where the legislature may then be in session.

39 Sec. 22. All legislation shall be by bill and  
40 may originate in either house.

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

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

49 Sec. 25. No law shall be revised, altered or  
50 amended by reference to its title only. The section  
51 or sections of the act altered or amended shall  
52 be re-enacted and published at length.

53 Sec. 26. No bill shall be passed or become a  
54 law at any regular session of the legislature until  
55 it has been printed or reproduced and in the pos-  
56 session of each house for at least five days. Every  
57 bill shall be read three times in each house be-  
58 fore the final passage thereof. No bill shall be-  
59 come a law without the concurrence of a majority  
60 of the members elected to and serving in each

house. On the final passage of bills, the votes and names of the members voting thereon shall be entered in the journal.

Sec. 27. No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.

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

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

Sec. 30. The assent of two-thirds of the members elected to and serving in each house of the legislature shall be required for the appropriation of public money or property for local or private purposes.

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

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

Sec. 33. Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law. If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not be-

come law. If he does not approve, and the legislature continues the session at which the bill was passed, he shall return it within such 14-day period with his objections, to the house in which it originated. That house shall enter such objections in full in its journal and reconsider the bill. If two-thirds of the members elected to and serving in that house pass the bill notwithstanding the objections of the governor, it shall be sent with the objections to the other house for reconsideration. The bill shall become law if passed by two-thirds of the members elected to and serving in that house. The vote of each house shall be entered in the journal with the votes and names of the members voting thereon. If any bill is not returned by the governor within such 14-day period, the legislature continuing in session, it shall become law as if he had signed it.

Sec. 34. Any bill passed by the legislature and approved by the governor, except a bill appropriating money, may provide that it will not become law unless approved by a majority of the electors voting thereon.

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

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

Sec. 37. The legislature may by concurrent resolution empower a joint committee of the legislature acting between sessions to suspend until the end of the next regular legislative session any rule or regulation of an administrative agency promulgated when the legislature is not in regular session.

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

Sec. 39. In order to insure continuity of state and local governmental operations in periods of emergency only, resulting from disasters occurring in this state caused by enemy attack on the United States, the legislature may provide by law for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices; and enact other laws necessary and proper for insuring the continuity of governmental operations. Notwithstanding the power conferred by this section, elections shall always

be called as soon as possible to fill any vacancies in elective offices temporarily occupied by operation of any legislation enacted pursuant to the provisions of this section.

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

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

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

Sec. 43. No general law providing for the incorporation of trust companies or corporations for banking purposes, or regulating the business thereof, shall be enacted, amended or repealed except by a vote of two-thirds of the members elected to and serving in each house.

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

Sec. 45. The legislature may provide for indeterminate sentences as punishment for crime and for the detention and release of persons imprisoned or detained under such sentences.

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

Sec. 47. The legislature may authorize the employment of chaplains in state institutions of detention or confinement.

Sec. 48. The legislature may enact laws providing for the resolution of disputes concerning public employees, except those in the state classified civil service.

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

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

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

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

natural resources of the state from pollution, impairment and destruction.

Sec. 53. The legislature by a majority vote of the members elected to and serving in each house, shall appoint an auditor general, who shall be a certified public accountant licensed to practice in this state, to serve for a term of eight years. He shall be ineligible for appointment or election to any other public office in this state from which compensation is derived while serving as auditor general and for two years following the termination of his service. He may be removed for cause at any time by a two-thirds vote of the members elected to and serving in each house. The auditor general shall conduct post audits of financial transactions and accounts of the state and of all branches, departments, offices, boards, commissions, agencies, authorities and institutions of the state established by this constitution or by law, and performance post audits thereof.

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

Nothing in this section shall be construed in any way to infringe the responsibility and constitutional authority of the governing boards of the institutions of higher education to be solely responsible for the control and direction of all expenditures from the institutions' funds.

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

## Article V

### Executive Branch

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

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

Subsequent to the initial allocation, the governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these

changes require the force of law, they shall be set forth in executive orders and submitted to the legislature. Thereafter the legislature shall have 60 calendar days of a regular session, or a full session if of shorter duration, to disapprove each executive order. Unless disapproved in both houses by a resolution concurred in by a majority of the members elected to and serving in each house, each order shall become effective at a date thereafter to be designated by the governor.

Sec. 3. The head of each principal department shall be a single executive unless otherwise provided in this constitution or by law. The single executives heading principal departments shall include a secretary of state, a state treasurer and an attorney general. When a single executive is the head of a principal department, unless elected or appointed as otherwise provided in this constitution, he shall be appointed by the governor by and with the advice and consent of the senate and he shall serve at the pleasure of the governor.

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

Terms of office of any board or commission created or enlarged after the effective date of this constitution shall not exceed four years except as otherwise authorized in this constitution. The terms of office of existing boards and commissions which are longer than four years shall not be further extended except as provided in this constitution.

Sec. 4. Temporary commissions or agencies for special purposes with a life of no more than two years may be established by law and need not be allocated within a principal department.

Sec. 5. At no time shall an examining or licensing board of a profession include less than a majority of members of that profession.

Sec. 6. Appointment by and with the advice and consent of the senate when used in this constitution or laws in effect or hereafter enacted means appointment subject to disapproval by a majority vote of the members elected to and serving in the senate if such action is taken within 60 session days after the date of such appointment. Any appointment not disapproved within such period shall stand confirmed.

Sec. 7. Vacancies in any office, appointment to which requires advice and consent of the senate, shall be filled by the governor by and with the advice and consent of the senate. A person whose appointment has been disapproved by the senate shall not be eligible for an interim appointment

to the same office.

Sec. 8. Each principal department shall be under the supervision of the governor unless otherwise provided by this constitution. The governor shall take care that the laws be faithfully executed. He shall transact all necessary business with the officers of government and may require information in writing from all executive and administrative state officers, elective and appointive, upon any subject relating to the duties of their respective offices.

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

Sec. 9. Single executives heading principal departments and the chief executive officers of principal departments headed by boards or commissions shall keep their offices at the seat of government except as otherwise provided by law, superintend them in person and perform duties prescribed by law.

Sec. 10. The governor shall have power and it shall be his duty to inquire into the condition and administration of any public office and the acts of any public officer, elective or appointive. He may remove or suspend from office for gross neglect of duty or for corrupt conduct in office, or for any other misfeasance or malfeasance therein, any elective or appointive state officer, except legislative or judicial, and shall report the reasons for such removal or suspension to the legislature.

Sec. 11. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an appointed or elected officer, other than a legislative or judicial officer, until he is reinstated or until the vacancy is filled in the manner prescribed by law or this constitution.

Sec. 12. The governor shall be commander-in-chief of the armed forces and may call them out to execute the laws, suppress insurrection and repel invasion.

Sec. 13. The governor shall issue writs of election to fill vacancies in the senate or house of representatives. Any such election shall be held in a manner prescribed by law.

Sec. 14. The governor shall have power to grant reprieves, commutations and pardons after convictions for all offenses, except cases of impeachment, upon such conditions and limitations as he may direct, subject to procedures and regulations prescribed by law. He shall inform the legislature annually of each reprieve, commutation and pardon granted, stating reasons

therefor.

Sec. 15. The governor may convene the legislature on extraordinary occasions.

Sec. 16. The governor may convene the legislature at some other place when the seat of government becomes dangerous from any cause.

Sec. 17. The governor shall communicate by message to the legislature at the beginning of each session and may at other times present to the legislature information as to the affairs of the state and recommend measures he considers necessary or desirable.

Sec. 18. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state. Proposed expenditures from any fund shall not exceed the estimated revenue thereof. On the same date, the governor shall submit to the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills to provide new or additional revenues to meet proposed expenditures. The amount of any surplus created or deficit incurred in any fund during the last preceding fiscal period shall be entered as an item in the budget and in one of the appropriation bills. The governor may submit amendments to appropriation bills to be offered in either house during consideration of the bill by that house, and shall submit any bills to meet deficiencies in current appropriations.

Sec. 19. The governor may disapprove any distinct item or items appropriating moneys in any appropriation bill. The part or parts approved shall become law, and the item or items disapproved shall be void unless re-passed according to the method prescribed for the passage of other bills over the executive veto.

Sec. 20. No appropriation shall be a mandate to spend. The governor, with the approval of the appropriating committees of the house and senate, shall reduce expenditures authorized by appropriations whenever it appears that actual revenues for a fiscal period will fall below the revenue estimates on which appropriations for that period were based. Reductions in expenditures shall be made in accordance with procedures prescribed by law. The governor may not reduce expenditures of the legislative and judicial branches or from funds constitutionally dedicated for specific purposes.

Sec. 21. The governor, lieutenant governor, secretary of state and attorney general shall be elected for four-year terms at the general election in each alternate even-numbered year.

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

for the candidates for governor and lieutenant governor nominated by the same party.

Vacancies in the office of the secretary of state and attorney general shall be filled by appointment by the governor.

Sec. 22. To be eligible for the office of governor or lieutenant governor a person must have attained the age of 30 years, and have been a registered elector in this state for four years next preceding his election.

Sec. 23. The governor, lieutenant governor, secretary of state and attorney general shall each receive the compensation provided by law in full payment for all services performed and expenses incurred during his term of office. Such compensation shall not be changed during the term of office except as otherwise provided in this constitution.

Sec. 24. An executive residence suitably furnished shall be provided at the seat of government for the use of the governor. He shall receive an allowance for its maintenance as provided by law.

Sec. 25. The lieutenant governor shall be president of the senate, but shall have no vote except in case of equal division. He may perform duties requested of him by the governor, but no power vested in the governor shall be delegated.

Sec. 26. In case of the conviction of the governor on impeachment, his removal from office, his resignation or his death, the lieutenant governor, the elected secretary of state, the elected attorney general and such other persons designated by law shall in that order be governor for the remainder of the governor's term.

In case of the death of the governor-elect, the lieutenant governor-elect, the secretary of state-elect, the attorney general-elect and such other persons designated by law shall become governor in that order at the commencement of the governor-elect's term.

If the governor or the person in line of succession to serve as governor is absent from the state, or suffering under an inability, the powers and duties of the office of governor shall devolve in order of precedence until the absence or inability giving rise to the devolution of powers ceases.

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

Sec. 27. The legislature shall provide that the salary of any state officer while acting as governor shall be equal to that of the governor.

Sec. 28. There is hereby established a state highway commission, which shall administer the state highway department and have jurisdiction

and control over all state trunkline highways and appurtenant facilities, and such other public works of the state, as provided by law.

The state highway commission shall consist of four members, not more than two of whom shall be members of the same political party. They shall be appointed by the governor by and with the advice and consent of the senate for four-year terms, no two of which shall expire in the same year as provided by law.

The state highway commission shall appoint and may remove a state highway director, who shall be a competent highway engineer and administrator. He shall be the principal executive officer of the state highway department and shall be responsible for executing the policy of the state highway commission.

Sec. 29. There is hereby established a civil rights commission which shall consist of eight persons, not more than four of whom shall be members of the same political party, who shall be appointed by the governor, by and with the advice and consent of the senate, for four-year terms not more than two of which shall expire in the same year. It shall be the duty of the commission in a manner which may be prescribed by law to investigate alleged discrimination against any person because of religion, race, color or national origin in the enjoyment of the civil rights guaranteed by law and by this constitution, and to secure the equal protection of such civil rights without such discrimination. The legislature shall provide an annual appropriation for the effective operation of the commission.

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

Appeals from final orders of the commission, including cease and desist orders and refusals to issue complaints, shall be tried de novo before the circuit court having jurisdiction provided by law.

## Article VI Judicial Branch

Sec. 1. The judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction

known as the circuit court, one probate court, and other courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.

Sec. 2. The supreme court shall consist of seven justices elected at non-partisan elections as provided by law. The term of office shall be eight years and not more than two terms of office shall expire at the same time. Nominations for justices of the supreme court shall be in the manner prescribed by law. Any incumbent justice whose term is to expire may become a candidate for re-election by filing an affidavit of candidacy, in the form and manner prescribed by law, not less than 180 days prior to the expiration of his term.

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

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

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

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

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

Sec. 8. The court of appeals shall consist initially of nine judges who shall be nominated and elected at non-partisan elections from districts drawn on county lines and as nearly as possible of equal population, as provided by law. The



supreme court may prescribe by rule that the court of appeals may sit in divisions and for the terms of court and the times and places thereof. Each such division shall consist of not fewer than three judges. The number of judges comprising the court of appeals may be increased, and the districts from which they are elected may be changed by law.

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

Sec. 10. The jurisdiction of the court of appeals shall be provided by law and the practice and procedure therein shall be prescribed by rules of the supreme court.

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

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

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

Sec. 14. The clerk of each county organized for judicial purposes or other officer performing the duties of such office as provided in a county charter shall be clerk of the circuit court for such

county. The judges of the circuit court may fill a vacancy in an elective office of county clerk or prosecuting attorney within their respective jurisdictions.

Sec. 15. In each county organized for judicial purposes there shall be a probate court. The legislature may create or alter probate court districts of more than one county if approved in each affected county by a majority of the electors voting on the question. The legislature may provide for the combination of the office of probate judge with any judicial office of limited jurisdiction within a county with supplemental salary as provided by law. The jurisdiction, powers and duties of the probate court and of the judges thereof shall be provided by law. They shall have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

Sec. 16. One or more judges of probate as provided by law shall be nominated and elected at non-partisan elections in the counties or the probate districts in which they reside and shall hold office for terms of six years and until their successors are elected and qualified. In counties or districts with more than one judge the terms of office shall be arranged by law to provide that not all terms will expire at the same time.

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

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

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

Sec. 19. The supreme court, the court of appeals, the circuit court, the probate court and other courts designated as such by the legislature shall be courts of record and each shall have a common seal. Justices and judges of courts of record must be persons who are licensed to practice law in this state. No person shall be elected or appointed to a judicial office after reaching the age of 70 years.

1 Sec. 20. Whenever a justice or judge removes  
2 his domicile beyond the limits of the territory  
3 from which he was elected, he shall have vacated  
4 his office.

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

10 Sec. 22. Any elected judge of the court of  
11 appeals, circuit court or probate court may be-  
12 come a candidate in the primary election for the  
13 office of which he is the incumbent by filing an  
14 affidavit of candidacy in the form and manner  
15 prescribed by law.

16 Sec. 23. A vacancy in the elective office of a  
17 judge of any court of record shall be filled at a  
18 general or special election as provided by law.  
19 The supreme court may authorize persons who  
20 have served as judges and who have retired, to  
21 perform judicial duties for the limited period of  
22 time from the occurrence of the vacancy until  
23 the successor is elected and qualified. Such per-  
24 sons shall be ineligible for election to fill the  
25 vacancy.

26 Sec. 24. There shall be printed upon the ballot  
27 under the name of each elected incumbent justice  
28 or judge who is a candidate for nomination or  
29 election to the same office the designation of  
30 that office.

31 Sec. 25. For reasonable cause, which is not  
32 sufficient ground for impeachment, the governor  
33 shall remove any judge on a concurrent resolution  
34 of two-thirds of the members elected to and serv-  
35 ing in each house of the legislature. The cause  
36 for removal shall be stated at length in the  
37 resolution.

38 Sec. 26. The offices of circuit court commis-  
39 sioner and justice of the peace are abolished at  
40 the expiration of five years from the date this  
41 constitution becomes effective or may within this  
42 period be abolished by law. Their jurisdiction,  
43 compensation and powers within this period shall  
44 be as provided by law. Within this five-year period,  
45 the legislature shall establish a court or courts  
46 of limited jurisdiction with powers and jurisdic-  
47 tion defined by law. The location of such court  
48 or courts, and the qualifications, tenure, method  
49 of election and salary of the judges of such court  
50 or courts, and by what governmental units the  
51 judges shall be paid, shall be provided by law,  
52 subject to the limitations contained in this Article.

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

57 Sec. 27. The supreme court, the court of ap-  
58 peals, the circuit court, or any justices or judges  
59 thereof, shall not exercise any power of appoint-  
60 ment to public office except as provided in this

constitution.

1 Sec. 28. All final decisions, findings, rulings  
2 and orders of any administrative officer or agency  
3 existing under the constitution or by law, which  
4 are judicial or quasi-judicial and affect private  
5 rights or licenses, shall be subject to direct re-  
6 view by the courts as provided by law. This re-  
7 view shall include, as a minimum, the determina-  
8 tion whether such final decisions, findings, rulings  
9 and orders are authorized by law; and, in cases in  
10 which a hearing is required, whether the same  
11 are supported by competent, material and sub-  
12 stantial evidence on the whole record. Findings  
13 of fact in workmen's compensation proceedings  
14 shall be conclusive in the absence of fraud un-  
15 less otherwise provided by law.

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

## Article VII

### Local Government

1 Sec. 1. Each organized county shall be a body  
2 corporate with powers and immunities provided  
3 by law.

4 Sec. 2. Any county may frame, adopt, amend  
5 or repeal a county charter in a manner and with  
6 powers and limitations to be provided by general  
7 law, which shall among other things provide for  
8 the election of a charter commission. The law  
9 may permit the organization of county govern-  
10 ment in form different from that set forth in this  
11 constitution and shall limit the rate of ad valorem  
12 property taxation for county purposes, and re-  
13 strict the powers of charter counties to borrow  
14 money and contract debts. Each charter county  
15 is hereby granted power to levy other taxes for  
16 county purposes subject to limitations and pro-  
17 hibitions set forth in this constitution or law.  
18 Subject to law, a county charter may authorize  
19 the county through its regularly constituted  
20 authority to adopt resolutions and ordinances re-  
21 lating to its concerns.

22 The board of supervisors by a majority vote  
23 of its members may, and upon petition of five  
24 percent of the electors shall, place upon the ballot  
25 the question of electing a commission to frame a  
26 charter.

27 No county charter shall be adopted, amended  
28 or repealed until approved by a majority of elec-  
29 tors voting on the question.

30 Sec. 3. No organized county shall be reduced  
31 by the organization of new counties to less than  
32 16 townships as surveyed by the United States,  
33 unless approved in the manner prescribed by law  
34 by a majority of electors voting thereon in each  
35 county to be affected.

36 Sec. 4. There shall be elected for four-year  
37 terms in each organized county a sheriff, a county

1 clerk, a county treasurer, a register of deeds  
2 and a prosecuting attorney, whose duties and  
3 powers shall be provided by law. The board of  
4 supervisors in any county may combine the offices  
5 of county clerk and register of deeds in one office  
6 or separate the same at pleasure.

7 Sec. 5. The sheriff, county clerk, county treas-  
8 urer and register of deeds shall hold their prin-  
9 cipal offices at the county seat.

10 Sec. 6. The sheriff may be required by law to  
11 renew his security periodically and in default of  
12 giving such security, his office shall be vacant.  
13 The county shall never be responsible for his acts,  
14 except that the board of supervisors may protect  
15 him against claims by prisoners for unintentional  
16 injuries received while in his custody. He shall  
17 not hold any other office except in civil defense.

18 Sec. 7. A board of supervisors shall be estab-  
19 lished in each organized county consisting of one  
20 member from each organized township and such  
21 representation from cities as provided by law.

22 Sec. 8. Boards of supervisors shall have legis-  
23 lative, administrative and such other powers and  
24 duties as provided by law.

25 Sec. 9. Boards of supervisors shall have ex-  
26 clusive power to fix the compensation of county  
27 officers not otherwise provided by law.

28 Sec. 10. A county seat once established shall  
29 not be removed until the place to which it is pro-  
30 posed to be moved shall be designated by two-  
31 thirds of the members of the board of supervisors  
32 and a majority of the electors voting thereon shall  
33 have approved the proposed location in the manner  
34 prescribed by law.

35 Sec. 11. No county shall incur any indebted-  
36 ness which shall increase its total debt beyond  
37 10 percent of its assessed valuation.

38 Sec. 12. A navigable stream shall not be  
39 bridged or dammed without permission granted  
40 by the board of supervisors of the county as pro-  
41 vided by law, which permission shall be subject  
42 to such reasonable compensation and other condi-  
43 tions as may seem best suited to safeguard the  
44 rights and interests of the county and political  
45 subdivisions therein.

46 Sec. 13. Two or more contiguous counties may  
47 combine into a single county if approved in each  
48 affected county by a majority of the electors voting  
49 on the question.

50 Sec. 14. The board of supervisors of each  
51 organized county may organize and consolidate  
52 townships under restrictions and limitations pro-  
53 vided by law.

54 Sec. 15. Any county, when authorized by its  
55 board of supervisors shall have the authority to  
56 enter or to intervene in any action or certificate  
57 proceeding involving the services, charges or rates  
58 of any privately owned public utility furnishing  
59 services or commodities to rate payers within the  
60 county.

1 Sec. 16. The legislature may provide for the  
2 laying out, construction, improvement and main-  
3 tenance of highways, bridges, culverts and airports  
4 by the state and by the counties and townships  
5 thereof; and may authorize counties to take charge  
6 and control of any highway within their limits  
7 for such purposes. The legislature may provide  
8 the powers and duties of counties in relation to  
9 highways, bridges, culverts and airports; may pro-  
10 vide for county road commissioners to be appointed  
11 or elected, with powers and duties provided by law.  
12 The ad valorem property tax imposed for road  
13 purposes by any county shall not exceed in any  
14 year one-half of one percent of the assessed valua-  
15 tion for the preceding year.

16 Sec. 17. Each organized township shall be a  
17 body corporate with powers and immunities pro-  
18 vided by law.

19 Sec. 18. In each organized township there shall  
20 be elected for terms of not less than two nor more  
21 than four years as prescribed by law a supervisor,  
22 a clerk, a treasurer, and not to exceed four trustees,  
23 whose legislative and administrative powers and  
24 duties shall be provided by law.

25 Sec. 19. No organized township shall grant  
26 any public utility franchise which is not subject  
27 to revocation at the will of the township, unless  
28 the proposition shall first have been approved  
29 by a majority of the electors of such township  
30 voting thereon at a regular or special election.

31 Sec. 20. The legislature shall provide by law  
32 for the dissolution of township government when-  
33 ever all the territory of an organized township  
34 is included within the boundaries of a village or  
35 villages notwithstanding that a village may in-  
36 clude territory within another organized township  
37 and provide by law for the classification of such  
38 village or villages as cities.

39 Sec. 21. The legislature shall provide by gen-  
40 eral laws for the incorporation of cities and  
41 villages. Such laws shall limit their rate of ad  
42 valorem property taxation for municipal purposes,  
43 and restrict the powers of cities and villages to  
44 borrow money and contract debts. Each city and  
45 village is granted power to levy other taxes for  
46 public purposes, subject to limitations and pro-  
47 hibitions provided by this constitution or by law.

48 Sec. 22. Under general laws the electors of  
49 each city and village shall have the power and  
50 authority to frame, adopt and amend its charter,  
51 and to amend an existing charter of the city or  
52 village heretofore granted or enacted by the legis-  
53 lature for the government of the city or village.  
54 Each such city and village shall have power to  
55 adopt resolutions and ordinances relating to its  
56 municipal concerns, property and government,  
57 subject to the constitution and law. No enumera-  
58 tion of powers granted to cities and villages in this  
59 constitution shall limit or restrict the general grant  
60 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
<b>Bowens</b>	Hoxie
Bradley	Hubbs
Brake	Hutchinson
Brown, G. E.	Iverson
Brown, T. S.	Jones
Buback	Judd, Mrs.
Butler, Mrs.	Karn
Conklin, Mrs.	Kelsey
Cudlip	Kirk, S.
Cushman, Mrs.	Knirk, B.
Danhof	Koeze, Mrs.
Dehnke	Krolkowski
Dell	Kuhn
DeVries	Lawrence
Donnelly, Miss	Lebrand
Doty, Dean	Leppien
Doty, Donald	Lesinski
Douglas	Liberato
Downs	Madar
Durst	Mahinske
Elliott, A. G.	Martin
Elliott, Mrs. Daisy	McAllister
Erickson	McCauley
Everett	McGowan, Miss
Farnsworth	McLogan
Faxon	Millard
Figy	Mosier
Finch	Murphy
Follo	Nisbet
Ford	Nord
Gadola	Norris
Garvin	Ostrow

Nays—0

SECRETARY CHASE: On the adoption of the amendment, the yeas are 141; the nays are none.

PRESIDENT NISBET: The amendment is adopted. The question now is on the final passage of the constitution as amended this morning. Those who are in favor will answer aye as your names are called. Those opposed will answer nay. The secretary will call the roll.

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

Yeas—98

Allen	Gover	Powell
Andrus, Miss	Gust	Prettie
Anspach	Habermehl	Pugsley
Balcer	Hanna, W. F.	Radka
Batchelor	Hannah, J. A.	Rajkovich
Beaman	Haskill	Richards, J. B.
Bentley	Hatch	Richards, L. W.
Blandford	Heideman	Romney
Bonisteel	Higgs	Rood
Boothby	Howes	Rush
Brake	Hoxie	Seyferth
Brown, G. E.	Hubbs	Shackleton
Butler, Mrs.	Hutchinson	Shaffer
Conklin, Mrs.	Iverson	Sharpe
Cudlip	Judd, Mrs.	Sleder
Cushman, Mrs.	Karn	Spitler
Danhof	Kirk, S.	Stafseth
Dehnke	Knirk, B.	Staiger
Dell	Koeze, Mrs.	Stamm
DeVries	Kuhn	Sterrett
Donnelly, Miss	Lawrence	Stevens
Doty, Dean	Leppien	Thomson
Doty, Donald	Martin	Tubbs
Durst	McCauley	Turner
Elliott, A. G.	McGowan, Miss	Tweedie
Erickson	McLogan	Upton
Everett	Millard	Van Dusen
Farnsworth	Mosier	Wanger
Figy	Nisbet	White
Finch	Page	Wood

Follo  
Gadola  
Goebel

Perras  
Plank  
Pollock

Woolfenden  
Yeager

#### Nays—43

Austin  
Baginski  
Barthwell  
Binkowski  
Bledsoe  
**Bowens**  
Bradley  
Brown, T. S.  
Buback  
Douglas  
Downs  
Elliott, Mrs. Daisy  
Faxon  
Ford  
Garvin

Greene  
Hart, Miss  
Hatcher, Mrs.  
Hood  
Jones  
Kelsey  
Krolikowski  
Leibrand  
Lesinski  
Liberato  
Madar  
Mahinske  
McAllister  
Murphy

Nord  
Norris  
Ostrow  
Pellow  
Perlich  
Sablich  
Shanahan  
Snyder  
Stopczynski  
Suzore  
Walker  
Wilkowski  
Young  
Youngblood

SECRETARY CHASE: On the adoption of the constitution as amended, the yeas are 98; the nays are 43. (applause)  
PRESIDENT NISBET: The **constitution** is adopted.

*For the constitution as adopted, see below, page 3317.*

Because of the hour, it being almost noon, the Chair recognizes Mr. Van Dusen.

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

PRESIDENT NISBET: The question is on the motion of Mr. Van Dusen that we recess until 2:00 p.m. Those in favor will say aye. Opposed, no.

The motion prevails. We are recessed until 2:00 o'clock.

[Whereupon, at 11:50 o'clock a.m., the convention recessed; and, at 2:00 o'clock p.m., reconvened.]

Will the delegates please take their seats. The convention will please come to order.

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

PRESIDENT NISBET: I think we should recognize the fact that many of our employees are voluntarily back with us today, meeting with the delegates. I'm sure all of us are very happy to have them here. It brings about a happy result to see them and I think we ought to give them a good hand. (applause) Mr. Chase has an announcement.

SECRETARY CHASE: There are 3 announcements that possibly should have been made before we recessed for lunch.

First, there is mail for all of the delegates in the mail room downstairs.

Just prior to the May 11 adjournment, several of the delegates took out, on loan, sets of convention slides which have not been returned. Missing from our files are 12 complete sets of slides. Since we frequently have call from other delegates for the use of these slides, we would appreciate their return as soon as possible. Ink White, chairman of the committee on public information.

I am sure the delegates recall the lady on the civic center staff who took such good care of keeping the windows clean and the place well slicked up, who had to go to the hospital for a very critical operation. A number of the delegates contributed to a fund to help her over her financial difficulties. I have the following card:

It is very difficult to express my appreciation to all the wonderful people of con. con. Let me say, with my heart, your kindness and generosity will always be remembered.

Sincerely,  
Freda Adams.

PRESIDENT NISBET: Since the adjournment on May 11, we have added 2 new associate members to the delegation: Mrs. Charles Follo and Mrs. Gil Wanger.

I asked Charlie if Mrs. Follo was present so that he might present her, but he said she isn't. We are sorry, Charlie, she couldn't be with us.

Mr. Wanger, is your associate delegate present? Would you present her?

[Whereupon, the delegates accorded Mrs. Wanger a standing ovation.]

At the final session before the long recess the president was authorized to name a reunion committee for the constitutional convention. Accordingly, the **president appoints**, as members of the reunion committee: Mr. Erickson, Mrs. Koeze, Messrs. Jones, Bowens, Brake, Mrs. Conklin, Mr. Dean Doty, Mrs. Daisy Elliott, Messrs. Faxon, Kelsey, Kuhn, Powell, Sharpe, Wanger, White and Norris.

Without objection, the appointments are approved. You will notice that most of these delegates are within the area of Lansing, Detroit or Grand Rapids for their ease in getting together when they have to meet. Mr. Claud Erickson is chairman of the committee.

Returning to the order of business, **approval of address to people**. We will take up the **report of the committee on public information**. Mr. White, chairman.

MR. WHITE: Mr. President, under date of June 26, 1962, each delegate was mailed proof copies of the proposed address to the people. Since that time our committee has received numerous suggestions for corrections, additions, deletions and so on. Our committee has met and gone over these suggestions and they have been, for the most part, agreed to. I might say, parenthetically, the address in its present corrected form represents the writing and editing of upwards of 50 of our delegates.

Under date of July 27, 1962, each of you was mailed a 16 page multilith report which outlined in detail some 108 corrections. This communication also carried the recommendation that we be authorized to correct the text of the constitution as it appears in the address to conform with the style and drafting changes adopted at today's session, and to offer comments accordingly, if necessary. All of this material has been delivered again to each delegate's desk today. Additionally, you have a single white multilith sheet from our committee containing brief addenda to this 16 page report.

It seems to me, Mr. President, the delegates have had ample time to consider these matters, and to expedite our final deliberations, I move that the report of the public information committee, with the recommended addenda, be considered read.

PRESIDENT NISBET: Without objection, it is so ordered.

*Following is the report as submitted and considered read:*

After careful consideration of suggestions from delegates, your committee on public information recommends the adoption of the following changes in the proof copy of the address to the people:

*For document incorporating following changes, see below, page 3355. Page numbers in report refer to document pages.*

1. Amend page 2, second full paragraph, line 3, after "that one" by striking out "must" and inserting "should"; to improve phraseology.

2. Amend page 2, third full paragraph, line 1, by striking out "Ordered by popular vote, its delegates selected by the people on the basis of one from each senatorial and representative district, the Constitutional Convention of 1961-62 met in Lansing on October 3, 1961.", and inserting "The convention was ordered by popular vote in April of 1961. There were 144 delegates, representing Michigan's 34 State Senatorial districts and 110 State Representative seats. They were elected in statewide voting on September 12, 1961, and convened at Lansing on October 3, 1961."; to improve awkward sentence construction and correct error by indicating "seats" rather than representative "districts."

3. Amend page 2, fifth full paragraph, line 2, after "overlapped" by striking out "each other"; to improve phraseology.

4. Amend page 2, fifth full paragraph, line 6, after

**CONSTITUTION  
OF THE  
STATE OF MICHIGAN**

**as finally adopted  
by the Convention  
August 1, 1962**

## PREAMBLE

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

## ARTICLE I

### Declaration of Rights

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

Sec. 2. No person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color or national origin. The legislature shall implement this section by appropriate legislation.

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

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

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

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

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

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

Sec. 9. Neither slavery, nor involuntary servitude unless for the punishment of crime, shall ever be tolerated in this state.

Sec. 10. No bill of attainder, ex post facto law or law impairing the obligation of contract shall be enacted.

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

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

Sec. 13. A suitor in any court of this state has the right to prosecute or defend his suit, either in his own proper person or by an attorney.

Sec. 14. The right of trial by jury shall remain, but shall be waived in all civil cases unless demanded by one of the parties in the manner prescribed by law. In all civil cases tried by 12 jurors a verdict shall be received when 10 jurors agree.

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

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

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

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

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

Sec. 20. In every criminal prosecution, the accused shall have the right to a speedy and public trial by an impartial jury, which may consist of less than 12 jurors in all courts not of record; to be informed of the nature of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to have the assistance of counsel for his defense; to have an appeal as a matter of right; and in courts of record, when the trial court so orders, to have such reasonable assistance as may be necessary to perfect and prosecute an appeal.

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



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

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

## ARTICLE II

### Elections

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

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

Sec. 3. For purposes of voting in the election for president and vice-president of the United States only, the legislature may by law establish lesser residence requirements for citizens who have resided in this state for less than six months and may waive residence requirements for former citizens of this state who have removed herefrom. The legislature shall not permit voting by any person who meets the voting residence requirements of the state to which he has removed.

Sec. 4. The legislature shall enact laws to regulate the time, place and manner of all nominations and elections, except as otherwise provided in this constitution or in the constitution and laws of the United States. The legislature shall enact laws to preserve the purity of elections, to preserve the secrecy of the ballot, to guard against abuses of the elective franchise, and to provide for a system of voter registration and absentee voting. No law shall be enacted which permits a candidate in any partisan primary or partisan election to have a ballot designation except when required for identification of candidates for the same office who have the same or similar surnames.

Sec. 5. Except for special elections to fill vacancies, or as otherwise provided in this constitution, all elections for national, state, county and township offices shall be held on the first Tuesday after the first Monday in November in each even-numbered year or on such other date as members of the congress of the United States are regularly elected.

Sec. 6. Whenever any question is required to be submitted by a political subdivision to the electors for the increase of the ad valorem tax rate limitation imposed by Section 6 of Article IX for a period of more than five years, or for the issue of bonds, only electors in, and who have property assessed for any ad valorem taxes in, any part of the district or territory to be affected by the result of such election or electors who are the lawful husbands or wives of such persons shall be entitled to vote thereon. All electors in the district or territory affected may vote on all other questions.

Sec. 7. A board of state canvassers of four members shall be established by law. No candidate for an office to be canvassed nor any inspector of elections shall be eligible to serve as a member of a board of canvassers. A majority of any board of canvassers shall not be composed of members of the same political party.

Sec. 8. Laws shall be enacted to provide for the recall of all elective officers except judges of courts of record upon petition of electors equal in number to 25 percent of the number of persons voting in the last preceding election for the office of governor in the electoral district of the officer sought to be recalled. The sufficiency of any statement of reasons or grounds procedurally required shall be a political rather than a judicial question.

Sec. 9. The people reserve to themselves the power to propose laws and to enact and reject laws, called the initiative, and the power to approve or reject laws enacted by the legislature, called the referendum. The power of initiative extends only to laws which the legislature may enact under this constitution. The power of referendum does not extend to acts making appropriations for state institutions or to meet deficiencies in state funds and must be invoked in the manner prescribed by law within 90 days following the final adjournment of the legislative session at which the law was enacted. To invoke the initiative or referendum, petitions signed by a number of registered electors, not less than eight percent for initiative and five percent for referendum of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected shall be required.

No law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election.

Any law proposed by initiative petition shall be either enacted or rejected by the legislature without change or amendment within 40 session days from the time such petition is received by the legislature. If any law proposed by such petition shall be enacted by the legislature it shall be subject to referendum, as hereinafter provided.

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

Any law submitted to the people by either initiative or referendum petition and approved by a majority of the votes cast thereon at any election shall take effect 10 days after the date of the official declaration of the vote. No law initiated or adopted by the people shall be subject to the veto power of the governor, and no law adopted by the people at the polls under the initiative provisions of this section shall be amended or repealed, except by a vote of the electors unless otherwise provided in the initiative measure or by three-fourths of the members elected to and serving in each house of the legislature. Laws approved by the people under the referendum provision of this section may be amended by the legislature at any subsequent session thereof. If two or more measures approved by the electors at the same election conflict, that receiving the highest affirmative vote shall prevail.

The legislature shall implement the provisions of this section.

### ARTICLE III

#### General Government

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

Sec. 2. The powers of government are divided into three branches: legislative, executive and judicial. No person exercising powers of one branch shall exercise powers properly belonging to another branch except as expressly provided in this constitution.

Sec. 3. There shall be a great seal of the State of Michigan and its use shall be provided by law.

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

Sec. 5. Subject to provisions of general law, this state or any political subdivision thereof, any governmental authority or any combination thereof may enter into agreements for the performance, financing or execution of their respective functions, with any one or more of the other states, the United States, the Dominion of Canada, or any political subdivision thereof unless otherwise provided in this constitution. Any other provision of this constitution notwithstanding, an officer or employee of the state or of any such unit of government or subdivision or agency thereof may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service. The legislature may impose such restrictions, limitations or conditions on such service as it may deem appropriate.

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

Sec. 7. The common law and the statute laws now in force, not repugnant to this constitution, shall remain in force until they expire by their own limitations, or are changed, amended or repealed.

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

### ARTICLE IV

#### Legislative Branch

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

Sec. 2. The senate shall consist of 38 members to be elected from single member districts at the same election as the governor for four-year terms concurrent with the term of office of the governor.

In districting the state for the purpose of electing senators after the official publication of the total population count of each federal decennial census, each county shall be assigned apportionment factors equal to the sum of its percentage of the state's population as shown by the last regular federal decennial census computed to the nearest one-one hundredth of one percent multiplied by four and its percentage of the state's land area computed to the nearest one-one hundredth of one percent.

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

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

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

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

Sec. 3. The house of representatives shall consist of 110 members elected for two-year terms from single member districts apportioned on a basis of population as provided in this article. The districts shall consist of compact and convenient territory contiguous by land.

Each county which has a population of not less than seven-tenths of one percent of the population of the state shall constitute a separate representative area. Each county having less than seven-tenths of one percent of the population of the state shall be combined with another county or counties to form a representative area of not less than seven-tenths of one percent of the population of the state. Any county which is isolated under the initial allocation as provided in this section shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.

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

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

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

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

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

Sec. 4. In counties having more than one representative or senatorial district, the territory in the same county annexed to or merged with a city between apportionments shall become a part of a contiguous representative or senatorial district in the city with which it is combined, if provided by ordinance of the city. The district or districts with which the territory shall be combined shall be determined by such ordinance certified to the secretary of state. No such change in the boundaries of a representative or senatorial district shall have the effect of removing a legislator from office during his term.

Sec. 5. Island areas are considered to be contiguous by land to the county of which they are a part.

Sec. 6. A commission on legislative apportionment is hereby established consisting of eight electors, four of whom shall be selected by the state organizations of each of the two political parties whose candidates for governor received the highest vote at the last general election at which a governor was elected preceding each apportionment. If a candidate for governor of a third political party has received at such election more than 25 percent of such gubernatorial vote, the commission shall consist of 12 members, four of whom shall be selected by the state organization of the third political party. One resident of each of the following four regions shall be selected by each political party organization: (1) the upper peninsula; (2) the northern part of the lower peninsula, north of a line drawn along the northern boundaries of the counties of Bay, Midland, Isabella, Mecosta, Newaygo and Oceana; (3) southwestern Michigan, those counties south of region (2) and west of a line drawn along the western boundaries of the counties of Bay, Saginaw, Shiawassee, Ingham, Jackson and Hillsdale; (4) southeastern Michigan, the remaining counties of the state.

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

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

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

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

Each final apportionment and districting plan shall be published as provided by law within 30 days from the date of its adoption and shall become law 60 days after

publication. The secretary of state shall keep a public record of all the proceedings of the commission and shall be responsible for the publication and distribution of each plan.

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

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

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

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

Sec. 9. No person elected to the legislature shall receive any civil appointment within this state from the governor, except notaries public, from the legislature, or from any other state authority, during the term for which he is elected.

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

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

Sec. 12. The compensation and expense allowances of the members of the legislature shall be determined by law. Changes in compensation or expense allowances shall become effective only when legislators commence their terms of office after a general election.

Sec. 13. The legislature shall meet at the seat of government on the second Wednesday in January of each year at twelve o'clock noon. Each regular session shall adjourn without day, on a day determined by concurrent resolution, at twelve o'clock noon. Any business, bill or joint resolution pending at the final adjournment of a regular session held in an odd numbered year shall carry over with the same status to the next regular session.

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



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

Sec. 16. Each house, except as otherwise provided in this constitution, shall choose its own officers and determine the rules of its proceedings, but shall not adopt any rule that will prevent a majority of the members elected thereto and serving therein from discharging a committee from the further consideration of any measure. Each house shall be the sole judge of the qualifications, elections and returns of its members, and may, with the concurrence of two-thirds of all the members elected thereto and serving therein, expel a member. The reasons for such expulsion shall be entered in the journal, with the votes and names of the members voting upon the question. No member shall be expelled a second time for the same cause.

Sec. 17. Each house of the legislature may establish the committees necessary for the efficient conduct of its business and the legislature may create joint committees. On all actions on bills and resolutions in each committee, names and votes of members shall be recorded. Such vote shall be available for public inspection. Notice of all committee hearings and a clear statement of all subjects to be considered at each hearing shall be published in the journal in advance of the hearing.

Sec. 18. Each house shall keep a journal of its proceedings, and publish the same unless the public security otherwise requires. The record of the vote and name of the members of either house voting on any question shall be entered in the journal at the request of one-fifth of the members present. Any member of either house may dissent from and protest against any act, proceeding or resolution which he deems injurious to any person or the public, and have the reason for his dissent entered in the journal.

Sec. 19. All elections in either house or in joint convention and all votes on appointments submitted to the senate for advice and consent shall be published by vote and name in the journal.

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

Sec. 21. Neither house shall, without the consent of the other, adjourn for more than two intervening calendar days, nor to any place other than where the legislature may then be in session.

Sec. 22. All legislation shall be by bill and may originate in either house.

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

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

Sec. 25. No law shall be revised, altered or amended by reference to its title only. The section or sections of the act altered or amended shall be re-enacted and published at length.

Sec. 26. No bill shall be passed or become a law at any regular session of the legislature until it has been printed or reproduced and in the possession of each house for

at least five days. Every bill shall be read three times in each house before the final passage thereof. No bill shall become a law without the concurrence of a majority of the members elected to and serving in each house. On the final passage of bills, the votes and names of the members voting thereon shall be entered in the journal.

Sec. 27. No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.

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

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

Sec. 30. The assent of two-thirds of the members elected to and serving in each house of the legislature shall be required for the appropriation of public money or property for local or private purposes.

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

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

Sec. 33. Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law. If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves, and the legislature continues the session at which the bill was passed, he shall return it within such 14-day period with his objections, to the house in which it originated. That house shall enter such objections in full in its journal and reconsider the bill. If two-thirds of the members elected to and serving in that house pass the bill notwithstanding the objections of the governor, it shall be sent with the objections to the other house for reconsideration. The bill shall become law if passed by two-thirds of the members elected to and serving in that house. The vote of each house shall be entered in the journal with the votes and names of the members voting thereon. If any bill is not returned by the governor within such 14-day period, the legislature continuing in session, it shall become law as if he had signed it.

Sec. 34. Any bill passed by the legislature and approved by the governor, except a bill appropriating money, may provide that it will not become law unless approved by a majority of the electors voting thereon.

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

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

Sec. 37. The legislature may by concurrent resolution empower a joint committee of the legislature, acting between sessions, to suspend any rule or regulation promulgated by an administrative agency subsequent to the adjournment of the last preceding regular legislative session. Such suspension shall continue no longer than the end of the next regular legislative session.

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

Sec. 39. In order to insure continuity of state and local governmental operations in periods of emergency only, resulting from disasters occurring in this state caused by enemy attack on the United States, the legislature may provide by law for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices; and enact other laws necessary and proper for insuring the continuity of governmental operations. Notwithstanding the power conferred by this section, elections shall always be called as soon as possible to fill any vacancies in elective offices temporarily occupied by operation of any legislation enacted pursuant to the provisions of this section.

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

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

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

Sec. 43. No general law providing for the incorporation of trust companies or corporations for banking purposes, or regulating the business thereof, shall be enacted, amended or repealed except by a vote of two-thirds of the members elected to and serving in each house.

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

Sec. 45. The legislature may provide for indeterminate sentences as punishment for crime and for the detention and release of persons imprisoned or detained under such sentences.

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

Sec. 47. The legislature may authorize the employment of chaplains in state institutions of detention or confinement.

Sec. 48. The legislature may enact laws providing for the resolution of disputes concerning public employees, except those in the state classified civil service.

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

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

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

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

Sec. 53. The legislature by a majority vote of the members elected to and serving in each house, shall appoint an auditor general, who shall be a certified public accountant licensed to practice in this state, to serve for a term of eight years. He shall be ineligible for appointment or election to any other public office in this state from which compensation is derived while serving as auditor general and for two years following the termination of his service. He may be removed for cause at any time by a two-thirds vote of the members elected to and serving in each house. The auditor general shall conduct post audits of financial transactions and accounts of the state and of all branches, departments, offices, boards, commissions, agencies, authorities and institutions of the state established by this constitution or by law, and performance post audits thereof.

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

Nothing in this section shall be construed in any way to infringe the responsibility and constitutional authority of the governing boards of the institutions of higher education to be solely responsible for the control and direction of all expenditures from the institutions' funds.

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

## ARTICLE V

### Executive Branch

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

Sec. 2. All executive and administrative offices, agencies and instrumentalities of the executive branch of state government and their respective functions, powers and

duties, except for the office of governor and lieutenant governor and the governing bodies of institutions of higher education provided for in this constitution, shall be allocated by law among and within not more than 20 principal departments. They shall be grouped as far as practicable according to major purposes.

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

Sec. 3. The head of each principal department shall be a single executive unless otherwise provided in this constitution or by law. The single executives heading principal departments shall include a secretary of state, a state treasurer and an attorney general. When a single executive is the head of a principal department, unless elected or appointed as otherwise provided in this constitution, he shall be appointed by the governor by and with the advice and consent of the senate and he shall serve at the pleasure of the governor.

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

Terms of office of any board or commission created or enlarged after the effective date of this constitution shall not exceed four years except as otherwise authorized in this constitution. The terms of office of existing boards and commissions which are longer than four years shall not be further extended except as provided in this constitution.

Sec. 4. Temporary commissions or agencies for special purposes with a life of no more than two years may be established by law and need not be allocated within a principal department.

Sec. 5. A majority of the members of an appointed examining or licensing board of a profession shall be members of that profession.

Sec. 6. Appointment by and with the advice and consent of the senate when used in this constitution or laws in effect or hereafter enacted means appointment subject to disapproval by a majority vote of the members elected to and serving in the senate if such action is taken within 60 session days after the date of such appointment. Any appointment not disapproved within such period shall stand confirmed.

Sec. 7. Vacancies in any office, appointment to which requires advice and consent of the senate, shall be filled by the governor by and with the advice and consent of the senate. A person whose appointment has been disapproved by the senate shall not be eligible for an interim appointment to the same office.

Sec. 8. Each principal department shall be under the supervision of the governor unless otherwise provided by this constitution. The governor shall take care that the laws be faithfully executed. He shall transact all necessary business with the officers of

government and may require information in writing from all executive and administrative state officers, elective and appointive, upon any subject relating to the duties of their respective offices.

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

Sec. 9. Single executives heading principal departments and the chief executive officers of principal departments headed by boards or commissions shall keep their offices at the seat of government except as otherwise provided by law, superintend them in person and perform duties prescribed by law.

Sec. 10. The governor shall have power and it shall be his duty to inquire into the condition and administration of any public office and the acts of any public officer, elective or appointive. He may remove or suspend from office for gross neglect of duty or for corrupt conduct in office, or for any other misfeasance or malfeasance therein, any elective or appointive state officer, except legislative or judicial, and shall report the reasons for such removal or suspension to the legislature.

Sec. 11. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an appointed or elected officer, other than a legislative or judicial officer, until he is reinstated or until the vacancy is filled in the manner prescribed by law or this constitution.

Sec. 12. The governor shall be commander-in-chief of the armed forces and may call them out to execute the laws, suppress insurrection and repel invasion.

Sec. 13. The governor shall issue writs of election to fill vacancies in the senate or house of representatives. Any such election shall be held in a manner prescribed by law.

Sec. 14. The governor shall have power to grant reprieves, commutations and pardons after convictions for all offenses, except cases of impeachment, upon such conditions and limitations as he may direct, subject to procedures and regulations prescribed by law. He shall inform the legislature annually of each reprieve, commutation and pardon granted, stating reasons therefor.

Sec. 15. The governor may convene the legislature on extraordinary occasions.

Sec. 16. The governor may convene the legislature at some other place when the seat of government becomes dangerous from any cause.

Sec. 17. The governor shall communicate by message to the legislature at the beginning of each session and may at other times present to the legislature information as to the affairs of the state and recommend measures he considers necessary or desirable.

Sec. 18. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state. Proposed expenditures from any fund shall not exceed the estimated revenue thereof. On the same date, the governor shall submit to the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills to provide new or additional revenues to meet proposed expenditures. The amount of any surplus created or deficit incurred in any fund during the last preceding fiscal period shall be entered as an item in the budget and in one of the appropriation bills. The governor may submit amendments to appropriation bills to be offered in either house during consideration of the bill by that house, and shall submit bills to meet deficiencies in current appropriations.



Sec. 19. The governor may disapprove any distinct item or items appropriating moneys in any appropriation bill. The part or parts approved shall become law, and the item or items disapproved shall be void unless re-passed according to the method prescribed for the passage of other bills over the executive veto.

Sec. 20. No appropriation shall be a mandate to spend. The governor, with the approval of the appropriating committees of the house and senate, shall reduce expenditures authorized by appropriations whenever it appears that actual revenues for a fiscal period will fall below the revenue estimates on which appropriations for that period were based. Reductions in expenditures shall be made in accordance with procedures prescribed by law. The governor may not reduce expenditures of the legislative and judicial branches or from funds constitutionally dedicated for specific purposes.

Sec. 21. The governor, lieutenant governor, secretary of state and attorney general shall be elected for four-year terms at the general election in each alternate even-numbered year.

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

Vacancies in the office of the secretary of state and attorney general shall be filled by appointment by the governor.

Sec. 22. To be eligible for the office of governor or lieutenant governor a person must have attained the age of 30 years, and have been a registered elector in this state for four years next preceding his election.

Sec. 23. The governor, lieutenant governor, secretary of state and attorney general shall each receive the compensation provided by law in full payment for all services performed and expenses incurred during his term of office. Such compensation shall not be changed during the term of office except as otherwise provided in this constitution.

Sec. 24. An executive residence suitably furnished shall be provided at the seat of government for the use of the governor. He shall receive an allowance for its maintenance as provided by law.

Sec. 25. The lieutenant governor shall be president of the senate, but shall have no vote, unless they be equally divided. He may perform duties requested of him by the governor, but no power vested in the governor shall be delegated.

Sec. 26. In case of the conviction of the governor on impeachment, his removal from office, his resignation or his death, the lieutenant governor, the elected secretary of state, the elected attorney general and such other persons designated by law shall in that order be governor for the remainder of the governor's term.

In case of the death of the governor-elect, the lieutenant governor-elect, the secretary of state-elect, the attorney general-elect and such other persons designated by law shall become governor in that order at the commencement of the governor-elect's term.

If the governor or the person in line of succession to serve as governor is absent from the state, or suffering under an inability, the powers and duties of the office of governor shall devolve in order of precedence until the absence or inability giving rise to the devolution of powers ceases.

The inability of the governor or person acting as governor shall be determined by a majority of the supreme court on joint request of the president pro tempore of the senate and the speaker of the house of representatives. Such determination shall be final

and conclusive. The supreme court shall upon its own initiative determine if and when the inability ceases.

Sec. 27. The legislature shall provide that the salary of any state officer while acting as governor shall be equal to that of the governor.

Sec. 28. There is hereby established a state highway commission, which shall administer the state highway department and have jurisdiction and control over all state trunkline highways and appurtenant facilities, and such other public works of the state, as provided by law.

The state highway commission shall consist of four members, not more than two of whom shall be members of the same political party. They shall be appointed by the governor by and with the advice and consent of the senate for four-year terms, no two of which shall expire in the same year, as provided by law.

The state highway commission shall appoint and may remove a state highway director, who shall be a competent highway engineer and administrator. He shall be the principal executive officer of the state highway department and shall be responsible for executing the policy of the state highway commission.

Sec. 29. There is hereby established a civil rights commission which shall consist of eight persons, not more than four of whom shall be members of the same political party, who shall be appointed by the governor, by and with the advice and consent of the senate, for four-year terms not more than two of which shall expire in the same year. It shall be the duty of the commission in a manner which may be prescribed by law to investigate alleged discrimination against any person because of religion, race, color or national origin in the enjoyment of the civil rights guaranteed by law and by this constitution, and to secure the equal protection of such civil rights without such discrimination. The legislature shall provide an annual appropriation for the effective operation of the commission.

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

Appeals from final orders of the commission, including cease and desist orders and refusals to issue complaints, shall be tried de novo before the circuit court having jurisdiction provided by law.

## ARTICLE VI

### Judicial Branch

Sec. 1. The judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court, one probate court, and courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.

Sec. 2. The supreme court shall consist of seven justices elected at non-partisan elections as provided by law. The term of office shall be eight years and not more than

two terms of office shall expire at the same time. Nominations for justices of the supreme court shall be in the manner prescribed by law. Any incumbent justice whose term is to expire may become a candidate for re-election by filing an affidavit of candidacy, in the form and manner prescribed by law, not less than 180 days prior to the expiration of his term.

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

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

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

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

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

Sec. 8. The court of appeals shall consist initially of nine judges who shall be nominated and elected at non-partisan elections from districts drawn on county lines and as nearly as possible of equal population, as provided by law. The supreme court may prescribe by rule that the court of appeals sit in divisions and for the terms of court and the times and places thereof. Each such division shall consist of not fewer than three judges. The number of judges comprising the court of appeals may be increased, and the districts from which they are elected may be changed by law.

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

Sec. 10. The jurisdiction of the court of appeals shall be provided by law and the practice and procedure therein shall be prescribed by rules of the supreme court.

Sec. 11. The state shall be divided into judicial circuits along county lines in each of which there shall be elected one or more circuit judges as provided by law. Sessions of the circuit court shall be held at least four times in each year in every county organized for judicial purposes. Each circuit judge shall hold court in the county or

counties within the circuit in which he is elected, and in other circuits as may be provided by rules of the supreme court. The number of judges may be changed and circuits may be created, altered and discontinued by law and the number of judges shall be changed and circuits shall be created, altered and discontinued on recommendation of the supreme court to reflect changes in judicial activity. No change in the number of judges or alteration or discontinuance of a circuit shall have the effect of removing a judge from office during his term.

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

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

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

Sec. 15. In each county organized for judicial purposes there shall be a probate court. The legislature may create or alter probate court districts of more than one county if approved in each affected county by a majority of the electors voting on the question. The legislature may provide for the combination of the office of probate judge with any judicial office of limited jurisdiction within a county with supplemental salary as provided by law. The jurisdiction, powers and duties of the probate court and of the judges thereof shall be provided by law. They shall have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

Sec. 16. One or more judges of probate as provided by law shall be nominated and elected at non-partisan elections in the counties or the probate districts in which they reside and shall hold office for terms of six years and until their successors are elected and qualified. In counties or districts with more than one judge the terms of office shall be arranged by law to provide that not all terms will expire at the same time.

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

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

Each of the judges of the circuit court shall receive an annual salary as provided by law. In addition to the salary received from the state, each circuit judge may receive from any county in which he regularly holds court an additional salary as determined

from time to time by the board of supervisors of the county. In any county where an additional salary is granted, it shall be paid at the same rate to all circuit judges regularly holding court therein.

Sec. 19. The supreme court, the court of appeals, the circuit court, the probate court and other courts designated as such by the legislature shall be courts of record and each shall have a common seal. Justices and judges of courts of record must be persons who are licensed to practice law in this state. No person shall be elected or appointed to a judicial office after reaching the age of 70 years.

Sec. 20. Whenever a justice or judge removes his domicile beyond the limits of the territory from which he was elected, he shall have vacated his office.

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

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

Sec. 23. A vacancy in the elective office of a judge of any court of record shall be filled at a general or special election as provided by law. The supreme court may authorize persons who have served as judges and who have retired, to perform judicial duties for the limited period of time from the occurrence of the vacancy until the successor is elected and qualified. Such persons shall be ineligible for election to fill the vacancy.

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

Sec. 25. For reasonable cause, which is not sufficient ground for impeachment, the governor shall remove any judge on a concurrent resolution of two-thirds of the members elected to and serving in each house of the legislature. The cause for removal shall be stated at length in the resolution.

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

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

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

Sec. 28. All final decisions, findings, rulings and orders of any administrative officer or agency existing under the constitution or by law, which are judicial or quasi-judicial and affect private rights or licenses, shall be subject to direct review by the courts as

provided by law. This review shall include, as a minimum, the determination whether such final decisions, findings, rulings and orders are authorized by law; and, in cases in which a hearing is required, whether the same are supported by competent, material and substantial evidence on the whole record. Findings of fact in workmen's compensation proceedings shall be conclusive in the absence of fraud unless otherwise provided by law.

In the absence of fraud, error of law or the adoption of wrong principles, no appeal may be taken to any court from any final agency provided for the administration of property tax laws from any decision relating to valuation or allocation.

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

## ARTICLE VII

### Local Government

Sec. 1. Each organized county shall be a body corporate with powers and immunities provided by law.

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

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

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

Sec. 3. No organized county shall be reduced by the organization of new counties to less than 16 townships as surveyed by the United States, unless approved in the manner prescribed by law by a majority of electors voting thereon in each county to be affected.

Sec. 4. There shall be elected for four-year terms in each organized county a sheriff, a county clerk, a county treasurer, a register of deeds and a prosecuting attorney, whose duties and powers shall be provided by law. The board of supervisors in any county may combine the offices of county clerk and register of deeds in one office or separate the same at pleasure.

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

Sec. 6. The sheriff may be required by law to renew his security periodically and in default of giving such security, his office shall be vacant. The county shall never be responsible for his acts, except that the board of supervisors may protect him against



claims by prisoners for unintentional injuries received while in his custody. He shall not hold any other office except in civil defense.

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

Sec. 8. Boards of supervisors shall have legislative, administrative and such other powers and duties as provided by law.

Sec. 9. Boards of supervisors shall have exclusive power to fix the compensation of county officers not otherwise provided by law.

Sec. 10. A county seat once established shall not be removed until the place to which it is proposed to be moved shall be designated by two-thirds of the members of the board of supervisors and a majority of the electors voting thereon shall have approved the proposed location in the manner prescribed by law.

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

Sec. 12. A navigable stream shall not be bridged or dammed without permission granted by the board of supervisors of the county as provided by law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and political subdivisions therein.

Sec. 13. Two or more contiguous counties may combine into a single county if approved in each affected county by a majority of the electors voting on the question.

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

Sec. 15. Any county, when authorized by its board of supervisors shall have the authority to enter or to intervene in any action or certificate proceeding involving the services, charges or rates of any privately owned public utility furnishing services or commodities to rate payers within the county.

Sec. 16. The legislature may provide for the laying out, construction, improvement and maintenance of highways, bridges, culverts and airports by the state and by the counties and townships thereof; and may authorize counties to take charge and control of any highway within their limits for such purposes. The legislature may provide the powers and duties of counties in relation to highways, bridges, culverts and airports; may provide for county road commissioners to be appointed or elected, with powers and duties provided by law. The ad valorem property tax imposed for road purposes by any county shall not exceed in any year one-half of one percent of the assessed valuation for the preceding year.

Sec. 17. Each organized township shall be a body corporate with powers and immunities provided by law.

Sec. 18. In each organized township there shall be elected for terms of not less than two nor more than four years as prescribed by law a supervisor, a clerk, a treasurer, and not to exceed four trustees, whose legislative and administrative powers and duties shall be provided by law.

Sec. 19. No organized township shall grant any public utility franchise which is not subject to revocation at the will of the township, unless the proposition shall first have been approved by a majority of the electors of such township voting thereon at a regular or special election.

Sec. 20. The legislature shall provide by law for the dissolution of township government whenever all the territory of an organized township is included within the boundaries of a village or villages notwithstanding that a village may include territory within another organized township and provide by law for the classification of such village or villages as cities.

Sec. 21. The legislature shall provide by general laws for the incorporation of cities and villages. Such laws shall limit their rate of ad valorem property taxation for municipal purposes, and restrict the powers of cities and villages to borrow money and contract debts. Each city and village is granted power to levy other taxes for public purposes, subject to limitations and prohibitions provided by this constitution or by law.

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

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

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

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

Sec. 25. No city or village shall acquire any public utility furnishing light, heat or power, or grant any public utility franchise which is not subject to revocation at the will of the city or village, unless the proposition shall first have been approved by three-fifths of the electors voting thereon. No city or village may sell any public utility unless the proposition shall first have been approved by a majority of the electors voting thereon, or a greater number if the charter shall so provide.

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

Sec. 27. Notwithstanding any other provision of this constitution the legislature may establish in metropolitan areas additional forms of government or authorities with powers, duties and jurisdictions as the legislature shall provide. Wherever possible, such additional forms of government or authorities shall be designed to perform multi-purpose functions rather than a single function.

Sec. 28. The legislature by general law shall authorize two or more counties, townships, cities, villages or districts, or any combination thereof among other things to:

enter into contractual undertakings or agreements with one another or with the state or with any combination thereof for the joint administration of any of the functions or powers which each would have the power to perform separately; share the costs and responsibilities of functions and services with one another or with the state or with any combination thereof which each would have the power to perform separately; transfer functions or responsibilities to one another or any combination thereof upon the consent of each unit involved; cooperate with one another and with state government; lend their credit to one another or any combination thereof as provided by law in connection with any authorized publicly owned undertaking.

Any other provision of this constitution notwithstanding, an officer or employee of the state or any such unit of government or subdivision or agency thereof, except members of the legislature, may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service.

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

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

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

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

Sec. 33. Any elected officer of a political subdivision may be removed from office in the manner and for the causes provided by law.

Sec. 34. The provisions of this constitution and law concerning counties, townships, cities and villages shall be liberally construed in their favor. Powers granted to counties and townships by this constitution and by law shall include those fairly implied and not prohibited by this constitution.

## ARTICLE VIII

### Education

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

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

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

The state board of education shall appoint a superintendent of public instruction whose term of office shall be determined by the board. He shall be the chairman of the board without the right to vote, and shall be responsible for the execution of its policies. He shall be the principal executive officer of a state department of education which shall have powers and duties provided by law.

The state board of education shall consist of eight members who shall be nominated by party conventions and elected at large for terms of eight years as prescribed by law. The governor shall fill any vacancy by appointment for the unexpired term. The governor shall be ex-officio a member of the state board of education without the right to vote.

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

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

Sec. 5. The regents of the University of Michigan and their successors in office shall constitute a body corporate known as the Regents of the University of Michigan; the trustees of Michigan State University and their successors in office shall constitute a body corporate known as the Board of Trustees of Michigan State University; the governors of Wayne State University and their successors in office shall constitute a body corporate known as the Board of Governors of Wayne State University. Each board shall have general supervision of its institution and the control and direction of all expenditures from the institution's funds. Each board shall, as often as necessary, elect a president of the institution under its supervision. He shall be the principal executive officer of the institution, be ex-officio a member of the board without the right to vote and preside at meetings of the board. The board of each institution shall consist of eight members who shall hold office for terms of eight years and who shall be elected as provided by law. The governor shall fill board vacancies by appointment. Each appointee shall hold office until a successor has been nominated and elected as provided by law.

Sec. 6. Other institutions of higher education established by law having authority to grant baccalaureate degrees shall each be governed by a board of control which shall be a body corporate. The board shall have general supervision of the institution and the control and direction of all expenditures from the institution's funds. It shall, as often as necessary, elect a president of the institution under its supervision.

He shall be the principal executive officer of the institution and be ex-officio a member of the board without the right to vote. The board may elect one of its members or may designate the president, to preside at board meetings. Each board of control shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the governor by and with the advice and consent of the senate. Vacancies shall be filled in like manner.

Sec. 7. The legislature shall provide by law for the establishment and financial support of public community and junior colleges which shall be supervised and controlled by locally elected boards. The legislature shall provide by law for a state board for public community and junior colleges which shall advise the state board of education concerning general supervision and planning for such colleges and requests for annual appropriations for their support. The board shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the state board of education. Vacancies shall be filled in like manner. The superintendent of public instruction shall be ex-officio a member of this board without the right to vote.

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

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

## ARTICLE IX

### Finance and Taxation

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

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

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

Sec. 4. Property owned and occupied by non-profit religious or educational organizations and used exclusively for religious or educational purposes, as defined by law, shall be exempt from real and personal property taxes.

Sec. 5. The legislature shall provide for the assessment by the state of the property of those public service businesses assessed by the state at the date this constitution becomes effective, and of other property as designated by the legislature,

and for the imposition and collection of taxes thereon. Property assessed by the state shall be assessed at the same proportion of its true cash value as the legislature shall specify for property subject to general ad valorem taxation. The rate of taxation on such property shall be the average rate levied upon other property in this state under the general ad valorem tax law, or, if the legislature provides, the rate of tax applicable to the property of each business enterprise assessed by the state shall be the average rate of ad valorem taxation levied upon other property in all counties in which any of such property is situated.

Sec. 6. Except as otherwise provided in this constitution, the total amount of general ad valorem taxes imposed upon real and tangible personal property for all purposes in any one year shall not exceed 15 mills on each dollar of the assessed valuation of property as finally equalized. Under procedures provided by law, which shall guarantee the right of initiative, separate tax limitations for any county and for the townships and for school districts therein, the aggregate of which shall not exceed 18 mills on each dollar of such valuation, may be adopted and thereafter altered by the vote of a majority of the qualified electors of such county voting thereon, in lieu of the limitation hereinbefore established. These limitations may be increased to an aggregate of not to exceed 50 mills on each dollar of valuation, for a period of not to exceed 20 years at any one time, if approved by a majority of the electors, qualified under Section 6 of Article II of this constitution, voting on the question.

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

In any school district which extends into two or more counties, property taxes at the highest rate available in the county which contains the greatest part of the area of the district may be imposed and collected for school purposes throughout the district.

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

Sec. 8. The legislature shall not impose a sales tax on retailers at a rate of more than four percent of their gross taxable sales of tangible personal property.

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

Sec. 10. One-eighth of all taxes imposed on retailers on taxable sales at retail of tangible personal property shall be used exclusively for assistance to townships, cities and villages, on a population basis as provided by law. In determining population the legislature may exclude any portion of the total number of persons who are wards, patients or convicts in any tax supported institution.

Sec. 11. There shall be established a state school aid fund which shall be used exclusively for aid to school districts, higher education and school employees' retirement systems, as provided by law. One-half of all taxes imposed on retailers on taxable sales at retail of tangible personal property, and other tax revenues provided by law, shall

be dedicated to this fund. Payments from this fund shall be made in full on a scheduled basis, as provided by law.

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

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

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

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

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

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

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

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

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



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

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

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

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

This section shall not be construed to prohibit the investment of public funds until needed for current requirements or the investment of funds accumulated to provide retirement or pension benefits for public officials and employees, as provided by law.

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

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

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

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

Sec. 22. Procedures for the examination and adjustment of claims against the state shall be prescribed by law.

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

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

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

## ARTICLE X

### Property

Sec. 1. The disabilities of coverture as to property are abolished. The real and personal estate of every woman acquired before marriage and all real and personal

property to which she may afterwards become entitled shall be and remain the estate and property of such woman, and shall not be liable for the debts, obligations or engagements of her husband, and may be dealt with and disposed of by her as if she were unmarried. Dower may be relinquished or conveyed as provided by law.

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

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

Sec. 4. Procedures relating to escheats and to the custody and disposition of escheated property shall be prescribed by law.

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

The legislature by an act adopted by two-thirds of the members elected to and serving in each house may designate any part of such lands as a state land reserve. No lands in the state land reserve may be removed from the reserve, sold, leased or otherwise disposed of except by an act of the legislature.

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

## ARTICLE XI

### Public Officers and Employment

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

Sec. 2. The terms of office of elective state officers, members of the legislature and justices and judges of courts of record shall begin at twelve o'clock noon on the first day of January next succeeding their election, except as otherwise provided in this constitution. The terms of office of county officers shall begin on the first day of January next succeeding their election, except as otherwise provided by law.

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

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

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

The civil service commission shall be non-salaried and shall consist of four persons, not more than two of whom shall be members of the same political party, appointed by the governor for terms of eight years, no two of which shall expire in the same year.

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

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

No person shall be appointed to or promoted in the classified service who has not been certified by the commission as qualified for such appointment or promotion. No appointments, promotions, demotions or removals in the classified service shall be made for religious, racial or partisan considerations.

Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year. Within 60 calendar days following such transmission, the legislature may, by a two-thirds vote of the members elected to and serving in each house, reject or reduce increases in rates of compensation authorized by the commission. Any reduction ordered by the legislature shall apply uniformly to all classes of employees affected by the increases and shall not adjust pay differentials already established by the civil service commission. The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases authorized by the commission.

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

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

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

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

No payment for personal services shall be made or authorized until the provisions of this constitution pertaining to civil service have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

Sec. 6. By ordinance or resolution of its governing body which shall not take effect until approved by a majority of the electors voting thereon, unless otherwise provided by charter, each county, township, city, village, school district and other governmental unit or authority may establish, modify or discontinue a merit system for its employees other than teachers under contract or tenure. The state civil service commission may on request furnish technical services to any such unit on a reimbursable basis.

Sec. 7. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office or for crimes or misdemeanors, but a majority of the members elected thereto and serving therein shall be necessary to direct an impeachment.

When an impeachment is directed, the house of representatives shall elect three of its members to prosecute the impeachment.

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

No person shall be convicted without the concurrence of two-thirds of the senators elected and serving. Judgment in case of conviction shall not extend further than removal from office, but the person convicted shall be liable to punishment according to law.

No judicial officer shall exercise any of the functions of his office after an impeachment is directed until he is acquitted.

## ARTICLE XII

### Amendment and Revision

Sec. 1. Amendments to this constitution may be proposed in the senate or house of representatives. Proposed amendments agreed to by two-thirds of the members elected to and serving in each house on a vote with the names and vote of those voting entered in the respective journals shall be submitted, not less than 60 days thereafter, to the electors at the next general election or special election as the legislature shall direct. If a majority of electors voting on a proposed amendment approve the same, it shall become part of the constitution and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved.

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

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

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

If the proposed amendment is approved by a majority of the electors voting on the question, it shall become part of the constitution, and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved. If two or more amendments approved by the electors at the same election conflict, that amendment receiving the highest affirmative vote shall prevail.

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

The convention shall choose its own officers, determine the rules of its proceedings and judge the qualifications, elections and returns of its members. To fill a vacancy in the office of any delegate, the governor shall appoint a qualified resident of the same district who shall be a member of the same party as the delegate vacating the office. The convention shall have power to appoint such officers, employees and assistants as it deems necessary and to fix their compensation; to provide for the printing and distribution of its documents, journals and proceedings; to explain and disseminate information about the proposed constitution and to complete the business of

the convention in an orderly manner. Each delegate shall receive for his services compensation provided by law.

No proposed constitution or amendment adopted by such convention shall be submitted to the electors for approval as hereinafter provided unless by the assent of a majority of all the delegates elected to and serving in the convention, with the names and vote of those voting entered in the journal. Any proposed constitution or amendments adopted by such convention shall be submitted to the qualified electors in the manner and at the time provided by such convention not less than 90 days after final adjournment of the convention. Upon the approval of such constitution or amendments by a majority of the qualified electors voting thereon the constitution or amendments shall take effect as provided by the convention.

#### Schedule and Temporary Provisions

To insure the orderly transition from the constitution of 1908 to this constitution the following schedule and temporary provisions are set forth to be effective for such period as are thereby required.

Sec. 1. The attorney general shall recommend to the legislature as soon as practicable such changes as may be necessary to adapt existing laws to this constitution.

Sec. 2. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights existing on the effective date of this constitution shall continue unaffected except as modified in accordance with the provisions of this constitution.

Sec. 3. Except as otherwise provided in this constitution, all officers filling any office by election or appointment shall continue to exercise their powers and duties until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

No provision of this constitution, or of law or of executive order authorized by this constitution shall shorten the term of any person elected to state office at a statewide election on or prior to the date on which this constitution is submitted to a vote. In the event the duties of any such officers shall not have been abolished or incorporated into one or more of the principal departments at the expiration of his term, such officer shall continue to serve until his duties are so incorporated or abolished.

Sec. 4. All officers elected at the same election that this constitution is submitted to the people for adoption shall take office and complete the term to which they were elected under the 1908 constitution and existing laws and continue to serve until their successors are elected and qualified pursuant to this constitution or law.

Sec. 5. Notwithstanding any other provision in this constitution, the governor, the lieutenant governor, the secretary of state, the attorney general and state senators shall be elected at the general election in 1964 to serve for two-year terms beginning on the first day of January next succeeding their election. The first election of such officers for four-year terms under this constitution shall be held at the general election in 1966.

Sec. 6. Notwithstanding the provisions of this constitution that the supreme court shall consist of seven justices it shall consist of eight justices until the time that a vacancy occurs as a result of death, retirement or resignation of a justice. The first such vacancy shall not be filled.

Sec. 7. Any judge of probate serving on the effective date of this constitution may serve the remainder of the term and be eligible to succeed himself for election

regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

Sec. 8. The provisions of Article VI providing that terms of judicial offices shall not all expire at the same time, shall be implemented by law providing that at the next election for such offices judges shall be elected for terms of varying length, none of which shall be shorter than the regular term provided for the office.

Sec. 9. The members of the state board of education provided for in Section 3 of Article VIII of this constitution shall first be elected at the first general election after the effective date of this constitution for the following terms: two shall be elected for two years, two for four years, two for six years, and two for eight years as prescribed by law.

The state board of education provided for in the constitution of 1908 is abolished at twelve o'clock noon January 1 of the year following the first general election under this constitution and the terms of members thereof shall then expire.

Sec. 10. The provisions of this constitution providing for members of boards of control of institutions of higher education and the state board of public community and junior colleges shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended, and may further provide that the initial terms of office of members may be less than eight years.

Sec. 11. The provisions of this constitution increasing the number of members of the Board of Trustees of Michigan State University and of the Board of Governors of Wayne State University to eight, and of their term of office to eight years, shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended one year, and may further provide that the initial terms of office of the additional members may be less than eight years.

Sec. 12. The initial allocation of departments by law pursuant to Section 2 of Article V of this constitution, shall be completed within two years after the effective date of this constitution. If such allocation shall not have been completed within such period, the governor, within one year thereafter, by executive order, shall make the initial allocation.

Sec. 13. Contractual obligations of the state incurred pursuant to the constitution of 1908 shall continue to be obligations of the state.

For the retirement of notes and bonds issued under Section 26 of Article X of the 1908 constitution, there is hereby appropriated from the general fund each year during their life a sum equal to the amount of principal and interest payments due and payable in each year.

Sec. 14. The legislature by a vote of two-thirds of the members elected to and serving in each house may provide that the state may borrow money and may pledge its full faith and credit for refunding any bonds issued by the Mackinac Bridge Authority and at the time of refunding the Mackinac Bridge Authority shall be abolished and the operation of the bridge shall be assumed by the state highway department. The legislature may implement this section by law.

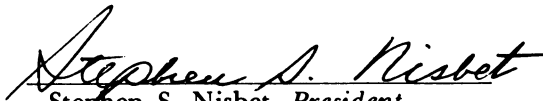
Sec. 15. This constitution shall be submitted to the people for their adoption or rejection at the general election to be held on the first Monday in April, 1963. It shall be the duty of the secretary of state forthwith to give notice of such submission to all



other officers required to give or publish any notice in regard to a general election. He shall give notice that this constitution will be duly submitted to the electors at such election. The notice shall be given in the manner required for the election of governor.

Sec. 16. Every registered elector may vote on the adoption of the constitution. The board of election commissioners in each county shall cause to be printed on a ballot separate from the ballot containing the names of the nominees for office, the words: Shall the revised constitution be adopted? ( ) Yes. ( ) No. All votes cast at the election shall be taken, counted, canvassed and returned as provided by law for the election of state officers. If the revised constitution so submitted receives more votes in its favor than were cast against it, it shall be the supreme law of the state on and after the first day of January of the year following its adoption.

Adopted by the Constitutional Convention of nineteen hundred sixty-one at Constitution Hall in Lansing on the first day of August, nineteen hundred sixty-two.

  
Stephen S. Nisbet, *President*

  
Fred I. Chase, *Secretary*

[ADDRESS TO THE PEOPLE]

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***What the Proposed  
New State Constitution  
Means to You***

- A report to the people of Michigan  
by their elected delegates to the  
Constitutional Convention of 1961-62.

Lansing, Michigan

August 1, 1962

This is a revision of Sec. 11, Article VII, of the present constitution adding new language to recognize the possibility that some officer, other than the county clerk, may be empowered to be clerk of the circuit court in charter counties. The words "an elective office" are inserted to clarify previous ambiguous wording in the section.

The clause, "but shall not exercise any other power of appointment to public office," is deleted from the conclusion of the last sentence but appears under the General Provisions of this Article.

## PROBATE COURTS

### Probate courts; jurisdiction.

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.

This is a revision of Sec. 13, Article VII, of the present constitution to permit the legislature to combine counties into probate districts with the approval of a majority of the voters of each county involved. It also permits the legislature to provide for the combination of the office of probate court with any judicial office of a court of limited jurisdiction within a county.

These permissive provisions are included to make possible better administration of these courts in the smaller counties of the state.

The probate court continues to have original jurisdiction in all cases involving juvenile delinquents and dependent juveniles, unless otherwise provided by law. This will permit the legislature greater flexibility in the future in determining the best method within our court system for the handling of juvenile matters, including the possibility of creating a family court.

### Probate courts; judges; elections.

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.*

This is a revision of Sec. 14, Article VII, of the present constitution to provide for the non-partisan nomination and election of probate judges.

The term of probate judges is increased from four to six years. New language in the second sentence of the section directs that in counties or districts with more than one judge their terms shall not expire at the same time.

## GENERAL PROVISIONS

### Salaries; restriction.

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.*

This is a new section abolishing the fee system for the compensation of judges. It also specifies that payment to judges shall not be based on the amount of litigation handled in their courts.

### Salaries; uniformity.

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.

The first paragraph of this section is new language designed to assure uniform salaries for all judges within a certain district. It likewise removes the restriction of Sec. 3, Article XVI, of the present constitution which, as it now stands, prohibits the increase of salaries of any supreme court justices during their term of office. This restriction has resulted in serious inequities in salary range among judges whose terms expire at different times.

The section also provides for decreases in the salaries of the judiciary, but only if general salary reductions are made in each of the other branches of the government.

The second paragraph is a revision of Sec. 12, Article VII, of the present constitution to permit "annual" salary rather than "salary payable monthly" for circuit judges.

### Courts of record; seal; qualifications of judges.

Sec. 19. *The supreme court, the court of appeals, the circuit court, the probate court and other courts designated as such by the legislature*